

Editorial: Bail reform law continues to show its effectiveness

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Maybe in the minds of some people the jury is still out on New Jersey's bail reform plan that took effect in 2017, but initial reviews of the new system continue to be promising.

Indeed, as Trenton Bureau reporter Nicholas Pugliese of NorthJersey.com and the USA TODAY NETWORK New Jersey pointed out, a new report paints an overall positive view of the reform, which may still need tweaking down the road but is already realizing some of the outcomes its backers hoped for when it was pushed through the Legislature in 2014 and signed by Gov. Chris Christie.

From where we sit, the bail reform — with a lesser emphasis on cash bail — may prove to be one of the enduring positive legacies of the Christie era. That it was achieved in a bipartisan fashion speaks volumes to its practicality, its apparent effectiveness and its basic common good to the general population.

A new report from the state's Administrative Office of the Courts says people released under the new system are no more likely to commit a crime while waiting for their trials than those released under the prior system based on money bail. Meanwhile, New Jersey's pretrial jail population continues to plummet, and defendants are showing up for court appearances at roughly the same rate, according to the new report.

“Concerns about a possible spike in crime and failures to appear did not materialize,” the report says.

Positive aspects of the overhauled bail system, according to the report, include:

- Fewer non-violent offenders are being held in jail while awaiting trial.
- Cash bail has been almost completely eliminated.
- Although black defendants remain over-represented in the jail population and continue to be held longer than white defendants, the law has helped shrink some of those racial disparities.

There is no disputing those racial disparities, which were escalated in the old system, under which those accused who were poor, and often minorities, had little hope of staying out of jail until their cases could be heard.

Not unlike the current disparity that continues to mark the prosecution of marijuana possession in the state, low-income individuals would be forced to languish in county jails because they were unable to post even modest amounts of bail. Nowadays, state courts in New Jersey no longer grant or deny bail based on a person's ability to pay. Instead, judges are able to conduct "risk assessments" based in part on suspects' criminal history.

On this score, "leveling the playing field" for the poor in regard to bail reform, as is the case with marijuana possession arrests, is simply the right thing to do, and more than just a nod toward "equal justice for all."

There are and will continue to be legal challenges to New Jersey's bail reform law, known as the Criminal Justice Reform Act, but given its documented successes so far, it would be hard to envision a time or circumstance in which the state would go back to the cash-bail-reliant days of old.