

**SPI 402d: Policy Task Force
Reparations in New Jersey**

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/s/ Fiyin Akinyede, Calif Chen

1. Introduction

“Two hundred fifty years of slavery. Ninety years of Jim Crow. Sixty years of separate but equal. Thirty five years of racist housing policy. Until we reckon with our compounding moral debts, America will never be whole.”¹ – Ta-Nehisi Coates

For centuries, government institutions and social structures have offered opportunity and wealth to some while perpetuating systemic inequalities that have left others marginalized and disenfranchised. It is impossible to separate the historical legacies of slavery and Jim Crow from current racial disparities; on the contrary, only when we put in place public policies that acknowledge the weight of history and address its effects will the United States move toward a just and inclusive society consistent with the nation’s highest ideals. As the last Northern state to end slavery, New Jersey remains uniquely tangled up with this dark history.² The legacy of racialized laws and policies instantiates discrimination against people of African descent across society, hampering their access to quality education, housing, fair treatment in the legal system, quality medical care, recreation, a healthy environment and beyond.³

In the Spring of 2023, the Princeton School of Public and International Affairs assembled a task force titled, “Reparations in New Jersey.” Designed and led by Professors Anastasia Mann and Kiki Jamieson, the task force took up the challenge of devising analyzing data and devising solutions to address historical legacies and injustices present in New Jersey. The main question guiding our inquiry was: **How should New Jersey repair the historic and ongoing harms caused by slavery, segregation, and racial subjugation?** Drawing from existing literature and frameworks, we approached reparation as a “worldmaking” project to promote the just distribution of power and resources and move forward from a systemically discriminatory past.⁴ Our approach to reparations grew to encompass the acknowledgment of past injustices and systemic barriers, the task of redressing these harms, and ultimately imagining what closure might look like.⁵

¹Coates, Ta-Nehisi. “The Case for Reparations.” *The Atlantic*, May 22, 2014.

<https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

²“NJ Department of State - Historical Commission - Juneteenth 2021.” Accessed May 11, 2023.

<https://nj.gov/state/historical/his-2021-juneteenth.shtml>.

³Darity, William A., and A. Kirsten Mullen. “Preface to the Second Edition.” In *From Here to Equality, Second Edition*, 2nd ed., ix–xxii. Reparations for Black Americans in the Twenty-First Century. University of North Carolina Press, 2022. https://www.jstor.org/stable/10.5149/9781469671222_darity.3.

⁴Táíwò, Olúfemi O. *Reconsidering Reparations: Worldmaking in the Case of Climate Crisis*. Philosophy of Race. New York, New York: Oxford University Press, 2022.

⁵Ibid.

2. Report Overview

This report offers an overview of the task force followed by highlights of our reparatory policy recommendations in three areas:

1. Harms to individual African Americans perpetuated by NJ's education system;
2. Harms to African American Families perpetuated by NJ's incarceration system and the child welfare system; and
3. Harms to African American communities due to inadequate social infrastructure, environmental injustice, and discrepancies among municipal budgets.

The first policy area focuses on harm at the individual level, the second policy aims at the family level, and the third policy takes up harms at the level of the community. Within each policy area, background will first be provided followed by policy recommendations to redress these harms.

The policy recommendations contained herein reflect the efforts of the eight juniors, public policy concentrators in the School of Public and International Affairs, during Spring 2023. Our goal was to inform policymakers in New Jersey generally. We were guided in some of our investigations by input from members of the United Black Agenda (UBA), a coalition of NJ stakeholders focused on tackling the challenges of racial justice within a reparations framework. The analysis presented here is derived from the eight students' full-length research papers. They appear in their entirety below as Part 5.

3. Task Force Overview

This task force was guided by the exploration of the existing literature, an examination of global case studies, engagement with expert guest speakers, our own experiences, and experiential learning through field trips.

We developed a shared framework for understanding reparations through encounters with the work of some of the premier scholars working in the field of reparative justice. For example, we engage with the philosopher Olúfemi Táíwò whose conceives of reparations as a “worldmaking” project geared to build a world with a more just distribution of power and resources.⁶ We also engaged with Ta-Nehisi Coates and his seminal work ‘The Case For Reparations’, in which he so convincingly evidences the ways in which every institution in America has been complicit in the exploitation of the African American community.

⁶Táíwò, Olúfemi O. *Reconsidering Reparations: Worldmaking in the Case of Climate Crisis*. Philosophy of Race. New York, New York: Oxford University Press, 2022.

Secondly, we examined historical examples of reparations from all over the world — from Japanese Americans who pushed for reckoning for their internment during WWII, to survivors of the Holocaust to pressed claims against Germany and Austria, to indigenous communities to sued Canada for mass deaths of their children; and many more examples of truth-telling and justice. From these case studies, we witness that reparations are possible and we draw lessons that could be applied to policy solutions in New Jersey.

Lastly, our task force hosted various guest speakers and our students were able to learn about reparations in the NJ context from people working on the ground. Assemblywoman Shavonda Sumpter, sponsor of the NJ Bill to create a Reparations Task Force in New Jersey, shared wisdom and inspiration, with emphasis on how she is “socializing” the bill with stakeholders and communities, despite opposition from leaders of both parties. Brandon McKoy of the Center on Budget and Policy Priorities introduced the idea of budgets as moral documents and outlined ways that policymakers can and have advanced economic justice particularly to address generations of racial exclusion and discrimination. Reverend Eric Dobson of Fair Share Housing Coalition spoke of how the United States has treated the symptoms of segregation rather than addressing the issues head-on- arguing that until we are ready to face up to reality, we will never see true equality. Additionally, he mentioned the importance of framing and narrative shaping as essential tools of public policy, as well as how state, local and federal issues fail in their lack of willingness to collaborate to solve problems, citing the Department of Community Affairs and the Home and Mortgage Finance Agency as an example of where collaboration might help solve the challenge of affordable housing. Finally, we heard similarly inspiring messages from other speakers who talked of, amongst many other important ideas, the importance of remembering that progress might take time, and that small steps that address even small gaps or disparities are better than nothing.

Ultimately, our conversations were shaped around questions of imagining a better and brighter future, and how we might use the tools of public policy to get towards this future. Our task force was aspirational and ambitious- and recommendations might seem radical to some. We, however, remain committed to the idea that reparations are possible- it has been done before and looks different than ‘welfare’ or simply good policy.

4. Three Policy Areas and Recommendations

In this task force, each student has chosen a policy issue and has produced a report which includes evidence of harm, evaluations of existing policy solutions, and policy proposals to redress the harm. The policy proposals are organized in three policy areas at the individual, family, and community levels:

1. Harms to Individual African Americans Perpetuated by NJ’s Education System
2. Harms to African American Families Perpetuated by NJ’s Incarceration System and the Child Welfare System

3. Harms to African American Communities Due to Inadequate Social Infrastructure, Environmental Injustice, and Inequitable Local Budgeting

These recommendations demonstrate an embrace of reparations as an essential component of policies that aim to rectify the enduring impact of prior injustice and draw on frameworks from various leading scholars on reparations. For more details, refer to each of the student's papers in Part X.

Policy Area 1: Redress Harms to Individual African Americans Perpetuated by NJ's Education System

The first policy area focuses on New Jersey's education system and its impact on Black youth. Past and ongoing disproportionate harms are inflicted on *individual* black youth through systematic racism ingrained within the social studies curricula, the student debt system, and the school-to-prison pipeline. This section will first give background on harms perpetrated by New Jersey's education system, then provide policy recommendations to redress these harms.

The history of enslavement and its impact on current institutional injustice is often disregarded by many states' social studies curricula. New Jersey has existing legislation meant to address the ignored and misrepresented history of racial oppression, but implementation is ineffective. This failure of implementation perpetuates curricula that harm African students by either reintroducing trauma when teaching oppression or by omitting acknowledgment of institutional complicity in oppressive situations.

More than 1 million New Jersey residents account for \$36.5 billion owed in federal student loans, where these loans are disproportionately burdened by Black residents. New Jersey's higher education system perpetuates barriers to affordable education for Black students. This leads to Black students taking out more loans compared to their white peers, where these loans trap Black borrowers into an intergenerational cycle of debt.

Black youth in New Jersey are 17.5 times more likely to be incarcerated as compared to their white counterparts. One contributing factor to this trend is New Jersey's public school funding disparities between high-income districts and low-income and predominantly Black districts. Without sufficient funding, students at these schools struggle to address environmental challenges, leading to suspensions and expulsions, which increase their likelihood of contact with the justice system and incarceration, strengthening the school-to-prison pipeline.

The harms of slavery continue to manifest in New Jersey through the establishment of institutions such as the New Jersey Training School for Boys and the Female Secure Care and

Intake Facility. The establishment and location of these youth prisons are the foundational infrastructure for the school-to-prison pipeline.

Policy Recommendations

1. Required Critical Race Theory course for teacher certification.

The Critical Race Theory Course should be included as a required course in all New Jersey schools of education. This course offers an analytical comprehension of discrimination, which is a necessary foundation for educators to build an inclusive learning environment for Black students.

2. Increase the number of Black educators and teachers of color.

New Jersey should commission a task force to study the state's current lack of teacher diversity. The task force should also provide reasonable targets for school districts to increase teacher diversity in recruitment and retention. Increasing teacher diversity would have positive impacts on the success of Black students and foster an inclusive learning environment.

3. Required, annual social justice-oriented professional development workshop.

All New Jersey educators should annually attend a standardized, full-day training to enhance the use of inclusive, honest resources and trauma-informed pedagogical approaches. This training will reduce the harm inflicted on African students by preventing educators from reintroducing trauma when teaching the oppressive history of African Americans.

4. Racial Literacy class as a graduation requirement for all high schoolers.

Racial Literacy curriculum from Princeton High School or other similar coursework should be distributed to all school districts. This curriculum and required course should train all New Jersey high schoolers to have a critical understanding of institutional injustice and opportunities for transformative resistance. This required course will promote inclusive education in New Jersey and train a new generation of individuals to combat institutional injustice.

5. Forgive all outstanding student debt.

The state of New Jersey should expand the NJCLASS program by removing all eligibility requirements and removing all student debt shouldered by New Jersey residents through NJCLASS loans. The NJCLASS program was established during the pandemic and aims to provide relief to borrowers. Furthermore, President Biden should be pushed to forgive all federal student debt through the Higher Education Act of 1965. This will eliminate the burden on Black borrowers, who make up a disproportionate percentage of total student debt.

6. Impose restrictions on for-profit institutions.

Attorney General Platkin must impose and enforce stricter regulations on for-profit institutions and their predatory practices. Congress and the President must enact the College Cost Transparency and Student Protect Act to establish nationwide regulations that guarantee transparent and accurate financial aid offers to be provided by post-secondary institutions and programs. This layer of transparency will protect Black and Brown communities, who are historically targeted by for-profit institutions.

7. Restructure the higher education system in New Jersey.

Push Governor Murphy to reinstitute the Department of Higher Education, a department that was previously eliminated by Governor Whitman in 1994. Reinstating this department establishes one entity that can standardize attendance costs and set limits to increases in tuition across New Jersey colleges and universities.

8. Implement reparatory measures for Black students and borrowers in NJ.

Black students in New Jersey have been denied access to affordable and quality education for generations, ultimately hindering them from pursuing any wealth-building opportunities. New Jersey should provide funding for the total cost of attendance to ensure the elimination of all barriers to access and quality education for Black NJ residents. The initiative can be funded by pushing Governor Murphy to renew the Millionaire Tax.

9. Release a thoughtful public statement that addresses the slavery and white supremacy's historical and contemporary harms on Black New Jerseyans.

This public statement should acknowledge slavery's historical injustices and recognize the pervasive systemic racism that continues to impact Black students through the school-to-prison pipeline. This is necessary for the state to reckon with its dark past and connections to chattel slavery.

10. Close the "Jamesburg" New Jersey Training School for Boys and the "Hayes" Female Secure Care and Intake Facility to dismantle the school-to-prison pipeline

State officials should release a detailed, actionable plan that describes how they intend to fulfill their former promise of closing these youth prisons. Complementary to the closures, measures should be developed to provide emotional support and resources to impacted Black youth and communities. This is a crucial step to dismantle the school-to-prison pipeline in New Jersey.

11. Construct community-led rehabilitation centers in each county which takes inspiration from Germany's process of youth rehabilitation.

New Jersey should take inspiration from Germany's model of incarceration and invest in creating rehabilitation centers. A system focused on rehabilitation instead of punishment will reduce recidivism rates and lower the incarcerated Black youth population.

12. Cease the use of School Resource Officers in New Jersey public schools.

SROs are heavily concentrated within predominantly Black, low-income school districts. With the funds used to employ SROs, the state should hire more school counselors and mental health professionals to address the nation's mental health crisis. The dismissal of SROs will reduce Black students being over-policed within school walls.

Policy Area 2: Redress harms to African American Families Perpetuated by NJ's Incarceration System and the Child Welfare System

The second policy area focuses on the disproportionate harms inflicted on African American *families* by New Jersey's incarceration system and child welfare system.

This section will first give background on the disproportionate harms bared by Black families, then provide policy recommendations to redress these harms.

Incarceration does not only impact the incarcerated individual, it also drastically harms the families of incarcerated individuals. For example, children with incarcerated parents experience associated trauma that hinders their emotional, behavioral, and cognitive development. This burden is disproportionately harming Black children because they are nine times more likely to have an incarcerated parent. In 2016, over 65,000 children in New Jersey had an incarcerated parent, and this number is predicted to have increased. Without policy intervention, these children are more likely to experience behavioral and mental health issues, homelessness, food insecurity, and unmet health needs.

The current incarceration system also inflicts harm through unnecessary economic exploitation of incarcerated families. For example, with an incarcerated parent, families not only lose a source of income, but they also have to financially support the incarcerated parent due to prisons failing to supply needs for a basic quality of life. Furthermore, the cost of visitations and telephone calls to maintain contact with an incarcerated parent is also economically draining for struggling families. With the largest black-white disparity in incarceration rates in the United States, New Jersey's Black individuals are incarcerated 12.5 times more than White individuals. This means that the harms of incarcerated families are disproportionately falling upon black families.

Similar to the incarceration system, the current child welfare system also disproportionately harms Black families by criminalizing poverty and forcing family separation. Black children are more likely than white children to be placed in foster care, where they receive inferior aid, housing, and child care. Forced separations of black families are predominantly due to neglect, which is not an equitable reason because neglect is a symptom of poverty rather than intentional maltreatment. Because of systemic barriers and inequalities, black families lack the opportunity

for wealth to accumulate, leading to a higher likelihood of suffering from poverty and family separation on the basis of neglect.

Policy Recommendations

1. Urge New Jersey to Implement a Family Sentencing Alternative Pilot Program (FSAPP) following Oregon’s Model to Keep Families Together

Divert non-violent parents away from prisons to participate in supervision, treatment, and family/parenting programs, reducing the number of families dismantled by incarceration. This would prevent children from entering foster care, reduce parents’ recidivation events, and reduce harm derived from family separation.

2. Provide Free Transportation following California’s Model to Promote Visitation

Divide New Jersey into four regions with designated bus pick-ups from stations within each region and dropping-off at all institutions on a rotating basis. This system should also prioritize placing pick-up sites in areas with larger populations of color. A free transportation system lowers barriers to in-person visitation, which would reduce the likelihood of recidivism by 31% and reduce traumas of family separation.

3. Require Child-Friendly Visiting Environments to Increase/Optimize In-Person Visitation

New Jersey should establish child-friendly visiting environments by providing separate entrances to child-friendly spaces, employing family counselors to greet visiting children, and incorporating feedback from families. A child-friendly visiting environment would reduce the children’s exposure to institutional environments, mitigate their potential trauma and stress, and increase the quantity of visitation.

4. Remove Communication Costs following Connecticut’s Model to Keep Incarcerated Families Connected

New Jersey should implement a bill to remove charges on phone calls, e-messages, and video calls, this would have an annual cost of \$3.9 million. Removed communication costs would reduce the harmful trauma of separation for children, reduce the parent’s likelihood of re-offense and recidivism, and lower drug use.

5. Increase Prison Working Wage to Allow Wealth Accumulation

As seen by advocates, current wage rates are a violation of the 13th Amendment with the exploitation of Black and Brown labor for insufficient profit. Increase prison working wage to state minimum wage to allow inmates to accumulate wealth and contribute to the financial well-being of their families. This would reduce future employment barriers, and improve housing status, credit scores, and family relationships.

6. Abolish the Categorization of Neglect as Child Maltreatment

New Jersey should decriminalize poverty by abolishing neglect as a category of child maltreatment. This means passing an act that only permits family separation if the children are at risk of imminent physical harm. If a social worker witnesses social or economic insecurity,

families should be connected with resources instead of being forced to separate. This would stop the child welfare system from criminalizing the poverty of Black families.

7. Abolish Mandated Reporting and Replace it with Mandated Supporting

Instead of mandated reporting, a hotline should be created that refers families to social and economic services such as housing, food, transportation, TANF, medical care, and more. This hotline would prohibit child welfare investigations. With mandated supporting instead of reporting, parents are more likely to seek help and children will benefit without the risk of separation.

8. Allow Full Pass-through for TANF(Temporary Assistance to Needy Families) Participants & Abolish Foster Care Parent Billing

The current pass-through policy disproportionately harms Black families, where a pass-through policy “pass through” some or all of child support payments to families who are receiving TANF. Allowing **Full** pass-through allows the custodial parent to receive all the child support funds, while the state keeps no portion. This would give families more flexibility in how to support their children with cash spending and decrease child welfare caseloads. Furthermore, New Jersey should abolish the state’s practice of billing parents for foster care placements, which would alleviate burdens on Black families and reduce children’s time in foster care.

9. Establish a Network of Universal Locally-run Child Care Hubs

New Jersey should partner with local providers to create and cover the cost of a network of childcare options including child care centers, preschool centers, and in-home programs. Given that child welfare engagement is largely predicted by a lack of access to adequate child care, establishing a network of locally-run childcare options would reduce harm to Black families.

Policy Area 3: Redress harms to African American Communities

The third policy area focuses on the disproportionate harms inflicted on African American *communities* due to structural injustices. African American families in New Jersey have historically been harmed by a lack of social infrastructure, disproportionate environmental impacts, and inequitable local budgeting processes. This section will first give background on these harms, then provide policy recommendations.

Black urban communities are harmed by a lack of historic investments in social infrastructure. Social infrastructure refers to the physical places that shape the way people in a community interact with each other, such as libraries and parks. These infrastructures are crucial for thriving communities and good residential quality of life. However, due to structural racism and inequitable municipal budget allocations, majority-Black urban communities are characterized by destitution, violence, and little opportunity.

In addition to a shortfall in social infrastructure, Black communities are also more likely to suffer from disproportionate environmental impacts in New Jersey. As the state with the most superfund sites, New Jersey has many cities like Newark and Camden that exemplifies overburdened communities, where overburdened communities are characterized by low-income and communities of color. Residents in these overburdened communities often possess a low quality of life and experience adverse health effects from the high concentration of polluting infrastructure in their communities. These polluting infrastructures, such as cement plants, sewage treatment plants, and trash incinerators, were built in these communities instead of white, wealthier communities as a result of structural racism and inequality.

Lastly, harms to Black communities can not be discussed without discussing the municipal budgeting process. With adequate budget allocations, communities can thrive and have good quality of life. However, the average urban New Jersey resident lives in a city that allocates 20.22% of total spending to policing and corrections, compared to 3.69% to housing and community development, and 2.56% to parks and recreation. This allocation further harms Black communities that have long suffered from inadequate social infrastructures and adverse environmental health impacts.

Policy Recommendations

1. Issue a Formal Public Statement of Apology for Inadequate Social Infrastructure

The New Jersey governor should issue an apology letter recognizing the role that the government has played in continued harm to majority-Black urban communities. This letter should highlight the racist mechanisms that have facilitated disinvestment in municipalities. The aim of this letter is to push for the reckoning of past harms, which will serve as a foundation to rework new policies that focus on the improvement of social infrastructure.

2. Restructure the Department of Community Affairs:

New Jersey should pass legislation that would allow the Division of Housing and Community Resources to be divided into different divisions: Housing and Community Resources. The newly formed Division of Community Resources would be responsible to engage with municipalities that have a history of state disinvestment and to recruit federal funding to support social infrastructure. The aim of this separation is to form an individual department that is dedicated to taking action and improving social infrastructure.

3. Implement Urban Revitalization Framework

Create a framework for reparatory urban municipal planning that guides municipalities on effective community-building and citizen-focused development efforts. This framework will include the requirements of developing a municipal master plan that incorporates public feedback.

4. Establish a New Jersey Planning Commission to Ensure Accountability

New Jersey should develop a committee that would oversee the implementation of the Community Revitalization Framework. The Planning Commission will issue penalties to municipalities that fail to create and implement master plans. This aims to keep municipalities accountable for their progress in improving social infrastructures.

5. Urge the NJDEP to divert more funding to air monitoring, increase the frequency of random air quality tests, and diversify measurement methods to obtain more accurate air quality data.

This would improve air monitoring capacities in Overburdened Communities. Increased funding enables more frequent air quality tests. A higher frequency of tests produces more accurate measures of air quality and keeps polluting facilities accountable throughout time. With more knowledge of the ongoing harm and the affected community, policymakers will have the foundation to address these harms.

6. Penalization of past violations of permit conditions and emission standards committed by facilities in OBCs.

NJDEP will fine violators in Overburdened Communities for their contribution to developing disproportionate environmental and adverse health impacts. This penalty is reparation for past environmental injustices and will finance a community fund.

7. Form a direct-to-individual fund financed by fines imposed on polluting industries for previous and ongoing environmental harms.

This fund will grant money to individuals who live in the affected, overburdened community with a reparatory aim.

8. Implement a Participatory Budgeting Process where 40% of the municipal budget is allocated through a democratic process by the local community. This process would:

- a. Redefining Ownership to all community members including non-citizens, incarcerated folks, and those over the age of 11.
- b. Center on Black Voices in telling the local history and defining values
- c. Recognize local advocacy networks
- d. Maximize access to ideation and voting processes
- e. Facilitate redistribution of resources at the State level

9. Develop a NJ Reparations Task Force to Allocate Additional Funding to Historically Disadvantaged Communities

This task force would identify neighborhoods that have been most impacted by racial injustice in the state. After identification, these neighborhoods would receive additional funding from the state to be distributed using the Participatory Budgeting process. This aims to rectify the inequities perpetuated by centuries of racist resource allocation.

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6. Briefing Memos

TO: THE UNITED BLACK AGENDA
FROM: HALEY BAIRD
SUBJECT: IMPLEMENTATION OF REPARATIVE CURRICULUM IN NEWJERSEY'S PUBLIC SCHOOLS

BACKGROUND

There is no national guideline for social studies curricula, leading to varying approaches across states and school districts when addressing the history of enslavement and its impact on current institutional injustice. Many state curriculum standards disregard basic African American history, and a significant portion of American students graduate without an understanding of the institutional impacts of enslavement. American education currently fails students by either reintroducing trauma when teaching oppression, or by omitting acknowledgment of institutional complicity in oppressive situations.

THE PROBLEM

Black Americans are faced with a legacy of oppression and enslavement that is rooted in institutional inequities. With one of the nation's largest racial wealth gaps, a disproportionately low percentage of teachers of color compared to students, and de facto school segregation, New Jersey and its public school system show the persistent nature of racial discrimination. New Jersey has existing legislation meant to address the ignored and misrepresented history of racial oppression, but implementation is ineffective. Legal mandates guide content standards, but without adequate training, enforcement, and resource accessibility, current policy leaves much to be desired.

EXISTING CURRICULA & FRAMEWORKS

In New Jersey:

- Amistad Commission and mandate. Legislation expects that all New Jersey public schools offer education inclusive of African American history. Named after a historic Supreme Court case in which illegally enslaved Africans gained freedom, the framework is meant to prioritize honest history in pedagogy. The mandate does not require an extent of implementation of Amistad resources and learning standards, resulting in unequal integration across districts. Efforts to expand Amistad similarly fail to address issues with implementation and enforcement.
- AP African American Studies. Currently only offered at one New Jersey high school, Governor Phil Murphy promised to introduce the curriculum at an additional 25 schools. Although a positive step toward increasing access, the course is still being piloted and does not count for AP credit. The course has become a topic of political debate due to its supposed use of Critical Race Theory ideas.

- Racial Literacy. Currently only available at Princeton High School where the course was created, Racial Literacy offers a contemporary approach to historical racism. Students developed the course in collaboration with educators, and the curriculum capitalizes on digital resources to aid in understanding modern injustice.

Alternative Pedagogical Models:

- The 1619 Project, Southern Poverty Law Center: Learning for Justice, Zinn Education Project: Teaching People’s History, and Antiracist APUSH. Many online resources offer primary education curriculum frameworks and resources dedicated to teaching honest history. Resources provided can be adapted to fit existing district curricula or guide in developing updated learning standards.

- Critical Race Theory is a legal framework for understanding the embedded nature of systemic oppression. The course has become a topic of heated political debate, but it is generally a theory for understanding historical and legal roots of current inequities.
- Professional development programs. Stanford University offers a program that trains educators to teach enslavement and has proven to inspire teachers to include new practices in their social studies lessons.
- The SPLC: Learning for Justice website offers online workshops for professional development, or a facilitator guide to independently administer training. Many online programs are public and free or can be obtained for a low cost.
-

POLICY RECOMMENDATIONS & OUTCOMES

The state of New Jersey should implement the following policy recommendations to ensure equitable pedagogy is implemented across the state’s public school system.

1) Required Critical Race Theory course for teacher certification. Critical Race Theory may offer educators an analytical comprehension of discrimination and its intersectionality across identities. The course is currently offered at a number of graduate schools but should be adapted and included as required coursework in all New Jersey schools of education.

2) Increase the number of Black educators and teachers of color. New Jersey should commission a task force to study the state’s current lack of teacher diversity. The task force should provide reasonable targets to increase teacher diversity in recruitment and retention and set deadlines for achievement. Districts should implement internal review boards to enforce standards set by the task force.

3) Required, annual social justice-oriented professional development workshop. Educators must be directed toward implementing honest historical resources. A standardized, full-day training should be administered annually to all New Jersey educators to enhance use of inclusive resources and trauma-informed pedagogical approaches.

4) Racial Literacy class as a graduation requirement for all high schoolers. Racial Literacy curriculum from Princeton High School should be distributed, or similar coursework may be developed by other school districts. Racial Literacy should offer New Jersey high schoolers a critical understanding of institutional injustice and opportunities for transformative resistance. Implementation will be successful once a diverse body of teachers, representative of the student populations they teach, have consistent training on inclusive pedagogy. These educators will all enter the classroom with a critical understanding of racial inequality and institutional discrimination, allowing them to approach pedagogy with honesty and care. All students will

receive inclusive education and graduate with a deeper understanding of how historical oppression resides in modern social structures.

This education will inspire hope among students that institutional change is possible, undermining systems of oppression in New Jersey's public schools.

TO: THE UNITED BLACK AGENDA

FROM: CLARA KIM

SUBJECT: ADDRESSING THE RACIAL DISPARITIES IN THE STUDENT DEBT CRISIS

BACKGROUND:

As of June 2019, over 40 million Americans collectively owe 1.7 trillion dollars in student loans to the federal government. According to the Office of Federal Student Aid, more than 1 million New Jersey residents account for \$36.5 billion owed in federal student loans which is disproportionately burdened by Black residents. Historically, New Jersey has played a strong role in sustaining barriers to affordable education, especially to Black students. The cost of attendance for colleges and universities in New Jersey is abnormally high compared to other states. Tuition rates are increasing every year while funding for public education is decreasing. Lastly, there is a glaring difference between the amount that Black students take out loans compared to their white peers that eventually traps Black borrowers into an intergenerational cycle of debt. Therefore, this is an urgent and growing concern that the state must address immediately.

KEY FINDINGS:

Student debt plays a major role in sustaining and exacerbating the racial wealth gap in New Jersey. Black graduates on average have about 7,400 dollars more in student debt compared to their white peers. This disparity triples to a 25,000 dollar Black-white student debt gap four years post graduation. In addition to unequal borrowing and interest rates, Black graduates have alarmingly lower graduation rates, retention rates, and job placement rates. Private, for-profit institutions have a problematic history of specifically targeting Black and Latinx communities with the intention to matriculate but not graduate these students, leaving them bearing absurd amounts of debt without a degree. Many of these institutions, along with public institutions, enforce a number of implicitly discriminatory financial aid policies that disproportionately harm and hinder Black students. These factors have long-term consequences on Black students and borrowers because they construct obstructions to wealth-building opportunities such as home ownership and entrepreneurship.

POLICY RECOMMENDATIONS:

With the aim of restitution, I am proposing four policy solutions that will provide a more equitable access to higher education and ultimately restore Black New Jerseyans the opportunity to build generational wealth.

1) *Forgive All Outstanding Student Debt.* The state of New Jersey must expand the

NJCLASS program by removing all eligibility requirements and remove all student debt shouldered by New Jersey residents through NJCLASS loans. Furthermore, President Biden must exercise his executive power through the Higher Education Act of 1965 to forgive all federal student debt.

2) *Impose Restrictions on For-Profit Institutions.* Attorney General Platkin must impose and enforce stricter regulations on for-profit institutions and their predatory practices. Congress and the President must enact the College Cost Transparency and Student Protect Act to establish nationwide regulations that guarantee transparent and accurate financial aid offers to be provided by post-secondary institutions and programs.

3) *Restructure the Higher Education System in New Jersey.* This memo calls for Governor Murphy to reinstitute the Department of Higher Education which was previously eliminated by Governor Whitman in 1994. Reinstating this department establishes a higher power that will be responsible for standardizing attendance costs and setting limits to increases in tuition across New Jersey colleges and universities.

4) *Implement Reparatory Measures for Black Students and Borrowers in NJ.* New Jersey's ultimate aim should be to provide free postsecondary education for Black students at any college or university in New Jersey. Black students in New Jersey have been denied access to affordable and quality education for generations, ultimately hindering them from pursuing any wealth building opportunities. Therefore, New Jersey should not only provide funding for free tuition for Black students but the total cost of attendance to ensure the elimination of all barriers to accessible and quality education for Black NJ residents. Governor Murphy should renew the Millionaire Tax to use the additional revenue to fund this initiative.

TO: THE UNITED BLACK AGENDA
FROM: DEAISHA JOHNSON
SUBJECT: RACIAL DISPARITIES IN THE STATE’S YOUTH INCARCERATION
AND PUBLIC SCHOOLING SYSTEMS

BACKGROUND:

New Jersey has a dark history with the institution of slavery. Two years after the end of the Civil War, the state constructed the New Jersey Training School for Boys, commonly known as “Jamesburg” as a strategy to “manage” the state’s large population of newly freed Black people. The landmark Brown v. Board of Education decision declared segregation in public schools unconstitutional, which resulted in the closure of the Bordentown School, New Jersey’s elite public boarding school for Black youth. Shortly after the closure of this school, the state constructed the Female Secure Care and Intake Facility, commonly known as “Hayes”. The location of this prison was a deliberate, devious action and a symbolic middle finger to the Black community on behalf of the State of New Jersey.

THE PROBLEM:

The timing and location construction of Jamesburg and Hayes Prisons demonstrates how the school-to-prison pipeline operates within the state. Today, Black youth in New Jersey are 17.5 times more likely to be incarcerated as compared to their white counterparts. This is not because Black children are prone to committing crimes, but because the New Jersey Justice System disproportionately targets Black youth within predominantly Black and low-income counties. Youth prisons in New Jersey are not designed to rehabilitate the state’s incarcerated youth population, but rather punish youth with punitive practices, as shown by the state’s high levels of recidivism rates.

Additionally, while the state of New Jersey consistently ranks high for the quality of education in public schools, they also constantly rank low due to funding disparities between high and low-income districts. Plans to address these inequities have repeatedly fallen flat, as former Governor Chris Christie made significant mistakes in developing the School Resource Funding Act, resulting in him slashing over \$1 billion in funding from New Jersey’s public schools. Additionally, New Jersey’s reliance on property taxes to fund public schools has resulted in stark disparities between the state’s public schooling system as well, as the wealthier a neighborhood is, the more funding their public schools will receive. These funding disparities result in low-income schools not being able to provide quality educational resources for their students. Without sufficient support and funding, students at these schools struggle to address environmental challenges, leading to punitive disciplinary measures such as suspensions and expulsions. Students who are suspended or expelled have an increased likelihood of contact with the justice system and incarceration, strengthening the school-to-prison pipeline.

Finally, the state of New Jersey commonly employs School Resource Officers (SROs) within their public schools. These SROs are heavily concentrated within predominantly Black, low-income school districts, leading to Black students being over-policed within their school walls. While SROs have the intended purpose of keeping schools safe, their presence has had unequal and detrimental consequences on the development of Black youth. New Jersey schools prioritize the employment of police officers rather than school counselors in public schools, to address the rise of the national teen mental health crisis.

RECOMMENDATIONS:

To correct the harms of the system of youth incarceration and reduce the effect of the school-to-prison pipeline, New Jersey state lawmakers should:

- 1) Release a thoughtful public statement that addresses the slavery and white supremacy's historical and contemporary harms on Black New Jerseyans. Doing so will allow the state to reckon with its dark past and connections to chattel slavery.
- 2) Close the "Jamesburg" New Jersey Training School for Boys and the "Hayes" Female Secure Care and Intake Facility for good. State officials should release a detailed, actionable plan that describes how they intend to fulfill their former promise of closing these youth prisons and include measures for providing emotional support and resources to impacted Black youth and communities.
- 3) Construct community-led rehabilitation centers in each county which takes inspiration from Germany's process of youth rehabilitation. With the excess funds from the youth prison closures, New Jersey should take inspiration from Germany's model of incarceration to invest in creating rehabilitation centers that resemble the Bordentown school.
- 4) Cease the use of School Resource Officers in New Jersey public schools. With the funds used to employ SROs, the state should hire more school counselors and mental health professionals to address the nation's mental health crisis.

TO: THE UNITED BLACK AGENDA
FROM: DANIELLA CALABRESE
SUBJECT: RECOMMENDATIONS TO RESTORE HARMS AND IMPROVE
SUPPORT FOR INCARCERATED FAMILIES

ISSUE AND EVIDENCE OF HARM:

New Jersey has the largest black-white disparity in incarceration rates in the United States, with Black individuals incarcerated 12.5 times more than white individuals. Thus, minority families are disproportionately devastated by these racial policing and criminal justice practices. New Jersey must acknowledge this to begin to transform the current carceral system's regime that dismantles families and implement policies that restore and prevent future harms from being inflicted upon incarcerated families.

Over 65,000 children in New Jersey had an incarcerated parent in 2016, with trends predicting this number has increased. Having an incarcerated parent is classified as an Adverse Childhood Experience, with the associated trauma hindering children's emotional, behavioral, and cognitive development. This burden disproportionately falls on Black children, as they are nine times more likely to have an incarcerated parent. They are thus more likely to experience behavioral and mental health issues, homelessness, food insecurity, and have unmet health needs.

Under current practices, the state inflicts a variety of harms through the unnecessary economic exploitation of incarcerated individuals and families. Families not only lose a source of income with the incarceration of a parent, but the parent often becomes a financial burden as prisons fail to supply basic needs necessary to maintain their quality of life. Without opportunities to accumulate wealth during incarceration due to insufficient prison wages and accrued child support debt, the incarcerated parent is unable to contribute to the financial wellbeing of their family. The costs of maintaining contact with an incarcerated parent are economically draining, as repeated telephone calls and in-person visits contribute to family debt.

After analyzing policies in New Jersey and other jurisdictions, I propose the following recommendations to restore the harms inflicted upon incarcerated families and to better support the maintenance of the relationships and financial stability essential to their success.

RECOMMENDATIONS:

- 1) Implement a Family Sentencing Alternative Pilot Program (FSAPP) following Oregon's Model to Keep Families Together
 - Divert non-violent parents away from prisons to participate in supervision, treatment, and family/parenting programs, reducing the number of families dismantled by incarceration
 - Focus on highly policed counties with large populations of color (i.e., Essex County)
 - Proven to reduce participating parents' recidivating events, increase engagement and motivation throughout supervision, and increase patience with children
 - Prevents children from entering foster care or reduces the average stay in foster care, saving the state in cost avoidance

- Improves community safety and health through increased supervision and support
- Oregon’s 2019-2021 fiscal impact for the bill: \$2,099,871, which New Jersey could similarly advocate support from the Bureau of Justice Assistance

2) Provide Free Transportation following California’s Model to Promote Visitation

- Divide the state into four regions with a designated bus pick-ups from stations within each region and dropping-off at all institutions on a rotating basis
- Prioritize placing pick-up sites in areas with larger populations of color
- In-person visitation reduces the likelihood of recidivism by 31% within two years of release
- Reduces recidivism by 13% for felony convictions and 25% for technical violations with each individual visit

3) Require Child-Friendly Visiting Environments to Increase/Optimize In-Person Visitation

- Mandate data collection on children’s centers and their effects on the frequency and reported satisfaction of visitations through tracking, surveys, and interviews with children and parents
- Provide separate entrances directly into child-friendly spaces to reduce the likelihood and extent of exposure to institutional environment and mitigate potential trauma
- Replace current security with family counselors who greet and pat children in a way that adheres to facility policies while mitigating stress
- Improving quality of visitation will increase the quantity of visitation. Frequent child visits:
 - Reduces the anxiety and abandonment of parental removal for children
 - Improve parent’s behavior and compliance with facility rules and staff, reduces discipline reports, and increases participation in correctional programming.

4) Remove Communication Costs following Connecticut’s Model to Keep Families Connected

- Implement a bill to remove charges on phone calls, e-messages, and video calls
- Estimated annual cost of \$3.9 million to cover state prison and county jail communication
- Contact with families is invaluable; investment in public and community health outweighs fiscal costs on the state
 - Reduces harmful trauma of separation for children
 - Reduces the parent’s likelihood of re-offense and recidivism, lowers drug use, and correlates with higher employment rates

5) Increase Prison Working Wage to Allow Wealth Accumulation

- Increase prison working wage to state minimum wage to allow inmates to accumulate wealth and contribute to the financial wellbeing of their families
- Current wage rates seen by advocates as a violation of 13th Amendment with the exploitation of Black and Brown labor for insufficient profit and punishment for denying work
- Alleviating debt reduces employment barriers, and improves housing status, credit scores, and familial relationships
- Provides financial benefits to the US economy and government by reducing the number of welfare recipients and financially distressed individuals the state must support

By implementing these recommendations, New Jersey can begin to repair the harm imposed on families that have been torn apart by the state’s racial incarceration. Ultimately,

these policies will help reduce the physical and emotional effects of incarceration on both parents and children, improve individual, family, and community health, and help eliminate the cycle of recidivism that ensues from these harms.

TO: THE UNITED BLACK AGENDA
FROM: ISABEL PAINE
SUBJECT: CHILD WELFARE AND FAMILY PRESERVATION

The child welfare system in the U.S. disproportionately harms Black families by criminalizing poverty and separating Black parents from their children. Black children are more likely than white children to be placed in foster care, where they receive inferior aid, housing, and child care. This disproportionate representation stems from the child welfare system's criminalization of poverty. Black children are predominately separated from their parents due to neglect, which is a category of child maltreatment. Neglect is not an equitable reason for separation because it is a symptom of racism that has plunged Black communities into poverty and racist barriers to childcare, food, stable housing, education, healthcare, and more. Reforming administrative aspects of the child welfare system and proactive familial support are necessary in providing reparations to Black families.

The child welfare system's over involvement in Black communities forms a family policing state. The disproportionate representation of Black families in the system stems from slavery, when enslavers continuously ripped children away from their parents. During reconstruction, apprenticeship laws allowed former slave owners to legally continue that practice. Black families were excluded from the child welfare system until the mid twentieth century when racist laws targeted Black mothers, specifically after a 1965 report on Black poverty called the Moynihan Report. Black families quickly became overrepresented, suffering under suitable home tests used to seize children. Black mothers were seen to be violating the family wage model, acting as matriarchs.

Black communities have suffered from hundreds of years of wealth theft, and dismantling Black family structures prevents them from overcoming that structural racism. In their definition of reproductive justice, the SisterSong Women of Color Reproductive Justice Collective emphasize the human right to have children, not have children, and parent children in safe and sustainable communities. The child welfare system violates this right by placing blame for economic and social insecurity on Black parents rather than on structural racism.

Since Black poverty is conflated with neglect, adequate reparations should shift blame away from Black parents and focus on preventative social and economic programs. New Jersey spends only a small portion of federal funds on preventative measures, although evidence shows that robust welfare programs decrease child welfare caseloads. The state spends a large portion of federal funds on pre-K and tax credits, which do reduce harm to Black families. However, increasing the amount of cash Black parents have to spend on their children increases flexibility and autonomy. Additionally, Black families urgently need access to adequate child care, as it is one of the main predictors of child maltreatment reports.

New Jersey is one of three states where everyone is a mandated reporter. Mandated reporting is a mechanism that child welfare systems use to punish Black families for not having enough resources such as cash and child care, and it is not even an evidence-based practice. The

current avenues for family aid are through a mandated reporter hotline or a family hotline that can always potentially lead to family separation.

Despite the racist history of the child welfare system, New Jersey is a national leader in reckoning with structural racism and decoupling poverty and neglect. Commissioner Norbut Beyer has initiated a family strengthening model that prioritizes kinship care and family preservation, establishing programs that prioritize family voice. While New Jersey is a leader in progressive child welfare initiatives, numerous reparatory reforms exist that would decrease harm to Black families.

Parents in New Jersey only have the right to counsel during family court, but not during investigative stages. Instituting the rights of parents to counsel at all investigative stages helps parents better navigate the system while ensuring that their rights are not being violated.

Abolishing neglect as a category of child maltreatment decriminalizes poverty for Black parents. Passing an act that only allows children to be separated from parents if they are at risk of imminent physical harm forces the system to deal with issues of poverty in a structural way, instead of just targeting parents.

Abolishing mandated reporting in New Jersey would not interfere with reports of actual abuse, because it is not an evidence-based practice. Parents are more likely to seek help and reports are more likely to be substantiated without mandated reporting. Re-training professionals such as social workers, medical workers, and educators with a mandated supporting curriculum prioritizes social and economic support instead of investigation.

In New Jersey, non-custodial parents often have to reimburse the state for the cost of welfare going to the custodial parents. Full pass-through and disregard policies reduce harm to Black families, allowing them more flexibility with cash spending, and decreasing child welfare caseloads. Additionally, abolishing the state's practice of billing parents for foster care placements is beneficial to Black families while also being cost effective.

New Jersey currently has a free evidence-based home visiting program in which nurses visit mothers and infants who seek health assessments. Trenton is undergoing a pilot of the Family Connects program, which is more robust and prioritizes connecting the whole family to social and economic support. Access to supports especially in the first four years of a child's life decreases child welfare engagement. Therefore, expanding the Family Connects program across the state and extending it until children are four years old would be advantageous for Black families.

Since lack of access to adequate child care is a large predictor of child welfare engagement, establishing a network of universal locally-run child care hubs would reduce harm to Black families. New Jersey currently has an extensive pre-K network, but expanding the age range and facility type is more comprehensive.

Through decriminalizing poverty and shifting blame from Black parents to structural racism, New Jersey can instate reparative measures that decrease harm to Black families.

TO: THE UNITED BLACK AGENDA
FROM: JALYNN THOMPSON
SUBJECT: RACIAL SEGREGATION AND THE CASE FOR SOCIAL
INFRASTRUCTURE IN NEW JERSEY

BACKGROUND

Social infrastructure refers to the physical places that shape the way people in a community interact with each other. Due to racist people and practices, majority-Black urban communities are characterized by destitution, violence, and little opportunity. As New Jersey State seeks to reckon with the harm it has perpetrated on these communities they employ economic and housing development investment to repair majority-Black municipalities. Disinvestment however is also evident in the disparate conditions of social infrastructure and the inability of municipalities to maintain and improve these facilities. Social infrastructure are important features of a thriving community and are a part of the conditions necessary to improve residential quality of life. To expand access and opportunity and address the limited upward social mobility in urban neighborhoods the state must account social infrastructure in its mode of repair for Black and deteriorating municipalities.

INEQUITABLE SOCIAL INFRASTRUCTURE FUNDING

Using two municipalities in Essex County as a case study demonstrated that majority-Black urban municipalities are unable to allocate as much social infrastructure appropriations as majority-White suburban ones. Examining the municipal budgets and identifying library and parks and recreation services appropriations further emphasized this point. While the total appropriations of the municipal budget per capita were similar Millburn (majority-White) allocated almost \$120 more per capita to library services and about \$90 more in parks and recreation services than Newark (majority-Black) was able to. Insufficient funding on the municipal level has consequential effects on the conditions and quality of social infrastructure. Social infrastructure adequately contributes to residential quality of life when it is clean, open, safe, and properly planned. Social infrastructure such as libraries and parks provide social, economic and environmental benefits that are put in jeopardy when funding is not allocated to maintain them. Additionally, even if municipalities try to repair these places they fail at including the citizens affected in the process.

CHALLENGES ADDRESSING THE INEQUALITY

A budget is a moral document that shows the ideals and priorities of legislative bodies and the inequitable funding allocated to social infrastructure in municipalities reflect the priorities of

these governments. Newark and Millburn have similar departmental structures but are unable to allocate the same amount of appropriations nor the same types of resources. Due to the limited economic capacity of Newark it must prioritize other forms of infrastructure such as housing and economic development instead of sufficiently contributing funding to the social infrastructure aspect of urban public life. The Department of Community Affairs was established to reconcile federal funding into urban areas and local governance but does not fulfill this function effectively. The Department of Community Affairs tries to address the ills of urban life but is burdened by affordable housing. The immense burden of this task squeezes out the capacity for this division to assist municipalities and other community organizations in community development and specifically social infrastructure. To fulfill its function the department must strengthen its role in the planning of urban spaces to reconcile the disparities in black and urban municipalities and contribute to expanding access and opportunity to these vulnerable populations.

RECOMMENDATIONS

1) Issue a formal public statement of apology:

The governor should address a letter recognizing the role that the government has played in continued harm to majority-Black urban communities. It should highlight the racist mechanisms that have facilitated disinvestment in municipalities, assume responsibility, and proclaim its commitment to reworking policy to remedy the state's dark past. The apology will be disseminated on the New Jersey State, Governor, and DCA websites as well as in the media.

2) Restructure the Department of Community Affairs:

Pass legislation that would allow the Division of Housing and Community Resources to be divided into different divisions. Social infrastructure funding, programming and projects would go through the new Division of Community of Resources. The newly formed Division of Community Resources primary function is to engage with municipalities particularly those with a history of state disinvestment and recruit federal funding to support social infrastructure and fill the gap of the municipal budget with state appropriations. To facilitate the separation of the Division of Housing and Community Resources, Salary of the Planning Commission, and creation of the Community Revitalization Framework the department will receive \$250 million from the State.

3) Implement Urban Revitalization Framework:

Create an outline for reparatory urban municipal planning that guides municipalities on effective community building and citizen focused development efforts. Included in the framework would be requirements for a municipal master plan, that would center public feedback and social infrastructure in the comprehensive revitalization efforts of the master plan. This will allow municipalities to build trust by engaging with community groups, and citizens to increase their trust in the municipality to address their needs and concerns. Municipalities should be required to supervise and restrict private organizations power in public-private partnerships. Public-Private partnerships are beneficial for blighted neighborhoods but municipalities should hold private organizations accountable through transparency and accountability for the same standards they

will be held to by the DCA. Any major retail or housing development project should include a required allocation of open space.

4) Establish a New Jersey Planning Commission:

Develop a committee that would oversee implementation of the Community Revitalization Framework. Will be comprised of 20 members voted on by the New Jersey legislature and supported by DCA staff. Master plans proposed by municipalities will be approved by the Planning Commission within the DCA. Requirements for approval would be to ensure that the standards in the Community Revitalization Framework. The Planning commission will issue penalties to municipalities that fail to create and implement master plans. Municipalities that fail to create and implement master plans will be ineligible for state funding through the DCA until it is approved by the Commission. Providing transparency and accountability will be enforced throughout stages of specific projects progress and in future development planning.

TO: THE UNITED BLACK AGENDA

FROM: KATE MONIHAN

**SUBJECT: REPARATIVE ENVIRONMENTAL JUSTICE FOR CAMDEN AND OTHER
OVERBURDENED NEW JERSEY COMMUNITIES**

Reparative Environmental Justice for Camden and other overburdened New Jersey

ISSUE AND EVIDENCE OF HARM

New Jersey suffers from environmental injustice as the state has the most superfund sites in the nation.⁷ Cities like Newark and Camden exemplify overburdened communities (OBCs).⁸

Residents in OBCs possess a low quality of life and experience adverse health effects from the concentration of environmental infrastructure in their communities. The disproportionate levels of harm experienced in these communities warrants reparative, environmental justice.

Camden, New Jersey serves as a case study to analyze how policy influences the development of OBCs and the mechanisms required to repair environmental injustices. Historically, the local DEP neglected racial disparities in the permitting process.⁹ Waterfront South, a one square mile neighborhood in Camden, has a cement plant, sewage treatment plant, trash incinerator, two EPA superfund sites, and numerous pollution sources. The city possesses the highest Air Toxics Respiratory Hazard Index score in the Philadelphia - Camden Metro area from these environmental infrastructure sites. This evidence reveals the necessity for policy to repair these disproportionate harms.

THEORY OF REPAIR

Catherine Millas Kaiman, an Environmental Lawyer, proposes reparations for environmental injustices because of a “lack of adequate legal remedies through traditional environmental law and civil rights law.”¹⁰

⁷ EPA Superfund Sites are the most contaminated sites in the United States that have been identified by the U.S.

⁸ Overburdened communities are communities where “at least 35% of the households qualify as low-income households, or (2) at least 40% of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40% of the households have limited English proficiency.” (“NJDEP | Environmental Justice | What Are Overburdened Communities (OBC)?,” Environmental Justice (blog), accessed April 22, 2023, <https://dep.nj.gov/ej/communities/>.)

⁹ “Environmental Justice Law Rule Adoption,” accessed April 27, 2023, <https://dep.nj.gov/wp-content/uploads/rules/adoptions/adopt-20230417a.pdf>.

¹⁰ Catherine Millas Kaiman, “Environmental Justice and Community-Based Reparations,” *Seattle University Law Review* 39, no. 4 (2016 2015): 1327–74.

Her framework states that:

“environmental injustice reparations must include 1) recognition of and responsibility for environmental injustices; 2) acknowledgment of the affected community; 3) respect and incorporation of the affected community in the discussion; and 4) reparations in the form of community-based or individual funds... [and] must be retrospective and prospective.”¹¹

RELEVANT POLICIES

The New Jersey Environmental Justice law aims to rectify the “disproportionately high number of environmental and public health stressors” in overburdened communities.¹² The law reforms permit decisions to prevent further concentration of polluting facilities in OBCs. As a forward-thinking policy, this legislation fails to achieve reparative justice by neglecting past environmental injustices.

POLICY RECOMMENDATIONS

1. NJDEP will divert more funding to air monitoring, increase the frequency of random air quality tests, and diversify measurement methods to obtain more accurate air quality data.

This proposal employs models from other jurisdictions to improve the air monitoring capacities in OBCs. Increased funding enables more frequent air quality tests and the introduction of mobile monitoring. Together, these mechanisms produce more accurate measures of air quality. This approach contributes to reparative justice because policymakers will have more precise knowledge of the ongoing harm and the affected community.

2. Penalization of past violations of permit conditions and emission standards committed by facilities in OBCs.

NJDEP will fine violators in OBCs for their contribution to developing disproportionate environmental and public health impacts. Violators will pay the full fee for each infraction again, then incur a yearly fee of half the cost of their penalty for a minimum of 5 years. This penalty is reparation for environmental injustice in an OBC and will finance a community fund.

3. Form a direct-to-individual fund financed by fines imposed on polluting industries for previous and ongoing environmental harms.

This fund will grant money to individuals who live in the affected, overburdened community. The money individuals receive will have a tailored purpose to facilitate remediation for the environmental injustices suffered. Each municipality will execute this fund differently, but the local DEPSs will all engage affected communities in decision-making as an additional form of Reparations.

¹¹ Kaiman, “Environmental Justice and Community-Based Reparations.”

¹² “Environmental Justice Law,” accessed April 24, 2023, <https://dep.nj.gov/wp-content/uploads/ej/docs/ej-law.pdf>.

TO: THE UNITED BLACK AGENDA
FROM: ISABELLA SHUTT
SUBJECT: DEMOCRATIC BUDGETING REFORM IN NEW JERSEY

The average urban New Jersey resident lives in a city that allocates 20.22% of total spending to policing and corrections, compared to 3.69% to housing and community development, and 2.56% to parks and recreation. This allocation does not reflect the desires of constituent, demonstrating a break in the democratic project's capacity to make imagined communities material realities.

We need an “abolitionist-democratic strategy” that “seek[s] to abolish explicit and normalized white advantages in housing, education, employment, asset accumulation, health, criminal justice, and politics, both because such preferences are morally wrong and because struggles against them point toward greater democratic capabilities.” This will allow for the repair of social bonds currently relegated to the private sphere under white democracy.

Participatory Budgeting (PB) projects in St. Louis, New York City, and Los Angeles have re-imagined the role of citizens in allocating public spending for equitable ends. Using the lessons learned from these projects, I have offered a new municipal budgeting practice for the state of New Jersey that mandates at least 40% of municipal discretionary spending be determined by a justice-oriented PB process that includes...

- 1) Re-Defining Ownership: Idea submission and voting open to non-citizens, incarcerated folks, and those over the age of 11. 2
- 2) Re-Telling History: Participatory education projects led by racial justice advocates on past and current harms of and responses to racial injustice. To confront white privilege and inform deliberation surrounding equity and need, cities should commission participatory action research (PAR) in which subjects shape the direction of the project.
- 3) Re-Imagining the City: Imagining sessions, to displace the norms of white citizenship, that culminate in a description of values to be pursued by the budget.
- 4) Actualizing the Imagined in Community: Idea generation sessions led by grassroots organizations center solution-oriented deliberation. These sessions would start and end with centering on the values defined in Imagining Sessions.
- 5) Choosing to Send Resources: Each meeting forwards results to a Council composed of randomly selected residents (recruited out of ideation meetings) supported by racial justice advocates. This council would compile a list of potential. Voters would be provided with this list along with a total budget amount up to which they can combine any mixture of these projects on a gamified ballot. The council then uses voting results to

compile a draft budget which is published prior to neighborhood assemblies at which a majority of the citizen council can vote to amend the budget.

6) Ensuring Commitment: The Citizen Council is offered oversight of the project completion process with support from the New Jersey Alliance for Civic Engagement. Additionally, a NJ Reparations Task Force should determine which neighborhoods have been most impacted by racial injustice in the state. These neighborhoods will receive additional funding from the state level to be distributed using the PB process outlined above. This would work to rectify the inequities perpetuated by centuries of white supremacist resource allocation.

7. Policy Papers

I. POLICY SOLUTIONS AT THE INDIVIDUAL LEVEL

Reparative Education: Implementing Curriculum Inclusive of African American History in New Jersey’s Public Schools

Haley Baird

*“I pledge my honor that this assignment was completed in accordance with University
regulations.”*

/s/ Haley Baird

1. Introduction

In 2017, a class of 5th graders at a New Jersey public school in the South Orange-Maplewood School District were taught about enslavement when a substitute teacher oversaw a “mock slave auction” and they acted out the sale of a Black student to a white student.¹³ Students at another school in the same district were given an assignment to create slave auction posters to

¹³ Ed Mazza, “5th-Grader ‘Sold’ in Mock Slave Auction at New Jersey School,” HuffPost (HuffPost, March 22, 2017).

learn about Colonial America.¹⁴ A group of nine educators in Texas are pushing the school board to change elementary school curriculum to refer to enslavement as “involuntary relocation.”¹⁵ American social studies curricula seem to fail students in two significant ways; by failing to address the legacy of enslavement and its role in creating American institutions, and/or by capitalizing on trauma in teaching. Traumatic history requires sensitive pedagogy, and teaching enslavement necessitates a careful balance between honest history and avoiding reinforcement of oppression. National guidelines for social studies standards provide a guiding “conceptual framework” for states and school districts in their own curriculum development, offering broad content, rather than curriculum, standards. This leads to great discrepancies between states, districts, and classrooms as educators derive lesson plans from non-standardized curricula.¹⁶ Without nationally enforced curriculum standards, there is greater risk that pedagogy introduces trauma or ignorance to the classroom, alienating Black students and creating discomfort in learning environments.

Crafting a policy of reparations in the United States requires a correction of centuries of racial injustices that are built into our institutions, our social interactions, our implicit biases, and our pedagogical practices. The role of transformative pedagogy is explicitly important in its ability to present a critical lens on oppression. Paulo Freire, an educational philosopher, in his *Pedagogy of the Oppressed* states that to overcome an oppressive situation the oppressed “must first critically recognize its causes, so that through transforming action they can create a new situation, one which makes possible the pursuit of a fuller humanity.”¹⁷ Freire stresses the need

¹⁴ Taryn Finley, “School Apologizes for Asking Students to Make Slave Auction Posters,” HuffPost (HuffPost, March 13, 2017).

¹⁵ Brian Lopez, “State Education Board Members Push Back on Proposal to Use ‘Involuntary Relocation’ to Describe Slavery,” The Texas Tribune (The Texas Tribune, June 30, 2022).

¹⁶ “National Curriculum Standards for Social Studies: Introduction” (National Council for the Social Studies, n.d.).

¹⁷ Paulo Freire, *Pedagogy of the Oppressed*, translated by Myra Bergman Ramos, 31-32.

for the oppressed to drive the creation of pedagogy to prevent the further inception of oppressive ideologies in educational institutions. The oppressed then must not only recognize and understand the roots of their oppression, but see it as something which can be transformed.¹⁸ Shaping the world view of students may be best accomplished through “The awakening of critical consciousness [that] leads the way to the expression of social discontents precisely because these discontents are real components of an oppressive situation.”¹⁹ Oppression of Black Americans is a historical form of dehumanization which has shaped current social institutions and therefore should be addressed and recognized by modern education.

Effective social studies education must be both historical and representative of modern instances of racial oppression. Freire frames dehumanization as a process that distorts who is deemed worthy of humanity, a process which “...occurs within history; but it is not a historical vocation.”²⁰ The history of enslavement in New Jersey, a northern state, is violent and extensive. New Jersey was the last northern state to abolish slavery.²¹ English settlers who came to the colony were granted 150 acres of land for settling and an additional 150 acres for each enslaved person they brought.²² Property rights are at the root of enslavement practices and created tangible barriers to equality that persist today. The median wealth gap in New Jersey between Black and white households is about \$300,000.²³ New Jersey suffers extreme de facto segregation as a result of racial segregation in housing practices, such as redlining and

¹⁸ Freire, *Pedagogy of the Oppressed*, 34.

¹⁹ Freire, *Pedagogy of the Oppressed*, 20.

²⁰ Freire, *Pedagogy of the Oppressed*, 28.

²¹ *Price of Silence: Part 2, The Lasting Impact of Slavery in New Jersey* (NJ PBS Specials, 2022), 00:10.

²² *Price of Silence: Part 2*, 00:02.

²³ The New Jersey Institute for Social Justice, “Making the Two New Jerseys One: Closing the \$300,000 Racial Wealth Gap in the Garden State,” February 2022, pp. 4.

blockbusting.²⁴ The 1964 Civil Rights Act, although a legal end to discrimination, did not reverse the embedded structural discrimination built into United States institutions.

Patterns of injustice are also evident in New Jersey's school system. New Jersey had a total of 599 school districts in the 2020-2021 school year,²⁵ each run by a school board of either elected or appointed representatives.²⁶ These districts are deeply segregated, with enrollment in over half of the districts either 75% white or 75% nonwhite. Almost 25% of students in New Jersey attend schools in districts that have either 90% white or nonwhite student bodies,²⁷ making clear the continued impacts of racial segregation practices on school environments. What further exacerbates racial division in New Jersey's school system is the stark racial gap in teacher populations as compared to student demographics. 83% of the current teacher workforce in New Jersey is white, while only 40% of students in the state are white.²⁸ Students suffer from continued segregation in New Jersey's public schools, and teacher populations are not reflective of student diversity.

The question, then, is how can New Jersey address the harms of an ignored or poorly represented history and its continued impacts? William Darity and Kirsten Mullens' book, *From Here to Equality*, frames reparations as a three-pronged approach to gaining closure from injustice. They define successful reparations as acknowledging a harm, offering redress or repair, and eventually granting closure to those who suffered the injustice. Acknowledging a harm "involv[es] recognition and admission of the wrong by the perpetrators or beneficiaries of the

²⁴ Bruce Baker, "Separate and Unequal: Racial and Ethnic Segregation and the Case for School Funding Reparations in New Jersey," New Jersey Policy Perspective, September 21, 2021.

²⁵ New Jersey Department of Education, "Total Number of School Districts 2020-21," New Jersey Public Schools Fact Sheet (Official Site of the State of New Jersey, n.d.).

²⁶ "School Board FAQs," New Jersey School Boards Association, June 22, 2022.

²⁷ Coleen O'dea, "Interactive Map: Enrollment Data Shows Segregation Persists in NJ School System," NJ Spotlight News, January 13, 2020.

²⁸ Dana DiFilippo and Sophie Nieto-Munoz, "Teacher-Student Diversity Gap Widens in New Jersey," New Jersey Monitor, September 9, 2022.

injustice... a national declaration that a great wrong has been committed.”²⁹ Although New Jersey is not responsible for administering national acknowledgement, pedagogy has the power to recognize the role of the state, nation, and individual actors in the historical perpetuation of enslavement. New Jersey has already taken important strides in creating a curriculum inclusive of African American history. The Amistad Commission, legislation passed in New Jersey in 2002, broadly aims to address the historical and continued oppression of Black Americans. The Amistad Commission is a state mandate that requires inclusion of African American history in New Jersey’s public-schools.³⁰ The education framework set by the state remains limited and unsatisfying. New Jersey social studies standards require that students be taught about “New Jersey’s role in the Underground Railroad” by the end of 8th grade.³¹ There is no explicit standard that requires students be taught New Jersey’s role in supporting enslavement, only an expectation that they learn the state’s role in resistance movements. The mandate sets an intention rather than prescribing a teaching method or demanding actionable outcomes.

United States public education generally fails to consistently integrate African American history into primary education. A study by the Southern Poverty Law Center (SPLC) studied curricula in 15 states, including New Jersey, and found no mentions of “racism or white supremacy in the context of slavery.”³² Some states barely cover the topic of enslavement and fail to recognize its fundamental role in shaping American institutions, societal structures, and economic inequities. For instance, Texas’ social studies curriculum teaches that sectionalism and

²⁹ William A. Darity and A. Kirsten Mullen, “Introduction: Standing at the Crossroads,” *From Here to Equality, Second Edition: Reparations for Black Americans in the Twenty-First Century*, 2nd ed, University of North Carolina Press, 2022, pp 2.

³⁰ New Jersey Department of Education, “About Amistad” (Official Site of the State of New Jersey, n.d.).

³¹ “New Jersey Student Learning Standards: Social Studies Introduction,” State of New Jersey Department of Education, June 2020, pp. 49.

³² Kate Shuster, “Teaching Hard History,” Southern Poverty Law Center, January 31, 2018.

state rights, rather than enslavement, were the main causes of the Civil War, and Idaho’s K-12 social studies framework only mentions slavery twice.³³ A study conducted by the SPLC in 2016 surveyed high school seniors from 15 states to determine what key information they had learned about African American history. Results showed a concerningly limited understanding of enslavement and its repercussions. They found that only “8 percent of high school seniors surveyed can identify slavery as the central cause of the Civil War” and less than 25% of students “can correctly identify how provisions in the Constitution gave advantages to slaveholders.”³⁴ American public education fails to teach students the basic history of oppression faced by Black Americans, omitting acknowledgement of harms and the complicity of American institutions.

Creating a reparative learning environment is a layered process that requires building upon foundations that already exist in New Jersey. New Jersey offers teachers resources dedicated toward teaching African American history, but the expectation of their use must become a requirement. Access is irrelevant without effective implementation, and students continue to face real consequences of historical discrimination. Reparative education must not only acknowledge these historical harms, but also reflect on the existing harms instituted by a legacy of oppression. How can New Jersey ensure that public school education is inclusive of hard history and sensitive to the trauma that may arise while learning these topics? How can policy address the structural obstacles to achieving inclusive school systems and inspire students to develop a transformative mindset?

³³ Joe Heim, “What Do Students Learn about Slavery? It Depends Where They Live.,” The Washington Post (WP Company, September 3, 2019).

³⁴ Shuster, “Teaching Hard History.”

2. School Systems: Reparative or Replicant of Trauma?

People often frame history education as a way to avoid repeating past mistakes, especially when teaching hard histories such as war, genocide, or oppression. The trauma instilled under hard history, however, often does not end when overt violence subsides. The lasting impacts and legacies of institutional oppression can be felt for decades, centuries, or may never be fully resolved. Black youth in America continue to suffer from the lasting impacts of racial discrimination. In Oakland, California, policing practices tend to “[target] young African American males and [establish] a presence on the streets by public displays of repression.”³⁵ This results in a social-emotional response in Black youth, referred to by Shawn Ginwright as “internal oppression”: a “shame and hatred of blackness” among Black Americans that is caused by external forces of marginalization, including “colonialism, structural racism, and poverty.”³⁶ Marginalization remains pervasive and substantial, made evident by the 2019 national wealth gap; The median wealth for white families in the United States was \$184,000, but only \$23,000 for Black families.³⁷ Unequal social systems and overt oppression continue to impact communities of Black Americans.

Young students are aware of social inequalities and are constantly affected by the historical implications of their identities. A study of 175 children ages 7-12 asked participants to define race in order to assess their awareness of race.³⁸ They found that of the racial

³⁵ Shawn A. Ginwright, *Black Youth Rising: Activism and Radical Healing in Urban America* (New York: Teachers College, 2010), pp. 50.

³⁶ Ginwright, *Black Youth Rising*, 6.

³⁷ Benjamin Harris and Sydney Schreiner Wertz, “Racial Differences in Economic Security: The Racial Wealth Gap,” U.S. Department of the Treasury, September 15, 2022.

³⁸ Akilah Dulin-Keita, Lonnie Hannon III, Jose R. Fernandez, and William C. Cockerham, “The defining moment: children’s conceptualization of race and experiences with racial discrimination,” *Ethnic and Racial Studies*, vol 34 no 4, April 2011, pp. 668.

demographics studied, non-Hispanic Black children were most aware of race.³⁹ As awareness develops, so do biases. Trevor Getz in his *A Primer for Teaching African History* offers a college-level framework for teaching African history. His curriculum starts by asking students what they already know. As an educator, Getz found that many students brought with them “preconceptions about [Africa] and its people,” citing the primitivity of Africans or the poverty and child labor issues running rampant in Africa.⁴⁰ Getz’s observations demonstrate that our notions of people and societies have already taken form by the time we enter post-secondary education. We must address possible biases earlier in the learning process.

To teach a history chock full of discrimination and trauma to young learners, curriculum must rebuild hope. Healing from oppression through supportive relationships, community-building, cultural connection, and critical thought can lead youth toward imaginative resistance.⁴¹ Effective pedagogy will recognize trauma and be careful not to replicate oppression when teaching hard history. *Radical Teacher*, a journal advising on socially informed and anti-racist approaches to pedagogy, features an article by Bennett Brazelton on the “Ethical Considerations on Representing Slavery in Curriculum.” Brazelton advocates for education that is “trauma-informed,” as education which opts to share the brutal ‘truths’ of African American history through brutalized images and academic reflection can create a sense of discomfort among Black students.⁴² Without pedagogical sensitivity to traumatic histories, African American historical education could make the mistake of reinforcing internal oppression.

³⁹ Dulin-Keita, Hannon, Fernandez and Cockerham, “The defining moment,” 676.

⁴⁰ Trevor R. Getz, *A Primer for Teaching African History: Ten Design Principles*, ed. Antoinette Burton (Durham and London: Duke University Press, 2018), pp. 15-16.

⁴¹ Ginwright, *Black Youth Rising*, 10.

⁴² Bennett Brazelton, “Ethical Considerations on Representing Slavery in Curriculum,” *Radical Teacher* 121, December 2021, pp. 58.

Hope is possible and has historically spurred social action. The political activism fostered by groups such as the Black Panther Party during the Civil Rights Era allowed for the social inclusion of Black youth in Oakland and granted young thought leaders hope for institutional reform. Young people were encouraged to engage in the political economy and were introduced to new political opportunities, including “community organizing; and access to basic needs such as jobs, food, and education.”⁴³ The Civil Rights Era demonstrated a desire among young Black Americans to participate in changemaking, but the dissolution of the Black Panther Party and a lack of institutional support spoiled sustained inclusion of young political actors. Today, the path to equal opportunity is blocked by historical oppression and its lasting influence on structural racism. New Jersey has a wide racial wealth gap, homogenous school districts with racially segregated student bodies, and continued issues of racial isolation in housing practices, in which there is “segregation of subsidized housing, and continuing discrimination in housing and home finance markets.”⁴⁴ What may help to inspire social change is hope. Constant pedagogy of trauma undermines the hope of African American youth, so curriculum must instead be constructed to promote goals of institutional reform. Introducing reparative education includes implementation of a foundational pedagogy which actively resists oppression, both past and present. Reparative curriculum must be true and sensitive, and educators must be trained to administer it as such.

⁴³ Ginwright, *Black Youth Rising*, 39.

⁴⁴ Gary Orfield, Jongyeon Ee, and Ryan Coughlan, “New Jersey’s Segregated Schools: Trends and Paths Forward,” The Civil Rights Project/Proyecto Derechos Civiles, September 2017, pp. 15.

3. Policy in New Jersey: Amistad and AP Coursework

New Jersey’s Amistad Commission was authorized under a mandate passed in New Jersey in 2002. The Amistad Bill requires that New Jersey social studies curricula represent African American history by exploring the Civil War, enslavement, segregation, and the social impacts of racist institutions.⁴⁵ The bill is named after the Amistad ship, which transported enslaved Africans from Sierra Leone to Cuba.⁴⁶ Onboard, the enslaved Africans staged a mutiny, fighting for their freedom and hoping to return to Africa. The enslavers instead sailed North where the ship was seized by the USS *Washington* and everyone on board was taken to Connecticut.⁴⁷ The African people aboard the Amistad were free and fought for their right to freedom in a case that went to the US Supreme Court. The Court ruled that the Africans were free and enslaved illegally, and that their mutiny aboard the ship was a justifiable resistance against oppression.⁴⁸ The namesake represents the autonomous role played by African Americans in the fight for their freedom, a key theme of honest history.

The Amistad Commission was originally sponsored by two New Jersey Assembly members, William Payne, and Craig Stanley. The Commission was instituted with the goal to develop a set of resources to teach African American history in New Jersey’s public schools.⁴⁹ Consisting of 23 members, the commission operates at the state level and is tasked with the responsibilities to “survey, design, encourage, and promote the implementation of education and awareness programs in New Jersey concerned with... slavery in America,” including

⁴⁵ New Jersey Department of Education, “About Amistad.”

⁴⁶ “The Amistad Case,” National Archives and Records Administration (National Archives and Records Administration, June 2, 2021).

⁴⁷ History.com Editors, “Supreme Court Rules on Amistad Slave Ship Mutiny Case,” History.com (A&E Television Networks, February 9, 2010).

⁴⁸ “The Amistad Case,” National Archives and Records Administration.

⁴⁹ New Jersey Department of Education, “About Amistad.”

“workshops, institutes, seminars and... teacher training activities” outside of the classroom.⁵⁰

Curriculum was developed by Dr. Colin Palmer and is periodically re-evaluated by the commission. New Jersey’s Amistad mandate demonstrates a commitment to including African American history in social studies classes but does not direct implementation or oversee enforcement.

The Amistad Commission provides teachers with online resources and expects that information is integrated “in an appropriate place in the curriculum of elementary and secondary school students.”⁵¹ The mandate for Amistad curriculum is vague and school districts implement Amistad ideas to varying extents. Princeton Public Schools offer a fairly robust inclusion of Amistad standards in their social studies curriculum. Students in grades K-5 are granted access to the NJ Amistad Digital Curriculum and the SPLC program, “Teaching Tolerance.” Students learn about New Jersey and Princeton history, with reference to Black Americans who contributed to the local culture.⁵² There is a demonstrated inclusion of Amistad frameworks throughout K-12 education, offering robust resource lists that grant teachers flexibility but elicit an expectation of integration. Princeton Public Schools also have a close proximity to Princeton University and the resources offered by the institution. Princeton Public Schools high school teachers have worked with Princeton professors, Dr. Alison Isenberg, and Dr. Marni Sandweiss, attending workshops about Civil Rights in Princeton and piloting lessons that teach students primary sources regarding enslavement in Princeton.⁵³ There is clear evidence that the Princeton

⁵⁰ New Jersey Department of Education, “About Amistad.”

⁵¹ “NJ Curriculum Requirements and Mandates,” Pascack Valley Regional High School, n.d., pp. 3.

⁵² Princeton Public Schools Social Studies Department, “Princeton Public Schools – K-12 Social Studies, 2016,” 2016, pp. 2.

⁵³ Princeton Public Schools, “K-12 Social Studies,” 6.

school district expects educators to include Amistad frameworks in their lesson plans and allows flexibility with implementation.

Curriculum mandates do not direct the extent to which themes must be taught, and school districts in New Jersey have unequal incorporation of Amistad themes in their district-provided curricula. Hoboken School District offers a series of 13 units incrementally taught in grades 4, 8, and 12 to introduce and build upon themes of African and African American histories. Hoboken schools also use out-of-classroom activities suggested by the Amistad framework, including a Black History Month celebration for students and families.⁵⁴ Trenton School District has limited implementation of Amistad. Their social studies curriculum indicates an Amistad extension in 4th grade when learning “Regions of the Country (United States).” No other inclusion of the Amistad framework is explicitly outlined by Trenton’s district-wide social studies curriculum. The Amistad Commission issued a statement of purpose for the board to “ensure that the Department of Education and public schools of New Jersey implement materials and texts which integrate the history and contributions of African-Americans.”⁵⁵ What is missing from their purpose is guidance on the extent of implementation, which is then at the discrepancy of individual educators and district leaders. The state of New Jersey has robust social studies learning standards, leading many school districts to approach the Amistad mandate with minimal implementation.⁵⁶

Different student demographics are granted varying access to Amistad resources due to unequal implementation. The Hoboken City school district has a diverse student population, with

⁵⁴ Hoboken School District, “Hoboken Public School District Amistad Curriculum,” Amistad Curriculum + Lesson Plans, pp. 3.

⁵⁵ Trenton Public Schools, “Social Studies Grade 4: Amistad Commission Curriculum Supplement,” pp. 4.

⁵⁶ Schools chosen based on which districts made their curricula available to the public. First looked at largest school districts in New Jersey, a number of which (ex: Newark) did not offer public access to curriculum.

40.3% white students and 59.7% nonwhite students, 12.9% of which are Black. Hoboken is a smaller district, coming in at 1,964 total students. Trenton Public School District has limited implementation of Amistad curriculum and a much larger student population, at 11,923 total students. The Trenton student body is also almost entirely nonwhite (98.7%), with 45.2% Black students. Lastly, Princeton is relatively mid-sized with 3,764 total students, consisting of 52.9% white students and only 6.2% Black students.⁵⁷ While we cannot generalize the trends of these three school districts to represent the whole of New Jersey's public schools, of these schools, Princeton Public Schools seem to offer the most robust implementation of Amistad with the least amount of Black students, as opposed to the limited implementation in Trenton with an almost entirely nonwhite student population. The Amistad mandate aims to include Black history, but Black students miss thorough inclusion of the framework due to unequal integration.

Governor Murphy's recent issuance on January 8th of 2023 mandates an expansion of the Amistad Commission to be implemented in more schools. The mandate expects that Amistad frameworks be introduced in all New Jersey school districts, though it still fails to direct implementation.⁵⁸ Soon after, another announcement from Governor Murphy in February of 2023 promised increased access to the pilot AP African American Studies course. The AP program is still in the trial stage, and students who take the course are not eligible for AP credit.⁵⁹ The program is currently only available in one New Jersey high school and will be added to the course offerings at 25 additional high schools, although schools that will receive the curriculum are currently undisclosed.⁶⁰ Expansions of both lower-grade and high school

⁵⁷ O'dea, "Interactive Map."

⁵⁸ "Murphy Signs Bill Strengthening Amistad Commission," *Senator Troy Singleton*, January 8, 2023.

⁵⁹ Patricia Mazzei and Anemona Hartocollis, "Florida Rejects A.P. African American Studies Class," *The New York Times* (The New York Times, January 19, 2023).

⁶⁰ Zoe Van Gelder, "In Their Own Words: N.J. Students and the Amistad Curriculum," *PUBLIC SQUARE*, 2023.

programs for African American studies education indicate an intention to teach honest history in New Jersey.

The Racial Literacy course at Princeton High School shows how flexible implementation may be successful. A teacher at Princeton High School, Patricia Manhart, developed the Racial Literacy course with Dr. Joy Barnes-Johnson. Racial literacy generally “refers to ideas and practices that lay bare racial injustices and encourage people to understand racial history and its impact on contemporary society.”⁶¹ Manhart said that inspiration for the class derived from a group of students who attended a national conference for the Minority Student Achievement Network and felt their classes lacked an opportunity for students to develop a critical understanding of racial inequities. The course focuses on recent histories of racial discrimination, including the war on drugs, Reagan and Clinton’s presidencies, political impacts on different racial demographics, and segregated housing policies.⁶² The course has made use of online resources digitized during the COVID-19 pandemic, allowing teachers to access diverse content for use in course lessons. The Racial Literacy course demonstrates the joint efforts of educators, district leaders, and student activists to create and implement a curriculum that teaches current and historical racial inequity.

⁶¹ Laura C. Chávez-Moreno, “Critiquing Racial Literacy: Presenting a Continuum of Racial Literacies,” *Educational Researcher*, vol 51, no 7, October 2022, pp. 481.

⁶² Patricia Manhart (Princeton High School social studies teacher) in discussion with the author, March 31, 2023.

4. Alternative Pedagogical Frameworks

4.1 Primary Education

Many online resources provide frameworks for teaching enslavement and including hard topics in primary grade curricula. *The 1619 Project*, published by the New York Times in 2019, consists of a series of essays and articles aimed at reframing United States history around the legacy of enslavement.⁶³ *The 1619 Project for Educators* was later developed by the Pulitzer Center in collaboration with the New York Times. The program offers a flexible framework of resources and lessons for kindergarten through high school students to learn the legacy of enslavement both in and out of the classroom.⁶⁴ *The 1619 Project* includes units on restructuring American history curriculum to administer engaging education to students. There is also a resource on their website dedicated to “Teaching the 1619 Project” for educators. The framework offers a base curriculum using two books developed by the project, one being *The 1619 Project: Born on Water*, a picture book that teaches young students a basic history of enslavement.⁶⁵ The curriculum offers a general guide to be adapted by school districts to fit the specific needs of students and educators.⁶⁶ The curriculum is free and available for public use. Implementing *1619 Project* materials requires the engagement of school districts and teachers to oversee resource integration. The framework is highly accessible, but it offers no objectives for implementation.

Southern Poverty Law Center (SPLC) also offers a series of educational standards and frameworks which can be incorporated into classroom learning. The *SPLC: Learning for Justice* site offers multiple frameworks for curriculum development. The center has resources for

⁶³ “The 1619 Project,” The New York Times (The New York Times, August 14, 2019).

⁶⁴ Pulitzer Center, “The 1619 Project: K-12 Curriculum Guide,” (Penguin Random House Education, n.d.).

⁶⁵ Pulitzer Center, “The 1619 Project,” pp. 5.

⁶⁶ Pulitzer Center, “The 1619 Project,” pp. 3.

“Teaching Hard History,” a guide to teach enslavement in a way that is truthful and sensitive.⁶⁷ Lesson standards are grouped in two categories, one for K-5 and the other for 6-12. The curriculum includes primary sources and readings for students, key concepts to guide educators, and opportunities for teacher professional development. The SPLC also offers a road map of Social Justice Standards, outlining for educators’ goals for “anti-bias” responses in the classroom. Standards are centered around 4 ideologies: identity, diversity, justice, and action. They provide ideal outcomes and scenarios to demonstrate basic understandings of a social justice-oriented education.⁶⁸ There is also a professional development portion of the website that offers teachers a wide range of resources and methods to improve understanding of curricula. The resources include webinars, podcasts, articles, and the option to join a cohort of educators.⁶⁹ Use of SPLC resources requires registration, but access is free and available to all teachers. The resources granted are flexible to implementation and allow teachers to develop a deeper understanding of materials before sharing them with students.

The *Zinn Education Project: Teaching People’s History* is another social justice-based online educational database. The project was launched in 2008 and continues to introduce new historically honest and accurate resources for educators. Lessons are free for educators and are organized by theme and time period. Offered under each topic is a pairing of classroom activities with relevant resources. For example, a teaching activity called “How Red Lines Built White Wealth: A Lesson on Housing Segregation in the 20th Century” is based on the book *The Color of Law* by Richard Rothstein.⁷⁰ This resource is a bit different from the *SPLC Learning for*

⁶⁷ “Teaching Hard History: American Slavery,” SPLC Learning for Justice, n.d.

⁶⁸ “Social Justice Standards: The Learning for Justice Anti-Bias Framework,” Southern Poverty Law Center, 2014-2022, pp. 3-4.

⁶⁹ “Teaching Hard History Professional Development,” SPLC Learning for Justice, n.d.

⁷⁰ Ursula Wolfe-Rocca, “How Red Lines Built White Wealth: A Lesson on Housing Segregation in the 20th Century,” Zinn Education Project, May 17, 2022.

Justice, as it offers teachers specific instruction on activities to conduct in the classroom, rather than provide a general standard for teaching tolerance. The project also offers free workshops and courses for educators to teach a number of social justice issues, which can either be held online or hosted at a regional or national conference.⁷¹

Some scholars have made attempts to shift existing curricula to be more inclusive of African American history. Matt Vriesman, an AP History teacher at a public school in Michigan, developed *Antiracist APUSH*, a set of lessons meant to address the lack of truth in AP US History curriculum.⁷² The *Zinn Education Project* published a report, “Erasing the Black Freedom Struggle: How State Standards Fail to Teach the Truth About Reconstruction,” in 2022. The report points to the often-misrepresented education standards of the Reconstruction era. The Zinn Project study found that most state standards center the political debates of white leaders as key to Reconstruction, failing to address “Black people’s grassroots political mobilizations and lived experiences.”⁷³ The *Antiracist APUSH* framework guides teachers to teach the truth through student resources, teacher lesson plans, and slideshow presentations for in-classroom use.⁷⁴ Teachers have access to a plethora of free online resources, but policy must address implementation of inclusive education and reform structural barriers that inhibit racial equity in public schools.

⁷¹ “Workshops,” Zinn Education Project, March 14, 2023.

⁷² Matt Vriesman, “About,” *Antiracist APUSH*, n.d.

⁷³ Ana Rosado, Gideon Cohn-Postar, Mimi Eisen, and the Zinn Education Project team, “Erasing the Black Freedom Struggle: How State Standards Fail to Teach the Truth About Reconstruction,” Zinn Education Project, 2022, pp. 20.

⁷⁴ Matt Vriesman, “Topic 1.5: Labor, Slavery, and Caste in the Spanish Colonies,” *Antiracist APUSH*, n.d.

4.2 Alternative Pedagogical Frameworks: Higher Education

Studying the available resources for students in primary schools would not be effective without proficient educator training to oversee their implementation. Teachers and school administrators should, in their education, be directed toward an extensive understanding of racial discrimination and institutional racism that is deeply entrenched in housing practices, school segregation, and affects community lives. Critical Race Theory may be a useful tool in aiding teacher understanding. A “theoretical tool that began in legal studies... in an attempt to explain racial inequity,”⁷⁵ Critical Race Theory (CRT) is often taught to graduate level students. Course teachings focus on how our legal system has served to enforce institutional racism and structural oppression.⁷⁶ Although typically taught to law students, an article originally published in 1995 (with follow-up scholarship and interviews since) by Gloria Ladson-Billings and William F. Tate IV explains how CRT might be pertinent in education. CRT addresses the structural and property rights issues which act as barriers to racial equality.⁷⁷ Given that students are impacted by physical de facto segregation via legally administered housing practices, these limitations should be understood by teachers as they guide students toward an understanding of United States history.

There has recently been significant backlash against CRT in schools, with a total of 35 US states that have either signed or proposed legislation to ban teaching of CRT. 16 states have signed legislation that restricts CRT use in schools and state agencies, and similar legislation has been proposed, although not passed, in New Jersey.⁷⁸ The debate over CRT is primarily over its

⁷⁵ Jill Anderson, “Harvard Edcast: The State of Critical Race Theory in Education,” Harvard Graduate School of Education, February 23, 2022.

⁷⁶ “Critical Race Theory, Fact versus Fiction,” Civic Way, November 19, 2021.

⁷⁷ Gloria Ladson-Billings and William F. Tate IV, “Toward a Critical Race Theory of Education,” *Teachers College Record*, vol 97, no 1, 1995 (Teachers College: Columbia University), pp. 62.

⁷⁸ “Critical Race Theory,” Civic Way.

permeation in primary education and has created immense controversy over the AP African American Studies course. Florida Governor Ron DeSantis headed a movement against the AP African American Studies curriculum, stating that the course's inclusion of critical race theory was not in accordance with state law. Florida's Department of Education also contributed to the reproach further to say that the curriculum "“significantly lacks educational value.””⁷⁹ The politicization of CRT has shrouded the course in controversy, although it offers a valuable framework for considering the legal and institutional implications of racial discrimination.

Once educators are in the classroom, there are still opportunities for development and learning via online and in-person professional development courses. Stanford offers a two-day course, “Slavery in Historical and Contemporary Contexts,” for educators to “examine the challenges of defining slavery, and its social, moral, and political reconceptualization over time.”⁸⁰ The program importantly points from historical racism to modern instances of discrimination and asks educators to encourage thoughtful conversation in the classroom while maintaining certain facts as true. They provide tools to build student interaction and advise educators on connecting curriculum to local issues. The course has seen positive feedback from educators who are excited to implement ideas from the course, which covers topics of ““content, methodology, or both that would be useful for immediate application in the classroom.””⁸¹ The workshop, although offered at a reduced fee due to funding from the US Department of Education Title VI and Stanford's Global Studies Division, still costs educators about \$200 and requires their registration for a limited number of spots.⁸²

⁷⁹ Mazzei and Hartocollis, “Florida Rejects A.P.”

⁸⁰ Stefanie Pietkiewicz, “Stanford Course Helps Educators Develop Tools to Teach Students about Slavery,” Stanford Graduate School of Education, July 17, 2020.

⁸¹ Pietkiewicz, “Stanford Course Helps Educators.”

⁸² “Slavery in Historical and Contemporary Contexts,” Stanford Center to Support Excellence in Teaching, June 2020.

The *SPLC: Learning for Justice* site has a section dedicated to Professional Development, including a series of virtual workshops that only cost \$15 per person. One of the workshops, “Advocating for Teaching Honest History: What Educators Can Do,” is a 90 minute session dedicated to guiding educators toward teaching truth in history courses.⁸³ They also offer a facilitator guide, providing professional development materials which can be administered by school or district administrators for free.⁸⁴ The learning outcomes and standards of the professional development facilitator guide are organized by grade-level and can be administered to educators based on grades taught. The digital age of education grants educators’ wide access to resources and makes implementation of materials easier than ever, but New Jersey must cement its dedication to social justice-oriented learning by requiring teachers to educate themselves. Teachers are much more likely to utilize classroom resources if they are trained and confident in their use.

5. Policy Approaches: Implementation of Inclusive Education

I offer four main policy recommendations which address the institutional limitations of current pedagogy. Learning must facilitate equity through both curricula and representative school environments. This can be done by providing all students and educators with a critical understanding of racial discrimination and by shifting current educator demographics to represent those of students. The policy recommendations are as follows:

- 1) *All schools of education in New Jersey require that teachers take a course in Critical Race Theory before granting certification.*

⁸³ “Workshops,” SPLC Learning for Justice, n.d.

⁸⁴ “Facilitator Guide,” SPLC Learning for Justice, n.d.

There is a course at UCLA in CRT that situates racism in terms of its intersectionality with “class, gender, national, and sexual orientation/expression.”⁸⁵ New Jersey has recently passed a number of mandates regarding inclusive education, with the Amistad Mandate, the Holocaust and Genocide Education Mandate, and the NJ Diversity Initiative which includes education on the LGBTQ community.⁸⁶ Given that New Jersey expects school curricula to address and educate on these inequalities, requiring CRT coursework for future educators may provide a good understanding of injustice and its intersectionality. If all educators enter the classroom with this basic ideological understanding, they are more likely to effectively use inclusive learning frameworks when teaching students.

2) *Increase the number of Black teachers and teachers of color in New Jersey’s public schools.*

The second recommendation is centered on increasing educator diversity in New Jersey. There is currently a much higher percentage of white teachers than white students in New Jersey’s primary school system. Policy should attempt to close this racial gap and increase the percentage of teachers of color in New Jersey’s public schools. An article by Travis Bristol and Javier Martin-Fernandez in 2019 shows the positive impact of minority students learning from same-race teachers. Increased diversity in teaching staff improves social-emotional progress and academic learning among students of color. In a study of six school districts, it was found that Black students taught by Black, rather than white, teachers “were more likely to report a desire to attend college” and felt their “teachers cared for and motivated them.”⁸⁷ Studies have also found a causal relationship between an increase in test scores among Black students when taught by

⁸⁵ “Critical Race Theory,” UCLA School of Law, n.d.

⁸⁶ “NJ Curriculum Requirements and Mandates,” Pascack Valley, 3.

⁸⁷ Travis J. Bristol and Javier Martin-Fernandez, “The Added Value of Latinx and Black Teachers for Latinx and Black Students: Implications for Policy,” *Behavioral and Brain Sciences* 2019, vol 6, no 2, 2019, pp. 149.

Black teachers.⁸⁸ Increasing teacher diversity will likely have noticeable positive impacts on the success of Black students in the classroom.

I suggest that New Jersey look at the precedent set by North Carolina in their DRIVE (Developing a Representative and Inclusive Vision for Education) Task Force. Studying the obstacles for teachers of color in New Jersey is an important first step to increasing educator diversity in New Jersey. New Jersey made an important gain in December 2022, when Governor Murphy signed a bill eliminating the requirement that prospective teachers take the Education Teacher Performance Assessment (edTPA).⁸⁹ The edTPA costs \$300 to take and was a financial barrier for low-income educators, likely increasing lack of diversity among teachers.⁹⁰ However, there is more work to be done. The DRIVE Task Force set tangible goals in North Carolina, including an annual 15% increase in “the number of educators of color admitted into the state’s educator preparation programs,” and 95% retention rate for educators of color.⁹¹ New Jersey should implement a similar task force to oversee districts’ progress and set realistic goals for increasing teacher diversity in public schools.

The Unified School District in California has also made important progress in their resolution, passed in 2022. The resolution sets a priority for the district to retain and train a diverse population of teachers. The Independent Analysis Unit (IAU) will do an initial evaluation of the Unified School District’s “commitment to diversity, equity, and inclusion.”⁹² A 90-day timeline requires the district superintendent to create a plan to measure educator diversity,

⁸⁸ Bristol and Martin-Fernandez, “The Added Value,” 150.

⁸⁹ Sophie Nieto-Munoz, “Governor Murphy Signs Bill Eliminating Test Requirement for Would-Be Teachers,” *New Jersey Monitor*, December 16, 2022.

⁹⁰ “Fees and Payment Options,” edTPA, n.d.

⁹¹ Rupen R. Fofaria, “Drive Task Force Moves from Teacher Diversity Recs to Advocating for Change,” *EducationNC*, April 21, 2021.

⁹² Tanya Ortiz Franklin, “Black Student Excellence Through Educator Diversity, Preparation and Retention,” *Los Angeles Unified School District Resolution*, February 8, 2022, pp. 2.

collaborate with the community, and advocate for the success of Black students. New Jersey should set similar deadlines for district superintendents to ensure efforts toward hiring diverse teachers are achieved and implement an internal review board to enforce standards.

- 3) *Implement a district requirement that all teachers attend an annual professional development workshop that discusses social justice-oriented and trauma-informed approaches to pedagogy.*

All New Jersey school districts should require teachers to attend an annual professional development training centered on topics regarding social justice, inclusivity, and trauma-informed approaches to education. Although the scope of my paper focuses on social studies curricula, all teachers should be required to attend training. New Jersey's inclusive education mandates are a positive step toward preserving commonly forgotten perspectives in history education, but commitment to a system of pedagogy does not direct implementation or extent of implementation. Educators should be trained to introduce reparative resources in their lesson plans. New Jersey requires all teachers to complete "at least 20 hours of professional development each year,"⁹³ and I propose that New Jersey's Department of Education require at least 7 of these hours (one full workday) be allocated toward a standardized, annual program dedicated to developing equitable teaching practices. The *SPLC Learning for Justice* facilitator guide offers a thorough, free framework. Administering this training would not require any additional district funding and could easily be led by district department supervisors.

- 4) *Introduce a Racial Literacy class, or equivalent coursework, to all New Jersey high schools and include as a graduation requirement.*

⁹³ "Professional Development in New Jersey: Frequently Asked Questions," New Jersey Department of Education (Official Site of the State of New Jersey, n.d.).

Building educator resources is an important part of instituting reparative curriculum, but benefits of inclusive education require that all students learn racial awareness. Once coursework is made available to a staff of trained and diverse teachers, all students should be required to take a course that encompasses the historical and institutional barriers to racial equity in New Jersey and the United States. Curriculum for Racial Literacy has already been developed at Princeton High School and can be easily distributed to other New Jersey high schools. Alternate curriculum may be developed in a school district to meet the requirement if it shares the same goals to “advance social justice, cultural responsiveness, and multiculturalism.”⁹⁴ The curriculum for Princeton High School’s Racial Literacy class is not publicly available, but other scholars have explored racial literacy’s role in primary education. Laura Chávez-Moreno, in her “Critiquing Racial Literacy,” offers that racial literacy curriculum must be “counterhegemonic,” or develop an understanding of historical racism in order to scaffold a comprehensive awareness of current racial injustice. Racial literacy should offer a systemic understanding of the world, helping students to realize responsibility falls on institutions over individuals. Chávez-Moreno believes this education will “contribute to a self-determined, just future.”⁹⁵ Pedagogy which resists oppression must construct a transformative approach to structural discrimination. If all New Jersey high schoolers are required to take a racial literacy course before graduation, New Jersey’s youth will gain a critical understanding of institutional injustice and develop an ideological foundation that builds hope for change.

⁹⁴ “Equity,” Princeton Public Schools, n.d.

⁹⁵ Chávez-Moreno, “Critiquing Racial Literacy,” 485.

6. Conclusion

Governor Murphy proposed a budget for the 2024 fiscal year to increase School Aid by \$1 billion, bringing total school funding to \$20.5 billion. The additional funding is meant to “help grow New Jersey’s education workforce, support academic recovery,” and “increase the availability of college-level courses in high schools.”⁹⁶ This proposed funding is not dedicated toward increasing diversity and inclusion efforts in New Jersey’s public schools, although the Amistad mandate expansion would indicate a focus on such goals. New Jersey similarly chartered a task force on Public School Staff Shortages in New Jersey which focused on the broad issue of teacher retention and recruitment, but not on the diversity demographics of educators.⁹⁷ Additional resources allocated toward pedagogy should be dedicated toward the implementation of reparative education, by increasing diversity of educators and school leadership and improving access to historically honest and inclusive resources.

New Jersey has made efforts to offer inclusive education, but implementation is unequal. The legacy of oppression cultivates de facto segregation in schools and creates a racial gap between students and teachers, and students are not necessarily offered lessons that are both honest and trauma informed. Reparative education should allocate resources toward building supportive learning environments for Black students and Black educators. Diversity among educators should reflect diversity levels in student populations. Teacher training should provide educators with inclusive curriculum frameworks and honest historical resources. All students in New Jersey’s public-school system should graduate with an understanding of African American

⁹⁶ Phil Murphy, “Governor Murphy Highlights Fiscal Year 2024 Budget Plan to Increase Pre-K through 12 School Aid by \$1 Billion, Grow the State’s Educator Workforce, and Promote the Success of New Jersey’s Students,” Office of the Governor (Official Site of the State of New Jersey, March 2, 2022).

⁹⁷ Task Force on Public School Staff Shortages in New Jersey, “Initial Recommendations from Members of the Task Force on Public School Staff Shortages in New Jersey,” February 2023, pp. 4.

history, enslavement, and modern oppression. Students should develop an understanding of hard history, along with a hope that institutional change is possible. The school system shapes young thinkers, their perception of limiting institutions, and their development of identity. Education must set a precedent of inclusion, sensitivity, and honesty to ensure pedagogy caters to all demographics of New Jersey's youth.

Breaking Free from the Entrapping Cycle of Student Debt: An Investigation into the Student Debt Crisis and its Unique Impacts on Black Borrowers in New Jersey

Clara Kim

“I pledge my honor that this assignment was completed in accordance with University regulations.”

/s/ Clara Kim

1. Introduction

“The Congress finds that... there is a particular national interest in aiding those institutions of higher education that have historically served students who have been denied access to postsecondary education because of race or national origin and whose participation in the American system of higher education is in the Nation’s interest so that equality of access and quality of postsecondary education opportunities may be enhanced for all students.”⁹⁸

The Higher Education Act of 1965 was passed by President Lyndon B. Johnson to achieve the goal to “strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary education.”⁹⁹ The former president strived to prioritize enabling affordable higher education to every American, especially low- and

⁹⁸ “GovInfo | U.S. Government Publishing Office.” *Higher Education Act of 1965*. Accessed 8 May 2023, 125, www.govinfo.gov/content/pkg/COMPS-765/pdf/COMPS-765.pdf.

⁹⁹ *Higher Education Act of 1965*, 1219.

middle-income families and historically oppressed communities. Today, the Higher Education Act continues to serve as the blueprint for post-secondary education.

Nearly six decades later after the act was passed, the United States is presently suffering from a national student debt crisis. As of June 2019, over 40 million Americans collectively owe 1.7 trillion dollars in student loans.¹⁰⁰ The only benefit that people argue that student debt brings is that the availability of loans allows for more people to attain degrees and enter the workforce. This used to hold true when post-secondary education enrollment rates and employment rates were positively high. However, compared to a few decades ago, there are significantly less people enrolled in college as of today. From 1985-2010, the nation observed a steady rate of a 2.2% annual increase in college enrollment.¹⁰¹ Afterwards, the trend took a turn and college enrollment rates began to plummet. From 2019 to 2022, nationwide undergraduate college enrollment dropped 8% in the span of three years, accumulating a loss of over a million potential students.¹⁰² Economists have expressed serious concern about the effects that this dramatic decrease will have on the economy; fewer people are graduating with college degrees and are therefore less likely to acquire high-paying jobs.¹⁰³ There are so many harmful consequences of this tremendous amount of debt on our economy and on American families. This insurmountable amount of debt suppresses consumer spending, lowers rates of home ownership, and hinders innovation and entrepreneurship.¹⁰⁴

¹⁰⁰ “The Far-Reaching Impact of the Student Debt Crisis.” n.d. Scholarship America. Accessed April 12, 2023. <https://scholarshipamerica.org/blog/the-far-reaching-impact-of-the-student-debt-crisis/>.

¹⁰¹ 2022-2023 Best Colleges | College Rankings and Data - US news. Accessed May 8, 2023. <https://www.usnews.com/best-colleges>.

¹⁰² Collin Binkley and The Associated Press, “The Labor Shortage Is Pushing American Colleges into Crisis, with the Plunge in Enrollment the Worst Ever Recorded,” Fortune, March 9, 2023, <https://fortune.com/2023/03/09/american-skipping-college-huge-numbers-pandemic-turned-them-off-education/>.

¹⁰³ Ibid.

¹⁰⁴ NJ Spotlight Carly Sitrin, “N.J. Has Weak System of State Support for Black and Latino College Students, Report Shows,” WHYY, January 11, 2019, <https://whyy.org/articles/n-j-has-weak-system-of-state-support-for-black-and-latino-college-students-report-shows/>.

To contextualize the importance and urgency of the student debt crisis, it is imperative to note that K-12 education was once deemed sufficient to acquire high-paying jobs in the United States but this is no longer the case. “College graduates are half as likely to be unemployed as their peers who only have a high school degree. Typical earnings for bachelor’s degree holders are \$36,000 or 84 percent higher than those whose highest degree is a high school diploma.”¹⁰⁵ The continuously changing and increasingly competitive job market no longer views high school diplomas as appropriate for high-paying jobs. Now, to achieve the “American Dream,” completing higher levels of education and collecting degrees is seen as a necessary prerequisite.

Although the student debt crisis has been identified as a national problem, emerging political and social conversations highlight its disproportionate impacts on Black communities and communities of color. The average Black student in the United States is likely to graduate with more than triple the amount of student debt compared to their white peers. “Black graduates have on average \$7,400 more student debt than white graduates,” and therefore, “four years after graduation, the Black-white student debt gap more than triples to \$25,000.”¹⁰⁶ According to the Office of Federal Student Aid, more than 1 million New Jerseyans owe \$36.5 billion in federal student loans.¹⁰⁷ With the stark racial disparities in student borrowing, Black New Jersey students and borrowers disproportionately carry this financial burden. Therefore, we must consider new alternatives that will provide solutions for our economic problems but also prioritize the well-being of Americans, especially members of marginalized communities.

¹⁰⁵ “How Does a College Degree Improve Graduates’ Employment and Earnings Potential?,” APLU, March 21, 2023, <https://www.aplu.org/our-work/4-policy-and-advocacy/public-values/employment-earnings/#:~:text=Typical%20earnings%20for%20bachelor’s%20degree,million%20more%20over%20their%20life time>.

¹⁰⁶ Brandon Duong, “The Role Student Debt Plays in the Racial Wealth Gap,” Shelterforce, February 11, 2022, <https://shelterforce.org/2022/02/15/the-role-student-debt-plays-in-the-racial-wealth-gap/>.

¹⁰⁷ Joe Hernandez, “New Jersey Targets Growing Student Debt with New Reforms,” WHYY, July 31, 2019, <https://whyy.org/articles/new-jersey-targets-growing-student-debt-with-new-reforms/>.

Miracle Chatman, a graduate from Michigan State University and a former High School Mathematics Teacher in Camden, is the first to graduate in her family and as the youngest of six children.¹⁰⁸ By her senior year of college, she owed \$43,605 in student loan debt. During her time at school she worked nearly full-time for 30 hours a week, balancing two on-campus jobs on top of achieving academic excellence and taking care of her family.¹⁰⁹ Her family's low-income status and her grit to maintaining a strong academic record allowed her to receive financial benefits from the federal government through the Pell Grant and thorough scholarship and grants. Despite this additional financial support, Chatman had to come up with an estimated amount of \$25,000 to complete her final year at college and receive her diploma.¹¹⁰

"I didn't take out loans because I wanted to. I took out the loans because I had to in order to live and be able to go to school," Chatman quoted.¹¹¹ Growing up, she did not have access to financial literacy courses and therefore, faced many struggles with navigating paying for college. In the end, poor policy making led her to ultimately owing more in student loans than she initially borrowed.

Black students and NJ residents like Miracle deserve to pursue her academic and career goals without being entrapped in a cycle of debt. Her story sheds light on how the prerequisite of obtaining a college degree to achieve the "American Dream" is incredibly more difficult for Black students to fulfill because historically Black people have been deprived of equitable access to education through segregation. Even presently, policy tools continue to be utilized to privatize education and make it exclusionary to further marginalize and oppress Black Americans. New

¹⁰⁸ Susan Tompor, "Black Women Bear Largest Burden in Student Debt Crisis," Student debt crisis stacks the odds against black women to pay if off, December 14, 2019, <https://www.freep.com/in-depth/money/personal-finance/susan-tompor/2019/10/10/student-debt-crisis-us-black-women/2233035001/>.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

Jersey fails to sufficiently fund public higher education.¹¹² They are subjected to discriminatory financial aid policies and due to the existing racial wealth gap in New Jersey, causing them to shoulder much of the burden in student debt.¹¹³ Lastly, Black communities are targeted by predatory private loaning services and for-profit institutions.¹¹⁴ This problem can also be attributed to the state’s failure to sufficiently fund higher education.¹¹⁵

The racial disparities in the student debt crisis and its contributions to the racial wealth gap reveals that New Jersey needs to take urgent action to expand access to affordable higher education for Black low-income students. While higher education is supposed to serve as an equalizer and a wealth-building opportunity in the United States, Black Americans are denied this opportunity as they continue to face many of these barriers today.

The primary goal of this report is to meet the needs of Black New Jerseyans who seek redress and reparations from our flawed higher education system through the notion of restitution. In his book, *Morality, Jus Post Bellum, and International Law Larry*, Larry May defines restitution as “restoring to the rightful owner what has been lost or taken away.”¹¹⁶ Through the lens of restitution, this report proposes four policy solutions that aim to provide a more equitable access to higher education and ultimately restore Black New Jerseyans the opportunity to build generational wealth. The Garden State must be held accountable for

¹¹² “The Original Voice of Community Development,” Shelterforce, March 21, 2023, <https://shelterforce.org/>.

¹¹³ Ibid.

¹¹⁴ “New Report Finds for-Profit Schools Targeting Black and Latino Communities.” Student Borrower Protection Center, 28 July 2021, <https://protectborrowers.org/for-profit-mapping/>.

¹¹⁵ Judith Scott-Clayton and Jing Li, “Black-White Disparity in Student Loan Debt More than Triples after Graduation,” Brookings, March 9, 2022, <https://www.brookings.edu/research/black-white-disparity-in-student-loan-debt-more-than-triples-after-graduation/>.

In this paper, I define higher education as any form of postsecondary education. This includes community colleges, trade schools, vocational schools, and 4-year institutions.

¹¹⁶ Larry May. “Reparations, Restitution, and Transitional Justice.” In *Morality, Jus Post Bellum, and International Law*, edited by Larry May and Andrew Forcehimes, 32–48. ASIL Studies in International Legal Theory. Cambridge: Cambridge University Press, 2012. doi:10.1017/CBO9781139161916.003.

repairing the harms of policy failures and alleviating the racial wealth gap by addressing the problem of student debt.

2. Racial Disparities in the Student Debt Crisis

Student debt plays a major role in sustaining and exacerbating the racial wealth gap in the United States. New Jersey especially has played a strong role in perpetuating barriers to affordable education, especially to Black students. The cost of attendance for colleges and universities in New Jersey is abnormally high compared to other states.¹¹⁷ Tuition rates are increasing every year while funding for public education is decreasing.¹¹⁸ Lastly, there is a glaring difference between the amount that white students take out loans compared to students of color.¹¹⁹ This section provides evidence for the detrimental effects the listed factors have had on Black students in the state of New Jersey.

2.1 Low Graduation Rates for Black Students

High school graduation rate in general for New Jersey is approximately 90 percent.¹²⁰ Black high school students graduate at the lowest rate of 83 percent across all racial and ethnic

¹¹⁷ Freed From Debt: A Racial Justice Approach to Student Loan Reform in New Jersey, 8. Accessed May 9, 2023, https://d3n8a8pro7vhmx.cloudfront.net/njsij/pages/689/attachments/original/1593521244/Freed_From_Debt_Report.pdf?1593521244.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ “High School Graduation Rates by Race: Kids Count Data Center,” High school graduation rates by race | KIDS COUNT Data Center, accessed May 9, 2023, <https://datacenter.aecf.org/data/tables/9581-high-school-graduation-rates-by-race?loc=32&loct=2#detailed/2/any/false/871,870/107,133,3,172,10,1105,185/18776>.

groups in the state.¹²¹ Although a relatively high number of Black students are graduating high school, as of 2019, only 51.9 percent of Black students enroll in post-secondary education.¹²²

Black students also face lower graduation rates compared to their white counterparts. Graduation rates measure the number of students who began school in the same cohort and will graduate in six years for four-year programs or three years for two-year programs.¹²³ A school should have a graduation rate of 64% to be deemed as an adequate graduation rate.¹²⁴ This measure is extremely important because it indicates the support that the institution provides for its students to be able to graduate in a timely manner, whether it be financial, academic, or social support. Black students have the lowest six-year degree graduation rates of any racial or ethnic group, at about 44%, according to the National Student Clearinghouse Research Center.¹²⁵

The 150 percent graduation rate in 2016 for first-time, full-time students at public two-year institutions was highest for Asian students (32 percent) and lowest for Black students (13 percent).¹²⁶ Overall, the normal graduation rate for students across all races are concerningly low but extremely low for Black students. At private nonprofit two-year institutions, the 150 percent graduation rate was highest for Asian students (75 percent) and lowest for Black students (50 percent).¹²⁷ This means that only approximately half of Black students at private nonprofit two-

¹²¹ Ibid.

¹²² “Young Adults Ages 18 to 24 Who Are Enrolled in or Have Completed College by Race and Ethnicity | KIDS COUNT Data Center,” accessed May 9, 2023, <https://datacenter.aecf.org/data/tables/8784-young-adults-ages-18-to-24-who-are-enrolled-in-or-have-completed-college-by-race-and-ethnicity?loc=32&loct=2>.

¹²³ Ibid.

¹²⁴ Aaron Long, “How to Make Sense of College Graduation Rates,” *Road2College* (blog), April 13, 2021, <https://www.road2college.com/graduation-rates-for-college-what-to-know/>.

¹²⁵ “2022 Completing College National and State Report 2008-2016 Cohorts,” Tableau Software, accessed May 10, 2023, https://public.tableau.com/views/2022CompletingCollegeNationalandStateReport_2008-2016Cohorts/Option1?:embed=y&:showVizHome=no&:host_url=https%3A%2F%2Fpublic.tableau.com%2F&:embed_code_version=3&:tabs=no&:toolbar=yes&:animate_transition=yes&:display_static_image=no&:display_spinner=no&:display_overlay=yes&:display_count=yes&:language=en-US&:loadOrderID=0.

¹²⁶ “Indicator 23: Postsecondary Graduation Rates,” accessed May 9, 2023, https://nces.ed.gov/programs/raceindicators/indicator_red.asp.

¹²⁷ Ibid.

year institutions graduate within three years. At private for-profit two-year institutions, the 150 percent graduation rate was highest for Asian and Pacific Islander students (69 percent each) and lowest for Black students (48 percent).¹²⁸ Although it is still relatively quite low, private for-profit two-year institutions have a higher normal graduation rate compared to public 2-year institutions, indicating that there is insufficient funding and support for these public institutions.

On the other hand, for-profit 4-year institutions hold a poor reputation for having the goal of simply matriculating students and not graduating them. In 2010, an alarming 26 percent of students attending for-profit, 4-year colleges and universities successfully graduated within six years and only 18 percent of Black students seeking a bachelor's degree at these institutions graduated within this time frame.¹²⁹

2.2 For-Profit Institutions and Predatory Practices

This next subsection further explores the relationship between private, for-profit institutions and communities of color, its causes, and implications. Private, for-profit institutions have a problematic history of specifically targeting Black and Latinx communities, particularly women that are a part of these communities.¹³⁰ Due to their status of being a for-profit organization, the primary goal of these institutions is to accrue revenue and their target consumers are prospective students. These institutions have identified that they are able to maximize their profits by targeting students of color and low-income students who typically do

¹²⁸ Ibid.

¹²⁹ “The NCES Fast Facts Tool Provides Quick Answers to Many Education Questions (National Center for Education Statistics)” (National Center for Education Statistics), accessed May 9, 2023, <https://nces.ed.gov/fastfacts/display.asp?id=40>.

¹³⁰ “New Report Finds for-Profit Schools Targeting Black and Latino Communities.” Student Borrower Protection Center

not have access to the social and cultural capital of understanding the true intentions and dangers of for-profit schools.

These institutions use a tactic referred to as reverse redlining to recruit students. Redlining is a discriminatory tactic that is used to outline areas that are predominantly Black to deem the district unfit of investments.¹³¹ Hence, reverse redlining is a predatory strategy that institutions utilize to identify these areas and prey on vulnerable prospective students, who are majority low-income and Black.¹³² Therefore, Black and Brown students are likely to attend these for-profit institutions at significantly higher rates than white students.

The problem is that most of these schools typically do not properly set these students up for success because their priority is to make money, not to benefit their students. They lure them in with false promises of immediate employment post-graduation, and implement illegal debt collection practices.¹³³ They also often falsely advertise graduation rates and job placement rates to further lure students in.¹³⁴ Ultimately, BIPOC students are left with a meaningless diploma, an absurd amount of debt, and no job lined up for them. The Harvard Law Review reports that “Black and Latino students make up less than one-third of all college students, [but] they represent nearly half of all those attending for-profit institutions. These schools leave students, particularly students of color, with higher levels of debt (96% of students who graduate from a for-profit school leave with debt).”¹³⁵

¹³¹ “What Is Redlining? - The New York Times,” accessed May 9, 2023, <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>.

¹³² Jodi Miller, “Redlining Making a Comeback, But in Reverse,” New Jersey State Bar Foundation, February 26, 2021, <https://njsbf.org/2021/02/26/redlining-making-a-comeback-but-in-reverse/>.

¹³³ “For-Profit Schools’ Predatory Practices and Students of Color: A Mission to Enroll Rather than Educate,” Harvard Law Review, accessed May 9, 2023, <https://harvardlawreview.org/blog/2018/07/for-profit-schools-predatory-practices-and-students-of-color-a-mission-to-enroll-rather-than-educate/>.

¹³⁴ Ibid.

¹³⁵ Ibid.

2.3 Discriminatory Financial Aid Policies

New Jersey has many anti-discrimination practices in place in terms of financial aid. The state recently made great strides in providing financial aid for children of immigrants, DACAmented students, or students with an undocumented status. However, despite these inclusionary reforms, there are still a number of implicitly discriminatory financial aid policies in place that disproportionately hurt Black students.

Nearly half of Black students considered taking a leave of absence or withdrawing from school completely according to a national report from Gallup and the Lumina Foundation.¹³⁶ Black students more often reported feeling unsafe and unheard at their institutions compared to other students due to exclusive curriculums that do not highlight Black scholarship.¹³⁷ Black students also shoulder more burdens and responsibilities that schools do not support. The same report found that 15 percent of Black students serve as caregivers for family members or friends while only 8 percent of other students share this responsibility.¹³⁸ 11% of Black students are parents or guardians of children under the age of 18 compared to 7 percent of other students.¹³⁹ Only 11 percent of other students have caregiver responsibilities while double the percentage of Black students.¹⁴⁰ Lastly, 20 percent of Black students are employed full-time while only 11 percent of other students have full-time jobs.¹⁴¹

Keeping these statistics in mind, current school policies end up disproportionately hurting Black students. For instance, most schools require full-time students to live on-campus to be

¹³⁶ Marianna McMurdock, "Why Nearly Half of Black Students Have Considered Stopping College," February 9, 2023, <https://www.the74million.org/article/why-nearly-half-of-black-students-have-considered-stopping-college/>.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

eligible for scholarships to encourage student engagement and retention. Unfortunately, this has an adverse effect for Black students. As the statistics indicate that Black students face more responsibilities than the average white student, it is difficult for Black students to adequately balance caregiving responsibilities, financial burdens, and academics. Therefore, this requirement inadvertently denies Black students equitable access to financial aid because they face more significant barriers to enroll as full-time students and live in on-campus housing.¹⁴²

2.4 Unequal Borrowing Rates and Student Loan Default Rates

Black students and other students of color are more likely to default on borrowing loans. Although the racial wealth gap exists across the nation, this problem is found to be more extreme in the state of New Jersey. Our state has a Black-white wealth gap of over \$300,000, one of the highest racial wealth discrepancies in the nation, while the national Black-white wealth gap is an estimated \$160,000.¹⁴³ This stark disparity leads to alarmingly unequal borrowing rates. “Black graduates have on average \$7,400 more student debt than white graduates... Four years after graduation, the Black-white student debt gap more than triples to \$25,000,” due to interest accumulation.¹⁴⁴ In addition to the unequal borrowing rates that lead Black students to take out more loans, there are disparate student loan default rates based on race. The table on the left displays data from the Urban Institute revealing the student loan default rate by county in New Jersey.¹⁴⁵ Across the four counties, communities of color are three to five times more likely to

¹⁴² Ibid.

¹⁴³ “Making the Two New Jerseys One: Closing the \$300,000 Racial Wealth Gap in the Garden State” assets.nationbuilder.com/njisj/pages/689/attachments/original/1645655107/The_Making_the_Two_New_Jerseys_One_Executive_Summary_for_Web.pdf?1645655107. Accessed 10 May 2023.

¹⁴⁴ Duong, “The Role Student Debt Plays in the Racial Wealth Gap.”

¹⁴⁵ Freed From Debt: A Racial Justice Approach to Student Loan Reform in New Jersey, 9

default on their student loans. The consequences of defaulting on loans are detailed in the following section.

2.5 Long-term Effects of Student Debt on Black Borrowers

This subsection analyzes the consequences of debt and low graduation rates have on Black borrowers. The racial wealth gap puts Black students in a position where they have to heavily rely on loans to pay for their college education and it makes it difficult for them to pay

STUDENT LOAN DEFAULT RATE BY COUNTY IN NEW JERSEY				
	Essex County	Camden County	Mercer County	Atlantic County
Communities of Color	21%	24%	22%	28%
White Communities	4%	8%	4%	10%
Source: <i>Urban Institute</i>				

off their debts post-graduation compared to their white counterparts.¹⁴⁶ Because of this alarming gap, Black New Jerseyans have limited opportunities for wealth building because they are burdened with student debt. Black

Americans also default on student loans at higher rates, which leads to the loss of eligibility in federal programs, selecting a new repayment plan, withdrawal of a portion of wages, and more.¹⁴⁷ They especially are deprived of pursuing one of the greatest wealth building opportunities in the United States: home ownership.

There are glaring disparities in Black-white home ownership in New Jersey. These discrepancies are undoubtedly a result of residential segregation and past discriminatory housing

¹⁴⁶ Ibid.

¹⁴⁷ “Student Loan Delinquency and Default | Federal Student Aid,” accessed May 9, 2023, <https://studentaid.gov/manage-loans/default>.

policies such as redlining. “The typical white family in New Jersey has \$132,000 in home equity, while the typical Black family rents so they have \$0 in housing wealth.”¹⁴⁸

Student debt also strongly hinders Black borrowers from pursuing other wealth building opportunities such as putting money towards retirement, investing in stocks, and starting businesses.¹⁴⁹ In fact, a study by Karthik Krishnan and Pinshuo Wang finds a negative correlation between the amount of student debt and the rates of entrepreneurship.¹⁵⁰ Thus, the more student debt an individual accumulates, the less likely they are to invest in starting a business or they are more likely to declare bankruptcy if they do start one.¹⁵¹

Ultimately, student debt disproportionately affects the ability of Black borrowers to build generational wealth, essentially creating a cycle of debt.

3. Previous Attempts to Alleviate Student Debt in New Jersey

3.1 New Jersey College Loans to Assist State Students (NJCLASS) program.

The COVID-19 pandemic brought financial instability to families across the state, especially low- and middle-income families. Governor Murphy introduced the NJCLASS program to provide additional relief to borrowers once grants and federal support were exhausted.¹⁵²

¹⁴⁸ “Black Homeownership Matters: Expanding Access to Housing Wealth for Black New Jerseyans,” New Jersey Institute for Social Justice, 2022, https://assets.nationbuilder.com/njisj/pages/689/attachments/original/1651592853/Black_Homeownership_Matters_Report_5.3.22_web.pdf?1651592853

¹⁴⁹ Duong, “The Role Student Debt Plays in the Racial Wealth Gap.”

¹⁵⁰ Karthik Krishnan and Pinshuo Wang, “The Cost of Financing Education: Can Student Debt Hinder Entrepreneurship?,” n.d.

¹⁵¹ Ibid.

¹⁵² Freed from Debt, 7

3.2 Restricting Predatory Institutions

Last year, New Jersey passed Bill A1695 which established performance quality standards for career and technical programs offered at postsecondary institutions.¹⁵³ Black students often are targeted through reverse redlining tactics to attend for-profit institutions/enroll in unsuccessful programs that entrap them in debt and leave without a degree or proper certification. If an institution fails to meet the requirements entailed in this bill, their license to grant degrees is threatened with revocation.

3.3 Community College Opportunity Grants

Approximately 51.9 percent of Black students enroll in post-secondary education because they do not believe that their return of investment will be worth the amount they will have to pay upfront or the amount of student debt that they will have to eventually pay.¹⁵⁴ CCOGs covers the cost of tuition and other educational fees for New Jersey residents with an annual adjusted gross income between \$0 and \$65,000.¹⁵⁵ “New Jersey residents with AGIs between \$65,001 and \$80,000 pay reduced tuition costs after up to 50% of the maximum CCOG award available at their community college is applied.”¹⁵⁶ This is monumental because this is a huge step towards providing more affordable education to NJ residents as it implicates feasibility in expanding this initiative to 4-year colleges and universities.

¹⁵³ “NASFAA | New Jersey to Implement Its Own Gainful Employment Standards for All ‘Career-Oriented’ Higher Ed Programs,” accessed May 9, 2023, <https://www.nasfaa.org/news-item/27737/New-Jersey-to-Implement-Its-Own-Gainful-Employment-Standards-for-All-Career-Oriented-Higher-Education-Programs>.

¹⁵⁴ “Young Adults Ages 18 to 24 Who Are Enrolled in or Have Completed College by Race and Ethnicity”

¹⁵⁵ “Community College Opportunity Grant,” accessed May 9, 2023, <https://www.hesaa.org/pages/ccog.aspx>.

¹⁵⁶ Ibid.

3.4 Rutgers–Newark’s Successful Initiatives

“In 2015, Rutgers-Newark’s six-year graduation rate was 64 percent for [B]lack students and 63 percent for white students, according to administrators, compared with 40 percent and 61 percent respectively at public institutions nationally.”¹⁵⁷ One of New Jersey’s state schools has strongly demonstrated significant improvement in increasing Black graduation rates. Their success can be attributed to their Talent and Opportunity Pathways program which grants free tuition to admitted Newark residents with an annual income of \$60,000 or less.¹⁵⁸ The program additionally offers free tuition for New Jersey county college transfers that belong in the same income bracket.¹⁵⁹

4. Successful Approaches From Other Regions and Jurisdictions

New Jersey is only one of the many states that is suffering from the student debt crisis and has a problematic history of constructing barriers to affordable and quality education for Black Americans. This is a national conversation that the federal government, along with other states, have been engaging with to tackle this issue. The following proposals, pieces of legislation, and executive orders serve as models and precedents that the state of New Jersey should draw from to work towards racial and economic justice.

¹⁵⁷ Meredith Kolodner, “Why One Well-Known University Recruits Students With Mediocre Test Scores,” The Atlantic, May 19, 2016, <https://www.theatlantic.com/education/archive/2016/05/unconventional-admissions-policy/483423/>.

¹⁵⁸ “Rutgers Newark Creates Free Tuition Program | Video,” NJ Spotlight News, accessed May 9, 2023, <https://www.njspotlightnews.org/video/rutgers-newark-creates-free-tuition-program/>.

¹⁵⁹ Ibid.

4.1 President Biden’s Student Debt Relief Plan

The most widely discussed attempt at addressing this problem is currently President Biden’s student loan forgiveness plan. His plan entails providing up to \$20,000 in debt relief to Pell Grant recipients and includes an income-based repayment plan.¹⁶⁰ Therefore, through this plan, borrowers would not be required to make monthly payments which would provide so much more flexibility in terms of repayment.

4.2 Massachusetts and Disclosure Requirements (940 CMR 31.00)

Massachusetts has one of the most rigorous and strict disclosure requirements across the country to ensure full transparency and accountability. The state requires for-profit schools to provide information regarding graduation rates, job placement rates, passing rates on programs and licensing exams, and additional relative information to prospective and current students. The state’s requirements also prevent these institutions from utilizing high-pressure sales tactics to coerce students from taking out loans to enroll and bans deceptive language in communications with students.¹⁶¹

4.3 California Task Force

California has established a task force for reparations, a necessary measure that New Jersey has notably yet to accomplish. To compensate Black California residents, the task force calls for the state of California to provide free tuition for Black students for any California state

¹⁶⁰ “The Biden-Harris Administration’s Student Debt Relief Plan Explained.” Federal Student Aid, “The Biden-Harris Administration’s Student Debt Relief Plan Explained | Federal Student Aid,” accessed May 5, 2023, <https://studentaid.gov/debt-relief-announcement>.

¹⁶¹ “For-Profit School Advisory | Mass.Gov,” accessed May 9, 2023, <https://www.mass.gov/service-details/for-profit-school-advisory>.

college and university. It is important to note that students are only eligible for this reparation if they can prove that they are descendants of enslaved Africans.¹⁶²

4.4 College for All Act

In 2021, Senator Bernie Sanders and Rep. Pramila Jayapal, D-Wash. proposed the “College for All Act” that aims to provide tuition-free education for all students in any public post-secondary educational institution or program. Unfortunately, although this act has not been passed, it is one of the many progressive measures that politicians and policymakers are advocating for to redress the harms of the country’s broken higher education system. The question of funding rises regarding this initiative

5. Policy Recommendations

5.1 Recommendations for Student Loan Forgiveness

- **Forgive All Current Outstanding Debt.** Black borrowers make up a disproportionate percentage of this current amount so eliminating this burden would allow current students and borrowers to stay in school and eventually graduate. In addition to this population, past Black graduates with debt and including those who were unable to graduate but still accrued student debt will be alleviated from this financial burden allowing them to pursue wealth building opportunities such as entrepreneurship or purchasing a home.

¹⁶² “Reparations Reports,” State of California - Department of Justice - Office of the Attorney General, June 1, 2022, <https://oag.ca.gov/ab3121/reports>.

- Once student debt is forgiven, studies find that the “greater the racial wealth gap is reduced at every wealth percentile.”¹⁶³
- **Expand the NJCLASS program.** The state should remove eligibility requirements and remove all student debt shouldered by New Jersey residents through NJCLASS loans. This meaningful investment will have a tremendous immediate and long-term impact. Researchers and advocates have indicated that loan forgiveness could help boost the economy by freeing up dollars in household budgets from debt payments.¹⁶⁴
- **Vote on Bill AJR202.** Towards the end of 2022, this bill was introduced to urge President Biden to cancel all federal student loans.¹⁶⁵ The Senate should endorse this bill to push President Biden to exercise his executive power through the Higher Education Act of 1965 to forgive all federal student debt.
 - Surveys indicate that forty-seven percent of adults with student loan debt who were unable to complete their post-secondary education would re-enroll if their student loans were forgiven.¹⁶⁶ “The proportions are higher among Black (57%) and Hispanic (49%) adults who have stopped out than among white adults (37%).”¹⁶⁷

¹⁶³ Andre Perry, “COLUMN: Student Debt Cancellation Isn’t Regressive, It’s Anti-Racist.” The Hechinger Report, July 6, 2021. <https://hechingerreport.org/column-student-debt-cancellation-isnt-regressive-its-anti-racist/>.

¹⁶⁴ Freed from Debt, 10

¹⁶⁵ LegiScan. “New Jersey AJR202 | 2022-2023 | Regular Session.” Accessed May 9, 2023. <https://legiscan.com/NJ/bill/AJR202/2022>.

¹⁶⁶ “Gallup-Lumina State of Higher Education,” Gallup.com, accessed April 28, 2023. <https://www.gallup.com/analytics/468986/state-of-higher-education.aspx>.

¹⁶⁷ Ibid.

5.2 Recommendations for Restricting For-Profit Institutions

- **Impose Disclosure Requirements.** For-profit institutions across the country and in New Jersey have a problematic history of targeting Black and brown communities. With disclosure requirements, these institutions, along with other public institutions, must have clear and public data regarding graduation rates, job placement rates, and borrowing rates.
 - In addition, any institution offering occupational or vocational training must report accurate job placement rates to their students and on their websites. Failure to comply will result in revoking the institution’s right to certification.
 - Furthermore, this data must be accurately disaggregated to display the racial breakdown of the rates for further transparency.
- **Enforce Stricter Regulations for Recruitment.** We call for Attorney General Platkin to impose and enforce stricter regulations on for-profit institutions and their deceptive and predatory practices. They must be banned from promoting programs that are not approved by the government and from using deceptive language.¹⁶⁸
- **Enact the College Cost Transparency and Student Protect Act.** Congress and the President must take action to ensure a nationwide regulation that guarantees non-misleading and accurate financial aid offers to be provided by post-secondary institutions and programs.¹⁶⁹ More aggressive and protective measures must be implemented to

¹⁶⁸ “940 CMR 31.00: For-Profit and Occupational Schools | Mass.Gov,” accessed May 10, 2023, <https://www.mass.gov/regulations/940-CMR-3100-for-profit-and-occupational-schools>.

¹⁶⁹ Committee on Education & the Workforce. “Foxx, McClain Reintroduce the College Cost Transparency and Student Protection Act,” March 2, 2023. <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=408882>.

shield students, especially Black students and low-income students from becoming victims to predatory practices.

5.3 Recommendations for Restructuring the Higher Education System in New Jersey

- **Reinstitute the Department of Higher Education:** In 1994, Governor Whitman signed Senate Bill 1113 (P.L. 1994, Chapter 48) that enacted the Higher Education Restructuring Act which replaced the Department of Higher Education with a non-cabinet level Commission of Higher Education. This bill also established the New Jersey Presidents Council to reallocate the powers of the former department. However, this newly formed council lost association with the Department of Higher Education and its authority was relocated to the Department of Treasury, complicating responsibilities and jurisdictions over managing and monitoring New Jersey’s colleges and universities.
 - Prior to the department’s removal, the main function of the department was to concern itself with matters regarding NJ’s college and university system, such as setting tuition rates and approving new trustees. Therefore, as a consequence of Governor Whitman’s executive order, we identify a dangerous trend of public schools in New Jersey becoming more expensive and exclusionary.
- **Define Specific Goals of the Department.**
 - Currently, New Jersey has the Office of the Secretary of Higher Education (OSHE) only in place. The role of the secretary of higher education is to mainly compile and analyze data reported from New Jersey colleges and universities.¹⁷⁰

¹⁷⁰ “OFFICE OF THE SECRETARY OF HIGHER EDUCATION,” n.d.

However, this role is not enough to create a centralized authority that oversees New Jersey’s college and university system.

- Therefore, reinstating this department means a higher power that will be responsible for standardizing attendance costs and setting limits to increases in tuition across schools.¹⁷¹
 - They will also be responsible for regulating for-profit institutions and enforcing that they are not carrying out any reverse redlining tactics.¹⁷²
 - Another responsibility that must be endowed upon them is to collect race and household income data from public universities and institutions.¹⁷³
- **Increase funding for federal TRIO Programs.** To provide assistance for students to make these decisions, college access programs must be made accessible and more known to high school students so that they are better prepared to enter post-secondary education. In an interview with Claude Taylor, a professor and the Director For Academic Transition And Inclusion at Monmouth University, he asserted that earlier interventions and educational outreach programs are crucial to enrolling and graduating low-income students of color.¹⁷⁴ Therefore, this report calls for the Department of Education to increase funding for federal TRIO programs.¹⁷⁵

¹⁷¹ “NJEFA History,” accessed May 9, 2023, <https://www.nj.gov/njefa/about/history/>.

¹⁷² “New Report Finds for-Profit Schools Targeting Black and Latino Communities.” Student Borrower Protection Center

¹⁷³ Freed from Debt

¹⁷⁴ Claude Taylor. “Exploring the Student Debt Crisis with a NJ Professor.” Interview by Clara Kim. April 6th, 2023.

¹⁷⁵ J Geiman and Alpha S. Taylor. “Disproportionately Impacted: Closing the Racial Wealth Gap through Student Loan Cancellation, Payment Reforms, and Investment in College Affordability.” CLASP The Center for Law and Social Policy, https://www.clasp.org/wp-content/uploads/2022/06/2022_Disproportionately-Impacted.pdf.

5.4 Recommendations for Providing Reparations for Black Students in NJ

- **Provide Free College for Black Students in NJ.** The ultimate goal that we should strive for is to provide free postsecondary education for Black students at any college or university in New Jersey. The Reparations Task Force in California has also called for the state to provide funding for free tuition to California colleges and universities.¹⁷⁶ New Jersey should not only provide funding for free tuition but the total cost of attendance to ensure the elimination of all barriers to Black NJ residents from attaining higher levels of education and to remove the possibility of other policies inadvertently exacerbating the wealth gap.
 - Black students in New Jersey have been denied access to affordable and quality education for generations, ultimately hindering them from pursuing any wealth building opportunities. Therefore, New Jersey should not only provide funding for free tuition for Black students but the total cost of attendance to ensure the elimination of all barriers to accessible and quality education for Black NJ residents.
- “New Jersey K-12 schools spend \$21,334 per pupil for a total of \$29,864,232,000 annually,”¹⁷⁷ and spends about 2.7 billion dollars in higher education annually.¹⁷⁸ There are currently over 3 billion dollars of unclaimed federal money that would

¹⁷⁶ “Reparation Reports.”

¹⁷⁷ Education Data Initiative, “U.S. Public Education Spending Statistics [2023]: Per Pupil + Total,” accessed May 9, 2023. <https://educationdata.org/public-education-spending-statistics>.

¹⁷⁸ Ibid.

have been spent for COVID measures that can potentially fund free tuition for Black residents.¹⁷⁹

- **Renew the Millionaire Tax.** Additionally, the Millionaire Tax in New Jersey, which places a tax rate of 11.5 percent on large, wealthy corporations that see profits in excess of \$1 million, is set to expire by the end of this year.¹⁸⁰ Governor Murphy currently has made no initiative to enforce the continuation of this tax but we urge him to renew New Jersey’s Millionaire Tax. The additional revenue from this wealth tax can also be allocated to funding the reinstated Department of Higher Education mentioned in the previous recommendation.
 - Because Black New Jerseyans have been deprived of affordable access to higher education for generations, they have been unable to generate wealth as they have been trapped in a cycle of debt. So, New Jersey should not only provide funding for free tuition for Black students but the total cost of attendance to ensure the elimination of all barriers to accessible and quality education for Black NJ residents. Current plans and models right now are doing similar things but if we remove the income limits and limits of just initiatives, then we increase all of enrollment, retention, and graduation rates. This will also, in turn, lead to an increase in immediate job employment post-graduation. By providing free post-secondary education for Black students, New Jersey provides redress for past harms that the state has inflicted through policy failures, but is also avoiding

¹⁷⁹ Dana DiFillipo, New Jersey Monitor April 26, and 2022. “College Presidents Urge Lawmakers to Expand Higher Education Aid.” New Jersey Monitor (blog), April 26, 2022. <https://newjerseymonitor.com/2022/04/26/college-presidents-urge-lawmakers-to-expand-higher-education-aid/>.

¹⁸⁰ ITEP. “New Jersey, New York, and Connecticut Should Keep Corporate Taxes Strong, Extend Surcharges.” Accessed May 9, 2023. <https://itep.org/new-jersey-new-york-and-connecticut-should-keep-corporate-taxes-strong-extend-surcharges/>.

implementing inadvertently regressive measures that may exacerbate the racial wealth gap.

6. Conclusion

In conclusion, the higher education system in the United States and New Jersey has failed to protect and support Black students. This report provides extensive analysis on and holds the state of New Jersey responsible to repair the harm of underinvesting in its higher education system. New Jersey must end the privatization of public education and work towards ensuring post-secondary education as a public good. By implementing the policy recommendations this report has laid out, the state will accomplish protecting vulnerable communities, eliminating exploitative practices in higher education, and compensating Black New Jerseyans seeking redress for the state's past and current oppressive systems. Addressing the issue of student debt is a necessary anti-racist measure that protects the civil rights of Black New Jerseyans. The recommended reforms and structural changes will increase the number of Black New Jersey graduates, increase Black home ownership and entrepreneurship, and overall benefit the economy. I urge the state of New Jersey to review this report's recommendations to break the intergenerational cycle of debt for Black New Jerseyans and to strengthen and diversify our education system and in turn, our state's workforce.

New Jersey Must Stop Incarcerating Black Students: A Policy Agenda for Reducing Racial Disparities in the State’s Youth Incarceration and Public Schooling Systems

DeAisha Johnson

“I pledge my honor that this assignment was completed in accordance with University regulations.”

/s/ DeAisha Johnson

1. Introduction

When I volunteered at a predominantly Black high school in Brooklyn, New York, I stood shocked while watching young students shake their pockets, show their clear backpacks, and walk through the metal detectors before going through the school doors to start their day. Police officers clad in their blue uniforms stood stern-faced at the doors, ensuring that each student followed these security procedures, not letting even one stone go unturned. Initially, this worried me. The actions of these police officers stationed at the front entrance made me fear that the students may treat me poorly during this college preparatory week program.

I quickly realized that was not the case at all. The students I met that week were funny, kind, and eager to learn. There was a clear contrast between the way in which these students were being treated by these police officers and how the students behaved in the classroom. That week, I saw the school-to-prison pipeline come to life. These students shouldn’t be met with vicious hostility at their school doors, as it creates, builds, and reinforces the school-to-prison pipeline.

Pivoting to New Jersey, the school-to-prison pipeline phenomenon can be examined quite easily within the state's public schools, especially within those in low-income communities. For the 2021-2022 school year, New Jersey state lawmakers designated over \$287 million from the state budget in order to employ School Resource Officers (SROs) in districts statewide, with the purpose of implementing effective school safety measures.¹⁸¹ This funding is very disproportionately allocated to predominantly Black, low-income school districts. In the Winslow Township School District located in Camden County, where 48% of students are low-income, a staggering \$325 is spent on security per student, accounting for about \$1,455,000 of the school budget. In the Haddon Township School District, also in Camden County, where only 14% of students are low-income, only \$108 is spent on security per student, accounting for about \$207,000 of the school budget . According to crime data reported by their respective police departments, Winslow Township reported a total crime rate of 351.7 offenses per 100,000 individuals in 2021, while Haddon Township reported a higher rate of 489.7 offenses per 100,000 individuals.¹⁸² It is important to note that crime data may not always be accurate, but this reported data demonstrates that even with a lower reported crime rate than Haddon Township, Black youth in Winslow Township are still subjected to over-policing and criminalization within their school environment.

This is not a coincidence. The disparities and the stark racial gap in school policing that we see today in New Jersey reflect hundreds of years of white supremacist ideals, institutions, and policies. This intentional racial disparity in policing was and still continues to be used to

¹⁸¹ Ruffin, Armani. "N.J. Student: We Don't Need Any More Police in Schools: Opinion." NJ.com, Advance Local Media LLC, 5 Aug. 2022, <https://www.nj.com/opinion/2022/08/nj-student-we-dont-need-any-more-police-in-schools-opinion.html>.

¹⁸² "Uniform Crime Reporting." Uniform Crime Reporting | Current Crime Data, State of New Jersey, 5 May 2021, <https://nj.gov/njsp/ucr/current-crime-data1.shtml?agree=0>.

strategically drive a wedge between white and Black Americans, ensuring that the harm imposed on Black Americans during slavery still continued to harm them post-Emancipation.

In fact, New Jersey played a huge role in the institution of slavery itself. Commonly known as the “slave state of the North”, by 1800, there were an estimated 12,422 enslaved men and women in New Jersey, accounting for about 6% of the state population (*Slavery in New Jersey*). White English settlers imported enslaved Africans near the port of Perth Amboy and near Camden, New Jersey.¹⁸³ Most of these enslaved people performed forced agricultural labor and skilled artisan jobs for which they did not receive pay.

New Jersey has always had a deep connection with chattel slavery. In 1804, the state passed the Gradual Emancipation of Slavery Act, which declared children born to an enslaved woman after July 4, 1804 to be free after serving their mother’s owner until the age of 21 for females and the age 25 for males. Considering that the average life expectancy was 40 years old at this time, this meant that this law stole more than half of these Black people’s lives to satisfy New Jersey enslavers.¹⁸⁴ Even with the passage of this act, slavery in New Jersey was still prevalent. By 1830, approximately 3,600 Northern Black people remained slaves, two-thirds of which were in New Jersey.¹⁸⁵ When President Lincoln passed the Emancipation Proclamation in 1865, New Jersey residents were not happy and acted very slowly to finish the process of abolishing slavery and ratifying the 13th Amendment. They were the 32nd state to ratify the 13th

¹⁸³ Duhart, Bill. “Historical Signs Now Mark Site Where Slaves Were Sold in Camden.” NJ.com, Advance Local Media LLC, 28 Nov. 2017, https://www.nj.com/camden/2017/11/nj_slave_markets_recognized_in_camden.html.

¹⁸⁴ Williams, Noelle Lorriane. “New Jersey, The Last Northern State to End Slavery.” Official Site of the State of New Jersey, NJ Department of State, <https://nj.gov/state/historical/his-2021-juneteenth.shtml#:~:text=Slavery%27s%20final%20legal%20death%20in,to%20slavery%20in%20the%20state>.

¹⁸⁵ “Slavery in New Jersey.” History of American Women, <https://www.womenhistoryblog.com/2008/02/slavery-in-new-jersey.html>.

Amendment, on January 23rd, 1866, after initially rejecting the ratification of the amendment on March 16, 1865.¹⁸⁶

The ratification of the 13th Amendment led to large numbers of freed Black people living in New Jersey, leading state officials attempting to address this “problem” with the construction of the New Jersey Training School for Boys, also known as Jamesburg. Unlike the Bordentown School, which was an elite boarding school for New Jersey’s Black youth established in 1886 that attracted the likes of Albert Einstein and W.E.B DuBois, Jamesburg was far from a “training school”, as it was, and still is, the state’s largest youth prison for boys.¹⁸⁷ Focusing on the Bordentown School, it quickly became known as “Tuskegee of North”, named after Booker T. Washington’s Tuskegee Institute, due to the success in shaping young Black girls and boys into future leaders. Unfortunately, due to the 1954 Supreme Court decision in the pivotal *Brown v. Board of Education* case, which declared segregation in public schools unconstitutional, the Bordentown School closed in 1955.¹⁸⁸ The state of New Jersey wasted no time in deciding what to do with this newly freed land. After the closure of the Bordentown School, state officials built the Female Secure Care and Intake Facility, commonly known as Hayes on the land where the Bordentown School once stood. The location decision is a deliberate, devious action and a symbolic middle finger to the Black community on behalf of the State of New Jersey.

¹⁸⁶ New Jersey State Bar Foundation. “How Did the People of New Jersey Both Profit from and Resist Chattel ...” New Jersey State Bar Foundation, <https://njsbf.org/wp-content/uploads/2020/10/Theme-Three-Background-Info-1.pdf>.

¹⁸⁷ Juvenile Justice Commission. “New Jersey Training School.” State of New Jersey Department of Law and Public Safety, State of New Jersey, https://www.state.nj.us/oag/jjc/secure_njts.htm#:~:text=The%20New%20Jersey%20Training%20School,24%2Dhour%20armed%20roving%20patrol.

¹⁸⁸ Weill-Greenberg, Elizabeth. “The Forgotten Ones: New Jersey's Locked-up Girls.” New Jersey Institute for Social Justice, New Jersey Institute for Social Justice, 8 Mar. 2017, https://www.njisj.org/the_forgotten_ones_new_jersey_s_locked_up_girls.

Today, despite countless calls from New Jersey social justice organizations to close these youth prisons, Jamesburg and Hayes remain open. In what activists thought was a step in the right direction, the former Governor of New Jersey, Chris Christie, announced on January 8th, 2018 that the state had plans to close the youth prisons for good, marking this plan as one of the most significant youth justice reforms in 150 years. In their absence, two new youth “rehabilitation centers” based on “national best practices” would be constructed. This announcement went against the demands of the New Jersey Institute for Social Justice (NJISJ), which called for the closure of the youth prisons along with the investment in the creation of a community-based system of care in the state.¹⁸⁹ While Christie’s plan to close the youth prisons fell flat, the state continues to show that they have little intentions to revive it. Recently, the current governor, Phil Murphy, allocated \$900,000 to repair the roof of the Hayes prison in the 2023 fiscal budget.¹⁹⁰ Fred Fogg, a Newark-based national director of violence prevention for Youth Advocate Programs, spoke for many when he said, “to rebuild or repair a prison that has ineffective outcomes and are pillars of trauma for our young people just doesn't make sense to me. Those dollars are a bad investment.”¹⁹¹ The actions of these governors are painful depictions of how the state continues to oppress, punish, and dehumanize its young Black residents, especially those from low-income backgrounds.

It is time that New Jersey addresses its racist path and acknowledges the harm that they have done to its Black youth for generations. Throughout this paper, we will first review

¹⁸⁹ Weill-Greenberg, Elizabeth. “Institute Statement on Governor Christie's Plan to Close Two New Jersey Youth Prisons.” New Jersey Institute for Social Justice, New Jersey Institute for Social Justice, 8 Jan. 2018, https://www.njisj.org/institute_statement_on_governor_christie_s_plan_to_close_two_new_jersey_youth_prisons.

¹⁹⁰ DiFilippo, Dana. “Jail's Roof Repair a Reminder of N.J.'s Stalled Reforms on Youth Incarceration.” New Jersey Monitor, New Jersey Monitor, 16 Mar. 2022, <https://newjerseymonitor.com/2022/03/16/jails-roof-repair-a-reminder-of-n-j-s-stalled-reforms-on-youth-incarceration/>.

¹⁹¹ Ibid

empirical evidence of New Jersey’s youth incarceration system and the effect it has had on Black youth in order to evaluate the extent of the harm and disproportionate impact on this marginalized population. We will then evaluate New Jersey’s public schools and systemic investment in youth incarceration, specifically the effect that the employment of SROs has had on New Jersey’s Black youth, in order to paint a better picture of how the school-to-prison pipeline operates in the state. Next, we will review previous attempts to put an end to youth incarceration in New Jersey in order to understand the obstacles other youth incarceration activists in the state have faced and how we can avoid them in the development of further youth incarceration reform policies. We’ll also review Germany’s current model of incarceration, paying close attention to how New Jersey can use Germany’s model in order to finally reckon with their dark past. Finally, this paper will conclude with robust policy recommendations in order to encourage New Jerseyans to reimagine their state as one that pushes their Black youth towards pathways of success, with a reparative plan that expresses sorrow for the history of Black harm caused by the school-to-prison.

2. Evidence

2.1 Youth Incarceration in New Jersey

How is it possible that a state once dubbed “the slave state of the North” is now regarded as one of the top ten most left-leaning states in the country? Despite its terrible history with chattel slavery, New Jersey residents have shown that they prefer liberal, progressive policies, as the amount of registered Democratic voters outnumbered Republican voters by over one million

people.¹⁹² According to a report from Gallup in 2014, New Jersey also encompasses below-average conservative ideology, as it comes in as the 42nd most conservative state, with just about 30% of residents identifying themselves as conservatives and 37.8% of residents identifying as moderates. However, as one of the country's most liberal states, New Jersey's conservative incarceration practices remain prevalent in the state. These conservative practices reflect a large policy preference gap in what New Jersey voters value and what policies New Jersey lawmakers are implementing.

Racial disparities in youth incarceration in New Jersey are the worst in the nation, as African American youth are 17.5 times more likely than white youth to be incarcerated. Despite only making up 14.7% of New Jersey's youth population, African American youth account for 60.47% of the incarcerated youth population. In addition, white youth account for just about half of New Jersey's youth population, yet they only represent 11.63% of the incarcerated youth population.¹⁹³ In the "Bring Our Children Home: Ain't I a Child" report by NJISJ, they write, "This is not because Black youth are more criminally culpable— there is little difference between Black and white youth in terms of delinquent behavior and status offending (conduct that is only criminalized if committed by a minor, such as truancy or underage drinking)."¹⁹⁴ Kids will be kids— unless they are Black, as demonstrated by the proportions of Black to white youth incarcerated in New Jersey.

¹⁹² Statewide Voter Registration Summary, The State of New Jersey, 1 Mar. 2023, <https://www.state.nj.us/state/elections/assets/pdf/svrs-reports/2023/2023-03-voter-registration-by-county.pdf>.

¹⁹³ "Youth Incarceration in New Jersey." No Kids in Prison, <https://www.nokidsinprison.org/explore/new-jersey/?section=race-interactive>.

¹⁹⁴ Millicker, Anastasia, et al. New Jersey Institute for Social Justice, Bring Our Children Home: Ain't I a Child, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.njjn.org/uploads/digital-library/Ain't_I_A_Child_Final_.pdf. Accessed 2 May 2023. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.njjn.org/uploads/digital-library/Ain't_I_A_Child_Final_.pdf. Accessed 2 May 2023.

The state disproportionately targets Black youth, despite Black and white kids committing crimes at similar rates, which is a direct reflection of New Jersey's underlying racist policies and practices that date back to the era of slavery. In fact, former Princeton professor of politics and public policy, John J. DiLulio Jr., was responsible for upholding these racist sentiments towards Black youth. In a 1995 article in the Washington Examiner, he painted Black youth in a menacing and violent light. He describes his failed attempts to study youth incarceration by writing:

A few years ago, I forswore research inside juvenile lock-ups. The buzz of impulsive violence, the vacant stares and smiles, and the remorseless eyes were at once too frightening and too depressing (my God, these are children!) for me to pretend to "study" them.¹⁹⁵

DiLulio dehumanizes these Black children, describing them with animal-like characteristics and claiming they act upon impulsive, violent tendencies. The fact that New Jersey residents of high socioeconomic status, like that of a Princeton professor, are reaffirming these racist, dangerous stereotypes, is incredibly alarming and detrimental to the future of Black youth in the state.

In fact, John J. DiLulio Jr.'s reach extends far beyond Princeton University, as he's a famous conservative who served as the first Director of the White House Office of Faith-Based and Community Initiatives during the George W. Bush administration.¹⁹⁶ Throughout his political career, he's authored numerous opinion pieces on Black criminality. In his early work, DiLulio argued that the high rates of crime and incarceration among Black Americans were due to a "culture of poverty" characterized by Black unemployment, broken families, and substance

¹⁹⁵ DiLulio, John. "The Coming of the Super -- Predators." Washington Examiner, Washington Examiner, 20 Jan. 2010, <https://www.washingtonexaminer.com/weekly-standard/the-coming-of-the-super-predators>.

¹⁹⁶ *ibid*

abuse. He is also responsible for popularizing the term “superpredators”, which refers to juvenile violent crime in the early 1990s, making the claim that violence from Black inner-city children would spill over into upscale central-city districts, predicting that juvenile crime in America would eventually skyrocket due to the actions of “fatherless, jobless, and Godless” Black children.¹⁹⁷ DiLulio holds significant power with his connections to the White House, so these racist views towards Black youth are incredibly alarming, as they’ve had a large influence on public policy. Views such as his explain why New Jersey continues to uphold conservative incarceration practices, despite having large amounts of liberal voters. Racist people like DiLulio have had a significant influence on laws and policy-making in New Jersey, and New Jerseyans are forced to operate under their prejudiced beliefs.

Not surprisingly, these racist attitudes by politicians like DiLulio mean that predominantly Black counties in New Jersey represent the highest count of juveniles currently incarcerated in New Jersey. In January of 2023, the NJ Office of the Attorney General Juvenile Justice Commission reported that of 108 youth currently incarcerated, 78 of them are Black and only 5 are white. An additional 2 Black females and 2 white females are also currently incarcerated.¹⁹⁸ Of these youth, 27% of them were residents of Camden County and 20% were residents of Essex County. To put this into perspective, about 40% of Essex County residents and 20% of Camden County residents are Black. The cities of Newark and Camden, some of the state’s cities with the highest black populations, are also located in Essex and Camden County, respectively. It is no coincidence that these two counties are overrepresented in youth

¹⁹⁷ Millicker, Anastasia, et al. New Jersey Institute for Social Justice, *Bring Our Children Home: Ain’t I a Child*, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.njjn.org/uploads/digital-library/Ain't_I_A_Child_Final_.pdf. Accessed 2 May 2023.

¹⁹⁸ “Juvenile Demographics and Statistics.” New Jersey Office of Attorney General, State of New Jersey | Department of Law and Public Safety, 6 Jan. 2023, <https://www.njoag.gov/about/divisions-and-offices/juvenile-justice-commission-home/juvenile-demographics-and-statistics/>.

incarceration statistics in New Jersey. Again, this is not because youth in these cities are more prone to commit crimes, but because these cities are disproportionately targeted by New Jersey’s racist “justice system.”

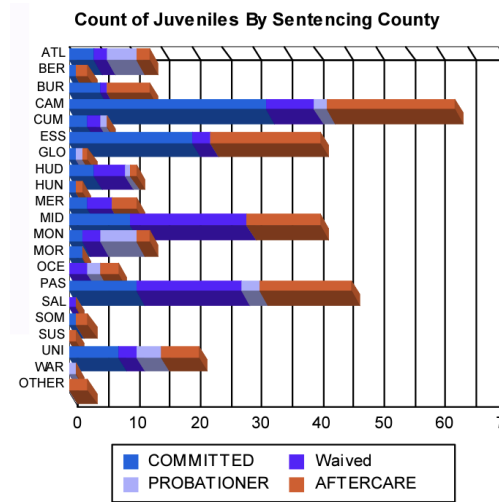


Fig. 1 (“Count of Juveniles By Sentencing County”, Juvenile Demographics and Statistics).

The harm that the incarceration system has on New Jersey’s Black residents is exacerbated by the ages of these targeted Black youth. As of 2023, a large majority of incarcerated youth are between the ages of 15 and 18, representing 64% of the incarcerated youth population. Furthermore, a staggering 69 of them, or 66% of incarcerated youth, are still enrolled in school and have yet to graduate.¹⁹⁹ This means that these youth were incarcerated during their most vulnerable, developmental years. The NJISJ writes:

From a psychological perspective, it is important to note that this separation of young people from their communities happens during their formative years, breaking the ties

¹⁹⁹ *ibid*

between children and their families that are paramount to their maturation into healthy adults.²⁰⁰

In a 2018 psychological study, it was revealed that youth incarceration has been shown to produce more community and familial instability. Parents are shamed by the system, as it is implied that they've done something wrong and could have parented their child better in order to prevent incarceration. Families also expressed that the structures of incarceration make it difficult for them to stay connected with their incarcerated youth, as facilities are located in inaccessible areas.²⁰¹ This furthers the harm caused by New Jersey's youth incarceration system. These sentiments towards the parents of incarcerated children and the physical location of youth prisons have broken families apart and made the process of "rehabilitation" nearly impossible. The state does very little to ensure that these youth have the proper support and services within these facilities in order to successfully integrate back into their home communities.

In fact, lawmakers in New Jersey routinely allocate a large portion of the state budget for executive operations on correctional facilities and law enforcement in order to continue exacerbating this harm to Black youth and families. As of 2023, the state spends over \$1 billion dollars to fund correctional facilities and \$709 million dollars to fund the state's law enforcement. In comparison, the state allocated a mere \$358 million dollars to programs and services that help support children and families.²⁰² In 2022, New Jersey planned to spend

²⁰⁰ Millicker, Anastasia, et al. New Jersey Institute for Social Justice, *Bring Our Children Home: Ain't I a Child*, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.njjn.org/uploads/digital-library/Ain't_I_A_Child_Final_.pdf. Accessed 2 May 2023.

²⁰¹ Amani, Bitia, et al. "Families and the Juvenile Justice System: Considerations for Family-Based Interventions." National Library of Medicine, U.S. National Library of Medicine, 1 Jan. 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5726419/#>.

²⁰² Assembly No. 4663. "The Governor's FY2023 Budget." NJ.gov, State of New Jersey, 17 Sept. 2020, <https://www.nj.gov/treasury/omb/publications/23budget/FY2023BudgetDetail-FullPDF.pdf>.

\$445,504 per youth to house young people in prisons that were over 80% empty.²⁰³ The state also spends approximately \$53 million dollars per year to operate its three juvenile detention centers, compared to a sad \$16 million on community-based programs. These statistics demonstrate that New Jersey's funding priorities are deeply problematic, as they prioritize investing in the cycle of incarceration of young Black people over investing in programs and services that could help support their well-being and development. This disproportionate allocation of resources not only perpetuates systemic racism and inequality, but it also fails to address the root causes of youth delinquency and crime. New Jersey should be prioritizing investments in community-based programs so that Black youth have the resources and support they need to succeed.

2.2 Inequities in New Jersey Public Schooling System

These depressing trends in youth incarceration can be traced back to the disparities within the classrooms of New Jersey's public schools. Despite New Jersey's public school system ranking number one in the nation from 2019 to 2021 due to high levels of funding, it is also ranked at the bottom in economic equity, as the level of funding that schools receive varies greatly.²⁰⁴ In "Blueprint to Secure a Just Recovery" New Jersey Policy Perspective reported that:

In the 1985 *Abbott vs Burke* lawsuit, the New Jersey Supreme Court ruled that the state must ensure equalized funding for poor and urban school districts to address educational

²⁰³ Loflin, Charles. "NJ Spends \$445K a Year to Lock a Kid Up. We've Got a Better Idea | Opinion." NJ.com, Advance Local Media LLC, 1 June 2021, <https://www.nj.com/opinion/2021/06/nj-spends-445k-a-year-to-lock-a-kid-up-weve-got-a-better-idea-opinion.html>.

²⁰⁴ "Blueprint to Secure a Just Recovery." New Jersey Policy Perspective, pp. 1–48., chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/<https://www.njpp.org/wp-content/uploads/2021/04/NJPP-Blueprint-to-Secure-a-Just-Recovery-Digital-April-2021.pdf>.

disparities and inequities. Since then, the state has implemented a formula to determine funding for each district but has struggled to fully fund it.²⁰⁵

The formula was introduced as part of the ambitious New Jersey School Funding Reform Act (SFRA) pushed out by the Christie Administration in order to fund the state's public schools based on the recognition of the schools with the highest need for funding. This formula took into account factors such as student demographics and statewide property wealth and income value rates. The SFRA formula also dedicates more funding to support programs for at-risk students, including low-income students, students with disabilities, and those whose first language isn't English.²⁰⁶

However, Christie's decision to fund this act through a method of distributing *new* aid rather than redistributing existing New Jersey aid led to the depressing failure of this plan. In this act, the Christie Administration included the "Adjustment Aid" provision, which guaranteed that districts that would have received less aid based on new SFRA calculations could keep their old funding with no punishment. The Great Recession of 2008 also had a significant impact on the failure of this plan, as the state was facing a budget crisis, causing Christie to slash over \$1 billion in funding from New Jersey's public schools.²⁰⁷ Since 2009, as many as 46% of public school districts have received funding below the determined adequacy levels of the SFRA.²⁰⁸

The fact that so many New Jersey public schools still receive funding below the determined

²⁰⁵ Ibid

²⁰⁶ Assembly No.500. "Legislative Fiscal Estimate." New Jersey Legislature, State of New Jersey, 8 Jan. 2008, <https://pub.njleg.state.nj.us/>.

²⁰⁷ Bennett, Jeff. "Commentary: Why NJ's School Funding Reform Act of 2008 Failed and Where We Go from Here." WHYY NPR, WHYY, 31 July 2015, <https://whyy.org/articles/commentary-why-njs-school-funding-reform-act-of-2008-failed-and-where-we-go-from-here/>.

²⁰⁸ "Blueprint to Secure a Just Recovery." New Jersey Policy Perspective, pp. 1–48., chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/<https://www.njpp.org/wp-content/uploads/2021/04/NJPP-Blueprint-to-Secure-a-Just-Recovery-Digital-April-2021.pdf>.

adequacy levels demonstrates that the SFRA has perpetuated funding disparities and reinforced the need for comprehensive education funding reform.

Furthering these disparities is a heavy reliance on local property taxes as a primary source of funding for public schools in New Jersey. New Jersey residents pay the highest property taxes in the nation, with this tax burden rightfully falling more heavily on the state's wealthier residents.²⁰⁹ New Jersey then uses this income from property taxes to fund local public schools, as property taxes are relatively stable in comparison to income and sales taxes due to the risk of economic recessions.²¹⁰ Despite the security of property tax funding, this method of funding has caused harm to public schools in low-income areas, as the wealthier an area is, the more funding their public schools will receive.

Residential segregation explains how Black New Jersey students have received the short end of the stick when it comes to property tax values and educational opportunities. Racist practices such as “redlining”, a discriminatory practice in which neighborhoods were classified as “hazardous” to mortgage lenders; and “block-busting”, the practice of selling cheap property due to fears of ethnic groups moving into the neighborhood, then profiting by reselling those properties at a higher price, have strategically created segregated neighborhoods with artificially lower property values. This has led to stark disparities in money spent per student in predominantly Black and white districts.²¹¹

²⁰⁹ “Explainer: How Are Schools Funded in New Jersey, and Why Are My Property Taxes so High? - NJ Education Report.” NJ Education Report - New Jersey's Most Respected Education News Outlet, New Jersey Education Report, 30 Aug. 2021, <https://njedreport.com/2021/02/22/explainer-how-are-schools-funded-in-new-jersey-and-why-are-my-property-taxes-so-high/>.

²¹⁰ Kenyon, Daphne, et al. “Public Schools and the Property Tax: A Comparison of Education.” Lincoln Institute of Land Policy, Lincoln Institute of Land Policy, 12 Apr. 2022, <https://www.lincolnst.edu/publications/articles/2022-04-public-schools-property-tax-comparison-education-models>.

²¹¹ Baker, Bruce, and Mark Weber. “Separate and Unequal: Racial and Ethnic Segregation and the Case for School Funding Reparations in New Jersey.” New Jersey Policy Perspective, New Jersey Policy Perspective, 13 Sept. 2021, <https://www.njpp.org/publications/report/separate-and-unequal-racial-and-ethnic-segregation-and-the-case-for-school-funding-reparations-in-new-jersey/>.

This predatory behavior has also translated to continued segregation within New Jersey public schools, in a phenomenon commonly known as de facto segregation. Two statewide advocacy groups, the Latino Action Network and the National Association for the Advancement of Colored People, filed a lawsuit in 2018, as evidence showed the state had intentionally funneled Black and Latino students into schools with fewer resources, conditioning them into lives of poverty and into the school-to-prison pipeline. In the lawsuit, lawyers representing these organizations point to disparities in academic performance, access to Advanced Placement and college classes, teacher and student attendance, and suspension rates that worsen significantly according to how segregated the school is.²¹² The lawsuit also argues that New Jersey turns a blind eye to segregation by requiring students to attend schools where they live, claiming that this lack of integration due to residential segregation has resulted in a high correlation between race and socioeconomic status. While a decision has yet to be reached in this case, lawyers on behalf of the state have argued that the plaintiffs are cherry-picking a small sample of raw demographic data, rather than using more robust evidence to support their claims of de facto segregation.²¹³

These funding disparities and segregation within New Jersey’s public schools intrinsically link back to the school-to-prison pipeline. When schools lack adequate funding, they may be unable to provide students with essential resources such as textbooks, technology, and

²¹² Kelley, Tina. “2 Reports Show the Damages of School Segregation and Paths for Fixing It.” NJ.com, Advance Local Media LLC, 1 Mar. 2023, <https://www.nj.com/education/2023/03/two-reports-show-the-damages-of-school-segregation-and-paths-for-fixing-it.html>.

²¹³ Clark, Adam. “N.J. Defends 'Segregated' School System in Court. Will Its Case Hold up?” NJ.com, Advance Local Media LLC, 5 Mar. 2022, <https://www.nj.com/education/2022/03/nj-defends-segregated-school-system-in-court-will-its-case-hold-up.html>.

extracurricular activities. This leads to lower levels of academic achievement, as shown by the figure below.

Student Academic Performance by School Segregation - All Traditional Schools, 2016-2019						
School Type	MATH			ELA		
	% at or above proficiency			% at or above proficiency		
	2016-2017	2017-2018	2018-2019	2016-2017	2017-2018	2018-2019
Mixed/non-segregated	53.9	56.3	56.3	63.4	65.5	65.8
White Isolated	55.4	58.7	62.9	66.7	67.9	70.7
Economically Segregated Only	33.3	34.9	34.6	43.1	45.2	45.7
Racially Segregated Only	64.4	63.8	48.4	69.3	56.1	49.5
Racially & Economically Segregated	26.7	27.9	27.2	32.7	35.5	35.8

Fig. 2 (“*Student Academic Performance by School Segregation*”, Campbell and Payne)

These lower levels of academic achievement may increase the likelihood of disciplinary issues, and, ultimately, involvement with the criminal justice system. Many underfunded schools are located within predominantly black and low-income areas, and as we’ve revealed earlier, these areas are oftentimes subject to over-policing. Without sufficient support and funding, students at these schools may struggle to address these environmental challenges, leading to punitive disciplinary measures such as suspensions and expulsions. Research from Rutgers University has shown that students who are suspended or expelled are more likely to experience reduced graduation rates and have an increased likelihood of contact with the justice system and incarceration.²¹⁴ This strengthens the claim that the school-to-prison pipeline is a complex, deeply-rooted issue that is influenced by factors such as disparities in public school funding.

²¹⁴ Campbell, Vandeen A., and Charles M. Payne. pp. 1–43, *Segregated Schooling in New Jersey: The Distribution of Opportunities to Learn by Race, Ethnicity, and Class*.

2.3 School Resource Officers

Lastly, it is important to acknowledge that many New Jersey public schools, especially ones within de facto segregated districts, currently employ “School Resource Officers” (SRO). According to Glassboro Police Department, SROs are sworn law enforcement officers who have the responsibility of keeping schools safe by providing security and crime prevention services in the school environment. They’re similar to regular police officers, as they have the ability to make arrests, respond to service calls, and document incidents that occur in schools.²¹⁵ According to the American Civil Liberties Union of Southern California, police presence in schools is a relatively new phenomenon. In 1970, there were only about 200 school police officers nationwide, as compared to over 40,000 today. Today’s number of police officers in schools is concerning, especially considering that critical school services are lackluster or eliminated entirely in order to employ SROs, furthering the claim that schools that have high amounts of students of color are underfunded and overpoliced.²¹⁶

The Glassboro Police Department claims that its resource officer program has had a positive effect on the community,²¹⁷ yet studies show that the presence of SROs has had unequal, detrimental consequences for the wellbeing of Black youth. In their “Cops and No Counselors” report, the American Civil Liberties Union (ACLU), writes, “School districts have shown a near obsession with “hardening” schools despite federal data revealing that the real crisis of schools isn’t violence, but a broad failure to hire enough support staff to serve students’ mental health

²¹⁵ “School Resource Officer.” Glassboro Police, Glassboro Police Department, <https://www.glassboropd.org/school-resource-officer>.

²¹⁶ “ACLU: Schools without Police Are Better Schools.” American Civil Liberties Union, 24 Aug. 2021, <https://www.aclu.org/press-releases/aclu-schools-without-police-are-better-schools>.

²¹⁷ “School Resource Officer.” Glassboro Police, Glassboro Police Department, <https://www.glassboropd.org/school-resource-officer>.

needs.”²¹⁸ This “hardening” of schools despite what federal data shows can be viewed explicitly within Glassboro’s public schools. In March of 2023, the district added a fifth officer as an extra layer of security, despite emphasizing that the addition of the police officer was not because of an unsafe school environment.²¹⁹ This raises the obvious question of why the Glassboro school district added this officer, if not to ensure the safety of its students.

Expanding on school safety, there is also a lack of evidence that increased police presence in schools even *improves* student safety. The ACLU also says that despite districts investing millions of dollars into school police programs, there is little to no credible evidence that they increase school safety.²²⁰ Even with the threat of school shootings in America, police officers have shown countless times that they make tragic missteps in the most critical moments of shooter situations, regardless of the training they’ve received.²²¹ For example, despite a strong movement in law enforcement training for police officers to enter shooting situations as a solo response in order to stop the killing from occurring, in both the Uvalde Elementary School and Marjory Stoneman Douglas High School shootings, several officers didn’t go in immediately when they arrived.²²² This causes students to question the presence of law enforcement in their schools, as officers show that they are little help in their most desperate times of need.

As mentioned before, New Jersey allocated about \$287 million dollars into security aid in the 2021-2022 school year, which is disproportionately allocated to low-income, predominantly

²¹⁸ “Cops and No Counselors.” American Civil Liberties Union, American Civil Liberties Union, 27 Feb. 2019, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>.

²¹⁹ Miller, Madison. “Glassboro Public Schools Add a Fifth Police Officer.” *The Whit Online*, Rowan University Campus Newspaper, 9 Mar. 2023, <https://www.thewhitonline.com/2023/03/uncategorized/glassboro-public-schools-add-a-fifth-police-officer/>.

²²⁰ “Cops and No Counselors.” American Civil Liberties Union, American Civil Liberties Union, 27 Feb. 2019, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>.

²²¹ Diaz, Jaclyn. “The Tragic History of Police Responding Too Late to Active Shooters.” NPR, NPR, 6 June 2022, <https://www.npr.org/2022/06/06/1102668326/uvalde-police-response-school-shootings>.

²²² *Ibid*

Black districts.²²³ This leads to significantly more Black students being arrested in New Jersey. For instance, nearly one-third of all reported referrals to law enforcement were of Black youth, despite accounting for only 15% of the student population.²²⁴

The dollars spent on employing SROs in New Jersey outweigh the money spent on nurses, social workers, and counselors.²²⁵ Public schools in New Jersey severely lack school mental health professionals who are trained to support students during vulnerable times of need. Despite a recommended counselor-to-student ratio of 1:250 by the American School Counselor Association, New Jersey has a ratio of 1:321 as of 2016. School counselors play a critical role in supporting youth and addressing barriers to their success. They are mental health providers trained in establishing safe learning environments, monitoring and responding to behavior to improve school climates, and responding to interpersonal issues.²²⁶ Today, there is a devastating mental health crisis among America's youth. Rates of youth suicidality are steadily increasing, with 42% of American teenagers reporting feelings of hopelessness and 22% seriously considering attempting suicide in 2021.²²⁷

At school, the focus should be on learning and ensuring that students receive the support that they need in order to succeed and live their lives to the fullest potential. The employment of SROs over school counselors indicates that the focus now is on over-disciplining students, removing them from their classes, and conditioning them to the incarceration system. Youth

²²³ Ruffin, Armani. "N.J. Student: We Don't Need Any More Police in Schools: Opinion." NJ.com, Advance Local Media LLC, 5 Aug. 2022, <https://www.nj.com/opinion/2022/08/nj-student-we-dont-need-any-more-police-in-schools-opinion.html>.

²²⁴ Ibid

²²⁵ Ibid

²²⁶ "Cops and No Counselors." American Civil Liberties Union, American Civil Liberties Union, 27 Feb. 2019, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>.

²²⁷ Center for Disease Control and Prevention, pp. 1–89, Youth Risk Behavior Survey. https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf

incarceration and schooling go hand in hand, and unfortunately, New Jersey has failed its Black students in both categories. Efforts from the state should not be focused on arresting Black youth, conditioning them into poverty and lives of crime. Instead, law and policymakers must allocate resources and create policies that focuses on improving the state’s ability to support Black youth physically, emotionally, and financially.

3. Previous Policy Attempts in New Jersey

Organizations such as NJISJ and New Jersey Policy Perspective have done substantial work to assess the crisis of the school-to-prison pipeline, yet their calls have yet to be properly answered by the state. On June 28, 2017, NJISJ launched the 150 Years is Enough Campaign, which had the goals of advocating for the New Jersey state legislature to close down all youth prisons in the state and to reinvest existing resources to better support Black youth.²²⁸ NJISJ released a set of policy recommendations that focus on improving Black students’ and families’ access to effective rehabilitative programming, along with ensuring that they have access to quality mental health services and support. This is especially important, as in 2021 the Center for Disease Control reported that Black students were more likely than Asian, Hispanic, and White students to attempt suicide, despite being less likely to report poor mental health and persist feelings of sadness and hopelessness.²²⁹ With these policy recommendations, NJISJ aimed to ensure that youth receive impactful and culturally competent care from a mental health

²²⁸ “Open Letter Calling for Youth Justice Reform.” New Jersey Institute for Social Justice, https://www.njisj.org/support_youth.

²²⁹ “Open Letter Calling for Youth Justice Reform.” New Jersey Institute for Social Justice, https://www.njisj.org/support_youth.

professional in order to help them heal from state-induced trauma and keep them out of the youth justice system.

In addition, NJISJ recognized the harm that inadequate funding has on the school-to-prison pipeline and set forth policies to address resource gaps that disadvantage Black youth. NJISJ demanded that state funds must support quality education, adequate sports programs, and expand available resources to increase access to basic educational and recreational tools such as equipment and facilities, books, computers, STEM and music programs, and school trips. NJISJ also released an ambitious policy recommendation that calls for the reconstruction of a modern Bordentown School. The organization argues that a public boarding school focused on academic rigor, leadership preparedness, and diversity would allow New Jersey to join other states who currently have world-class, public residential schools, providing a transformative educational experience and justice for New Jersey's Black youth.²³⁰

Finally, the last category of policies that NJISJ put forth addresses the underutilization of and lack of funding allocated towards community centers that support Black youth. More often than not, resources such as Family Success Centers, one-stop shops that provide wrap-around resources and support families before they are in crisis, are underutilized.²³¹ This is not because people do not want to use them, but because the state does little to advertise these programs. This vicious cycle leads to underfunding, as budget makers assume that they are not of importance to the families in the communities that need them the most. This funding may get redirected towards other state activities, notably funding the incarceration and policing system in New

²³⁰ Weill-Greenberg, Elizabeth. "Institute Releases: Bring Our Children Home: A Prison-to-School Pipeline for New Jersey's Youth." New Jersey Institute for Social Justice, New Jersey Institute for Social Justice, 28 Feb. 2018, https://www.njisj.org/institute_releases_bring_our_children_home_a_prison_to_school_pipeline_for_new_jersey_s_youth.

²³¹ "Family Success Centers." State of New Jersey | Department of Children and Families, State of New Jersey, <https://www.nj.gov/dcf/families/support/success/>.

Jersey, further reinforcing the school-to-prison pipeline. NJISJ recommended that the state commits \$100 million to reparative and restorative services such as Family Success Centers in order to build up Black communities and prevent the harm of New Jersey’s failed youth justice system.²³²

Only six months after the launch of NJISJ’s 150 Years is Enough campaign, the Christie administration announced the plan to close the Jamesburg and Hayes prisons in New Jersey but never made the steps to actually fulfill his promise. Despite the grave crisis of harm to Black youth, New Jersey legislators are tiptoeing around the loud demands of these social justice groups. Lawmakers in New Jersey apparently lack the motivation, or the care, to close these prisons. It’s not just these groups of social justice activists who want state legislators to close these prisons. According to a survey run by the GBAO Institute, New Jersey residents strongly back a young criminal justice system that focuses on prevention and rehabilitation over punishment and incarceration. Also, an increasing majority of residents also support the closure of youth prisons and the redistribution of funding to community-based rehabilitation programs.²³³ Despite pressuring state lawmakers to close the Jamesburg and Hayes prisons, New Jersey residents and social justice activists have been met with empty promises and wishful thinking from state representatives. This demonstrates that there is a gap between the preferences of New Jersey’s residents and the policies that state lawmakers implement, suggesting that the state government needs to undergo structural change.

²³² “Open Letter Calling for Youth Justice Reform.” New Jersey Institute for Social Justice, https://www.njisj.org/support_youth.

²³³ “Youth First Initiative New Jersey Statewide Survey .” Youth First Initiative | New Jersey Statewide Survey , GBAO, Mar. 2021, https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/691/attachments/original/1617193279/Youth_First_New_Jersey_Presentation_2021_Final_%281%29.pdf?1617193279.

In response to demands from NJISJ and other social justice organizations, the current governor of New Jersey, Phil Murphy, signed an executive order that established a Task Force for the Continued Transformation of Youth Justice, to review and evaluate New Jersey’s juvenile justice system over a six-month period in 2018. The task force reported that despite dramatic overall reductions in the number of youth detained, efforts to eliminate disproportionate minority representation in detention have not been as successful.²³⁴ Again, despite opposition from social justice organizations, Governor Murphy’s task force also recommended the construction of smaller “replacement facilities”, each no larger than 48 beds, to replace Jamesburg and Hayes. Further, the task force recommended that the state strengthened its programming and therapeutic practices in youth detention centers and residential community homes. They also called for sufficient funding to ensure a full range of support services for adjusted youth. Any actualization of these policy recommendations is nearly impossible to see today in 2023. In response to Governor Murphy’s task force recommendations, NJISJ published a dissent, which say:

New Jersey has the opportunity to finally close its youth prisons and transform its broken youth justice system. But such a precious moment for transformation will be squandered if Governor Murphy decides to simply construct new youth prisons on the other side of closing larger ones. (Nelson)

Research-based demands like the ones from NJISJ that are backed by the GBAO Institute have been constantly met with fake smiles and false promises. This is due to the self-interest of many elected state lawmakers. Current calls for youth incarceration reform focus heavily on the

²³⁴ Nelson, Llyold. “Social Justice Organizations Issue Dissent to Report from Task Force for the Continued Transformation of Youth Justice in New Jersey.” New Jersey Institute for Social Justice, New Jersey Institute for Social Justice, 10 May 2022, https://www.njisj.org/social_justice_organizations_issue_dissent_to_report_from_task_force_for_the_continued_transformation_of_youth_justice_in_new_jersey.

actual facilities and put other state systems such as New Jersey public schools in the background. In developing new policy recommendations, we will focus on providing the state with an actionable list of items to help push lawmakers toward youth incarceration reform.

4. Germany’s Approach to Incarceration

Black Youth in America are disproportionately affected by youth incarceration and the school-to-prison pipeline uniquely, as other countries have different progressive approaches to youth incarceration. In Germany, the approach to youth justice is a “particularly instructive” legal system, as German society chooses to respond to crimes that youth commit in ways that are developmentally appropriate and center rehabilitation, only resorting to incarceration as a last option.²³⁵ In Germany, children can never be tried as adults.²³⁶ In America, where decisions about whether to try children as adults depend on the severity of the crime, German courts focus less on the seriousness of the crime and more on the young person’s “moral and psychological development” at the time the crime was committed.²³⁷ In fact, all Germans under 21 who commit crimes can be treated as juveniles, as German officials say that there is nothing about the age of 18 that makes young adults mentally and emotionally ready for adult prisons and consequences.²³⁸ By doing this, Germany prioritizes rehabilitative care and produces much better outcomes for its incarcerated youth, even with less punitive measures than America’s justice system. This claim is backed by Germany’s youth recidivism rate, with only 30% of its juveniles

²³⁵ Loudenback, Jeremy. “Progressive Prosecutors Look to Germany for Juvenile Justice Success.” The Imprint | Youth and Family News, The Imprint, 16 June 2022, <https://imprintnews.org/justice/juvenile-justice-2/progressive-prosecutors-look-to-germany-for-juvenile-justice-reform/65753>.

²³⁶ Ibid

²³⁷ Ibid

²³⁸ Gonzalez, Sarah. “Kids in Prison: Germany Has a Different Approach, Better Results: WNYC: New York Public Radio, Podcasts, Live Streaming Radio, News.” WNYC, WNYC, 10 Oct. 2016, <https://www.wnyc.org/story/being-kid-adult-prison-here-vs-other-countries/>.

and young adults returning to prison within three years. Comparing this to New Jersey, which tracks recidivism slightly differently, this difference is significant, as more than 85% of New Jersey juveniles are re-arrested or return to court.²³⁹

Finally, Germany also shows dedication to youth rehabilitation through the design of their prisons, as they are made to model the outside world. Guards don't have batons, pepper spray, or bulletproof vests. Prisoners work at jobs that pay minimum wage. Their cells have windows that open and allow for natural light. They're able to decorate their cells with pictures from home, rugs, and lamps. They also even have access to kitchen knives and electric saws, to promote chores and job skills.²⁴⁰ It is important to note, however, German prisons are still prisons. German youth inmate Miland said, "One day of the week, 100 percent I am sad, of course. I want to go to my mother. My mother's cooking I want to eat, so if I call with her, she's crying and I'm sad too,"²⁴¹

With that being said, Miland's experience is drastically different from Terence's, a Black juvenile incarcerated in New Jersey. In an article from WNYC, he shared his experiences of being a victim of New Jersey's youth incarceration program, saying:

People are getting hot water thrown in their faces; people are getting stabbed, jumped. You got predators that's just looking for weakness to rape somebody. [...] This is what you put a 17-year-old around. And then how did you expect me to come out of prison?²⁴²

²³⁹ Ibid

²⁴⁰ Ibid

²⁴¹ Ibid

²⁴²

Unlike in Germany, prisons in America don't have the goal of helping their inmates get better, but instead appear to have the goal of inflicting punishment onto them, as shown by the "rot in prison" sentiment that many Americans share.

Germany's model of youth incarceration produces better outcomes than America's due to the attention they place on rehabilitation rather than punishment. By not trying children as adults, German officials show that they have the goal of allowing their youth to understand and learn from their actions. Additionally, by modeling its facilities after the outside world, Germany has the ability to successfully integrate their incarcerated youth back into society, as shown by their low recidivism rates. The stark contrast between German and American approaches to youth incarceration highlights the need for reform in America's criminal justice system. New Jersey's disproportionately high rates of incarceration and recidivism among Black youth in America demonstrate the need for a reformed system that prioritizes rehabilitation over punishment. By examining Germany's model of incarceration, New Jersey can begin to shift its focus towards rehabilitation and away from punishment, in order to ensure a better future for Black youth.

5. Policy Recommendations

Before delving into my policy recommendations, it's important to acknowledge that the issues surrounding youth justice in New Jersey are complex and deeply ingrained in institutional racism. These issues require a multidimensional approach that encompasses not only changes to New Jersey's youth incarceration system but also broader social and economic reforms that address the root cause of youth incarceration—white supremacy. Accordingly, there are still actionable steps that policymakers can immediately initiate to begin addressing these issues.

Additionally, while many social justice activists want youth prisons to be completely abolished, the youth incarceration system in Germany proves that when done right, youth prisons

can be effective. While creating these policies, I took into account the previous policy demands, including those from NJSIJ and other social justice organizations and Governor Murphy's task force recommendations. I urge New Jersey law and policymakers to do the following in order to correct the harms of the system of youth incarceration and reduce the effects of the school-to-prison pipeline in their jurisdiction:

1. **Release a thoughtful public statement that addresses the slavery and white supremacy's historical and contemporary harms on Black New Jerseyans.**

The state *must* right its wrongs by acknowledging the harm it has caused to the Black community. By releasing a public statement that addresses these harms, the state can begin to reckon with its dark past and connections to chattel slavery. This public statement should not only acknowledge slavery's historical injustices but also recognize the pervasive systemic racism that continues to impact Black students through the school-to-prison pipeline. This apology is a necessary step to dismantle the systems entrenched with white supremacy and encourage changes to broader social ideals in New Jersey.

2. **Close the "Jamesburg" New Jersey Training School for Boys and the "Hayes" Female Secure Care and Intake Facility for good.**

Along with the apology, state officials must release a detailed, actionable plan that describes how they intend to fulfill their former promise of closing these prisons that were created with the purpose of oppressing Black New Jerseyans. Closing down these prisons is a crucial step toward dismantling the systemic racism that continues to perpetuate the school-to-prison pipeline in New Jersey. The state's intentions for building these prisons were rooted in white supremacy, as shown by the construction of Jamesburg immediately following the passage of the Emancipation Proclamation. Therefore, it is not enough to simply close these facilities without addressing why

the state initially established them. State officials must develop a comprehensive plan that addresses systemic issues rooted in white supremacy that have allowed for the continuation of the harm to Black communities. The plan must include acknowledgment of the over-policing of Black communities and its underfunding of low-income, predominately Black public schools. This action plan must also include measures for providing emotional support and resources to impacted Black youth and communities.

3. Construct community-led rehabilitation centers in each county which takes inspiration from Germany's process of youth rehabilitation.

With the excess funds from the youth prison closures, New Jersey should take inspiration from Germany's model of incarceration to invest in creating rehabilitation centers that resemble the Bordentown school. This inspiration allows the state to shift its focus from penal punishment to rehabilitation and the success of its Black youth. In this manner, there will be no traditional correctional officers. Instead, these centers will be operated by locally trained members and activists of the community to promote culturally competent care. These centers will also operate on a school-like schedule where there are age-appropriate classes, that are up to New Jersey's core curriculum standards, that ensure the youth receive a high school diploma. In addition to these classes, youth inmates will have the opportunities to develop job skills and trades, by visiting the vocational schools in their respective counties, to participate in classes like carpentry and welding. Community partners will be hired to ensure that these centers are meeting the goals initially set forth. They will be tasked with collecting and distributing data from the community rehabilitation centers in a truthful, transparent manner. This ensures that New Jersey residents always have constant, up-to-date information about youth incarceration in New Jersey.

4. Cease the use of School Resource Officers in New Jersey public schools.

New Jersey must stop over-policing low-income public schools by ceasing their practices of employing police officers, which work to strengthen the school-to-prison pipeline. Instead, the funds used to employ SROs should be allocated towards hiring more school counselors and other mental health professionals in New Jersey's public schools in order to address the state's mental health crisis. Additionally, it is crucial that we prioritize funding for public schools that serve low-income students, as they've been historically underfunded, resulting in the increased risk of poor life outcomes for New Jersey's Black youth population. While conversing with Ashanti Jones, a state policy analyst with a focus on youth incarceration, she stated, "NJ was able to pour hundreds of millions of dollars into COVID-19 response programs and opioid addiction programs in 2020." In order to adequately fund low-income public schools, New Jersey must explore alternate sources of funding, such as the revenue generated from the state's booming recreational marijuana industry.

6. Conclusion

All in all, my policy recommendations aim to reduce the overall number of incarcerated youth while also prioritizing community-based interventions that address white supremacy in New Jersey's system of youth incarceration. The recommendations prioritize the principles of rehabilitation, prevention, and community-based interventions over punishment, and aim to reduce the number of youth who are unnecessarily funneled into the criminal justice system. While there is no magic, catch-all solution to the problem of youth incarceration, implementing these recommendations can be an important first step towards creating a more just and equitable system for all youth. By implementing these policies, New Jersey can begin to reckon with their involvement in chattel slavery that has contributed to the over-policing of Black students through the school-to-prison pipeline. With significant effort toward meaningful structural reform, New

Jersey can begin to create a reparative, equitable justice system that prioritizes rehabilitation and healing over punishment and vengeance.

II. POLICY SOLUTIONS AT THE FAMILY LEVEL

The Collateral Consequences of Racial Incarceration: Restoring Justice to Families of Color in New Jersey

Daniella Calabrese

“I pledge my honor that this assignment was completed in accordance with University regulations.”

/s/ Daniella Calabrese

1. Introduction

The racial bias in incarceration in New Jersey is extreme, even by US standards.²⁴³ With the United States being the most incarcerated country in the world,²⁴⁴ the result is a mass crisis for families of color. The growth in incarceration over the last few decades has been disproportionately caging Black and Brown bodies, coming at a massive fiscal cost for the government and an even higher psychological, emotional, and economic cost for the individuals isolated from society.²⁴⁵ However, incarceration has cascading harms and collateral consequences that extend far beyond the individual: with one of the most frequently disregarded harms being the enduring effects on the families and children they leave behind, lasting for generations.

The state has the highest Black-white disparity in the nation, with Black individuals incarcerated at a rate 12.5 times more than whites.²⁴⁶ Despite the state population being only about 13% Black, New Jersey prisons are 61% Black.²⁴⁷ According to the New Jersey legislature, one in three Black males born today will serve time.²⁴⁸ The geographical breakdown of incarceration in New Jersey is representative of the racial disparities in state policing practices. With policing concentrated in cities of color, there are extremely disparate arrest rates

²⁴³ Ashley Nellis, “The Colour of Justice: Racial and Ethnic Disparity in State Prisons” (The Sentencing Project, October 13, 2021), 10, <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

²⁴⁴ “Incarceration Rates by Country 2023,” World Population Review, 2023, <https://worldpopulationreview.com/country-rankings/incarceration-rates-by-country>.

²⁴⁵ “End Mass Incarceration: Social & Economic Harm,” Brennan Center for Justice, February 21, 2019, <https://www.brennancenter.org/issues/end-mass-incarceration/social-economic-harm>.

²⁴⁶ Nellis, “The Colour of Justice: Racial and Ethnic Disparity in State Prisons,” 10.

²⁴⁷ Nellis, “The Colour of Justice: Racial and Ethnic Disparity in State Prisons,” 20.

²⁴⁸ Ronald L. Rice, “Racial and Ethnic Impact Statements,” Pub. L. No. S677 (n.d.), 2, <https://www.juvjustice.org/sites/default/files/ckfinder/files/new-jersey-sb-677.pdf>.

and thus racial compositions of correctional facilities.²⁴⁹ For example, though Newark is about 50% Black, they make up 75% of the city's arrests.²⁵⁰

With racialized systems disproportionately incarcerating Black and Brown New Jersey residents, families of color are disproportionately penalized and disadvantaged. Studies have found that almost half of all state prison inmates have children, with 19% of these 1.25 million children under the age of five years old.²⁵¹ According to 2016 data, there were approximately 65,000 children with an incarcerated parent in New Jersey, with trends predicting this number has increased.²⁵² The 2023 state budget has allotted millions in increased investment for law enforcement,²⁵³ which will increase misdemeanor arrests in communities of color.²⁵⁴ With a proposed cut of \$10 million to the Department of Community Affairs that provides support for the incarcerated, such as re-entry programs, these investments clearly illustrate New Jersey's intentions to continue prioritizing the "tough on crime" status quo that enhances racial disparities.²⁵⁵ Thus, with the evident burden placed upon families of color, this paper is motivated by the following questions: what would it take to begin to repair the harm disproportionately imposed upon Black and Brown families in New Jersey? How should New Jersey develop policies to support positive relationships involving children, incarcerated parents, and family members?

²⁴⁹ Emily Widra, "Where People in Prison Come from: The Geography of Mass Incarceration in New Jersey," Prison Policy Initiative, accessed March 26, 2023, <https://www.prisonpolicy.org/origin/nj/2020/report.html>.

²⁵⁰ Emily Widra, "Where People in Prison Come From."

²⁵¹ Dana DiFilippo, New Jersey Monitor August 12, and 2022, "Incarcerating Parents Punishes Families, Watchdog Group Warns," *New Jersey Monitor* (blog), August 12, 2022, <https://newjerseymonitor.com/2022/08/12/incarcerating-parents-punishes-families-watchdog-group-warns/>.

²⁵² DiFilippo, August 12, and 2022, "Incarcerating Parents Punishes Families, Watchdog Group Warns."

²⁵³ Marleina Ubel, "New Jersey Could Do More to Expand Reentry Services," *New Jersey Policy Perspective* (blog), June 13, 2022, <https://www.njpp.org/publications/blog-category/new-jersey-could-do-more-to-expand-reentry-services/>.

²⁵⁴ "Increased Police Spending Leads to More Misdemeanor Arrests.," Slate, April 14, 2022, <https://slate.com/news-and-politics/2022/04/increased-police-spending-leads-to-more-misdemeanor-arrests.html>.

²⁵⁵ Ubel, "New Jersey Could Do More to Expand Reentry Services."

Ultimately, a transformation of the United States criminal justice system is necessary to dismantle the racist systems and structures that disproportionately incarcerate Black and Brown individuals, and thus disproportionately dismantle families of color. However, when thinking specifically about the harms imposed on these families and how individual states may be able to ameliorate them, the criminal justice system must be transitioned away from its current retributive emphasis. With attention purely focused on punishing individuals for misdemeanors, an often-forgotten collateral consequence is the punishment of the families and children that accompany them. Thus, New Jersey must transform the current carceral system's regime that dismantles familial relationships and implement policies that restore and prevent future harm from being inflicted upon incarcerated individuals' families.

With this goal of restorative justice, this paper recommends methods for New Jersey to better support the families of color that are disproportionately affected by the racialized incarceration of the state and the destructive practices of parental incarceration. Beginning with an analysis of New Jersey's strategies to date, then identifying policies, practices, and lessons from other jurisdictions, this paper will conclude with policy recommendations for the New Jersey government to consider to restore justice to incarcerated Black and Brown families.

2. Evidence Of Harm

2.1 Effects on Children

Racial incarceration in New Jersey has devastating consequences on children of color, as the state inflicts both psychological and physical harm by choosing to tear their families apart. Parental incarceration has been categorized as an "adverse childhood experience" by the CDC,²⁵⁶

²⁵⁶ "Impact," *Hour Children* (blog), accessed March 26, 2023, <https://hourchildren.org/impact/>.

distinguishable in its unique combination of trauma, shame, and stigma.²⁵⁷ If having an incarcerated parent were classified as a chronic health condition, it would be the second most prevalent childhood condition in the US.²⁵⁸ This condition would disproportionately affect children of color, as Black children are nine times more likely to have an incarcerated parent.²⁵⁹ The trauma induced by separation and the loss of a parent, as well as the circumstances of the incarceration such as witnessing criminal activity, the arrest, or judicial proceedings, can hinder children's emotional, behavioral, and cognitive development.²⁶⁰ Studies have found that children of incarcerated parents are more likely to exhibit physically aggressive behaviors and delinquency, as well as internalizing behaviors such as withdrawal or anxiety.²⁶¹ Challenges are further exacerbated by children's lack of access to primary and behavioral healthcare due to financial constraints, preventing them from receiving the support they need.²⁶² The incarceration of a parent provokes many economic hardships that affect child wellbeing, as they are more likely to face eviction or foreclosure, homelessness, and food insecurity.²⁶³

An overlooked effect of parental incarceration is its contribution to inequalities and racial gaps in childhood well-being. Parental incarceration increases racial gaps in child behavioral issues by 46%, aggressive behaviors by 24%, and the chance of homelessness by 65%. These disparities have devastating consequences for a child's entire life path, as they result in educational shortcomings and difficulty securing employment. Children of incarcerated parents

²⁵⁷ "Children and Families of the Incarcerated Fact Sheet" (National Resource Center on Children & Families of the Incarcerated at Rutgers Camden, 2014), 1, <https://nrccfi.camden.rutgers.edu/files/nrccfi-fact-sheet-2014.pdf>.

²⁵⁸ "The Invisible Population — Children of the Incarcerated – Starting Early," The Burke Foundation, February 24, 2023, <https://newsletter.burkefoundation.org/2023/02/24/the-invisible-population-children-of-the-incarcerated/>.

²⁵⁹ "The Invisible Population — Children of the Incarcerated – Starting Early."

²⁶⁰ Kristin Turney and Rebecca Goodsell, "Parental Incarceration and Children's Wellbeing," *The Future of Children* 28, no. 1 (2018): 149, <https://doi.org/10.1353/foc.2018.0007>.

²⁶¹ Turney and Goodsell, "Parental Incarceration and Children's Wellbeing," 151.

²⁶² "The Invisible Population — Children of the Incarcerated – Starting Early."

²⁶³ "The Invisible Population — Children of the Incarcerated – Starting Early."

are more likely to struggle to create stable lives of their own as they age, increasing their probability of imitating their parent's life path.²⁶⁴ In fact, the Prison Policy Initiative found that 32% of incarcerated parents had, or currently have, incarcerated parents of their own.²⁶⁵ This statistic demonstrates how the state's destruction of families has deleterious effects for generations, perpetuating racial cycles of incarceration and inequality throughout families. Without proper reform, the effects of parental incarceration will hinder the development of these children, their families, and their communities for generations.

2.2 State Tools to Perpetuate Harm

Not only does the state perpetuate direct harm by dismantling families of color through disparate incarceration, but they also perpetuate a variety of ensuing harms through the economic exploitation of incarcerated individuals and families.

a. Insufficient Prison Wages

New Jersey inmates make on average between \$1.00 to \$3.00 per hour for their labor.²⁶⁶ This wage has been stagnant since a decline in 2001, meanwhile the prices for necessities offered in prison commissaries concurrently rise with state inflation.²⁶⁷ Since prisons do not supply incarcerated individuals with their daily needs, they are expected to provide for themselves amenities like toothpaste, clothes, and shampoo.²⁶⁸ Without disposable income, additional strain

²⁶⁴ Sara Wakefield and Christopher Wildeman, "Children of Imprisoned Parents and the Future of Inequality in the United States," Scholars Strategy Network, January 2, 2014, <https://scholars.org/brief/children-imprisoned-parents-and-future-inequality-united-states>.

²⁶⁵ Leah Wang, "Both Sides of the Bars: How Mass Incarceration Punishes Families," accessed March 26, 2023, https://www.prisonpolicy.org/blog/2022/08/11/parental_incarceration/.

²⁶⁶ Wendy Sawyer, "How Much Do Incarcerated People Earn in Each State?," *Prison Policy Initiative* (blog), accessed March 26, 2023, <https://www.prisonpolicy.org/blog/2017/04/10/wages/>.

²⁶⁷ Dana DiFilippo, New Jersey Monitor September 28, and 2022, "Inflation Hits Inmates' Wallets, Even as Their Wages Have Flatlined," *New Jersey Monitor* (blog), September 28, 2022, <https://newjerseymonitor.com/2022/09/28/inflation-hits-inmates-wallets-even-as-their-wages-have-flatlined/>.

²⁶⁸ DiFilippo, September 28, and 2022, "Inflation Hits Inmates' Wallets, Even as Their Wages Have Flatlined."

is put on the inmates' family to financially support these purchases necessary to maintain their quality of life.²⁶⁹ Valuing an inmate's labor at this minuscule cost is extremely demoralizing and devalues their capabilities and productivity, leading them to accept lower paying jobs upon release.²⁷⁰ With New Jersey's disproportionate incarceration rates creating a predominantly Black prison population, coupled with findings that Black inmates may be assigned less desirable jobs than their white counterparts,²⁷¹ these hiring and payment practices resemble the racist history of USA slave labor and have been ridiculed by many activists as a violation of the 13th Amendment.²⁷² Attorney Terry Schuster, the state ombudsperson, argues that "paying people for their labor is not just about being able to buy snacks and radios. It's an incentive to use their time in prison to build skills...pay off their debt, and stay out of trouble."²⁷³ However, this naïve comment neglects that prisoner's minuscule wages often go right back to the state through their various methods of economic exploitation, such as commissary prices or accumulating child support payments. Thus, these wages are inadequate to "pay off their debt," and rather exacerbate debt due to their insufficient ability to meet the cost of living imposed on inmates and families. This debt increases the likelihood that individuals "get into trouble" upon release as they cannot meet society's financial demands and responsibilities. Incarcerated individuals could build the same skills and positive habits while accruing wealth to support themselves and their families with a more feasible working wage.

b. Child Support Debt

²⁶⁹ J Creasie Finney Hairston, "Prisoners and Families: Parenting Issues During Incarceration," 2002, <https://www.urban.org/sites/default/files/publication/60696/410628-Prisoners-and-Families-Parenting-Issues-During-Incarceration.PDF>.

²⁷⁰ DiFilippo, September 28, and 2022, "Inflation Hits Inmates' Wallets, Even as Their Wages Have Flatlined."

²⁷¹ Alice Galley, "Five Ways to Improve Jobs for People Incarcerated in US Prisons," Urban Institute, October 10, 2022, <https://www.urban.org/urban-wire/five-ways-improve-jobs-people-incarcerated-us-prisons>.

²⁷² "#EndTheException," #EndTheException, accessed April 28, 2023, <https://endtheexception.com>.

²⁷³ DiFilippo, September 28, and 2022, "Inflation Hits Inmates' Wallets, Even as Their Wages Have Flatlined."

Each month, New Jersey carceral facilities receive around 300 parents with child support orders that they are unable to pay. With incarceration resulting in a loss of income and assets, these child support payments compound over a sentence to accumulate to an estimate of at least \$20,000 of debt per family upon release. Child support orders can only be suspended upon incarceration with a request for a “motion for modification” with the court. However, filing for a motion does not guarantee that the support order or suspension will be granted. Orders are also not applied retroactively, so any accumulated debt prior to filing remains intact.²⁷⁴ Thus, with a lack of knowledge of this process, and the logistical barriers of applying, this is not a sufficient relief for many incarcerated individuals. New Jersey has a Child Arrears Match Program; however, it is only offered for one month a year and is conditional on the availability of funds.²⁷⁵

The state’s consequences for unpaid child support debt are detrimental to the success of parents and families upon release. The suspension of a parent’s driver’s license can make transportation difficult and complicate securing employment. When employed upon release, the state can take up to 65% of a paycheck to pay off this debt, leaving little funds and financial autonomy. This debt can degrade one’s credit score, making housing challenging to procure. Child support debt can even threaten one’s freedom, as a released individual could be detained, arrested, or returned to prison for non-payment.²⁷⁶ Therefore, the state removes parents from their families and takes away their ability to actively parent in their children’s lives. However, they simultaneously expect parents to maintain their financial obligations to their children while failing to consider how they have prohibited them from obtaining the financial means to do so.

²⁷⁴ “Prisoners and Child Support,” Legal Services of New Jersey, accessed April 28, 2023, <https://www.lsnjlaw.org/legal-topics/family-relationships/child-support/general-information/pages/prisoners-and-child-support-asp>.

²⁷⁵ “Arrears Match Program,” New Jersey Child Support, accessed April 28, 2023, <https://www.njchildsupport.org/Services-Programs/Non-Custodial-Parents/Arrears-Match-Program>.

²⁷⁶ “Prisoners and Child Support.”

c. Costs of Maintaining Contact

Families of the incarcerated face substantial financial challenges. Upon conviction, the family incurs a surplus of legal fees from criminal defense and appeals.²⁷⁷ Further, not only are caretakers losing a source of income for their family, but remaining in contact and assisting their loved one maintain their quality of life behind bars is economically draining.

Despite legislation requiring that parents be placed in prisons as proximate to their children as possible, placement in New Jersey facilities is administered per the level of security required and the behavior of the inmate.²⁷⁸ Female prisoners are likely to be many miles from their children as there is only one facility in the state that houses women. With the financial stress of limited income, families may not have a car or the money to drive miles to their loved one's facility, making consistent visitation financially infeasible. Though phone calls are the next-best alternative, the New Jersey government proceeds to restrict contact with inmates by price-gouging telecommunication. The average 15-minute phone call costs \$0.66 in prison and \$1.05 in jail,²⁷⁹ which amounts to thousands of dollars over extended sentences. Thus, consistent communication becomes unaffordable for many families and further exacerbates existing financial insecurities for those willing to pay the price.

These costs associated with losing, supporting, and maintaining contact with an incarcerated parent place families in challenging situations. Caretakers must often face the heart-breaking decision of incurring debt to maintain contact or deciding to prioritize their family's

²⁷⁷ Hairston, "Prisoners and Families: Parenting Issues During Incarceration," 44.

²⁷⁸ Bonnie Kerness, Interview with Bonnie Kerness, American Friends Service Committee, Phone Call, March 21, 2023.

²⁷⁹ Dana DiFilippo, New Jersey Monitor December 28, and 2022, "New Study Urges Cheaper Communications for Incarcerated People," *New Jersey Monitor* (blog), December 28, 2022, <https://newjerseymonitor.com/2022/12/28/new-study-urges-cheaper-communications-for-incarcerated-people/>.

needs at the cost their of connection with their incarcerated loved one. Forgoing bills to maintain contact, this burden has been found to disproportionately fall on women of color.²⁸⁰

3. Previous Attempts In New Jersey

3.1 Racial and Ethnic Impact Statements

Governor Murphy acknowledged the consequences that New Jersey’s racial disparities ensue on society, offenders, and their families. Admitting that “criminal justice policies, while neutral on their face, often adversely affect minority communities,” Murphy signed a bill for Racial and Ethnic Impact Statements. This bill mandates that all proposed criminal justice bills are analyzed in terms of their potential impact on racial and ethnic minorities prior to their ruling and implementation.²⁸¹ However, Murphy is receiving ridicule for the minimal number of racial analyses and statements that have been conducted since the bill’s enactment.²⁸² This bill appeared progressive by recognizing the implications of the state’s racist criminal justice laws, and passed legislation that would seek to correct the perpetuation of this racial harm in the future. However, the lack of implementation diminishes the possibility for effective change and implies that this is more of a performative step to reckoning rather than a reformative one.

3.2 Dignity for Incarcerated Parents Act

In 2020, Governor Murphy signed the Dignity for Incarcerated Parents Act, acknowledging the little attention criminal justice reforms have paid to this “growing segment of

²⁸⁰ “Connecting Families,” Connecting Families, accessed April 28, 2023, <https://connectfamiliesnow.com>.

²⁸¹ Rice, Racial and Ethnic Impact Statements.

²⁸² Ashley Balcerzak, “NJ Crafted Only One 'Racial Impact Statement' to Examine Disparities,” *Northjersey.Com* (blog), August 4, 2020, <https://www.northjersey.com/story/news/new-jersey/2020/08/04/nj-crafted-only-one-racial-impact-statement-examine-disparities/5530310002/>.

the prison population” despite the unique challenges they and their families face. Among other provisions, the Act increases visitation by offering six days a week for at least three hours at a time, removes restrictions on the number of minors allowed to visit, and authorizes contact visits. It also requires that parents be placed in prisons as proximate to their children as possible and that parenting classes are provided.²⁸³ Though progressive in acknowledging this previously neglected population, there are still significant limitations and work to be done by the state to reform incarceration for parents and families.

This Act pays little attention to the child’s needs during their parent’s sentence. The Act neglects to consider factors such as the child’s ability to utilize visitations without proper transportation or the funds to commute, while dismissing other essential concerns such as the quality of care or access to daily needs they receive without the support of their incarcerated parent.²⁸⁴ Many policy analysts, such as Ronald Pierce from NJISJ, highlight the limitations of the Act as it neglects to acknowledge the foundational harm the state imposes through parental incarceration itself. “Saying you can’t handcuff someone while giving birth is nice in theory, but when you take the child away three days later, what have you done to both of them? You have created a trauma...the Act doesn’t protect maintaining connections with family.” Pierce states that the Act’s proximity provision is undermined by demand. Since facilities do not have the capacity to accommodate the needs of all incarcerated parents, the state uses this as an excuse to avoid implementing this provision.²⁸⁵ Similarly, Bonnie Kerness from AFSC asserts that she has not seen many conscious efforts to fulfill the Act’s promises. With a long distance between

²⁸³ Linda Greenstein, Nilsa Cruz-Perez, and Teresa Ruiz, “Dignity for Incarcerated Primary Caretaker Parents Act,” Pub. L. No. A3979 (2020), https://pub.njleg.gov/bills/2018/PL19/288_.HTM.

²⁸⁴ DiFilippo, August 12, and 2022, “Incarcerating Parents Punishes Families, Watchdog Group Warns.”

²⁸⁵ Ronald Pierce, Interview with Ronald Pierce, New Jersey Institute for Social Justice, Phone Call, April 6, 2023.

legislative reform efforts and the individuals asked to implement them, she questions “who is minding the store” when it comes to the realization of these provisions.²⁸⁶

Modeled after Senator Cory Booker’s Dignity for Incarcerated Women Act, the New Jersey bill removed certain provisions such as mandatory video conferencing due to “cost concerns.”²⁸⁷ However, the Office of Legislative Services claimed that the economic cost of implementing the Act would be difficult to compute with the uncertainty regarding the number of “primary caretakers” in state facilities.²⁸⁸ The inconsistency in their supposed ability to perform cost analyses raises the question of feasibility versus government desire to provide services. When considering policies that increase contact between inmates and their families, deciding factors should exceed strictly short-term monetary values. With the correlation between familial contact and reduced recidivism, the state must consider the economic costs of providing frequent and meaningful visitation and communication services against the costs associated with parent re-incarceration.

These two Acts are significant legislations that acknowledge the racism of the criminal justice system and the unique and compounding challenges incarcerated parents face. However, the state fails to recognize their cumulation; there is no acknowledgement of how New Jersey’s current incarceration disproportionately destructs families of color. Thus, New Jersey misses the mark of just how severe these collateral racial consequences are, making it evident that the rights, voices, and needs of children, primarily of color, are invisible in criminal justice conversations.

²⁸⁶ Kerness, Interview with Bonnie Kerness, American Friends Service Committee.

²⁸⁷ Colleen O’Dea, “Making Imprisonment in NJ Easier on Women Prisoners, Families,” NJ Spotlight News, March 25, 2019, <https://www.njspotlightnews.org/2019/03/19-03-24-making-imprisonment-in-nj-easier-on-families-more-rights-for-women-prisoners/>.

²⁸⁸ O’Dea, “Making Imprisonment in NJ Easier on Women Prisoners, Families.”

3.3 HOPE and Family-Friendly Visitation Centers

Despite limited coverage on correctional programming websites, a connection at the New Jersey Department of Corrections (DOC) affirms that the state offers support programs for incarcerated parents and families. The source cites the Helping Offenders Parent Effectively (HOPE) program for men and women, which consists of 12 sessions at 90 minutes each. Parents are guided through conversations regarding parenting barriers and their own childhood, as well as lessons on childhood development, discipline and communication, and parent-child reunification planning workshops. However, individuals previously incarcerated in state facilities are hesitant about HOPE's implementation, claiming that there are policies and programs in the DOC handbook that only exist on paper but fail to be adequately carried out in facilities.²⁸⁹

Mothers at Edna Mahan Correctional Facility that complete the HOPE program are eligible for a special mother-child visitation program, where the state picks up children at designated locations in 10 different counties for a two-hour visit with their mothers. This visit includes a child-friendly environment, age-appropriate activities, and a meal together. Only one father-child program was held, with efforts to extend the program ending after the pandemic.²⁹⁰ This demonstrates policy and program focus on incarcerated mothers, which is problematic with the state's predominantly male incarcerated population.²⁹¹ Further, offering "special" yet inconsistent programming, rather than investing in enhancing and encouraging consistent and valuable parent-child interaction, is less effective at promoting sustainable relationships.

According to the source, all state correctional facilities offer a family-friendly visitation space. These vary by location but often include decorated spaces, carpets, and age-appropriate

²⁸⁹ Interview with Staff Member at the New Jersey Department of Corrections, Phone Call, April 20, 2023.

²⁹⁰ Interview with Staff Member at the New Jersey Department of Corrections.

²⁹¹ E Ann Carson, "Prisoners in 2020 – Statistical Tables" (U.S. Department of Justice: Bureau of Justice Statistics, 2021), 8, <https://bjs.ojp.gov/content/pub/pdf/p20st.pdf>.

activities for parents and children to enjoy together.²⁹² However, more research is required to determine the implementation of these centers. Aside from the word of this DOC staff member, no indication of their existence or utilization was found on correctional websites, or from the experiences and knowledge of state policy analysts or previously incarcerated individuals.

4. Evaluations Of Models From Other Jurisdictions

4.1 Oregon’s Family Sentencing Alternative Pilot Program

In 2015, Oregon established a Family Sentencing Alternative Pilot Program (FSAPP) with House Bill 3505 to be implemented in five counties. Through FSAPP, eligible non-violent offenders who are primary caregivers are diverted from prisons to instead participate in supervision, treatment, and family/parenting programs. Participants are subject to the terms of their probation and additional conditions such as geographical restrictions, participation in vocational training, and the completion of parenting classes, drug and alcohol treatment, mental health treatment, or life skill classes as deemed fit.²⁹³ The 2019-2021 fiscal impact of the bill was \$2,099,871, supported by Oregon’s Justice Reinvestment Initiative,²⁹⁴ which is funded through the Bureau of Justice Assistance.²⁹⁵ This money was put towards the implementation of county probation officers, the increased probation caseloads to the community corrections systems, additional treatment and housing costs, and administrative assistance within the Department of Corrections to monitor and provide technical assistance to participating counties.²⁹⁶

²⁹² Interview with Staff Member at the New Jersey Department of Corrections.

²⁹³ “Family Sentencing Alternative Pilot Program” (Oregon State Legislature, January 1, 2020), 2–4, https://www.oregonlegislature.gov/citizen_engagement/Reports/Joint%20Family%20Sentencing%20Alternative%20Pilot%20Project%20Report%201_1_2021.pdf.

²⁹⁴ “Family Sentencing Alternative Pilot Program,” 4.

²⁹⁵ “Justice Reinvestment Initiative (JRI) Overview,” Bureau of Justice Assistance, accessed April 28, 2023, <https://bja.ojp.gov/program/justice-reinvestment-initiative/overview>.

²⁹⁶ “Family Sentencing Alternative Pilot Program,” 4.

Intended to support the unification of families, prevent children from entering foster care, and reduce recidivism and future child involvement in the criminal justice system, the results of the pilot have been encouraging thus far. With 212 participants since starting in 2016, nearly 400 children have been kept out of the foster system. Affiliated probation officers have reported noticeable changes in participants, including increased patience with their children, increased engagement and motivation to be successful throughout supervision, and an overall more positive attitude. This has translated to participants' reduced tendency for recidivating or revoking events.²⁹⁷ The positive effects are also reflected in child outcomes, as those with parents in the FSAPP program have shorter average stays in foster care than other children.²⁹⁸

4.2 California's Free Public Transportation

With many incarcerated families facing financial challenges, the cost of visiting prisons poses a significant barrier to maintaining consistent contact with loved ones. Many families do not have access to personal transportation, the gas money to travel many miles for a short visit, or spare change to regularly pay for public transportation.²⁹⁹ Recognizing this problem, the California Department of Corrections and Rehabilitation partnered with local public transit to provide a free bus system with access to all adult correctional facilities. Dividing the state into four regions, buses depart every Friday and Saturday on a rotating basis to all institutions. Individuals eligible for visitation can register online, with a maximum of five visitors per incarcerated person who must bring ID.³⁰⁰ This ensures that financial constraints are never the restricting factor in procuring pivotal family time with an incarcerated loved one.

²⁹⁷ "Family Sentencing Alternative Pilot Program," 4-6.

²⁹⁸ "Family Reunion Program," Department of Corrections and Community Supervision, 5, accessed March 26, 2023, <https://doccs.ny.gov/family-reunion-program>.

²⁹⁹ Pierce, Interview with Ronald Pierce, New Jersey Institute for Social Justice.

³⁰⁰ "TransMetro Offers Free Transportation to Prisoner Families," San Quentin News, December 6, 2022, <https://sanquentinnews.com/transmetro-offers-free-transportation-to-prisoner-families/>.

4.3 New York's Children's Centers

Research has shown that beyond providing adequate time between incarcerated parents and families, it is also pivotal to invest in the quality of this limited yet impactful time together to receive optimal benefits.³⁰¹ New York has done so by providing children's centers in nearly all state prisons besides their shock and work release facilities.³⁰² By decorating the walls and offering engagement activities, they create a child-friendly atmosphere that emulates the home environment they miss out on. Parents and children can spend quality time interacting and playing, which is more effective at establishing bonds or repairing strained relationships than status quo visits.³⁰³ Studies have connected frequent child visits with lower rates of recidivism, improved behavior while incarcerated such as complying with facility rules and staff, fewer disciplinary reports, and a greater participation in correctional programming.³⁰⁴ These contact visits are most effective at alleviating the trauma of parental separation, as through conversation, play, and physical connection, children's feelings of abandonment and anxiety may be eased.³⁰⁵ However, prisons are not designed to accommodate children, which raises concern over the potential adverse effects of consistent exposure to this setting.³⁰⁶ Providing these "non-institutional" settings for parents and children to connect can mitigate these harmful effects and

³⁰¹ "Commission on Reentry Services for Women" (NJ Reentry Corporation, 2020), 46, https://www.njreentry.org/application/files/4016/4087/6856/Womens_Commission_Report_2020.pdf.

³⁰² "Children's Play Areas." *Department of Corrections and Community Supervision*, <https://doocs.ny.gov/childrens-play-areas>. Accessed 26 Mar. 2023.

³⁰³ J Creasie Finney Hairston, "Focus on Children with Incarcerated Parents: An Overview of the Research Literature" (Annie E. Casey Foundation, 2007), 3, *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*.

³⁰⁴ Lindsey Cramer, "Parent-Child Visiting Practices in Prisons and Jails" (Urban Institute, n.d.), 8, https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails_0.pdf.

³⁰⁵ Hairston, "Focus on Children with Incarcerated Parents: An Overview of the Research Literature," 20.

³⁰⁶ Cramer, "Parent-Child Visiting Practices in Prisons and Jails," 8.

encourage effective visitation.³⁰⁷ The cost of these children’s centers are minimal, as many receive toys and decorations through donations and use volunteers or trained inmates as supervisors.³⁰⁸ Centers have been well received, as “according to prison and childcare authorities, there is a widespread sentiment that children should not be punished for their parents’ crimes.”³⁰⁹ However, research does not indicate that New York has considered the various other steps during child visitation where they may be exposed to unnecessary stress and trauma.

4.4 Connecticut and New York’s Free Communication

In 2021, Connecticut made national history by passing Senate Bill 972, the first fully taxpayer-funded model to make phone calls free for prisoners and their families.³¹⁰ The bill removes the costs from phone calls, emails, and video calls while guaranteeing inmates at least 90 minutes of phone time per day.³¹¹ The bill was allotted \$11.2 million in the state budget, funded by the state House and Senate.³¹² Before this reform, Connecticut ranked 49th in the nation for the affordability of prison phone calls,³¹³ illustrating the magnitude of the progress made with this bill. Connecticut is the first state to extend this reform to both prisons and jails, but other locations like New York City have taken similar steps by making jail phone calls free.³¹⁴ In New York, the Department of Corrections must provide all inmates within the city’s

³⁰⁷ “CW360: Children of Incarcerated Parents” (University of Minnesota, Center for Advanced Studies in Child Welfare, 2008), 32, <https://casw.umn.edu/wp-content/uploads/2013/12/CW360.pdf>.

³⁰⁸ “Prisons Try to Brighten Children’s Visits,” *The New York Times*, 1986, <https://www.nytimes.com/1986/03/13/garden/prisons-try-to-brighten-children-s-visits.html>.

³⁰⁹ “Prisons Try to Brighten Children’s Visits.”

³¹⁰ Taylor Johnston, “Now Free, Phone Calls in Connecticut Prisons Soar,” *CT Insider*, November 3, 2022, <https://www.ctinsider.com/news/article/free-phone-calls-CT-prisons-increased-17553263.php>.

³¹¹ Daniel A. Rosen, “Connecticut Makes All Prison Communications Free, Makes History,” *Prison Legal News*, August 1, 2021, <https://www.prisonlegalnews.org/news/2021/aug/1/connecticut-makes-all-prison-communications-free-makes-history/>.

³¹² Rosen, “Connecticut Makes All Prison Communications Free, Makes History.”

³¹³ “Rates and Kickbacks,” *Prison Phone Justice*, accessed March 26, 2023, <https://www.prisonphonejustice.org/>.

³¹⁴ Rosen, “Connecticut Makes All Prison Communications Free, Makes History.”

custody domestic phone services free of charge, incurring an approximate annual cost of \$7.5 million.³¹⁵

With the logistical and financial demands of in-person visitation, phone calls are significant for families to remain in consistent contact throughout a sentence. However, many states charge phone rates that make telecommunication unsustainable for financially insecure families. Connecticut's historic step fulfilled an "unmet need," as the calls made per month increased from 494,000 to 1,081,000 when passed in July, with average call time increasing by 120%.³¹⁶ Though on the smaller scale of prisons, New York's legislation increased calls by almost 40% and saved families nearly \$10 million annually.³¹⁷ The effects of consistent phone communication have been thoroughly researched with favorable results. A 2014 study found that women who had phone contact with their families were less likely to face incarceration within five years of being released.³¹⁸ They even found that phone contact had greater success at reducing recidivism than visitation, demonstrating the power of consistent communication.³¹⁹ The value of telecommunication is beyond strictly fiscal, as the Campaign Manager for ACLU-CT says,

"you're never going to be able to put a price tag on being able to have a father check in with his daughter at the end of the day, before his daughter goes to sleep...being able to maintain relationships with people was priceless, and certainly served me well once I was able to come home because I didn't feel like I was being dropped into a world that I had not been a part of for many years."³²⁰

4.5 California's Child Support Debt Relief Pilot Program

³¹⁵ "Fiscal Impact Statement of Proposed Intro. 741-A," New York Series Council, 2018, 1, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3466474&GUID=5FF0CADF-72F8-464F-A240-08A015650E7A>.

³¹⁶ Johnston, "Now Free, Phone Calls in Connecticut Prisons Soar."

³¹⁷ "Campaigns - Connecting Families," Worth Rises, accessed April 29, 2023, <https://worthrises.org/ourcampaigns>.

³¹⁸ Leah Wang, "Research Roundup: The Positive Impacts of Family Contact for Incarcerated People and Their Families," *Prison Policy Initiative* (blog), accessed March 26, 2023, https://www.prisonpolicy.org/blog/2021/12/21/family_contact/.

³¹⁹ Wang, "Research Roundup."

³²⁰ Johnston, "Now Free, Phone Calls in Connecticut Prisons Soar."

In 2018, San Francisco launched the San Francisco Child Support Debt Relief Pilot. Before this pilot, eligible parents could receive debt relief through the state's Compromise of Arrears Program (COAP), which permitted partial payments towards their public assistance payback debt while the government eliminated the rest. However, many parents found making timely partial payments difficult and reported the stress of navigating the lengthy application process as a barrier to program utilization. With philanthropic funding from the Walter & Elise Haas Fund, pilot partners paid the parent's portion of their public assistance payback debt, eliminating their remaining debt through COAP and leaving parents debt free.³²¹

The relief of financial strain from the debt relief pilot program and the resulting positive effects on the familial relationships prove the correlation between financial stability and family stability. Parents participating in this pilot increased their child support payment consistency by 18-28%, demonstrating the barrier that debt plays in opposition to their desire to fulfill their parenting responsibilities. Removing parental debt and this burden of stress contributed to reduced employment barriers, improved housing status, and improved credit scores, which allow parents to provide more stable home environments for their children. In fact, participants of the study reported more positive parent-child relationships upon debt relief, as well as an improvement in their relationships with their partners.³²² Thus, this pilot demonstrates how the inability to achieve financial stability through the economic exploitation of incarceration has devastating effects on familial relationships, and the importance of wealth accumulation to support the success and strength of an incarcerated family.

³²¹ Heather Hahn et al., "Relief from Government-Owed Child Support Debt and Its Effects on Parents and Children" (Urban Institute, August 2019), VI, https://www.urban.org/sites/default/files/publication/100812/relief_from_government-owed_child_support_debt_and_its_effects_on_parents_and_children_4.pdf.

³²² Hahn et al., "Relief from Government-Owed Child Support Debt and Its Effects on Parents and Children," IV-5.

5. Recommendations

With incarceration’s harmful effects on the physical, emotional, and financial health of children and families, New Jersey must reconsider incarcerating parents and instead prioritize the maintenance of families. However, if parental incarceration is deemed necessary, the state must support incarcerated families throughout their sentence to maintain the relationships and financial stability necessary for successful reintegration upon release. After analyzing New Jersey’s current regime and strategies of other jurisdictions, the following recommendations are proposed to help eliminate the disproportionate harm imposed upon Black and Brown incarcerated families.

5.1 Implement a Family Sentencing and Diversion Program

With the state’s acknowledgement of the “growing segment” of incarcerated parents entering the system, and the “unique challenges that greatly impact their families,”³²³ New Jersey legislature must reduce the number of families broken apart by incarceration by emulating Oregon’s FSAPP. To remedy the disproportionate dismantling of Black and Brown families, the pilot should prioritize highly policed counties of color, like Essex County,³²⁴ and expand upon positive results. A diversion program will prevent the intergenerational social, emotional, and fiscal harms imposed on incarcerated parents and children. Diversion programs effectively reframe “incarceration” as a period of “restructuring,” allowing the offender to be rehabilitated to an improved state while maintaining and strengthening familial connections. Oregon’s Community Corrections Director explained the impact of diversion programs on parents’ motivation to become better parents, and its prevention of children’s mental, social, behavioral,

³²³ Greenstein, Cruz-Perez, and Ruiz, Dignity for Incarcerated Primary Caretaker Parents Act.

³²⁴ Emily Widra, “Where People in Prison Come From.”

and educational challenges. The program also improves overall community safety and health by focusing on supervision and support.³²⁵

The Oregon program cost \$2,099,871 for the period of 2019-2021,³²⁶ but New Jersey should similarly advocate to the Bureau of Justice Assistance for financial support. However, even if the state is responsible for funding, the benefits outweigh the costs. Oregon’s program director justifies the investment by saying, “even if you only look at the financial impact of keeping 29 children out of foster care, that adds up to more than \$770,000 in cost avoidance for just one year...not to mention the prison costs avoided.”³²⁷

5.2 Provide Free Transportation

The New Jersey DOC must remove the logistical and financial barriers limiting many families eager to visit their loved one by partnering with NJ Transit to provide free transportation to state correctional facilities. The DOC should offer all eligible and registered New Jersey residents with a currently incarcerated family member a free NJ Transit pass to be used for trips to state facilities. However, if public transit does not currently provide convenient routes for easy access to each facility, the DOC should partner with state transit to replicate California’s program. Dividing the state into four regions (Central, North, South, and Shore), a designated bus picks visitors up from specified stations in each region and drops them off at all institutions on a rotating basis. Family members register online for weekend trips, ensuring the availability of consistent visitation. A similar free public transportation system has already been implemented on a smaller scale for the Edna Mahan mother-child visitation program.³²⁸ To

³²⁵ “Washington County Family Sentencing Alternative Pilot Program,” Washington County Oregon, May 17, 2018, <https://www.washingtoncountyor.gov/cc/news/washington-county-family-sentencing-alternative-pilot-program>.

³²⁶ “Family Sentencing Alternative Pilot Program,” 5.

³²⁷ “Washington County Family Sentencing Alternative Pilot Program.”

³²⁸ Interview with Staff Member at the New Jersey Department of Corrections.

accommodate the disproportionate number of Black families affected by incarceration, the pick-up sites must be prioritized in areas with larger populations of color to increase convenience and mitigate access barriers.

Though NJ Transit would potentially lose revenue by offering free services, and compensation by the DOC may be necessary, the proven benefits of child visitation should serve as a financial incentive to invest in this policy and increase visitation occurrence. A study found that the likelihood of recidivism was 31% lower within two years of release for an incarcerated individual that received in-person visits.³²⁹ Even a single visit was found to reduce recidivism by 13% for felony reconvictions and 25% for technical violation reconvictions.³³⁰ Thus, investing in the frequency of visitation is an investment in public safety, while saving the state the financial strain of re-incarceration.

5.3 Require Child-Friendly Visiting Environments

Although New Jersey has taken steps to improve visitation with family centers, sufficient data on their implementation and results is necessary to fully assess the success and quality of in-person visitation. If not properly implemented, parent-child visitations and exposure to prisons could harm or traumatize children.³³¹ It is imperative that New Jersey begins to collect data on the current state of these centers and how they have affected the frequency and reported satisfaction of child visitations. It is critical for the DOC to track and compare the frequency of visitations in these facilities, and to perform surveys or interviews with parents and children to assess their satisfaction with the centers. Such measures would provide valuable data on the

³²⁹ William D. Bales and Daniel P. Mears, “Inmate Social Ties and the Transition to Society: Does Visitation Reduce Recidivism?,” *Journal of Research in Crime and Delinquency* 45, no. 3 (August 1, 2008): 287–321, <https://doi.org/10.1177/0022427808317574>.

³³⁰ “The Effects of Prison Visitation on Offender Recidivism,” *Minnesota Department of Corrections*, n.d., 27, https://mn.gov/doc/assets/11-11MNPPrisonVisitationStudy_tcm1089-272781.pdf.

³³¹ Hairston, “Focus on Children with Incarcerated Parents: An Overview of the Research Literature,” 24.

effectiveness of these facilities. New Jersey must also implement other policies that mitigate the potential harms of child visitation. New Jersey family centers are often embedded into the facility,³³² which risks children witnessing or walking through the intimidating environment. Therefore, providing separate entrances directly into child-friendly spaces can reduce the likelihood and extent of exposure and mitigate potential trauma. With a focus on institutional safety, children are often subject to invasive security searches that are both confusing and stressful.³³³ New Jersey should replicate California’s policy where family counselors who work with the institution greet and pat children down in a way that adheres to facility policies while mitigating any potential stress.³³⁴ Collecting and reporting more comprehensive data by the DOC will identify potential gaps and lead to improved policies to meet children’s specific visitation needs.

5.4 Remove Costs of Communication

The rates of communication are too high and unaffordable for a large majority of inmates, who rely on minuscule incomes from prison wages or unsustainable income support from family members. As a result, inmates face challenging trade-offs, such as decisions on whether to use their limited funds to communicate with family or lawyers or forego the call to save money to prioritize necessities and outstanding payments. New Jersey needs to follow Connecticut’s lead and pass a bill that removes the cost of all prison communication to promote consistent family contact for all inmates. However, this will likely receive pushback due to the cost on the state to buy out the two existing telecommunication contracts providing this service. Worth Rises, a non-profit advocacy organization, has estimated an annual cost of \$3.9 million to

³³² Interview with Staff Member at the New Jersey Department of Corrections.

³³³ Cramer, “Parent-Child Visiting Practices in Prisons and Jails,” 14.

³³⁴ Cramer, “Parent-Child Visiting Practices in Prisons and Jails,” 14.

cover phone calls, e-messaging, and video calls for state prisons and county jails.³³⁵ If resisted by the state, New York’s reform of free jail phone calls could be a more palatable alternative. However, with extensive research on the long-term benefits of family contact, previously incarcerated advocates argue that this communication cannot be quantified in dollars and cents.³³⁶ With Connecticut’s bill resulting in more phone calls and a longer average time per call,³³⁷ New Jersey would similarly reap the benefits associated with increased familial contact. Parent-child contact during separation reduces the harmful effects of this childhood trauma. It also reduces the parent’s likelihood of re-offense, lowers drug use, and correlates with higher employment rates. Thus, the state should view this as an investment in public health, correcting “a regressive policy that senselessly indebts families and turns the revolving door of recidivism.”³³⁸

5.5 Increase Prison Working Wage

New Jersey must increase their prison working wage rate to the state minimum wage to allow inmates to accumulate wealth and contribute to the financial wellbeing of their families. Current wage rates are insufficient to meet inmates’ daily needs and prevents them from accumulating the financial stability necessary to succeed and support their families.³³⁹ Many activists have been rallying behind increasing the prison minimum wage. The 13th Amendment prided the end of slavery in the US; however, the disproportionate incarceration of Black and Brown bodies exploits them for labor, working for little profit and facing punitive measures if

³³⁵ State prisons: \$1.2 million for phone calls, \$650,000 e-messaging, \$140,000 video calls. County jails: \$1.1 million for phone calls, \$620,000 e-messaging, \$140,000 video calls (Marleina Ubel, Interview with Marleina Ubel, New Jersey Policy Perspective, Phone Call, March 21, 2023.)

³³⁶ Johnston, “Now Free, Phone Calls in Connecticut Prisons Soar.”

³³⁷ Johnston, “Now Free, Phone Calls in Connecticut Prisons Soar.”

³³⁸ Johnston, “Now Free, Phone Calls in Connecticut Prisons Soar.”

³³⁹ Sawyer, “How Much Do Incarcerated People Earn in Each State?”

they deny work.³⁴⁰ With the state’s extreme disparity in incarceration, this is especially prominent in New Jersey. Increasing the prison minimum wage allows inmates to become more self-sufficient and alleviates the financial burden on families. The opportunity for wealth accumulation while incarcerated is significant for inmates’ success upon release, as they will face significant barriers to financial stability such as employment restrictions, license suspensions, etc.³⁴¹ As illustrated by California’s debt relief program, financial stability can have substantial effects on the health of relationships within an incarcerated family.³⁴² Other states have acknowledged and reckoned with the economic exploitation of their incarcerated populations and have taken steps toward reform. Washington has advanced the Real Wages, Real Labour Act through to the House Appropriations Committee, which mandates that incarcerated workers receive state minimum wage.³⁴³ Therefore, unless the government is content reclaiming their title as the “slave state of the North”, New Jersey must accompany these movements to instill pride, value, and dignity in the labor and lives of their incarcerated populations and families. Since inmates are often employed providing services for their correctional facilities, such as maintenance or food services,³⁴⁴ the DOC would likely oppose this policy as they currently save by paying inmates significantly less than they would external laborers. However, economists have found that nearly all stakeholders in the U.S. economy would benefit if incarcerated people were fully integrated into the labor force, which entails receiving basic

³⁴⁰ “#EndTheException.”

³⁴¹ Sawyer, “How Much Do Incarcerated People Earn in Each State?”

³⁴² Hahn et al., “Relief from Government-Owed Child Support Debt and Its Effects on Parents and Children.”

³⁴³ “Bill to Pay Incarcerated Workers Minimum Wage Passes House Community Safety, Justice, & Reentry Committee,” Washington State House Democrats, January 19, 2023, <https://housedemocrats.wa.gov/simmons/2023/01/19/bill-to-pay-incarcerated-workers-minimum-wage-passes-house-community-safety-justice-reentry-committee/>.

³⁴⁴ Interview with Staff Member at the New Jersey Department of Corrections.

worker rights such as minimum wage.³⁴⁵ By paying such low wages, more dependents of inmates end up on welfare, and more inmates end up in financial distress upon release.³⁴⁶ Thus, the state would end up paying more in government assistance to compensate for their previous frugality.³⁴⁷

6. Conclusion

With New Jersey leading the nation in racial disparity rates of incarceration,³⁴⁸ children and families of color are disproportionately facing the collateral consequences of these racist criminal justice practices. Incarceration has lasting physical and emotional effects on both parent and child and has been proven to contribute to inter-generational cycles of recidivism.³⁴⁹ Thus, it is imperative that policy changes are made to address these issues, restore these harms, and transform the practices of the current system to prevent their occurrence in the future. Though possibly coming at a short-term financial cost to the state, investing in these recommendations that have proven successful in mitigating the damage of parent-child relationships and reducing parent recidivism will result in significant long-term savings for both the economy and public health and well-being. These policies aim to lessen the adverse effects of separation on the critical familial bonds that contribute to the well-being of incarcerated families. They also empower incarcerated parents to succeed upon release, both as parents and as members of society.

³⁴⁵ Josh Kovensky, “It’s Time to Pay Prisoners the Minimum Wage,” *The New Republic*, August 15, 2014, <https://newrepublic.com/article/119083/prison-labor-equal-rights-wages-incarcerated-help-economy>.

³⁴⁶ Kovensky, “It’s Time to Pay Prisoners the Minimum Wage.”

³⁴⁷ Kovensky, “It’s Time to Pay Prisoners the Minimum Wage.”

³⁴⁸ Nellis, “The Colour of Justice: Racial and Ethnic Disparity in State Prisons,” 4.

³⁴⁹ “End Mass Incarceration: Social & Economic Harm.”

Child Welfare, Family Preservation and Decriminalizing Poverty: Reparative Policy Recommendations for the United Black Agenda

Isabel Paine

*“I pledge my honor that this assignment was completed in accordance with University
regulations.”*

/s/ Isabel Paine

1. Introduction & Context

The SisterSong Women of Color Reproductive Justice Collective defines Reproductive Justice as “the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities.”³⁵⁰ Through the racist construction of the child welfare system, the U.S. government has perpetually violated this definition, seizing Black children from their families via the family policing state. The child

³⁵⁰ SisterSong, “Reproductive Justice,” Accessed April 18, 2023. <https://www.sistersong.net/reproductive-justice>.

welfare system is “a group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families.”³⁵¹ However, when Black children are 300% more likely than white children to be separated from their parents by the state, the child welfare system does not ensure safety, permanency, or strengthen families.³⁵²

Black families are disproportionately harmed at every point in the child welfare system. Black children are more likely than white children to be “reported for maltreatment, to have allegations of their maltreatment investigated, and to be placed in foster care. Once taken from their homes, they and their families receive inferior aid, housing, and child care. Black children are shuffled to more placements and stay in foster care longer. They are less likely to ever return to their parents and more likely to have their parents’ rights terminated.”³⁵³ In New Jersey, Black children make up thirteen percent of children under eighteen but represent forty two percent of the children in foster care, illustrating the racism present in the state.³⁵⁴ Involvement with child welfare systems does not make children safer, as they are much more likely to suffer from sexual abuse, physical abuse, violence, homelessness, and inadequate healthcare in the system than they are at home.³⁵⁵

New Jersey’s Commissioner of the Department of Children and Families (DCF) stated that “Child welfare and Child Protective Services historically have been more focused on foster care as the primary intervention around child safety in this country. And yet, the people who are

³⁵¹ “How the Child Welfare System Works,” The Children’s Bureau, 2020, <https://www.childwelfare.gov/pubpdfs/cpswork.pdf>.

³⁵² Kristcha DeGuerre, “Child Neglect: Statutes, Rates, and a Neglect Diversion Model,” *Greenwich Social Work Review* 2, no. 2 (December 18, 2021): 208–18. <https://doi.org/10.21100/gswr.v2i2.1269>.

³⁵³ Dorothy Roberts, *Torn Apart: How the Child Welfare System Destroys Black Families*, 2022, 39.

³⁵⁴ Susan Livio, “Bias against Poor, Black Parents Is Real in N.J.’s Child Welfare System, Leaders Agree. Now Comes the Hard Part,” NJ.com, December 19, 2021. <https://www.nj.com/politics/2021/12/racism-in-njs-child-protection-system.html>.

³⁵⁵ Just Making a Change for Families “Mandated Supporting,” Accessed April 23, 2023. <https://jmacforfamilies.org/mandated-supporting>.

most impacted by that are black and brown families. This is structural in terms of the way the systems were very intentionally designed.”³⁵⁶ Because the current system was designed to marginalize Black families, around one third of children undergo a child welfare investigation by adulthood, but over half of those investigated are black.³⁵⁷ The annual economic burden from investigated child maltreatment is two trillion dollars.³⁵⁸

Black children are primarily placed out of home because Black parents are accused of neglect.³⁵⁹ Under the category of child maltreatment in New Jersey, “neglect” occurs when a parent does not have enough means to support their child with food, childcare, healthcare, or other necessities.³⁶⁰ Lack of resources for Black parents does not stem from personal negligence, but rather from a deep history of racism, subjugation, marginalization, and theft. Benita Miller is the Executive Director of Powerful Families, Powerful Communities NJ, and she advocates for racial justice in New Jersey. She stated, “We have decided that we're going to regulate parental behavior for the benefit of children, but largely we're not helping children. In most instances we're just being disruptive.”³⁶¹ Separating children from parents is traumatic, and there is no consistent evidence that foster care is beneficial to children.³⁶² New Jersey's DCF has prioritized Black family preservation, but more reform is needed to reverse harm to Black families. Reparations should include administrative reforms within the system, but also a shift to

³⁵⁶ Christine Norbut Beyer, Conversation with NJ DCF Commissioner, April 18, 2023.

³⁵⁷ Hyunil Kim, “Lifetime Prevalence of Investigating Child Maltreatment Among US Children,” *American Journal of Public Health* 107, no. 2 (February 2017), <https://doi.org/10.2105/AJPH.2016.303545>.

³⁵⁸ Cora Peterson, “The Economic Burden of Child Maltreatment in the United States, 2015,” *Child Abuse & Neglect* 86 (December 1, 2018), <https://doi.org/10.1016/j.chiabu.2018.09.018>.

³⁵⁹ DeGuerre, “Child Neglect: Statutes, Rates, and a Neglect Diversion Model.”

³⁶⁰ “Child Neglect in New Jersey, Neglect Defined,” April 19, 2023. <https://www.njdcplawyers.com/what-is-neglect-in-new-jersey/>.

³⁶¹ Benita Miller, Conversation with Executive Director of Powerful Families, Powerful Communities NJ, March 22, 2023.

³⁶² Joseph Doyle, “Child Protection and Child Outcomes: Measuring the Effects of Foster Care,” *American Economic Review* 97, no. 5 (December 2007), <https://doi.org/10.1257/aer.97.5.1583>.

preventative measures that secure food, housing, child care, and cash assistance for Black families. In 2017, if the U.S. had increased investment into public benefit programs by 13.3%, child maltreatment reports would have decreased by over 180,000 cases. Ultimately, the current child welfare system perpetuates a historically racist idea that Black parents are unfit through disproportionately separating Black families. Categorizing neglect as child maltreatment is the mechanism of separation. To take adequate reparatory action, the child welfare system must stop treating basic need insecurity as a personal parental failure of Black parents, but rather as a symptom of structural racism.

2. Framework of Repair & History of Child Welfare Construction

The child welfare system's over involvement in Black communities forms a family policing state. The disproportionate representation of Black families in the system stems from slavery, when enslavers continuously ripped children away from their parents. During reconstruction, apprenticeship laws allowed former slave owners to legally continue seizing Black children, establishing a precedent that Black parents were unfit.³⁶³ Black families were excluded from the child welfare system until the mid twentieth century when racist laws targeted Black mothers, specifically after a 1965 report on Black poverty titled the Moynihan Report accused Black mothers of violating the family wage model as matriarchs. Black families quickly became overrepresented in the system, suffering under policies such as "suitable home tests" that were used to seize children.³⁶⁴ Black women are often viewed as "welfare queens" due to racist stereotypes that stem back to slavery and reconstruction.³⁶⁵ American philosopher Olúfẹmi O. Táíwò asserts that systems that seem fixed were, in fact, created - a process labeled as

³⁶³ Dorothy Roberts, *Torn Apart: How the Child Welfare System Destroys Black Families*, 2022.

³⁶⁴ Dorothy Roberts, *Torn Apart: How the Child Welfare System Destroys Black Families*.

³⁶⁵ Dorothy Roberts, *Torn Apart: How the Child Welfare System Destroys Black Families*.

“worldmaking.” These systems were constructed by people who advanced particular interests through capitalism, colonialism, and slavery.³⁶⁶ The New Jersey child welfare system is an example of an intentionally racist system that perpetually polices Black families. Scholar Dorothy Roberts argues that institutions that tear families apart “reinforce stereotypes about black family unfitness and need for white supervision, destroy family autonomy, and weaken the Black community’s ability to overcome ‘institutionalized discrimination.’”³⁶⁷ The family policing state blocks Black parents from building generational wealth with their children.

3. Transitioning from Family Policing to Family Preservation

3.1 Poverty versus Neglect

Within the child welfare system, neglect is categorized as child maltreatment, not as poverty. Due to historical systemic barriers and inequities, Black children are three times more likely to live in “single-parent families and high-poverty neighborhoods” than white children.³⁶⁸ Historically, this poverty stems from slavery, land theft, exclusionary housing, employment discrimination, and social stereotypes, exclusion from progressive policy, and racism.³⁶⁹ Because of racism, Black communities have been excluded from wealth accumulation over generations.

³⁶⁶ Olúfẹ̀mi Táíwò, *Reconsidering Reparations, Philosophy of Race*, Oxford, New York: Oxford University Press, 2022.

³⁶⁷ Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and The Meaning of Liberty*. New York: Pantheon Books, 1997.

³⁶⁸ “2020 Kids Count Data Book: State Trends in Child Well-Being,” *Annie E. Casey Foundation*, 2020, <https://assets.aecf.org/m/resourcedoc/aecf-2020kidscountdatabook-2020.pdf>.

³⁶⁹ Ta-Nehisi Coates, “The Case for Reparations,” *The Atlantic*, May 22, 2014. <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

Accordingly, around 57% of Black households with children are net-worth poor compared to 22% of white households, and the median net worth for young Black families is \$600.³⁷⁰

The terms that define neglect are symptoms of structural racism, not bad parenting. New Jersey defines neglect as “a caregiver or parent failing to properly supervise a child or to provide adequate shelter, food, clothing, medical care, or education to that child even though the caregiver or parent has the financial means to provide those necessities.”³⁷¹ This includes abandonment, inadequate supervision, lack of healthcare, truancy, under-dressing, inadequate shelter, and more. The system ignores the latter part of its definition for neglect, as Black families do not often have the financial means to support their children. Circumstances that often appear to be neglectful are really symptoms of economic and employment insecurity, housing insecurity, lack of access to healthcare, barriers to school engagement, lack of access to technology, barriers to childcare, lack of after school programs, unmet mental health needs, and unresolved generational trauma.³⁷²

For the Black community in New Jersey, these circumstances stem from current and historical racism. Laura Taylor, Chief Program Officer at the Central Jersey Family Health Consortium has decades of experience working with Black families in New Jersey, and she stated that “Most [Black] families are involved in the system because of issues of poverty, not because they're bad parents.”³⁷³ Benita Miller, Executive Director of Powerful Families, Powerful Communities NJ, remarked that “Often, when you call child welfare, you see [the

³⁷⁰ Christina Gibson-Davis, “Net Worth Poverty in Child Households by Race and Ethnicity, 1989–2019,” *Journal of Marriage and Family* 83, no. 3 (2021), <https://doi.org/10.1111/jomf.12742>.

³⁷¹ “Child Neglect in New Jersey, Neglect Defined,” April 19, 2023, <https://www.njdcplawyers.com/what-is-neglect-in-new-jersey/>.

³⁷² Just Making a Change for Families, “Mandated Supporting.”

³⁷³ Laura Taylor, Conversation with Chief Program Officer at Central Jersey Family Health Consortium, April 14, 2023.

parent’s] challenge as a personal failure as opposed to a systemic failure.”³⁷⁴ Finally, Dorothy Roberts, a prominent American sociologist and expert on child welfare stated that “Neglect is usually better classified as child maltreatment defined by poverty rather than maltreatment caused by poverty... The child welfare system is designed to detect and punish neglect on the part of poor parents and to ignore most middle-class and wealthy parents’ failings.”³⁷⁵

Addressing the blurred line between poverty and neglect for Black families is paramount to addressing systemic racism. Commissioner Norbut Beyer of the NJ DCF has expressed that decoupling poverty and neglect is a priority to system reform.³⁷⁶

3.2 Shifting Blame from Parents to Structural Racism

Because neglect is a symptom of racially constructed poverty, adequate reparations for Black communities must shift blame from parents to the structural racism that impacts parents. In the U.S., each state creates its own statute for defining and addressing neglect.³⁷⁷ Therefore, it is possible for New Jersey to fully shift its efforts to combating poverty in Black communities through targeted support, rather than treating a symptom of poverty and separating Black families. In 2018, only five percent of federal expenditures in New Jersey went to preventive services while 34% went to child protective services, 38% went to out-of-home placements, 21% went to adoption and guardianship, and two percent went to services for older youth.³⁷⁸ Because of systemic racism, 84% of Black Americans spend at least a year in poverty by age 65.³⁷⁹

³⁷⁴ Benita Miller, Conversation with Executive Director of Powerful Families, Powerful Communities NJ, March 22, 2023.

³⁷⁵ Dorothy Roberts, *Shattered Bonds: The Color Of Child Welfare*, 2017.

³⁷⁶ Christine Norbut Beyer, Conversation with NJ DCF Commissioner, April 18, 2023.

³⁷⁷ DeGuerre, “Child Neglect: Statutes, Rates, and a Neglect Diversion Model.”

³⁷⁸ Kristina Rosinsky, “Child Welfare Financing SFY 2018: A Survey of Federal, State, and Local Expenditures,” *Child Trends*, March 2021, <https://www.childtrends.org/publications/child-welfare-financing-sfy2018>.

³⁷⁹ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement,” *University of Chicago Chapin Hall*, 2021, <https://www.chapinhall.org/research/economic-supports-child-welfare/>.

Poverty is strongly correlated with reports of neglect.³⁸⁰ However, around 60% of child welfare cases involve only neglect as the category of child maltreatment, suggesting that for the majority of cases in which the state investigates a family, the child’s life could improve through social support.³⁸¹ Black families are disproportionately more likely to experience material hardships such as food, housing, utility, and medical insecurities, and if low-income families experience at least one material hardship, they are four times more likely to be investigated for neglect.³⁸²

3.3 Supporting Black Families: Economic Implications

There is ample evidence that social and economic support for Black and low-income families decreases rates of family separation.³⁸³ For example, “every \$100 increase in a mother’s post-placement income increases her child’s speed of reunification by 6%.”³⁸⁴ After a year, children are over 50% more likely to stay in foster care when mothers lose significant income from cash assistance post-placement.³⁸⁵ Every state in the U.S. requires some reimbursement from parents to the state for the cost associated with putting their child in foster care, largely due to a 1984 amendment to the social security act.³⁸⁶ However, the Children’s Bureau has recently issued new guidance to allow states to stop billing parents.³⁸⁷ When parents must pay more to the state, that increases family separation, because for every \$100 increase parents pay in child

³⁸⁰ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

³⁸¹ DeGuerre, “Child Neglect: Statutes, Rates, and a Neglect Diversion Model.”

³⁸² Mi-Youn Yang, “The Effect of Material Hardship on Child Protective Service Involvement,” *Child Abuse & Neglect* 41 (March 1, 2015), <https://doi.org/10.1016/j.chiabu.2014.05.009>.

³⁸³ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

³⁸⁴ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

³⁸⁵ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

³⁸⁶ Joseph Shapiro, “States Send Kids to Foster Care and Their Parents the Bill — Often One Too Big to Pay,” NPR, December 27, 2021, sec. Investigations. <https://www.npr.org/2021/12/27/1049811327/states-send-kids-to-foster-care-and-their-parents-the-bill-often-one-too-big-to->

³⁸⁷ Children’s Bureau: An Office of the Administration for Children & Families, “8.4C TITLE IV-E, General Title IV-E Requirements, Child Support,” Accessed April 28 2023, <https://www.acf.hhs.gov/cb/about>.

support, reunification of parents and children gets delayed for around seven months.³⁸⁸ The data implies that the separation of Black families via the family policing state is unnecessary, because strengthening Black families is effective in combating cases of neglect.

3.4 Supporting Black Families: Welfare Programs & Supportive Policies

Expanding welfare programs and socially supportive policies like the Earned Income Tax Credit (EITC), the Child Tax Credit (CTC), the Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance to Needy Families (TANF) decreases caseloads and racial disparities within the child welfare system.³⁸⁹ For example, every additional \$1000 states spend on “public benefit programs” such as cash assistance, housing, child care, refundable earned income tax credits, and medical support is associated with a four percent decrease in both child maltreatment reports and substantiated child maltreatment reports, as well as a two percent reduction in foster care cases.³⁹⁰

There is an inverse relationship between families with TANF welfare support and foster care, as “increases in TANF caseloads were associated with significant reductions in numbers of neglect victims and foster care placements.”³⁹¹ States have flexibility with how they spend block grant TANF funds. In 2021, New Jersey Spent only six percent of the \$1.4 billion TANF funds on cash assistance for families, while spending 28% of the funds on tax credits and 42% on Pre-K.³⁹² While tax credits and Pre-K are beneficial to Black communities, increasing basic cash

³⁸⁸ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

³⁸⁹ Jessica Pac, “The Effects of Child Poverty Reductions on Child Protective Services Involvement,” *Social Service Review* 97, no. 1 (March 2023), <https://doi.org/10.1086/723219>.

³⁹⁰ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

³⁹¹ Donna Ginther and Michelle Johnson-Motoyama, “Associations Between State TANF Policies, Child Protective Services Involvement, And Foster Care Placement,” *Health Affairs*, 2022, <https://www.healthaffairs.org/doi/10.1377/hlthaff.2022.00743>.

³⁹² Center on Budget and Policy Priorities, “State Fact Sheets: How States Spend Funds Under the TANF Block Grant,” March 17, 2023, <https://www.cbpp.org/research/income-security/state-fact-sheets-how-states-spend-funds-under-the-tanf-block-grant>.

assistance promotes racial equity, giving families more autonomy and flexibility.³⁹³ In fact, reductions in cash assistance are correlated with increases in foster caseload rates.³⁹⁴ Benita Miller noted that in New Jersey, “The bulk of the money that comes in from TANF goes to Pre-K and tax credits. There is an idea that to meet the basic needs of folks, if we could just help them participate in the free market, they won’t be subjected to what is oppressing them. What is hidden in plain sight is eviction rates off the charts,” and “not enough direct investment into Black communities.” Benita Miller referenced the prioritization of “work readiness” as opposed to basic cash assistance, largely due to the myth of the Black “welfare queen.”³⁹⁵ Because of racism that has plunged Black communities into poverty, forcing parents to work while not supporting them with cash, housing, food, and childcare is unreasonable.

Expanding access to other welfare programs and socially supportive policies is associated with decreased child welfare involvement, further proving that categorizing neglect as child maltreatment should not be the solution to dealing with child poverty. Expanding eligibility thresholds for SNAP is correlated with fewer child welfare investigations.³⁹⁶ Furthermore, increasing EITC and CTC refunds to families decreases the number of child maltreatment reports.³⁹⁷

³⁹³ “To Promote Equity, States Should Invest More TANF Dollars in Basic Assistance,” January 12, 2022, <https://www.cbpp.org/research/income-security/to-promote-equity-states-should-invest-more-tanf-dollars-in-basic-0>.

³⁹⁴ Christopher Swann, “The Foster Care Crisis: What Caused Caseloads to Grow?” *Demography* 43, no. 2 (May 1, 2006), <https://doi.org/10.1353/dem.2006.0019>.

³⁹⁵ Benita Miller, Conversation with Executive Director of Powerful Families, Powerful Communities NJ, March 22, 2023.

³⁹⁶ Anna Austin, “Association of State Expansion of Supplemental Nutrition Assistance Program Eligibility With Rates of Child Protective Services – Investigated Reports,” *JAMA Pediatrics* 177, no. 3 (March 1, 2023). <https://doi.org/10.1001/jamapediatrics.2022.5348>.

³⁹⁷ Nicole Kovski, “Association of State-Level Earned Income Tax Credits With Rates of Reported Child Maltreatment, 2004–2017,” *Child Maltreatment* 27, no. 3 (August 1, 2022), <https://doi.org/10.1177/1077559520987302>.

3.5 Supporting Black Families: Childcare

Childcare is also a critical barrier Black parents face that feeds into neglect cases. Parents are often accused of child maltreatment when putting one child in charge of another when working, or needing to leave younger children alone. However, according to Child Care Aware of America, “Across all states, the average cost of center-based infant care exceeds 27 percent of median household income for single working parents. For parents and families of color, these challenges are exacerbated.”³⁹⁸ Lack of adequate child care is one of the strongest predictors of maternal neglect and maltreatment investigations, and “for every additional child care concern reported by families receiving TANF, the risk of supervisory child neglect increases by 20%.”³⁹⁹ Black parents cannot be expected to build generational wealth by working without child care, especially since their lack of generational wealth stems from structural racism and subjugation.

3.6 Mandated Reporting

Addressing the mechanisms through which the NJ Department of Children and Families responds to issues of neglect is paramount in shifting child maltreatment blame away from Black parents. New Jersey is one of three states in which everyone is a mandated reporter, meaning “any person who suspects child abuse or neglect is required to report,” and professions are not specified.⁴⁰⁰ Laura Taylor mentioned that “When anyone can be a mandatory reporter, now we’re thinking about a next door neighbor thinking there is an issue... It’s supposed to be better for the family and child... But this is over-surveillance because it goes beyond people who have been

³⁹⁸ “The US and the High Cost of Child Care: A Review of Prices and Proposed Solutions for a Broken System,” Child Care Aware of America, 2018, usa.childcareaware.org/costofcare.

³⁹⁹ Scottye Cash, “An Ecological Model of Maternal Substance Abuse and Child Neglect: Issues, Analyses, and Recommendations,” *American Journal of Orthopsychiatry* 73 (2003), <https://doi.org/10.1037/0002-9432.73.4.392>; Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

⁴⁰⁰ “Mandatory Reporters of Child Abuse and Neglect,” Children’s Bureau, July 2019, <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>.

trained to think about these situations with a critical eye and nuance.”⁴⁰¹ Often, mandated reporters “are not motivated by the child being in immediate danger but by the hope that child welfare services would be able to provide concrete services needed by the family.”⁴⁰²

Additionally, around 80% of reports to child welfare agencies are not substantiated, meaning there is no evidence that child maltreatment or neglect occurred.⁴⁰³ Laura Taylor argues that more families are being filtered into the system due to suspicion than to actual maltreatment, which “opens a can of worms” and makes it difficult to to unassociate from the system.⁴⁰⁴

New Jersey has a beneficial welfare assessment that many other states do not. When someone reports a family of child maltreatment, the NJ DCF conducts a screening in which the case may not rise to the level of abuse or neglect, but rather the family may be referred to social services.⁴⁰⁵ This procedure is an example of “differential response,” in which families are connected with resources. Low income families that are provided with concrete supports such as housing, food, and cash are less likely to be reported again. However, those supports can only be offered with robust systems in place to offer those services. Accordingly, it is advantageous to build out social programs so that families don’t get reported in the first place.

⁴⁰¹ Laura Taylor, Conversation with Chief Program Officer at Central Jersey Family Health Consortium, April 14, 2023.

⁴⁰² DeGuerre, “Child Neglect: Statutes, Rates, and a Neglect Diversion Model.”

⁴⁰³ Kelly Fong, Conversation with Assistant Professor of Sociology at the University of California, Irvine, March 24, 2023.

⁴⁰⁴ Laura Taylor, Conversation with Chief Program Officer at Central Jersey Family Health Consortium, April 14, 2023.

⁴⁰⁵ Christine Norbut Beyer, Conversation with NJ DCF Commissioner, April 18, 2023.

4. New Jersey’s Family Preservation Model

4.1 DYFS Lawsuit

New Jersey is a nationwide leader in prioritizing social and preventive support for Black families, especially under the “strengthening families” model that Commissioner Norbut Beyer has spearheaded.⁴⁰⁶ A 1999 lawsuit against the former NJ Division of Youth & Family Services (DYFS) spurred over two decades of child welfare reform in New Jersey, demanding better treatment for foster children, and placing the division under court supervision.⁴⁰⁷ The NJ DCF was created in 2006, becoming a cabinet-level department. In the 2022 budget testimony, Commissioner Norbut Beyer stated, “After 20 years of hard work... We have reduced caseloads to a manageable level, developed data systems and self-monitoring capacity, and we have prioritized evidence-based and evidence-informed strategies to prevent child abuse and neglect before it even occurs, through family strengthening frameworks and proactive supports.”⁴⁰⁸ Specifically, the department has decreased out-of-home placements by 77% since 2003, and in 2021, more children were placed with kin than in foster care.⁴⁰⁹

4.2 NJ DCF Strategic Plan: Addressing Historical Racism & Reckoning

The NJ DCF has been vocal about historic racist family policing practices and the role that child welfare systems have played in dismantling Black families. On its website, the department highlights “race equity,” “healing centered practice,” and “family voice” as core

⁴⁰⁶ Laura Taylor, Conversation with Chief Program Officer at Central Jersey Family Health Consortium, April 14, 2023.

⁴⁰⁷ Sudan Livio, “N.J.’s Once-Broken Child Welfare System to Get out of Federal Supervision after 2 Decades,” NJ.com, March 24 2022, <https://www.nj.com/news/2022/03/federal-oversight-of-njs-once-broken-child-welfare-system-to-end-after-2-decades-of-reform.html>.

⁴⁰⁸ Christine Norbut Beyer, “NJ DCF Testimony to Assembly Budget Committee on FY 2023 Budget,” New Jersey Department of Children and Families, May 4, 2022. https://www.nj.gov/dcf/news/testimony/220504_assemblybudget.html.

⁴⁰⁹ Norbut Beyer, “NJ DCF Testimony to Assembly Budget Committee on FY 2023 Budget.”

approaches that need to be embedded in all aspects of their work, as well as acknowledging that structural racism is still apparent in current practices.⁴¹⁰

Addressing harm to Black communities, the NJ DCF has prioritized kinship care, which has started shrinking the disparity between the rate that Black children versus white children are removed from their families.⁴¹¹ The department has started developing a “Truth and Transformation” program based on reconciliation. According to Commissioner Norbut Beyer, the program will be an “opportunity for the department to begin to recognize and acknowledge the harm that it's done in African American and Native communities and start to figure out how we can build trust.”⁴¹² The NJ DCF has brought together a group called “Four Branch” in which the three branches of state government come together with families who have been impacted by the system. The group’s goal is to figure out how to progress the system, thinking about decoupling poverty and establishing a network of prevention in low-income and black communities.

5. Models From Other Jurisdictions & Evaluation of Policy Options

5.1 Right to Counsel

According to New Jersey’s State Constitution, any parent “facing allegations of child abuse or neglect” has the right to counsel.⁴¹³ However, there are numerous processes and investigations that occur before a parent is actually faced with these charges.⁴¹⁴ Scholar Kelley

⁴¹⁰ New Jersey Department of Children and Families, “Safe, Healthy, Connected: DCF In The 21st Century,” Accessed April 15, 2023. <https://www.nj.gov/dcf/about/strategic.html>.

⁴¹¹ Christine Norbut Beyer, Conversation with NJ DCF Commissioner, April 18, 2023.

⁴¹² Christine Norbut Beyer, Conversation with NJ DCF Commissioner, April 18, 2023.

⁴¹³ The Tormey Law Firm, “Right to Counsel in DCF Case New Jersey,” DCP&P Defense Lawyers Morristown NJ, September 14, 2020. <https://www.njdcplawyers.com/right-to-counsel-in-a-dcf-case/>.

⁴¹⁴ Terry Lee, “Practice Parameter for the Assessment and Management of Youth Involved With the Child Welfare System,” *Journal of the American Academy of Child & Adolescent Psychiatry* 54, no. 6 (June 1, 2015), <https://doi.org/10.1016/j.jaac.2015.03.005>.

Fong found that these “invasive” investigations cause “anxiety and trauma,” and they are “made worse because the many material resources needed are not within the domain of the child welfare system and may not be provided.”⁴¹⁵ The NJ DCF Parent’s Handbook, declares that parents’ rights include the ability to “consult with a lawyer at your own expense at any time and to be represented by a lawyer who is either of your own choosing or appointed by the court when you appear in court on actions concerning your child or your parental rights.”⁴¹⁶ Therefore, parents often have no representation until they reach the court stage, and they may have a difficult time navigating the process or understanding their rights.

Numerous states have sought to address this issue by extending the right to counsel. For example, Minnesota’s 2020 act modifying court-appointed counsel requirements states that “In all child protection proceedings... the court shall appoint counsel to represent each parent, guardian, or custodian prior to the first hearing on the petition and at all stages of the proceedings.”⁴¹⁷ Additionally, the 2022 Family Representation and Advocacy Act in New Mexico exemplifies a logistical way to fund these attorneys. The Act mandates the use of Title IV-E funding from the federal Social Security Act to set up new offices of attorneys across the state to represent families whose children are in or at risk of foster care placement.⁴¹⁸

⁴¹⁵ DeGuerre, “Child Neglect: Statutes, Rates, and a Neglect Diversion Model.”

⁴¹⁶ “Parents’ Handbook,” New Jersey Department of Children and Families, https://www.nj.gov/dcf/families/dcpp/ParentsHandbook_English.pdf.

⁴¹⁷ Minnesota Legislature: Office of the Revisor of Statutes, “HF 312 1st Engrossment - 92nd Legislature (2021 - 2022),” February 15, 2021, https://www.revisor.mn.gov/bills/text.php?session=ls92&number=HF312&session_number=0&session_year=2021&version=list; Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

⁴¹⁸ Legislation - New Mexico Legislature. “Family Representation and Advocacy Act,” March 8, 2022. <https://www.nmlegis.gov/Legislation/Legislation?chamber=H&legtype=B&legno=46&year=22>.

5.2 Poverty vs. Neglect

While the NJ DCF intends to further decouple poverty and neglect, other U.S. states have taken progressive measures to do so as well. Washington state’s 2021 Keeping Families Together Act “Prevents [child] removal solely due to community or family poverty, inadequate housing, mental illness or substance use.”⁴¹⁹ The act’s language heightens the conditions in which a child may be taken into custody by changing the criteria from suspicion that a child is being “abused or neglected” to language that describes imminent physical harm. Kentucky has changed legislation to define neglect as the refusal to care for a child’s basic needs when they are financially able to support them, or they refuse support provided by the state.⁴²⁰ Montana goes further and “prohibits removal solely due to parental substance use, disorderly living conditions or economic status.”⁴²¹ Changing the definition of neglect may prove helpful in reducing harm to Black families in New Jersey, but abolishing the category of neglect and shifting the narrative around it could be more effective.

5.3 Mandated Reporting & Supporting

Everyone in New Jersey is a mandated reporter. However, mandated reporting is not a substantiated practice. There is no consistent evidence that correlates mandated reporting with preventing abuse or neglect.⁴²² In fact, mandated reporting causes fewer families to seek resources due to fear of family separation, and this decreases the likelihood children will obtain

⁴¹⁹ “Cerification of Enrollment: Engrossed Second Substitute House Bill,” Washington State Legislature, 2021; Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

⁴²⁰ LegiScan, “Kentucky Senate Bill 8,” 2022. <https://legiscan.com/KY/bill/SB8/2022>.

⁴²¹ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

⁴²² Richard Krugman, Handbook of Child Maltreatment, Springer International Publishing, 2022. <https://doi.org/10.1007/978-3-030-82479-2>.

resources they actually need.⁴²³ Mandated reporting increases reporting by non-professionals with no training on child welfare, and their reports are less likely to be substantiated.⁴²⁴ Mandated reporting also decreases reports made by professionals that are more likely to be substantiated.⁴²⁵ Therefore, mandated reporting often perpetuates harm to Black communities by discouraging parents to access resources while increasing the number of families being investigated. Regarding those trained in reporting, scholar Kelley Fong noted, “When I’ve talked to the professionals who are calling in the cases, they don’t see that the children they’re reporting for the most part are in imminent danger... so we can narrow that front door without any adverse effect on children and families.”⁴²⁶ Laura Taylor expressed a reason why even social workers and trained reporters may unnecessarily report struggling families, stating that “The community and staff are sometimes disempowered doing the work on the ground, because you’re afraid that if you do not say something, it might come back on you or the organization.”⁴²⁷ This “better safe than sorry model” leads to family policing, because Black families are over-involved in child welfare investigations.

Just Making a Change for Families is a non-profit based out of New York that is “working to dismantle the current child welfare system while simultaneously investing in community support that keeps families together.”⁴²⁸ The organization references “over-surveillance” of families by mandated reporters with “implicit racial biases” and the

⁴²³ Jamie Perrone, “Failing to Realize Nicholson’s Vision: How New York’s Child Welfare System Continues to Punish Battered Mothers Notes and Comments,” *Journal of Law and Policy* 20, no. 2 (2012 2011), <https://heinonline.org/HOL/P?h=hein.journals/jlawp20&i=649>.

⁴²⁴ Just Making a Change for Families. “Mandated Supporting.”

⁴²⁵ Just Making a Change for Families. “Mandated Supporting.”

⁴²⁶ Kelly Fong, Conversation with Assistant Professor of Sociology at the University of California, Irvine, March 24, 2023.

⁴²⁷ Laura Taylor, Conversation with Chief Program Officer at Central Jersey Family Health Consortium, April 14, 2023.

⁴²⁸ Just Making a Change for Families. “Mandated Supporting.”

“criminalization of poverty” as evidence of the family regulation system. The organization has rewritten the training for mandated reporters to transform them into “mandated supporters.” According to their website, the training incorporates “the importance of critically analyzing themes of power, race, oppression, & privilege,” while seeking to implement “alternative responses to mandated reporting that are liberatory, harm reductive, decolonial, and center families.”⁴²⁹ The criteria of “reasonable cause” that mandate reporters to call the DCF are subjective and often fail to decouple poverty and neglect. In 2020 in New York City, social services members, educators, and law enforcement officers filed the highest number of reports.⁴³⁰ Under the mandated supporting framework, reporters are taught to discern neglect from need,” “mitigate harm during a call,” “know what happens after the call,” “understand the impact of [child welfare] involvement on family life,” ensure that “families have the opportunity to exercise their legal rights,” and more.⁴³¹ To abolish the “better safe than sorry” model, social workers and other professionals would be expected to take great caution before involving a family in an investigation. Mandated supporting is more than training, however, because it prioritizes referencing families to alternative supports instead of investigating their children and criminalizing poverty.

Social support around housing, medical care, and more must be in place for mandated supporters to reference. New Jersey has expanded Medicaid, which decreased child neglect reports by 15% on average, and almost 60% of uninsured children are eligible for Medicaid, so supporters could help connect families to that option.⁴³² Providing housing subsidies reduces foster care

⁴²⁹ Just Making a Change for Families. “Mandated Supporting.”

⁴³⁰ Just Making a Change for Families. “Mandated Supporting.”

⁴³¹ Just Making a Change for Families. “Mandated Supporting.”

⁴³² Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

placements by 50% for homeless families and improves the speed of parent-child reunification.⁴³³

5.4 Full Pass-through, TANF, & Child Support

Under federal law states can “pass through” some or all of child support payments to families who are receiving TANF because those families are not required to report the support as income.⁴³⁴ The state offsets the cost of welfare for the custodial parent, while billing non-custodial parents.⁴³⁵ This policy disproportionately harms Black families, which is why a full pass-through policy would negate that harm.⁴³⁶ Full pass-through allows the custodial parent to receive all the child support funds, while the state keeps no portion. Full pass-through reduces child poverty, and mothers participating in TANF that receive full child support are “10% less likely to have a child subject to a screened-in maltreatment report.”⁴³⁷ Additionally, non-custodial parents are more likely to pay child support with this policy, fathers are more likely to establish paternity, and child welfare caseloads decrease.⁴³⁸ Contrary to the myth of the “welfare queen,” full pass-through does not impact mothers’ participation in the workforce.⁴³⁹ Colorado is the first state to pass through and disregard 100% of its child support payments. Full disregard means families do not need to count TANF support as income. For the first two years after Colorado instituted the policy, families received \$11.7 million more in cash, allowing Black parents to

⁴³³ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

⁴³⁴ The Center for Law and Social Policy, “Child Support Pass-Through Amounts Must Be Increased,” September 2016. <https://www.clasp.org/blog/child-support-pass-through-amounts-must-be-increased/>.

⁴³⁵ County Health Rankings & Roadmaps, “Full Child Support Pass-through and Disregard,” August 1, 2022, <https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/full-child-support-pass-through-and-disregard>.

⁴³⁶ County Health Rankings & Roadmaps, “Full Child Support Pass-through and Disregard.”

⁴³⁷ Maria Cancian, “The Effect of Additional Child Support Income on the Risk of Child Maltreatment.” *Social Service Review* 87, no. 3 (September 2013), <https://doi.org/10.1086/671929>.

⁴³⁸ James White, “Paying Child Support to Families: Child Support Policy Fact Sheet.” The Aspen Institute, ascend.aspeninstitute.org.

⁴³⁹ County Health Rankings & Roadmaps, “Full Child Support Pass-through and Disregard.”

have much more flexibility in how to support their children using cash.⁴⁴⁰ States still have to reimburse the federal government some of the federal share, so to pay for the program, the Colorado General Assembly appropriated general fund dollars each year to cover the federal share and backfill half of county revenues, which was about 23% of the total support paid to families.⁴⁴¹

In addition to requiring families to reimburse the state for the cost of welfare, states often bill parents for the cost of foster care. The federal government has recently released guidance that this practice harms the chances of parents reunifying with their children and it is not cost effective.⁴⁴² The majority of parents billed are people of color, children are likely to spend more time in foster care, and the government raises little money or may lose money with this practice.⁴⁴³ In 2022, Washington state stopped collecting child support payments from parents whose kids were in foster care, which reduced the harm on Black parents.⁴⁴⁴ A cost-effectiveness study showed that “Washington collected only \$0.39 on these cases for each dollar spent trying to collect.”⁴⁴⁵

5.5 Expand Family Connects Model State-wide and Through Childhood

New Jersey is the second state in the nation to adopt an evidence-based universal home visiting program, and it “seeks to improve the physical and emotional well-being of infants, children, and their families by providing community-based education and in-home support to

⁴⁴⁰ James White, “Paying Child Support to Families: Child Support Policy Fact Sheet.”

⁴⁴¹ James White, “Paying Child Support to Families: Child Support Policy Fact Sheet.”

⁴⁴² Children’s Bureau: An Office of the Administration for Children & Families, “8.4C TITLE IV-E, General Title IV-E Requirements, Child Support.”

⁴⁴³ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

⁴⁴⁴ Washington State Department of Children, Youth & Families, “DCYF Ends Child Support Collection Referrals on Parents Involved in Child Welfare,” September 1, 2022.

<https://content.govdelivery.com/accounts/WADEL/bulletins/32abf56>.

⁴⁴⁵ Washington State Department of Children, Youth & Families, “DCYF Ends Child Support Collection Referrals on Parents Involved in Child Welfare.”

parents.”⁴⁴⁶ In 2021, Governor Murphy signed legislation to “create a statewide, universal home visiting program for newborns.”⁴⁴⁷ Under this voluntary program, nurses visit homes of new parents in a culturally competent manner and “provide physical and emotional health assessments of the parents and newborn to ensure everyone’s well-being, provide information helpful to families on infant care, support for those breastfeeding, and help with getting connected to resources families may need to adjust to life with a newborn.”⁴⁴⁸ Currently, there is a pilot program of the Family Connects model occurring in Trenton, and none of the families that participated in the program were reported for maltreatment, called a hotline, or reported unmet needs.⁴⁴⁹ The Family Connects Model prioritizes not only maternal health, but connecting families to external food, housing, transportation, and other community resources.

The universal home visiting program is a promising preventive service that links parents to resources. The free program is backed up by evidence, as universal home visiting programs are proven to reduce racial disparities for Black communities, impacting “maternal anxiety, maternal depression, father non-support, child emergency medical care, and child maltreatment investigations.”⁴⁵⁰ However, building and expanding on infant visits could be advantageous in providing continued aid to Black parents. From infancy to age four, access to “sufficient public benefits when negative earnings shocks occur effectively buffers against the risk of child welfare involvement,” leading to a 12% decrease risk in child welfare involvement and a 50% decrease

⁴⁴⁶ New Jersey Department of Children and Families, “Office of Early Childhood Services., Accessed May 2, 2023, <https://www.nj.gov/dcf/families/early/>.

⁴⁴⁷ New Jersey Department of Children and Families, “Universal Home Visiting Program.” Accessed May 2, 2023. <https://www.nj.gov/dcf/providers/fcp/uhvp/>.

⁴⁴⁸ New Jersey Department of Children and Families, “Universal Home Visiting Program.”

⁴⁴⁹ Christine Norbut Beyer, Conversation with NJ DCF Commissioner, April 18, 2023; Trenton Health Team, “Family Connects New Jersey: Mercer County,” April 30, 2023. <https://trentonhealthteam.org/projects/family-connects/>.

⁴⁵⁰ Kenneth Dodge, “Impact of a Universal Perinatal Home-Visiting Program on Reduction in Race Disparities in Maternal and Child Health: Two Randomised Controlled Trials and a Field Quasi-Experiment,” *The Lancet Regional Health - Americas* 15 (November 1, 2022), <https://doi.org/10.1016/j.lana.2022.100356>.

in risk for a physical abuse investigation.⁴⁵¹ North Carolina has implemented a state-wide Family Connects model, and a study in the city of Durham found that the model decreased child welfare investigations by 39%.⁴⁵² For the model to function, services need to be in place to connect families with. In New Jersey, however, there is also an issue with connecting families to those services. For example, Laura Taylor works closely with parents and social services in New Jersey, and she remarked, “When we look at our data and there is a push for us to be enrolling Black and African American women into services, the numbers are low. So if a municipality or county is 25% African American women and only 3% are taking advantage of services, why? Often it’s the lack of interaction with services.”⁴⁵³ Home visiting programs can bridge that gap and make navigating a complex system of social services much easier.

5.6 Comprehensive Child Care

New Jersey’s Abbott Pre-K program provides universal pre-K in areas of New Jersey with high percentages of low-income residents.⁴⁵⁴ The program disproportionately impacts Black and Hispanic families and is delivered through Head Start, as well as public and private preschools. This is beneficial for Black families because participants between ages zero to five who participate in Head Start are 93% less likely to go into foster care, and they have fewer child

⁴⁵¹ Julie Cai, “Economic Instability and Child Maltreatment Risk: Evidence from State Administrative Data,” *Child Abuse & Neglect*, The rise of economic inequality and its consequences for child protection, 130 (August 1, 2022), <https://doi.org/10.1016/j.chiabu.2021.105213>; Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

⁴⁵² Kenneth Dodge, “Effect of a Community Agency–Administered Nurse Home Visitation Program on Program Use and Maternal and Infant Health Outcomes: A Randomized Clinical Trial,” *JAMA Network Open* 2, no. 11 (November 1, 2019), <https://doi.org/10.1001/jamanetworkopen.2019.14522>.

⁴⁵³ Laura Taylor, Conversation with Chief Program Officer at Central Jersey Family Health Consortium, April 14, 2023.

⁴⁵⁴ National Institute for Early Education Research, “Fact Sheet - New Jersey Abbott Preschool Program Longitudinal Effects Study through Grade 10 (APPLES-10),” May 6, 2021, <https://nieer.org/policy-issue/fact-sheet-new-jersey-abbott-preschool-program-longitudinal-effects-study-through-grade-10-apples-10>.

welfare encounters later in life.⁴⁵⁵ Furthermore, of children who are under child welfare supervision, fewer than one third have access to child care.⁴⁵⁶ Lack of access to childcare is one of the strongest predictors of child welfare involvement and maltreatment reports, so while pre-K is important, it is not enough to comprehensively aid Black families.⁴⁵⁷ Senator Elizabeth Warren proposed a “Universal Child Care and Early Learning” plan, in which the government would partner with community members to establish universal child care hubs. Since Black families are disproportionately affected by lack of childcare which leads to child welfare involvement, this policy would mitigate harm.

6. Policy Recommendations

6.1 Instate Right to Counsel Prior to First Hearing and Throughout All Proceeding Stages

Like Minnesota, New Jersey should construct an act that includes the language, “In all child protection proceedings the court shall appoint counsel to represent each parent, guardian, or custodian prior to the first hearing on the petition and at all stages of the proceedings.” The Parent’s Handbook should be altered to reflect this act, and parents should be provided with the handbook and an attorney’s contact information as soon as any sort of investigation or engagement with the child welfare system occurs. Additionally, the NJ DCF in conjunction with the NJ Attorney General should leverage Title IV-E funding from the federal Social Security Act

⁴⁵⁵ Sacha Klein, “Early Care and Education Arrangements and Young Children’s Risk of Foster Placement: Findings from a National Child Welfare Sample,” *Children and Youth Services Review* 83 (December 1, 2017), <https://doi.org/10.1016/j.childyouth.2017.09.006>; Beth Green, “The Effect of Early Head Start on Child Welfare System Involvement: A First Look at Longitudinal Child Maltreatment Outcomes,” *Children and Youth Services Review* 42 (July 1, 2014), <https://doi.org/10.1016/j.childyouth.2014.03.044>.

⁴⁵⁶ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement.”

⁴⁵⁷ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement;” Cash, “An Ecological Model of Maternal Substance Abuse and Child Neglect: Issues, Analyses, and Recommendations.”

to create an Office of Family Representation and Advocacy to manage, standardize, and monitor equitable outcomes for families. The act would mandate the office to “appoint, compensate, evaluate and retain attorneys and other staff to provide legal representation for eligible adults under the Fostering Connections Act and for children and parents, custodians or guardians whose children are, or are at risk of being placed, in the legal custody of the children, youth and families department,” following the cited New Mexico framework.⁴⁵⁸ The average attorney has about twenty cases, the annual median salary of state attorneys is sixty thousand dollars, and child welfare investigations normally close within 60 days.⁴⁵⁹ Therefore, this program would cost around \$7.2 million annually.

6.2 Abolish Categorization of Neglect as Child Maltreatment

New Jersey should completely decriminalize poverty, meaning neglect should be abolished as a category of child maltreatment. The NJ DCF should remove the following definition as criteria for separating families: “a caregiver or parent failing to properly supervise a child or to provide adequate shelter, food, clothing, medical care, or education to that child even though the caregiver or parent has the financial means to provide those necessities.” New Jersey should pass a Keeping Families Together Act based on the following language: “Children may not be removed from parents, guardians, or caregivers due to community or family poverty, inadequate housing, mental illness or substance use, or any form of neglect. Children may only be separated in cases of substantiated physical or sexual abuse” and children may only be

⁴⁵⁸ Legislation - New Mexico Legislature, “Family Representation and Advocacy Act.”

⁴⁵⁹ BHADRA, Bishal. “How Many Cases Does A Lawyer Have At Once | Every Detail Explanted.” Legal Fact Pro (blog), December 30, 2021. <https://legalfactpro.com/how-many-cases-does-a-lawyer-have-at-once/>; Comparably, “States Attorney Salary,” Accessed April 27, 2023, <https://www.comparably.com/salaries/salaries-for-developer>; Legal Services of New Jersey, “DCP&P Is Knocking At My Door—What Are My Rights?,” August 2020, <https://www.lsnjlaw.org/legal-topics/family-relationships/dyfs-child-welfare/child-abuse-neglect/pages/what-are-my-rights.aspx>.

separated if a reporter suspects imminent physical harm.⁴⁶⁰ If any social worker witnesses social or economic insecurity, they should connect families with adequate resources. If a social worker or law enforcement officer removes a child due to neglect, the child should be immediately reunited with their family.

6.3 Abolish Mandated Reporting and Replace with Mandated Supporting

New Jersey should create an act that abolishes mandated reporting such that no professional can legally suffer repercussions for failing to report a case. A novel hotline should be created that refers families to social and economic services such as housing, food, transportation, TANF, medical care, and more. Within this hotline, child welfare investigations will be prohibited so there is no chance of family separation. Some personnel who previously managed the old reporting hotline will be retrained to manage the novel hotline using the mandated supporter curriculum, as professionals should increasingly call the novel hotline as opposed to the old one. The phone number for the novel hotline should be on the landing page of the NJ DCF website, as well as be the primary number on any family pamphlet or instruction manual present at medical facilities, schools, and other institutions. Instead of the existing mandated reporter training, doctors, medical examiners, dentists, nurses, pharmacists, school teachers and officials, law enforcement officials, daycare workers, social workers, and members of the clergy must go through mandated supporter training. The curriculum will not cost money as it already exists online, and minimal funds are needed to virtually send the curriculum to

⁴⁶⁰ Dana Weiner, “Addressing Economic Hardship Key to Preventing Child Welfare System Involvement;” “Certification of Enrollment: Engrossed Second Substitute House Bill.”

existing institutions. Institutions must annually send virtual proof of training completion to the NJ DCF or the government will withhold funds from the institution.

6.4 Allow Full Pass-through for TANF Participants & Abolish Foster Care Parent

Billing

New Jersey should establish a Full Pass-through policy, in which it passes through and disregards 100% of child support, so all the cash ends up in the hands of parents. Currently, New Jersey passes through and disregards \$100 per month, regardless of family size, while other states pass through and disregard more.⁴⁶¹ With the full pass-through policy in Colorado, three thousand families received pass-through payments of around \$167 each month.⁴⁶² Therefore, families received around \$6 million each year. In New Jersey, the cost could be a few million dollars more given the population increase. However, because unspent block grant funds can be carried over to future years, New Jersey has \$141 billion in unspent TANF block grant funds, which is 35% of the grant.⁴⁶³ At the beginning of the program, the state could use these funds to establish a full pass-through policy, and then when necessary, the state could appropriate general fund dollars like Colorado does. State workers who are already on the ground collecting and monitoring child support payments would undergo a re-training about the program. However, the program would not require immense logistical changes, because the change would be made virtually via direct deposit, debit card, or check.⁴⁶⁴

⁴⁶¹ New Jersey Department of Human Services. “New Jersey Child Support: Paying Child Support,” Accessed April 17 2023, <https://www.njchildsupport.org/Services-Programs/Non-Custodial-Parents/Paying-Child-Support>.

⁴⁶² James White, “Paying Child Support to Families: Child Support Policy Fact Sheet.”

⁴⁶³ “New Jersey TANF Spending,” Center on Budget and Policy Priorities, 2021. https://www.cbpp.org/sites/default/files/atoms/files/tanf_spending_nj.pdf.

⁴⁶⁴ James White, “Paying Child Support to Families: Child Support Policy Fact Sheet.”

In addition to instating a full pass-through policy, New Jersey should not bill parents if their children are separated from them, which requires an administrative policy change within the NJ DCF. The cost of this policy should be negligible, because states receive very little money from this practice, and sometimes they even lose money.⁴⁶⁵ Before instituting this policy, Washington state collected only 39 cents for each dollar spent trying to collect.⁴⁶⁶ Therefore, any cost accrued could be covered by the unspent TANF block grant.

6.5 Transition from Home Visiting Program to Expanded Family Connects Model

New Jersey should expand state-wide the existing universal home visiting program to the Family Connects model and extend in-home visits through age four. In Trenton and Mercer County, a pilot of the Family Connects model exists and has reduced social and economic needs for Black families.⁴⁶⁷ Instead of just focusing on maternal health, this model “identifies and aligns community services that support families and young children, resulting in improved communication and continuity across service providers. Through this alignment, the model also identifies gaps between family needs and available community resources.”⁴⁶⁸ Familial access to sufficient public benefits from infancy to age four significantly benefits Black families and child welfare caseloads, and Family Connects reduces racial disparities. Black families with young children are not connected enough with available resources. Therefore, the Family Connects program should be extended to every county in New Jersey, and visits should extend to age four instead of just infancy. Families should be permitted to request visits up to twelve times per year. The Family Connects model provides free virtual training for nurses, and each nurse home

⁴⁶⁵ Joseph Shapiro, “States Send Kids to Foster Care and Their Parents the Bill — Often One Too Big to Pay.”

⁴⁶⁶ Washington State Department of Children, Youth & Families, “DCYF Ends Child Support Collection Referrals on Parents Involved in Child Welfare.”

⁴⁶⁷ Christine Norbut Beyer, Conversation with NJ DCF Commissioner, April 18, 2023.

⁴⁶⁸ National Home Visiting Resource Center., “Family Connects,” Accessed April 25 2023, https://nhvrc.org/model_profile/family-connects/.

visitor can see two families per day and will have 6-8 new families per week scheduled. Nurses from existing medical centers and nurses hired by DCF grant money will participate. Each home visit is approximately one hour, and families will be entered into a hospital database when they give birth, and the hospital will reach out to the family once a month until age four. Families can also sign up for the program online if they give birth at home. New Jersey should apply for federal funding to extend the program to four years through the Preschool Development Grant Birth to 5 (PDGB-5), and the state should use the existing state-wide universal home visiting funds to expand to the Family Connects model.

6.6 Establish Network of Universal Locally-run Child Care Hubs

Senator Elizabeth Warren has proposed a Universal Child Care and Early Learning Act, which failed to pass in Congress but would be advantageous for Black families in New Jersey. New Jersey should put forth an act in which the state partners with “local providers — states, cities, school districts, nonprofits, tribes, faith-based organizations — to create a network of child care options that would be available to every family.”⁴⁶⁹ The child care options would be specific child care centers, preschool centers, and in-home programs, and the state would cover the majority of operating costs.⁴⁷⁰ The centers would operate from infancy up to school age. Families below 200% of the poverty level would access these centers for free, but no one above that threshold would spend more than seven percent of their income.⁴⁷¹ Centers would collaborate on transportation, and the NJ DCF would work with each county on the creation of a minimum number of centers in each county, based on population. If a county fails to instate

⁴⁶⁹ Elizabeth Warren, “My Plan for Universal Child Care,” Medium, January 22, 2020, <https://medium.com/@teamwarren/my-plan-for-universal-child-care-762535e6c20a>.

⁴⁷⁰ Elizabeth Warren, “My Plan for Universal Child Care.”

⁴⁷¹ “Universal Child Care and Early Learning Act,” The Office of U.S. Senator Elizabeth Warren, February 2019, https://www.warren.senate.gov/imo/media/doc/Universal_Child_Care_Policy_Brief_2019.pdf.

enough centers within three years of the act's passing, the NJ DCF may withhold county DCF funds. Senator Elizabeth Warren's Universal Child Care and Early Learning Act would cost \$70 billion per year, and it applies to people who are 200% below the poverty line. In the U.S., 89.7 million people live below the 200% of the poverty line, and 22% of New Jersey's 9.2 million residents live 200% under the poverty line.⁴⁷² Therefore, around 2 million people in New Jersey live 200% under the poverty line, and the program would cost around \$1.2 billion annually. Senator Warren proposed funding the program with an Ultra-Millionaire tax, and funds gained through this method would outweigh the cost of universal child care hubs.⁴⁷³ Since lack of adequate child care is one of the strongest predictors of child welfare involvement, investing in universal child care would reduce harm to Black families.

7. Conclusion

New Jersey's child welfare system is a national leader in reducing the disproportionate harm Black families suffer in the child welfare system, reckoning with structural racism within the system and using a strengthening-families model to reduce disparities. The criminalization of poverty and disenfranchisement of Black families extends back to slavery when children were forcibly seized from their parents. Racism in family centered laws continued throughout each phase of American history, creating a modern family policing state in which Black children and families are separated disproportionately. The system has criminalized poverty, conflating it with neglect instead of a symptom of structural marginalization. New Jersey can shift blame away from Black parents through administrative changes within the NJ DCF and through building out structural economic and social supports. Commissioner Norbut Beyer declared that "This focus

⁴⁷² Kilduff, Lillian, "How Poverty in the United States Is Measured and Why It Matters," PRB, Accessed April 21 2023, <https://www.prb.org/resources/how-poverty-in-the-united-states-is-measured-and-why-it-matters/>.

⁴⁷³ "Universal Child Care and Early Learning Act," The Office of U.S. Senator Elizabeth Warren.

on families – on respecting their voice and honoring their strengths, on engaging them in the solutions to their problems, rather than simply demanding compliance – this is the direction for the future of NJ DCF.”⁴⁷⁴ Demanding compliance perpetuates systematic racism, while allowing Black families to build generational wealth with their children combats racist harm.

⁴⁷⁴ Christine Norbut Beyer, “NJ DCF Testimony to Assembly Budget Committee on FY 2023 Budget.”

III. POLICY SOLUTIONS AT THE COMMUNITY LEVEL

All Power to the People: Racial Segregation and the Case for Social Infrastructure

Reparations in New Jersey

Jalynn Thompson

“I pledge my honor that this assignment was completed in accordance with University regulations.”

/s/ Jalynn Thompson

1. Introduction

The “American Dream” is most succinctly defined as “the ideal that every citizen of the United States should have an equal opportunity to achieve success and prosperity through hard work, determination, and initiative.”⁴⁷⁵ But “What happens to a dream deferred?”⁴⁷⁶ Racist practices such as “redlining” along with exclusionary federal housing policy have allowed for two unequal and racially divided realities between suburban and urban municipalities to emerge.

⁴⁷⁵ "American, n. and adj.". OED Online. March 2023. Oxford University Press.

<https://www.oed.com/view/Entry/6342?redirectedFrom=American+Dream> (accessed April 14, 2023).

⁴⁷⁶ Langston Hughes, “Harlem” in *The Collected Poems of Langston Hughes*, Alfred A. Knopf/Vintage, 1994
Reprinted by permission of Harold Ober Associates, Inc. <https://poets.org/poem/harlem-0>

For Black New Jerseyans, historically concentrated in urban municipalities, this dream can not be realized when opportunities “dry up like a raisin in the sun” and investment into their communities “fester like a sore and then run.”⁴⁷⁷ The “American Dream” is associated with “upward social-mobility” and invokes the image of a “symbolic house with a white picket fence that suggests economic self-sufficiency and security.”⁴⁷⁸ This symbol does not reflect the reality of these blighted majority Black municipalities that are the result of persistent disinvestment and devaluation.

Adequate social infrastructure fosters thriving communities which are critical to ensuring a path to upward social mobility. Social infrastructure is defined as “the physical places and organizations that shape the way people interact” and “the physical conditions that determine whether social capital develops.”⁴⁷⁹ One example of the impact of social infrastructure was articulated in the book *Palaces for People* by Eric Klinenberg. Klinenberg describes how the Chicago Heat Wave of 1995 resulted in the deaths of many and the distribution of mortality rates across certain neighborhoods. While mortality rates were linked to segregation and inequality, three of the ten lowest death rates were in communities that were poor, violent, and predominantly Black. These neighborhoods in some cases proved more resilient than even more affluent and white neighborhoods. It emerged that these communities had better forms of social infrastructure that encouraged casual interactions that alleviated much of the social isolation that was experienced in the “bomber out” neighborhoods that led to higher mortality. How can policy effectively reconcile racial inequality in opportunity and ameliorate urban decline?

⁴⁷⁷ Ibid.

⁴⁷⁸ Sarah Churchwell, “A Brief History of the American Dream” *The Catalyst*, Winter 2021, Issue 21

⁴⁷⁹ Eric Klinenberg, *Palaces for People: How Social Infrastructure Can help Fight Inequality, Polarization, and the Decline of Civic Life* (New York: Crown), 5

As disparities in opportunity continue apace along racial lines, New Jersey legislators try to grapple with the persistent effects of the devaluation of urban communities that impede social mobility. Social mobility refers to change in a person’s socio-economic situation and in relation to their parents this is defined as intergenerational social mobility.⁴⁸⁰ Ellora Derenoncourt highlights the importance of “the specific mechanisms through which locations facilitate or inhibit intergenerational mobility, particularly for marginalized groups.”⁴⁸¹ Her research demonstrates that segregation, reallocations of governmental spending, and rising crime contributed to the aggregate negative effect on Black Americans upward mobility and eventual shuttering of their economic status.⁴⁸² A reconciliation of the suburban and urban municipal divide requires reducing disparities within locations and addressing the mechanisms that reinforce existing racial inequality. New Jersey legislators must make a concerted effort to improve quality of life by investing in all aspects of the urban environment. Policy for reconciliation will fail to remediate harm if policy makers don’t account for social infrastructure in urban revitalization efforts.

In this paper, I will focus on libraries, parks and playgrounds because these are forms of social infrastructure that shape environments to be suited for upward intergenerational social mobility. Early childhood experiences affect the development of the brain’s architecture and positive environments support this development, setting up children to reach milestones critical to future individual and community success.⁴⁸³ Parks and playgrounds in urban communities are destinations for recreation and serve as the foundation for tangible benefits during residents’

⁴⁸⁰ OECD “Understanding Social Mobility” OECD- Better Policies for Better Lives. OECD, 2022. <https://www.oecd.org/stories/social-mobility/>.

⁴⁸¹ Ellora Derenoncourt, “Can You Move to Opportunity” 405

⁴⁸² Ibid. 403

⁴⁸³ NCDHHS, “Why Early Childhood Matters” NCDHSS, 2019. <https://www.ncdhhs.gov/about/department-initiatives/early-childhood/why-early-childhood-matters>

leisure times that influence quality of life as well as provide economic development opportunities for their community.⁴⁸⁴ Similarly, libraries are also places that are, “dynamic, socially responsive institutions, a nexus of diversity, and a lifeline for the most vulnerable among us.”⁴⁸⁵ Examining these hubs of public life in urban areas are important to understanding that redressing the dilapidation of urban communities involves investing in these spaces that are pivotal to individual and community success.

The paper seeks to highlight the absence of adequate resource distribution and the necessity of social infrastructure as an integral part of restoring Black urban neighborhoods in New Jersey. Addressing the historic disinvestment in majority Black urban communities requires a reckoning with the harm residents of these communities disproportionately face. As the state government looks toward “Building the Next New Jersey” and increasing “Affordability, Opportunity, Responsibility” there needs to be an honest reflection on the means necessary to achieve this future.⁴⁸⁶ Are the tools the governor suggests to reach this future adequate to addressing these harms? Investment into communities that facilitates upward social mobility and opportunity can’t be solved entirely with tax relief or housing and education funding.⁴⁸⁷ When New Jersey legislators don’t consider disparate impact they can further exacerbate the divide in the environments of suburban and urban municipalities. “Social infrastructure requires investment, whether for development or upkeep, and when we fail to build and maintain it, the material foundations of our social and civic life erode.”⁴⁸⁸ Social infrastructure is an important

⁴⁸⁴ Deva Lenitz, *The Role of Parks in Shaping Successful Cities: A White Paper* National Recreation and Park Association and American Planning Association May 2014, 11.

⁴⁸⁵ Marcela Cabella and Stuart M. Butler, “How public libraries help build communities” Brookings March 30, 2017, <https://www.brookings.edu/blog/up-front/2017/03/30/how-public-libraries-help-build-healthy-communities/>

⁴⁸⁶ Office of the Governor, “Governor Murphy Delivers 2024 Fiscal Year Budget Address” State of New Jersey, Governor Phil Murphy, February 28, 2023.

⁴⁸⁷ Ibid.

⁴⁸⁸ Klinenberg, “Palaces for People,” 20.

feature of thriving communities and it is necessary to improve the conditions of this as we recover blighted neighborhoods to improve the quality of life for its residents. A comprehensive approach to the problem of opportunity and access in majority Black urban municipalities is crucial to upending racist mechanisms of their decline and rectifying the state's harm against these communities.

2. Social Infrastructure Inequity in Essex County

Essex County makes sense as a case study of social infrastructure in municipalities due to its unique history in prioritizing social infrastructure and its role in shaping the state's shift from an agrarian to urban society. Essex County is one of the four original counties of modern New Jersey and the second most populated. By the mid-19th century, a transportation revolution allowed Newark to circumvent its isolation and capitalize on its natural advantage of proximity to the New York Harbor.⁴⁸⁹ As Newark emerged as an industrial city, Essex County was the first county in the United States to create a countywide park system. The newly founded Essex County Parks Commission in 1895 acquired 60 acres of land from the City of Newark that grew into 5,745 acres of greenspace which include vast reservations, developed parks, golf courses, tennis courts, ice and roller skating complexes and a zoo.⁴⁹⁰ The concurrent urbanization of the city of Newark and preservation of the social infrastructure of Essex County show the promise of urban life. The expansion and migration that characterized the 20th century in Essex County

⁴⁸⁹ Raymond Michael Ralph, "From Village to Industrial City: The Urbanization of Newark New Jersey, 1830-1860" 1978, 18.

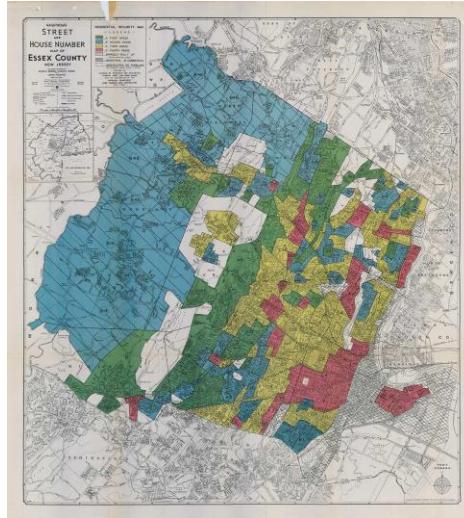
⁴⁹⁰The County of Essex, New Jersey, "History of Essex County," County of Essex, New Jersey,, 2019. <https://essexcountynj.org/history/#:~:text=Essex%20County%20was%20officially%20established,County%20had%20become%20quite%20prosperous.>

makes it a particularly interesting place to study the effects of the racial segregation on social infrastructure.

Essex County's role as an industrial hub in proximity to New York City made it susceptible to the problem of disinvested urban centers surrounded by wealthier municipalities. The invention of trolley cars and commuter railroads to carry workers from industrial Newark to the less crowded outlying towns allowed for suburban municipalities to form in the early 20th century.⁴⁹¹ Suburban sprawl was furthered by government issued loans that were granted based on racist HOLC security maps. The map below shows the 1939 HOLC grading for Essex County. It was no accident that Newark, an area with a 70% Black population, was coded red and eligible for loans and that blue coded areas which were considered most desirable were located furthest from majority-Black neighborhoods.⁴⁹² Restricting access to loans was a mechanism to isolate Black residents from wealthier and whiter municipalities in Essex County. To illustrate how structural racism has fostered social infrastructure inequity, this report will use the case study of a majority-Black urban municipality Newark in Essex County and compare this municipality to the majority-white suburban municipality, Millburn.

⁴⁹¹ Ibid.

⁴⁹²The Digital Scholarship Lab "Redlining in Essex County New Jersey Handout", in "Mapping Inequality: Redlining in New Deal America," <https://dsl.richmond.edu/panorama/redlining/#loc=10/40.793/-74.629&city=essex-co.-nj&area=A30>



Essex County Security Map (HOLC 1939)
Racial Isolation in Essex County and Intergenerational Social Mobility

Racial isolation of municipalities in Essex County and its effects are apparent in the demographics and data collected by the census. The table below shows different factors in Newark and corresponding majority-white municipalities, Millburn. The distinction of access and opportunity is evident between much wealthier White municipalities and poorer Black municipalities. Millburn has a higher median income and educational attainment and a much higher percentage of White residents. The opposite of this statement is true for Newark. This demonstrates evidence of racial capitalism and its effect on social mobility in impoverished and racially isolated municipalities.

Table 1: Census Demographics and Data by Municipal Breakdown⁴⁹³

Municipality	Population	Pct Black (%)	Pct White (%)	Median Income (\$)	Bachelor's Degree or Higher (%)
Newark	306,247	46.47	9.95	41,335	15.98
Millburn	22,054	1.4	58.2	250,000	85.2

⁴⁹³ U.S Census Bureau, Essential Report, Prepared by Social Explorer.
<https://www.socialexplorer.com/profiles/essential-report/index.html> (accessed 26 Mar 2023)

Racial capitalism is the root of racial and socioeconomic inequities that impede the ability of municipalities affected by this phenomenon to invest adequately in social infrastructure. Racial capitalism asserts that racialized exploitation and capital accumulation are mutually reinforcing and is a persistent cycle of structural violence.⁴⁹⁴ The disparity in median income is evidence of the disproportional harm of bad jobs and low wages on Black people which affects the value of these communities. Racial capitalism, “promotes competition” and leads to “the destruction or depletion of resources and leading to widening [inequalities] for Black people.”⁴⁹⁵ Access to opportunity that translates to higher earnings and further educational attainment are a reflection of the lack of investment into certain neighborhoods. This paper examines libraries and parks that historic disinvestment has consequential effects on majority-Black municipalities’ social infrastructure.

Libraries in Essex County

“I think my love of reading started with a preschool visit at the Bergen Street Branch of the Newark Public Library....I was mystified and held rapt by the "Storytime Hour"...the second floor was reserved strictly for the children! I recall the excitement as my tiny feet would climb the wide and high wooden steps... At the end of the visit, it was almost sorrowful [to leave] this magical place [but]I returned home armed with my treasures...”

- Barbara L. Rothschild (resident of Newark)⁴⁹⁶

The library is an important social structure within any community. In low income and often majority-Black neighborhoods it provides necessary resources such as literacy and children’s programming, wifi and computer access, and even a safe space from the heat during the summer time. The Newark Public Library system has eight branches but Millburn Township only has one. The table below compares the majority-Black municipality (Newark) and its

⁴⁹⁴ Fernando De Maio, “What is Racial Capitalism?,” American Medical Association, November 3, 2021. <https://www.ama-assn.org/delivering-care/health-equity/what-racial-capitalism>

⁴⁹⁵ Ibid.

⁴⁹⁶Barbara L Rothschild, “Bergen Street Library Branch and Umbrellas”, Newark Memories, <http://newarkmemories.com/memories/494.php>

corresponding municipality (Millburn) on the basis of their municipal budgets. The table demonstrates the total appropriations as well as the appropriations per capita. It appears that per capita each municipality allocates roughly equal amounts of money per citizen in appropriations. The appropriations allocated to library services in Newark was \$10,908,582.00 and in Millburn it was \$3,422,614.00. At face value it seems that more money in library funding is allocated in Newark than in Millburn. However, the table below shows that in per capita spending, Millburn spends almost \$120 more per citizen than Newark. Libraries are an important form of social infrastructure and lack of adequate funding creates disparities in the quality of services that libraries can provide to citizens of the municipality.

Table 2: Library Services Appropriations in Newark and Millburn

Municipality	Total Appropriations	Total Appropriations per capita	Library Services per capita
Newark	\$816,392,337.95	\$2,665.80	\$35.62
Millburn	\$59,448,009.16	\$2,695.57	\$155.19

For libraries to fulfill its role in a community it should be clean, open, easily accessible, and able to provide vital programming for the people they serve. Underfunding libraries affects the maintenance of these facilities and the access that citizens have to necessary resources and social interactions. Disparate appropriation of funding can lead to shorter hours of operation. The table below shows hours of operation for public libraries in both municipalities. All Newark libraries are closed at least one day and are open less hours than Millburn’s public library. The inability for Newark libraries to provide more consistent and substantive hours of operation demonstrates one way lack of funding can affect social infrastructure. This disparity in funding also translates into the ability of the municipality to update their library branches.⁴⁹⁷

⁴⁹⁷ Millburn’s free public library is currently undergoing renovations and was able to set up a temporary library hub to fulfill community services until the main branch was finished May 1, 2023. In contrast, the Clinton Branch of the

Discrepancies in the budget for library services allow for the quality of the experience to degrade over time. The Newark Public Library provides “invaluable resources” such as a “student hub” during the COVID-19 pandemic that have “made the institution a community center.”⁴⁹⁸ Libraries provide a space for children and allow them to have a safe environment that they can depend on. Inadequate funding allocations to the municipal libraries are detrimental to the quality of access and opportunity available to members of these communities.

Table 3: Hours of Operation for Municipal Public Libraries

	Newark-Main Library	Newark-Branches	Millburn
Monday	9:00 a.m. - 5:30 p.m.	Closed	9:30 a.m.-8:45 p.m.
Tuesday	9:00 a.m. - 8:30 p.m.	9:30 a.m. - 5:30 p.m.	9:30 a.m.-8:45 p.m.
Wednesday	9:00 a.m. - 8:30 p.m.	1:00 p.m. - 8:00 p.m.	9:30 a.m.-8:45 p.m.
Thursday	9:00 a.m. - 8:30 p.m.	9:30 a.m. - 5:30 p.m.	9:30 a.m.-8:45 p.m.
Friday	9:00 a.m. - 5:30 p.m.	9:30 a.m. - 5:30 p.m.	9:30 a.m.-5:15 p.m.
Saturday	9:00 a.m. - 5:30 p.m.	11:00 a.m. - 3:00 p.m.	9:30 a.m.-5:15 p.m.
Sunday	Closed	Closed	1:00 p.m.-4:45 p.m.

Parks and Playgrounds in Essex County

“Growing up in the 1940's and 1950's I lived right across the street from the playground at West Side High School...[Mr. DiBiasi and Mrs. Richmond] were always there for the kids from the neighborhood...this part of Newark is now like a war zone and the once wonderful playground is no longer. The fence is still there but the swings, jungle bars, and seesaw's and gone and the blacktop is cracked and grass weeds now cover the area...”

- Jule Spohn (resident of Newark)⁴⁹⁹

For youth with growing bodies and energy to run around, parks and playgrounds are foundational facilities to their development. Urban areas however often lack adequate open

Newark Public Library was closed last year for its hazardous conditions that could not be repaired and a new location still has not been found to replace it.

⁴⁹⁸ Vanessa Rothschild, “NJ Libraries Evolve to Become ‘Community Center of the 21st Century’ Jersey’s Best, August 8, 2022. <https://www.jerseysbest.com/community/n-j-libraries-evolve-to-become-community-center-of-the-21st-century/>.

⁴⁹⁹ Jules Spohn, “West Side High School Playground” Newark Memories: Old Newark <http://newarkmemories.com/memories/497.php>

spaces and the facilities to encourage outdoor play for childrens. In Newark “playgrounds in parks are scarce, with each one serving an average of 27,000 people compared to the national big-city average of about 6,400” and a “litany of parks and park facilities that have been closed and lost,”.⁵⁰⁰ The inequity experienced in urban spaces is further demonstrated by the disparate spending on parks and recreation between two municipalities. The table below shows that Millburn allocates more appropriations to these services and about \$90 more per citizen than Newark does. Researchers concluded that “park-like surroundings increase neighborhood safety by relieving mental fatigue and feelings of violence and aggression,”.⁵⁰¹ There are strong social benefits to adequate social infrastructure especially in the form of parks and playgrounds. Residents of Newark and other majority-black urban neighborhoods in NJ are entitled to the right of open spaces that are sufficiently funded and foster an adequate quality of life.

Table 4: Parks and Services Appropriations by Municipality

Municipality	Total Appropriations to Parks and Recreation Services	Park and Recreation Services Appropriations per capita
Newark	\$2,035,768.00	\$6.65
Millburn	\$2,212,365.00	\$100.32

Parks and playgrounds are crucial to restoring urban neighborhoods that historically have been disinvested and harm the members within specific racially isolated municipalities. Urban planners who examined parks and their contribution to urban spaces stressed the importance of “high performance public spaces” that “are consciously and purposely designed as standalone amenities but which have multiple purposes and benefits,”.⁵⁰² Newark must reckon with the

⁵⁰⁰ Peter Harnik “Newark New Jersey Open Space Analysis” The Trust For Public Land (Morristown: New Jersey), 2022 <https://www.tpl.org/wp-content/uploads/2014/01/ccpe-newark-analysis-rpt.pdf>

⁵⁰¹American Plan Association, “How Cities Use Parks to Create Safe Neighborhoods” City Parks Forum Briefing Papers, American Plan Association, 2003, 2.

⁵⁰²Dena Lenitz, “The Role of Parks in Shaping Successful Cities: A White Paper”, National Recreation and Park Association and American Planning Association, May 2014, 3.

disinvestment into open public spaces and work towards resolution of the disparate conditions of its open spaces. There is a necessity to rebuild and rehabilitate the existing barren spaces adjacent to residential areas to help foster communities that are characterized by blight. Lack of sufficient funding makes it difficult to achieve beneficial green spaces in these neighborhoods.

Moving toward a brighter future for open green spaces and their neighborhoods also requires careful consideration of the people and surroundings that they will affect. The revitalization effort of Columbian Park in another majority-Black municipality in Essex County, East Orange depicts the lack of public opinion as municipalities seek to repair green spaces. Renovation of this park is set to include new storm water drainage, trees, a rubberized walking trail, an outdoor exercise equipment sector, and a reimagined pool deck. Despite the confidence of this park as a pivotal point of revitalization in East Orange some residents did not respond favorably to the details of this park renovation. A resident of the 5th Ward introduced a Change.org petition expressing the necessity of redevelopment of the park but also the environmental injustice of the project.⁵⁰³ “Parks exist as just one element in a larger context of public space, the “public realm, ” and as you examine it in this larger context “you’re forced to think about all the other civic spaces that are part of the public realm,”.⁵⁰⁴ Parks are integral to shaping communities and demonstrate how social infrastructure works with other forms of public life to better the quality of life for citizens. There are important social, economic, and environmental benefits of parks and playgrounds and as municipalities seek to repair the

⁵⁰³ The user, Carter Mathes, expressed that the playground that had “burned down almost a decade ago” and was in a state of disrepair but that artificial turf and removal of 10-15 mature trees in the revitalization project was replacing the only natural grass in the neighborhood and facilitating a heat island. The user further explained that even though very general suggestions by community members were given several years ago, the final plan was not given public opinion opportunity. Source:

⁵⁰⁴ Dena Lenitz, “The Role of Parks in Shaping Successful Cities: A White Paper”, 11.

conditions of blighted majority-Black neighborhoods they must be accountable for funding these spaces and prioritizing the voices of the residents of that community.

Municipal Functions and State Role in New Jersey

A budget is a moral document that shows the ideals and priorities of legislative bodies and the inequitable funding allocated to social infrastructure in municipalities reflect the priorities of these governments. To understand the disparity in resource attainment and economic ability of municipalities to fund social infrastructure allocation requires examining the structure of municipal budgets in each district. Newark and Millburn have similar departmental structures in their budgets but are unable to allocate the same amount of appropriations nor the same types of resources. The problem is exacerbated by the use of property taxes for the majority of the spending capacity of municipalities. Millburn Township has a lower general tax rate but brings in more tax revenue than Newark as demonstrated in the table below. Due to the limited economic capacity of Newark it must prioritize other forms of infrastructure such as housing and economic development instead of sufficiently contributing funding to the social infrastructure aspect of urban public life.

Table 5: Tax Rates and Revenue

Municipality	2022 General Tax Rate	2022 Average Tax Bill	2022 Average Home Sale Price
Newark	3.736	\$6,931	\$271,677
Millburn	1.943	\$24,626	\$1,462,411

It is more difficult to track investment into social infrastructure in Newark and the ability to repair the conditions of these communities' social infrastructure than Millburn. Millburn's municipal budget keeps the majority of its funding under each of the municipal departments such as Public Work, Recreation, and even the standalone "Maintenance of Free Public Library" which gives transparency of the location of appropriations for specific social infrastructure

funding. It also has a specific capital investment plan that highlights the rehabilitation of specific infrastructure such as the library over a specified duration. Newark budget structure doesn't keep funding into social infrastructure under the same departments which makes it more difficult to track. Newark and other urban areas rely on federal funding to bridge the gap of their economic capacity. The Department of Community Affairs was established to reconcile federal funding into urban areas and local governance but does not fulfill this function effectively.

The Department of Community Affairs was established by the state government to address the ills of urbanization but inadequately functions as a mechanism for resolving the disparity in the quality of life for residents in urban areas in New Jersey. The DCA was established in 1966 as a collection of a number of existing agencies relevant to the mission and contemporary scene of the state.⁵⁰⁵ The first DCA Commissioner acknowledged the strides by the department to reconcile the urban and suburban problem but he also admitted the limitations of their progress. The Division of Housing and Community Resources provides “financial and technical assistance to municipalities, community action agencies, and other non-profit organizations in order to promote community development and economic development within the community,” The “most formidable task” assigned to the department “and biggest operation, is to solve the housing problem”. The burden of affordable housing taxes the department and specifically this division. The immense burden of this task squeezes out the capacity for this division to assist municipalities and other community organizations in community development and specifically social infrastructure. “Community resources” being included with the challenge of housing development makes it difficult for the DCA to reconcile the problem of funding into social infrastructure in majority-Black urban municipalities.

⁵⁰⁵ Paul N. Ylvisaker, Paul N “The New Jersey Department of Community Affairs: The State Role in Urban Areas.” *The Urban Lawyer* 3, no. 1 (1971), 117. <http://www.jstor.org/stable/27892743>

Despite fifty years of the NJDCA little has improved in addressing the problems that fall under this department's jurisdiction. Compared to a year ago, the quality of life index score for urban residents has dropped by 15 points (from +15 in April 2022 to 0 in January 2023), but has only declined by 2 points among those who live in stable growth towns (from +31 to +29) and has actually increased by 2 points among those in New Jersey's growing suburbs (from +31 to +33). The quality of life indices include health, Education, Environmental Quality, Personal Security, Civic Engagement, Jobs and the economy, Diverse Racial Interaction etc.. The quality of a citizen's life is dependent on many factors in their community and it is the duty of the state to resolve problems that disparately impact racially isolated municipalities. The reliance on a local finance system has allowed "older and poorer communities to stew in their own juice, while freeing more affluent communities of the responsibility,"⁵⁰⁶ Examining the municipal budget demonstrates that reconciliation of the problem of sufficient funding to community development and social infrastructure has not happened. All aspects of public life including social infrastructure is crucial to encouraging quality of life should be funded and given attention without trade-off. To fulfill its function the department must strengthen its role in the planning of urban spaces to reconcile the disparities in black and urban municipalities and contribute to expanding access and opportunity to these vulnerable populations.

3. Previous Attempts in New Jersey

Jersey City Housing Authority

Examining examples of urban revitalization efforts helps inform what a good reconciliation of blighted inner cities will look like. In Jersey City, the Housing Authority

⁵⁰⁶ Ibid.

introduced a \$500 million dollar project to revitalize the Holland Gardens public housing complex. Years in the making, it is set to include new senior housing condos, critical on-site Services for Historically Underserved Residents and a 14,000-square-foot community building with a brand new Jersey City Free Public Library branch inside.⁵⁰⁷ Mayor Kulop and JCHA seek to update the facilities and give an approach to homeownership and affordability. It will also house offices for the JCHA's Resident Empowerment and Community Engagement (RECE) Department, which partners with dozens of community organizations to connect residents with resources and programming, including afterschool programs, workforce development, senior services, and a digital inclusion program that has garnered national recognition.⁵⁰⁸ This construction plan put forth on paper seems to align with allocating resources to social infrastructure while also seeking economic and housing development.

While this construction demonstrates that revitalization efforts can include social infrastructure it lacks transparency and public support that is key to successful implementation. Residents in the community question the benefits and costs of this project. This plan is being remarked as a feat given the complexity of designing new urban structures and the funding that facilitated the four year timespan it took for this project to come to fruition. Despite the length it took to progress to this point residents are discontent with the relocation required of them starting early 2024 to complete construction. Despite assurance of one-to-one replacement of units upon completion residents question if they will be welcomed back when it is completed at the earliest 2027-28.⁵⁰⁹ There exists a history of distrust between the community and the Housing

⁵⁰⁷Joshua Rosario, "Developer Selected for the \$500 Million Project That Aims to Raise Public Housing to New Level." The Jersey Journal, March 3, 2023. <https://www.nj.com/hudson/2023/03/developer-selected-for-the-ambitious-500-million-holland-gardens-project.html>

⁵⁰⁸Kimberly Scalcione, "Mayor & JCHA Reinvent Outdated Public Housing." The City of Jersey City, March 2, 2023. <https://www.jerseycitynj.gov/news/mayorjchareinventoutdatedpublichousing>.

⁵⁰⁹Ibid.

Authority and this project has done little to reconcile this sentiment. The JHCA boasted they “sponsored a six-month charrette process” to “develop the Holland Vision” and included “a resident to serve as a voting member of the JCHA Evaluation Committee”. However, the community claims that they were not a part of this process and are still in the dark about the progress of the project. Jersey City has a history of gentrification and for many in this community the project is another manifestation of that phenomenon. The Housing Authority markets the project as progressive effort for its inclusion of community and resources to support historically underserved residents. In reality however the Housing Authority has failed the residents with lack of transparency. This project shows the possibility of adequately addressing the ills of these populations but also the dangers of a mismanaged approach to implementation.

NJDEP Green Acres Program

The Green Acres Program was created in 1961 to meet New Jersey’s growing recreation and conservation needs. The mission of the program is “to achieve, in partnership with others, a system of interconnected open spaces” with several intended benefits including as “recreational resources for public use and enjoyment.”⁵¹⁰ It can fund community projects around the state and each year locals and nonprofits submit applications to request funding. On the program's successful stories page the majority of the recipients were predominantly White counties including Ocean, Mercer, Warren and Hussen. An example however of a majority-Black municipality seeking funding is Irvington where the Township Council has recently approved an application to help offset the costs of renovating the center playground, located at Civic Square. The total cost of the renovations, including engineering and inspection costs, is \$776,310 and the

⁵¹⁰ Department of Environmental Protection Agency, “Protecting New Jersey's Open Spaces.” Green Acres. Official Site of the State of New Jersey, April 18, 2023. <https://dep.nj.gov/greenacres/>.

grant request is \$500,000.⁵¹¹ If approved the grant would allow for much of the expected costs of the project to be covered otherwise the estimate would be entirely footed by the municipality which they can't afford.

This program works towards protecting spaces within the urban environment but this is a neutral policy that does not go far enough to address harm. In the program there is an Urban Parks fund to local governments for land acquisition, park development and historic preservation projects located in or easily accessible by Adversely Stressed Overburdened Communities in Urban Aid municipalities. Despite this, communities that receive funding from the program are majority white and wealthy municipalities that request funding out of exuberance, but Black neighborhoods that request funding are at a disadvantage in that they are acting out of necessity whereas wealthier communities do it out of exuberance. This demonstrates that neutral policy can reinforce harm against marginalized communities and that there needs to be targeted response to municipalities to bridge the gaps in social infrastructure.

4. Models from Other Jurisdictions

Discovery Green (Houston, Texas)

Discovery is a 12- acre park in the middle of downtown Houston lauded as one of the most successful urban revitalization projects in the U.S. and demonstrates the impact of the well planned green spaces can do for neighborhoods. The park opened in 2008 as the beneficiary of \$41 million in public funds and an annual \$750,000 city operating subsidy to forge a partnership between the local municipality and non-profits. As in Newark, in the late 19th century the neighborhood that Discovery Green is currently located in was a high-end residential

⁵¹¹ Javon Ross, "Council Approves Urban Parks Application." Essex News Daily. Essex News Daily, March 2, 2023. <https://essexnewsdaily.com/headline-news/council-approves-urban-parks-application>.

neighborhood but as downtown development moved westward it declined.⁵¹² By the late 20th century the space was occupied by two parking lots and a small local park that was eventually bought partially by philanthropists and the City of Houston.⁵¹³ The park now thrives as a cultural, educational, and city hub for downtown Houston. It boasts several features for community enjoyment including a one-acre lake, children’s playground, interactive water features, amphitheater stage and slope, small and large dog runs, public art works, HPL (Houston Public Library) Express, open lawns, and great restaurants.⁵¹⁴ Despite worries about the longevity of its enjoyment by the community it still draws in much foot traffic. Its diversity of attractions allows for enjoyment across all age groups and is the cornerstone of revitalization in East Downtown.

Commission Projects Applications (Chicago, Illinois)

New Jersey would do well to learn from Chicago’s planned development process that promotes healthy, functional neighborhoods and prioritizes the citizens in planning. Chicago’s Plan Commission uses special zoning districts to “promote unified planning and development of industrial, institutional, commercial, residential and other projects that may have a significant impact on their surroundings,”⁵¹⁵ The commission has 23 members, including mayoral appointees made with City Council consent and staff services are provided by the Planning and Zoning Division of the Department of Planning and Development (DPD). Planning for new projects requires participation in a two step review process. The first part involves “legislation outlining the basic zoning controls intended to guide the development of a particular site”, and

⁵¹² “History.” Discovery Green, October 10, 2022. <https://www.discoverygreen.com/history/>.

⁵¹³ Ibid.

⁵¹⁴ Robin Soslow, “There’s a World to Discover at This Houston ‘Gem.’” Chron, January 28, 2023. <https://www.chron.com/life/travel/article/discovery-green-17654379.php>.

⁵¹⁵ Department of Housing and Economic Development, “Development Manual: For Chicago Plan Commissions Projects” City of Chicago, 2012, 7.

the second “requires a review of actual project plans prior to construction,”. Requirements for approval included “green design”, “parks, open space, and landscapes”, and “provision of public, social, and cultural amenities,”.⁵¹⁶ The city government takes into consideration the surroundings of new projects and prioritizes social infrastructure in approving projects.

East Baltimore Revitalization Project (Baltimore, MD)

Baltimore much in the same way as Newark is characterized by poverty, crime and neighborhood disinvestment. The memory of its past glory incentivized long time residents and institutions to seek resolve from their current neighborhood conditions. A leader of the project, Reverend Dr. Donte L. Hickman proclaimed that “Entrenched poverty has deteriorating effects on the psyche and pathos of people across cultural and generational lines. And that efforts at community revitalization will fail if there is not also careful consideration to restore, retool, recruit, and reinvest in the human capital of inner city residents,”.⁵¹⁷ To address the problems of this region in Baltimore in the early 2000s five churches came together with the shared mission of improving their community. They did this through buying vacant lots in the neighborhood under the goal of eliminating the blight and bringing services to their neighborhoods.⁵¹⁸ A poignant article put forth by Reverend Dr. Donte L. Hickman led to the involvement of the President of John Hopkins as he encouraged a more holistic approach to realizing the potential and vision of the larger neighborhood. Broadway East is designated as a distressed neighborhood per the Baltimore Neighborhood Market Typology metric and is majority-Black. The Revitalization Project was born out of a collective effort with the foundation of the East Baltimore Revitalization Plan, a robust engagement process under the collaboration of numerous

⁵¹⁶ Ibid.

⁵¹⁷ South Baptist Church and Ayers Saint Gross, “East Baltimore Revitalization Project: Final Report”, December 2017, 2.

⁵¹⁸ Ibid, 8.

elected officials, foundation partners, developers, churches, groups, organizations, and researchers.

The use of this collaborative force along with a strong community engagement allowed for the plan put forth to highlight six aspects of community life that needed to be addressed in order to help facilitate growth in the community. In addition to the traditional residential development and retail and commercial objectives they also included open space and social amenities. Open space included a plan for improvement of focus areas around the center to create and maintain well-programmed outdoor spaces for the urban environment.⁵¹⁹ Social Amenities were characterized as not only important to rebuilding but also to people in need with the development of social hubs, relocation of school facilities and renovation of spaces to further serve the community.⁵²⁰ The model of this project was to empower people, rebuild places, and enliven programs. This careful consideration of the policy at play worked to influence the public approval of this revitalization project.

5. Evaluating Successful Projects

Discovery Houston is a successful example of urban revitalization because it was a well planned urban green space that took into account the social, economic, and environmental benefits of this form of social infrastructure. The Park has many attractions that provide the leisure options for the community, and has many green spaces that contribute to the social and environmental factors. It also brought economic investment of suburban families into the inner city that helped revitalize the neighborhood surrounding the parks. The project also shows the potential of combining local governance with adequate funding. Where the municipal

⁵¹⁹ Ibid, 42.

⁵²⁰Ibid, 44.

government was not effectively working to rehabilitate the downtown, a private party came in and saw its potential. The local government became involved in the plan after it was proposed and would not approve it without assurance of citizen engagement in the planning process. As a result many of the suggestions that citizens proposed were included in the final park. When a locality can't adequately address problems due to lack of funding it can recruit and monitor private enterprises to address this gap in funding and keep the community at the center of progress.

The Planning Commission demonstrates how a committee overseeing neighborhood development can help to ensure successful and comprehensive planning of communities. What is most important is that this committee has the power to approve projects before it is given to the City Council for full approval. The requirements necessary to get through the process prioritize the grand strategy of the neighborhood and social infrastructure to be built into the proposed projects. Needing approval from this commission ensures that projects proposed adequately contribute to investing in the neighborhood. What's more is that many private investors are willing to accept the terms of approval because for them they are amenities that add to the value of the original project. They understand the importance of social infrastructure to the quality of life of residents even if for them it serves a purely economic purpose. The Planning Commission is a relevant model for how the Department of Community Affairs can effectively function and work to repair blighted majority-Black municipalities.

The Eastern Baltimore Project is also an extremely relevant policy model due to its bottom-up approach to the problem of revitalization. In considering policy much is often at the top-down approach that sees little success. The foundation of this however, foregrounds the people living in the community above private interest. This is a worthy pursuit when

determining urban initiatives that prioritize the community. The project had three stages of community aspects before coming up with a plan of action. This included first a kickoff to generate ideas and gather feedback, followed by a community design charrette to react to plan ideas and drawings, and lastly a final plan review. Through every step of the process the community was included and empowering the community. This allowed for the actual needs and concerns of the people in the neighborhood to be communicating. Instead of an outsider telling them what was needed that expressed their own concerns and desires. This project shows the value of public opinion and invested interest groups in revitalization efforts.

Considering all of these projects were successful they demonstrate that reconciling disparities in urban, Black municipalities can be driven by many players and approaches. Each of these projects involved different players that were key to development. Discovery Houston was a public-private partnership that was funded and facilitated by private investment but subsidized and approved by the city government. The Planning Commission in Chicago are appointed public officials that are supported by a municipal department and the East Baltimore Revitalization project was formed and originally funded by the local organization and key players in the neighborhood. To understand urban communities it is important to characterize the role of actors in shaping the intention and implementation outcomes of the policy. These projects demonstrate the breadth of policy measures that can be used to address various forms of social infrastructure.

6. Policy Recommendations

To achieve restitution of inadequate municipal planning and social infrastructure funding to urban, majority-Black municipalities I propose the following policy recommendations to the state of New Jersey:

1. Issue a formal public statement of apology

The governor should address a letter recognizing the role that the government has played in continued harm to majority-Black urban communities. It should highlight the racist mechanisms that have facilitated disinvestment in municipalities, assume responsibility, and proclaim its commitment to reworking policy to remedy the state's dark past. The apology will be disseminated on the New Jersey State, Governor, and DCA websites as well as in the media.

2. Restructure the Department of Community Affairs

Pass legislation that would allow the Division of Housing and Community Resources to be divided into different divisions. Social infrastructure funding, programming and projects would go through the new Division of Community of Resources. The newly formed Division of Community Resources primary function is to engage with municipalities particularly those with a history of state disinvestment and recruit federal funding to support social infrastructure and fill the gap of the municipal budget with state appropriations. To facilitate the separation of the Division of Housing and Community Resources, Salary of the Planning Commission, and creation of the Community Revitalization Framework the department will receive \$250 million from the State.

3. Implement Urban Revitalization Framework

Create an outline for reparatory urban municipal planning that guides municipalities on effective community building and citizen focused development efforts. Included in the framework would be requirements for a municipal master plan, that would center public feedback and social infrastructure in the comprehensive revitalization efforts of the master plan. This will allow municipalities to build trust by engaging with community groups, and citizens to increase their trust in the municipality to address their needs and concerns. Municipalities should be required

to supervise and restrict private organizations power in public-private partnerships. Public-Private partnerships are beneficial for blighted neighborhoods but municipalities should hold private organizations accountable through transparency and accountability for the same standards they will be held to by the DCA. Any major retail or housing development project should include a required allocation of open space.

4. Establish a New Jersey Planning Commission

Develop a committee that would oversee implementation of the Community Revitalization Framework. Will be comprised of 20 members voted on by the New Jersey legislature and supported by DCA staff. Master plans proposed by municipalities will be approved by the Planning Commission within the DCA. Requirements for approval would be to ensure that the standards in the Community Revitalization Framework. The Planning commission will issue penalties to municipalities that fail to create and implement master plans. Municipalities that fail to create and implement master plans will be ineligible for state funding through the DCA until it is approved by the Commission. Providing transparency and accountability will be enforced throughout stages of specific projects progress and in future development planning.

7. Conclusion

Social infrastructure is often overlooked in revitalization efforts and municipalities that are characterized by historic disinvestment are unable to fund sufficient maintenance and improvement of these spaces. New Jersey has sought to reconcile the suburban and urban municipal divide and increase access and opportunity to induce more upward mobility for Black residents and restore their communities. This report offers additional recommendations to make sure that repairing majority-Black neighborhoods includes investment and consideration of all aspects of public life including social infrastructure. The first recommendation of acknowledging

the role of the state in this problem because without acknowledging any proposed policy will not adequately give justice to the affected majority-minority communities. The other three recommendations strengthen the role of the Department of Community Affairs so that it is better able to fulfill its function and reconcile racial inequities between municipalities. If these crucial structures in communities are left to decline we will be condemning residents trapped in these spaces of disinvestment to destitution and further authorize the harm perpetrated by the state that facilitated their communities decline.

**Examining Environmental Justice in NJ: is exemplary, progressive policy sufficient for
Reparative Justice?**

Kate Monihan

*“I pledge my honor that this assignment was completed in accordance with University
regulations.”*

/s/ Kate Monihan

1. Introduction

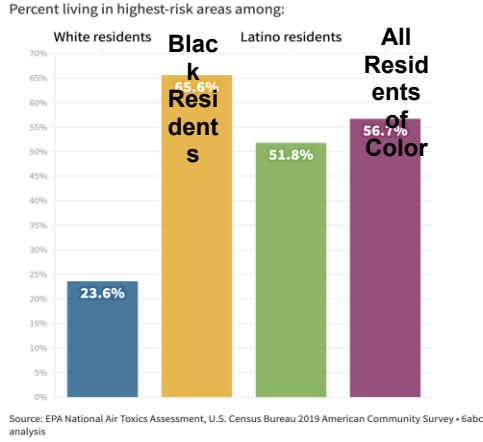
Across the United States, communities of color experience disproportionate harm from environmental infrastructure. New Jersey suffers from environmental injustice as the state has the most superfund sites in the nation.⁵²¹ Cities like Newark and Camden exemplify overburdened communities (OBCs). The graph on the next page from the 2019 EPA Air Toxics Assessment affirms that in the Philadelphia - Camden - Wilmington metro area, residents of color live in areas with the highest respiratory risk from air pollution at a rate double that of white residents. The Waterfront South neighborhood of Camden bears the brunt of this environmental harm in the city. Industrial facilities account for 60% of the land use in Camden, resulting in high pollution levels⁵²². Lulu Williams, a resident of Waterfront South, notes that “most days you can hardly breathe” because toxins from nearby factories and municipal facilities fill the air.⁵²³ Her neighbor, Rose Johnson has three children with asthma, a direct result of the “industrial ring” they live in.⁵²⁴ The Waterfront South community possesses higher risk levels for chronic pulmonary obstructive disease (COPD), cancer, and other respiratory diseases. Residents rarely enjoy the outdoors out of the necessity to protect their health, a reality that diminishes their quality of life, stemming from environmental injustice.

⁵²¹ EPA Superfund Sites are the most contaminated sites in the United States that have been identified by the U.S. Environmental Protection Agency for management and cleanup. (OLEM US EPA, “Superfund,” Collections and Lists, July 11, 2014, <https://www.epa.gov/superfund/>.)

⁵²² “WATERFRONT SOUTH PLAN DRAFT MAY 2022,” *issuu*, accessed March 26, 2023, https://issuu.com/heartofcamden/docs/2022-05-10_wfsneighborhoodplan_draft_1/1.

⁵²³ “Struggling to Breathe: Air Quality Injustices Put Neighbors in Two Local Towns at Risk,” *6abc Philadelphia*, October 21, 2021, <https://6abc.com/environment-inequity-race-racial-disparities/11152688/>.

⁵²⁴ “Struggling to Breathe.”



Graph 1: Each bar represents the percentage of residents in the Philadelphia - Camden - Wilmington metro area that live in areas with the highest respiratory risk from air pollution.⁵²⁵

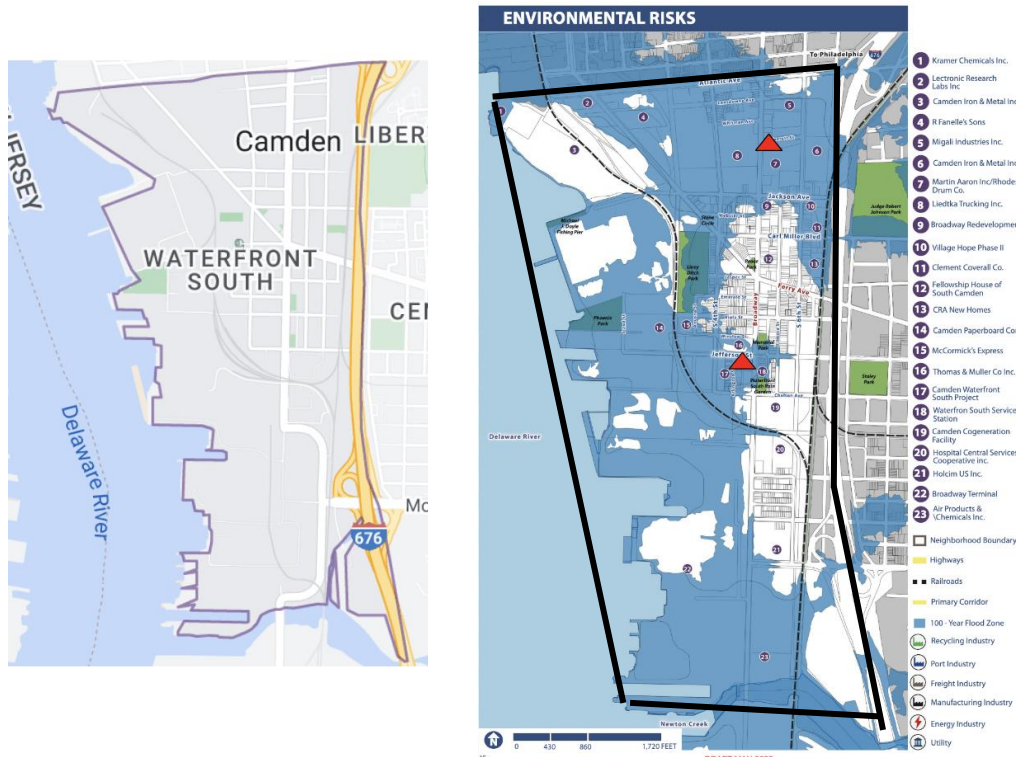


Figure 1: Left - Map of Waterfront South, a 1 square mile neighborhood. Right - Map of Waterfront South and the 23 contaminated sites in the neighborhood identified by a purple circle. The DEP identified these sites because of their threat to public health and the environment. The DEP identified these sites because of their threat to public health and the environment. The red triangles are Superfund Sites. Waterfront South is one of 5 EJ petition sites in New Jersey that receives special attention even after the properties have been returned to productive use.⁵²⁶

⁵²⁵ “Struggling to Breathe.”

⁵²⁶ “WATERFRONT SOUTH PLAN DRAFT MAY 2022.”

Waterfront South has a cement plant, sewage treatment plant, trash incinerator, two EPA superfund sites, and numerous pollution sources within the square mile neighborhood (see Figure 1). The community borders a highway, and this proximity to motor vehicles increases the pollution emitted in the community. The EPA classified Waterfront South as a nonattainment zone that fails to meet the National Ambient Air Quality Standards, another source of environmental harm in Camden.⁵²⁷ Under the 2020 Environmental Justice law (EJ Law), the New Jersey Department of Environmental Protection identifies this neighborhood as an overburdened community where either: “(1) at least 35% of the households qualify as low-income households, or (2) at least 40% of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40% of the households have limited English proficiency.”⁵²⁸ The entirety of Camden City qualifies as an OBC. Waterfront South is predominantly an industrial neighborhood and the residential portion of the community identifies as 95% minority (47% Black, 38% Hispanic) and 35% low income, satisfying the criterion for an OBC.⁵²⁹ Camden and the Waterfront South community functions as a case study for the question: on what basis have policymakers made decisions about environmental infrastructure, and how might these be reimaged within a reparative justice framework for Camden and similarly situated communities?

To address the environmental harms in New Jersey from a reparative lens, policymakers and community leaders should embrace a theory of repair. This policy proposal will invoke the work of Catherine Millas Kaiman. She argues that “the framework for environmental injustice

⁵²⁷ “Center for Environmental Transformation Comments 5 7 21.Pdf,” n.d.

⁵²⁸ “NJDEP| Environmental Justice | What Are Overburdened Communities (OBC)?,” *Environmental Justice* (blog), accessed April 22, 2023, <https://dep.nj.gov/ej/communities/>.

⁵²⁹ “Environmental Justice Mapping, Assessment and Protection Tool (EJMAP),” accessed April 22, 2023, <https://njdep.maps.arcgis.com/apps/MapSeries/index.html?appid=b0128d3d9f6e4cbb9adb6ebe6be3f6bc>.

reparations must include 1) recognition of and responsibility for environmental injustices; 2) acknowledgment of the affected community; 3) respect and incorporation of the affected community in the discussion; and 4) reparations in the form of community-based or individual funds.”⁵³⁰ Kaiman explicitly states that reparations “must be retrospective and prospective.”⁵³¹ She tailors her language to environmental injustices because of a “lack of adequate legal remedies through traditional environmental law and civil rights law.”⁵³² This theory of repair, tailored to environmental injustice, facilitates the development of reparative, environmental justice policy.

2. Evidence

In the early twentieth century, Camden operated as an industrial hub for commerce, innovation, and technology. These industries attracted diverse, working-class individuals. Because of this diversity, Camden endured redlining, leading to white flight and suburbanization. This city deteriorated into a post-industrial city suffering from industry loss, failing infrastructure, environmental degradation, public health challenges, and minimal economic opportunity, contributing to drastic economic and racial inequalities in the region. Despite attempts to revive Camden, mismanagement stagnated the city's growth. Corruption persists in the Camden political environment to the present day. The city government is undemocratic and neoliberal, trapped under the control of political boss George Norcross. The poor governance of Camden contributed to degraded community health, resulting in environmental injustice. The most harm stems from site contamination and air pollution. According to the NJDEP Healthy

⁵³⁰ Catherine Millas Kaiman, “Environmental Justice and Community-Based Reparations,” *Seattle University Law Review* 39, no. 4 (2016 2015): 1327–74.

⁵³¹ Kaiman, “Environmental Justice and Community-Based Reparations.”

⁵³² Kaiman, “Environmental Justice and Community-Based Reparations.”

Community Planning Report, Camden has 15.83 contaminated sites per square mile compared to 2.59 sites per square mile in the county and 1.81 permitted polluters per square mile relative to 0.8 air permit holders per square mile in the county.⁵³³ This concentration of environmental injustice in Camden, specifically in Waterfront South, stems from poor policymaking.

Waterfront South, formerly the premier industry site in Camden, developed into a mixed-use community where people lived near the factories they worked in. For decades, the neighborhood experienced disproportionately high risks from environmental hazards that negatively impact the quality of life and public health.⁵³⁴ While many companies disinvested in Waterfront South in the 1950s, industrial use persisted as the port industry, warehouse facilities, and manufacturing plants dominated the neighborhood land use.⁵³⁵ The continued concentration of these polluting facilities caused Waterfront South to become an OBC, suffering from cumulative impacts. Historically, DEP’s permitting program neglected “its obligations pursuant to civil rights laws, and studies found patterns of racial disparity in enforcement actions.”⁵³⁶ The state crafted policy to address pollution and permitting, yet DEP failed to address racial disparity in the policymaking process, leading to the concentration of polluting facilities in overburdened communities. In 1984, the Camden County Municipal Authority (CCMUA) opened the sewage treatment plant in the polluted neighborhood of Waterfront South because of the technical advantages of the location. The technology had to be located at a low point, near a large body of water, both of which the proximity to the Delaware River offers. The combined sewage system

⁵³³ “2022 Healthy Community Planning Report - Camden County, Camden City,” accessed April 27, 2023, https://www.nj.gov/health/hcpnj/documents/county-reports/HCPNJ_fullreports/CAMDEN_CAMDEN%20CITY.pdf

⁵³⁴ Mahbubur Meenar et al., “Camden Waterfront South Green Infrastructure Plan,” n.d.

⁵³⁵ Meenar et al., “Camden Waterfront South Green Infrastructure Plan.”

⁵³⁶ “Environmental Justice Law Rule Adoption,” accessed April 27, 2023, <https://dep.nj.gov/wp-content/uploads/rules/adoption/adopt-20230417a.pdf>.

in Camden and the variable flows of sewage posed challenges to the transportation of the sewage to another location, justifying the development of the sewage treatment plant in Waterfront South.⁵³⁷ In 1991, the trash incinerator received a permit to be located in this OBC without a legitimate technical advantage to operate there. Without adequate permitting policy that considered race, socioeconomic status, and the community stressors at the time, the NJDEP and Camden's DEP facilitated environmental injustice.

The 2020 EJ Law designed an Environmental Justice Mapping, Assessment, and Protection (EJMAP) tool to establish “an objective, publicly available representation of the existing environmental and public health stressors in the State's OBCs.”⁵³⁸ NJDEP identified 26 Environmental and Public Health Stressors based on legislatively mandated concerns, California's EnviroScreen tool for assessing cumulative impact, and the EPA's EJScreen to estimate risk and pollution while considering demographics.⁵³⁹ The map identifies overburdened communities, analyzes the stressors in OBCs, then compares existing stressors to those for the state and the county.⁵⁴⁰ On March 30th, 2023, the NJDEP released an “Overburdened Community Stressor Summary” for the Waterfront South neighborhood. The EJMAP defines the community combined stressor total as 21. This value indicates that only 21 out of 26 individual stressors measured for Waterfront South lie above the median stress level for its point of comparison in the State and county, qualifying them as adverse stressors.⁵⁴¹ The data provided by the EJMAP substantiates the greater magnitude of harm suffered in the Waterfront South

⁵³⁷ Kricun, Andy, Interview about CCMUA and Environmental Justice in Camden, March 23, 2023.

⁵³⁸ “Environmental Justice Mapping, Assessment, and Protection (EJMAP): Technical Guidance,” accessed April 27, 2023, <https://www.nj.gov/dep/ej/ejmap-tg.pdf>.

⁵³⁹ “Environmental Justice Mapping, Assessment and Protection Tool (EJMAP).”

⁵⁴⁰ “Environmental Justice Mapping, Assessment and Protection Tool (EJMAP).”

⁵⁴¹ “Overburdened Community Stressor Summary,” accessed April 27, 2023, https://www.nj.gov/dep/ej/docs/gis2/BG_340076018002.pdf.

community compared to other towns in New Jersey. Four out of 5 of these non-adverse stressors have null values meaning that their non-adverse designation could be the result of a lack of data, rather than an indication that these stressors do not have adverse impacts.

The surrounding, wealthier towns, do not face these same environmental injustices as Camden and the Waterfront South Neighborhood. Modeling of extreme air pollution substantiates this reality. Figure 2 depicts Camden as the dark red square that has an Air Toxics Respiratory Hazard Index score of 0.88, the highest in the region.⁵⁴² An index score this high indicates that air toxins will cause adverse health effects through chronic exposure. Camden residents feel these symptoms and suffer from illness. 302 individuals per every 10,000 people in Camden have Asthma compared to only 96 individuals per every 10,000 in the county. Similarly, 132 individuals per every 10,000 in Camden have Chronic obstructive pulmonary disease (COPD), compared to only 42 individuals per every 10,000 in the county.⁵⁴³ The poor air quality in Camden and Waterfront South exemplifies environmental injustice because toxic air increases health issues in the neighborhood and city of Camden, a predominately Black, and Latino identifying population. Surrounding towns have lower Air Toxics Respiratory Hazard Index scores because they possess the means to combat abusive polluting practices through litigation or community organizing. Camden residents and similarly situated communities do not have the financial and political capacity to support legal initiatives or nonprofits that prioritize the well-being of the community and can challenge potentially damaging environmental infrastructure

⁵⁴² “Struggling to Breathe.”

⁵⁴³ “2022 Healthy Community Planning Report - Camden County, Camden City,” accessed April 27, 2023, https://www.nj.gov/health/hcpnj/documents/county-reports/HCPNJ_fullreports/CAMDEN_CAMDEN%20CITY.pdf

projects.⁵⁴⁴ The disproportionate harm suffered by individuals in Camden stems from the mismanagement of the city's economy and flawed environmental policy.

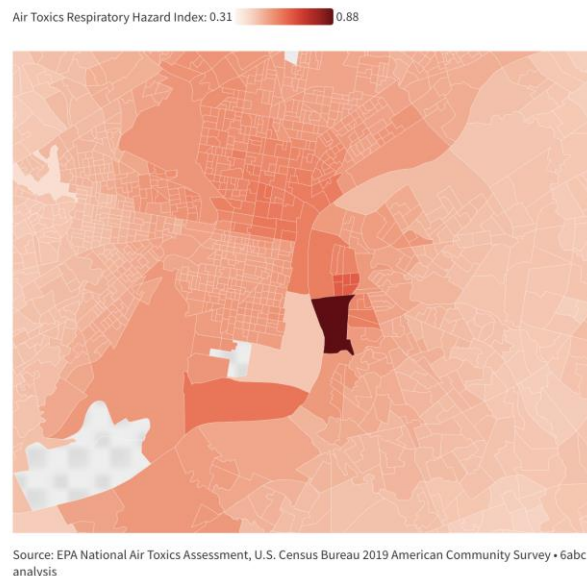


Figure 2: 2019 Air Toxics Respiratory Hazard Index Map of the Philadelphia - Camden Metro Area

3. Relevant New Jersey Policies

New Jersey has been at the forefront of the Environmental Justice Movement since the early 1990s. These policies only encouraged consideration of the disproportionate environmental and public health harms on communities of color rather than requiring mitigation of these injustices. The progressive nature of EJ policy in New Jersey incorporates elements of reparations.

In 2015, Camden passed an environmental justice ordinance requiring applicants who proposed development in the city to submit an Environmental Impact and Benefits assessment.⁵⁴⁵

⁵⁴⁴ Kricun, Andy, Interview about CCMUA and Environmental Justice in Camden.

⁵⁴⁵ “Camden Passes New Jersey’s First Sustainable Site Plan Ordinance,” *Geraldine R. Dodge Foundation* (blog), January 10, 2023, <https://www.grdodge.org/news/camden-passes-new-jerseys-first-sustainable-site-plan-ordinance/>.

The ordinance intended to assess the potential impacts on the environment and welfare of residents from new development. Andy Kricun, the former executive director of the CCMUA emphasized the value of this ordinance because air quality had no measure for cumulative standards, and industries did not “take into consideration that the development next door might also be affecting air quality.”⁵⁴⁶ However, the local government rarely enforced this measure, and cumulative impacts persisted.⁵⁴⁷

In 2020, Governor Murphy signed the Environmental Justice Law. Ramon Cruz, the President of the Sierra Club, a prominent environmental organization in the US, expressed that the law has immense potential to diminish future harm in overburdened communities.⁵⁴⁸ The act concerns historical injustice in which overburdened communities and “communities of color have been subject to a disproportionately high number of environmental and public health stressors.”⁵⁴⁹ On April 17th, 2023, the state released the final adoption of regulations to implement the EJ law. The rules cement the New Jersey EJ law as the most progressive in the nation.

The legislation has two key elements: identifying overburdened communities and reforming the permit application process in OBCs. The act establishes crucial definitions for EJ work and lists overburdened communities on the NJDEP website. The law reforms the permit application process for facilities in overburdened communities, specifically new facilities, renewal for major source permits, or site expansions.⁵⁵⁰ Permit applications require

⁵⁴⁶ “Camden Passes New Jersey’s First Sustainable Site Plan Ordinance,” *Geraldine R. Dodge Foundation* (blog), April 18, 2023, <https://www.grdodge.org/news/camden-passes-new-jerseys-first-sustainable-site-plan-ordinance/>.

⁵⁴⁷ “111720_Camden-Parks-Plan_Final.Pdf,” accessed April 24, 2023, https://www.tpl.org/wp-content/uploads/2020/11/111720_Camden-Parks-Plan_Final.pdf.

⁵⁴⁸ Ramon Cruz, “Guest Lecture: Environmental Justice,” SPI350: The Environment Science and Policy (class lecture, Princeton University, Princeton, NJ, April 6th, 2023)

⁵⁴⁹ “Environmental Justice Law,” accessed April 24, 2023, <https://dep.nj.gov/wp-content/uploads/ej/docs/ej-law.pdf>.

⁵⁵⁰ “Environmental Justice Law Rules,” accessed April 26, 2023, https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_1c.pdf.

environmental justice impact statements (EJIS). These statements will assess stressors associated with the proposed facility or existing site considering the existing cumulative impact. Applicants must publicize their EJIS 60 days before the permit hearing.⁵⁵¹ The permit applicant must give public notice about the hearing, then afterward offer additional time for public comments to ensure that the affected OBC can engage in the permitting discussion.⁵⁵² The NJDEP will review the application to determine if the applicant’s actions produce disproportionate environmental and public health harm. The mandatory permit denial provision for the law directs the DEP to deny permit applications for new facilities that cause disproportionate harm in an OBC unless the facility has a “compelling public interest.” The act defines compelling public interest as “an essential environmental, health or safety need of the individuals in an overburdened community” with no reasonable alternative outside the OBC.⁵⁵³ For new facilities that receive this exception, the applicant must implement control measures to minimize contributions to environmental and public health stressors. The mandatory permit denial provision does not apply to existing facilities and major source renewals. NJDEP can apply conditions to those permit applications that will ensure the facility avoids or minimizes disproportionate impact on the overburdened community.⁵⁵⁴

3.1 Other Work In Progress in Camden, New Jersey

While New Jersey has produced progressive environmental policy in the form of the 2020 Environmental Justice Law, this legislative victory would not have occurred without the support of EJ advocates. The Environmental Justice community, led by the New Jersey

⁵⁵¹ “Environmental Justice Law.”

⁵⁵² “Environmental Justice Law Rules.”

⁵⁵³ “Environmental Justice Law Rules.”

⁵⁵⁴ “Environmental Justice Law Rule Adoption.”

Environmental Justice Alliance, shapes the state's EJ agenda. In Camden, efforts to address environmental stressors stem from nonprofits and grassroots community groups. The city has a corrupt political landscape, resulting in a local policy that perpetuates environmental injustice in the community to bolster the financial interests of industry leaders. The most prominent EJ groups include the Camden Collaborative Initiative (CCI), the Center For Environmental Transformation (CFET), and Camden for Clean Air. The Camden Collaborative Initiative, formed in 2013, empowers community members to improve the environmental well-being of Camden. Their most successful project, Camden SMART, a cross-sector partnership with a neighborhood revitalization focus, became a model for these networks nationwide.⁵⁵⁵ Camden SMART and the CCI developed Waterfront South Rain Garden Park, a former brownfield transformed into an environmental asset and park that collected stormwater.⁵⁵⁶ The Collaborative Initiative's success in Camden led the NJDEP to expand this program to other underserved cities with EJ communities. CFET facilitates community-based monitoring efforts for Waterfront South. They utilize purple air monitors to provide up-to-date air quality information on toxic air particles, known as particulate matter.⁵⁵⁷ CFET performs this monitoring to supplement the state's flawed monitoring capacity. Camden for Clean Air, identified by CFET as the premier air quality advocacy group in Camden, advocates for closing the Covanta trash incinerator. The group stopped a proposed microgrid powered by Covanta that would have tripled the incinerator's revenue and solidified its future operations, an EJ victory for Camden. These organizations have taken crucial steps in addressing environmental harm in Camden. As the state implements the environmental justice law, nonprofit work in that space will become

⁵⁵⁵ "NJDEP| Community Collaborative Initiative | Home," Community Collaborative Initiative, accessed May 1, 2023, <https://dep.nj.gov/cci/>.

⁵⁵⁶ Frank McLaughlin, Interview about NJDEP, Brownfields, and Environmental Justice in Camden, March 3, 2023.

⁵⁵⁷ "WATERFRONT SOUTH PLAN DRAFT MAY 2022."

supplemental and ameliorative rather than functioning as the only effort to address the harm occurring.

3.2 Evaluation of Relevant New Jersey Policies

Environmental justice policy in New Jersey has mixed results such that all the legislation promotes progressive agendas, though many of these policies fail because of poor implementation. In Camden, the most successful EJ work comes from passionate individuals and community organizations that volunteer for these causes. With the publication of the NJ Environmental Justice Law rules, the state government will adopt a more prominent role in the EJ sphere. Evaluation of the NJ Environmental Justice law reveals that the legislation addresses prospective environmental injustices yet further analysis reveals gaps in the law related to retrospective harm.

The law first acknowledges the harm suffered by overburdened communities and New Jersey's public interest in rectifying this historical injustice. The state makes no effort to recognize its role in enabling the development of overburdened communities. However, the EJIS statement, required by permit applicants, acknowledges the affected community and functions as a reckoning statement. Polluters must cite their potential role in harming an OBC considering the stress already imposed on the community. Kaiman's approach to reparative justice requires recognition of the harmed community and a statement of reckoning, both of which the EJIS achieves. The legislation encourages meaningful public participation through public notice and hearing mandates. Public notices shall occur in newspapers, certified mail to those living within 200 feet of the facility, a sign on the proposed facility, and "other methods" suggested as electronic communication, flyers, or directly informing community groups. Utilizing a variety of

communication forms shows respect for the local community and facilitates the incorporation of the public in decision-making, satisfying the environmental justice framework for reparations.

The EJ law addresses the “future placement and expansion of such facilities in overburdened communities.” The policy rules pursue this agenda and fail to account for ongoing harm in the permit application process. The mandatory denial provision for disproportionate impacts on overburdened communities applies exclusively to new facilities for their prospective environmental injustices. NJDEP will impose conditions on permits for existing facilities requiring the reduction of offsite stressors and the creation of net environmental benefits.⁵⁵⁸ Violation of these conditions will result in potential suspension or permit revocation.⁵⁵⁹ This mechanism assumes that the NJDEP will obtain compliance from these existing facilities. However, the monitoring capacities in New Jersey intended to ensure compliance possess shortcomings. Inspections occur once a year and facilities know when their emissions test will happen. Polluting facilities manipulate their emission levels to ensure compliance on that day.⁵⁶⁰ Otherwise, these facilities can violate the emissions standards outlined in their permit and inflict significant harm on the community without repercussions. NJDEP also does not have the resources to independently monitor each potential stressor in OBCs. ⁵⁶¹ For air quality, the EJ law refers to regional monitoring data as a threshold for emission standards. ⁵⁶² These non-localized standards do not account for cumulative impact in OBCs and establish a flawed guideline for air quality standards. Even if the department imposes permit conditions on existing facilities proposing activities that will cause a disproportionate impact, the facility may not

⁵⁵⁸ “Environmental Justice Law Rule Adoption.”

⁵⁵⁹ “Environmental Justice Law Rule Adoption.”

⁵⁶⁰ Kevin Barfield and Saracco, Benjamin, Camden for Clean Air - Environmental Harms in Camden, 4/18.

⁵⁶¹ “Environmental Justice Law Rule Adoption.”

⁵⁶² “Environmental Justice Law Rule Adoption.”

comply and could perpetuate ongoing harm. Given that these facilities already operate and contribute to pollution, if their proposed activities will lead to more environmental and public health stressors in overburdened communities, their permit application should be denied.

As a policy aiming to address the “disproportionate share of the adverse environmental and public health consequences” in OBCs, the DEP should prioritize past harms too.⁵⁶³ The EJIS statement demands supplemental information for facilities in adversely stressed, overburdened communities or that cannot avoid adding adverse cumulative stressors. The department requires 14 additional sources of information including “ a detailed compliance history for the facility, including any existing Department permits, including copies of any enforcement actions issued to the facility, for the five years preceding the date of the permit application.”⁵⁶⁴ Though these details enable a retrospective analysis in the permitting process, as one of 14 factors, the agency does not evaluate previous harms as the decisive element in these decisions. An industry that has committed previous harms contributed to the disparate impact in overburdened communities. The agency should deny applications for permit renewals or facility expansions submitted by applicants with a history of harmful pollution unless the facility will engage in reparative justice. The policy proposal for this issue, located in the recommendation section of this work, outlines mechanisms to engage in reparative justice for these polluters.

New Jersey’s Environmental Justice Law possesses key elements of reparations through joint efforts by applicants and the NJDEP. The forward-thinking nature of this legislation limits this law from identifying as reparations. This law almost entirely satisfied Kaiman’s environmental injustice framework for reparations, signaling that New Jersey possesses a strong foundation for a holistic reparative policy for environmental harms.

⁵⁶³ “Environmental Justice Law.”

⁵⁶⁴ “Environmental Justice Law Rule Adoption.”

4. Models from Other Jurisdictions

Since the New Jersey EJ Law exemplifies a progressive approach to environmental justice in the United States, many jurisdictions model their legislation off of the NJ EJ law. New York Governor Kathy Hochul signed the “Cumulative Impacts Bill” into law in 2022, emulating NJ policy. Few explicitly reparative environmental justice policies exist elsewhere, but other states have legislation with exemplary mechanisms to combat environmental injustice and institute repair.

In January 2021, President Biden unveiled an executive order, Justice 40, ensuring that 40% of overall benefits from Federal investments reach overburdened communities and address environmental justice. Justice 40 investment programs must “ensure that community stakeholders are meaningfully involved in determining program benefits... [agencies must] report data on the benefits directed to disadvantaged communities.”⁵⁶⁵ This mandate is a whole government approach and possesses characteristics of reparations by ensuring community engagement. The EPA has also directed all DEPs to strengthen enforcement and increase funding for air monitoring, with an emphasis on supporting historically overburdened and underserved communities.⁵⁶⁶ This executive order embodies aspects of Kaiman’s framework for reparations because the initiative acknowledges and identifies overburdened communities along with engaging them in discourse.

⁵⁶⁵ A Justice 40 investment includes any program that spends or offers direct benefits to “disadvantaged communities across one or more of the following seven areas: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure.” (“Justice40 Initiative | Environmental Justice,” The White House, accessed April 26, 2023, <https://www.whitehouse.gov/environmentaljustice/justice40/>.)

“Justice40 Initiative | Environmental Justice.”
⁵⁶⁶ “Justice40 Initiative | Environmental Justice.”

In March 2023, New York’s Department of Environment Conservation (DEC) unveiled a statewide community air quality monitoring effort in ten disadvantaged communities with high air pollution burdens.⁵⁶⁷ This project provides \$3 million in funding to support local organizations participating in the initiative. DEC contracted Aclima to perform mobile monitoring that collects “block-level air pollution data to help identify sources contributing to disproportionate air pollution burdens and develop strategies to reduce air pollution within these communities, including greenhouse gas emissions contributing to climate change.”⁵⁶⁸ After a year of data collection, DEC and community stakeholders will have until June 2024 to propose pollutant reduction strategies. DEC’s Community Air Monitoring Initiative contributes to reparative environmental justice by acknowledging harm and engaging community members in policy development.

Internationally, the COP27 Loss and Damage fund provides “loss and damage” funding for vulnerable countries hit hard by climate disasters.”⁵⁶⁹ This fund adopts a reparative stance by supporting nations that disproportionately suffer from the harms of climate change caused by the emissions of developed countries. The COP27 Loss and Damage fund supplements a “mosaic of solutions” to climate risks, much like reparative justice should.⁵⁷⁰ Policymakers can utilize an analysis of these policies to address gaps in New Jersey’s environmental justice legislation.

⁵⁶⁷ “2022-23 Statewide Community Air Monitoring Initiative - NYS Dept. of Environmental Conservation,” accessed May 2, 2023, <https://www.dec.ny.gov/chemical/125320.html>.

⁵⁶⁸ “2022-23 Statewide Community Air Monitoring Initiative - NYS Dept. of Environmental Conservation.”

⁵⁶⁹ “COP27 Reaches Breakthrough Agreement on New ‘Loss and Damage’ Fund for Vulnerable Countries | UNFCCC,” accessed March 26, 2023, https://unfccc.int/news/cop27-reaches-breakthrough-agreement-on-new-loss-and-damage-fund-for-vulnerable-countries?gclid=Cj0KCQjw2v-gBhC1ARIsAOQdKY0hldaNhaak1e6IxxFWUDFEtoKwsEjV00zJ0se-mgPkkIdq1mdMzvAaAvAPEALw_wcB.

⁵⁷⁰ “Why COP27 Will Be Remembered as the Loss and Damage COP and What to Expect Next,” Grantham Research Institute on climate change and the environment, accessed March 26, 2023, <https://www.lse.ac.uk/granthaminstitute/news/why-cop27-will-be-remembered-as-the-loss-and-damage-cop-and-what-to-expect-next/>.

4.1 Evaluation of Models from Other Jurisdictions

Each of these policies from other jurisdictions models individual elements of reparations, but none of them provides a holistically reparative approach. While New Jersey boasts the most comprehensive EJ law in the US, the state should evaluate these policies in other jurisdictions. The NJDEP should incorporate the strengths of other models into the state's EJ policies to develop a complete, reparative environmental justice agenda.

President Biden's Justice 40 initiative facilitates the development of compelling political mechanisms for mitigating environmental injustice. After the announcement of Justice 40, the EPA introduced memoranda to strengthen the enforcement of environmental justice considerations. These reforms include challenging DEPs nationwide to increase inspections in overburdened communities from 30% to 55% by 2025 and diverting more funding to monitoring.⁵⁷¹ While the 2020 EJ law increases attention to OBCs like Justice 40, the policy does not identify targets for inspection rates or expressly increase funding in pursuit of diminishing harm in EJ communities. New Jersey could achieve greater reparative justice by explicitly emulating these measures into the state's EJ agenda. Without measurable impacts, NJ residents will face future challenges in assessing the success of environmental justice legislation.

New York State's community air monitoring initiative adopts a unique approach to air monitoring that prioritizes the mitigation of pollution in OBCs. Mobile monitoring offers a hyper-localized mechanism for measuring air quality that traditional air monitoring capacities lack. Aclima's street-by-street approach occurs 20 times "across different seasons, different days of the week, and different times of the day over the course of the year."⁵⁷² Compared to

⁵⁷¹ OECA US EPA, "Environmental Justice in Enforcement and Compliance Assurance," Other Policies and Guidance, May 3, 2021, <https://www.epa.gov/enforcement/environmental-justice-enforcement-and-compliance-assurance>.

⁵⁷² "2022-23 Statewide Community Air Monitoring Initiative - NYS Dept. of Environmental Conservation."

NJDEP's monitoring capacity, mobile monitoring will provide OBCs with information on identifying the most harmful sources and areas of pollution.⁵⁷³ In Camden, residents cite the lack of localized measurement as a flaw of the DEP. The adoption of this approach in New Jersey will provide the most accurate air quality data to date.

The COP 27 Loss and Damage fund demonstrates how a powerful institution can establish a fund as a form of reparative justice. The fund possesses two shortcomings that NJ must acknowledge should the state emulate this approach to reparations: specific parameters for equitable distribution of finances and a retrospective analysis of harm. Catherine Kaiman argues that policymakers must construct reparations funds in conversation with the affected community and consider past injustices.⁵⁷⁴ The DEP should collaborate with overburdened communities to determine how to assign a monetary value to past harms, who receives money, and how much money residents will receive. This approach to policy invokes information from an analysis of the COP 27 Loss and Damage fund and Kaiman's framework for environmental justice to inform sufficient EJ reparations. The evaluation of relevant New Jersey policies and models from other jurisdictions contributed to the policy recommendations for reparative environmental justice explored below.

5. Policy Recommendations

The New Jersey Environmental Justice community is tight-knit, works closely with the national movement, and possesses strong control over the state EJ agenda. Environmental justice work in NJ has focused predominantly on cumulative impact. The set of proposals described below does not suggest an alternative agenda for the EJ movement in New Jersey. These policy

⁵⁷³ "2022-23 Statewide Community Air Monitoring Initiative - NYS Dept. of Environmental Conservation."

⁵⁷⁴ Kaiman, "Environmental Justice and Community-Based Reparations," 1359.

recommendations employ reparative frameworks to supplement the success of the New Jersey EJ movement while enhancing and advancing the well-being of overburdened communities. Many approaches to reparative environmental justice exist and should be implemented throughout the country. The proposals below originate from an analysis of environmental injustice in Camden, NJ. Each proposal can be implemented in similarly situated communities throughout New Jersey and other jurisdictions. Their success will hinge on the political context of their jurisdictions, financing, and other factors.

Recommendation 1: *NJDEP will divert more funding to air monitoring, increase the frequency of random air quality tests, and diversify measurement methods to obtain more accurate air quality data.*

Reparative environmental justice requires acknowledgment of harm. Without accurate evidence of injustice, affected communities will face barriers to obtaining environmental justice. Camden requires more accurate data on air quality because of the excessive pollution emitted by industrial facilities. NJDEP can obtain more precise air quality information by refunding and reforming its monitoring practices.

NJDEP collects information on ambient air quality and stationary source emissions through a network of 30 air monitoring stations that continuously measure criteria pollutants.⁵⁷⁵ Annually, DEP regulators perform air quality tests on permitted facilities to ensure the state progresses towards its emission reduction goals and complies with the National Ambient Air Quality standards set by the Clean Air Act. These monitoring capacities fail to precisely measure

⁵⁷⁵ Criteria pollutants are those which have National Ambient Air Quality Standards (NAAQS). Criteria pollutant monitoring is regulated by the U.S. Environmental Protection Agency (USEPA), which specifies the design and siting of the monitoring networks, the acceptable monitoring methods and equipment, and quality assurance activities (such as calibration, maintenance, audits, and data validation)

(“NJDEP | Air Quality, Energy and Sustainability (AQES) | Air Monitoring | How Does NJDEP Monitor Pollutants?,” accessed April 28, 2023, <https://www.nj.gov/dep/airmon/how-we-monitor.html>).

air quality in Camden. The Spruce Street continuous air monitoring station is distant from Waterfront South, the most polluted neighborhood in the city.⁵⁷⁶ The air quality measurements produced by this station do not accurately portray Camden’s pollution levels or the effects of cumulative impact in the neighborhood.⁵⁷⁷ This flawed capacity enables industrial facilities to pollute excessively overnight because the monitors will not capture the emission violations and residents will not witness the harm. The air quality tests for permitted facilities do not occur at random so polluters can manipulate their emissions for compliance.

Following the Justice 40 Model, NJDEP shall increase the frequency of inspections in OBCs and increase funding for monitoring capacities. The agency should perform tests for permit compliance twice a year at minimum rather than once a year. These inspections should occur at random to prevent facilities from manipulating their emissions to obtain compliance. The state could introduce a form of passive inspection by placing continuous monitoring stations in each overburdened community. This information would ensure residents obtain precise data about their air quality and the state can accurately determine if the EJ law minimizes disproportionate impacts. To achieve these goals, NJDEP must increase funding for air monitoring. In 2022, the NJDEP Compliance and Enforcement team diverted 3.5 million dollars to investigations and inspections of air pollution.⁵⁷⁸ The state should increase the budget by at least 2 million dollars to support increased inspections and more monitoring stations.

NJDEP should diversify its air monitoring efforts by modeling New York’s DEC Community Air Monitoring Initiative. The mobile monitoring program would benefit OBCs by providing hyper-localized data on air pollution. This approach will help identify the boundaries

⁵⁷⁶ “WATERFRONT SOUTH PLAN DRAFT MAY 2022.”

⁵⁷⁷ Barfield and Saracco, Benjamin, Camden for Clean Air - Environmental Harms in Camden.

⁵⁷⁸ “The Governor’s FY2022 Budget.Pdf,” accessed May 2, 2023, <https://www.nj.gov/treasury/omb/publications/22budget/pdf/FY22GBM.pdf>.

of affected communities, a key element of reparative of environmental justice. Even with more frequent inspections of polluting facilities and the placement of continuous monitoring stations in OBCs, air quality data will have limits. Supplementing a traditional air monitoring approach with mobile monitoring will provide a comprehensive understanding of air pollution. Concerns arise because this initiative would only be temporary and requires additional funding.

Each mechanism of this proposal would contribute to reparative environmental justice because improved information produces a more accurate depiction of the ongoing harm. Policymakers can then facilitate an informed acknowledgment of harm and precisely define the affected community. Kaiman emphasizes the significance of these two elements of reparations and through this recommendation, New Jersey could produce a holistic, reparative EJ policy.

Recommendation 2: *Penalization of past violations of permit conditions and emission standards committed by facilities in OBCs*

This recommendation establishes the foundation for reparative environmental justice as dictated by Catherine Kaiman through the acknowledgment of past harm and establishing a base of money to finance a community fund. The NJDEP Compliance and Enforcement Department serves as the regulatory body for permit violations and will implement this proposal. However, each department at the DEP possesses its approach to compliance, defined by the acts written about the particular issue. The implementation of this recommendation will differ per overburdened municipality as their local DEP must narrow the legitimization of the policy to the most pervasive forms of environmental harm in that town. The description of this recommendation will be tailored to air pollution since Camden serves as the case study for this work, and air pollution inflicts the most harm on Camden residents.

The Air Administrative Procedures and Penalties in the Air Pollution Chapter of the NJ Administrative Code outline the Civil Administrative Penalties for violations of the Air Pollution Act. The document declares the penalty amount per violation. The DEP utilizes infractions to punish ongoing harm and prevent future injustices as repeat offenses have more costly fees. These compliance measures coupled with the forward-thinking NJ EJ law, specifically the mandatory denial provision for permitting, will help mitigate future harms to OBCs. Minimizing further environmental and public health stress on OBCs will deter harm, but it does not acknowledge or minimize the impact of environmental injustice on those communities.

NJDEP shall implement a policy that penalizes previous violations of permit conditions and emission standards committed in OBCs. This mechanism will commence the reparative approach to environmental justice by recognizing previous harms and generating revenue to contribute to a fund to uplift overburdened communities.

The infrastructure for penalizing polluters exists and can be applied to previous harms. The NJDEP must utilize its compliance and enforcement data to impose violations for past harms. The department publishes this information on the NJDEP Data Miner website. Only violators located in overburdened communities can receive these fines. The DEP will impose these penalties on polluting facilities as far back as the year with which data is available about their emissions. The availability of data depends on the municipality in which the facility lies. The DEP will utilize this data to identify violating facilities in overburdened communities and begin the penalization process. The violating facility will pay its initial penalty in full an additional time for each infraction they committed as an acknowledgment of imposing harm onto an overburdened community. Then, to account for legacy pollution, the violators will incur a yearly fee, priced at half the value of their penalty, for five years or longer, depending on the

severity of the harm. This money will finance the direct-to-individual fund outlined in the policy recommendation below.

While this policy recommendation facilitates the development of a community fund, retrospective punishment introduces many challenges. This policy's success relies on access to information about past permit violations that may not be easily accessible. Emissions monitoring systems in New Jersey, specifically in Camden, have many flaws and many violations often go unpunished. Without previously documented punishment, polluters who violated their permits will not be punished for past harms, even if residents argue that previous injustices have occurred. Polluters penalized for previous harms will argue that they have compensated the state for their harm and should not be subject to more fees. In response, the NJDEP will have to frame these fees as reparative for legacy pollution and cumulative impact. This proposal will require more workers and resources devoted to compliance and enforcement, a potential challenge to the implementation of this recommendation.

Recommendation 3: *Form a direct-to-individual fund financed by fines imposed on polluting industries for previous and ongoing environmental harms.*

The general theory of this recommendation, direct-to-individual funding financed by penalties imposed on polluting industries for previous and ongoing environmental harms, can be implemented in overburdened communities throughout NJ. The direct-to-individual approach empowers residents to engage with environmental issues, diminishing apathy toward the harm suffered. The amount of money in the fund will differ per municipality, though the policy proposal above provides a general framework for penalizing past harms. The fund will have regulations on how individuals spend the money to facilitate remediation for the injustices

suffered.

Local DEPs, responsible for penalizing polluters for neglecting emissions standards, will have to identify affected communities and the long-term harms suffered to implement this fund. This process will require the DEP to dictate who within the community receives money considering who suffered from these injustices. Affected communities can engage in a round table with DEPs to determine how much money each individual will receive and to outline the intended use of the money. Next, the DEP can form a proposal for the fund and invite the affected community to submit public comments before the agency develops official regulations. Under this approach, polluters begin to obey emission standards or pay fines that go to reinvesting in the local government. A fund of this nature constitutes environmental justice reparations as defined by Catherine Kaiman. This policy is retrospective by punishing past harms, recognizing the ongoing suffering of communities, and engaging residents in the policy-making process.

This fund will function based on the individual circumstances and needs of each county. Camden will define the affected community as residents living within three thousand feet of the polluting facility.⁵⁷⁹ Recipients will receive funds to pay only for property taxes or rent, a directive that will increase the investment in government services such as schools and the fire department. Camden residents will benefit immensely from this increase in funding because many businesses, including polluting industries, do not pay property taxes in full, the result of Grow NJ, an arrangement formed by the Economic Development Agency to keep large companies in the state.⁵⁸⁰ Given this regulation, individuals will receive a maximum of \$2,000

⁵⁷⁹ Barfield and Saracco, Benjamin, Camden for Clean Air - Environmental Harms in Camden.

⁵⁸⁰ “Camden Rising? As Deficit Grows, New Businesses Won’t Pay Full Property Taxes for 20 Years,” *WHYY* (blog), accessed April 28, 2023, <https://whyy.org/articles/camden-rising-as-deficit-grows-new-businesses-wont-pay-full-property-taxes-for-20-years/>.

because the average property tax in Waterfront South is \$1,700.⁵⁸¹ Undistributed money in the fund will be distributed quarterly to those in the designated area until the fund is extinguished.

This proposal possesses a few shortcomings. The direct-to-individual fund structure requires a substantial administrative capacity to distribute the money compared to directly granting the local or state government agency over this money. Government corruption imposes additional risk on this approach, for example, Camden, a city known for poor governance. Given that local DEPs and the affected residents should influence how this policy develops, communities can shape policy to minimize the barriers to success.

⁵⁸¹ “YourMoney.NJ.Gov - NJ Transparency Center,” accessed April 22, 2023, <https://newjersey.maps.arcgis.com/apps/webappviewer/index.html?id=bae6f833507745d287a15497d233fbbc>.

Repairing for Civic Justice: Participatory Budgeting to Build a New Jersey

Isabella Shutt

“I pledge my honor that this assignment was completed in accordance with University regulations.”

/s/ Isabella K. Shutt

1. Introduction

“I wonder what it would be like to automatically be given the benefit of the doubt; that it would be assumed that I and my opinions have merit; that my contribution is worthy of consideration, even if it is ultimately rejected...”

- James E. Bailey in *Black Imagination*

The Harm of Thin, White Democracy

Harm is done *through* and *by* democracy in the United States. Democratic governance supports a stage upon which resources are denied and bodies are policed. In the next section I will explore municipal budget allocations as yet another white supremacist symptom of the democratic project in its current form before turning to the reparative potential of participatory budgeting (PB). However, let’s first question the democratic project as a stable stage upon which actors are abused and instead consider (representative) democracy’s role as an abusive character that constrains imagination and relationships.

The United States practices thin, white democracy, which denies citizens the positive freedom to shape their collective destiny. Thin democracy, a term coined by Benjamin R. Barber, describes a politics that conceives of people as “atoms of self-interest, as persons whose every step into social relations, whose every foray into the world of Others, cries out for an apology, a legitimation, a justification.”⁵⁸² Politics becomes “zoo-keeping,” as elected officials roam the space divvying up resources to the loudest residents to prevent the dissolution of an exclusive citizenship. Joel Olson, in his book *The Abolition of White Democracy*, describes how this politics derived from and continues to support conceptions of citizenship entangled with whiteness. Black Americans’ full and equal democratic participation threatens the psychological and material wages of white privilege, such that whiteness normalizes thin democracy for its own maintenance. White citizenship is an identity imbued with political power but reluctant to use it to disrupt the “liberal capitalist system” that maintains white privilege, choosing instead a “passive conception of freedom... tend[ing] to sustain a worldview of atomized, status-seeking persons who see in others a threat to individual liberty rather than a condition of it.”⁵⁸³ Citizens are offered the “private choice between two or more oppressors” in exchange for a narrow conception of “freedom” defined by whiteness as a negative liberty from the effects of others’ desires and facially equal opportunities to accumulate material gain without recognition of historically unequal opportunity.⁵⁸⁴ The Black imagination is relegated to the private sphere and filtered through votes for representatives who translate desires to fit the white norm.

Local Budgets as Harmful Symptoms of Thin Democracy

⁵⁸² Barber, *Strong Democracy: Participatory Politics for a New Age*, 20.

⁵⁸³ Olson, Joel. *Abolition Of White Democracy*. First Edition. Minneapolis: Univ Of Minnesota Press, 2004, 127

⁵⁸⁴ See Olson’s chapter “The Problem of the White Citizen.”

In the previous section, I described in the abstract the psychological and interpersonal constraints pressing on Black communities via white democracy. In the budgeting process such constraints are translated into distance between the choices (candidates) offered to constituents and the components of a constituent's desired reality candidates represent. Said another way, the power to redistribute wealth, build social safety nets, and improve social infrastructure, using the collective property of the community, is diluted into the individual and private power to vote for a city councilmember.⁵⁸⁵ Those councilmembers then use the previous year's budget, lists of restricted state funds and mandatory ranges for types of taxes, as well as funding requests from different departments, to craft a balanced budget. New Jersey state law, N.J.S.A. 40A, requires municipalities to hold a public hearing at least 28 days after the governing body's approval of the draft budget before it can be adopted. Additionally, a summary of the draft budget must be provided at least a week before the hearing so that those interested can raise objections. This weak form of accountability falls within the "consultation" rung of Sherry Arnstein's "ladder of citizen participation" which offers a helpful heuristic toward envisioning full citizen control.⁵⁸⁶ Consultation offers the appearance of engagement without mechanisms to ensure citizen concerns are addressed. To see how the distance between decisions and voters perpetuates material harm, I focus on municipal police spending in relation to social program allocations.

Using the 2017 Annual Survey of State and Local Government Finances by the U.S. Census Bureau,⁵⁸⁷ I analyzed the expenditures of 561 New Jersey municipalities and found that

⁵⁸⁵ Here I use the term "collective property" in place of taxes to push against the notion that tax payments are individual capital exchanges for communal goods and instead view them as contributions to a shared capital project.

⁵⁸⁶ Arnstein, Sherry R. "A Ladder of Citizen Participation." *Journal of the American Planning Association* 85, no. 1 (January 2, 2019): 24–34. <https://doi.org/10.1080/01944363.2018.1559388>.

⁵⁸⁷ Calculations were derived from the data available in "2017 Local Government Public Use Files" retrieved from <https://www.census.gov/data/datasets/2017/econ/local/public-use-datasets.html> on April 1, 2023.

cities spend five times as much on policing and incarceration than social infrastructure. I grouped operating expenses, construction and capital outlay costs, as well as payments to other local governments and the state government into nine categories: (1) policing and incarceration, (2) utilities, such as water, sewer, and electricity, (3) libraries and education, (4) highways, (5) fire departments, (6) housing and community development, and (7) parks, recreation, and natural resources, (8) health and hospitals, and (9) welfare. By weighting the data by the population of each municipality reported in the dataset, I found that the average urban New Jersey resident lives in a city that allocates 20.22% of total spending to policing and corrections, compared to 3.69% to housing and community development, and 2.56% to parks and recreation.

These trends do not align with voter preferences of healthcare over policing. The majority of Americans surveyed in June of 2020 supported the reduction of police responsibility, with 72% supporting a proposal to “pay for a mental health expert to respond to a situation involving mental health instead of an armed police officer.”⁵⁸⁸ While this question does not mention budgeting it would logically lead to a shift in allocation from policing to healthcare. When asked to rank policy proposals aimed at crime prevention, American respondents in a 2000 survey preferred “prevention programs to help keep youth out of trouble” and “more drug and alcohol treatment programs for offenders convicted of nonviolent crimes” to increased policing or prisons.⁵⁸⁹ While these data are not generalizable to New Jersey in 2023, they demonstrate that Americans over the last few decades have preferred spending on health over policing and incarceration. Furthermore, a 2020 survey by the Pew Research Center found that 64% of Black

⁵⁸⁸ Public Safety, Police Violence, & Systemic Racism.” *PerryUndem*.

⁵⁸⁹ Cohen, Mark A., Roland T. Rust, and Sara Steen. “Prevention, Crime Control or Cash? Public Preferences Towards Criminal Justice Spending Priorities.” *Justice Quarterly* 23, no. 3 (September 1, 2006): 317–35. <https://doi.org/10.1080/07418820600869103>.

Americans believe spending on policing in their area should be decreased, which can only hold true if the status quo is an inaccurate representation of their preferences.⁵⁹⁰

Local police spending not only reflects a lack of political power, but also perpetuates violence against Black citizens. One in 1,000 Black men and boys will be killed by police.⁵⁹¹ Additionally, police brutality increases Black morbidity in ways unaccounted for by reported homicides— via fatal injuries, emotional responses, stress in response to racist public reactions to police violence, financial strain via system involvement, and “integrated oppressive structures that cause systemic disempowerment”^[11]

The same assumptions offered by thin democracy— the danger of static, self-interest— find their teeth in the police force. By ignoring “essential human interdependency,” the state’s role becomes protection of individual life and property from other individuals. Police forces are thus instruments of worldmaking that teach citizens what, or who, to fear by intervening in particular moments of transgression. Policing does for the material world what democratic zoo-keeping does for social relations: Black citizens are separated from society, and democracy, in the name of protecting whiteness.

2. Repair By Breaking and Building

⁵⁹⁰Atske, Sara. “Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct.” *Pew Research Center - U.S. Politics & Policy* (blog), July 9, 2020. <https://www.pewresearch.org/politics/2020/07/09/majority-of-public-favors-giving-civilians-the-power-to-sue-police-officers-for-misconduct/>.

⁵⁹¹ Edwards, Frank, Hedwig Lee, and Michael Esposito. “Risk of Being Killed by Police Use of Force in the United States by Age, Race–Ethnicity, and Sex.” *Proceedings of the National Academy of Sciences* 116, no. 34 (August 20, 2019): 16793–98. <https://doi.org/10.1073/pnas.1821204116>.

Thus far I have described a world built to the shape of individualized, pessimistic, white supremacy. How then can the injustices described above be repaired? Only by building another world. Olúfemi Táíwò describes reparations as a “worldmaking project” that acknowledges the routine, transforming nature of relationships between people and resources.⁵⁹² Budgets are a good example of Táíwò’s description that “resources flow to and away from people continuously” as allocations shift each year but the patterns by which they are determined are set into the political order like “a web of aqueducts.”⁵⁹³ Raising the dam on police spending is a temporary hold that does not disrupt white imagining of democracy which carves out divisions with fear flowing between individuals. Making a new world requires a democratic strategy that confronts white privilege. Olson describes an “abolitionist-democratic strategy” as “seek[ing] to abolish explicit and normalized white advantages in housing, education, employment, asset accumulation, health, criminal justice, and politics, both because such preferences are morally wrong and because struggles against them point toward greater democratic capabilities.”⁵⁹⁴ The end goal is justice defined as confronting *domination*, described as “the institutional constraint on self-determination,” *oppression*, “the institutional constraint on self-development,” and *white privilege*, which prioritizes the application of the previous two values to white citizens.⁵⁹⁵ Lisa Laplante similarly offers up civic justice as an element of a pluralistic reparations framework. She situates civic justice as a necessary expansion prior to the goal of socioeconomic justice. When experiencing civic justice, survivors’ positionalities shift from “passive, wounded, and traumatized victims” to “capable agents of political change.”⁵⁹⁶

⁵⁹² Táíwò, Olúfemi O. *Reconsidering Reparations : Worldmaking in the Case of Climate Crisis*. Philosophy of Race. New York, New York: Oxford University Press, 2022.

⁵⁹³ Táíwò, 20.

⁵⁹⁴ Olson, 142.

⁵⁹⁵ Olson adds the need to confront white privilege to Iris Marion Young’s conception of justice (87).

⁵⁹⁶ Laplante, Lisa J. (2015) "Just Repair," *Cornell International Law Journal*: Vol. 48: No. 3, Article 2.

3. The Transformative Potential of Participatory Budgeting

Participatory budgeting (PB) is a process, originating in Porto Alegre, Brazil, for allocating funding by including residents in the ideation and decision-making process. Community members are given the opportunity to propose projects and raise needs in a deliberative forum through which a list of options is generated and presented on ballots to voters. The projects that receive the most votes, sometimes through ranked-choice other times through multi-selection, are then funded. Finally, strong PB models include residents in the process of monitoring project implementation and adjusting the rules of the process— who is allowed to participate, how final allocations are calculated from votes, where meetings are held, etc.⁵⁹⁷ The spread of PB across the globe has led to its dilution as a progressive, democratic project. Newer versions aim for good governance, valuing connections within and between constituencies “outside of the administrative machinery,” and technocratic capabilities, improving the quality and efficiency of service delivery to constituents, rather than aiming to democratize democracy and transform the meaning of citizenship and ownership.⁵⁹⁸ We can use Fung and Wright’s definition of Empowered Deliberative Democracy to consider the three driving considerations necessary for progressives democratic PB design: “radically democratic in their reliance on the participation and capacities of ordinary people, deliberative because they institute reason-based decision making, and empowered since they attempt to tie action to discussion.”⁵⁹⁹ In prioritizing good governance, the empowerment dimension is often left behind

Available at: <https://scholarship.law.cornell.edu/cilj/vol48/iss3/2>

⁵⁹⁷ Cabannes, Yves, and Barbara Lipietz. “Revisiting the Democratic Promise of Participatory Budgeting in Light of Competing Political, Good Governance and Technocratic Logics.” *Environment and Urbanization* 30, no. 1 (April 1, 2018): 67–84. <https://doi.org/10.1177/0956247817746279>.

⁵⁹⁸ Cabannes and Lipietz.

⁵⁹⁹ Fung, Archon, and Erik Olin Wright. “Deepening Democracy: Innovations in Empowered Participatory Governance.” *Politics & Society* 29, no. 1 (March 2001): 5–41.

and participatory forums are offered as vehicles for communicating with final decision-makers--not making the final decision. The radically democratic nature of the communicative dimension of PB is also in jeopardy as value-neutral language and structural design fail to consider the inclusivity of deliberative spaces situated within social capital imbalances. For example, the ability to share their opinions and to be heard may constrict women's participation even when physical access to the space is open to all.

Transforming citizenship from an exclusive category to a practice of freedom and co-creation, thereby working toward the abolition of white democracy, requires an actionable reimagining of our political system. PB, when pursued as a political project that empowers participants and adjusts to unequal social contexts, can be the start of that reimagining. The next sections will outline promising PB projects in St. Louis, New York City, and Los Angeles and consider their reparative capacities within the civic justice and world-making frameworks described above to build a plan for Black New Jerseyans to reclaim the right to their cities through Participatory Budgeting.

4. ReCAST in St. Louis: An Overview

A 2017-2021 program in St. Louis, Missouri distributed \$2 million in micro-grants through PB to projects with one or more of the following focuses: violence prevention, youth engagement, peer support, and/or mental health.⁶⁰⁰ The Resiliency in Communities After Stress and Trauma (ReCAST) program was funded by a \$4.7 million grant from the Substance Abuse and Mental Health Services Administration. ReCAST funded projects and incorporated the voices of residents within the St. Louis Promise Zone, one of twenty-two high-poverty areas identified by

⁶⁰⁰ Paula M. Southerland, Myesha Ware, and Eboni Hooper. "Celebrating 5 Years of Participatory Budgeting 2017 – 2021."

the U.S. Office of Housing and Urban Development. There are approximately 190,000 residents in the Promise Zone, of which 89% were Black and 25% of families had an annual income below \$15,000 in 2018.⁶⁰¹

The grant design process empowered residents as delegates who generated project proposals and voters who determined the final funding allocation. Since 2017, 209 Promise Zone residents, including 53 youth aged 11 to 24, served as community delegates and received training on facilitative leadership, racial equity, trauma-informed care, and proposal evaluation.⁶⁰² The delegates selected for each of the rounds of the budgeting process met for four weeks to craft project ideas before being assisted by the ReCAST Core Advisory Board to create a scope of work that included a budget amount, key deliverables, target audience, and evaluation metrics. These were then written up by the Saint Louis County Department of Public Health into four professional requests for proposals (RFP) calling on bids from organizations who wished to implement the project. After these bids were filtered by paid residents and staff for goal alignment and equity, voters ranked the remaining projects in each funding category (mental health, peer support, youth engagement, and violence prevention). For example, in 2018, three RFPs were published, 36 bids were offered, 15 project abstracts were voted on, and 13 projects received \$20,000 each.⁶⁰³ The funding was determined by 58 community delegates in project ideation, 19 delegates in project review, and the votes of 129 residents.

ReCAST as Reparations: Expanded but Limited Civic Justice in the Same World

⁶⁰¹ “Demographic and Income Profile” from *St. Louis Economic Development Partnership*. Data sourced from: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

⁶⁰² Southerland, Ware, and Hooper.

⁶⁰³ Presentation by Michelle Mitchell and Paula Hughes retrieved from <https://slaco-mo.org/wp-content/uploads/2019/04/ReCast.pdf> on May 1, 2023.

Evaluating the civic justice and worldmaking capacities of ReCAST illuminates the program's strengths and shortcomings as a reparative project. While the project was not marketed as reparations, its location in a primarily Black area, focus on alleviating the symptoms of poverty, and orientation towards healing are often shared by reparations programs and investigating the program as potentially reparative offers lessons for future work utilizing PB for racial justice. ReCAST attempts to restore civic justice by empowering those affected by trauma produced and felt at the community level to decide for themselves the necessary response to these experiences, but the program is unable to avoid the divide between recipients and those empowered to craft that which they receive. The orientation towards civic justice particularly shows in the prioritization of youth voices, as residents under the age of 18 are transformed from community members denied the vote to elect representatives who will address their needs into active participants in naming needs, crafting solutions, and determining final resource allocations. However, each ReCAST annual report noted difficulty engaging youth. This discrepancy that leaves (young) reparations recipients in the role of victim rather than decision-maker could also be seen in the overlap between community delegates and civil society organization leaders. After the first year the role of community delegate was split into two types because there were grant applicants scoring grant applications which brought up conflict of interest concerns.⁶⁰⁴ Following this change, non-profit leaders and community organizers who would likely participate in crafting a grant application could serve as community delegates in the ideation and project development stage. It is likely that those most familiar with non-profit work, health-related advocacy, and the technical expertise of grant writing felt more comfortable volunteering to

⁶⁰⁴ "End of Year Report: Reporting Period September 30, 2016 – September 29, 2017" retrieved from <https://stlouiscountymo.gov/st-louis-county-departments/public-health/recast/#impact>.

serve as delegates. While the participatory process connected leaders from across organizations for collaborative ideation, the prevalence of delegates already vested with social capital and authority on top of the low voter turnout, leaves a continued empowerment gap between victims and rescuers.

The themed nature of the program is both productive and restrictive of the project's world-making capabilities. The themes allowed for participants to focus on questions of how to fulfill a need within an already established value framework that prioritized the experiences of youth, connection with other community members, and the inclusivity of projects. This avoided the potential for other values, such as capital accumulation or criminalization, from crowding out the overarching aim of healthy community development. Naming youth engagement, peer support, and mental health as priorities may have been a necessary step in overcoming dependence on separation and punishment as solutions to violence. However, restricting ideas by requiring they fit into one of four categories neglects constituents' capacities to name what they need, not solely how they believe a need should be met, while also refusing them the ability to create priorities for their city. This is in part a symptom of the isolated program being run separately from the city's budget. Residents are effectively asked, "How would you like this money which is going to be invested in reaching these goals spent?" which is a less empowering question than "What should our goals be as a city? Where should resources go and where should they stop going?" These questions represent an additional step on Arnstein's "Ladder of Citizen Participation" from delegated power, which carves out a space or role for community-directed decision-making within a larger ecosystem that public officials maintain control over, to citizen control which vests complete managerial and planning responsibilities in the community, including the authority to determine which choices they want to make for themselves and which to defer to

others. Input from the broader community is also reduced to choosing which of the proposals one prefers, as technical expertise and association with an established organization limit one's ability to design the specifics of a program within a bid. We will see this issue relaxed to an extent in New York City's PB process which gives space for imagining new programs via a widespread ideation process, as well as collaboration in synthesizing these ideas into a few proposals. While community members are offered control over what social issues they want addressed, there are still requirements imposed by New York City officials for distributing the small percentage of the budget they are offered control over.

5. Participatory Budgeting in New York City: An Overview

New York City Council has utilized a participatory budgeting process, known as PBNYC, to determine the allocation of some of its discretionary capital funds since 2011 when four Councilmembers devoted a proportion of their districts' funding to PB.⁶⁰⁵ The 2022-23 PBNYC cycle will include 30 participating districts and distribute \$30 million of the City's approximately \$13 billion capital budget.⁶⁰⁶ Each councilmember receives \$5 million in funding for capital projects in their district and those that opt-in to the program designate \$1 million of that funding to projects determined by PB. From September to the end of October 2022, residents could submit ideas online for "physical infrastructure for public benefit, such as park improvements or new technology for schools."⁶⁰⁷ Budget Delegates worked within district committees through January alongside city staff to craft proposals for capital projects that are "needed," "feasible,"

⁶⁰⁵ "Participatory Budgeting," *New York City Council*, Retrieved on May 2, 2023 from <https://council.nyc.gov/pb/>.

⁶⁰⁶ Capital budget total from "Report of the Finance Division on the Preliminary Capital Budget for Fiscal Year 2022-2025" at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/03/FY22-Preliminary-Capital-Budget-and-Commitment-Plan-Overview.pdf>.

⁶⁰⁷ "Guidelines," *New York City Council Participatory Budgeting*, <http://ideas.pbnyc.org/page/guidelines>.

and “equitable,” and “cost at least \$50,000 and have a lifespan of at least 5 years.”⁶⁰⁸ District residents of at least 11 years old were then able to vote on the projects during a nine-day election between March 25 and April 2, 2023.

New York City is currently in its inaugural citywide PB process hosted by the Civic Engagement Commission. Known as “The People’s Money,” the process will fund \$5 million in expense projects, “programs, events, and/or services,” that can be completed in one year. The process is accessible to all city residents above the age of 10 without requiring councilmembers to opt-in. Residents in thirty-three “equity neighborhoods” “identified by the Taskforce on Racial Inclusion and Equity as the most heavily impacted by COVID-19, in addition to communities that have a high percentage of other health and socioeconomic disparities” will select one additional project per neighborhood to receive \$50,000 in funding.⁶⁰⁹

Chart 1: Comparing New York City PB Processes

Name and Directing Org.	PBNYC – City Councilmembers	“The People’s Money” Borough PB – CEC	Equity (TRIE) Neighborhood PB -- CEC
Funding	\$1 million per participating district	Varies across boroughs for total of \$5 million	\$50,000 per neighborhood
Project Requirements	Capital / infrastructure that costs at least \$50,000 and lasts at least five years	Expense / programming for borough-specific amount and can be completed in one year	Expense / programming that costs \$50,000 and can be completed in one year
Idea Collection Process	Originally in-person neighborhood assemblies; now online mapping tool	In-person events hosted by partner organizations after which ideas were posted online	In-person events hosted by partner organizations after which ideas were posted online

⁶⁰⁸ “About,” *New York City Council Participatory Budgeting*, <http://ideas.pbnyc.org/page/about>.

⁶⁰⁹ Information in this paragraph from the NYC Civic Engagement Commission website: <http://participate.nyc.gov>.

Ballot Development (all rank by feasibility, need, and equity)	Randomly selected budget delegates in partnership with city agencies.	Randomly selected borough committees of 16	8 representatives from community organizations form a neighborhood coalition
Voting (all allow participation by residents aged 11 or older)	nine-day period; mostly online with a few in-person opportunities	six-week period; online and in-person with established and pop-up voting sites	six-week period; online and in-person with established and pop-up voting sites

The Commission worked with 82 partner organizations to host 523 Idea Generation sessions at which participants learned about the city budgeting process and collaboratively generated proposals.⁶¹⁰ Out of the approximately 7.3 million eligible New Yorkers, 12,344 engaged in the sessions.⁶¹¹ Approximately two thousand ideas were submitted for boroughs and an additional two thousand for equity neighborhoods. Ideas include answers to the following questions:

- (1) What problem would you like to solve? (2) Why is it important to solve? Why is it relevant for the community? (3) What idea do you have to address the problem? (4) Who would that help? (5) What NYC borough (or neighborhood) would benefit from your idea?**

Ideas from East Harlem residents included an outdoor gym, a roaming shower and free laundry service, 24/7 food pantries, life skills and language classes for youth, and housing assistance.⁶¹² Staten Island residents offered the following ideas along with others: entrepreneurship classes for immigrants, a computer center and technology instruction in senior centers, a 24/7 recovery center in the middle of the island, and an intergenerational peer support group for North Shore residents.

⁶¹⁰ “The People’s Money (2022-23) Phase 1: Idea Generation,” *NYC CEC*, <https://www.participate.nyc.gov/processes/Citywidepb/f/316/>.

⁶¹¹ Eligible population derived from demographic data table at *NYCdata*, sourced from U.S. Census Bureau. https://www.baruch.cuny.edu/nycdata/population-geography/age_distribution.htm.

⁶¹² The East Harlem and Staten Island Ideas were sourced from <https://www.participate.nyc.gov/processes/Citywidepb/f/304/>

Borough committees of sixteen randomly selected applicants then selected projects based on need and feasibility to be included on their borough's ballots. For equity neighborhoods this process was conducted by eight representatives of "key institutions or groups" such as neighborhood associations, schools, and social service providers. From May 10th through June 25th, 2023 residents ages 11 or up will vote online, at a vote site, or pop-up voting event for the project they prefer with the projects receiving the most votes being awarded funding. Residents are asked only to enter their ZIP code to determine the ballot they receive; immigration status is not required. The nine projects on the Queens ballot are as follows:

- (1) Career development workshops for new immigrants
- (2) Multicultural festivals and night markets to celebrate the borough's diversity
- (3) Employment preparation for unhoused people
- (4) After-school health workshops on nutrition, rest, and mental health needs
- (5) Parent support and wellness services, such as birthing classes, infant CPR training, mental health resources, and support groups
- (6) After-school internship and mentorship program for youth in public housing to teach community organizing and advocacy skills
- (7) Community safety training for vulnerable groups focused on self-defense, de-escalation, and bystander intervention "without authorities' involvement"
- (8) Spanish classes for non-Spanish speakers
- (9) Youth entrepreneurship program⁶¹³

In the following section I will evaluate the potential for repair via the established PB processes in New York City, toggling between programs, so I have summarized the above information in the chart on page 13 for easy reference.

⁶¹³ Projects listed on Airtable linked from <https://www.participate.nyc.gov/processes/Citywidepb/f/314/>.

5.1 NYC Participatory Budgeting: Prefiguring Thick Democracy, Not an Equitable World

PBNYC neighborhood assemblies successfully expanded notions of stakeholderhood to include youth and non-citizens, by relying on trusted community organizations and building safe spaces that allowed often silenced groups to build social capital before pitching their ideas to a typically white- and male-dominated space. Unfortunately, the project proposal process diffused this empowerment by centering feasibility and ultimately resting authority in councilmembers such that PB did not have a strong effect on funding allocations. This issue may have been relaxed in the CEC version of PB, which divorces funding from infrastructure expertise and councilmember-determined allocations, but the feasibility requirement alongside a weakly defined equity measure prevents reduce the progressive potential of the project.

6. The Power of Well-Designed Deliberation

Neighborhood assemblies became spaces of collaboration that empowered the often disempowered to share their perspectives and have them received by those whose voices are often heard, such as those of higher socioeconomic status and men. During PBNYC's first cycle in 2011, "94% of neighborhood assembly participants spoke during small group sessions, and 84% made specific budget proposals."⁶¹⁴ This prevalence of engagement is also impressive when considering that 64% of assembly participants were women when only 24% of women (compared to 40% of men) indicated that they were "very comfortable" with public speaking during a pre-PB survey.⁶¹⁵ Celina Su observed residents and business owners "from lower-income East Harlem engage in sustained conversations about local needs with constituents from

⁶¹⁴ Su, Celina. "Beyond Inclusion: Critical Race Theory and Participatory Budgeting." *New Political Science* 39, no. 1 (January 2, 2017): 126–42. <https://doi.org/10.1080/07393148.2017.1278858>.

⁶¹⁵ "PARTICIPATORY BUDGETING in NYC: KEY DATA," prepared by the Community Development Project at the Urban Justice Center.

the higher-income Upper West Side” during which higher-income participants agreed that laundry rooms in public housing for seniors were more important than their traffic concerns. This shifted the status quo balance of power, in which higher-income residents are more likely to contact their elected officials, so that the community could decide for themselves what infrastructure is most needed, not solely what infrastructure affects the constituent most likely to bring it to the attention of someone in power.⁶¹⁶ In fact socioeconomic status had a negligible effect on individuals’ likelihood of offering up ideas; “90% of participants with [a] household income less than \$10,000 spoke during the small group discussion, compared to 94% of participants that make more than \$150,000.”⁶¹⁷

The process’s capacity to extend notions of ownership and increase participation depends on the work of connected partner organizations with positive reputations among disenfranchised community members. “As a non-academic, non-governmental, membership-based organization with deep-seated ties with low-income residents throughout the city, [Community Voices Heard] lent the PB process grassroots legitimacy,” as well as offering localized knowledge for productive organizing.⁶¹⁸ The new rendition of PB in New York City replicates and expands this partnership in which an organization offers connections to constituents and the infrastructure for high-impact communication with them, as 82 partners with specialized demographic and neighborhood constituencies hosted Idea Generation Sessions. For example, in Manhattan partner organizations included those offering: an arts program for constituents with disabilities,

⁶¹⁶ According to the survey cited in Footnote 35, “65% of participants with household income less than \$10,000 had NOT contacted an elected official in the year before PB, compared to 40% of those with income higher than \$150,000.”

⁶¹⁷ “PARTICIPATORY BUDGETING in NYC: KEY DATA,” prepared by the Community Development Project at the Urban Justice Center.

⁶¹⁸ Su, “Whose Budget?” 4.

re-entry programming for justice-impacted folks, youth development and food pantries in Asian American and immigrant communities, theatre programming for the artistic expression of economic inequality, racism, and other injustices, and racial justice organizing coalitions like branches of the National Association for the Advancement of Colored People (NAACP).⁶¹⁹ These partners were responsible for engaging 12,344 participants in the first round of Idea Generation Sessions.

The continued district specific PB ideation process run through City Council was administered online in the Fall of 2022, creating substantial barriers to participation. Individuals could place a project on a virtual map and offer a brief explanation of the capital improvement they wanted to see placed there. This reduced participants to those with the infrastructure and skills necessary to navigate the Internet in English, while also leaving limited roles for participants outside of proposing a complete project idea, which we can assume many participants did in the citywide process which generated 4,000 ideas from 12,000 participants. Many likely encouraged their group members, pushed back when an idea seemed harmful rather than helpful, shared experiences that highlighted common needs for others in the room, or even assisted the hosting organization staff with getting folks comfortable or writing down ideas. When confined to an online application, these individuals are given the option to comment on a proposal or mark that they “like” it— assuming that they can navigate the virtual space. Angelica Rhamdari, who has served as a budget delegate or facilitator in the District 39 process since 2018, stated, “Not as many people participate online. And there’s also that technology gap, where there’s a lot of people who want to see these community ideas funded but don’t communicate in English or

⁶¹⁹ Partner list retrieved from <https://airtable.com/shr50jATj42bS2wnK/tblUQmddyRxoNHNIo> on May 1, 2023.

don't have access to the internet..." which has caused a decrease in participation in the district since switching to the online platform.⁶²⁰

Along with in-person events promoted by trusted community partners, the design of conversational spaces in original neighborhood assemblies promoted solidarity within groups that served as safe spaces, disrupting likely power imbalances within full-group share-outs. This was particularly true for youth who were able to "win adult allies" and through their participation convince the steering committee to lower the minimum PB voting age after the first cycle of PBNYC. Su offers that small working groups operated as "de facto 'safe spaces'" in which young people could try out ideas before presenting to a cross-generational audience. This same process, in which friends sit near one another and are encouraged to work in small groups together before sharing out to a broader group, likely had a similar effect for non-English speakers and the elderly. With the new version of PB, any ideas that come out of these groups can be entered online for residents to see and budget delegates to consider. Therefore, the share-out is not a competition in which one group is fighting for their ideas to be forwarded over another group's. Rather, the group is collaboratively generating new proposals, situating them within their own lived experiences, and offering feedback to others. It is in this deliberation that thin democracy is overcome, and competition is displaced as the driver of decisions. However, participants draw on their perceptions of and past experiences with those in the room— contextualized within a racist and classist society— to navigate this deliberation, such that small groups with shared positionalities may support one's self-perception of their opinion's value

⁶²⁰ Roth, Zachary. "Making Participatory Budgeting Work: Experiences on the Front Lines." Brennan Center for Justice, August 23, 2022. <https://www.brennancenter.org/our-work/analysis-opinion/making-participatory-budgeting-work-experiences-front-lines>.

when they expect their contribution to be devalued by norms prioritizing formal education or “professional” presentation.

7. The Pitfalls of Feasibility and Circumscribed Spending

Moving out of the ideation phase, the project development, voting, and implementation phases left traditionally empowered stakeholders, such as councilmembers and government officials, again with greater capacity to have their preferences realized than the constituents for whom the PB process was meant to empower. After residents vote on the options presented in this filtered list, city councilmembers are then able to adjust the allocation of the \$4 million remaining in capital funding to meet their preferences. Thad Calabrese, et al. found that “PBNCY does not change capital expenditure decisions at the district level—as a share of spending or in dollar terms,” as councilmembers adjust their allocations to accommodate the decision of their constituents without sacrificing their previously planned expenditures.⁶²¹ The “feasibility” criteria for project proposals meant that delegates had to adjust their proposals to fit a timeframe while simultaneously preventing an idea they believed in from being eliminated altogether. The delegates with the time and experience to manage this requirement “tend to be those with more social capital, legal resources, and certain forms of knowledge and cultural capital.”⁶²² Other ideas championed by city agencies or thoroughly designed by already powerful groups were then offered up as “feasible” alternatives to much needed, more complicated projects. Su found that this left delegates “choos[ing] between options that were already largely developed.” The

⁶²¹ Calabrese, Thad, Dan Williams, and Anubhav Gupta. “Does Participatory Budgeting Alter Public Spending? Evidence From New York City.” *Administration & Society* 52, no. 9 (October 1, 2020): 1382–1409. <https://doi.org/10.1177/0095399720912548>.

⁶²² Su, Celina. “Beyond Inclusion: Critical Race Theory and Participatory Budgeting.” *New Political Science* 39, no. 1 (January 2, 2017): 126–42. <https://doi.org/10.1080/07393148.2017.1278858>.

feasibility requirement remains in the CEC version of PB, but there is likely a difference between constituents' familiarity (or ability to claim familiarity) with the technical requirements for completing capital projects (infrastructure) and expense projects (programming). However, we can expect familiarity with programming by civil society organizations to skew the conversation around feasibility towards continuation of previous projects or those that follow a model already used by "helper" organizations. In TRIE neighborhoods, where assemblies are solely composed of representatives of these organizations, I expect the frustration from delegates in navigating the original PB process to replicate itself in the voting stage as the link between the larger community's ideas and the ballot is filtered through to a collection of "already largely developed" ideas from community institutions.

8. Equity as Criteria in an Unequal World

Finally, equity ratings, which remain in the CEC district-level PB process but have been dropped in the new citywide process, are insufficient due to their lack of specificity and racial history. On the Idea Ranking tool provided to budget delegates by the City Council, five of the six example "Real PBNYC Projects with High Equity Ratings" increased the physical accessibility of spaces to seniors and those with disabilities.⁶²³ While accessibility should certainly be a primary goal of all public infrastructure projects, it serves to equalize experiences without taking the necessary step toward rectifying past and current harm. The only mention of race within the Ranking Tool is the inclusion of "people of color" as the eighth of nine parenthetical examples of "underserved people" to whom an equitable project would "direct resources." The looseness of equity ratings contrasts with the constraint of feasibility.

⁶²³ Idea Ranking Tool downloaded from "Resources for Budget Delegates and Facilitators" at <https://council.nyc.gov/pb/resources-for-budget-delegates-and-facilitators/>

As a goal “equity” is less defined and the resources necessary to determine its achievement are not provided. For example, the described “Impact on Equity” for the only example not related to accessibility was described as: “project covers more than one school in the District, which allows more students access to clean drinking water.” Justifying water infrastructure updates by expanding the reach of the project to nine different schools is not so much a demonstration of equity as an acknowledgement of widespread need. Cycle 8, the last cycle to have compiled results listed on the City Council website, saw District 19—with a population that is only 1.6% Black, but 53.4% white and 28% Asian— fund a Green Biome offering “Hands on learning about hydroponics, solar energy, recycling & urban gardening” at a high school and gym renovations at an elementary school.⁶²⁴ One of the winning projects in District 17, which is 27.4% Black and 68.9% Hispanic, would fund a folding partition wall so that two schools could better share one gymnasium. These are two extreme examples highlighting the variation in needs across communities that have been unequally impacted by racist development practices.⁶²⁵ However, the process and results speak to the importance of a racial justice lens when evaluating ideas and determining allocations. The TRIE neighborhoods in the CEC process offer a realization that Black communities need more resources in addition to the authority to determine the form these resources take. However, the consideration of needs does not include infrastructure projects. Isolating conversations, within districts for the original PB process and between the capital-expense divide for the new, prevents participants from demanding what their

⁶²⁴ Voting results retrieved from <https://council.nyc.gov/pb/results/cycle-8-results/> on May 2, 2023. Racial demographics provided by the NYC Department of City Planning at https://www.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/census2010/t_sf1_dp_cnclld.pdf.

⁶²⁵ District 27, which is 73.4% Black, provides an example of a selection of projects that go beyond the bare minimum requirements that are often neglected in majority Black areas: they chose to fund a robotics lab at a STEM high school, as well as laptop carts at three elementary schools.

neighbors expect and detaches them from the mechanism for a redistribution resources, as *how much* a district receives is not under community control.

9. A New Project to Watch: REPAIR in Los Angeles

In Los Angeles a new reparations project is combining distributive justice with civic justice, funding programs selected by community members in underserved Black and Latinx communities. The project’s strength lies in its uncompromising focus on racial justice. The **Los Angeles Reforms for Equity and Public Acknowledgment of Institutional Racism (L.A. REPAIR)** is a PB pilot program that will distribute approximately \$8.5 million to nine “REPAIR zone” neighborhoods.⁶²⁶ These zones were determined to be the “most impacted by historic and structural racism,” using economic data, COVID-19 case rates, environmental quality, access to the Internet and redlining maps. “In each zone, at least 87% of residents identify as people of color...” To be eligible to vote, a community member must be 15 years or older and live, work, attend school, or have a child attending school in the zone. Projects vary in budgets and type (no distinction between capital and expense projects) and fill needs in one of three areas: environment and climate, housing and transportation, and health and wellbeing. The process begins with the recruitment of Advisory Committee members. Applications from those with experience serving underserved communities, in “community organizing, economic and social justice,” and “managing public and private projects” are prioritized. These members then attended Idea Collection events hosted by community engagement partners from which they developed program concepts for community-based nonprofits to respond to with developed proposals. The environment-focused program concept for Boyle Heights was as follows:

⁶²⁶ Information on L.A. REPAIR was found at <https://repair.lacity.org/> on May 2, 2023.

*Propose a program that can implement clean and green activities... The program should include job opportunities for local community members and local day laborers, as well as include the community in 'Community Clean Up Days.'*⁶²⁷

A response to this concept would install a community garden with rain capture infrastructure and offer workshops on urban gardening, alongside a paid urban forestry program teaching about climate resilient infrastructure and environmental career development.⁶²⁸ This mixture of programming and a capital project is unique to the PB processes we have reviewed thus far. Other projects on the Boyles Heights ballot would offer rental assistance to families— a direct funds transfer not represented in the St. Louis or New York City versions described above. Future research should evaluate the distributive effects of this program, as well as the strength of deliberation and the potential for spurring continued engagement in new forms of politics.

10. Policy Recommendations

New Jersey should expand its state law for municipal budgeting processes to mandate that at least 40% of discretionary spending is determined by a justice-oriented PB process. This will allow city councils to maintain staffing and building upkeep while resting control for a significant amount of funding in the hands of citizens. This process should include the following features: **(1) *Re-Defining Ownership***: Idea submission and voting open to non-citizens, incarcerated folks, and those over the age of 11. Civil society organizations offering the infrastructure for each stage are well-compensated, as are participants in meetings. The Participatory Budgeting Project would likely be a helpful resource for designing the virtual and physical infrastructure. **(2) *Re-Telling History***: *Participatory education projects* led by racial

⁶²⁷ Retrieved from <https://repair.lacity.org/submit-proposal/program-concepts> on May 2, 2023.

⁶²⁸ “Boyle Heights Cycle 1 Voter Guide” at <https://repair.lacity.org/sites/g/files/wph2051/files/2023-03/LA%20REPAIR%20GOTV%20BH%20Cycle%201%20Guide%202023.pdf>.

justice advocates on past and current harms of and responses to racial injustice. To confront white privilege and inform deliberation surrounding equity and need, cities should commission participatory action research (PAR) in which subjects shape the direction of the project, adding to recognized local history via their own embodied knowledge and stories of their ancestors.⁶²⁹

(3) *Re-Imagining the City: Imagining sessions*, to displace the norms of white citizenship, that culminate in a description of values to be pursued by the budget. The Participatory Budgeting Project (PBP) is currently facilitating the “New Black City” initiative which invites participants to “interactive world-building workshops” to “build our collective stories,” to be published in a comic book. Partnering with PBP for place-specific versions of this initiative to culminate in a redefinition of values could be a productive strategy for centering Black perspectives and eroding white privilege. Rather than inducing narrow values such as was done in St. Louis or offering flimsy, undefined values such as equity in New York City, Black, Indigenous, trans, and equity-impacted community members answer for themselves: What are cities for? What does it mean to feel safe? Do we value the Earth? Childhood? Physical and mental health? Or profit production? Exclusionary spaces? **(4) *Actualizing the Imagined in Community***: In-person *Idea generation* sessions, such as those in NYC, led by grassroots organizations that allow space for small group discussions between members with similar experiences and offer roles for engagement outside of offering proposals. These sessions would start and end with centering on the values defined in Imagining Sessions. **(5) *Choosing to Send Resources***: Each meeting would forward results to a *Council* composed of randomly selected residents (recruited out of ideation

⁶²⁹ The Ardoyne Commemoration Project in North Belfast offers an example of this grassroots, transitional “truth-telling” work that culminated in a published book of interviews with survivors of a massacre and affected residents. See Lundy and McGovern, “Whose Justice? Rethinking Transitional Justice from the Bottom Up.” Additionally, the “Theatre of the Oppressed” in New York City offers inspiration for an artistic crafting of lived history.

meetings) supported by racial justice advocates. This council would compile a list of potential. Voters would be provided with this list along with a total budget amount up to which they can combine any mixture of these projects on a gamified ballot. The council then uses voting results to compile a draft budget which is published prior to neighborhood assemblies at which a majority of the citizen council can vote to amend the budget. **(6) Ensuring Commitment:** The Citizen Council is offered oversight of the project completion process and continues to receive citizen feedback throughout the year. They bring complaints to the New Jersey Alliance for Civic Engagement (which will need to be bolstered and connected to Department of Community Affairs to manage the PB process) who will facilitate accountability. Additionally, municipalities will be required to prove participation of marginalized communities (Black, Indigenous, Latinx, and justice-involved folks) at or above the demographic composition of the municipality before the budget can be approved by the Department of Community and Affairs. Additionally, **a NJ Reparations Task Force should use the process modeled by Los Angeles** to determine which neighborhoods have been most impacted by racial injustice in the state. These neighborhoods will receive additional funding from the state level to be distributed using the PB process outlined above. This could run as a separate pilot project or a cash infusion into the broader budgeting reform from Step 1.

6. Conclusion

This task force has allowed its members to produce a body of work on reparatory policy that could prove immensely useful to the state of New Jersey and its residents. We are immensely grateful for the support, advice and inspiration from the speakers who came to our

class, writers who informed our thinking, and numerous individuals and experts who allowed the students to interview them for additional insights. The recommendations are the products of projects approved by the directors of the Task Force, professors Anastasia Mann and Kiki Jamieson. We are grateful to the United Black Agenda for this opportunity to contribute to the wonderful work they do. We remind readers that these reports are created by undergraduate students , and the research and writing process occurred over the duration of a single semester.

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8. Appendix of Presentation Slides of All Recommendations

PRINCETON SCHOOL OF PUBLIC POLICY AND
INTERNATIONAL AFFAIRS

REPARATIONS IN NEW JERSEY

SPRING 2023

Try Pitch

OVERVIEW

01

Background

04

School to Prison
Pipeline

07

Social
Infrastructure

02

Reparations and
Education

05

Supporting
Incarcerated
Families

08

Environmental
Justice

03

Student Debt/
Higher Education

06

Child Welfare
System

09

Local Budgeting

Try Pitch



IMPLEMENTING INCLUSIVE EDUCATION

Try Pitch

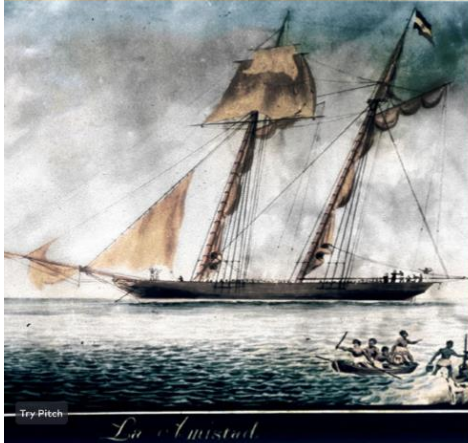
FRAMING THE ISSUE

Try Pitch

Why is inclusive curriculum important?

- Legacy of institutional racism
- Hope building
- Pedagogy of the Oppressed (Paulo Friere)
- Educational programs that exist in New Jersey
- Other pedagogical frameworks
- How can policy improve implementation of curricula and overcome institutional barriers?

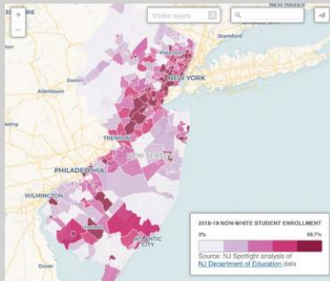
KEY TERMS



- Internal Oppression (Shawn Ginwright, *Black Youth Rising*): A shame or hatred of blackness among Black Americans, caused by external forces of marginalization
- Amistad Commission: K-12 curriculum framework and materials
 - Named after a ship transporting enslaved Africans who staged a mutiny and were declared free by the United States Supreme Court (1839)
 - NJ mandate passed in 2002, states that New Jersey public schools must include African American history in social studies education
 - No enforcement or required levels of implementation

NEW JERSEY SCHOOLS: STRUCTURAL INEQUALITIES

- Highly segregated school districts
- \$300,000 racial wealth gap
- Teacher/student racial gap
 - Educators: 83% white
 - Students: 40% white



Try Pitch

CURRENT EDUCATIONAL PROGRAMS

IN NEW JERSEY

- Amistad Commission (K-12)
- AP African American Studies (High School)
- NJ Governor Phil Murphy Mandated an Expansion of both programs.

OTHER

- 1619 Project
- Teaching Hard History (Southern Poverty Law Center)
- Zinn Education Project: Teaching People's History
- Antiracist APUSH
 - Frameworks flexible to implementation.

RECOMMENDATIONS:

1 REQUIRE THAT ALL NEW JERSEY EDUCATORS TAKE A COURSE IN CRITICAL RACE THEORY TO ACHIEVE CERTIFICATION IN SCHOOL OF EDUCATION PROGRAMS.

1

2 INCREASE TEACHER DIVERSITY IN NEW JERSEY'S PUBLIC SCHOOLS.

2

3 IMPLEMENT DISTRICT REQUIREMENT THAT ALL EDUCATORS ATTEND AN ANNUAL PROFESSIONAL DEVELOPMENT PROGRAM BASED ON SOCIAL JUSTICE-ORIENTED EDUCATION.

3

4 INTRODUCE A RACIAL LITERACY COURSE AS A GRADUATION REQUIREMENT FOR ALL HIGH SCHOOL STUDENTS.

4

Try Pitch



INVESTIGATING THE
DISPARATE IMPACTS OF
STUDENT DEBT ON
BLACK BORROWERS IN NJ

Try Pitch

The amount owed by over 40 million Americans in student loans as of 2019. Black-white student debt gap is approximately \$25,000 4 years after graduation

\$1,700,000,000,000

- Policy tools that have been used to limit access to education:
- Insufficient funding for public higher education
 - Discriminatory financial aid policies
 - Predatory student loan policies

Try Pitch

RECOMMENDATIONS:

STUDENT DEBT FORGIVENESS

1

2

IMPOSE DISCLOSURE REQUIREMENTS

REINSTATE DEPARTMENT OF HIGHER EDUCATION

3

4

FREE COLLEGE FOR BLACK STUDENTS

Aim: remove barriers to affordable and quality education and provide equitable opportunities for Black students

Try Pitch

SCHOOL TO PRISON PIPELINE

Try Pitch

NEW JERSEY'S DARK HISTORY WITH SLAVERY



Construction of Jamesburg and Hayes' prisons

Try Pitch

**NEW JERSEY'S CARCERAL SYSTEM DISPROPORTIONALLY TARGETS BLACK YOUTH WITHIN
PREDOMINANTLY BLACK AND LOW-INCOME AREAS.**

1. BLACK YOUTH ARE 17.5 TIMES MORE LIKELY TO BE INCARCERATED AS COMPARED TO THEIR WHITE COUNTERPARTS.

2. YOUTH PRISONS IN NEW JERSEY ARE NOT DESIGNED TO REHABILITATE, BUT TO PUNISH, AS SHOWN BY RECIDIVISM RATES AS HIGH AS 85%

3. PUBLIC SCHOOL FUNDING DISPROPORTIONALLY AFFECTS LOW-INCOME BLACK YOUTH, FUNNELING THEM INTO THE SCHOOL-TO-PRISON PIPELINE.

4. THE STATE COMMONLY EMPLOYS SROs, WHICH ARE HEAVILY CONCENTRATED WITHIN PREDOMINATELY BLACK AND LOW-INCOME SCHOOL DISTRICTS.

Try Pitch

RECOMMENDATIONS:

RELEASE A PUBLIC STATEMENT THAT ADDRESSES THE HISTORICAL AND CONTEMPORARY HARMS OF SLAVERY AND WHITE SUPREMACY ON BLACK NEW JERSEYANS

1

2

CLOSE JAMESBURG AND HAYES FOR GOOD

CONSTRUCT COMMUNITY-LED REHABILITATION CENTERS IN EACH COUNTY

3

4

GET RID OF SROs AND REPLACE THEM WITH MENTAL HEALTH PROFESSIONALS IN PUBLIC SCHOOLS

Try Pitch

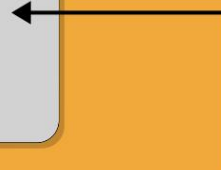
SUPPORTING INCARCERATED FAMILIES

Try Pitch

NJ Black-White incarceration disparity:

12.5

Adverse Childhood Experience
Behavioral, mental, and physical health
issues



65,000 CHILDREN

**State tools to perpetuate harm -
economic exploitation:**

- Insufficient prison wages
- Accumulation of child support debt
- Costs of remaining in contact

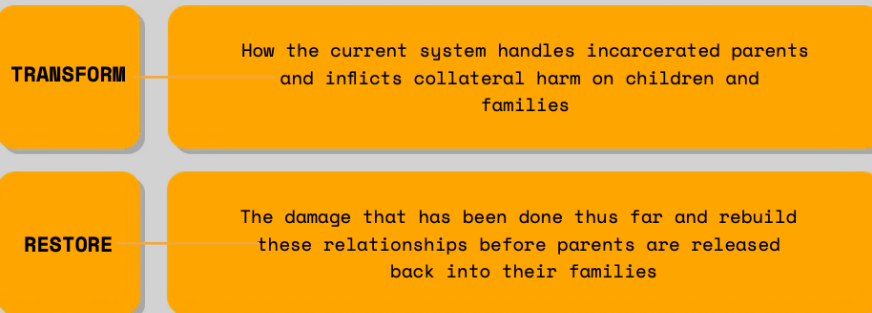
Try Pitch

THEORY OF REPAIR:

TRANSFORMATION AND RESTORATION

Transformation of the entire criminal justice system is necessary to dismantle the systems and structures that perpetuate racial harm

However, when addressing harm done to families through justice system...



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RECOMMENDATIONS:



Try Pitch

CHILD WELFARE AND FAMILY PRESERVATION

Try Pitch

FAMILY POLICING SYSTEM EXTENDING BACK TO SLAVERY

- Disproportionate representation in every part of the system
- Family Policing vs. Family Preservation

Try Pitch



Brooklyn, New York March to defund the Administration for Children's Services, June 2020

SisterSong definition of Reproductive Justice:

"The human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities"



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RECOMMENDATIONS:

**ABOLISH CATEGORY OF NEGLECT
AS CHILD MALTREATMENT**

1

**ABOLISH MANDATED REPORTING
AND REPLACE WITH MANDATED
SUPPORTING**

2

**ALLOW FULL PASS-THROUGH FOR
TANF PARTICIPANTS & ABOLISH
FOSTER CARE PARENT BILLING**

3

**ESTABLISH NETWORK OF LOCALLY-
RUN CHILD CARE/ EARLY
LEARNING CENTERS AND FAMILY
CHILD CARE HOMES**

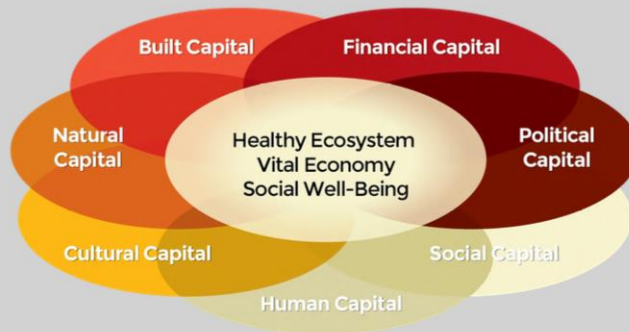
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VIBRANT COMMUNITIES: THE CASE FOR SOCIAL INFRASTRUCTURE REPARATIONS IN NEW JERSEY

Try Pitch

Social Infrastructure: the physical places and organizations that shape the way people interact



"Social infrastructure requires investment, whether for development or upkeep, and when we fail to build and maintain it, the material foundations of our social and civic life erode,"

Eric Klinenberg

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MUNICIPAL BUDGET ALLOCATIONS TO SOCIAL INFRASTRUCTURE



Municipality	Total Appropriations to Parks and Recreation Services	Park and Recreation Services Appropriations per capita
Newark	\$2,035,768.00	\$6.65
Millburn	\$2,212,365.00	\$100.32

Parks and Playgrounds

Libraries

Municipality	Total Appropriations	Total Appropriations per capita	Library Services per capita
Newark	\$816,392,337.95	\$2,665.80	\$35.62
Millburn	\$59,448,009.16	\$2,695.57	\$155.19



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RECOMMENDATIONS:

PUBLIC WRITTEN APOLOGY BY STATE

1

RESTRUCTURE THE DEPARTMENT OF COMMUNITY AFFAIRS

2

IMPLEMENT AN URBAN REVITALIZATION FRAMEWORK

3

ESTABLISH ENFORCEMENT COMMITTEE FOR TRANSPARENCY AND ACCOUNTABILITY

4

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REPARATIVE, ENVIRONMENTAL JUSTICE IN NJ:

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NEW JERSEY'S OVERBURDENED COMMUNITIES SUFFERING FROM ENVIRONMENTAL INJUSTICE

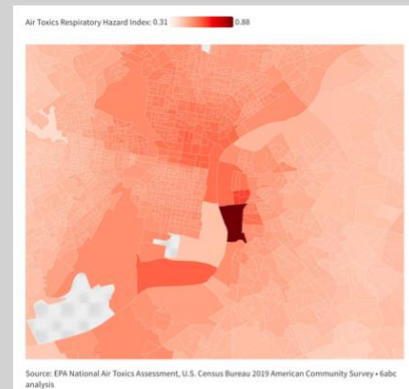
2019 AIR TOXICS RESPIRATORY HAZARD INDEX
MAP OF THE PHILADELPHIA - CAMDEN METRO AREA

KEY TERM:

Overburdened communities are communities where

- "at least 35% of the households qualify as low-income households, or
- at least 40% of the residents identify as minority or as members of a State recognized tribal community; or
- at least 40% of the households have limited English proficiency."

New Jersey examples include *NEWARK* and *CAMDEN*



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THEORY OF REPAIR

“Environmental Justice and Community-Based Reparations” by Catherine Millas Kaiman

1. Recognition of and responsibility for environmental injustices

2. Acknowledgment of the affected community

3. Respect and incorporation of the affected community in the discussion

4. Reparations in the form of community-based or individual fund

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RECOMMENDATIONS:

REFORM NJDEP AIR MONITORING CAPACITY - INCREASE FUNDS, RANDOMIZE TESTING, DIVERSIFY MEASUREMENT METHODS

1

THE PENALIZATION OF PAST VIOLATIONS COMMITTED BY FACILITIES IN OBCS.

2

FORM A DIRECT-TO-INDIVIDUAL FUND

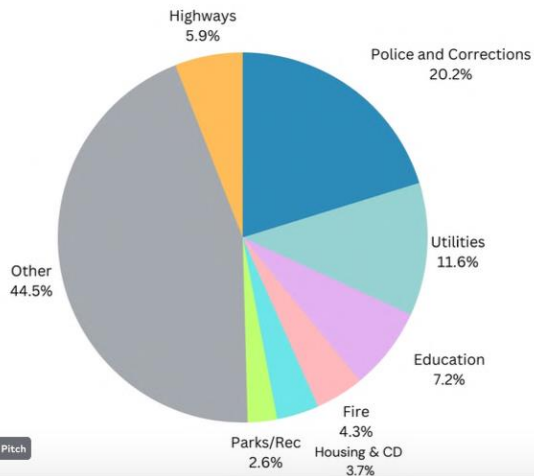
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REPAIRING DEMOCRACY: CITIZEN CONTROL OF LOCAL BUDGETING

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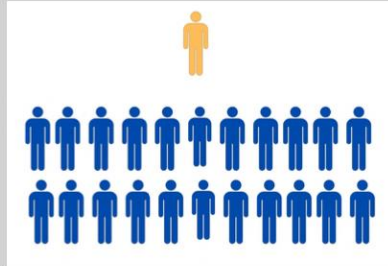
The average NJ resident lives in a city that spends **5 times** more on policing and corrections than housing and community development projects. (2017 survey data)



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Trenton

12 Library
Staff & 256
Police
Officers



Trenton allocated \$33 million to police operations in 2022.

The public library received \$2.5 million.

PARTICIPATORY BUDGETING



Mandate that 40% of municipal budgets are decided by a PB process that...

Centers Black Voices in Telling Local History & Defining Values

Maximizes Access to Ideation & Voting Processes

Recognizes Local Advocacy Networks

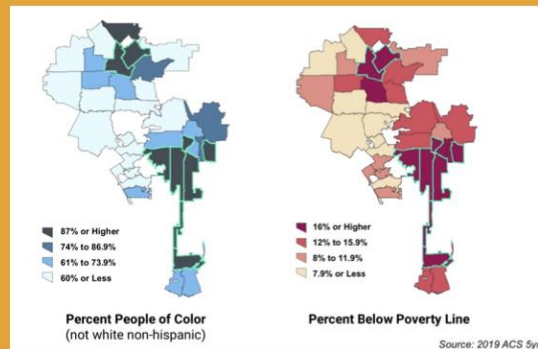
Facilitates Redistribution of Resources at the State Level

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Participatory Budgeting in Other States



St. Louis ReCAST



L.A. REPAIR Zones

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THANK YOU

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