

New Solutions Campaign

Promoting Fair & Effective Criminal Justice • Strengthening Families & Communities

BALLOT QUESTION #1

Frequently Asked Questions

Bail Reform

On November 4, 2014, New Jersey voters will have the opportunity to vote to approve Ballot Question No. 1, which will reform New Jersey's broken bail system so that suspects believed to be dangerous can be held in jail with no bail while suspects who are not believed to be dangerous can be released through non-monetary alternatives to bail.

- **What does it do?**

Ballot Question No. 1 will amend the New Jersey Constitution to allow judges to deny bail to suspects believed to be dangerous who pose a threat to public safety if released. To ensure bail reform takes a balanced approach, comprehensive bipartisan legislation that will prioritize public safety, encourage fiscal responsibility and protect the rights of suspects, including guaranteed timelines for a speedy trial, has already been passed by the New Jersey Legislature. This legislation closely mirrors federal pretrial release policies that have been proven effective. This critically needed legislation will only be implemented upon passage of Question No. 1.

- **Why is it important?**

New Jersey's bail system is broken—nearly three-quarters of the people in New Jersey's jails are awaiting trial rather than serving a sentence. Question No. 1 will usher in reforms that will increase public safety, make the system fairer, and save taxpayer money. Whether a person is released before trial currently depends on if they have the money to pay bail rather than if they are a threat to the community. Suspects who are not believed to be dangerous are warehoused in overcrowded jails for months and even years at great financial cost to New Jersey taxpayers simply because they cannot pay sometimes small bail amounts. Meanwhile, suspects who do pose a threat to the community can gain release if they have the money to pay to get out of jail.

The average length of time that individuals are held before trial is around ten months. Locking up suspects who are not believed to be dangerous for this long pretrial costs New Jersey taxpayers millions of dollars annually. And these individuals can lose their jobs, housing and family connections while being held in jail—even though they pose no threat to the community and they have not been convicted of any crime. This system is unfair, unsafe and costly.

- **How will it benefit people in New Jersey?**

Question No. 1 will create a fairer, safer and more cost effective bail system. New Jersey currently spends millions of taxpayer dollars to incarcerate suspects who are not believed to be dangerous in county jails just because those individuals cannot afford to pay bail. Question No. 1 will implement critically needed reforms that will reduce jail populations by basing pretrial release decisions on the risk the person poses to the community rather than the amount of money they can pay for bail.

Under bipartisan legislation enacted earlier this year, suspects who are believed to be dangerous and denied bail will have their rights protected, including guaranteed timelines for a speedy trial.

Suspects who are not believed to be dangerous will be released pending trial, can maintain employment, housing, and family connections while receiving the appropriate level of court supervision.