

# The Juvenile Justice System in New Jersey

Successes, Challenges, and Ways  
Ahead

By Kate Evans  
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## **Introduction**

As an undergraduate student at Duke University's Sanford School of Public Policy, I was awarded a grant to conduct community-based research during the summer of 2019. This research experience was part of a larger program called the Service Opportunities in Leadership Program, one of several experiences sponsored by the Hart Leadership Program. The program is a 12-month leadership opportunity for Duke undergraduates to combine academic study, research service learning, mentoring, and leadership training. I chose to pursue a community-based research project about the juvenile justice system in New Jersey for several reasons. The topic of juvenile justice combines two of my passions: criminal justice reform and the rights of children. It is also a particularly compelling issue in New Jersey, as New Jersey is currently the only site that operates the Juvenile Detention Alternatives Initiative (JDAI), a concept created by the Annie E. Casey Foundation, at a statewide level. The designation as the only statewide model site for the initiative is fairly new, as the last few counties joined the New Jersey program in 2018. The objectives and outcomes of JDAI sparked my interest, and therefore, I decided to pursue a project that would examine the current status of the juvenile justice system in New Jersey.

Advocates for Children of New Jersey (ACNJ), a non-profit based in Newark, New Jersey, graciously agreed to work with me on this project. ACNJ's Vice President, Mary Coogan, served as my supervisor. The mission statement of ACNJ is "To identify children's needs through research, policy and legal analysis, to raise awareness of those needs through strategic communications, and to work with elected officials and other decision-makers to enact effective responses." It is my sincere hope that this report identifies many of the needs of youth involved in the juvenile justice system and raises awareness of those needs.

My guiding research questions for this project were: What are the current successes of juvenile

justice system reform in the state of New Jersey? What are the persisting challenges in need of future development? How do determining factors for youth vary by locality, and how do the varying attitudes and approaches of different localities impact the juveniles they serve?

The findings of this report are broad in scope, and I do not attempt to answer any specific questions regarding the successes and challenges of individual counties or programs. Rather, this is an overview of the current state of the juvenile justice system in New Jersey. Based on a statewide survey and individual interviews, potential improvements are evident. This report intends to contribute to the wider conversation on juvenile justice reform, both in the state of New Jersey and more broadly in the United States.

I am incredibly grateful for the support of The Hart Leadership Program and the many County Youth Services Commissions that helped me gather information for this project. The Youth Services Commission administrators made this project possible by sharing my survey, assisting with interviews, and welcoming me at their meetings. I am also thankful for the guidance of my faculty advisor, Professor Anna Gassman-Pines, and for the support I received from Professor Lalita Kaligotla and Professor Suzanne Katzenstein. Finally, I am grateful for the guidance and support of Vice President Mary Coogan and the entire staff of Advocates for Children of New Jersey.

Sincerely,

Kate Evans  
Service Opportunities in Leadership Fellow,  
The Hart Leadership Program

## **Key Recommendations**

The results of the online survey and the trends identified through individual interviews indicate some clear potential improvements to the juvenile justice system in New Jersey. The data and reasoning to support the following recommendations will be presented throughout this report. The recommendations supported by this report are:

- **Better collaboration both within the juvenile justice system and across systems that service youth**
- **A study examining New Jersey's implementation of zero tolerance bullying policies**
- **Better reporting of stationhouse adjustment programs**
- **Support of the current bill reforming juvenile parole and sentencing procedures**
- **An increased focus on reentry programs**
- **Improved data and information sharing at the county level**
- **Implicit bias training for law enforcement when appropriate**
- **Consideration of issues raised by County Youth Services Commissions**
- **Additional funding for step down services, transportation, and community-based detention alternatives that focus on rehabilitation**

## **Background**

Juvenile justice systems all over the country were profoundly impacted by the federal “tough on crime” policies enacted in the late 1980s and 1990s. While these policies were created when juvenile crime rates were at an all-time high, the legacy of such policies remained long after juvenile crime rates began to fall consistently in the late 1990s. Juvenile detention facilities in New Jersey remained grossly overcrowded throughout the 1990s and early 2000s. For instance, the Camden County detention facility, designed to hold 37 youth, averaged 83 youth per day in 2002.<sup>i</sup> In some counties, juvenile detention facilities were even expanded to accommodate consistently high numbers of detained youth. Such expansions were very costly and ultimately ineffective.

A 2004 investigation of juvenile detention centers conducted by the Office of the Child Advocate exposed the myriad of issues plaguing the juvenile justice system in New Jersey. The report discovered serious flaws in the treatment of youth with mental health issues and disturbing delays in case processing for detained youth. “Juvenile detention is designed to be neither long-term nor a placement for children with serious emotional disturbance or behavioral health needs,” the report states. “Nonetheless, many youth languish in confinement, with needs grossly unmet.”<sup>ii</sup>

Fortunately, in that same year, New Jersey was selected by the Annie E. Casey Foundation to be among the first states to replicate the nationally recognized Juvenile Detention Alternatives Initiative. The Annie E. Casey Foundation seeks to build better futures for disadvantaged children in the United States. The Juvenile Detention Alternatives Initiative (JDAI) was created as a response to national trends reflecting a dramatic increase in the use of secure detention for juveniles despite decreasing juvenile crime rates. This systems-change initiative aims to create more effective and efficient processes regarding

detention. JDAI is comprised of eight core strategies:

- (1) Building the collaboration & leadership required for the challenging work of system reform,
- (2) Relying on data to inform juvenile justice policy and program development,
- (3) Implementing effective, objective detention admissions policies and practices,
- (4) Enhancing available alternatives to secure detention,
- (5) Reducing avoidable delays in case processing & corresponding length of stay in detention,
- (6) Focusing on challenges presented by “special populations,” including youth detained for violations of probation and warrants, and youth awaiting dispositional placement,
- (7) Identifying strategies to reduce racial disparities in the detention system, and
- (8) Ensuring detention facilities present conditions of confinement that meet basic constitutional, statutory, and professional standards, and striving to meet best-practice standards.

Five pilot sites were selected to test JDAI in New Jersey. Essex County and Camden County were selected due to acute crises in their detention centers. Essex County’s local facility was under court supervision due to substandard conditions of care, and Camden County was consistently detaining three times as many youth as its facility could safely hold. The three other pilot sites were chosen based on their willingness to participate, as well as geographic and demographic diversity. Atlantic County, home to Atlantic City, represented the southern part of the state. Monmouth County, a relatively white, affluent, and suburban county, represented the middle of the state. Finally, Hudson County, whose residents

are generally less affluent and more ethnically diverse than the rest of the state, represented the northern region.<sup>iii</sup>

Just three years after JDAI was adopted by these five pilot sites, the state’s attorney general at the time and current chief justice of the New Jersey Supreme Court, Stuart Rabner, praised the initiative as a “miracle of government.”<sup>iv</sup> Indeed, the strides made as a result of JDAI are impressive and worthy of admiration. In 2004, there were 17 youth detention centers operating in New Jersey, and as of 2017, there were only nine.<sup>v</sup> The eight counties that closed their centers made agreements with other counties to house their detained youth. A decrease in detention pre-disposition has also led to an encouraging drop in commitments to state custody. In the juvenile justice system, the term “disposition” refers to the final court decision regarding a juvenile’s charges. Across sites, commitments to the Juvenile Justice Commission (JJC) as a disposition are down 83.3% as of 2017.<sup>vi</sup> According to meticulous data gathered and analyzed by the state’s JJC, this decrease in detainment has not resulted in any increased threat to public safety.

The impressive statistics go beyond decreased commitments to state custody. Comparing the year prior to JDAI in each site to 2017, across all 19 sites active at the time, the average daily population in detention centers had decreased by 69.7%. On any given day, there were 576 fewer youth in secure detention. Since each site joined JDAI at a different time, these aggregated numbers compare the numbers from 2017 to each county’s numbers in the year prior to joining JDAI. Another focus of JDAI implementation has been to decrease the number of youth admitted to detention for noncompliance, and this has been very successful. The number of youth admitted to detention for violating probation has dropped by 78.7%, and youth admitted to detention for failing to appear in court has decreased by 76.6%.<sup>vii</sup> Noncompliance is often caused by factors beyond a juvenile’s control, such as transportation or parental support, so this system change was a necessity for many charged juveniles. Accounting for changing demographics in

the general youth population, across sites, minority overrepresentation in detention had decreased by 5.3% since JDAI implementation as of 2017. Again, this figure compares each site's year prior to joining JDAI to 2017. This topic will be discussed more extensively in the main body of this report.

The state's Council for Juvenile Justice System Improvement is comprised of juvenile justice stakeholders that meet quarterly to review JDAI data and challenge each other to do more to improve the system. The Council, which is co-chaired by the JJC and the judiciary, addresses many of the areas that impact juvenile cases, such as over-representation of youth of color, mental health, education, and family engagement.

There have been additional juvenile justice reforms in New Jersey throughout the life of the detention alternatives initiative. In 2015, for instance, Governor Chris Christie signed a law that raised the minimum age at which a child may be prosecuted as an adult from 14 to 15 and narrowed the list of offenses that can lead to prosecution as an adult.<sup>viii</sup> This legislation also allows youth who have been adjudicated, or tried, as adults to be held in juvenile facilities rather than adult prisons. As a result of this law, New Jersey now requires due process, including representation by counsel, before a young person residing in a juvenile facility can be transferred to an adult prison.

In the fall of 2018, Governor Phil Murphy signed an executive order establishing the Task Force for the Continued Transformation of Youth Justice. This task force, comprised of a variety of stakeholders from the public and private sectors, is currently reviewing policies and evaluating the juvenile justice system.<sup>ix</sup>

More recently, in April 2018, the New Jersey Supreme Court unanimously ruled that leaving a juvenile on the sex offender registration for life is unconstitutional, unless they have a chance to prove that they no longer pose a threat to society. Given this ruling, a juvenile who committed a sexual offense requiring registration with the state sex

offender registry can now apply for a hearing to be removed from the registry after 15 years if they can demonstrate that they have not re-offended.<sup>x</sup>

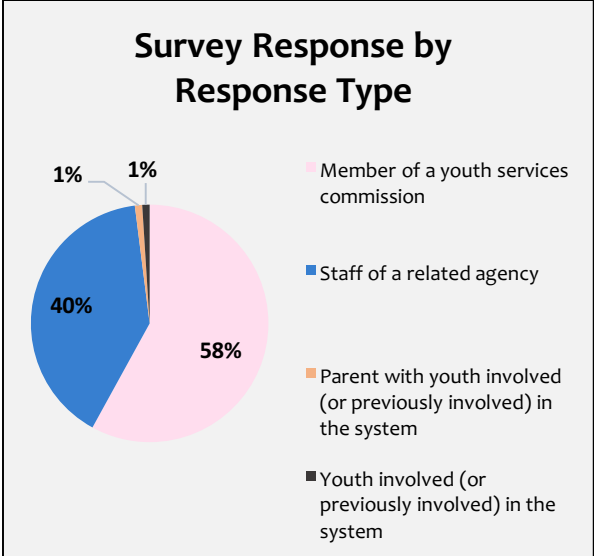
All of these progressive reforms reaffirm New Jersey's commitment to treat children as children first. The juvenile justice system is supposed to be primarily rehabilitative rather than punitive. As a society, we have determined that youth are deserving of second chances. These changes in favor of less incarceration and a greater focus on reforming young people are inspirational and exemplary. That said, by the JJC's own admission, there are still many areas in need of reform and improvement. This report will identify those key areas and suggest solutions based on the experiences of key stakeholders. The state of New Jersey has done an excellent job addressing many of the issues faced by juvenile justice systems all over the country, but as always, there is more work to be done.

## Methods

The findings presented in this report were acquired through an anonymous online survey and through individual interviews conducted on a volunteer basis. The survey was sent to as many stakeholders as possible in each of New Jersey's 21 counties. Administrators of youth services commissions served as the main point of contact for each county. In total, 100 survey responses were recorded and included in the analysis of this report. While some counties contributed a larger quantity of responses, every county is represented in the data.

Top 6 Counties	Number of Survey Responses
Monmouth	14
Atlantic	10
Sussex	9
Somerset	9
Union	8
Ocean	8

The vast majority of responses were received from members of youth services commissions and staff members of juvenile justice-related agencies, although a small number of parents and youth provided feedback as well. The categorization of “member of a youth service commission” is very broad because commissions are comprised of many diverse stakeholders, including but not limited to members of law enforcement, juvenile attorneys, and social services providers. In some cases, respondents chose not to disclose their occupation to ensure anonymity, while others were comfortable stating their position. For this reason, it is clear that responses were received from a wide variety of stakeholders but it is not possible to determine the breakdown of responses by profession.



Interviews were conducted both over the phone and in person, depending on availability and geographic distance. The length of interviews ranged from approximately 15 minutes to an hour based on the length of an individual’s responses. Individuals were asked questions about their positions and the system in general.

Online sources were consulted as necessary to verify information from survey responses and interviews and provide additional information. They are cited throughout the report and a

complete list of sources can be found in the endnotes.

**What is a Youth Services Commission?**

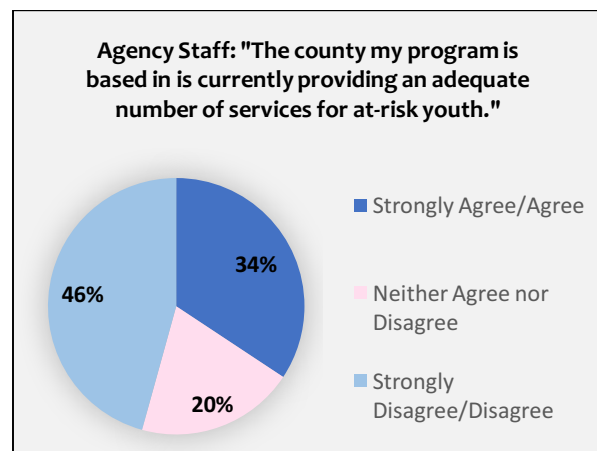
Youth Services Commissions are the main planning bodies of juvenile justice-related programs at the county level. According to the NJ Association of Youth Services Commission Administrators website, “each County Youth Services Commission partners with stakeholders and youth serving agencies to provide services that are focused on enhancing and providing opportunities for youth to succeed.” Programs funded by a County Youth Services Commission are closely monitored by the commission and monitoring reports are shared and discussed at their meetings. Read more at <http://www.njacysca.org/>

***An Overview of the Juvenile Justice Continuum of Care***

**Prevention**

Prevention programs and services are designed to keep youth from becoming involved with the formal or informal juvenile justice system. The goal of delinquency prevention is to provide youth with necessary skills and outlets to avoid antisocial or delinquent behavior. Prevention programs can be interpreted very broadly, but generally, prevention programs that are funded by county youth services commissions or other similar bodies serve a clear target population of at-risk youth and address known causes and correlates of delinquency.

As a part of the anonymous survey, youth services commission members were asked which point on the continuum - which includes prevention, diversion, detention and detention alternatives, disposition and re-entry - their county was addressing most effectively and which point their county seemed to be struggling with the most. Of the 51 youth services commission members surveyed, 23% feel that their county is currently providing prevention services most effectively. However, 33% feel that their county is struggling the most with providing prevention services. Agency staff were also asked if they felt like their counties were providing enough services for at-risk youth. Respondents were asked the degree to which they agreed with this statement: "The county my program is based in is currently providing an adequate number of services for at-risk youth." Forty-six percent of agency staff disagreed or strongly disagreed with this statement, while 34% agreed or strongly agreed and 20% neither agreed nor disagreed.



### New Jersey's Zero Tolerance Policy

In September 2011, a policy called *The Anti-Bullying Bill of Rights* took effect in New Jersey's public schools. Passed by the state legislature in January 2011, it was widely regarded as the toughest anti-bullying legislation in the nation at the time.<sup>xi</sup> While the intentions of this policy were noble, its implementation has led to a concerning increase in use of the juvenile justice system as

a means of punishment for behavior in schools, particularly for minority students. Several individuals interviewed for this project expressed concerns regarding this policy's impact on juvenile justice system involvement for youth in their communities.

The U.S. Department of Education's Civil Rights Data Collection reported that, in the 2013-2014 school year, 61% of school referrals to law enforcement in New Jersey were for minority youth. This is a disturbing overrepresentation in the school-to-prison pipeline, considering minorities only comprised about 49.8% of the youth population. Comparing the percentage of law enforcement referrals that were black youth (31.4%) to the percentage of black youth in the total population (15.2%), the disparity is even greater.<sup>xii</sup> This disproportionality is a cause for concern, and this policy and its potentially unequal implementation should be further examined.

### Diversion

Diversion programs give juvenile offenders a chance to avoid formal arrest and prosecution by providing alternative options to the formal juvenile justice system process. The goal of diversion programs is to provide services or sanctions to juveniles who are currently engaging in low-level delinquent behavior in an effort to prevent them from continuing on a delinquent pathway. Youth who fail to adhere to a diversion program may ultimately be held accountable in a formal juvenile court. In New Jersey, juveniles can be diverted from the formal system by one or more of the following: Law Enforcement Station House Adjustments, Family Crisis Intervention Units (FCIU), Family Court Juvenile Conference Committees, or Family Court Intake Service Conferences. Law Enforcement Stationhouse Adjustments may be used at the discretion of police officers in lieu of making a formal arrest. These programs vary, but officers may choose to issue a warning or refer the youth to a social

service agency. Youth who commit a delinquent act directly tied to family dysfunction may be diverted to the FCIU, which can provide services to the youth and his/her family to address the causes of the youth's delinquency. The two diversions within Family Court, Juvenile Conference Committees and Intake Services Conferences, are designed to resolve delinquency complaints without making a referral to a judge for formal processing. Juvenile Conference Committees are comprised of community volunteers, while Intake Services Conferences are simply meetings between an intake officer and the accused youth.

Twenty-two percent of youth services commission members surveyed feel that their county is currently providing diversion services most effectively, while only 6% feel that their county is struggling to provide diversion services the most out of all the services on the continuum.

### **Stationhouse Adjustment Programs**

An executive directive from the Attorney General's Office in 1990 created a state policy "to encourage the use of 'curbside warnings' or 'stationhouse adjustments' as an appropriate law enforcement response to non-serious juvenile activity that does not warrant either the taking of a juvenile into custody or the filing of a complaint alleging delinquency."<sup>xiii</sup> Since this directive, stationhouse adjustment programs have been developed and expanded over the past three decades. They are now some of the most effective and widely-used diversion programs in the juvenile justice system. These programs are a community-based approach to the rehabilitation of a juvenile, and they also decrease the number of youth in detention and state custody, which correlates with significant cost-savings. Youth in stationhouse adjustment programs are sometimes required to attend workshops or group sessions at their local police station or another public meeting place. Other stationhouse adjustment programs focus on community service. Programming is designed to

discourage future delinquency, and many programs do not see high rates of recidivism for stationhouse adjustment program participants. Many individuals interviewed noted that these programs seem very well-established in some municipalities while virtually non-existent in others.

A 2018 report by the American Civil Liberties Union (ACLU) of New Jersey exposes some of the persisting issues with the implementation of these effective diversionary programs. Mainly, there is grossly unequal access to stationhouse adjustment programs. The ACLU estimates that "approximately one-third of all young people in New Jersey have been deprived of access to stationhouse adjustment programs." At the time of data collection, 110 law enforcement agencies in New Jersey had not complied with the Attorney General's reporting requirements, so it is impossible to conclude how much a youth's residence determines their access to such important diversionary opportunities.<sup>xiv</sup> Despite this lack of comprehensive data, it is clear that availability varies widely by municipality. County-level data, while very helpful for tracking state trends, obscures where stationhouse adjustment programs are actively utilized and where they are underutilized.

This geographic disparity in the use of stationhouse adjustments is coupled with troubling racial disproportionality. The ACLU of New Jersey reported that "while black youth made up 28.3 percent of juvenile drug arrests in 2015, they made up only 11.3 percent of those who received stationhouse adjustments for drug, alcohol, and tobacco offenses. White youth, on the other hand, comprised 69.6 percent of juvenile drug arrests but received over three-quarters of stationhouse adjustments for drug, alcohol, and tobacco offenses."<sup>xv</sup>



### Detention and Detention Alternatives

Once a juvenile begins the formal court adjudication process, they may be placed in detention or ordered to participate in a detention alternative program while they await their court disposition. Detention is defined as the temporary care of juveniles in physically restricting facilities. Detention is designed to provide secure custody for youth who are deemed a threat to their community’s safety or who have demonstrated that they are unlikely to appear for court if they are not detained.

Detention alternative programs, now widespread due to the implementation of JDAI, provide various levels of supervision to juveniles awaiting their final court decisions. These programs are intended to provide short-term supervision to safely monitor youth in the community, and they can take on a number of different forms, including but not limited to electric monitoring programs, home detention, evening reporting centers, and out-of-home residential placements. Out-of-home residential programs may be used in unique situations. For instance, there are some cases in which the alleged victim is a member of the youth’s family or lives in the same residence as the youth. Some individuals interviewed noted that it is important for these programs to be “community-based” in the youth’s own community.

Some programs are designated as community-based but require a youth to travel far outside of their own town or county to remain compliant. This model does not accomplish the intended goal of rehabilitating a youth within their own community. All necessary services may not always be available in every municipality, but it may be helpful for counties to conduct their own needs assessments to determine how they can best serve youth without displacing them from their communities.

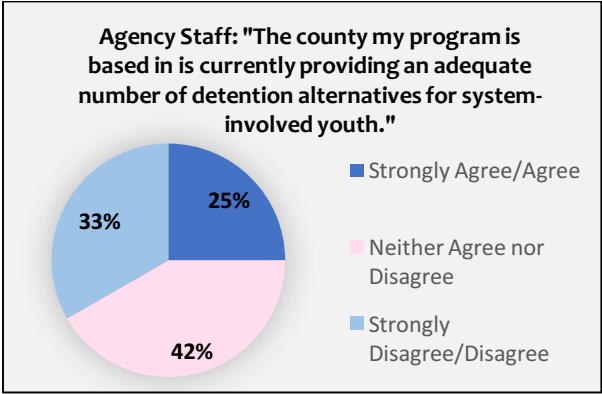
### JDAI: Risk Assessment Tool

The risk assessment tool is one aspect of JDAI that aims to decrease youth intakes into detention. According to the Annie E. Casey Foundation, a detention risk assessment instrument is “a written checklist of criteria that are applied to rate each minor for specific detention-related risks. The overall risk score is then used to guide the intake officer in making the critical decision whether to detain or release an arrested youth.”<sup>xvi</sup> A few years after the five pilot sites began implementing JDAI, New Jersey created a committee to develop a risk screening tool to be utilized by every county. This state-level action was designed to ensure both equity and uniformity across the state.

A state-level group meets at least once annually to review data reports on the current implementation of the tool. The risk assessment tool is only used to guide detention admissions decisions, not to assess a youth’s “risk level” over the course of their system involvement. The Administrative Office of the Courts is currently working on a policy that will determine whether or not the results of a youth’s risk assessment should be universally available to the individuals working on their case. Currently, the way the results of the risk assessment tool are shared is determined at the county level. Therefore, it is important that local juvenile justice stakeholders understand the risk assessment tool, both how it is used and how it is shared in their county.

Agency staff were asked if their counties were providing an adequate number of detention alternatives for system-involved youth. Respondents were asked the degree to which they agreed with this statement: “The county my program is based in is currently providing an adequate number of detention alternatives for system-involved youth.” Thirty-three percent of agency staff disagreed or strongly disagreed with this statement, while 25% agreed or strongly agreed and 42% neither agreed nor disagreed. The fact that many respondents neither agreed nor

disagreed with this statement could be because only 47.5% of agency staff respondents indicated that they are involved with the detention and detention alternatives point on the continuum. Consequently, they may not be as informed about the availability of such programs in their county.



**Electronic Monitoring Programs**

One of the most widely used juvenile detention alternative programs in New Jersey is home detention enforced through electric monitoring. Juveniles awaiting their court dispositions can be fitted with an ankle bracelet or another similar device that tracks their geographic location. In many cases, youth are permitted to go to other authorized locations such as school or a job. This program is favorable to detention because it allows youth to remain in their communities and avoids many of the detrimental impacts of incarceration. However, many individuals interviewed expressed concern about the long-term rehabilitative ability of programs that simply detain youth in their homes, where they may be subject to the same pressures that originally led them to commit a delinquent act.

Many electric monitoring programs are coupled with a relationship-based component that can be very beneficial to youth. Case managers tasked with keeping track of the youth’s whereabouts engage with the youth and their family, identifying potential challenges and

pressures and referring them to other services as necessary. Case managers may also provide transportation to other obligations included in the youth’s detention alternative program. This source of guidance and support is likely to be more impactful for the youth than the period of home detention.

The cost of electric monitoring and GPS technology is another aspect of this program worth consideration. A study by the District of Columbia Crime Policy Institute estimates that an electric monitoring program in Washington, D.C. costs approximately \$750 per participant per year.<sup>xvii</sup> However, one individual interviewed explained that the cost per individual varies greatly based on factors like the type of monitoring device and the number of tracking units that are used by a single operation. He/she cited one program in New Jersey that cost about \$65,000 and averaged a cost of about \$1,800 per unit annually, which concerned the individual if electronic monitoring is provided in lieu of community-based programs and services. Evidently, the cost of such programs can vary greatly, and counties should therefore explore and consider the costs and benefits of this type of detention alternative program.

**Disposition**

Disposition refers to the point at which youth who are adjudicated delinquent are ordered by the court to comply with certain sanctions. In New Jersey, the range of dispositions used by the court includes but is not limited to fines, community service, probation, and, for the most extreme cases, commitment to the JJC. If youth are ordered to abide by a term of probation supervision, they may also be required to participate in a dispositional option program. These programs vary in purpose and substance, but common among these options are intensive supervision programs, day and evening reporting centers, and structured day and residential programs. In many ways, these programs are similar to many of the detention alternative programs currently offered

in New Jersey. The benefits of such programs are also similar to the benefits of detention alternative programs. These community-based programs can reduce the likelihood of future delinquency and improve the lives of the youth they serve, all while maintaining public safety.

There is current and passionate debate among juvenile justice stakeholders regarding whether or not it makes sense to use large and secure facilities as the main structure for state custody of juveniles. In 2018, former Governor Chris Christie announced the closure of two youth prisons: The New Jersey Training School, often called Jamesburg, and the female secure facility known as Hayes.<sup>xviii</sup> As of now, the long-term plan is to replace these larger and outdated facilities with smaller, more therapeutic facilities.

However, many individuals interviewed expressed several concerns regarding the use of incarceration as it presently exists. One individual lamented that placing already delinquent youth in secure facilities often leads to new or increased gang involvement. Several providers indicated concern about the quality and regularity of education in facilities. Most of the individuals interviewed acknowledged that these failures in education often begin long before youth are incarcerated, but regardless, the time spent in secure facilities does little to progress a youth's education. Only one youth previously involved in the juvenile justice system completed the online survey, but he/she strongly disagreed with the statement, "I feel like adequate attention was paid to my education while I was in the juvenile justice system." Other agency staff and commission members interviewed are concerned about a lack of relevant vocational training available in facilities, which becomes apparent when youth are released, often as legal adults, and do not have the skills necessary to be hired for entry-level jobs.

## Reentry

Reentry refers to the period of community-based supervision and services following a juvenile's release from a secure facility, residential program, or other structure dispositional placement.

Reentry programs are intended to provide additional support during this transitional phase to effectively reintegrate juveniles into their communities. Only 2% of youth services commission members felt that their county was currently addressing this point on the continuum most effectively, while 14% of commission members cited reentry as the point on the continuum that they are struggling with the most. In general, the topic of reentry seems to garner less attention because reentry services apply to a smaller number of youth, especially since JDAI has reduced admissions to the JJC by 83.3% as of 2017. Despite the smaller number of youth served by these programs, their importance in preventing recidivism is currently being severely understated by this lack of attention.

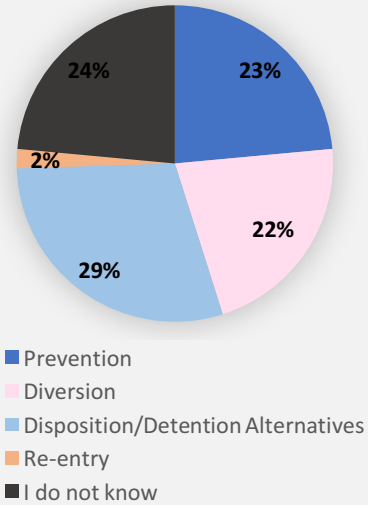
### The Current State of Juvenile Parole: A Process in Need of Reform

According to New Jersey's State Parole Board, "the reentry process starts when a juvenile offender enters the JJC's Juvenile Reception and Assessment Center, and meets with a Juvenile Unit hearing officer or designated Board Member to discuss the programs the juvenile offender must complete in order to address problems and eventually successfully return to the community." Following this supposedly immediate initiation of the reentry process, members of the State Parole Board's Juvenile Unit are tasked with interviewing the youth every three months to assist the youth with developing three-month, six-month, and long-term goals "toward changing their lives and having a legitimate future in society."<sup>xix</sup> According to one individual who works with a reentry program, most youth in the counties he works with are serving their entire sentences

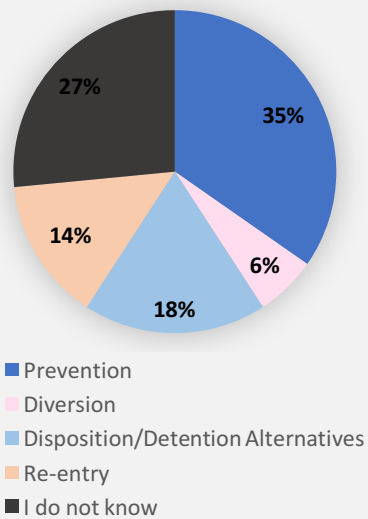
and failing to see the parole board until their sentences are complete. In other words, they do not appear to be having this deep level of quarterly engagement with the parole board. Whether or not these quarterly meetings are being conducted regularly and effectively is beyond the scope of this report, but this is an important aspect of the disposition and reentry process that should be examined further.

This problem may soon be improved upon, as there is currently a bill in both the Senate and the Assembly that addresses the issue of juvenile parole (S48/A5586).<sup>xx</sup> If passed, this bill will transfer responsibility for juvenile parole decisions from the NJ State Parole Board to the JJC. Originally introduced in the Senate by Senator Nellie Pou, this legislation also includes several other reforms regarding juvenile sentencing and parole procedures. For example, if passed, the JJC will also be required to produce quarterly status reports on the treatment, care, and custody of every juvenile in an out-of-home placement. The legislation also imposes limitations on the revocation of parole and provides due process protections for parole revocation hearings. If these reforms are implemented, the juvenile justice system will be able to exercise more discretion in sentencing and parole decisions, and incarcerated juveniles will have the opportunity to be considered for early release.

**YSC Members: "In your opinion, what point on the continuum of care is your county currently providing most effectively?"**



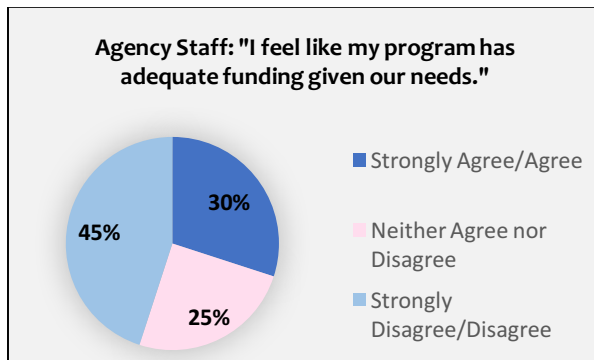
**YSC Members: "In your opinion, what point on the continuum of care is your county currently struggling with the most?"**



## System Trends

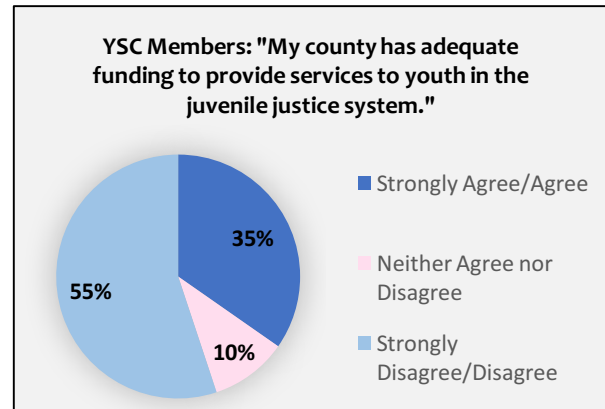
### Funding Challenges

Forty-five percent of agency staff disagreed or strongly disagreed with the statement, “I feel like my program has adequate funding given our needs.” Twenty-five percent chose to neither agree or disagree. Common responses from agency staff expressed frustration about a lack of funds for transportation, time-consuming documentation required for government funding, and funding sources that gradually decrease in amount over time. The issue of transportation funding is especially problematic because many families require transportation to comply with recommendations and referrals to various social services and programs. Several agency staff respondents advocated for diverting costs from secure facilities to community-based alternatives that provide long-term support for youth in the communities with the highest rates of youth incarceration.



Despite being limited by funding, 86.1% of agency staff reported that they agree or strongly agree with the statement, “I think the youth that my program serves would be worse off if my program (or a program like it) did not exist or was not available to them.” Regardless of funding challenges, agencies tend to believe in the efficacy of their programs. However, one provider explained in an interview that, since funding is often neither adequate nor consistent, it is difficult to maintain quality programs for long periods of time.

Similarly, youth services commission members were asked the degree to which they agreed with the statement, “My county has adequate funding to provide services to youth in the juvenile justice system.” Fifty-five percent of commission members disagreed or strongly disagreed, while 35% agreed or strongly agreed and 10% neither agreed nor disagreed.



Commission members had a variety of different explanations for their attitudes toward funding challenges. Some were frustrated by the amount of funds granted for the implementation of JDAI in proportion to their needs. Like agency staff, several were concerned about available funds to assist families and youth with transportation. Others called for targeted funding to address trauma, coping, and emotional regulation. An unknown but likely high number of system-involved youth have experienced trauma prior to their system involvement. Yet another commission member cited the failures of other systems like the Children’s System of Care, which many people refer to by the name of its contracted system administrator, PerformCare, as a serious strain on their funding. Youth services commission resources are used to provide much-needed services for youth, but according to several respondents, some of these services should be provided by other systems and are therefore a waste of precious juvenile justice system resources. Similarly, another commission member stated a desire to bring all of the related agencies

together “to determine the full amount of money dedicated to the juvenile justice system and how those dollars are used.”

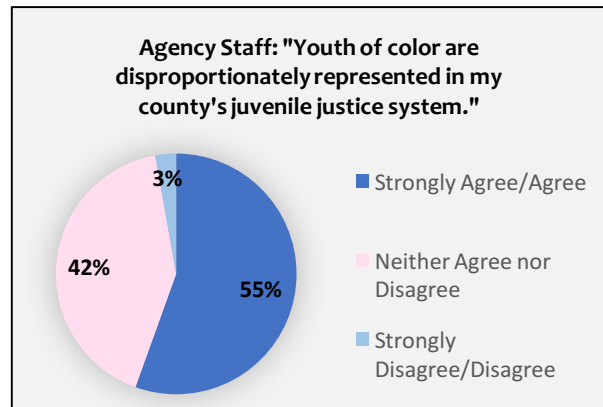
Ninety-six percent of commission members believe funding should be provided for appropriate step-down services for youth at any point of system involvement. The remaining 4% did not know, but no commission member said that funding should not be provided. Step down services refer to any programs that are designed to assist youth as they transition from one point on the continuum to another.

### Racial Disparities in the Juvenile Justice System

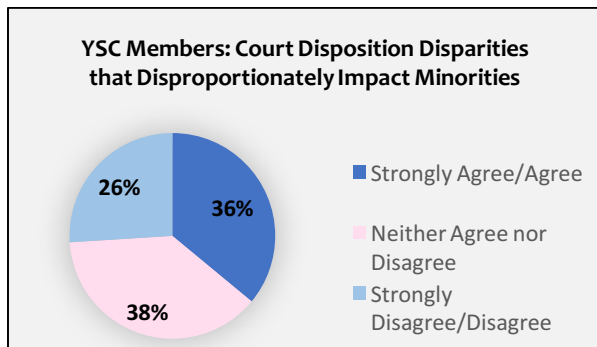
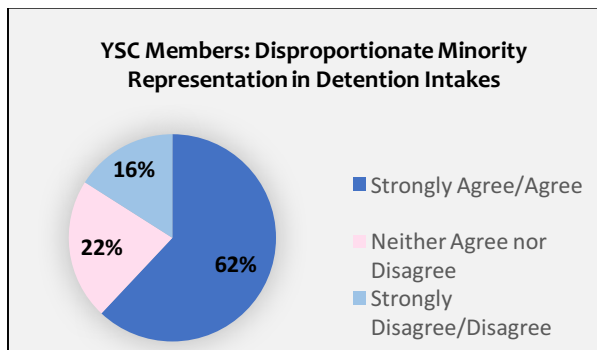
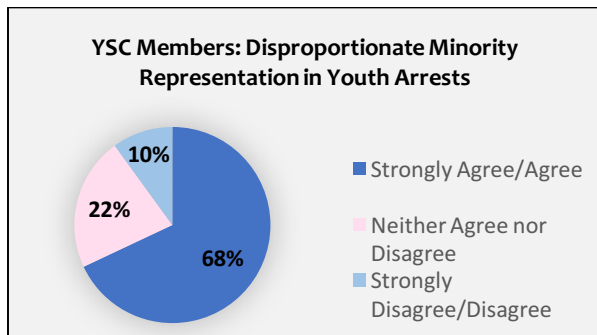
The topic of racial disparities within the juvenile justice system is one that often invokes passionate discussions. The numbers speak for themselves on this issue. In 2017, the average length of stay in detention for white youth was 25.1 days, while the average length of stay for minority youth was 32.8 days. More generally, minority youth in 2017 comprised 42.9% of the total youth population in the state, but comprised 90.3% of youth in detention.<sup>xxi</sup> Some counties have worked with the W. Haywood Burns Institute for Juvenile Justice Fairness and Equity to identify and change local policies and practice that lead to unequal treatment of minority youth. Still, progress on decreasing these disturbing disparities is slow. When Governor Murphy signed the executive order to establish the Task Force for the Continued Transformation of Youth Justice, he made a point to reference New Jersey’s “shameful distinction of having the largest black-white youth incarceration gap in the nation.”<sup>xxii</sup>

Agency staff were asked the degree to which they agreed with this statement: “Youth of color are disproportionately represented in my county’s juvenile justice system.” Fifty-five percent of respondents agreed or strongly agreed with this statement, 42% of respondents neither agreed nor disagreed, and just 3% of respondents

disagreed. Commission members were asked the degree to which they agreed with this statement: “There are racial disparities in my county’s juvenile justice system that need to be addressed.” Sixty-nine percent of respondents agreed or strongly agreed with this statement, 19% of respondents neither agreed nor disagreed, and 12% of respondents disagreed or strongly disagreed.



In an attempt to identify at what point in the system racial disparities are most prevalent, youth services commission members were asked three similar questions. Commission members were asked the degree to which they agreed with this statement: “My county currently has disproportionate minority representation in the total number of youth arrests.” Sixty-seven percent of respondents agreed or strongly agreed with this statement, 23% of respondents neither agreed nor disagreed, and 10% of respondents disagreed or strongly disagreed. Then, commission members were asked the same question, but in terms of intakes into detention centers. Sixty-two percent of respondents agreed or strongly agreed with this statement, 23% of respondents neither agreed nor disagreed, and 15% of respondents disagreed. Finally, they were asked the degree to which they agreed with this statement: “There are disparities in my county’s court dispositions that disproportionately impact minorities.” For this question, only 36% of respondents agreed or strongly agreed with this statement, 38% of respondents neither agreed nor disagreed, and 25% of respondents disagreed or strongly disagreed.



**Innovations in Policing**

Many individuals interviewed stated inconsistency among local law enforcement departments as a serious challenge to addressing racial disparities within the system. An infraction committed by a youth in one municipality could result in a stationhouse adjustment, whereas the same infraction in a different municipality could lead to incarceration. Members of law enforcement, although involved in many discussions regarding juvenile justice reform in the state, still need to

be a larger part of the conversation. There are, however, some exciting innovations worth highlighting.

In Gloucester Township of Camden County, the police department uses a stationhouse adjustment program as often as possible. Additionally, under the direction of Chief Harry Earle, the department has implemented Project CASEY, a “comprehensive and community-based approach to school violence, youth crime, and its associated consequences of substance abuse through information sharing, preparedness and response.”<sup>xxiii</sup> The project includes five programs that serve different purposes related to youth delinquency. In all of the programs, local police officers and licensed social workers engage with their community to provide care, information, and assistance as needed. These juvenile-focused programs, in conjunction with other community policing initiatives, comprise the 3rd Gear Policing Model focused on suppression, prevention, and intervention. Since the implementation of the 3rd Gear Model, Gloucester Township’s crime has been reduced by 34% and violent crime has dropped by 53%.<sup>xxiv</sup> As the recipient of the 2018 International Association of Chiefs of Police Leadership in Community Policing Award, Gloucester Township is an impressive example of what community engagement with local police departments can look like for New Jersey’s youth.

In Union County, all county officers are now required to undergo implicit bias training. Some municipalities have done this as well, although Union County is currently the only county to mandate this at the county level.<sup>xxv</sup> Fair and Impartial Policing, a national organization that trains local officers to become future facilitators of their workshops, provided the original framework for the implicit-bias-awareness training in Union County. The training discusses the science behind bias, the negative consequences, and how to manage or reduce one’s biases.<sup>xxvi</sup> The idea is not to assign blame,

but rather to get to the root of the issue of differential treatment based on race, gender, sexual orientation, or other aspects of an individual's identity.

## Data Sharing Across County and Statewide Systems

As stated in the background section of this report, one objective of JDAI is to rely on data to inform juvenile justice policy and program development. In addition to providing some new contextual data based on survey responses and personal interviews, this project reveals some insights regarding the current efficacy of data sharing both within counties and statewide.

Agency staff were asked if they have heard of JDAI. Seventy-nine percent of respondents said they have heard of it, 3% of respondents said they may have heard of it, and 18% of respondents said they have not heard of it. Generally, this indicates decent information-sharing about this statewide initiative and its related goals. Ninety-six percent of commission members have heard of JDAI. The remaining 4% had not heard of the initiative.

Youth services commission members were asked some questions related to how many youth in their county are currently involved in the juvenile justice system. Forty-five percent of youth services commission member did not know approximately how many youth in their county are currently involved in the juvenile justice system, and 39% of youth services commission member did not know approximately how many youth in their county are currently involved in detention alternative programs. Youth services commissions are bodies made up of diverse stakeholders, many of whom are specialized in certain areas of the system, which could explain this lack of knowledge regarding system-wide data. The JJC provides annual reports on JDAI, which provide detailed data reports on the number of youth involved in services in each county, but it is possible that commission members are not regularly using

these reports in their positions. Regardless, it is important for youth services commissions to know how many youth are involved at each point in their system so they can effectively delegate funding as an informed and united body.

## Sharing Data Effectively in Somerset County

In Somerset County, youth services and other social services have a shared database through which they can track youth that have contact with the juvenile justice system, the child welfare system, healthcare systems, and other related agencies. It also tracks demographics, including age, race, and town of residence so the county can effectively track where its resources are being used and are most needed. Providers funded by the county are required to input this information into the database as a condition of their funding to ensure completeness of the data. Other counties may consider implementing similar policies if they are currently struggling with accurately recording data and tracking impacts of funding.

## Youth Services Commissions: Functionality and Collaboration Across Systems

As a part of this project, County Youth Services Commission meetings were observed in four different counties: Atlantic, Mercer, Passaic, and Somerset. These four examples are by no means representative of the entire state, but the exercise of examining these different commissions yielded a number of interesting findings.

Each commission is a product of their county's unique challenges related to the juvenile justice system. In some counties, programs are seemingly focused on densely populated cities, while other counties have more programs implemented at the countywide level. Atlantic County is currently facing an unprecedented number of weapons-related offenses among juveniles. As a result, their commission is funding programs that focus on community and family engagement along with programs aimed at gun violence prevention. Somerset County primarily uses JDAI funding to fund its detention alternative programs, so their



commission uses its budget to fund a robust prevention program and a countywide stationhouse adjustment program. Each county must cater its program to its specific needs, but it is evident that the level of enthusiasm and collaboration invested by each commission is translated into the quality of programs for their county's youth. Many commission members, both in survey responses and in interviews, expressed a desire for greater community and family engagement in their programs. It is critical for parents to be involved in the planning and implementation process of juvenile justice system programs, particularly because youth are often dependent on adults for assistance getting to and staying active in different programs and services. Similarly, community-based initiatives are only able to flourish if the community is committed to helping with implementation and providing support.

Other commission members discussed working with other government bodies, such as the Department of Children and Families and the Attorney General's Office, with great frustration. In multiple interviews, individuals explained the difficulty of working with many different departments, each with their own standard policies and procedures. Some respondents indicated that this is especially difficult when adult-focused systems are involved in juvenile matters. Systems designed to service adults often do not have the same rehabilitative focus that the juvenile justice system is intended to have. This lack of collaboration between systems negatively impacts youth, especially when it leads to inefficiencies in case processing, social service placements, and other time-sensitive matters.

One commission member used the County Youth Services Commission grant process as an example of this frustrating practice of working across systems. The grant process is lengthy and requires final approval from the JJC and the Attorney General's Office. One commission member claims that he/she is aware of cases when "it has taken up to seven months into the grant calendar year

to receive a signed award from the Attorney General's Office." He/she continues, "Because of the long delay between the grant and actual award execution, many nonprofits do not have the overhead to enter into such a situation without pay for several months at a time and are hesitant to pursue any JJC grants because of these delays." While this claim cannot be definitively confirmed, it is a matter of serious concern if the grant process is taking this long, as this means that youth are likely not receiving the services and programs that they need during this period of inefficiency.

## **Conclusion**

Many of the sentiments shared in both survey responses and interviews call for similar changes to the juvenile justice system as it currently exists: better collaboration both within the system and across other systems that serve youth and families, better data and information sharing about what is working and what is not, and more resources devoted to rehabilitative and community-based programs for New Jersey's youth. Over the next few years, the governor's task force, the state legislature, and other stakeholders advocating for change will determine how New Jersey will continue to lead the country in juvenile justice system reform.

The results of this project suggest some clear recommendations about where to begin. A deeper study of New Jersey's implementation of zero tolerance bullying policies may better explain the school-to-prison pipeline. Better reporting of stationhouse adjustment programs to the attorney general, which may need to be incentivized, could reveal diversion program availability in each municipality and the "justice by geography" that results. Detention alternative programs that focus on community-based relationships and root causes of delinquency will be most effective at truly rehabilitating New Jersey's youth. Hopefully, the current bill in the legislature will become law and transform juvenile parole and sentencing practices. Once the issue of

parole is addressed, youth services commissions and other planning bodies should develop and fund more effective reentry programs to reduce recidivism. In terms of racial disparities throughout the system, each county must be informed and honest about the points of their system where differential treatment is most evident.

The County Youth Services Commissions generously provided much of the feedback expressed in this report. Their knowledge and expertise on the successes and challenges of their respective counties should be considered and reflected in statewide policies. The NJ Association of County Youth Services Commission Administrators has submitted recommendations to the governor's task force, including a request for a longer period of time between comprehensive planning reports to allow more time for developing the capacity of the programs and organizations they fund. Many of the suggested improvements in this report are also echoed in their recommendations to the task force. While each commission operates slightly differently, it is evident that commissions with consistent engagement, information-sharing, and

attendance are best equipped to serve their county's youth.

As stated at the beginning of this report, New Jersey's approach to juvenile justice is a leading national example of how effective change, such as the great success of JDAI, can transform a broken system. However, the work is not done. As evidenced by the diverse results of the survey, every youth in New Jersey is not guaranteed the same treatment in the system as it currently exists. In some cases, such as stationhouse adjustment program reporting, case processing timing, and education and vocational training in secure facilities, there seems to be a clear difference between what policy dictates and what is actually happening. This report will hopefully spark conversations about these details of the system, because its overall strength and efficacy is ultimately determined by such details. The findings of this report are only one small part of a much wider conversation about how New Jersey's youth should and will be treated in the years to come.

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## Endnotes

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