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do social justice.

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

FY2022 Budget Testimony of Andrea McChristian New Jersey Institute for Social Justice Assembly Budget Committee

Monday, March 22, 2021

Dear Chairwoman Pintor Marin and Members of the Assembly Budget Committee:

Thank you for the opportunity to submit this testimony. My name is Andrea McChristian, and I am the Law & Policy Director at the New Jersey Institute for Social Justice (the "Institute").

The Institute uses cutting-edge racial and social justice advocacy to empower people of color by building reparative systems that create wealth, transform justice and harness democratic power – from the ground up – in New Jersey.

The Institute submits this testimony requesting the following budget appropriations:

• The Institute requests that the Legislature appropriate \$8.4 million to establish the "Restorative and Transformative Justice for Youths and Communities Pilot Program."

• The Institute requests that the Legislature appropriate funding to expand the use of community-based public safety models.

• The Institute requests the full funding of early voting, in line with the fiscal note attached to A4830, so that there is successful implementation for this November's election.

• The Institute recommends funding for ERIC membership and other elections infrastructure updates.

• The Institute recommends funding \$2.5 million for the New Jersey Apportionment Commission and \$2.5 million for the New Jersey Redistricting Commission, to ensure the commissions have the proper tools to conduct their business, conduct public education and allow for public submission of maps, in light of the integral role of redistricting in our democracy.

- The Institute urges the Legislature to pass and fully fund the New Jersey Baby Bond Account program (A4638/S3130) with a \$70 million dollar allocation.
- The Institute supports expanding access to tuition-free college and asks the Legislature to fully fund the Community College Opportunity Grant (CCOG) and the Garden State Guarantee.
- The Institute supports the expansion of effective homeownership programs for families of color, particularly Black families, while protecting the Affordable Housing Trust Fund (AHTF) to meet the housing needs of low-income residents.

Youth Justice

The Institute requests that the Legislature pass and fully fund A4663/S2924, the "Restorative and Transformative Justice for Youths and Communities Pilot Program," including an allocation of \$8.4 million to the Juvenile Justice Commission (JJC) to fund and administer the pilot program.

For far too long, children of color have been overly incarcerated in New Jersey. Indeed, our state has the worst Black to white youth incarceration disparity rate in the nation – with a Black youth twenty-one times more likely to be locked up than their white counterpart¹ despite Black and white youth committing most offenses at similar rates.² New Jersey also has the fourth highest Latina/Latino to white youth incarceration disparity rate in the country.³ Youth incarceration is also not helping our young people: over one-quarter of young people released from state youth facilities return to those facilities within three years.⁴

On November 4, 2020, in response to the Public Health Emergency Credits Bill, A4235/S2519, approximately 50 youth nearing the end of their sentences were released from New Jersey's prisons. Prior to that date, approximately 40 young people had been released. Because of this mass release, as of December 4, 2020, our state's youth prisons are almost 80 percent empty.⁵ In addition, as noted in Governor Murphy's FY2022 Detailed Budget, our state's youth prisons will incarcerate 119 youth this year at a cost of \$445,504 per young person.⁶ Over 500 staff members will be employed in these largely empty youth prisons.⁷ Undoubtedly, the confluence of the COVID-19 crisis and the current economic downturn require a major shift away from this kind of deep investment in failure.

Now that the youth population is decreasing, instead of investing in incarceration, New Jersey should reinvest funds into services that can help youth successfully return to their communities and divert kids away from the system. This can be done by investing in a community-based restorative justice approach developed by the Institute and our partner Salvation and Social Justice, along with community residents in six cities across New Jersey. This approach uses restorative and transformative justice practices and a trauma-informed approach as outlined in our guide on this issue, <u>Youth Justice Toolkit: A Community-Led Restorative Justice Approach.</u>⁸

The Youth Justice Toolkit served as the foundational structure for the Restorative and Transformative Justice for Youths and Communities Pilot Program Bill, which allocates \$8.4

million – less than 20 percent of the youth incarceration budget – for the creation of a two-year pilot program. This pilot program establishes enhanced reentry wraparound programs and community-led restorative justice hubs in four cities disproportionately impacted by youth incarceration: Newark, Paterson, Trenton and Camden. The hubs are a place where youth can build healthy relationships in the community and resolve conflict in a constructive manner. Additionally, the hubs are a place to connect youth and families to an emergency reentry program. The hub structure is modeled after Restorative Justice Hubs located in Chicago⁹ and Restorative Justice for Oakland Youth¹⁰ in California.

The Institute is encouraged that the Governor has increased the Juvenile Justice Commission's state/community-partnership grant appropriation by \$4.4 million in his proposed budget. We are requesting that this allocation specifically be earmarked to fund the *Restorative and Transformative Justice for Youths and Communities Pilot Program* and be increased to cover the full \$8.4 million needed to fund the program. This is what is needed to begin to fundamentally transform our state's youth justice system.

Policing

The Institute requests that the Legislature allocate funding to expand the use of communitybased public safety models, including community-based violence prevention programs and nonpolice, mental health first responders.

The Institute urges New Jersey to invest in community-based public safety systems. Those living with an untreated, severe mental illness are at least *16 times* more likely to be killed during a police encounter.¹¹ While the Institute commends New Jersey's efforts in expanding the use of Crisis Intervention Teams (CIT) training, our state must also create non-police first responders to limit interactions between law enforcement and people experiencing a mental health crisis.

The City of Newark has already begun to successfully address violence from a community-based, public health lens with the Newark Community Street Team. The Newark Community Street Team hires and trains outreach workers – often themselves community members – to mediate conflicts that may result in violence. The success of this program is an example of what is possible when New Jersey commits to expanding community-based, public health models to achieve public safety.

Early Voting Implementation

The Institute requests fully funding early voting, in light of the fiscal note attached to A4830, so that there is successful implementation for this November's election.

The Institute is grateful to this Legislature for advancing the pending early voting legislation (A4830/S3203). In our report, *Our Vote, Our Power: Lifting Up Democracy's Voices in the Garden State*, we urged New Jersey to pass early voting options for voters in the state.¹² Research shows that early voting has many benefits. For voters, it expands access to voting, increases satisfaction with the voting process and results in shorter lines on Election Day.¹³ For election officials, early voting improves poll worker performance, allows for early diagnosis and correction

of any errors with registration rolls, ballots, or machinery and reduces the stress on voting systems on Election Day.¹⁴

We have worked with the sponsors of the bill to bring it to where it is now and will continue to work with the Legislature, the Secretary of State's office and local election officials to ensure successful implementation once the legislation becomes law. In order to do this, it is crucial for the state to fully fund early voting, including updates to the election infrastructure.

We testified in support of this legislation and an appropriation during the last budget cycle and we thank the Legislature for appropriating \$20 million for early voting in the FY 2021 budget back in September. Based on a fiscal note calculated last year,¹⁵ that will be sufficient to purchase electronic poll books.

However, as the fiscal note attached to A4830 makes clear, that is not sufficient to fully support early voting.¹⁶ The bill calls for the appropriation of an additional \$2 million to cover the costs of ballot on demand printers, which will accommodate the required provisional ballots at early voting sites.¹⁷ There remains significant costs that still need to be addressed in order to assure successful implementation.

The Governor's proposed budget recommends \$20 million for early voting, but we want to ensure that this includes all the costs associated with early voting.¹⁸ We urge the Legislature to fully fund the various costs as listed in the fiscal note to A4380,¹⁹ including funding for updates to voting machines – a long overdue infrastructure upgrade. Fully funding early voting may require tens of millions more, but it is necessary funding. As we watch other states pass laws to drive us back to the Jim Crow era, we appreciate that this Legislature has instead worked to make our democracy more accessible. In order to continue on this path, we must fund our election reforms.

Elections Infrastructure

The Institute recommends funding for ERIC membership and other elections infrastructure updates.

In addition to the election infrastructure updates associated with early voting, we urge the Legislature to appropriate funding for other necessary upgrades that our system desperately needs.

The Legislature should appropriate funding to allow New Jersey to join the Electronic Registration Information Center (ERIC), a multi-state nonprofit organization that allows states to improve their voter rolls and increase voter registration access for voters.²⁰ Thirty states and the District of Columbia participate in ERIC.²¹ The ERIC initial membership fee is \$25,000²² and all states are required to pay annual dues based on population size.²³

We also recommend the Legislature provide funding for mock elections this year in counties throughout the state, such as ones conducted by Los Angeles County in California²⁴ and Fulton County in Georgia.²⁵ This will allow the counties to run through the new infrastructure before this November's statewide election.

Redistricting

The Institute recommends funding \$2.5 million to the New Jersey Apportionment Commission and \$2.5 million to the New Jersey Redistricting Commission.

This year is a vital year in our democracy. We will be redrawing both our legislative and congressional maps. Maps that will determine our representation for a decade. Redistricting is foundational to our democracy and we must fully fund the process of the crucial work of the New Jersey Apportionment Commission and the New Jersey Redistricting Commission.

During the last redistricting cycle, \$1.1 million was appropriated to the Apportionment Commission – \$500,000 for each parties' delegation and \$100,000 for the independent member.²⁶ We recommend increasing the amount for the independent member – who will be doing just as much work as the parties' delegations. The same funding amount should be appropriated for the Redistricting Commission, as both are equally important to our democracy.

We also recommend appropriating additional funding for public education. In FY2019, this Legislature appropriated \$500,000 for the Complete Count Commission in order to begin the necessary public outreach for Census 2020.²⁷ Similarly, we recommend \$500,000 each for legislative and congressional redistricting for public education and updated technology that would allow the public to submit maps and for the Commissions to respond.

Baby Bonds

The Institute urges the Legislature to pass and fully fund the New Jersey Baby Bond Account program (A4638/S3130) with a \$70 million dollar allocation.

The staggering racial wealth gap in New Jersey, which exists due to generations of inequitable policies that have limited asset-building for Black and other communities of color, limits the opportunities of children of color from birth. In New Jersey, the typical white resident 15 years or older has \$106,210 in wealth compared to just \$179 for the typical Black and Latina/Latino New Jerseyan, as highlighted in our recent data brief, <u>Black and Brown in New Jersey</u>.²⁸ These disparities are due to inequities in opportunity passed from one generation to the next as white families have been supported in asset-building opportunities by public policies, while Black families have faced barriers to those same opportunities through structural racism built into the foundation of our society. Just as these disparities were created by design through policy, so must they be eliminated through reparative policies that expand wealth-building opportunities to Black and other families of color plagued by economic insecurity.

We must take bold and decisive action to repair the harms of past policies that limited wealth building for Black and other families of color and a Baby Bonds program is an opportunity to do just that – starting with the youngest and most vulnerable members of our community. We urge the Legislature to invest in low-income newborns in the state, who are disproportionately children of color, so that they may have access to the financial head start already available to so many of their peers by passing and fully funding the pending legislation to create the New Jersey Baby Bond Account program (A4638/S3130). The \$70 million appropriation for this legislation will

help to level the playing field for young people in New Jersey by providing \$2,000 to low-income newborns at birth.

We believe that closing the racial wealth gap for the next generation requires the incorporation of additional progressively designed payments during childhood. Pairing the New Jersey Baby Bond account program with the national Baby Bond proposal championed by Senator Cory Booker at the federal level would do even more by ensuring all children in the Garden State have what they need to achieve their dreams. Still, the existing legislation does much to set up the infrastructure for and to establish our state's commitment to a Baby Bond program that would expand financial stability and economic opportunity for the next generation of young people. A fully-funded New Jersey Baby Bond program would be a foundational step in righting the wrongs of the past by helping to build assets in low-income communities of color. A Baby Bond program coupled with increased investments in public higher education (as discussed below) could help low-income young people of color, in particular, transition to adulthood with greater economic security and the resources needed to thrive – helping to close our racial wealth gap and equalize opportunity in the state.

Student Loans

The Institute supports expanding access to tuition-free college and asks the Legislature to fully fund the Community College Opportunity Grant (CCOG) and the Garden State Guarantee.

Access to higher education should be available to all and should not require a decades-long debt burden. Our recent report, *Freed from Debt: A Racial Justice Approach to Student Loan Reform in New Jersey*, reveals the devastating burden that student loans have had on students in New Jersey as state funding for higher education has declined in recent decades – a burden that has been particularly acute for Black students.²⁹ Even before our current crisis, funding for higher education in our state had not recovered from the budget cuts during the Great Recession.³⁰ With funding levels diminished, New Jersey has the third-highest cost for in-state, full time students in the nation at \$26,070 per year, while the average graduate leaves with \$34,387 in student loans.³¹ High costs and cuts in higher education expenditures have resulted in students and families increasingly turning to self-financing of their degrees through student loans, with many unable to repay their debts. From 2004 to 2019, the percentage of New Jersey student loan borrowers in default almost doubled from 4.3 percent to 8.5 percent.³²

However, these distressing patterns of student loan debt are not evenly distributed across the population and Black students, in particular, are facing the largest student loan burdens and the greatest challenges in paying off those loans. Because of the existing racial wealth gap, students of color, particularly Black students, have greater financial need for higher education and more difficulty paying off educational loans after leaving school.³³ Almost half of Black borrowers nationally default over 20 years; while during the same period the typical white borrower has paid off 94 percent of their debt, the typical Black borrower has only been able to reduce their loans by 5 percent.³⁴

Given these vast racial disparities in financial outcomes relating to student loans, ensuring that future students with financial need do not have to borrow heavily to attend college should be

understood as an important part of any racial justice agenda. For that reason, we are pleased that the Community College Opportunity Grant (CCOG) has been made permanent and urge the Legislature to fully fund the program so that low-income students will have greater access to postsecondary education without incurring tuition costs. We also support the Governor's Garden State Guarantee, a first of its kind program which expands support of tuition-free higher education for the first two years at our four-year public colleges and universities. The Institute believes these are positive and important steps in making higher education more accessible to low-income students and reducing the debt burden for students of color, in particular. In addition, as recommended in *Freed from Debt*, we urge the Legislature to consider additional opportunities to reduce tuition costs and other non-tuition expenses for higher education for economically-vulnerable students for all four-years of college at public institutions. Expanding support for the first two years at both community colleges and four-year institutions is a crucial stride forward and we hope these investments will be a foundation for additional efforts to bolster higher education access in New Jersey. Our state and our students benefit when students can access higher education without the burdens of student loans.

Similarly, while we commend and support increased investments and initiatives that will help incoming and current students access higher education tuition-free, we must not forget the burdens faced by current borrowers who already hold billions of dollars in debt in New Jersey alone. As of September 2020, there were 1.154 million federal loan borrowers in the state holding \$40.5 billion in outstanding balances.³⁵ Many of these borrowers, particularly Black borrowers and other borrowers of color, are facing a decades-long debt burden that limits economic security for years and delays access to other wealth-building opportunities such as homeownership.³⁶ For this reason, we also urge legislators to do all they can to provide relief to current borrowers. We urge the Assembly to support AR236, a resolution calling on President Biden to cancel up to \$50,000 in federal student loan debt and consider more options for relief to New Jersey borrowers with private loans, including those with NJCLASS loans through the state's Higher Education Student Assistance Authority (HESAA).

Homeownership

The Institute supports the expansion of programs which expand homeownership opportunities for families of color, particularly Black families, while protecting the Affordable Housing Trust Fund (AHTF) to meet the housing needs of low-income residents.

The Institute supports the expansion of state homeownership programs that increase homeownership opportunities for people of color. At the same time, we believe that these programs should be assessed and funded based on whether they effectively close racial homeownership disparities in New Jersey. While expansion of homeownership in communities of color is crucial for closing the racial wealth gap, homeownership programs that serve middle-income people *should not* be funded through funds taken from the Affordable Housing Trust Fund, which is designed to create and maintain affordable housing for families at no more than 80% of Area Median Income (AMI).³⁷ We support additional dedicated funds for homeownership programs and want to ensure funding be prioritized for programs that are working best to help Black and other families of color become homeowners.

Expanding homeownership for families of color should be a priority in New Jersey. In our report, *Erasing New Jersey's Red Lines*, we identified how the racial homeownership gap contributes to the racial wealth gap between white New Jerseyans and New Jerseyans of color.³⁸ Historical patterns of discriminatory policies such as redlining and racially restrictive covenants, as well as continued forms of discrimination, like predatory lending, have locked many Black and Brown New Jerseyans out of homeownership.³⁹ These policies have resulted in overall lower homeownership rates for New Jerseyans of color, especially Black New Jerseyans, who only have a homeownership rate of 41% compared to 77% for white New Jerseyans.⁴⁰

In addition, many Black and Brown New Jerseyans struggle to become homeowners due to the state's existing racial wealth gap and the barriers that a lack of wealth poses to traditional homeownership. In addition to the individual-level wealth disparities highlighted earlier in this testimony, Black and Latina/Latino New Jersey households have a respective median net worth of \$6,100 and \$7,300 compared to white New Jerseyans, who have a median household net worth of \$352,000.⁴¹ The high costs associated with homeownership today, particularly in New Jersey (one of the most expensive states in the country), prevent many Black and Brown New Jerseyans from becoming homeowners.

In sum, the Institute supports expanded state support of homeownership programs that can demonstrate success in expanding homeownership opportunities for Black and other families of color, but does not support diverting funding from the Affordable Housing Trust Fund for homeownership programs that serve populations with higher incomes than the trust fund was designed to serve.

¹ OJJDP, EASY ACCESS TO THE CENSUS OF JUVENILES IN RESIDENTIAL PLACEMENT: 1997-2017, RACE/ETHNICITY BY STATE 2017 (RATE PER 100,000 JUVENILES), <u>Race/Ethnicity by State (ojjdp.gov)</u>.

² JOSHUA ROVNER, THE SENTENCING PROJECT, RACIAL DISPARITIES IN YOUTH COMMITMENTS AND ARRESTS 6 (2016), <u>Racial</u> <u>Disparities in Youth Commitments and Arrests | The Sentencing Project</u>.

³ OJJDP, *supra* note 1.

⁴ N.J. DEP'T OF CORR. ET AL., RELEASE COHORT OUTCOME REPORT: A THREE-YEAR FOLLOW UP 3 (2015), 2015 Release Recidivism Report.pdf (state.nj.us).

⁵ E-mail from Jennifer LeBaron, Acting Exec. Dir., N.J. Juvenile Justice Comm'n, to Retha Onitiri, Community Engagement Dir., N.J. Inst. for Soc. Just. (Dec. 4, 2020, 11:52 EST) (on file with author) ("Regarding the census, today there are 100 youth in secure care.").

⁶ N.J. DEP'T OF THE TREASURY OFFICE OF MGMT. & BUDGET, GOVERNOR'S FY 2022 DETAILED BUDGET D-265 (2021),

https://www.nj.gov/treasury/omb/publications/22budget/pdf/FY22GBM.pdf.

⁷ Id.

⁸ N.J. INST. FOR SOC. JUSTICE, YOUTH JUSTICE TOOLKIT: A COMMUNITY-LED RESTORATIVE JUSTICE APPROACH (2020),

https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/1427/attachments/original/1595600849/Youth_Justice_Toolk it_Final.pdf?1595600849.

⁹ Community-Led Restorative Justice Hubs About Page, COMMUNITY-LED RESTORATIVE JUSTICE HUBS, https://rjhubs.org/about/ (last visited Mar. 15, 2021).

¹⁰ RESTORATIVE JUSTICE FOR OAKLAND YOUTH, RESTORATIVE JUSTICE ON THE RISE,

https://restorativejusticeontherise.org/resources/restorative-justice-for-oakland-youth-rjoy/ (last visited Mar. 15, 2021).

¹¹ DORIS A. FULLER ET AL., OVERLOOKED IN THE UNDERCOUNTED: THE ROLE OF MENTAL ILLNESS IN FATAL LAW ENFORCEMENT ENCOUNTERS, TREATMENT ADVOCACY CENTER 1 (2015),

https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf.

¹² Ryan P. Haygood et al., N.J. Inst. for Soc. Justice, Our Vote, Our Power: Lifting Up Democracy's Voices in the Garden State 10 (2020),

https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/1455/attachments/original/1580744995/Our_Vote_Our_Power_Report_for_Web.pdf?1580744995.

¹³ DIANA KASDAN, EARLY VOTING: WHAT WORKS, BRENNAN CTR. FOR JUSTICE 5-8 (2013),

https://www.brennancenter.org/sites/default/files/publications/VotingReport_Web.pdf.

¹⁴ Id.

¹⁵ S. 99, Fiscal Note, 2020 Leg., 218th Sess. (N.J. 2020).

¹⁶ Assemb. 4830, Fiscal Note, 2020 Leg., 218th Sess. (N.J. 2021).

¹⁷ Id.

¹⁸ N.J. DEP'T OF THE TREASURY OFFICE OF MGMT. & BUDGET, *supra* note 6, at D-350.

¹⁹ Assemb. 4830, *supra* note 16.

²⁰ ELECTRONIC REGISTRATION INFORMATION CENTER (ERIC), https://ericstates.org/.

²¹ What States are Members of ERIC?, ERIC, https://ericstates.org.

²² Dartunorro Clark, *Bipartisan Group That Secures Voter Data Shames Trump Panel*, NBC News (July 16, 2017) https://www.nbcnews.com/politics/white-house/bipartisan-group-shares-voter-data-shames-trump-paneln783206.

²³ ERIC: Summary of Membership Guidelines and Procedures, ERIC, https://ericstates.org/wp-

content/uploads/2019/01/ERIC_Membership_Summary_v1.0.pdf (last visited Mar. 22, 2021).

²⁴ The Registrar-Recorder/County Clerk, *Experience the New Voting Experience at Los Angeles County's Mock-Election*, Los ANGELES (Sept. 20, 2019), https://www.lacity.org/highlights/experience-new-voting-experience-los-

angeles-countys-mock-election. ²⁵ Fulton County Providentian and Elections to Hock Mack Election, Fulton

²⁵ Fulton County Registration and Elections to Host Mock Election, FULTON COUNTY (Feb. 11, 2020),

https://www.fultoncountyga.gov/news/2020/02/11/fulton-county-registration-and-elections-to-host-mock-election.

²⁶ Cynthia Burton, New Jersey Gears Up For a Redistricting Battle, THE INQUIRER (Jan 31, 2011),

https://www.inquirer.com/philly/news/homepage/20110131_New_Jersey_gears_up_for_a_redistricting_battle.ht ml.

²⁷ N.J. COMPLETE COUNT COMM'N, REPORT TO THE GOVERNOR AND THE LEG. 40 (June 2019),

https://nj.gov/state/assets/reports/2019-07-nj-complete-count-commission-report.pdf.

²⁸ N.J. INST. FOR SOC. JUST., BLACK AND BROWN IN NEW JERSEY: THE GARDEN STATE'S SHAMEFUL RACIAL WEALTH GAP 2 (2020),

https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/689/attachments/original/1603320237/Black_and_Brown_in _NJ_Final.pdf?1603320237.

²⁹ Ryan P. Haygood et al., N.J. Inst. for Soc. Just., Freed from Debt: A Racial Justice Approach to Student Loan Reform in New Jersey 1 (2020),

https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/689/attachments/original/1593521244/Freed_From_Debt_R eport.pdf?1593521244.

³⁰ *Id*. at 6-7.

³¹ *Id*. at 2.

³² Id. at 7.

³³ *Id*. at 5.

³⁴ Id.

³⁵ *Fed. Student Loan Portfolio*, FED. STUDENT AID, https://studentaid.gov/data-center/student/portfolio (last visited March 17, 2021) Download Excel sheet under Portfolio by Location.

³⁶ See HAYGOOD ET AL., supra note 28, at 5.

³⁷ N.J. DEP'T OF CMTY. AFF., AFFORDABLE HOUS. TR. FUND, https://www.nj.gov/dca/divisions/dhcr/offices/ahtf.html.

³⁸ Ryan P. Haygood et al., N.J. Inst. For Soc. Justice, Erasing New Jersey's Red Lines: Reducing The Racial Wealth Gap Through Homeownership And Reinvestment In Communities of Color 6 (2020), https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/689/attachments/original/1588358478/Erasing_New_Jersey' s_Red_Lines_Final.pdf?1588358478. ³⁹ *Id.* at 10-11.

⁴⁰ *Id*. at 4.

⁴¹ *Id*. at 5.