

Meeting of New Jersey Human Relations Council

September 19, 2019

The meeting of the New Jersey Human Relations Council was held on September 18, 2019 at the Richard J. Hughes Justice Complex, 25 Market Street, Fifth Floor, West Wing, Trenton, New Jersey, 08628.

Call to Order and Pledge of Allegiance: The meeting was called to order by Ashton Burrell at 10:14.

Reading of Public Meeting Act.

Each person present introduced themselves.

HRC Officers in Attendance: Ashton Burrell, Chairman, Yumiko Mishima, Vice Chairwoman, Karen Positan, Treasurer.

Those serving on the Council and guests in attendance were as follows:

Angelo Onofri, Binyanin Newmark, Bryn Whittle, Donald Beetham, Francis Koch, Gail Beran, John Wenz, Joseph Santagata, Kimberly Holmes, Leila Lawrence, Lisa Burke, Michelle Perez, Paula Rodriguez Rust, Reginald Bledsoe, Reisa Sweet, Ron Mayer, Stephen Hobson, Steve Perez, and Tonya Hobson, and Yolande Marlow.

The Minutes were read and approved.

Chairpersons report: Ashton expressed his pleasure at being present and that the room was full. He hoped that the everyone would bring someone with them to the next meeting. The council is working on good things and will continue that for the next year.

Presentation: Dr. Yolande Marlow and Lisa Burke from the Supreme Court Committee on Diversity, Inclusion, and Community Engagement (formerly Minority Concerns) spoke about criminal justice reform. Dr. Burke has been the staff member for Supreme Court Committee on Minority Concerns, a model for community interface for 32 years. When a standing committee on minority concerns was first formed, it was a group of probation officers. They went to the Chief Justice to talk about bias in the court system. As a result Chief Justice David Wilentz appointed a sixteen member study committee headed by Justice Colman. It reported to the court in 1984. As a result of that report, the Chief Justice appointed a Supreme Court Committee on Minority Concerns. Dr. Marlow came on board in 1988. It took six years to look at the issues. Statewide committees took public testimony; they also took private testimony for those afraid to give testimony in public setting. This was done in 1992 and then it took a year to approve recommendations. The court approved 63 of those recommendations. Since then the committee has been expanding the number of

recommendations and advising the court on how these recommendations could be implemented. It is the court's responsibility to actually implement the recommendations. All components of the court were involved. All the subsequent chief justices have embraced the ongoing effort.

In addition to the Supreme Court committee, business advisory committees in each legislative district have been up and running since 1992.

Criminal justice reform focuses on the key issue of disparities in the system. The committee is looking at different aspects of the criminal justice system; interest in ensuring equal protection, due process, that people are treated fairly and that and that interests of public safety are balanced correctly with those efforts. In January 1, 2013 Criminal Reform Justice Act was in place. It drastically changed the way New Jersey managed pre-trial processes. It was reported as bail reform but the reforms go beyond bail including how cases are processed and managed pre-trial. It was an inter branch (of government) efforts. It took a constitutional amendment. Before every defendant had a right to bail. There were legal ways around it like setting bail at a million dollars, etc. Now bail can be refused. The prosecutor petitions the court based on the degree to which public safety is threatened. The defendant can be kept in jail until trial or an electronic device can be used.

There are 15 court districts called vicinages. Most vicinages are a whole county; some counties have been combined into a vicinage: Vicinage 1 - Atlantic & Cape May Counties; Vicinage 13 - Somerset, Hunterdon & Warren Counties; and Vicinage 15 - Gloucester, Cumberland & Salem County. The committees in the vicinages are the face of community outreach. The public had a voice in these changes. (A handout summarizing the changes was distributed at this point).

With the continual public involvement, there has been a shift from minority concerns toward diversity, inclusion and community engagement. The committee embraced, expanded in response to New Jersey's growing diversity. It began to take an intersectional look at these aspects of identity: gender, race, gender identity, geographical location. We are the sum total of all these aspects of our identity. Many of these identities are not visible. They may not even be recognized in ourselves. The name of the committee has been changed to the Supreme Court Committee on Diversity, Inclusion, and Community Engagement.

The program remain the same. There is an update of language. The commitment of the court is to access, procedural fairness, and equitable justice for all.

The National Consortium of Peace and Ethnic Fairness in the Courts 32nd annual conference will be held in New Brunswick on April 28 to May 2, 2020 at the Hyatt Regency. There are three branches of government but the public is important. Community engagement is important if the courts are to be strengthened. The public needs to learn how the court operates. Given a tour

some are surprised by the strengths and weakness of the physical plant of the building.

Every two years the committee issues a report to the court with recommendations. It is posted, then a hearing, then the court takes recommendations under advisement. The court publishes its administrative determination on the recommendations.

Example: To investigate bail issues, the committee went to jails and took testimony. How much bail was keeping them in jail. How many were there unable to pay a bail of less than \$200. There was over 1500 pages of public hearing testimony.

There are four subcommittees: workforce, access and fairness, family and juvenile justice, criminal justice.

The ongoing effort not only collects the data but also monitors the data. The Administrative Director says that if it means something you measure it.

The court takes the recommendations seriously. Changes are a marathon not a sprint. We can always do better. What does better look like? New Jersey was number one in disparities but this has changed. There is an effort to make the whole system work together: State, county, local. All collected data will be subject to rigorous analysis. The court is hiring people from outside to look at data. Positions in the justice department are now recruited nationally to ensure minority representation.

In the 2018 population study there were 3000 fewer blacks, 1500 fewer whites and fewer 1300 Hispanics incarcerated.

Lisa Burke passed on the following links:

1.) Notice to the Bar re: renaming of the Supreme Court Committee on Minority Concerns to the Committee on Diversity, Inclusion, and Community Engagement

<https://www.njcourts.gov/notices/2019/n190814b.pdf?c=Qh8>

2.) Notice to the Bar re: Supreme Court Administrative Determinations regarding the 2017-2019 Report and Recommendations of the Supreme Court Committee on Minority Concerns (recently renamed as Diversity, Inclusion, and Community Engagement)

<https://www.njcourts.gov/notices/2019/n190905d.pdf?c=I9Q>

3.) The New Jersey Judiciary's Online Criminal Justice Reform Information Center

<https://njcourts.gov/courts/criminal/reform.html>

4.) Information on the Supreme Court's Dismissal of Minor Municipal Court Warrants (2003 or earlier) [This includes a searchable database.]

<https://njcourts.gov/courts/mcs/dismissals.html>

Yolande Marlow spoke about the Chief Justice's forgiveness program. Court fees and fines over 15 years can be forgiven unless there is a victim or for certain types of violence. There are almost 800,000 open warrants. the court has forgiven 18,000 of them. Many times people do not know about warrants for their arrest until they are pulled over for a traffic stop. Some old cases have been lost.

Advisory Board Report: Karen Positan is doing a program on elderly abuse. Union County members attended the Attorney general's workshop in June. It dealt with elderly abuse. There will be a public forum in October. They are partnering with a Twenty-first century project, with the prosecutors, Jewish groups and public libraries. The program will be presented to every community in Union County in next year or so.

Sussex County held their 21st century yesterday. There are at least quarterly meetings on elderly abuse, scams and insurance frauds.

Mercer Co. is holding a pre-Expungement workshop Saturday September 28 10 am -1 pm at the Mercer County Community College- James Kerney Campus on Broad Street in Trenton.

Ocean County has facing an increase in anti-Semitism which has led to violence supported by a group called Rise Up Ocean County. The hate speech has escalated from verbal assaults to physical assaults. The Ocean County Human Relations Commission has been holding programs on dialogue. There was a Love thy neighbor interfaith program. This is a very serious issue. The Attorney General Office, Division of Criminal Justice and Ocean County Prosecutors Office have brought in the Department of Justice to have series of meetings around reconciliation.

Highland Park has its own concerns with anti-Semitism. A reading of the book P is for Palestine in the local library raised concern among segments of the Jewish population. This has led to a number of proposals for a resolution. The Borough Council is working on a final resolution. John Wenz would like to coordinate with the efforts in Ocean County.

Old Business: Nominations for the secretary position are awaiting action on Donald Beetham who has been taking the minutes as an acting secretary.

New Business - Conference Planning: The 2019 conference will be held in the STEM Building on the Kean University Campus on Wednesday, November 20. The preference is for it to run 9:00 am-3:00 pm but this is still not set.

Reactivate Local HRCs: Ashton wants everyone to reach out to their town's Human Relations Commissions to bring them in to contact with the State HRC. This may simply involve seeking out the last chairman. Ashton would like to see a voice for each community.

The meeting was adjourned at 11:37 pm.