

“Social justice should be the underlying goal of all humanity.”
-Alan V. Lowenstein, Institute Founder



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TESTIMONY OF YANNICK WOOD
NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE
BEFORE THE
CRIMINAL JUSTICE WORKING GROUP OF THE NEW JERSEY WEALTH
DISPARITY TASK FORCE

THURSDAY, AUGUST 18, 2022

Good evening, Co-Chairs and members of the Criminal Justice Working Group of the Wealth Disparity Task Force. Thank you for the opportunity to speak on the nexus between the state’s unprecedented racial wealth gap and New Jersey’s most pressing criminal justice issues.

My name is Yannick Wood, and I am the Director of the Criminal Justice Reform Program at the New Jersey Institute for Social Justice. The Institute’s advocacy empowers people of color by building reparative systems that create wealth, transform justice and harness democratic power – from the ground up – in New Jersey.

New Jersey has a \$300,000 racial wealth gap between the median net wealth of a white family and that of a Black family – one of the worst in the nation.¹ As we outline in our reports, *Making the Two New Jersey’s One: Closing the \$300,000 Racial Wealth Gap in the Garden State* and *Erasing New Jersey’s Red Lines*, this is the legacy of redlining, restrictive covenants and inequality in the GI bill.² Unfortunately, the impact of this legacy falls most heavily on New Jersey’s Black and Brown communities.³ Economic inequity begets other inequities, such as the disparate level of interaction New Jersey’s Black and Brown communities have with the criminal justice system.

In this testimony, I will discuss how New Jersey can address the racial wealth gap through increasing investments in treatment and resources for youth, increasing juror pay and expanding service to those with indictable offense convictions and restoring the right to vote to incarcerated people.

I. New Jersey must increase investments in treatment and resources for youth

For too long, the criminal justice system has been called upon to fix problems brought about by structural racism and the lack of investment in Black and Brown communities.⁴ As a result, New Jersey is number one in the nation in its racial disparities in youth⁵ and adult incarceration,⁶ with nearly 18 Black youth incarcerated for every one white youth,⁷ even though both Black and white youth commit most offenses at similar rates,⁸ and 12 Black adults are incarcerated for every one white adult.⁹ Instead of calling on the criminal justice system to fix these issues, as we discussed in our recent toolkit, *Investing in Youth Not Incarceration*, we urge New Jersey to make a critically needed \$100 million investment in treatment and resources for our youth across a broad continuum that includes prevention, pre-intervention, intervention, diversion and aftercare services.¹⁰

First, we ask New Jersey to increase funding for prevention services that provide education and holistic resources for families and children.

Second, there must be investments in pre-intervention services which include restorative justice programs and an expansion in the police use of station house adjustments and curbside warnings which work to keep youth out of the court system.

Third, intervention programs also need funding. Hospital-based violence intervention programs (HVIP) like Paterson Healing Collective¹¹ or Violence Intervention programs like Newark Community Street Team¹² need stable funding. The state recently made funding available to HVIPs but this funding must be sustained.¹³ These programs place credible messengers directly in front of individuals contemplating violence and they work to diffuse violence without the assistance of law enforcement.

Fourth, diversion programs or programs that intercept youth who have committed harm and steer them away from the justice system are critical. They deserve deeper investments.

Fifth, the state needs to invest in truly rehabilitative aftercare which includes secure out-of-home placements for the few youth that require this level of care. As New Jersey moves forward with closing its youth prisons and contemplates creating new facilities, we urge the state to prioritize investment in communities devastated by incarceration.

II. New Jersey must increase juror pay and expand jury service to those with indictable offense convictions

Not only does New Jersey's racial wealth gap have a devastating impact on youth justice, it acts to infect our jury system. A major component of our criminal and civil justice system is the right to a jury of your peers.¹⁴ We urge New Jersey to actualize that right by increasing juror pay and removing the permanent bar for people with indictable offenses from serving on juries.

Currently, jurors are paid \$5 per day.¹⁵ New Jersey's shameful racial wealth disparities make this issue particularly acute for Black and Latino/Latina individuals, almost half of whom have zero net worth.¹⁶ People of color who are daily wage earners may not have the means to serve on juries.

To make matters worse, New Jersey also permanently denies people who have been convicted of indictable offenses from serving on juries.¹⁷ Because New Jersey leads the nation in having the highest racial inequality in Black/white incarceration rate, this means that the barrier disproportionately impacts Black people. An estimated 219,000 to 269,000 of the Black population in New Jersey are prohibited from serving on a jury – a staggering 23-29% of the Black population.¹⁸

As a result of our too-little pay and these systematic barriers, New Jersey's juries are whiter than the actual population of the state, and therefore defendants are denied a jury of their peers. It is long past time to change this.

III. New Jersey must restore the right to vote to incarcerated people

The racial wealth gap in New Jersey not only bleeds into our criminal justice system but also sullies our democracy. Studies have shown that poverty is tied to the criminal justice system, with people who are incarcerated often having significantly less income pre-incarceration than non-incarcerated people.¹⁹ In light of the racial wealth gap in the state, it should not surprise any of us that 61% of the prison population is Black.²⁰ As New Jersey continues to deny the right to vote to incarcerated people, all the racism of our broken criminal justice system is imported into our democracy. We must sever this tie by restoring the right to vote to incarcerated people, like Vermont, Maine and D.C. do. That is the only way to truly safeguard our democracy from the problems of our criminal justice system.

Conclusion

The Institute recognizes that eliminating New Jersey's deeply racialized wealth disparity will be no small feat and will require a whole-of-government approach across all the issue areas covered by these listening sessions. Given the enormity of the nexus between the racial wealth gap and the criminal justice system, the Institute believes that it would best be addressed through a Reparations Task Force – a task force that will reckon with the historical racist underpinnings within the racial wealth gap and criminal justice system.

Thank you for your consideration.

¹ N.J. INST. FOR. SOC. JUST. MAKING THE TWO NEW JERSEYS ONE: CLOSING THE \$300,000 RACIAL WEALTH GAP IN THE GARDEN STATE 8 (2022), https://assets.nationbuilder.com/njisj/pages/689/attachments/original/1645217098/Making_the_Two_New_Jerseys_One_2.15.22-compressed.pdf?1645217098.

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- ² *Id.* at 11; N.J. INST. FOR SOC. JUST. ERASING NEW JERSEY’S RED LINES 8-10 (2020), https://d3n8a8pro7vhm.cloudfront.net/njisj/pages/689/attachments/original/1588358478/Erasing_New_Jersey's_Red_Lines_Final.pdf?1588358478 [Hereinafter “Erasing New Jersey’s Red Lines”].
- ³ Erasing New Jersey’s Red Lines, *supra* note 2.
- ⁴ N.J. INST. FOR SOC. JUST. REFUNDING COMMUNITIES: A PATHWAY FORWARD TO REAL PUBLIC SAFETY (2021), https://d3n8a8pro7vhm.cloudfront.net/njisj/pages/691/attachments/original/1635275334/Refunding_Communities_Report_6_10_26-compressed.pdf?1635275334.
- ⁵ JOSH ROVNER, THE SENT’G PROJECT, BLACK DISPARITIES IN YOUTH INCARCERATION (2021), <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/> [hereinafter *Black Disparities*].
- ⁶ *State-by-State Data*, SENT’G PROJECT, <https://www.sentencingproject.org/the-facts/#map> (last visited Aug. 18, 2022).
- ⁷ BLACK DISPARITIES, *supra* note 5.
- ⁸ JOSHUA ROVNER, THE SENT’G PROJECT, RACIAL DISPARITIES IN YOUTH COMMITMENTS AND ARRESTS (2016), <https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>.
- ⁹ STATE-BY-STATE, *supra* note 6.
- ¹⁰ N.J. INST. FOR SOC. JUST., INVESTING IN YOUTH, NOT INCARCERATION 5 (2020), https://d3n8a8pro7vhm.cloudfront.net/njisj/pages/1427/attachments/original/1626807806/Investing_in_Youth_Toolkit_Final_7.20.pdf?1626807806.
- ¹¹ *What is an HVIP?*, PATERSON HEALING COLLECTIVE, <https://patersonhealingcollective.org/> (last visited Aug. 18, 2022).
- ¹² *About Us*, NEWARK COMMUNITY STREET TEAM, <https://www.newarkcommunitystreetteam.org/> (last visited Aug. 18, 2022).
- ¹³ Joe Atmonavage, *N.J. finds \$10M for anti-violence services after outcry*. NJ.COM (Aug. 12, 2022, 10:04 AM), <https://www.nj.com/news/2022/08/gov-murphy-puts-10m-towards-anti-violence-services-after-calls-for-more-money.html>.
- ¹⁴ See U.S. CONST. art. III, § 2, cl. 3 (“The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed”); U.S. CONST. amend. VI (“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”).
- ¹⁵ FREQUENTLY ASKED QUESTIONS ABOUT JUROR SERVICE IN NEW JERSEY 7, <https://www.njcourts.gov/jurors/assets/juryfaq.pdf?c=zQU>.
- ¹⁶ Laura Sullivan, N.J. INST. FOR SOC. JUST., BLACK AND BROWN IN NEW JERSEY: THE GARDEN STATE’S SHAMEFUL RACIAL WEALTH GAP (2020), https://d3n8a8pro7vhm.cloudfront.net/njisj/pages/689/attachments/original/1603320237/Black_and_Brown_in_NJ_Final.pdf?1603320237.
- ¹⁷ N.J. Stat. Ann. § 2B:20-1(e) (West 2022).
- ¹⁸ These statistics were obtained from an online resource of supplementary data for a study published by Sarah K.S. Shannon et al., *The Growth, Scope, and Spatial Distributions of People with Felony Records in the United States, 1948-2010*, 54 DEMOGRAPHY 1795, 1803 (2017).
- ¹⁹ Bernadette Rabuy & Daniel Kopf, *Prisons of Poverty: Uncovering the Pre-Incarceration Incomes of the Imprisoned*, PRISON POLICY INITIATIVE (July 9, 2015), <https://www.prisonpolicy.org/reports/income.html>.
- ²⁰ N.J. STATE DEP’T OF CORRECTIONS, *Offenders in New Jersey Correctional Institutions on January 4, 2022, by Race/Ethnic Identification* (2022), https://www.state.nj.us/corrections/pdf/offender_statistics/2022/By%20Race_Ethnicity%202022.pdf.