

New Jersey's Criminal Justice System

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New Jersey's Criminal Justice System

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CAROLINA ACADEMIC PRESS

Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Names: Costello, Robert G., editor. | Leigey, Margaret E., editor.

Title: New Jersey's criminal justice system / edited by Robert Costello,
Margaret Leigey.

Description: Durham, North Carolina : Carolina Academic Press, LLC 2020. |

Series: State-specific criminal justice series

Identifiers: LCCN 2020002503 | ISBN 9781531015299 (paperback) | ISBN
9781531015305 (ebook)

Subjects: LCSH: Criminal justice, Administration of--New Jersey. | Criminal
law--New Jersey. | Criminal procedure--New Jersey. | Law enforcement--
New Jersey, | LCGFT: Textbooks.

Classification: LCC KFN2362 .N49 2020 | DDC 345.749--dc23

LC record available at <https://lcn.loc.gov/2020002503>

CAROLINA ACADEMIC PRESS
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

We dedicate this book to New Jersey's criminal justice system: those who work in it, those who are served by it, and those who study it.

All royalties of this book will be directly paid to NJ LEEP (Law and Education Empowerment Program), which is a college access and success program serving students and families in Newark, New Jersey. May these generous witnesses inspire us, and may we inspire each other, to overcome our fears and engage our broken world.

RC: For my wife Rose Newman who, along with the 324,000 women diagnosed with breast cancer annually, shows me how to live with courage, class, and wisdom. Also, thank you for your help with all the charts, tables, and figures in my work!

ML: To my family, Eric, Amelia, and Harrison, the center of my life.

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Series Note

Carolina Academic Press' state-specific criminal justice series fills a gap in the field of criminal justice education. One drawback with many current introduction to criminal justice texts is that they pertain to the essentially non-existent "American" criminal justice system and ignore the local landscape. Each state has its unique legislature, executive branch, law enforcement system, court and appellate review system, state supreme court, correctional system, and juvenile justice apparatus. Since many criminal justice students embark upon careers in their home states, they are better served by being exposed to their own states' criminal justice systems. Texts in this series are designed to be used as primary texts or as supplements to more general introductory criminal justice texts.

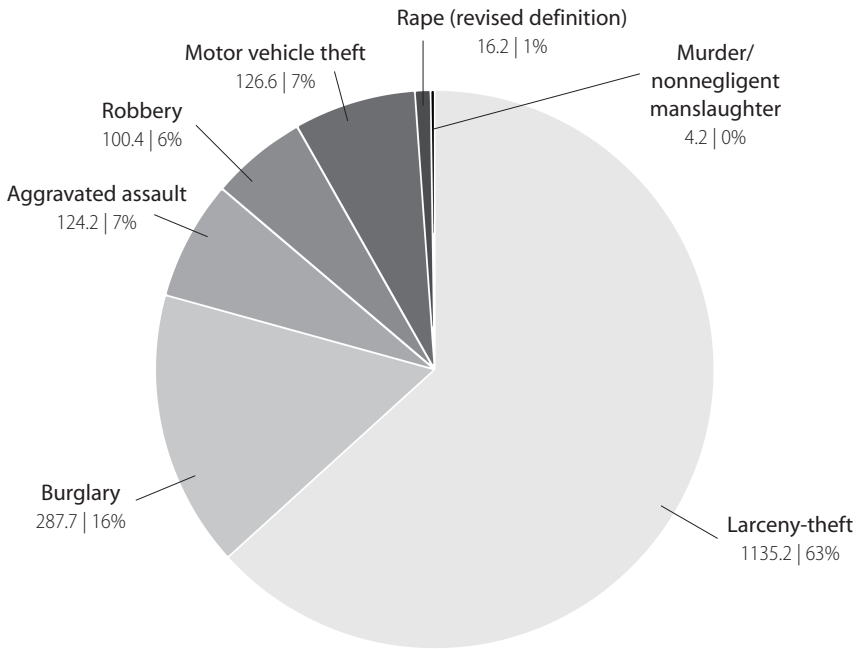
Preface

The state of New Jersey, which is located in the Mid-Atlantic geographic region of the United States and is bordered by New York to the north, Pennsylvania to the west, and the Atlantic Ocean to the east, is the eleventh most populous state in the country, despite being geographically larger than only three other states (Connecticut, Delaware, and Rhode Island). This contributes to making New Jersey the most densely populated American state. Despite this, the violent crime rate of New Jersey is significantly lower than the national median. For example, New Jersey's violent crime rate (245 violent crimes per 100,000 inhabitants), was 33.8 percent lower than the national median while the state's property crime rate (1,544.6 property crimes per 100,000 inhabitants), was 40.2 percent lower.¹ Crime in New Jersey has a similar proportional make up to the types of crimes that occur on the national scale (see chart on following page).

New Jersey is currently in the midst of a statewide criminal justice reform. One of the first measures, bail reform, was implemented in 2017. Crime rates in the state have dropped dramatically over the past few years and advocates of this bail reform measure are taking credit. Alexander Shalom, senior supervising attorney at the ACLU-NJ said, "All the people who predicted that ... crime rates would simply spike, they've been demonstrably proven wrong."² In fact, crimes ranging from homicide (–32.48%), rape (–13.30%), robbery (–37.06%), and assault (–17.90%) have all dropped dramatically since 2016. While additional results have been positive in that bail reform has lowered the jail population of New Jersey and ensured that jails are now largely populated by defendants accused of violent or serious crimes while lower-risk defendants are not held indefinitely, this program is currently facing a funding crisis.³

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1. Federal Bureau of Investigation *Crime in the United States 2016*.
 2. <https://www.wnyc.org/story/crime-rates-plunge-new-jersey-giving-bail-reform-advocates-chance-gloat/>.
 3. <https://www.politico.com/states/new-jersey/story/2019/04/02/report-bail-reform-has-lowered-jail-population-but-program-facing-funding-crisis-945756>.

New Jersey: Crime Rates per 100,000 Residents



New Jersey's relatively small geographic size and its large population make it a unique case among the fifty United States. As such, the state's criminal justice system faces particular challenges. The Division of Criminal Justice in New Jersey operates as part of the Office of the Attorney General and is comprised of several divisions and services including Corruption and Government Crime, Financial and Computer Crime, Gangs and Organized Crime, and Specialized Crime, among others.⁴ Readers of this book should come away with a thorough understanding of the disparate parts of the Division of Criminal Justice in New Jersey and how those parts function together as part of a collective and interdependent whole.

New Jersey's unique blend of high-density urban areas and lower density rural areas and farmland and the specific criminal justice issues a state comprised of such disparate geographic and demographic components face are reflected in various chapters throughout this book. Readers should come away from this book with a clear understanding of New Jersey's criminal justice system from a holistic perspective.

4. <https://www.nj.gov/oag/dcj/services.html>.

Organization and Contents of the Book

This book is broken into twelve chapters, with each chapter exploring a specific area of the State of New Jersey's criminal justice system. Each chapter includes a list of learning objectives and key terms to help readers better understand the topics covered. Chapters conclude with a list of references so that readers may independently search for more information about a particular topic covered in the chapter.

Chapter 1 provides an overall picture of crime trends in New Jersey, as well as a snapshot of the population of the state and the demographics and geographic makeup that make crime trends in New Jersey unique.

The second chapter gives an overview of the criminal justice process in New Jersey from initial arrest through to the trial and sentencing processes, while Chapter 3 details New Jersey's criminal law, explaining laws, statutes, legal language concerning intent, and possible defenses.

The fourth chapter provides a broad overview of law enforcement in New Jersey and the various agencies that operate under that umbrella. The chapter also highlights some of the policing issues that arise in the state and defines the mission of Cop2Cop, a peer-to-peer support system aimed at improving police officer mental and physical health.

Chapter 5 explores the court system of New Jersey including the structure of state and federal court systems and the unique roles those courts play. Additionally, this chapter explains the essential parts of the pretrial and trial court process and provides an overview of criminal and quasi-criminal offenses in New Jersey.

In Chapter 6, readers will explore the corrections system in New Jersey in general and the trends and demographics of federal and state corrections in particular. This chapter also highlights areas of existing and necessary correctional reform, a topic that is further explored in Chapter 7, which addresses the juvenile justice system in New Jersey.

The eighth chapter delves further into the effects of the state's criminal justice system with a focus on race and class inequality in the New Jersey criminal justice system and the issues the state faces in an attempt to maintain a fair and just system that does not disproportionately affect people of color.

Chapter 9 highlights the criminal justice policy in the state of New Jersey and the state-specific issues that have arisen. Included in this chapter is also a discussion of the areas in which the state has undertaken reform to address problems and/or discriminatory criminal justice practices. A spotlight on

Megan's Law, a bill mandating the registration of sexual offenders and public notification when sexual offenders move into a community, is also included.

Chapter 10 offers a New Jersey-centric perspective on a national issue: the death penalty. Offering a balanced analysis, this chapter informs readers about New Jersey's Death Penalty Study Commission and how this study allows advocates or detractors of capital punishment to critically assess and contribute to the death penalty debates in the United States.

The penultimate chapter, Chapter 11, reviews the role of Federal Law Enforcement in New Jersey with a discussion on its vast connection to local criminal justice agencies.

Finally, the last chapter provides a special focus on criminal justice employment in the State of New Jersey including what jobs are available in what agencies for those interested in a career in criminal justice. The chapter discusses the qualifications and education necessary for these jobs and outlines a number of career paths for those called to a career in public service.

Taken as a whole, these twelve chapters provide a comprehensive, holistic picture of the criminal justice system of the state of New Jersey. By exploring each component separately and taking deep dives into a few national issues from a New Jerseyan perspective, readers will be able to form a complete picture of the interconnected whole of the state's criminal justice system and understand the specific historic and contemporary challenges and opportunities the state presents. Additionally, in particular discussions of proposed criminal justice reform will show readers the ways in which New Jersey can serve as a model for national reforms.

Robert Costello
Margaret Leigey
January 7, 2020