

Justice Reform in New Jersey: How JDAI and Bail Reform Are Saving Futures and Saving Money, but Extreme Racial Disparity Persists

New Jersey's JDAI and adult bail reform programs demonstrate that reducing incarceration, safeguarding public safety, and delivering substantial taxpayer savings are not competing objectives. Yet the success of these programs will remain incomplete so long as Black New Jerseyans are incarcerated at rates wildly disproportionate to their share of the population.

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New Jersey has become a national model for two of the most consequential criminal justice reform efforts of the past two decades: the Juvenile Detention Alternatives Initiative (JDAI) for youth, and the 2017 Criminal Justice Reform Act overhauling the adult pretrial bail system. Both programs share a common premise: that jailing low-risk, low-income individuals serves neither justice nor public safety. And from a fiscal standpoint, the substantial cost savings achieved by reducing incarceration allows greater investment in rehabilitative programs and other public priorities. Critically, the data confirms that releasing individuals from pretrial detention does not result in increased crime. Yet despite remarkable gains, a troubling truth endures: racial disparities in New Jersey's jails and prisons remain stark and largely unchanged.

European countries have historically incarcerated far fewer people than the United States, with far more rehabilitative resources available to those in custody. Although the U.S. represents under 5% percent of the world population, it accounts for more than 20% of the world's incarcerated population. Peter Wagner & Wanda Bertram, "What Percent of the U.S. Is Incarcerated? (And Other Ways to Measure Mass Incarceration)," Prison Pol'y Initiative (Jan. 16, 2020). Within the US, New Jersey has one of the lowest rates of incarceration as well as a low crime rate. But New Jersey's incarcerated population has *the highest rate of racial disparity in the country*. While Blacks make up only 15% of the state's population, they make up 61% of the prison population. Juvenile detention reflects even more severe racial disparity. And this stubborn disproportionality has held steady even after the large reduction in incarcerated individuals over the last fifteen years.

As in many parts of the nation, New Jersey's juvenile detention system confronted troubling trends in the 1990s and early 2000s. Despite falling crime rates, youth detention populations remained persistently high. From 1993 to 2002, juvenile arrests for serious offenses—those classified by the FBI as "index crimes"—fell by 45% in New Jersey, and total juvenile arrests declined by 25%. Yet notwithstanding these significant reductions, detention admissions continued to rise.

Over the past two decades, JDAI fundamentally reshaped juvenile justice in New Jersey. Using the JDAI framework and tools, participating counties substantially curtailed their use of secure detention, both for young people facing delinquency charges and for those awaiting placement in residential or correctional settings. What distinguished New Jersey from most states was a commitment and ability to implement the reform statewide. The program's success depended on securing the collaboration of judges, public defenders, prosecutors, probation officers, and detention administrators.

What began as a five-county pilot program in 2004 grew steadily and systematically, reaching 18 of New Jersey's 21 counties by 2014. By 2019, all 21 counties were actively participating in the initiative, representing complete statewide implementation of the program. According to the state's

JDAI 2023 annual report, the average daily population of detained youth had fallen by 68.9% so that 571 fewer young people were confined on any given day compared to the pre-JDAI baseline.

The cost savings generated by JDAI are concrete and well-documented. Reduced daily populations allowed several counties to close or consolidate their detention facilities, yielding significant fiscal benefits for New Jersey taxpayers. "At the start of JDAI, there were 17 detention centers operating in New Jersey[.] As of 2023, there were seven. Over the past twelve years, ... shared-services agreements have resulted in approximately \$30 million in annual cost savings for the sending counties and substantial revenue increases for the receiving counties." N.J. Juv. Just. Comm'n, "New Jersey Juvenile Detention Alternatives Initiative (JDAI) 2023 Annual Data Report" 8 (2025). Nationally, New Jersey is a model JDAI state, due in large part to the unified superior court system in New Jersey and the time and attention spent by all members of the juvenile justice system to prevent recidivism with an understanding of youth brain development and the effects of maturation.

The public safety record of the program is equally compelling. By 2023, youth arrests had fallen 87.6% since implementation of the program, and arrests for index offenses had declined 79.1%, as reported in state's JDAI 2023 annual report. The dramatic reduction in detention has not produced any corresponding increase in criminal activity.

The adult reform produced similarly significant population reductions. The New Jersey pretrial release program became effective in 2017 after years of extraordinary collaborative efforts of the governor, courts, the legislature, attorney general, prosecutors, the Office of the Public Defender, ACLU and private criminal defense attorneys. New Jersey's Constitutional Amendment was passed to allow pretrial incarceration without bail for the very few individuals charged with the most severe crimes. Stuart Rabner, Chief Justice: "Bail reform puts N.J. at the forefront of fairness," Star-Ledger (Newark), Jan. 9, 2017. Following the 2017 reform, as Chief Justice Rabner wrote in 2017:

Why does this matter? Because whether a defendant is released pretrial is one of the most significant decisions in the criminal justice system. There are real consequences for poor defendants—often members of minority groups—who pose little risk but sit in jail for weeks and months while they are presumed innocent. During that time, they may lose jobs when they fail to show up for work. They may lose contact with family members. They may lose custody of children. And the cost to taxpayers to house a low-risk defendant can amount to \$100 or more per day.

Another important reason that the New Jersey inmate population shrank is the 2020-22 COVID-19 release program, initially started by statute and later extended by executive order. Governor Murphy signed the Public Health Emergency Credits Act in October 2020, which allowed for early release of inmates nearing the end of their sentences and was extended under Executive Order No. 280. Due to the rapid spread of COVID in the prisons, inmates with a short time left on their sentence were released. 7,619 inmates were ultimately released, three facilities closed and approximately \$98 million dollars saved. N.J. Dep't of Corr., FY 2022–2023 Discussion Points (2023).

Not surprisingly, the impressive decrease in incarceration has benefited more Black individuals than white individuals in absolute numbers. But the question remains: in a state with a 15% Black population, why are 61% of adult inmates Black and 83% of detained juveniles Black? Why do 70% of the overall waiver cases—sending juveniles aged fifteen or older to be treated more harshly as adults—involve Black juveniles, while only 8% involve white juveniles? N.J. Att'y Gen. Youth Just. Comm'n, "Youth Demographics and Statistics" (Apr. 11, 2025).

A 2022 study of incarceration in New Jersey found that:

[I]n New Jersey incarcerated people come from all over the state, but are disproportionately from a few specific cities, most notably Camden, Atlantic City, Paterson, Newark, and Jersey City. A deeper dive into the data shows that even within these cities there are dramatic differences in rates of incarceration between neighborhoods, often along racial and socioeconomic lines. Finally, the data shows that even in a state like New Jersey, with a predominantly urban population, many rural counties (including Cumberland, Salem, and Cape May counties) are disproportionately affected by incarceration. Emily Widra, Henal Patel & Ronald Pierce, "Where People in Prison Come From: The Geography of Mass Incarceration in New Jersey," Prison Pol'y Initiative (June 2022).

A closer look at the particular neighborhoods with an overrepresentation of incarcerated individuals by the same report reflects that these neighborhoods are economically disadvantaged, "with other community problems related to poverty, employment, education, and health."

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