

Governor's Advisory
Council
On Juvenile Justice



Final Report

December 30, 1994.

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State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

DEBORAH T. PORITZ
ATTORNEY GENERAL

NCJRS

December 30, 1994

FEB 17 1995

Dear Governor Whitman:

ACQUISITIONS

In compliance with Executive Order No. 10, I submit to you the attached Final Report of the Juvenile Justice Advisory Council. The document makes far reaching, substantive recommendations for a restructured juvenile justice system, a state/county/local partnership and improved sanctions and services throughout the system. It also recommends a number of initiatives that address serious and violent juvenile crime and increase public safety. These initiatives can be undertaken immediately without waiting for legislative and executive action necessary to implement the proposed system. Many of the recommendations of the National Council on Crime and Delinquency, independent experts who analyzed New Jersey's juvenile justice system, have been incorporated into the Advisory Council's work.

As Chair of the Juvenile Justice Advisory Council, I want to express my appreciation to the many knowledgeable people who participated in the deliberations of the Council. This includes Commissioner William Waldman, vice-chair of the Council, Cabinet members who actively attended meetings and willingly made staff support available, county and local officials who were members of the Council and its working groups, representatives of private agencies who enthusiastically gave their time, representatives of the Administrative Office of the Courts and individual Judges. I would also like to express my appreciation to the Juvenile Justice Bureau in the Division of Criminal Justice which served as staff for the Council along with employees from each of the participating Departments.

Thank you for the privilege of chairing the Advisory Council. I look forward to working with you, the Legislature and the public in reviewing these recommendations. I know that this work is but a first step in the effort to reduce juvenile crime and to improve New Jersey's juvenile justice system.

Very truly yours,

Deborah T. Poritz
Attorney General

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EXECUTIVE SUMMARY

ADVISORY COUNCIL ON JUVENILE JUSTICE

EXECUTIVE SUMMARY

I. INTRODUCTORY STATEMENT

New Jersey's juvenile justice system is really not a system at all. At best, it is a loose confederacy of independent agencies, commissions and councils with often competing goals and philosophies. While there is some consensus regarding the results the system should achieve -- increased public safety and offender accountability, rehabilitation and prevention of youth crime and violence -- the means that will best achieve these goals are hotly debated. In fact, the means chosen are more often a product of ideology than empirical data as to what works to reduce offending, increase accountability and ensure public safety.

Despite the dedication and hard work of professionals at all levels, New Jersey's juvenile justice system has been unable to form its own identity. As in most such systems, there is ongoing debate "within each agency -- as well as between agencies -- ... [as to] whether the basic purpose of the juvenile justice system is the service of troubled youth or the correction and rehabilitation of young malefactors".¹

This confusion and debate over identity results in limited access to both social services and corrections. The children's social service system, which is already overburdened and unable to meet its more traditional mandates, is reluctant to include the juvenile justice population because this population typically presents special behavioral problems that may complicate service provision. Likewise, the adult corrections system has difficulty dealing with the increase in adult incarcerations and so cannot focus adequate attention on the special needs of juveniles.

Competition for limited resources has further limited access and priority for troubled juveniles. At a time when most agencies are struggling to meet their core mandates, there is understandable resistance to accepting the additional challenges presented by the juvenile justice population. As a result, the child welfare, corrections and criminal justice systems have not been able to give these juveniles the attention they require.

At the same time that the system is attempting to define its goals and to live within limited resources, serious and violent juvenile crime is rising. While overall juvenile arrests have decreased over the last decade, arrests for serious and violent offenses

¹ Institute of Judicial Administration - American Bar Association, *Standards Relating to Planning for Juvenile Justice*, Cambridge, Mass.: Ballinger Publishing Company, 1980, p. 23.

(rape, robbery, aggravated assault and murder) have increased significantly between 1988 and 1993. Arrests for murder and weapons offenses have led this increase.

Media coverage of this increase in serious and violent crimes has fundamentally altered the perception of New Jersey's citizens about juvenile delinquency. While delinquency may have previously conjured thoughts of truancy, vandalism and shoplifting, today's headlines make it clear that the stakes are now much higher and more deadly. Kids are killing kids at an unprecedented rate, sometimes over nothing more than a pair of sneakers or an argument over a girlfriend. Fourteen year-olds are stealing cars and crashing them into police cruisers for sport and recognition.

This increase in serious and violent crime closely parallels a related increase in the nature and extent of the problems experienced by many of New Jersey's young people, particularly those whose families and communities are steeped in poverty and violence. There is a striking correlation between the rising arrest rates for serious and violent juvenile crime and the low level of child and family "well-being" as measured in the 1993 *New Jersey Kids Count* report. The eight counties with the highest arrest rates for serious and violent crimes (Hudson, Essex, Cumberland, Atlantic, Mercer, Passaic, Camden and Cape May) also rank lowest in the overall level of child well-being.

The link between child well-being and the likelihood of a child's involvement in the juvenile justice system is demonstrated in the preliminary findings of an Administrative Office of the Courts' study based in Atlantic and Hudson counties, funded by the federal Office of Juvenile Justice and Delinquency Prevention.² This research reveals that even juveniles who are early in their court "careers" (those who have entered the court system for the second time) have a myriad of problems and needs. Almost half of the youth had problems in at least five of the seven need areas studied. Listed in order of prevalence, they are: school performance/behavior problems; family dysfunction; poor psychological adjustment; neurological deficits (e.g., learning disabilities); drug/alcohol use; past physical or sexual abuse; and negative peer influence.

The New Jersey juvenile justice system has failed in many ways to meet the minimum needs of this population and to adequately respond to the increase in serious and violent crime. Our system neither focuses its limited resources on the conduct of the serious and violent offender nor on preventing the root causes of this conduct so as to reduce future crime and increase public safety.

² Juvenile Justice Bureau, "Assessing & Addressing Needs Early -- Improving Court Response," *Juvenile Justice Advisory*, October 28, 1994.

II. REFORMING NEW JERSEY'S JUVENILE JUSTICE SYSTEM

A. Shortcomings of Current Structure

New Jersey's juvenile justice system lacks a centralized authority and the leadership, priority and advocacy necessary to compete for limited resources and to obtain access to appropriate services and sanctions. It also lacks incentives that encourage the development of services and sanctions at the county and local levels where the special needs of the system can be best addressed. As a result, the range of dispositions authorized by the Code of Juvenile Justice has never been fully implemented, leaving judges in most counties with few dispositional options other than probation or incarceration.

B. Approach to Reform

The Advisory Council has concluded that New Jersey's juvenile justice system should be constructed around a unified philosophy aimed at both reducing delinquency and recidivism and promoting public safety, offender accountability and rehabilitation. The system also should have the independence necessary to provide the focus, advocacy and resources that this juvenile population has historically lacked. It must address the needs of youth involved and at risk of involvement in the system with an appropriate mix of sanctions and services. The system must address primary prevention and early intervention as well as dispositional alternatives, secure care and aftercare.

These goals are best achieved when the State, the counties and the municipalities work together and when alternative programs based in the community are implemented through community planning bodies and by the State. The organization of New Jersey's juvenile justice system should reflect these basic goals and should ensure a proper balance between State and local needs and responses.

C. Creation of a Juvenile Justice Commission

The Advisory Council recommends the legislative creation of an independent Juvenile Justice Commission responsible for planning, policy development, operations, contracting and advocacy for youth involved in or at risk of involvement in the juvenile justice system.

The Juvenile Justice Commission's responsibilities should include:

- setting policy and formulating a Statewide Plan on Juvenile Justice to be presented to the Governor and the Legislature annually;
- reviewing plans prepared by the County Youth Services Commissions and setting criteria to be addressed by those plans;

- operating and contracting for State programs for juvenile offenders;
- establishing a cooperative, coordinated State/Community Partnership Grant Program that provides county and local governments with fiscal incentives and disincentives to create community-based services and sanctions;
- seeking federal and private grant funding for the Partnership Grant Program;
- providing technical assistance to county and local entities to help them obtain such grants;
- coordinating and cooperating with all State and local agencies providing services and sanctions for juvenile offenders; and
- acting as a clearinghouse for all matters relating to juvenile justice.

The management, operation, contracting responsibilities and resources of all programs for juveniles committed to the authority of the State now within the Department of Human Services, Division of Juvenile Services, and the Department of Corrections should be transferred to the Juvenile Justice Commission. The Bureau of Juvenile Justice, Department of Law and Public Safety, also should be transferred.

The creation of the Juvenile Justice Commission will not eliminate the need for the coordination of all juvenile justice programs, services and initiatives between and among all agencies and branches of State and local government. Consequently, the Juvenile Justice Commission should include input and involvement from all of these entities.

D. Youth Services Commissions

The Advisory Council recommends that Youth Services Commissions be legislatively established in each county. The establishment of a local entity to advocate, plan and implement community-based services and sanctions, including prevention and intervention strategies to reduce juvenile delinquency, is considered by the Council to be essential to the success of its proposed revisions to New Jersey's juvenile justice system.

The County Youth Services Commissions should be charged with the following responsibilities:

- assessing and prioritizing the needs of youth involved or at risk of involvement in the juvenile justice system;

- developing a comprehensive plan for the provision of sanctions and services for this population and for the prevention of and intervention in delinquency to be submitted to the Juvenile Justice Commission for approval;
- developing, implementing and entering into contracts with the Juvenile Justice Commission for community programs for this population;
- reviewing and monitoring new and existing community programs to determine their effectiveness;
- developing and coordinating the efforts of Municipal Youth Services Commissions;
- ensuring a multi-disciplinary team process for the provision of individualized services for delinquent youth;
- coordinating and facilitating prevention activities as they relate to this population; and
- coordinating with other related county, municipal or private planning bodies or organizations to avoid duplication of services or resources and to facilitate the provision of services.

E. State/Community Partnership Grant Program

The Advisory Council recommends the creation of a State/Community Partnership Grant Program, similar to programs undertaken in Ohio, Florida and other states that have recently revamped their juvenile justice systems. This State/Community Partnership Grant Program (Partnership) would provide fiscal incentives to county and local governments so as to foster services and sanction options for juveniles in the community. Such programs can address the causes of delinquency at their roots and can involve the family, community, churches and local agencies in building a support system that fosters accountability and rehabilitation. The Partnership would also encourage local government to establish prevention and intervention services that provide opportunities for meaningful alternatives to criminal activities.

F. Transition Plan

Conversion from the current system to the reformed system described above would require careful planning, cost projections, and the passage of enabling legislation. However, the system cannot afford to stand still while these reforms move forward. Consequently, the Advisory Council recommends that the Governor charge the Council with assisting in the transition and with coordinating reforms that can begin immediately.

III. ADDRESSING MINORITY OVERREPRESENTATION IN NEW JERSEY'S JUVENILE JUSTICE SYSTEM

Minority overrepresentation in New Jersey's juvenile justice system is a serious and chronic problem. Minority overrepresentation is greatest at the "deep end" of the system, in the State training schools and in county detention facilities. A one-day count of residents in the New Jersey Training School for Boys and the Juvenile Medium Security Facility on December 31, 1993 revealed that minority youth comprised 92 percent of all residents. Minority youth accounted for 84 percent of all county detention facility admissions in 1993.

To begin to address this problem, the Advisory Council recommends that:

- Minority employment in administrative, managerial and direct service provision positions in the juvenile justice and social service systems should be increased.
- Cultural diversity training should be expanded and improved statewide. Decision makers and service providers should be educated as to the problems and needs of African American and Hispanic children.
- Race and ethnicity information should be available at important decision points in the juvenile justice system including station house adjustments, detention and waiver to adult court.
- A significant portion of this year's Office of Juvenile Justice and Delinquency Prevention (OJJDP) federal funding, which is allocated through New Jersey's Juvenile Justice and Delinquency Prevention Committee, should be dedicated to programs for minority youth that provide alternatives to detention and incarceration.

IV. ENSURING PUBLIC SAFETY: Recommended Initiatives to Address the Most Serious and Violent Offenders

A. Introduction

The Advisory Council recommends immediate implementation of the following initiatives to protect the public from the most serious and violent juvenile offenders.

B. Youth Handgun Violence Initiative

The rise in violence, particularly handgun violence, among young people is one of the most disturbing of recent trends in juvenile crime. To address this issue, the Youth Handgun Violence Task Force was created under the auspices of the Advisory Council. The Task Force includes representatives from the County Prosecutors

Association's Committee on Juvenile Justice, the Division of Criminal Justice, the Department of Education, the United States Attorney's Office for the District of New Jersey, the Federal Bureau of Alcohol, Tobacco and Firearms, and the New Jersey Juvenile Officers Association. Membership also includes public health and private sector volunteers.

The Task Force would:

- increase and coordinate law enforcement efforts to interdict the flow of illegal firearms into New Jersey;
- educate the public about the need to safely store firearms;
- seek legislation making it a second degree crime to possess handguns with the intent to illegally distribute them;
- seek legislation creating a new offense for the illegal sale of a firearm later used in a crime;
- enact "Zero Tolerance for Guns" legislation; and
- establish County Youth Handgun Violence Task Forces.

C. Juvenile Sex Offenders

New Jersey citizens and their children must be protected from serious and predatory juvenile sex offenders. Juveniles commit a substantial share of all sex offenses: over 50 percent of the molestation of boys and at least 15 to 20 percent of the sexual abuse of girls is committed by juveniles. To provide adequate public protection, the Advisory Council recommends increased supervision and monitoring for juvenile sex offenders adjudicated delinquent. (While most of Megan's Law applies to juveniles, the "Violent Predator Incapacitation Act", which requires "life time" supervision for sex offenders, applies only to those juveniles waived to adult court). The Advisory Council also recommends that juvenile sex offenders be automatically referred to the family court by formal complaint and not diverted. Finally, the Council recommends a presumption of waiver to adult court for juveniles who commit the most serious sex offenses.

D. Chronic and Repetitive Offenders

A large proportion of juvenile crime is committed by a relatively small percentage of chronic offenders. This group of offenders should be targeted for early intervention, investigation, prosecution, increased supervision and specialized treatment.

E. Youth Gang Initiative

The Department of Law and Public Safety has recognized the growth of criminal youth gangs in parts of New Jersey. The Division of Criminal Justice and the Division of State Police are working with the County Prosecutors to develop and implement strategies for dealing with these gangs. Several prosecutors have established specialized units, often in cooperation with local police, to deal effectively with this growing problem. These programs should be expanded.

F. Juvenile Officers

The Advisory Council recommends that the Attorney General reassess and revise Executive Directive 1990-1 Concerning the Handling of Juvenile Matters by Police and Prosecutors. Items that should be considered in the new directive include:

- Juvenile services should be a priority of all police departments. Departments with 20 or more sworn officers should designate at least one officer full-time to juvenile services. This is not intended to mandate the hiring of additional officers by local police departments.
- The total number of assigned juvenile officers should correlate to the amount of crime committed by juveniles in the municipality.
- The role of the juvenile officer should include prevention and diversion as well as investigation. DARE officers and community relations officers working with juveniles should be included in juvenile units.
- Juvenile officers should attend a prescribed course of training within six months of appointment.
- Municipal police departments should make substantial efforts to hire minority juvenile officers.

G. Reexamination of New Jersey's Juvenile Code

The Advisory Council recommends that high-level members of the executive and legislative branches carefully consider reform of New Jersey's Juvenile Code. In addition to specifically reviewing such issues as waiver, parental responsibility, guns and juveniles, this group should explore whether the approach taken in the Juvenile Code is adequate to the current nature of juvenile crime in New Jersey.

V. PRIORITY INITIATIVES FOR THE JUVENILE JUSTICE COMMISSION

A. Introduction

The following are priority initiatives that the Advisory Council believes should be undertaken as soon as possible. Although the Juvenile Justice Commission, when established, will be responsible for each of these proposals, implementation should begin immediately through the coordinated effort of existing State agencies.

B. Aftercare and Transitional Services

The current system is lacking in aftercare services for youth returning to their communities from correctional facilities and residential programs. Parole and probation officers are overburdened resulting in a lack of supervision and services. When juveniles are released to their communities with little or no support they often become reinvolved in anti-social and criminal behavior and return to the juvenile justice system.

The Juvenile Justice Commission should design and implement parole supervision/aftercare for all youth released to the community from correctional or residential programs. Priority should be given to the most dangerous youth, those who present the greatest threat to the community, and those who are most in need of services.

C. Juvenile Sex Offenders

The Advisory Council recommends development of a comprehensive system of prevention, assessment, treatment and aftercare for juvenile sex offenders. The ability of the system to respond successfully to juvenile sex offenders is dependent upon the ability to assess the seriousness of the juvenile's problems. Consequently, thorough and professional assessment services should be available to the courts.

The range of specialized programs and treatment "slots" is far from adequate to meet the need. The Council proposes expanding and developing specialized services including treatment and counseling, regionalized residential programs, secure residential program(s), and sex offender treatment at the State training schools. In addition, monitoring and supervision in the community should be improved through various mechanisms such as specialized and reduced sex offender probation caseloads and aftercare supervision of juveniles released back to the community.

D. Juvenile Boot Camp

The Advisory Council recommends development of a residential boot camp as an alternative to incarceration for adjudicated juveniles. The boot camp should be designed to reduce institutional overcrowding and to provide a cost-effective

response to handling high-risk juveniles. The boot camp structure should also be designed to reduce repeat offending among high-risk juvenile delinquents through the combination of a short-term residential program and an intensive aftercare component. Together these two elements will emphasize public safety and accountability, while at the same time promoting discipline and self-esteem. The boot camp should also address substance abuse problems and provide academic and vocational education.

VI. PRIORITY INITIATIVES OF THE STATE/COMMUNITY PARTNERSHIP

A. Introduction

This section details initiatives that address chronic problems in New Jersey's juvenile justice system that are found at the county and local level. It is anticipated that counties would implement these initiatives through the State/Community Partnership.

B. Preventing Delinquency

Prevention and early intervention hold the most promise for improving the lives of high-risk youth. County Youth Services Commissions should include prevention strategies in their annual plans. One such strategy, "The Communities that Care Program", is currently being administered by the New Jersey Juvenile Justice and Delinquency Prevention Unit in the Bureau of Juvenile Justice. The program model lays out risk factors which increase the chance that an individual will develop behavior problems including delinquency. Strategies are then developed to reduce these factors and produce a positive impact on behaviors. Nine New Jersey counties have been trained to use the Communities that Care Program and are eligible to apply for grants to implement the Program strategies. The Communities That Care Program and other prevention strategies should be made available to the Youth Services Commissions for inclusion in their annual plans.

The Advisory Council is also recommending that neighborhood/community service centers be developed as a delinquency prevention strategy. The centers, similar to the New Jersey School Based Youth Services initiative, would be located at schools or other sites identified by communities. These centers would provide a variety of services and would be open after school, evenings, weekends, and summers. Partnerships would be developed between schools, health, recreation, employment and social service agencies for the provision of services. The Juvenile Justice Commission would work with the Department of Human Services, the Department of Education, other State departments and the County Youth Services Commissions to plan and develop a statewide program design. The Youth Services Commissions, in turn, would work with local communities to implement these programs.

C. Early Response to Delinquency

The Advisory Council recommends early interventions with behavior which tends to increase the risk of delinquency.

Truancy and Dropouts

New Jersey law should be amended to include a definition of truancy. Truancy should be defined as any absence from school without permission from a parent or guardian. New Jersey law should also be revised to require that when a student accumulates five unexcused absences during a single school year the school must provide an intervention.

Expanded Role for Juvenile Conference Committees

The role of the Juvenile Conference Committees (JCCs) should be formally expanded to handle second-time minor offenses committed by juveniles who have appeared before the JCCs on their first offenses. This practice would maximize the use of this long standing and successful court/community partnership.

The effectiveness of the Juvenile Conference Committee program should be strengthened through relationships with Family Crisis Intervention personnel, school personnel and juvenile officers. The Council believes that young people should participate on the JCCs and suggests the training and certification of at least one member who is under the age of eighteen on each committee.

Community service should be available as an option to all Juvenile Conference Committees across the State through the existing county probation community service programs.

D. Juvenile Detention

This section sets forth the Advisory Council's recommendation for improving county detention by reducing overcrowding, improving practices and procedures and providing adequate education.

A Plan for Addressing Chronic Overcrowding

The Advisory Council recommends that chronic overcrowding in county detention centers be addressed by increasing detention alternatives and discouraging the placement of juveniles in already overcrowded facilities.

A Plan to Improve Detention Practices and Procedures

The Advisory Council recommends that the State adopt uniform detention guidelines. These guidelines should be modeled after the best practices and procedures now in use in some counties, including detention review committees.

Education for Juveniles in County Detention Facilities

There currently is no dedicated funding to provide a thorough and efficient education to juveniles in county detention facilities. The Advisory Council recommends the development of a dedicated funding source for this purpose. In the interim, education in these facilities should be improved.

E. Dispositions for Adjudicated Youth

The 1983 Code of Juvenile Justice authorized a series of dispositional options for family court judges to use in the sentencing of juveniles adjudicated delinquent. These dispositions were intended to provide a complete range of sanctions and rehabilitative services that a judge could use to craft a dispositional plan that would both protect the public and provide juveniles with the opportunity to grow into responsible and productive adults. Because of a lack of funding very few of these dispositional options were implemented in the counties.

Each county should maintain a minimum level of basic core services and sanctions for juveniles adjudicated delinquent. Core services should include:

- Alternative Education
- Vocational Education, Job Readiness Training and Job Placement Services
- Mental Health Services
- Substance Abuse Treatment Programs

Core sanctions should include:

- Community Service
- Restitution Programs
- Juvenile Intensive Supervision Programs

VII. INFORMATION SHARING

Confidentiality laws protect the identity of participants in many juvenile justice and related social services programs. However, these laws have also prevented the exchange of information between programs which, in turn, has limited collaboration between program personnel. To the extent permitted by law, authorized personnel who serve the legitimate interests of juveniles involved with the justice system should have access to information about services and case records. State, county and

local juvenile justice and social services agencies should develop and enter into interagency agreements to exchange information whenever appropriate and should collaborate in providing services to juveniles and their families.

Much of the information that could be shared is maintained on computers. A standing inter-departmental committee should be created to address how computerized information can be shared. The committee should include representation from the Administrative Office of the Courts, the State Departments of Corrections, Treasury, Education, Health, Human Services, Law and Public Safety, and the Youth Services Commissions' Multi-disciplinary Teams.

VIII. ATTORNEY GENERAL'S YOUTH ADVISORY COMMITTEE

At the request of the Attorney General, a Youth Advisory Committee was convened to provide a forum for her to discuss issues with a group of young people. The members of this Committee were selected with the help of various youth serving agencies and several New Jersey public schools. Approximately 30 youth were assembled from across the State. This diverse group included boys and girls from various racial, ethnic, cultural, religious and economic backgrounds. Some were honor students and some were involved in the juvenile justice system.

The Youth Advisory Committee developed three recommendations which address race relations, youth/police relations and financial penalties associated with juvenile crime.

INTRODUCTORY STATEMENT

I. INTRODUCTORY STATEMENT

A. The Advisory Council Process for System Reform

Early this year, shortly after they took office, Governor Christine Todd Whitman and Attorney General Deborah T. Poritz conducted a week-long "tour" across New Jersey to review the State's juvenile justice system. They visited a training school, a detention center and residential group homes for juveniles including a drug treatment program. The week culminated with a Juvenile Justice Forum which brought together key representatives of the juvenile justice community who shared their thoughts and concerns about the system with the Governor and the Attorney General.

Subsequently, the Governor expanded the role of the Advisory Council on Juvenile Justice through Executive Order 10, signed on March 17, 1994. The Council is chaired by the Attorney General; the Department of Human Services Commissioner is vice-chair. Membership includes the Commissioners of the Departments of Community Affairs, Corrections, Education, Health, Labor, the Secretary of State, the Public Defender, four persons chosen by the Legislature and public members, including judges, prosecutors, service providers and many other individuals interested in improving New Jersey's juvenile justice system. The Administrative Office of the Courts (AOC) also participated in the work of the Council.

In Executive Order 10, the Council was charged with developing a plan for reform of the entire juvenile justice system. The Governor called for two reports: the first by June 30th and the second by the end of 1994. The first report, *Initiatives for Short-term Implementation*, was presented by the Attorney General to the Governor on June 28, 1994 and recommended services and sanctions for juveniles that could be expeditiously implemented using existing resources. It was the product of a cooperative effort among the cabinet members of the Advisory Council, the Director of the AOC and staff. The initiatives contained in the report represented an interim response to the escalating problem of youth violence and delinquency while the Advisory Council continued its deliberations on more fundamental changes which might be required to ensure long-term system improvement.

The short-term initiatives address a spectrum of concerns, many of which have been long standing and resistant to reform. Significantly, many of the initiatives rely on a degree of inter-departmental cooperation and planning that had not occurred before in New Jersey. The report highlights eleven initiatives for immediate action and enumerates an additional 19 that, taken together, attempt to improve service delivery for juveniles while addressing the need to achieve public safety. Many of these initiatives have already been implemented while the various departments have made significant progress in moving other initiatives forward.

The Governor's Executive Order 10 also required the Advisory Council to present a final report by the end of 1994. The purpose of this report, the present document, is to provide concrete strategies for overall juvenile justice system reform based on the Advisory Council's review of the entire system. From the outset, the Council viewed its work as action oriented and concentrated on realistic recommendations that could be implemented in a timely manner. Key components of this approach included identifying those agencies which would be responsible for implementing reform and identifying potential funding sources.

The Advisory Council, at its first meeting on April 19, 1994, created nine working groups as vehicles to facilitate this process. Each working group focused on a particular area or concern of the system with an eye toward developing a plan for reform. This approach focused limited resources in a coordinated manner on initiatives that would confront and remedy problem areas in the juvenile justice system. The working groups were as follows: Planning, Organizational Structure and Accountability; Interagency Collaboration and Information Sharing; Minority Issues (primarily minority overrepresentation); Primary Prevention; Early Intervention and Post-complaint Diversion; Detention and Adjudication; Dispositions; Aftercare/Transitional Services; and Legislation.

Early on, the Advisory Council recognized that dividing its work into isolated and discrete areas of responsibility entailed some risk; that this approach might well echo the fragmentation that currently exists in the system. For this reason, efforts were made to ensure communication across working groups. Most importantly, the Advisory Council integrated the products of the various working groups with the basic organizational structure for reform which was being shaped by the Planning, Organizational Structure and Accountability Working Group. While the working group reports comprise the core of this final report, additional research, analysis and discussions were provided by the Bureau of

Interim Report, June 1994 **The Eleven Highlighted Initiatives**

- Enacting Governor Whitman's proposed amendments to New Jersey's confidentiality laws
- Providing alternative schools for disruptive students
- Increasing jobs and job training for justice system youth
- Increasing available drug treatment for justice system youth
- Creating two new community-based aftercare programs
- Providing improved care for female offenders committed to the State
- Implementing mentoring initiatives by the Governor, the Attorney General and the Mercer County Executive
- Creating the Juvenile Justice Bureau
- Expanding and replicating county prosecutor intervention programs
- Renovating the New Jersey Training School for Boys (Jamesburg)
- Improving education in detention, correctional and alternative facilities

Juvenile Justice, the Juvenile Justice Committee of the County Prosecutors Association and the Youth Handgun Violence Task Force.

In tandem with the deliberations of the Advisory Council, the National Council on Crime and Delinquency (NCCD) conducted an in-depth review of New Jersey's juvenile justice system, bringing to the process a broader perspective gained by its study of the national scene and in-depth work with a number of other states' justice systems. The NCCD was awarded a contract to undertake this examination as a result of a "request for proposal" process through which the State solicited proposals from a number of research organizations.

The NCCD initiated its system review in June. The organization prepared four briefing papers which addressed redesigning the structure for juvenile justice services; instituting alternatives to incarceration through community corrections; enhancing prevention and early intervention efforts; and, dealing with minority overrepresentation and disproportionate incarceration. The NCCD also interviewed key juvenile justice system personnel in various counties, held a series of "focus groups" to further elicit concerns and insights from representatives of the several components of the system, and participated in selected working group meetings in preparing its final report.

B. The Structure of this Report

The main body of this Final Report begins with a review of the existing system and its shortcomings, and a proposal for system reform. This approach emphasizes the key role that would be played by an improved organizational structure at the State and local levels in any meaningful system reform. The major proposals for this reform include creation of an independent Juvenile Justice Commission; an enhanced role for County Youth Services Commissions in local services planning, coordination and development; and the creation of a State/Community Partnership Grant Program.

The Report also examines a long standing and troubling reality in New Jersey's juvenile justice system -- minority youth overrepresentation and related minority issues. It proposes some specific strategies to begin to address this problem, with a special focus on ameliorating high rates of minority incarceration in State and county correctional facilities.

Next, the Report recommends specific initiatives to improve the way New Jersey deals with the growing problem of serious and violent juvenile crime. These initiatives address youth handgun violence, juvenile sex offenders, chronic offenders, youth gangs, the role of juvenile officers and necessary Juvenile Code reforms.

This is followed by a section which sets forth several priority programs which could be implemented by the Juvenile Justice Commission. These programs focus on aftercare services, the creation of a boot camp for juveniles, and the development of sanctions and services for juvenile sex offenders.

Next is a series of priority programs that could be undertaken at the local level through funding from the State/Community Partnership Grant Program. These programs target critical needs relative to prevention, early response, detention and dispositions.

The Report then examines a common barrier to effective and efficient decision making -- the lack of a free flow of information between agencies. Strategies are presented that can help improve information sharing throughout the system.

Finally, recommendations of the Attorney General's Youth Advisory Committee are presented. These recommendations address race relations, police and youth relations and financial penalties associated with juvenile crime.

***REFORMING NEW JERSEY'S
JUVENILE JUSTICE SYSTEM***

II. REFORMING NEW JERSEY'S JUVENILE JUSTICE SYSTEM

A. Shortcomings of the Current Structure

Juvenile delinquents are served by several systems in New Jersey but are the priority of none of these systems. The Department of Corrections has responsibility for providing secure care for juveniles but must focus most of its attention and resources on the greater demands of the adult corrections system. The Department of Human Services is responsible for non-secure and community-based residential facilities but the population served by these facilities represents only a fraction of that Department's responsibilities. Parole has responsibility for supervising juvenile offenders but only as an addition to caseloads in the already overburdened adult system. Many police departments have officers dedicated to the special concerns of juvenile offenders but a greater focus on juveniles is needed to stem the rise in serious and violent juvenile crime.

Even among those who are dedicated only to serving juveniles there is a lack of centralized authority. Planning, policy, service provision and advocacy for juveniles is split between a variety of independent agencies, boards, commissions and councils on different levels and in different branches of government. Consequently, the "system" is unable to coordinate its limited resources to adequately address the needs and problems of juvenile delinquents. This lack of coordination, in turn, has reinforced the existing fragmentation, duplication and inefficiency.

At the State level, the fragmentation of operational authority is exemplified by the split between the Departments of Corrections and Human Services. Pursuant to a 1993 Executive Reorganization Plan implemented by then-Governor Florio, the Department of Corrections controls the secure care facilities (the Training School for Boys and the Juvenile Medium Security Facility), while the Department of Human Services controls residential and non-secure facilities for juvenile offenders committed to the care of the State. The current fragmentation of ownership and authority has contributed to overcrowding, poor program development and the lack of a continuum of services and sanctions from most to least restrictive.

In addition, there is no shared philosophy that informs the actions taken by the various agencies that have responsibility for the juvenile justice population. This derives in part from the need to conform sometimes conflicting principles or goals -- public safety, offender accountability and rehabilitation. The philosophy presented in New Jersey's Juvenile Code attempts to balance these goals; nonetheless, the various responsible agencies are more likely to focus on one of these goals than on a balance that serves them all.

The result is a "split" view as to how we should handle different kinds of juvenile offenders. Minor offenders are often seen as largely blameless youthful victims of circumstances beyond their control. The system then attempts to understand what is behind the delinquent's conduct and seeks a community response through diversion, minimal supervision and, sometimes, the provision of services.

Conversely, serious, violent and repetitive offenders are often seen only as willing perpetrators, responsible and therefore accountable for their behavior. These serious, repetitive and often violent juveniles, however, frequently have the greatest skill deficits and are also in need of services.

This "split" view of delinquent offenders can lead to an inadequate system response for both the first-time delinquent and the serious and chronic offender. It can result in minor offenders failing to get the message, early on, that what they have done is wrong and unacceptable to their communities. A fair and measured "dose" of accountability would serve as a lesson in the importance of responsibility for one's actions and could reduce recidivism.

In the case of the serious or chronic offender, this "split" view can lead to a one-sided response that in the long run does not serve the juvenile and does not protect the community. The Council believes that public safety is best served by providing a range of options for serious offenders that include incarceration in a State training school as well as close probation supervision in the community and by also addressing the skill deficits and treatment needs of these juveniles. In short, delinquent youth are both children and offenders.

Public safety and accountability should have a central place in any juvenile justice system. While sanctions should vary, with concerns for public safety and the degree of seriousness of the crime as primary considerations, programs that rehabilitate are needed for both those first offenders who remain in the community and those serious and violent offenders who need to be incapacitated in secure confinement. This approach recognizes that adolescence is a critical period of growth and, consequently, that system responses should be shaped to deal with the special problems of this age group. From a strictly pragmatic perspective almost all juvenile offenders eventually will return to their communities and the services and sanctions provided by the juvenile justice system can affect whether they return as productive and law-abiding citizens or as dangerous criminals likely to graduate into the adult criminal justice system.

Finally, New Jersey's juvenile justice system has limited tools for adequately achieving its public safety, accountability and rehabilitation goals. As noted earlier, New Jersey's Juvenile Code provides for numerous alternative dispositions, including services and sanctions that make juvenile offenders accountable for their actions and that address the root causes of delinquent behavior. Nevertheless, due partly to limited resources and partly to lack of a coordinated and informed response, the system still chiefly responds to delinquency with either probation or incarceration.

Probation caseloads are high which makes it difficult to provide adequate supervision or accountability. State facilities are overcrowded and have difficulty providing services that might reduce the juvenile's risk of reoffending when released back into the community. Although study after study shows that services and sanctions for this population work best when provided in the community -- with the active participation of families, schools,

churches and other individuals and agencies -- there is little incentive for local governments to provide alternatives to probation and incarceration. The system needs to reverse the current incentives so as to encourage community-based services and sanctions.

New Jersey also suffers from overrepresentation of minorities, especially in the deep end of the system. Minority youth comprise over 90 percent of all residents in secure care at the State level and over 80 percent of the population in county detention. Despite repeated efforts to address this concern over the last decade, the problem has worsened.

In summary, the problems of the juvenile justice system in New Jersey are attributable to:

- a lack of coordinated planning and implementation of sanctions and services at the State, county and local levels;
- a lack of dispositional alternatives in the community;
- a failure to hold offenders responsible and accountable for their actions;
- a lack of funding and fragmentation of the funding that does exist at both the State and community levels;
- a lack of uniform standards for service provision and little oversight and accountability to ensure that standards are being met;
- a disparity in the provision of services for court-involved youth which, in part, contributes to the overrepresentation of minorities in the correctional system;
- a lack of comprehensive programs that focus on the most serious and violent offenders; and
- a lack of programs for special offender populations (e.g., sex offenders, firesetters).

B. Approach to Reform

This section addresses the creation of a new juvenile justice system for New Jersey that provides a process for dealing more effectively with both the serious and violent offender and the broader range of less violent offenders that comprise the majority of New Jersey's court-involved youth. The focus is on a balanced approach to juveniles who have already entered the system as well as preventive measures to help "at-risk" juveniles avoid the courtroom door. A key element in the overall Advisory Council approach is the involvement of local government, communities and the private sector. Only with their

cooperation can New Jersey establish a more effective and efficient strategy to address delinquency.

With these goals in mind, the Advisory Council considered many options in its search for the best system reform for New Jersey. After much debate and research, the Council concluded that the following system best serves to balance the goals of public safety, accountability and rehabilitation while supporting local efforts to prevent and intervene in delinquent conduct and to provide aftercare and transitional services designed to reduce reoffending.

The Council proposes that New Jersey should:

- Establish an independent Juvenile Justice Commission at the State level which has responsibility for planning, policy development and operations for youth involved and at risk of involvement in New Jersey's juvenile justice system.
- Expand and support County Youth Services Commissions as the primary local planning and policy entity for this target population.

Together these two entities would form one united juvenile justice system that will:

1. have operational responsibility for providing a continuum of services and sanctions to juveniles both under the custody of the State and remaining in the community;
2. coordinate the juvenile justice efforts of all State, county and local entities with regard to policies, programs and funding;
3. ensure that court-involved youth in the target population have access, when appropriate, to services provided in all State entities and in other entities that provide services through State contracts;
4. enable counties and communities to plan and develop both prevention and intervention programs for these youth by:
 - a. facilitating county and community provision of services through fiscal incentives and disincentives, and
 - b. setting standards, providing oversight and evaluation, monitoring, advocacy and technical assistance for county and community programs receiving State funding; and
5. reduce disparity in the provision of services for court-involved youth.

In order for the proposed juvenile justice system to fulfill these responsibilities the Council recommends that New Jersey:

1. unite in an independent Juvenile Justice Commission all facilities, services and sanctions for delinquent youth that are currently split between the Department of Human Services and the Department of Corrections;
2. transfer the Bureau of Juvenile Justice and its responsibilities from the Division of Criminal Justice in the Department of Law and Public Safety to the newly created Juvenile Justice Commission;
3. transfer the Juvenile Monitoring Unit, currently housed in the Department of Human Services, to the newly created Juvenile Justice Commission;
4. legislatively establish the Youth Services Commissions as the local bodies to plan and implement community-based services and sanctions for this population and to include in their plans prevention and intervention strategies to reduce juvenile delinquency and programs to reduce minority overrepresentation in the system;
5. strengthen the Juvenile-Family Crisis Intervention Units (CIUs) statewide by bringing them under one authority and enabling them to meet the mandate of the Juvenile Code;³
6. develop a case resolution system to address program access for delinquent youth at both the State and community levels; and
7. develop a State/Community Partnership Grant Program administered by the Juvenile Justice Commission and through which funds will be granted to county and local units of government and community agencies to deliver front and back end services and sanctions in order to, among other things, increase the availability of alternative dispositions, reduce overcrowding in State facilities, address minority overrepresentation and formulate strategies to prevent juvenile crime and youth violence.

³The 1993 Juvenile Code decriminalized status offenses (e.g., incorrigibility, truancy, running away from home) mandating that they be handled as "family crisis situations." Every county in New Jersey now operates a CIU (ten do so within the court system, eleven operate CIUs through social service or mental health agencies outside the court). According to a 1993 Juvenile Delinquency Commission survey of CIU administrators, CIUs are understaffed and underfunded, asked to handle inappropriate cases (e.g., serious emotional problems), and have limited authority with uncooperative juveniles/families.

C. Creation of an Independent Juvenile Justice Commission

The National Council on Crime and Delinquency (NCCD), in its "Organizational Structure" briefing paper to the Advisory Council, notes that the trend over the last several years has been to remove the juvenile component from larger bureaucracies because, much to the detriment of juvenile offenders, these bureaucracies focus attention and resources primarily on other client populations.

The nine state juvenile correctional agencies that have been established since 1987 were formerly divisions of an adult correctional agency or subdivisions of a larger children, families and youth agency that included child welfare, social services and services for neglected and dependent youth, children with mental health or developmental disabilities, and juvenile offenders. In both schemes the agency's previous operational priorities were focused on populations other than juvenile offenders.⁴ In fact, Florida recently created an independent Department of Juvenile Justice after its 15-year experiment, in which juvenile offenders were combined with other youth populations in a single children and youth agency, failed to provide delinquent youth the necessary focus, advocacy or resources.

Recent reorganizations in Maryland, Arizona, Nebraska and several other states have sought to avoid these problems by creating free-standing, independent juvenile justice agencies. Likewise, both the NCCD and the American Bar Association Planning Standards recommend the creation of such an independent juvenile justice agency for those states considering reorganizing their juvenile justice systems.

The Council believes that the Juvenile Justice Commission it is proposing for New Jersey should be a legislatively created, independent authority responsible for planning, policy development, operations, contracting and advocacy for all youth involved in the juvenile justice system. The Commission also, in collaboration with other State and local child serving agencies, should provide prevention programs for juveniles who are at risk of involvement in the system. The Juvenile Justice Commission should be administratively placed in, but not of, an existing department of State government.

The Juvenile Justice Commission would have the ultimate authority to set policy and to formulate a Statewide Juvenile Justice Plan which would be presented to the Governor and the Legislature annually. The Juvenile Justice Commission would also have the responsibility for reviewing plans prepared by the County Youth Services Commissions and setting criteria to be addressed by those plans.

The Juvenile Justice Commission would act as a clearinghouse for all matters relating to juvenile justice and would survey, research and evaluate services and sanctions to determine what works and how limited resources can best be directed to most efficiently address the problems facing New Jersey's juvenile justice system.

⁴Edward Loughran, *Organizational Structure and Accountability* (Briefing Paper), Newark, New Jersey: National Council on Crime and Delinquency, November 1994, p. 1.

This Commission should create a system of fiscal incentives and disincentives in order to develop a cooperative, coordinated State/community partnership to enhance services and sanctions for youth involved or at risk of involvement in the juvenile justice system. Funding for this partnership would be derived from various sources including federal and private grants. The Commission should provide technical assistance to county and local entities in order to help them obtain such funding. The Commission also should prepare a proposal for the Governor and the Legislature outlining an appropriate permanent funding mechanism for State and community programs.

The creation of the Juvenile Justice Commission is not expected to eliminate the need for coordination between and among the agencies and branches of State and local government in connection with their juvenile justice programs, services and initiatives. Consequently, the Juvenile Justice Commission should include input and involvement from these entities. It is therefore recommended that the Commission coordinate and collaborate in planning for youth services with other youth serving agencies such as the Children's Coordinating Council and the State Human Services Advisory Council.

OPERATIONAL RESPONSIBILITIES

The management, operation and contracting responsibilities and resources of all programs for juveniles committed to the authority of the State now within the Departments of Human Services (including the Detention Monitoring Unit) and Corrections (including the juvenile parole function of the Bureau of Parole) should be transferred to the Juvenile Justice Commission. The Commission's responsibilities should include:

1. the management and operation of all State-operated facilities for juvenile delinquents;
2. operating or entering into contracts with outside sources for secure and non-secure programs and services which serve delinquent youth on a statewide basis;
3. assessing the needs of juveniles in secure and non-secure placements and developing a comprehensive plan for the provision of services and sanctions for these juveniles;
4. implementing, in partnership with the County Youth Services Commissions, aftercare and transitional services for juveniles returning from State-operated programs; and
5. ensuring the coordination of the various county multi-disciplinary teams in providing sanctions and services for delinquent youth.

PLANNING, POLICY AND ADVOCACY RESPONSIBILITIES

The Juvenile Justice Commission should be responsible for planning, policy development and advocacy including:

1. developing a statewide plan for juvenile justice which includes the plans of the Youth Services Commissions as well as plans for all State department programs for this population;
2. assuring that there are appropriate standards for and monitoring of every government-supported program for this population;
3. coordinating State and county level efforts for juveniles in the target population;
4. ensuring that these juveniles have access to appropriate services and sanctions from all State entities and all entities receiving funds from State contracts;
5. researching and developing funding strategies with a focus on procuring funding for community-based programs for these juveniles;
6. providing technical assistance, advocacy and training for county and local entities;
7. conducting research and providing monitoring, evaluation and accountability for juvenile justice programming;
8. recommending and reviewing legislation affecting the juvenile justice system; and
9. working cooperatively with existing county and local child serving agencies to avoid duplication and fragmentation of services for this population.

D. Youth Services Commissions

The establishment of a local entity to advocate, plan and implement community-based services and sanctions, as well as prevention and intervention strategies to reduce juvenile delinquency, is essential to the success of the Council's proposed revisions to New Jersey's juvenile justice system. The Council believes that a local entity dedicated to fulfilling these responsibilities for the juvenile justice population is also a necessary prerequisite to the establishment of the State/Community Partnership Grant Program discussed in detail in Subsection E., below.

Consequently, the Advisory Council recommends that Youth Services Commissions (YSCs) in each county be legislatively established. Legislation to mandate and adequately

fund County YSCs has been proposed since the mid-1980s but has never passed. The need to formalize and extend the authority of County YSCs was recognized by the Juvenile Delinquency Commission in its 1988 report:

These Commissions should be charged with responsibility for defining and planning for an acceptable level of services, with special emphasis on the needs of juveniles adjudicated delinquent. Further, the Legislature should mandate provision, in each county, of a minimally acceptable level and range of services, as identified by the State and County Youth Services Commissions, to meet the basic needs of court-involved youth.⁵

The legislation should charge the County Youth Services Commissions with the following responsibilities:

1. assessing and prioritizing the needs of youth involved or at risk of involvement in the juvenile justice system;
2. developing a comprehensive plan for the provision of sanctions and services for this population and for the prevention of and intervention in delinquency. The plan should be submitted to the Juvenile Justice Commission for approval;
3. developing, implementing and contracting for community programs for these juveniles;
4. reviewing and monitoring new and existing community programs to determine their effectiveness;
5. developing and coordinating the efforts of Municipal Youth Services Commissions;
6. ensuring a multi-disciplinary team process for the provision of individualized services for delinquent juveniles;
7. coordinating and facilitating the provision of prevention activities as they relate to this population; and
8. coordinating with related county, municipal or private planning bodies or organizations to avoid duplication of services or resources and to facilitate the provision of services.

⁵Juvenile Delinquency Commission, *Juvenile Justice -- Toward Completing the Unfinished Agenda*, Trenton, New Jersey, 1988, p. 71.

To effectively fulfill these responsibilities, the County Youth Services Commissions will need baseline funding and appropriate resources.

The legislation should also provide for the appointment of Commission members by the governing body of the county. Possible members could include: the Presiding Family Court Judge; the County Executive or Freeholder Director; the County Prosecutor; the Regional Deputy Public Defender; the DYFS District Office Manager; a representative from the Division of Developmental Disabilities; the County Mental Health Administrator; the County Superintendent of Schools; the Directors of the County Youth Shelter, the Youth Detention Center and the Juvenile-Family Crisis Intervention Unit; the President of the County Juvenile Officers Association; the County Sheriff; the Regional Private Industry Council; the County Department of Human Services; the County Department of Corrections; the County Alcoholism Coordinator; representatives from the Municipal/Regional YSCs; and, a representative from the State Juvenile Justice Commission. The governing body of the county could also appoint as members the Chief Probation Officer and the Family Division Manager of the vicinage or their designees, subject to the approval of the Chief Justice of the Supreme Court, as well as representatives of public and private community-based agencies and organizations, volunteer and child advocacy groups, and youth representatives.

The Council believes that the YSC Coordinators should be members of other local planning bodies and organizations so that they are in a position to promote coordination and cooperation in the provision of sanctions and services and to avoid duplication of services. Such cross-representation also allows the juvenile justice community to have a voice in systems in which it should play an active role but to which historically it has not had access.

In recognition of the unique needs, interests, structures and administrative support capabilities that currently exist in each county, the Advisory Council recommends that the legislation contain language which permits the counties, upon explicit waiver and approval of the Juvenile Justice Commission, to use another county entity in place of Youth Services Commissions. Such a waiver should be contingent upon full compliance with statutory membership requirements and the ability to perform all mandated functions in accordance with established standards and procedures. Allowing discretion in this manner will encourage the coordination of related functions, avoid duplication, and foster the most efficient use of local resources while respecting the diversity of each county.

Interagency Collaboration Through Multi-disciplinary Teams

The current service delivery system for youth who are involved or are at risk of involvement in the juvenile justice system does not, on a systematic statewide basis, have adequate mechanisms for providing coordinated service planning at the county level. The County Youth Services Commissions can fill this need by planning for the development of multi-disciplinary teams (MDTs) for this population.

These MDTs should coordinate and collaborate with the various existing county planning agencies, including Human Services Advisory Councils (HSACs) and County Interagency Coordinating Committees (CIACCs).

Through a process of interagency collaboration, the MDTs would assist in the development of more effective and efficient system decisions and improved service delivery in three critical areas of juvenile justice system processing: detention, dispositions and aftercare. The teams would be responsible for developing individualized treatment plans for each juvenile -- identifying treatment needs and coordinating agency efforts to make the best use of resources to meet those needs.

Linkages should be formed with existing MDTs serving youth such as the Department of Human Services' Case Assessment Resource Teams (CARTS), Juvenile Detention Center and Juvenile Court Screening Teams (currently in six counties), and the Department of Education's local school districts' Child Study Teams/Pupil Assistance Committees.

The Youth Services Commissions should have four broadly defined roles with reference to multi-disciplinary teams: 1) to assist in development and management of the multi-disciplinary teams; 2) to assist in the overall case management of all youth in the juvenile justice system; 3) to assist in policy, system and resource issues and needs; 4) to coordinate directly with the County CIACC/CARTs and School Child Study Teams or other appropriate designated school personnel, such as the school guidance counselor or principal. The Youth Services Commissions could enter into formal affiliation agreements to establish any necessary protocols.

Each county should establish one or more multi-disciplinary teams to deal with the three critical areas noted above: detention, dispositions and aftercare. While some counties may have separate teams which specialize in each area of concern, others will combine team efforts to address two or all three of these areas in an effort to maximize case management effectiveness. Counties with larger juvenile justice populations will likely require additional teams. Existing detention and court team pilot projects could be utilized as models for development.

E. State/Community Partnership Grant Program

Prosecutors, judges and service providers agree that the lack of alternative disposition options at the local level is a major failing of New Jersey's juvenile justice system. The Juvenile Code's philosophy recognizes, and most studies and experts concur, that the goals of public safety and rehabilitation are best served if the community and family are closely involved in dispositional services and sanctions. However, while the Code advocates greater community and family involvement and authorizes a wide variety of alternative dispositions, few such alternatives actually exist at the county and local level.

The lack of alternative dispositions is most evident in those counties where need outstrips fiscal resources. Indeed, some counties lack even a minimum level of core services and sanctions. This results in a system that treats delinquent juveniles differently depending upon where the offense is committed rather than the seriousness of the offense or the individual service needs of the juvenile. This, in turn, leads to inequities in treatment, such as the overrepresentation of minority youth in the deep end of the system and failure to provide early intervention and accountability which have been shown to limit recidivism.

In addition to the lack of resources, there also is no incentive for local and county governments to use existing, limited resources to establish community-based alternatives for this population of juveniles. Legal and fiscal responsibility for juveniles adjudicated delinquent rests primarily in the executive and judicial branches of State government (the responsibility for probation supervision and programs has recently been shifted from the counties to the State). While many counties fund a wide array of services and sanctions for these juveniles, there are no fiscal incentives to encourage such action. Rather, the current incentives run in the opposite direction: local and county governments can save scarce local tax dollars when juvenile offenders are committed to the care and custody of the State. The natural results of this "backward" incentive are overcrowded facilities, high rates of reoffending, and little program success in our institutions.

For New Jersey's juvenile justice system to meet its goals of public safety, accountability and transforming delinquent youth into productive and law-abiding citizens, this current incentive must be turned around. To achieve this goal the Advisory Council recommends creation of a State/Community Partnership Grant Program, similar to programs undertaken in Ohio, Florida and other states that have recently revamped their juvenile justice systems. Creation of such a Partnership, the details of which are presented below, is supported by the National Council on Crime and Delinquency and described in a briefing paper presented to the Advisory Council by the NCCD.⁶

This State/Community Partnership Grant Program ("Partnership") would be administered by the Juvenile Justice Commission and would establish fiscal incentives for county and local governments to provide services and sanction options for juveniles in the community. This Partnership would also encourage local government to establish prevention and intervention services that address the root causes of delinquency and increase public safety by providing opportunities for meaningful alternatives to crime. The Partnership, and the dispositional alternatives it encourages, would:

1. reduce institutional commitments thereby reducing overcrowding in State facilities and limiting the growth of institutional populations in the future;
2. reduce minority overrepresentation in State facilities through the creation of alternative dispositions in those areas where few alternatives now exist;

⁶Todd Clear and Nancy LaVigne, *Instituting Alternatives to Incarceration through Community Corrections Acts* (Briefing Paper), Newark, New Jersey: National Council on Crime and Delinquency, October 31, 1994.

3. reduce overcrowding and minority overrepresentation in county detention centers through detention alternatives and access to services that provide alternative placement options;
4. allow communities to address local problems through programs and initiatives specifically designed to deal with the special needs of their residents;
5. increase responsibility and accountability of delinquents for their criminal actions by providing meaningful services and sanctions early in their offending careers;
6. reduce disparity in availability of services and sanctions through fiscal incentives for the creation of core services in each county; and
7. encourage the establishment of innovative services and sanctions and the evaluation of those innovations to determine what works best to achieve the goals of increasing community safety, reducing reoffending and providing education, job training and other opportunities for this population of juveniles so they may become productive citizens.

Examples of how this Partnership can be used to address these areas of priority in New Jersey's juvenile justice system are set out in detail in Section VI., "PARTNERSHIP" PRIORITY INITIATIVES.

The County Youth Services Commissions would be the primary coordinating partner at the local level while the Juvenile Justice Commission would administer the program at the State level. As addressed in detail in Subsection D., above, the YSCs would be responsible for devising plans that present the priority needs of youth involved and at risk of involvement in delinquency in their communities. The local plans should meet guidelines established by the Juvenile Justice Commission as to the programs that can receive funding assistance pursuant to the Partnership, the performance and accountability standards that must be met, and the evaluation that must be undertaken. Based on these needs and priorities, the Juvenile Justice Commission would formulate a Statewide Plan for Juvenile Justice that includes details of the Partnership Grant Program for that year.

Partnership Grants would be provided through the County Youth Services Commissions either by or in cooperation with the Juvenile Justice Commission. Timely submission of the YSCs' plans would be a prerequisite to receiving Partnership Grant funds. Allocation of Partnership Grants would be based on several criteria, the details of which would be established by the Juvenile Justice Commission. Some portion of the available funds would be allocated to County YSCs through a formula based on indicators of need such as youth crime rate, population in poverty and youth population. The Juvenile Justice Commission would recommend this funding formula to the Legislature.

Although the Juvenile Justice Commission should ultimately be responsible for administering the Partnership, this process can be started immediately while the transition to the new system is under way. For example, a temporary board comprised of representatives from the existing juvenile justice agencies of State government could begin to administer any available funds through the existing Youth Services Commissions or other existing county entities.

Funding for the Partnership

Funding for the Partnership would come from a variety of sources. First, State funds (or federal or private funds passed through the State) currently provided to communities to serve this population could be made available through the Partnership Grant Program. In this way these limited funds could be directed at priority needs in each county as identified in the County Youth Services Commission plans. Funneling all such monies through a centralized entity would also reduce duplication of services and enhance the efficient use of resources. This may require a change in the mix of sanctions and services funded at the local level. If the new system is going to address the historical problems in New Jersey's juvenile justice system, it should be prepared to do more than simply expand existing budgets by adding new services on top of currently ineffective services and sanctions.⁷ Examples of potential funding sources include the \$3.3 million currently provided to the County Youth Services Commissions by the Department of Human Services and funds available in formula grant monies from federal sources, such as the Office of Juvenile Justice and Delinquency Prevention.

Second, the Partnership, through the Juvenile Justice Commission, should work cooperatively with executive departments to ensure that monies from those departments for this population are made available in a manner that addresses local needs and permits local entities to effectively use this funding for its intended purpose as identified in the YSCs' plans. The Partnership should ensure that resources are directed as efficiently as possible and in a manner that does not overlap or duplicate other services and programs being undertaken at the local level. Examples might include monies for job training and other work initiatives that are available through the Department of Labor for delinquents, the use of Department of Education At-Risk Aid monies to establish neighborhood/community service centers (see Section VI., B. for more details regarding this proposed initiative), or the use of funds available through the Department of Health for community drug treatment services for this population.

Third, as the Partnership encourages the creation of smaller, community-based programs, there is a greater probability that those services will be eligible for various federal funding streams. Such reimbursements often are not available for juveniles placed in secure, correctional settings or other large institutions.

⁷The Conservation Company and Juvenile Law Center, *Building Bridges: Strategic Planning and Alternative Financing for System Reform*, Philadelphia, Pennsylvania, 1994, page 4.

Fourth, the Partnership, through the Juvenile Justice Commission should aggressively seek funding that is available from federal discretionary grant programs (the recent Federal Crime Bill is one example) and private foundations. Historically, New Jersey has not obtained the funding from these sources it should have given the size of its juvenile population and its crime rate. There is a need to dedicate personnel to this task. Grant writing and the developing of contacts to procure grants is a time consuming and specialized field which requires the preparation of competitive proposals under short deadlines. These problems are further exacerbated at the local level where the lack of expertise and knowledge about the availability of grants may be even greater. To address these problems at both the State and local level and to procure additional funding for the Partnership, the Advisory Council recommends that the Juvenile Justice Commission assign at least one full-time person to gather information about and apply for federal and private grants and to provide technical assistance to the Youth Services Commissions to do the same at the local level.

Fifth, a stable and permanent funding source for the State/Community Partnership Grant Program should be legislatively explored. According to a briefing paper on "community corrections" prepared by the National Council on Crime and Delinquency, several other states that have recently implemented state and community partnerships such as the Partnership proposed here have provided a stable and permanent funding source for the program. The Advisory Council has considered several ideas for creating a funding stream for the Partnership, such as fines for adult sex offenders to pay for juvenile sex offender treatment (see Section V., C., above). While the Advisory Council was unable to reach a consensus as to the exact mechanism that could provide a stable funding stream for the Partnership, it continues to believe that the creation of such a mechanism would help to ensure the success of the State/Community Partnership Grant Program.

Sixth, monies saved at the State level through decreases in overcrowding and the slowing of commitments (which may remove the need to build new secure facilities in the future) should be redirected to the Partnership. These monies can be used to fund additional community-based programs which will result in even further savings at the State level.

Finally, the Partnership might require seed monies to ensure that priority needs in each county begin to be addressed. The need for start-up funding will be important in the early years before savings are realized and when "government must continue to operate the current system while it builds and installs the new system."⁸

The Partnership grant could also require local participation in funding through required matches and other methods.

⁸*Building Bridges*, page 16.

F. Transition Plan

Conversion from the current system to the reformed system described above would require, among other things, a projection of the costs and revenues associated with the new system, establishment of a time-line for conversion, identification of the costs of conversion, an exploration of financing mechanisms that may be available to fund the conversion, and passage of enabling legislation. A detailed plan for bringing together the fragmented parts of the current system must also be undertaken. While it is anticipated that this conversion and consolidation in the future will achieve cost savings in the provision of some services by reducing duplication and increasing efficiency, the Council expects that there will be some costs of conversion.⁹ A detailed projection of the extent of these costs will allow the executive and legislative branches to better consider their options in the preparation of a detailed plan for the new system.

The Advisory Council recognizes that the above task will require both time and the commitment of some existing personnel and resources. The Advisory Council also recognizes that reform of the system cannot stand still while this task is being undertaken. Consequently, the Council recommends that if the Governor decides to move forward with the proposed reform, she charge the Council by Executive Order with the above tasks. The Advisory Council should also have the responsibility for coordinating those system reforms that can be started now before the new system can be implemented.

⁹*Building Bridges*, page 25.

***ADDRESSING MINORITY OVERREPRESENTATION
IN NEW JERSEY'S
JUVENILE JUSTICE SYSTEM***

III. ADDRESSING MINORITY OVERREPRESENTATION IN NEW JERSEY'S JUVENILE JUSTICE SYSTEM

There is a disproportionate minority presence in the juvenile justice system throughout the United States. Not only is this problem widespread across the country, it continues to grow. For example, while minority youth accounted for 47 percent of the total detention population nationwide in 1979, 65 percent of the total consisted of minorities in 1991 -- a 38 percent rise. In the five year period from 1987 through 1991 the percentage of the detention center population comprised of white (non-Hispanic) juveniles dropped from 44 percent to 35 percent; the percentage of the training school population comprised of white (non-Hispanic) juveniles declined from 47 percent to 37 percent.

A substantial amount of research has accumulated which attempts to understand the reasons for disproportionate minority representation in the juvenile justice system. While research findings for the many jurisdictions studied vary greatly, a growing body of research suggests that processing decisions at various points of the system are influenced by race and factors correlated with race such as family income and stability. These factors operate at key decision points (e.g., at the time of arrest, diversion, secure detention and disposition decisions including the decision to incarcerate in a state institution). While the impact of these factors at any one point may not be great in a particular jurisdiction, the cumulative impact on minority youth across the various points of the system may be substantial.

Research points to the importance of both the direct and indirect effects of race on the overrepresentation problem.¹⁰ In fact, even "race neutral" decisions can have a negative impact on minority youth. As noted above, income, the inability to pay for a private attorney or to afford a private treatment program, and family instability can indirectly contribute to overrepresentation of minorities in that these factors appear more frequently in minority populations.

The Juvenile Delinquency Commission attempted to shed some light on minority overrepresentation in research published in its 1988 annual report. An examination of court data reveals that minorities are more likely to have been adjudicated delinquent on serious offenses. However, controlling for degree of offense, minorities are generally more likely to be incarcerated for the same degree of offense -- for first degree offenses 31 percent of the black and 31 percent of the Hispanic juveniles were incarcerated while only 10 percent of the white juveniles were incarcerated. One factor appeared to differentiate the two groups -- minority youth were more likely to come from single-parent families.

A more recent analysis by the Commission, an examination of diversion in eight New Jersey counties, revealed disparities there too. In 1992, 51 percent of the cases

¹⁰ Carl Pope and William Feyerherm, *Minorities and the Juvenile Justice System (Research Summary)*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C., 1993.

involving white juveniles were diverted in contrast to only 37 percent involving minority juveniles. While the nature of offenses committed appears to partially explain this disparity, differences remained when offense type was held constant. Further research would be needed to determine whether and to what extent prior court involvement provides a partial explanation for these differences.

Recent New Jersey reports suggest several reasons for minority overrepresentation:

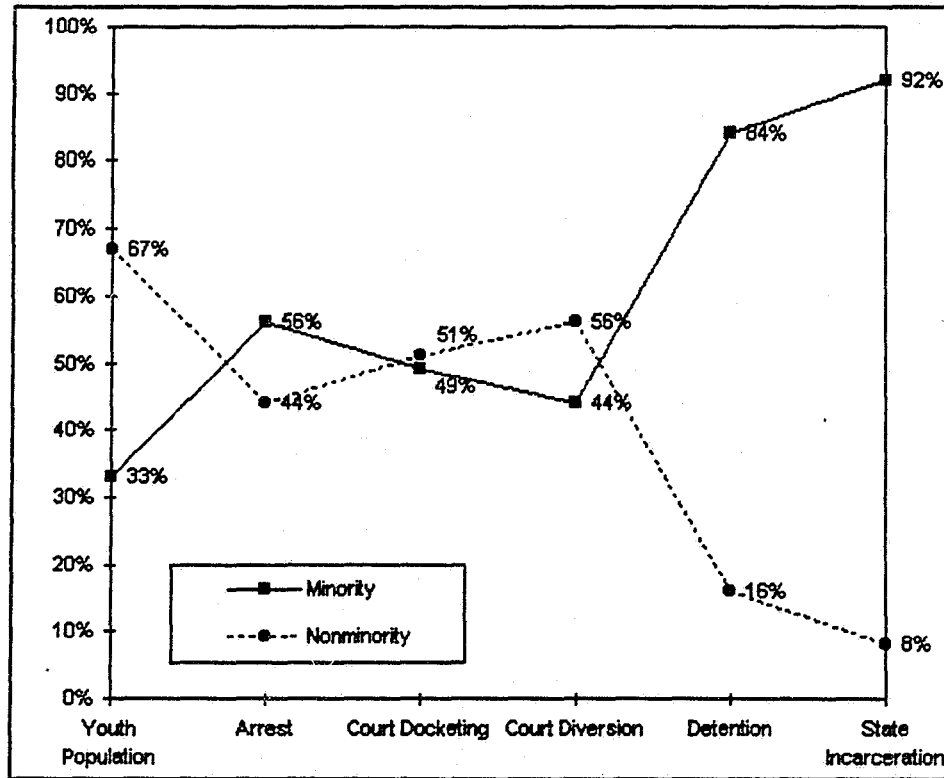
- Minority youth in the system are less likely to come from "stable families." Family structure and stability influences decisions to remove young people from their homes.
- The families of minority youth are less likely to be able to afford, or to have insurance to cover the cost of private services. As a result, incarceration often serves as the only feasible available option. Also, the failure to provide services early on can result in continued offending.
- New Jersey's inner cities, where delinquency problems are most serious, have large minority populations and often have the most limited resources and fewest options available for judges to use in lieu of correctional placement.
- Insensitivity on the part of various system personnel exists with reference to cultural/racial/ethnic differences.

Minority Overrepresentation in New Jersey

Minorities comprise approximately one-third (33 percent) of New Jersey's under age 18 population according to the 1990 United States Census. For comparison, minorities comprise about 31 percent of the United States juvenile population.

Consistent with the national picture, minority youth in New Jersey are disproportionately represented throughout the juvenile justice system. As we see in the chart below, the overrepresentation is greatest at the deep end of the system. According to the 1993 Uniform Crime Report of the New Jersey State Police, African American youth accounted for 41 percent of all juvenile arrests while Hispanic youth accounted for 14 percent. Focusing on arrests for the serious violent offenses of murder, rape, robbery and aggravated assault (the violent index offenses), minority youth comprised an even more disproportionate portion of arrests. African American youth accounted for 62 percent of these arrests, Hispanic youth 16 percent.

Minority/Nonminority Presence in the Youth Population and at Various Stages of the System



- Youth (Under 18 population, 1990 Census)
- Arrest (Juvenile arrests, 1993. The minority figure is marginally inflated since there is an overlap between the race and ethnicity categories in the UCR reports. Consequently, black Hispanics (a relatively small category) have been counted twice, i.e., as blacks and as Hispanics.)
- Court Docketing (Juveniles entering family court on delinquency charges. From eight FACTS county study)
- Court Diversion (Juveniles diverted in court. From eight FACTS county study)
- Detention (County detention facility admissions, 1993)
- State Incarceration (State training school population as of December 31, 1993)

The Council notes that the validity of arrest figures as a measure of the behavior of juveniles (as opposed to a measure of police practices and policies) has been questioned. As a result, it is difficult to establish the relative extent to which disproportionate arrests reflect system practices as opposed to an array of societal risk factors, such as multiproblem families, failing schools and a lack of economic opportunities, that are frequently recognized as "criminogenic."

Significantly, minority youth overrepresentation is greatest at the point of incarceration in New Jersey. A one-day count of residents in New Jersey's two state training schools, New Jersey Training School for Boys and the Juvenile Medium Security Facility, on December 31, 1993 revealed that minority youth comprised 92 percent of all residents. The overrepresentation of minority youth in county detention centers is almost as great. Minority youth accounted for 84 percent of all county detention facility admissions in 1993. Nationally, minority juveniles account for an estimated 63 percent of all juveniles held in secure detention or correctional facilities. A recent nationwide analysis revealed that New Jersey is first among the states in minority populations in detention centers.

A further concern is that New Jersey's overrepresentation problem has worsened in recent years. Between 1986 and 1993, the minority youth share of total detention facility populations grew from 70 percent to 84 percent. Likewise, between 1987 and 1993, the minority share of the State institutional population grew from 81 percent to 92 percent. Significantly, this alarming increase occurred during a period in which the State sought to better understand and address this problem. Several major reports by State agencies have been published in the last decade that deal with minority overrepresentation.¹¹ The reports detail, analyze and suggest solutions to the problem. However, while there has been some implementation of various recommendations, much remains to be done.

Responses of Other Jurisdictions

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has recently attempted to address the problem of minority overrepresentation. Amendments were enacted to the JJDP Act in 1988 to require that each state participating in the Department of Justice's Formula Grant Program assess and address minority overrepresentation in secure facilities. OJJDP now requires (beginning with fiscal year 1994) states participating in the formula grant program to: identify the extent of and assess the reasons for disproportionate representation and develop a plan to address the problem. States which do not comply with this mandate could lose up to one-quarter of their total formula grant allocation for the year.

¹¹ Juvenile Delinquency Commission, *Juvenile Justice--Toward Completing the Unfinished Agenda*, Trenton, New Jersey, 1988; Pathfinders Committee, *Pathfinders Committee Report*, Trenton, New Jersey: Administrative Office of the Courts, 1989; The Governor's Juvenile Justice and Delinquency Prevention Committee, *Justice or Injustice: The Disproportionate Incarceration of Black and Hispanic Youth in New Jersey*, Trenton, New Jersey, 1990; New Jersey Supreme Court Task Force on Minority Concerns, *Final Report* (Committee on Minorities and Juvenile Justice), Trenton, New Jersey: Administrative Office of the Courts, 1992.

As noted in the NCCD's briefing paper, *Dealing With Minority Over-representation and Disproportionate Incarceration*, OJJDP has funded policy initiatives in five states (Arizona, Florida, Iowa, North Carolina and Oregon). Each of these states has begun to implement programs to address overrepresentation.

Arizona has encouraged local service providers to develop prevention and intervention programs for minority youth. Florida (Hillsborough County) created a model assessment and classification center to serve as a broker to identify needed services and diversionary options. Oregon recognized that reform strategies should be adapted to the problems specific to its various jurisdictions. Counties with "front-end" system problems contributing to minority overrepresentation utilized strategies at that end of the system (e.g., case management assistance to police and court intake staff, training and technical assistance in cultural competency to service providers). A county with "deep-end" problems created a parole transition position within its juvenile court services to facilitate service provision upon return to the community. A key ingredient in many of these initiatives is mobilization of community responsiveness to the needs of the juvenile justice population.

Proposal to Reduce Minority Overrepresentation

All of the working groups established by the Advisory Council were asked to examine how their proposed strategies might have an impact on minority youth. It was felt that this requirement would focus the groups on minority overrepresentation and could lead to new approaches to this problem. In fact, overrepresentation is directly addressed by various working group proposals which deal with primary prevention, early intervention, detention alternatives, the availability and accessibility of "core services" and the provision of aftercare.

The Advisory Council believes that creation of the Juvenile Justice Commission and the State/Community Partnership Grant Program should have a discernible positive impact on minority incarceration. The ability to directly target funding to counties that are least able to respond adequately to juvenile crime problems through the County Youth Services Commissions' planning process should increase the availability of juvenile justice programs and services.

Increase Minority Employment in the Juvenile Justice System

Minority employment in administrative, managerial and direct service provision should be increased. There is a need for juvenile justice and social service agencies, including those involving police, probation officers, judges, counselors and social workers, to increase minority staff. Not only is staff needed to serve as role models for juveniles but also to provide input for policy and decision making which affects minority youth and their families.

Expand and Improve Cultural Diversity Training Statewide

The Advisory Council recommends the expansion and improvement of cross cultural training for a wide array of juvenile justice social service and related personnel at the State and local level. Personnel should be sensitized to cultural, racial and ethnic differences. Along with initial training, in-service "refresher sessions" are needed for personnel such as police, probation officers, intake workers and judges.

Racism, prejudice and individual bias are learned behaviors. Training in cultural diversity and sensitivity attempts to raise the level of awareness of participants about their own prejudices and about institutionalized racism. Through training, personnel are educated about legal requirements related to discrimination, about the origins of personal bias and about communication and life styles that often vary by race and ethnicity. By learning about the customs, mores and nuances that govern behavior within different cultures, we can reduce misunderstandings and misinterpretations of behavior that are based on culture.

It should be the responsibility of every State and local government agency (and private agencies funded by government) to adopt cultural diversity and sensitivity training education. The authority to guide, monitor and evaluate this initiative should be placed with the Juvenile Justice Commission or an appropriate entity determined by the Commission. Standards should be established to govern the quality of curricula, the adequacy of trainers, the length of training and who should be trained. State and local agencies should be monitored to determine whether they are adhering to the standards. In addition, efforts should be made to evaluate the efficacy of curricula in changing attitudes and views toward minority youth.

In the Spring of 1992, the JJDP Unit of the Bureau of Juvenile Justice in the Division of Criminal Justice funded a train-the-trainer Cultural Diversity Training Program for Department of Corrections personnel. The curriculum was developed by representatives of various State agencies serving juveniles in a cooperative effort to address this issue. A total of 110 participants were trained during three regional trainings. The five day course covered the elements of racism, the pathology of racism and developing positive behavior patterns. JJDP Act funds continue to support cultural diversity training at both the local and State levels for a variety of juvenile justice and social service agencies.

Since 1992, the Human Resources Development Institute (HRDI) has provided cultural diversity training to a variety of State agencies including the Office of the Public Defender, the Department of Labor, the Division of Criminal Justice in the Department of Law and Public Safety and some of the institutions in the Department of Human Services.

The Chief Justice established the Supreme Court Task Force on Minority Concerns in January 1986. The final report of the Task Force includes a recommendation for cultural diversity training. The Administrative Office of the Court's (AOC) training unit has an ongoing program of cultural diversity training that spans all sectors of that organization. To date, the AOC has almost completed its mandatory one day cultural diversity training

for all court staff including judges. The AOC also runs open courses addressing particular populations, such as "Hispanics and the Court," "Blacks and the Court," "Asians and the Court," as well as a general course entitled "Strategies for Successfully Working in a Multi-Cultural Work Environment."

The Advisory Council recognizes that many sectors of the juvenile justice system have recently implemented or are currently implementing cultural diversity training for their staffs. To date, commitment of staff time to cultural diversity training has typically been limited to one-half to one full day of training. The Council believes that cultural diversity training should be viewed as an ongoing process and that training curricula should be "customized" to target issues and concerns relevant to the particular participants in the training (e.g., police, probation officers, judges).

Expanding Programs and Services In the Community

In order to reduce the number of youth in secure confinement, New Jersey should expand the number of community-based programs and services especially in the inner cities. Community-based programs and services should provide a continuum of care, including prevention and early intervention initiatives, disposition options, alternatives to placement in juvenile detention and correctional facilities, and the provision of aftercare services. These programs are reviewed in detail in Section VI of this report. As noted earlier, the State/Local Partnership Grant Program should play a major role in encouraging local development of programs and services for court-involved youth through the planning efforts of County Youth Services Commissions. The Commissions' annual juvenile plans should include strategies to reduce minority overrepresentation.

The creation of alternatives to incarceration should help ameliorate the negative impact of family instability/dysfunction in decisions to place juveniles in secure county detention centers and State training schools. As the Supreme Court's Pathfinders Committee stated in 1989:

No child should be sent to a correctional facility as a result of factors over which he or she has no control. Accountability for delinquency offenses must be a personal reflection of the offender, not his or her family.¹²

Innovative programs and services (residential and nonresidential) should be developed at the local level including the creation of host homes or group homes as detention alternatives. These and other residential settings, as well as nonresidential arrangements which involve community volunteers/groups/organizations and provide added supervision or monitoring capacity in the community should be developed. Such programs can help maintain juveniles in their communities even in cases where families are not able to provide needed care and supervision.

¹²Pathfinders Committee, *Pathfinders Committee Report*, Trenton, New Jersey: Administrative Office of the Courts, 1989 p. 103.

The Advisory Council supports the Juvenile Justice and Delinquency Prevention Committee decision to dedicate a portion of this year's federal OJJDP monies to fund one to two programs specifically designed to provide for minority youth alternatives to detention and incarceration. The request for proposals encourages communities, especially those with large minority populations, to develop community-based programs (e.g., counseling, mentoring, educational and employment training, family support and advocacy). It recommends collaborative and cooperative efforts between juvenile justice, social service and education agencies, and community organizations and institutions such as churches and civic associations, to provide a comprehensive program of services.

Availability of Information on System Processing by Race/Ethnicity

The effects of race and race-related factors may be felt at various decision points throughout the system. Despite some research in this area, the extent to which particular factors come into play in New Jersey remains unclear. Information gathering on processing and decisions by race/ethnicity should be improved, including the decisions to divert juveniles from court, to place them in detention centers and to waive them to adult court. The gathering of this information should be a priority of the various agencies that comprise the juvenile justice system. The Council suggests that the Attorney General direct county prosecutors to provide, as a component of their annual reports on waivers, information about the race/ethnicity and gender of juveniles for whom waiver is requested and for whom it is granted.

Because of the important role of the police as "gatekeepers" to the justice system, the Council believes that the factors related to police decisions to make formal complaints on delinquency charges to the family court should be studied. Very little is known at present in New Jersey and elsewhere concerning "station house adjustment" practices and the extent to which these practices may have a negative impact on minority youth. The Advisory Council recommends a review of these practices by the Juvenile Justice Commission.

The Commission should study a representative sample of urban, suburban and rural police departments across the State. Each participating department would, over a period of one to three months, record information about each juvenile taken into custody, including: age; gender; race/ethnicity; current charge(s); number of times taken into custody; number of prior formal complaints to court; most serious prior charge; demeanor of juvenile; level of relevant community resources; family structure; ability of family to supervise/care for the juvenile; and reasons for diverting or not diverting the case from court. If the study finds that the practice of station house adjustments has a disproportionate impact on minority youth, whether intentional or unintentional, the specific factors which have resulted in this differential response should be determined. The ultimate goal is to achieve improvements, where appropriate, in the handling of cases at this critical point in the system.

ENSURING PUBLIC SAFETY

IV. ENSURING PUBLIC SAFETY: Specific Initiatives to Address the Most Serious and Violent Juvenile Offenders

A. Introduction

This section discusses initiatives the Advisory Council recommends be undertaken immediately to address serious and violent offenders who currently present the greatest threat to public safety. Law enforcement agencies -- including the Attorney General, the Division of Criminal Justice, the State Police, the county prosecutors and local police -- should have primary responsibility for implementing these initiatives. However, the initiatives also call for participation of the Juvenile Justice Commission, the Youth Services Commissions, citizens, schools, communities, families and service providers.

Areas the Council believes require immediate action include youth handgun violence, juvenile sex offenders, gangs and chronic and repetitive offenders. Recommendations for addressing each of these problems are set forth below. The Council envisions an increased role for juvenile officers that will provide a police force specially trained to address the problems of this population. Finally, this section takes a look at legislative reform of New Jersey's Juvenile Code.

B. Youth Handgun Violence Task Force

The rise in violence among New Jersey's young people, especially handgun violence, is one of the most significant problems facing New Jersey's juvenile justice system. It is estimated that the teenage population will increase nationally over the next decade by as much as 23 percent. Many criminologists predict that, given the continued easy access to cheaper and deadlier handguns, the rate of violent youth crime and murder will rise precipitously. Significant steps must be taken to curtail youth handgun violence and juveniles' easy access to handguns.

To address this issue, the Youth Handgun Violence Task Force was created under the auspices of the Advisory Council. This Task Force includes representatives from the Division of Criminal Justice, the Juvenile Justice Committee of the County Prosecutors' Association, the U.S. Attorney's Office, the Bureau of Alcohol, Tobacco and Firearms, and juvenile officers, educators, public health officials and private sector volunteers.

Below is a brief description of the extent of the youth handgun violence problem in New Jersey. The Task Force preliminary recommendations, which have the support of the Advisory Council, follow. While some of the recommendations of the Task Force may also apply to firearms other than handguns, the focus is on handguns because it is handguns that are involved in most juvenile firearms offenses.

Youth Violence and Access to Handguns in New Jersey

Juvenile arrests in general have declined modestly in the last year for which statistics are available. According to the Uniform Crime Report figures for New Jersey, total juvenile arrests declined 4 percent in 1993. This is consistent with a steady decline in juvenile arrests over the last decade (down 12 percent since 1984).

Despite this general decline in total arrests, juvenile arrests for serious and violent offenses have increased 38 percent in the last five years. Much of this increase is attributable to increased access to handguns and to the increased lethality of those handguns. There has been a 15 percent increase in juvenile arrests for weapons offenses since 1992 and a 66 percent increase for weapons arrests in the last four years. Juvenile arrests for homicide increased 17 percent last year, the greatest increase in 20 years (even though juveniles now constitute a smaller proportion of the population). Assaults with weapons in schools rose over 100 percent in school year 1991-1992.¹³

The shocking prevalence of handgun use among teenagers was described in a recent report of the New Jersey Trauma Center, University of Medicine and Dentistry of New Jersey. The report notes a significant increase in trauma admissions for violence. The peak age for violence admissions was 16 to 20; the largest number of such admissions was among minorities (90 percent). There is a greater likelihood that young minority males will die of gunshot wounds than from a car accident.

A federal study that included juvenile inmates analyzes the extent of firearms possession by juveniles, the reasons given by juveniles for possessing firearms, and reported sources for weapons.¹⁴ Juvenile inmates at Jamesburg were included in the national study group and separate data for those inmates was obtained. Eighty-three percent of the juvenile inmates in the national study said they had owned at least one firearm just prior to their incarceration. Seventy percent of the inmates at Jamesburg reported owning a firearm prior to incarceration. Fifty-five percent of the inmates in the national study reported that they had carried weapons all or most of the time one to two years before their most recent arrest. Thirty-nine percent of the inmates at Jamesburg reported doing so. Those in the national study involved in selling drugs (72 percent of the inmates surveyed) had an even higher level of gun ownership.

The firearms of choice for juveniles in the national study were high quality, powerful revolvers, closely followed by automatic and semi-automatic handguns. The majority of juveniles stated that it is easy to acquire a weapon. When asked how they obtained

¹³Department of Education, *Violence, Vandalism, and Substance Abuse in New Jersey Schools, 1991-1992*, Trenton, New Jersey, 1993, p. 4.

¹⁴National Institute of Justice and Office of Juvenile Justice and Delinquency Prevention, *Gun Acquisition and Possession in Selected Juvenile Samples*, Washington, D.C., 1993.

weapons, forty-five percent said they could borrow weapons from a friend or from family and fifty-four percent said they could get a weapon off the street.

Many of the firearms used in crime in New Jersey were purchased outside the State and resold illegally in New Jersey. Stolen firearms are another significant source of illegal weapons in New Jersey.

Preliminary Recommendations of the Task Force

The Task Force has made some preliminary recommendations to address the problem of youth handgun violence in New Jersey. These recommendations are endorsed by the Advisory Council. The Task Force has identified some areas of concern common in communities across the State, such as school violence and the need for a cooperative federal, State and county system for tracing handguns used in criminal activity. The Task Force recommends legislation, both federal and State, which can reduce handgun violence in this State. However, the Task Force also recognizes that handgun violence, like other criminal activity, has local and community causes and that, therefore, any meaningful initiative to reduce handgun violence should have local involvement and commitment. The subsections below address both the State and local responses to youth firearm violence.

1. Guns, Violence and Schools

Violence in New Jersey's schools has increased at a disturbing rate over the last several years. According to the Department of Education's *Safe Schools Initiative*, nearly 13,000 violent incidents occurred in New Jersey schools during the 1992-93 school year, "a staggering 160 percent increase in the number of incidents reported between 1990 and 1993."¹⁵ The number of reported incidents involving weapons rose from 597 in 1991-92 to 822 in 1992-93. Assaults with a weapon have also risen dramatically, from 187 reported incidents in 1989-90 to 602 in 1991-92. Nineteen percent of the students responding to a 1992 Department of Education survey admitted to having carried some type of weapon to school during the previous month.

Responses to handgun violence in our schools should include codes of conduct endorsing signed contracts between parents, students and the school in which students pledge not to bring weapons to school, violence prevention classes or curricula (conflict resolution, peer mediation, anger management, violence counselors), a law enforcement presence, immediate accountability for weapons and firearms brought to school, and alternative education for disruptive and violent students. Most of these recommendations echo recommendations set forth in the Department of Education's *Safe Schools Initiative*.

Guidelines and training for police and school personnel in dealing with weapons, violence and other criminal activity in the schools should be provided. For example, the

¹⁵New Jersey Department of Education, *Safe Schools Initiative*, Trenton, New Jersey, 1994, p. 1.

Mercer and Union counties prosecutors' offices, in cooperation with the county superintendents of schools, have created teachers' guides and distributed them to all teachers within their respective counties. These guides explain the criminal justice system and how teachers should respond to offenses committed on school property. Also included in the teachers' guides is an easy to understand description of the memorandum of understanding signed by local education and law enforcement. This memorandum of understanding, among other things, requires a teacher who discovers a firearm or believes that a firearm is possessed on school property to notify the police immediately.

The "Zero Tolerance for Guns Act" is currently pending in the Legislature. This bill provides that any pupil convicted or adjudicated delinquent for possession of a firearm for a crime committed while armed with a firearm, or for possession of a firearm on school property or at a school function, must be removed from the school for a period of one year. The student can be placed in an alternative school, given home instruction, or expelled. A child study team evaluation is required before the student would be allowed to return to school.

The Task Force recommends support for this bill if it is amended to allow discretion in imposing exclusion. The bill is intended to comply with the federal requirement that states enact a one year exclusion provision for possession of firearms, a concept generally endorsed in the Department of Education's *Safe Schools Initiative*. The one year exclusion is contained in the *Gun-Free Schools Act of 1994* which provides:

No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.
20 U.S.C. 3351(a)

2. Illegal Acquisition and Trafficking of Handguns

Any initiative to reduce youth handgun violence should include a comprehensive effort to reduce access to handguns. According to a National Institute of Justice research brief, "those who use guns in violent crimes rarely purchase them directly from a licensed dealer; most guns used in crime have been stolen or transferred between individuals after the original purchase."¹⁶ This information suggests several approaches that could reduce the access of youth to firearms.

a. **COMBATting ILLEGAL HANDGUNS TRAFFICKING:** Law enforcement on every level should work cooperatively to trace all firearms used in crimes to determine

¹⁶Jeffrey Roth, *Firearms and Violence* (Research in Brief), Washington, D.C.: National Institute of Justice, February 1994, p. 1.

their origins and to facilitate the investigation and prosecution of illegal weapons traffickers. The Advisory Council recognizes that the various federal, State and county law enforcement agencies have already undertaken such a cooperative initiative and endorses that effort. The United States Attorney for the District of New Jersey, the Federal Bureau of Alcohol, Tobacco and Firearms (ATF), the New Jersey Attorney General, the Division of State Police, and New Jersey's 21 prosecutors are currently negotiating an agreement to achieve this goal. The agreement will expand Project LISA (Locate, Identify, Secure and Apprehend), under which the ATF New Jersey I Task Force and several county prosecutors have already begun to deal with illegal weapons traffic. The program currently requires the tracing of every firearm used in adult crime; the new agreement will include firearms used in juvenile offenses.

b. **INCREASE PUBLIC AWARENESS ABOUT HANDGUN SAFETY:** Many of the handguns used in acts of violence or crime are either stolen from their legal owner or used by an individual who was not intended to have ready access to the weapon. In addition, many accidental shootings can be directly attributed to improper or unsafe storage of firearms. The gun owning public should be made aware of the dangers of improper storage and handling of handguns.

c. **LEGISLATION:** Increased enforcement, investigation and prosecution of illegal handgun possession and trafficking will be effective only if related laws send the clear message that such conduct is serious and will be punished accordingly. The Task Force suggests the following legislation to aid in this effort:

i) A State statute making it a second degree crime to possess firearms, including handguns, with the intent to illegally distribute them, similar to present laws concerning possession of a controlled dangerous substance with intent to distribute. Since second degree offenses carry with them a presumptive jail term and are not likely to result in PTI diversion, such an approach would give law enforcement an important new tool to use against those who travel to other states for the purpose of acquiring handguns with the intent to resell them in New Jersey. "Project LISA" will provide investigative information in pursuing these cases.

ii) Legislation creating a new offense when individuals sell or otherwise transfer a handgun in violation of the law and when these handguns are subsequently used in criminal activity. Such a law could deter lawful handgun owners from illegally selling or disposing of their weapons. Such weapons often are later connected to serious crimes.

3. County Youth Handgun Violence Task Forces

According to the National Academy of Science's, "Understanding and Preventing Violence" and recent publications by the National Institute of Justice, policymakers should choose violence reduction initiatives that undertake a problem-solving approach in their local communities. These initiatives provide opportunities for prevention and intervention and

focus on particular problems at the local level rather than on large-scale efforts. This approach allows local policymakers to evaluate and adjust their strategies to meet the changing needs of their communities.

To promote this local focus in New Jersey, the County Prosecutors, County Superintendents of Schools and Freeholder Boards should work together with the County Youth Services Commissions to create County Youth Handgun Violence Task Forces. These local task forces should be mobilized to participate in programs, services and sanctions that address the specific needs of individual counties.

Programs such as short-term incarceration, utilizing school facilities, and weekend sentences featuring training in violence reduction and conflict resolution should be stressed. Weekend boot camp/youth academy programs may be particularly effective when they are available for first-time serious offenders currently on probation.

4. Law Enforcement Efforts

Several county prosecutors on the Task Force recommended formulation of a specific law enforcement plan directed at youth handgun violence. The plan should focus on vigorous enforcement of firearm laws. It should encourage a leadership role for juvenile officers, the use of hotlines for reporting guns in schools (as recommended in the *Safe Schools Initiative*) and local police department responsibility for carrying out the plan.

5. Public Awareness

Studies of selected high school students and known violent juvenile offenders demonstrate that the most common reason cited for illegal gun possession by young people is self-defense. However, weapons kept for this purpose are more likely to be used to harm the owner, the owner's family, or other people known to the owner. Young people should be made aware of this reality.

An Example of County Violence Prevention

The MAYDAY group is a coalition of concerned professionals from educational, judicial, religious, law enforcement, health and social services and community organizations, who are dedicated to the prevention of youth violence. The Camden County group first convened in December 1992 and adopted the international distress call, MAYDAY, to stress the message that violence had become so prevalent in the City of Camden that its young people were now in a state of distress. The Mayday Group sponsored a series of activities in May 1993 to make the community aware of the problem of youth violence. The Group has since implemented a violence prevention program in three East Camden elementary schools which is now in its second successful year; has begun a mentoring program in another city school; has actively participated in New Jersey's first gun surrender program, Operation Gunsweep (January 1994); and has taken on a number of school and community based programs designed to educate youth about their role in reducing acts of violence.

C. Juvenile Sex Offenders

Nationally, juveniles commit a substantial share of the total number of sex offenses (e.g., over 50 percent of the molestation of boys and at least 15 to 20 percent of sexual abuse of girls is perpetrated by adolescents). Sexual offending is characterized by a cycle of sexual harm. Many adolescents who commit sexual offenses were victimized as children. Data from treatment programs indicate that a majority of adolescents (usually between 60 percent and 100 percent) report early sexual victimization.¹⁷ Between 60 percent and 80 percent of adult offenders report offending as adolescents.

In New Jersey, an estimated 350 juveniles were adjudicated delinquent on sex offense charges between July of 1993 and June of 1994.¹⁸ These adjudicated cases varied greatly in seriousness with nearly half involving a first or second degree offense. The disposition most frequently ordered was probation (in 53 percent of the cases). This was followed in prevalence by formal continuance (14 percent); Division of Juvenile Services residential and day programs (8 percent); state commitment (6 percent); unspecified DYFS placement (5 percent); and short-term commitment up to sixty days (3 percent).

In recent months, the highly publicized deaths of children at the hands of sex offenders have focused public attention on this issue. The Legislature and the Governor have responded by passing "Megan's Law", a package of nine bills, four of which apply to juveniles. These four bills require that the county prosecutor be notified of the release from incarceration of a juvenile adjudicated delinquent for a serious violent sexual offense; that these juveniles register with local law enforcement; that the chief law enforcement officer of the municipality to which the juvenile is relocating notify the community when there is a high risk of reoffending; and that involuntary civil commitment procedures be developed for "juvenile inmates" who are dangerous sexual offenders.

The Advisory Council recommends a broad juvenile sex offender initiative as an adjunct to these new laws that would focus on offender accountability and early treatment so as to prevent more serious and repetitive offending. The following action should be undertaken through this initiative.

¹⁷ Fay Honey Knopp, *The Youthful Sex Offender: The Rationale & Goals of Early Intervention & Treatment*, Syracuse, New York: Safer Society Press, 1985, p. 10.

¹⁸ These figures are based on data derived from the Family Automated Case Tracking System (FACTS). FACTS provides data on eleven counties for the 1994 court year: Atlantic, Bergen, Burlington, Camden, Cape May, Hudson, Mercer, Monmouth, Morris, Ocean and Sussex. The total figure on adjudicated juveniles is an extrapolation from the available information for Court Year 1994 (189 cases adjudicated in the 11 counties) estimated from baseline figures for the other ten counties provided in the 1989 Judicial Conference on Juveniles, Justice and the Courts (Report of the Committee on Special Programs). While arrests rates for the same period are not available, there were 711 juvenile arrests for sex offenses during 1993.

Training

Training should be available to juvenile justice system personnel in early identification of compulsive juvenile sex offenders and in the sanctions and services currently available. This training should be provided to police, court intake and probation personnel, judges, prosecutors, public defenders, detention and correctional personnel and parole officers.

Monitoring

Juvenile sex offenders adjudicated delinquent and released to the community should be closely supervised and monitored to ensure public safety. Specialized and reduced probation caseloads would permit close supervision and monitoring. Strong case management is also important, whether it is provided through specialized probation caseloads or by other means. Juvenile sex offenders released on parole should also be closely supervised and monitored.

Standards for Police Diversion

Law enforcement and the courts are unable to gauge a juvenile sex offender's dangerousness if his criminal history does not show previous sex offenses. Juveniles arrested for serious sex offenses should be automatically referred to the family court by formal complaint. To ensure referrals for all serious juvenile sex offenders, the Council believes that these offenders should not be diverted by station house adjustments or have their offenses downgraded to non-sex offenses.

Presumption of Waiver in the Most Serious Cases

The waiver provision of New Jersey's Juvenile Code should be modified to facilitate transfer of select sexual offense cases to the adult system. The Council recommends a presumption of waiver of juveniles to adult court for all predatory aggravated sexual assaults (offenses of the first degree).¹⁹ In those cases, rehabilitation considerations should be less of a factor than public safety. Under current law, aggravated sexual assault is one of a list of serious offenses which is specifically mentioned as "waivable." While not mandating waiver, this legislative reform would facilitate the waiver process, thereby increasing the number of such cases transferred to the adult system.

¹⁹See *N.J.S.A. 2c:14-2a*. The aggravated assault offense is deemed predatory if it is characterized by an act of penetration with another person and 1) the act is committed during the commission of a range of violent and serious offenses; 2) the actor is armed with a weapon (or weapon-like object) and threatens by word or gesture to use the weapon or object; 3) the actor is aided or abetted by one or more persons and either the actor uses physical force or coercion or the victim is physically helpless, mentally defective or mentally incapacitated; or 4) the actor uses physical force or coercion and the victim is severely injured.

D. Chronic and Repetitive Offenders

A large proportion of juvenile crime is committed by a relatively small percentage of chronic offenders. A study published by New Jersey's Juvenile Delinquency Commission, *The Chronic Juvenile Offender*, found that a small group (13 percent) of all juveniles docketed in the family court were responsible for nearly half (46 percent) of all charges.²⁰ They also accounted for the majority of all first degree (62 percent), second degree (57 percent) and third degree (54 percent) charges.

The Advisory Council recommends that this small group of chronic offenders be targeted for specialized prosecution, tracking, early intervention, increased supervision and treatment. Focusing limited resources on chronic, repeat offenders will have the greatest impact on reducing juvenile crime and recidivism.

Some counties already have programs which target chronic offenders for more intensive handling. Such programs include the Persistent Offender program in Union County, the JHOP program in Middlesex, and the STOP program in Burlington.

Targeting Chronic Offenders

Chronic offenders should be targeted for specialized prosecution and tracking. Chronic offenders are those juveniles who:

- have five or more arrests; or
- have two or more arrests for a first or second degree offense; or
- have three or more adjudications for first, second or third degree offenses.

The police should target those juveniles who have been arrested five or more times for handling as chronic offenders. Preferably, juvenile officers should handle those chronic offender cases.

The county prosecutor should be notified of all juveniles classified as chronic offender. County prosecutors should give these cases priority on court calendars and designate a specific prosecutor to handle all juvenile chronic offender cases. Prosecutors should actively support and recommend parental involvement as part of the disposition in chronic offender cases.

²⁰Juvenile Delinquency Commission, *The Chronic Juvenile Offender: A Challenge to New Jersey's Juvenile Justice System*, Trenton, New Jersey, 1991.

Early Identification of Juvenile Chronic Offenders

Most chronic offenders are 14 years old or younger when they first become involved with the court. Police contacts or station house adjustments may have occurred at even earlier ages for many of these juveniles. If these chronic offenders can be identified early, intervention can be provided to reduce the chances of reoffending and to increase public safety.

The Early Court Intervention Project now being undertaken by the AOC and the Bureau of Juvenile Justice is exploring a process for early identification of juveniles who are at risk of becoming chronic offenders. If successful, this would enable the juvenile justice system to target its scarce resources where they would do the most good. This approach, or a similar one, should be further developed by the Juvenile Justice Commission, the AOC and law enforcement to intervene effectively before juveniles escalate to more serious offenses.

Increased Supervision, Effective Intervention, and Aftercare for Chronic Offenders

Chronic offenders or potential chronic offenders make up much of the target population for initiatives contained elsewhere in this report. For example, this population would be better served, and the public better protected, if the enhanced aftercare services, juvenile intensive supervision, and intermediate sanctions such as boot camps, recommended in other sections, were available to judges and prosecutors for use with chronic offenders.

The Juvenile Justice Commission should create a report-back system in which the adjudicating court is made aware of the final placement assigned to each chronic offender by the classification committee. Cooperation, communication and collaborative efforts among system components are imperative to achieving a reduction of recidivism rates.

E. Youth Gang Initiative

The Department of Law and Public Safety has been working with the county prosecutors to coordinate a statewide Youth Gang Initiative. Although youth gang activity is found largely in urban communities in New Jersey, there is a growing gang presence in our non-urban communities. Moreover, as youth gangs have dispersed geographically, the nature of gang offenses has become more serious. While in the past gangs were typically involved with vandalism, petty theft and fistfights, their activity has now escalated to include an array of serious offenses including homicides, aggravated assaults, drive by shootings, robberies and drug and weapons trafficking.

As a first step in curtailing and preventing youth gang activity in New Jersey, the Division of Criminal Justice and the Division of State Police together have developed a series of gang awareness training sessions to increase understanding and recognition of the youth gang problem in New Jersey and to assess the nature and extent of gang activity around the state.

Representatives (five member teams) from each county selected by the county prosecutors attended a two day training session last spring. Teams included staff from prosecutors' offices and local police departments. The teams were taught how to recognize gang activity and how to fill out Youth Gang Assessment Forms. This statewide session has been followed in many counties by similar training in gang awareness sponsored by the prosecutors and including local and county law enforcement. In developing local strategies for dealing with youth gangs, the prosecutors have included representatives from community agencies, such as schools and social service programs, in their training programs.

A survey of 12 counties which had completed youth gang assessments by the summer of 1994 produced valuable information. Youth 17 years old and under who were recognized by law enforcement as participating in gangs were included in the study. Gang membership was reported to average 21 members with some gangs having as many as 100 or more members. These gangs were involved in a wide array of criminal activities from relatively trivial behavior to serious violent behavior. Typically, the gangs engaged in two or more distinct types of criminal activities. These activities were split fairly evenly between violent/persons offenses (52 percent) and non-violent, property and drug offenses (48 percent). Drug activity was frequently listed along with one or more of the offenses of assault/aggravated assault, weapons, robbery, drive by shootings and murder.

We do not have accurate information about the number of gangs in the counties that performed assessments because of the broad definition of gangs which was used in the survey. It has, nonetheless, been helpful for law enforcement to become aware of both informal "street corner" groups and heavily committed and organized gangs operating within their counties. One thing is clear: there is illegal gang activity in most, although not all, parts of New Jersey.

After assessing the extent of the youth gang problem in their counties, several prosecutors have established specialized youth gang units. The Burlington County Prosecutor has created a Youth Gang/Bias Crime Task Force comprised of officers from many municipal police departments (several are juvenile officers) and county investigators. Because much of the youth gang activity in that county is associated with neo-Nazi/white power groups, the inclusion of bias crime along with youth gangs has enabled the office to collect intelligence information on gang activity and the types of crimes committed by various identified gangs in the county.

There are also specialized gang units in Atlantic, Essex and Camden Counties. The Atlantic County Prosecutor has created a six person Task Force dealing with violent/dangerous organized groups. In Camden, the Prosecutor has designated an investigator and an assistant prosecutor to work with a Camden City Police Unit that specializes in gangs and to handle the cases developed by that unit. In Cumberland County the Vineland Police Department has set up a PAL to offer youth activities and provide alternatives for gang members. Cooperation between the Hunterdon County Prosecutor and the County Juvenile Officers Association has resulted in the Weapons, Assault Targeted At Crimes of Hate (WATCH) program in Readington Township.

The county prosecutors, the Division of Criminal Justice and the Division of State Police should continue to work cooperatively to develop training programs at the State and county level to increase awareness of gang activity. Where there is a substantial and/or growing gang problem, coordinated law enforcement and community responses should be developed under the leadership of the prosecutors to both control illegal gang activity and prevent young people from becoming involved in gangs. There are several federal grant programs targeted at gang prevention and control which should be pursued, if they become available for projects in New Jersey.

In compliance with one of the initiatives called for in the Advisory Council's Interim Report, the Department of Corrections received a grant in September 1994, from the Bureau of Juvenile Justice JJDP Unit to train instructors in innovative techniques to counteract the influence of gang culture in correctional institutions. The eight day training program included five days of course material and three days of supervised practical application. The "train the trainer" course was presented to 18 instructors who will present the course to staff from the Department's juvenile secure facilities, the Internal Affairs Office and county detention centers.

F. Juvenile Officers

Not all juveniles suspected of committing an offense are arrested and not all who are arrested are referred to court. Many are diverted from formal court processing, either by the police or by family court intake. Police officers have broad discretion in deciding how best to handle juveniles, particularly those with less serious offenses.

The juvenile officer is usually the first representative of the juvenile justice system to intervene with juveniles suspected of breaking the law. In serious cases, the juvenile officer must decide whether to request detention. In less serious cases, the officer can intervene by conducting a "station house adjustment." Station house adjustments are used to resolve minor offenses when the juvenile has no record of prior acts of delinquency. Often these offenses arise out of disputes among juveniles or with the juvenile's neighbors.

In a station house adjustment the juvenile officer usually asks the juvenile, a parent or guardian, and the victim to come to the station house to discuss the offense. The officer may refer a juvenile for needed services and, if property has been stolen or damaged, ask the juvenile to make restitution in some form. The officer discusses the offense with the juvenile's parent or guardian and seeks a commitment from the juvenile that he or she will not commit any future offenses. This process allows juvenile officers to resolve minor disputes without filing a complaint with the court.

In many municipalities there are too few juvenile officers to intercede effectively in cases involving relatively minor offenses. Resource shortages and staff re-direction trends also indicate that often juvenile officers have greater job responsibilities, more limited training opportunities and fewer support services available than non-juvenile officers.

The Attorney General's Executive Directive 1990-1 states:

It shall be the policy of this state that the appropriate handling of juvenile matters shall be a high priority of the entire law enforcement community. Every law enforcement agency having patrol jurisdiction shall designate at least one sworn officer to handle and coordinate juvenile matters. This designated juvenile officer need not be assigned full-time to handle juvenile matters where the extent of juvenile delinquent activity and the resources available to the agency makes full-time assignment impractical. Where, however, the volume or seriousness of juvenile delinquent activity so warrants, a juvenile unit or bureau should be established and provided with sufficient resources to accomplish the principles, policies and objectives set forth in this Executive Order.²¹

The Early Intervention and Post-Complaint Diversion Working Group has concluded that this directive is no longer sufficient because juvenile crime has increased in seriousness. The working group conducted a survey of juvenile officers throughout the State in order to assess the resource needs of these officers. The goal was to collect a summary of the problems faced by juvenile officers and to make recommendations for improvements.

The Early Intervention and Post-Complaint Diversion Working Group asked each police department to identify its juvenile officer(s). A 97.5 percent response rate was achieved and 896 juvenile officers within the state were identified. Sixty-two percent of the officers identified responded to

Survey Results: Statewide only 4.9% of sworn law enforcement officers have been designated to serve as either full-time or part-time juvenile officers.

confidential surveys. The officers stated their ethnicity, described their assignments and any training received, and characterized juvenile crime in their communities. The officers were also asked to describe the needs of the communities they police.

The survey responses target three issues:

1. There are too few officers assigned as juvenile officers. In many cases, juvenile officers are assigned several other duties and do not dedicate the majority of their time, energy and resources to juvenile services. Juvenile officers/bureaus are generally not perceived as a priority or an integral unit within the department.
2. Juvenile officers do not have sufficient and/or relevant training. Even in the police departments which have established a juvenile unit or bureau, officers

²¹Department of Law & Public Safety, *Attorney General's Executive Directive, 1990-1, Provisions Concerning the Exercise of Police Discretion*, Section 2, p. 4 (Designation of Juvenile Officers).

assigned to this duty are not always adequately trained to deal with juvenile crime. On the job training, although important, is necessarily limited to perspectives of other officers within the unit.

3. Police departments do not reflect the cultural and ethnic diversities of the community.

The Council recommends that the Attorney General reassess and revise the *Executive Directive 1990-1 Concerning the Handling of Juvenile Matters by Police and Prosecutors*. The new directive should be expanded to include the following:

1. Juvenile services should be a priority of all police departments. Departments with 20 or more sworn officers should designate at least one officer full time to juvenile services. Community policing grants that may be available under the Federal Crime bill to fund additional juvenile officers, especially those working in and with schools, should be explored.
2. The total number of assigned juvenile officers should be related to the percentage of crime committed by juveniles in each jurisdiction.
3. The juvenile officer should not only investigate but should also be involved in prevention and diversion activities. DARE officers and community relations officers working with juveniles should be included in the juvenile unit.
4. All juvenile officers should attend a prescribed course of training within six months of appointment. This recommended training should include, among other things, child development, conflict resolution, human relations, and sensitivity to cultural and ethnic diversity.

Training for juvenile officers, as announced in the Advisory Council's Short-Term Initiatives (June 1994), will begin in January 1995. Cultural diversity and sensitivity training will be included in the juvenile officers' training program.
5. Municipal police departments should make substantial efforts to hire minority juvenile officers.

G. Reexamination of New Jersey's Juvenile Code

The Legislative Working Group was formed to review the need for legislative reform of New Jersey's Code of Juvenile Justice and to report on that need to the Governor's Advisory Council on Juvenile Justice. The membership of this working group included representatives from the various State departments involved in juvenile justice (Law and Public Safety, Corrections, Human Services and Education), the Governor's Office, county prosecutors, public defenders and others. In fulfilling its mandate, the working group reviewed legislative proposals currently pending in the Assembly and Senate. The working group also inventoried legislative proposals suggested by other sources such as the Chiefs of the County Prosecutors Juvenile Units and the State Juvenile Officers Association.

The Legislative Working Group's review of legislative proposals from the various sources cited above led to two conclusions:

1. That there are certain subject areas that are repeatedly addressed in numerous proposals, indicating widespread concern that some change may be necessary in those areas. These subject areas include waiver, parental responsibility, confidentiality, boot camps, guns and juveniles, and juvenile sex offenders.
2. That the existing proposals for legislative reform of New Jersey's juvenile justice system are neither unified nor comprehensive, that is, for the most part they represent piecemeal attempts at reform in specific subject areas with little consideration for the impact on New Jersey's Juvenile Justice Code as a whole.

Based on these conclusions, the Legislative Working Group declined to take positions on individual legislative proposals. Rather, the working group recommends that a high-level group of individuals from the executive and legislative branches be formed to carefully consider a unified and comprehensive approach to Juvenile Code reform. In addition to specifically considering such subjects as waiver, parental responsibility, guns and juveniles, etc., this group should also explore whether the general philosophy of the Juvenile Code adequately responds to juvenile crime as it exists in New Jersey today.

The working group highlighted the following issues and concerns for further consideration:

CONFIDENTIALITY

The working group concluded that this issue had been adequately addressed by the confidentiality bill signed into law by Governor Whitman on June 29, 1994. Further revisions, as set forth in various bills still pending in the Legislature, were thought to be unnecessary.

WAIVER

There was a general consensus that waiver provisions should be reformed. However, the working group does not believe that the pending bills which either add new offenses to those for which waiver may be sought, call for mandatory waiver of various offenses, or lower the minimum age for waiver to 12 years of age, were the best way to approach this problem. Rather, the group proposed three changes which would toughen sanctions. (It should be noted that the sex offender section (Section IV., C.) of this report contains a recommendation that there should be a presumption of waiver for the most serious sex offenses).

1. Extend the maximum length of dispositions not involving incarceration. The Juvenile Code limits non-incarceration dispositions to juveniles up to age 18, or the time of the entry of the order plus one year, whichever is later. *N.J.S.A. 2A:4A-47*. Under this provision, a fifteen year-old may be exposed to longer terms of probation than a seventeen year-old for the same offense. The limit should be changed to three years from the date of entry of the order so as to avoid inequitable dispositions.
2. Increase maximum terms of incarceration rather than requiring mandatory waiver or imposing mandatory minimum penalties that may be counterproductive in individual cases. Prosecutors and courts should be given discretion to tailor the most appropriate decision for each juvenile. Mandatory minimums tend to become the routinely entered disposition and discourage consideration of the juvenile and the juvenile's family members as individuals at time of disposition. The working group believes the increased maximum terms, together with streamlined waiver proceedings, (see section below) provide better tools for responding to delinquent conduct and deterring future delinquency.
3. Streamline involuntary waiver procedures in order to eliminate long delays. Waiver should not be made mandatory and prosecutors should retain the discretion to decide when to file waiver motions.

PARENTAL RESPONSIBILITY

Existing provisions of the Juvenile Code relating to parental participation in juvenile dispositions (*N.J.S.A. 2A:4A-43(b)(15)*) should be revised to make it easier for the court to order and enforce parental participation. Parental participation may be beneficial to a juvenile's rehabilitation whether or not the parent's conduct in any way contributed to the juvenile's delinquency. While parents should be held responsible for carrying out their obligations to properly supervise their children, this responsibility should not be criminal in nature except in the most extreme cases.

BOOT CAMPS

The Dispositions Working Group has devised a model for a State juvenile residential boot camp. It recommends, however, that county innovation in creating "boot camp" style day programs or short-term residential programs should be encouraged.

GUNS AND JUVENILES

A Youth Handgun Violence Task Force, which includes Federal and State law enforcement representatives, has been created to address this problem. The recommendations of the Task Force are set forth in Section IV., B. of this report.

JUVENILE SEX OFFENDERS

Notification and registration have been addressed by the recently enacted Megan's law bills. Specific recommendations regarding juvenile sex offenders are contained in Section IV., C. of this report.

***PRIORITY INITIATIVES OF THE
JUVENILE JUSTICE COMMISSION***

V. PRIORITY INITIATIVES OF THE JUVENILE JUSTICE COMMISSION

A. Introduction

Although the proposed Juvenile Justice Commission would be responsible for each of the following initiatives, the Advisory Council believes that these initiatives should be undertaken as soon as possible through a coordinated effort by existing agencies.

B. Aftercare/Transitional Services

The current system is lacking in aftercare services for juveniles returning to their communities from correctional facilities and residential programs. Parole and probation officers are overburdened, resulting in a lack of supervision and services. When juveniles are released to their communities with little or no support, they too often become involved in anti-social and criminal behavior and return to the juvenile justice system.

The Advisory Council recommends that the Juvenile Justice Commission be responsible for parole supervision and aftercare services for all juveniles released to the community. However, design and implementation of aftercare services for this population can begin immediately through a coordinated effort by existing agencies.

The goals of aftercare are to reduce reoffending and to help juveniles to become productive and law-abiding citizens. To accomplish these goals, the Advisory Council recommends the adoption of an aftercare program model that includes parole (probation) officers, staff at juvenile facilities, service providers and county multi-disciplinary team members cooperating to provide the following services:

- Assessment, classification, and selection criteria.
- Individual case planning incorporating a family and community perspective.
- A mix of intensive supervision, surveillance and service.
- A balance of incentives and graduated consequences coupled with the imposition of realistic, enforceable conditions.
- Service brokerage with community resources and linkages with social networks.

Multi-disciplinary teams should be designated in each county to develop aftercare plans. The multi-disciplinary teams would also be responsible for brokering services and support in the community (education, employment, mentors, recreation and mental health and family services). The number of teams and their makeup and relationship to existing multi-disciplinary teams in the counties should be determined as part of the Youth Services Commissions' planning process. Coordination with existing community resources and the

elimination of duplication should be addressed in each of the county plans submitted to the Juvenile Justice Commission.

Correctional and residential facilities should designate staff responsible for working on aftercare/transitional plans with the county multi-disciplinary teams. Development of the plan should begin within the first 30 days of the juvenile's placement in a facility. The county team would work with facility staff to continue to refine the plan throughout the juvenile's confinement. The parole officers, with the county multi-disciplinary team and staff from the institutions and residential centers, would also participate in the development of the aftercare/transitional plan and would be responsible for its implementation.

While priority should be given to those juveniles who present the greatest threat to the community and who are most in need of services, the goal would be to provide aftercare to all juveniles released from residential placement. Less dangerous juveniles will require less intensive supervision. In any case, the Council believes that aftercare should include at least a volunteer team from the community and a mentor to help the juvenile complete his or her high school education and find meaningful employment.

Some parole officers should be transferred from the Department of Corrections to the Juvenile Justice Commission to supervise juvenile parolees. However, additional parole officers will be needed to fulfill the intensive supervision role in the proposed aftercare model.

The Advisory Council should work with the Office of Management and Budget during the transition to the reformed system to develop cost estimates and to identify possible funding sources for aftercare services. A possible State source is the State/Community Partnership Grants Program which could be used to fund some community-based aftercare services. Possible federal sources include Chapter I education

Administrative Office of the Courts' Juvenile Intensive Supervision Program

The Juvenile Intensive Supervision Program (JISP) operated through the AOC can serve as a model for a parole aftercare/transitional services program. JISP serves committed juveniles who are returned early to a structured environment in the community. Under JISP, a community team of four or more volunteers is recruited to work for two years with one to three juveniles. The community teams are drawn from the neighborhoods where the participants will reside while in the program. The teams determine eligibility for the program and develop case plans for participants that include written behavioral objectives, educational and vocational goals, provisions to complete community service and the assignment of a mentor. JISP officers work with participants and their families to develop personal plans which govern juveniles' activity upon release. The plan includes provisions, as appropriate, for living accommodations, education, family counseling, drug counseling, vocational education or restitution. The plan also sets realistic and relevant goals against which juveniles' success is measured.

Although JISP is available for juveniles at the point of entry into the correctional system, the JISP model could be useful after a juvenile has served his or her time to improve community safety and integrate juveniles into their communities.

funding, social service funding under Title IV. E., and job training funding from the new School-to-Work initiative.

C. Juvenile Sex Offenders: Prevention, Assessment, Treatment and Aftercare

Recognition of the juvenile sex offender problem and the need to address the problem early has increased over the last decade. Few states, however, provide a comprehensive system that includes planning, assessment, accountability, treatment and aftercare services along with thoughtfully developed and consistent laws. Often, the juvenile sex offender is neither held accountable nor provided with appropriate services. Yet, programs for the treatment of juvenile sex offenders have been more successful than their adult counterparts.

Extent of the Problem and Current Response in New Jersey

Options for responding to and treating juvenile sex offenders in New Jersey are severely limited. With approximately 350 juveniles adjudicated delinquent each year on sex offenses there is a need for services and supervision. Specialized programs to treat these juvenile sex offenders are inadequate to meet the need.

At present, the following treatment programs are available:

- Pinelands, an 18 bed residential facility for court referred sex offenders, 14 to 18 years old, is administered by the Division of Juvenile Services, Department of Human Services;
- DYFS contracts with two New Jersey private providers for four beds each (eight beds) to provide treatment for sex offenders, and currently has eight juvenile sex offenders placed in four out-of-state facilities;
- limited sex offender specific group counseling for juvenile sex offenders incarcerated at the Training School for Boys and the Juvenile Medium Security Facility; and
- out-patient treatment including sex offender programs is funded in six counties through family court funds and individual services are provided by private therapists.

A Juvenile Sex Offender Initiative for New Jersey

New Jersey should develop a system of prevention, assessment, treatment, and aftercare for juvenile sex offenders at the community, police, detention and court levels, with a special focus on juveniles adjudicated delinquent on sex offense charges. These

efforts, in conjunction with public safety strategies found in Section IV., C., would comprise a comprehensive statewide initiative on the juvenile sex offender problem.

Prevention

Prevention efforts should be directed at elementary and secondary school children. Programs which deal with anger management, conflict resolution, substance abuse, decision making and interpersonal communication skills can help juveniles learn control strategies to prevent sex offenses from occurring.

Assessment

The juvenile justice system will respond effectively to juvenile sex offenders only if the system can assess the nature of juveniles' sex offense related problems and the potential risk they pose to the community. The Advisory Council believes that the capacity for quality assessment should be available at all levels of the system and that sex offender assessments should be required in cases in which a juvenile has been adjudicated delinquent on a sex offense that would be a crime if committed by an adult.

Treatment

The Advisory Council recommends that New Jersey expand, and create where needed, an array of juvenile sex offender treatment services to provide the appropriate level of treatment and security for adjudicated youth. The number of existing and accessible programs and treatment "slots" is not adequate to serve the juvenile sex offender population in residential or out-patient settings. As of December 31, 1993, there were 21 juvenile sex offenders in the State training schools and the population is growing. Since June of this year, an additional 22 juvenile sex offenders have been committed.

The recommended services include:

- specialized out-patient treatment and counseling services available at the county or municipal level. Day treatment program sites could be used to provide added structure and supervision;
- specialized and reduced probation caseloads;
- specialized therapeutic treatment homes for sex offenders (a therapeutic treatment home is a family that has been trained to work with one to three juveniles assigned to live with the family);
- regional group homes providing specialized services for approximately six to eight juveniles per home;

- regional residential programs with intensive specialized services modeled after the Pinelands program. A total of three programs (two in addition to Pinelands) may be needed, each serving approximately 18 juveniles; and
- intensive specialized sex offender treatment services in State training schools.

In addition, the needs of sex offenders who are also developmentally disabled, seriously emotionally disturbed or substance abusers must be addressed.

The Advisory Council should work with the Office of Management and Budget during the transition to the reformed system to develop cost estimates and to identify possible funding sources for these sex offender treatment services. The Council notes that the costs of these services can be offset in at least two ways. First, families that can afford to contribute, either fully or in part, could be required to pay for in-patient and out-patient services, as is typically the practice with substance abuse services. Second, a fine could be levied on adult sex offenders to help fund treatment services for juvenile sex offenders.

Aftercare/Transition Services for Sex Offenders

The Advisory Council believes that a strong aftercare component, including close supervision for all adjudicated juvenile sex offenders receiving treatment out of the home, is critical. Aftercare, including specialized probation and parole caseloads, should be an integral part of the treatment process rather than something that "kicks in" once treatment is concluded.

D. Creation of a Juvenile Boot Camp in New Jersey

The rise in serious and violent juvenile crime combined with public disenchantment with the ability of the juvenile justice system to control juvenile crime has resulted in growing interest across the country in the development of juvenile boot camps. The first young adult boot camp was created in the early 1980's and juvenile boot camps began to follow soon after. There is support for developing boot camps in New Jersey.

Juvenile Boot Camps

A recent review of boot camps for adult and young adults found that there were 57 boot camps in the United States. Far fewer have been established for juvenile offenders -- one report estimated that there were eight juvenile boot camps in operation in 1992. Boot camps instill military discipline and regimentation, reduce institutional overcrowding, provide intermediate levels of meaningful sanctions and accountability, foster social values and the growth of responsibility and self-discipline, and develop other important skills for effective participation in society.

Early results of boot camp experiences have been mixed and evaluations of boot camps for young adults indicate that they do not always live up to the high hopes that

precede their implementation. Nonetheless, boot camps can have an impact on institutional overcrowding and on costs because the length of stay is significantly shorter than the typical institutional term.

Juvenile boot camp programs have tried to avoid the more negative characteristics of earlier young adult programs. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has funded a program that prohibits excessive yelling and verbal and physical abuse and focuses on efforts to instill self-discipline, accountability and personal growth. The residential component of the model involves military drills, regimentation and ceremony, and intensive physical conditioning and training. Additional activities include adventure/challenge activities; life skills training; group counseling; substance abuse education and treatment; requirements to perform community service and make restitution; educational (including remedial reading) classes; job skills training; and, use of behavior management systems. The model also includes an aftercare component.

Model for Developing a Juvenile Boot Camp

The Juvenile Justice Commission should develop a boot camp by contracting with a private provider. Counties also should be encouraged to develop short-term residential or non-residential boot camp or boot camp-like programs to address the needs of youth at

Early lessons from the experiences of juvenile boot camps in Cleveland, Denver and Mobile, currently funded by OJJDP are:

High dropout rates (especially during the aftercare phase) point to the need for structuring into the program ways of motivating youth to complete the program.

If a juvenile boot camp is to be successful, it must make use of therapeutic treatment modalities to achieve positive attitudinal and behavior change in juveniles. *Quality programming is key.* A strong rehabilitative component during the residential boot camp phase is essential.

The military components should not be emphasized too little or too much. Youth will expect rigorous physical training and appear to derive satisfaction from successfully completing demanding tasks.

Staff must be well trained and fit. They must be trained in military programming, in the broader treatment modalities of the program, and understanding adolescent development. The potential for staff burnout is high; efforts must be made to watch out for signs of burnout (and the related potential for abuse) and to maintain staff motivation.

While the strict discipline of the boot camp experience is a real challenge, the biggest challenge for the juveniles is to successfully complete the aftercare component of the program in the face of temptations, pressures and frustrations present in the every day world in their communities, schools and families, and with their peers.

The aftercare component may be the greatest challenge for those who operate the program as well. The aftercare phase must be well planned so as to provide meaningful interventions to sustain gains achieved during the residential phase and to continue to help reintegrate youth back into their communities. *Sound aftercare is key to the success of any juvenile boot camp program.*

The residential boot camp phase and the aftercare phase must be well integrated with consistent aims and themes.

earlier points in their court careers such as the programs developed in Union and Cape May counties.

The aims of a State boot camp program to be developed by the Juvenile Justice Commission should be:

- to serve as an alternative to incarceration or intermediate dispositional option to help alleviate institutional overcrowding and to provide a cost-effective response to handling high-risk juveniles; and,
- to reduce subsequent offending among an appropriate group of high-risk juvenile offenders through a short-term residential program with an intensive structured aftercare component to emphasize public safety; accountability; the development of self-discipline, control, and self-esteem, the internalization of pro-social attitudes, the avoidance of substance abuse and the development of needed educational, vocational and other life skills.

Program Components

The State program should include a short residential boot camp component in the form of a Youth Academy and an intensive aftercare component. A 10 to 12 month program is suggested: a four month Youth Academy component and a six to eight month aftercare component which might include a four to six month intensive supervision and service segment and a two to four month "winding down" in service and supervision to the point of self sufficiency.

Intervention Techniques

The activities in the Youth Academy should include a modified form of military-style discipline and regimentation; hard physical conditioning and activity (calisthenics, physical conditioning, manual labor); challenge course therapy; individualized psychological, educational, vocational and substance abuse assessments; education, and individual and group counseling. During the residential phase, the focus should be on structure, discipline, self-control and responsibility while avoiding the abuse of authority by boot camp personnel.

The boot camp literature and discussions with experts in the field attest to the essential nature of an intensive aftercare component to achieving success. The aftercare program should include individualized case plans for each juvenile that include, as appropriate: individual and family counseling/therapy; education and/or vocational and job readiness training; substance abuse education and counseling; intensive supervision; group counseling; cultural enrichment activities; one-on-one mentoring; recreation; and, community service.

This proposed program would not be used for first-time adjudicated youth but rather youth adjudicated delinquent and committed by the court. The State classification process

could be used to select committed youth appropriate for the program. This process should not, however, preclude limited use of boot camp placements for select serious offenders by judges as a dispositional option accompanying probation. The Advisory Council suggests that, initially, juveniles entering the program should be selected from a small number of urban areas which have serious juvenile crime problems and which commit the greatest number of youth to the State's correctional facilities. Pilot programs in these targeted areas should have aftercare sites in the community that can serve as models for programs in other urban centers.

Enhance Effectiveness of Aftercare with Community Resources

The Council believes that only by mobilizing and coordinating a network of agency and volunteer services in the community will aftercare programs be successful. Community services could be provided at the aftercare site, at an existing day treatment program if feasible. A local university could be a valuable source of professional and volunteer staff, as well as a provider of recreational and cultural activities; Project CORE in Newark is an existing model for university participation.

Develop a Plan to Evaluate the Juvenile Boot Camp Program

Evaluation should be a responsibility of the Juvenile Justice Commission. Prior to selecting a private provider, there should be an agreement on the primary goals of the juvenile boot camp program and a preliminary understanding of how the program will be measured against those goals. The evaluation should also include a review of the impact of boot camps on the number of minorities in secure correctional facilities.

Funding

The Advisory Council should work with the Office of Management and Budget and the Departments of Corrections and Human Services during the transition to the reformed system to develop cost estimates and to identify funding sources for a juvenile boot camp. Three million dollars have been appropriated in the FY 95 budget to the Department of Corrections for a boot camp for young offenders. Part of this appropriation could be made available for a juvenile boot camp. Initial funding for a juvenile boot camp program may also be available through the Federal Crime Bill.

"PARTNERSHIP" PRIORITY INITIATIVES

VI. "PARTNERSHIP" PRIORITY INITIATIVES

A. Introduction

This section details initiatives that address chronic problems in New Jersey's juvenile justice system at the county and local levels. The Advisory Council anticipates that these initiatives would be funded through the State/Community Partnership and other sources cited below.

B. Preventing Delinquency

Prevention is key to reducing juvenile delinquency. As a publication of the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) recently observed, "communities must take the lead in designing and building comprehensive prevention approaches that address known risk factors and target youth at risk of delinquency."²²

Communities That Care

In a briefing paper submitted to the Advisory Council, the National Council on Crime and Delinquency (NCCD) states: "There is an increased awareness that prevention and early intervention, while fraught with challenges, holds the most promise for making a real difference in the lives of high-risk youth".²³ Because of the importance of early intervention and prevention, the NCCD has proposed that New Jersey adopt "Communities That Care". This model, which is also recommended by the federal OJJDP, defines risk factors which increase a juvenile's chances of developing various problems including delinquency. Strategies are then developed to reduce these risks and produce a positive impact on behavior.

The JJDP Unit in the Bureau of Juvenile Justice has set aside \$353,000 from federal OJJDP grant monies to fund projects developed through the Communities That Care model. That allocation is expected to double in the next federal fiscal year. A "Request For Proposals" has been distributed and applications are due in January. Teams from nine New Jersey counties have been trained in the "Communities that Care" model and are currently identifying risk factors and planning strategies for their communities. These counties will be eligible to apply for grants from the JJDP Unit to implement their proposed strategies.

The Advisory Council recommends that all 21 County Youth Services Commissions include in their annual plans prevention strategies based on either the "Communities that

²²John Wilson and James Howell, *Comprehensive Strategy for Serious and Violent Juvenile Offenders*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, D.C., December 1993, p. 9.

²³Sandra Tunis, *Enhancement of Prevention and Early Intervention* (briefing paper), Newark, New Jersey, October 31, 1994, page 2.

Care" model or other appropriate models. These strategies can be partially funded with JJDP and Partnership grant funds.

Neighborhood/Community Service Centers

The Advisory Council also recommends the use of neighborhood/community service centers. The centers could be located at schools or other sites identified by communities (e.g., the Department of Human Services' School Based Youth Services program). These centers should provide a variety of services after school and during evenings, weekends and summers. The Council notes that the New Jersey Department of Education's **Safe Schools Initiative** endorses the concept of "Community Schools" which are similar to the proposed neighborhood/community service centers:

Schools can ... serve as a physical point of contact between children and the many institutions and agencies that are intended to serve them. The concept of the "Community School" is a vehicle by which this goal can be achieved, particularly in neighborhoods where the circumstances are most challenging. Community schools offer the use of their facilities to social services institutions, particularly at times when school is not in session.²⁴

Schools should not be expected to provide all of the social, behavioral and health services juveniles need. The Council believes that these services should be provided by experts in those fields in conjunction with the schools. This collaboration would provide a safe and convenient place in the community for children and their families to obtain needed services.

The Juvenile Justice Commission should create a subcommittee comprised of representatives from the Departments of Human Services, Education, Labor, Health, Law and Public Safety and other appropriate agencies. This subcommittee would design a program model for community centers.

The subcommittee could also be responsible for:

- Assisting the Juvenile Justice Commission in developing guidelines for the implementation of neighborhood/community service centers. The guidelines would be disseminated to the County Youth Services Commissions for inclusion in the prevention component of their annual plans.
- Reviewing that section of the County Youth Services Commissions' annual plans that proposes development of neighborhood/community service centers.

²⁴*Safe Schools Initiative*, New Jersey Department of Education, Trenton, New Jersey, July 1994, p. 6.

- Developing for the Juvenile Justice Commission a proposal, including minimum standards and evaluation requirements, to implement the centers at the local level.
- Providing ongoing technical assistance to the County Youth Services Commissions and local coordinating bodies for the development, implementation and operation of neighborhood/community service centers.

On the county level, the County Youth Services Commissions should:

- Provide local school districts and municipal governments with the neighborhood/community service center program model.
- Provide these local bodies with technical assistance, designate a lead agency to administer each center, and develop local funding sources for the centers.
- Review proposal responses and make recommendations for funding to the State-level interdepartmental subcommittee.

On the local level a coordinating body would be identified to operate the neighborhood/community service center. Membership in this body would include school officials; police; representatives from social service, employment and health agencies; and local residents such as parents, block captains and ward leaders.

Seed money for the neighborhood/community service centers could be provided through the State/Community Partnership grant program under the auspices of the Juvenile Justice Commission. This seed money should be used to support core staff and programs. Other personnel and services should be provided by relocating

New Jersey School Based Youth Services

The New Jersey School Based Youth Services Initiative (SBYS) is the first statewide effort in the nation to place comprehensive services in or near secondary schools. It has received a number of prestigious national awards.

Implemented in 1988 by Governor Kean, SBYS has helped to eliminate the artificial barriers among disciplines and to link the education, health, employment, and human services systems together. The goal is to provide high risk children with the opportunity to complete their education, obtain employment skills and lead mentally and physically healthy and drug free lives.

SBYS operates in 30 urban, rural and suburban school districts, with at least one site per county. The program enables "one-stop shopping" for services. Each site provides the following core services: health care, mental health and family counseling, job and employment training, substance abuse counseling, recreation and information and referral services. Many sites also provide teen parenting education, transportation, day care, tutoring, family planning, and hotlines. Programs operate before, during and after school, as well as during the summer. Some also operate on weekends.

existing State, county and local staff and programs to the centers. The previously mentioned interdepartmental committee would recommend to the Commission those sites that should receive Partnership grant funding. Special needs school districts should be targeted to receive grant funds.

A potential source of funding in addition to Partnership grants for the proposed neighborhood/community centers is the At-Risk Aid funding which the Department of Education in its *Safe School Initiative* has offered to review for use in support of community schools. Another potential source of funding could be existing federal grant programs which are specifically designed to provide grants for the establishment of school-based service programs such as the proposed neighborhood/community service centers.

C. Early Response to Delinquency

The Advisory Council recommends early intervention with behavior that increases the risk of serious delinquency. Two important early interventions are discussed below: preventing chronic truancy and expanding the role of Juvenile Conference Committees.

Establish Truancy Prevention Programs

Truancy is often an early indicator that a juvenile is at risk of subsequent delinquent behavior. It may also be a warning sign of other problems at home or in school. Because school districts are not required to report truancy data, the number of truants in New Jersey cannot be directly measured. Since chronic truants often drop out of school, the rate of attrition from grade nine through grade twelve is perhaps the best available indicator as to the scope of the problem.

Professor Philip Burch of Rutgers University calculated this attrition rate in 1991 for New Jersey's most populated cities and found the following attrition rates: Camden 49 percent, Elizabeth 35 percent, Jersey City 55 percent, Newark 45 percent, Paterson 44 percent and Trenton 52 percent.²⁵ These rates indicate that students in New Jersey's six most populated cities are at great risk of failing to complete high school. A more effective system for returning truant students to school, as well as a mechanism for keeping them in school, is needed.

Current statutes hold parents accountable for their children's attendance at school by providing for the assessment of fines against parents in municipal court. The student and the school system should also be accountable. Families, schools, local police, Juvenile-Family Crisis Intervention Units (CIUs), other local social service agencies, and community-based organizations should work together to ensure that at-risk youth do not drop out of school.

²⁵Philip Burch, *The Dropout Problem in New Jersey's Big Urban Schools*, New Brunswick: Rutgers University, May 1992.

The Advisory Council recommends the following actions to address the problems of truancy and drop out:

- New Jersey law should define truancy as any absence from school without permission from a parent or guardian.
- New Jersey law should require that when a student accumulates five unexcused absences during a single school year, the school must provide an intervention. An unexcused absence should be defined as an absence from a full day of school without permission from a parent or guardian.
- Schools should adopt truancy intervention programs. A model truancy intervention program, developed by the Early Intervention and Post-Complaint Diversion Working Group, is outlined below.²⁶

Model Truancy Intervention Program

Intervention	Time Line ²⁷
A conference is held with the student, a parent or guardian, and a designated school administrator or teacher. At this conference ways to improve attendance and to address needs that may be contributing to the problem are discussed. Placement in an alternative education program may be considered in appropriate cases. Suspension may not be imposed as a penalty for unexcused absence.	Within five school days of the accumulation of a student's fifth unexcused absence, or fifteenth excused absence.
If a parent, guardian or student fails to attend the conference, the designated school administrator or teacher arranges for a home visit to be conducted by a school law enforcement agent.	Within five school days of the unattended conference.
If, following a conference or a home visit, truancy continues to be a problem or if the parent/guardian or student refuse to participate, the designated school administrator refers the case to the designated local intervention team.	Within three school days of the first unexcused absence following the conference or home visit.
The intervention team should include a school representative, school law enforcement staff, a juvenile officer and a representative of the County Juvenile-Family Crisis Intervention Unit or other local social service agency. The team may refer the truant student and the student's family for counseling or other services.	Within five school days of referral to the intervention team.
The intervention team monitors the intervention and determines whether the intervention has been successful. If the team determines that the intervention has not been successful, it refers the case to the Family Crisis Intervention Unit.	Within thirty days of referral to the intervention team.

²⁶This program, with significant modifications, is based on the Truancy Intervention Program used in Los Angeles.

²⁷The time line should be followed unless there are extenuating circumstances.

If during the same school year a student who has previously been through the truancy prevention program has another five unexcused absences, the student should be referred directly to the Family Crisis Intervention Unit, as a "chronic truant."	Ongoing.
The County Family Crisis Intervention Unit develops a contract with the student and the parent/guardian. Failure to comply with the contract results in a court petition. Failure to respond to the petition may result in contempt of court.	Within ten school days of referral to the Family Crisis Intervention Unit.
If the case is referred to a social service agency or community-based organization, failure by the student or parent/guardian to participate in the agreed upon intervention program results in the immediate referral of the case to the Juvenile-Family Crisis Intervention Unit.	Within three school days of failure or refusal to participate.

School districts with the highest dropout rates should be strongly encouraged to adopt a comprehensive truancy intervention program.

Implementation of a truancy intervention program may incur additional cost for some school districts. These additional costs may be met through redirecting existing funds such as State At-Risk Aid and federal Drug Free Schools and Chapter II funds.

To determine which school districts have substantial truancy and dropout problems a mechanism for collection and accurate comparison of data on students who are no longer attending school should be developed. Currently, each school district is required to count the number of students enrolled in each school on October 15th of each year. A supplemental review of dropout data in the spring of each year should be required as part of the annual educational improvement plan for special needs school districts. The State Department of Education should provide financial incentives to school districts which reduce their truancy rates by more than ten percent from the prior year.

Some students may not be capable of succeeding in the traditional school setting. For these disaffected or disruptive students, alternative schools should be established.

For the past three years, the New Jersey Department of Education has used federal funds to create regional alternative education programs. During 1992-93, approximately 60 students were enrolled in these programs; during 1993-94, the numbers increased to approximately 200 students in six programs; and, it is projected that during 1994-95, approximately 500 students will be served in 20 pilot regional alternative education programs.

The availability of alternative schools was expanded as part of the Advisory Council's Short-Term Initiatives announced in June of 1994.

The statewide need for placements in alternative education programs, however, is significantly greater than 500 students. To fill this "gap," local school districts have been

creating their own alternative schools. Statewide standards, monitoring and funding sources for alternative schools should be developed to ensure an adequate number of high quality programs. State education funding should follow students who have been transferred to alternative education programs.

An Expanded Role for Juvenile Conference Committees

The Advisory Council recommends expanding the role and the resources of the Juvenile Conference Committees (JCCs). Juvenile Conference Committees are comprised of six to nine trained and certified citizen volunteers who hear the cases of first-time juvenile offenders with minor charges. There are currently 2,400 JCC volunteers throughout the State. Committee members interview the juvenile and his or her family and recommend an appropriate disposition to the court. The committee monitors any approved disposition and, upon successful completion of that disposition, recommends dismissal of the case.

The role of the JCCs should be formally expanded to include the handling of second-time minor offenses committed by juveniles who have appeared before the JCC on their first offense. In this way, juveniles who commit repeat minor offenses will be accountable for their actions not only to the court but to the community. Repeat offenders who are sent back to their local JCCs will be handled by people who are familiar with their families and with their prior criminal involvement. Juvenile Conference Committee members can then build upon the first disposition and recommend increased services and sanctions as deemed appropriate.

There is no additional cost associated with this action. The JCC volunteers often can devote more time to the handling of individual cases than can family court judges or staff. This allows family court judges and staff to concentrate their time and resources on more serious and violent juvenile offenders.

In seventeen of New Jersey's twenty-one counties, JCCs already intervene with some second-time offenders. However, the practice varies from committee to committee and is not uniformly implemented. Successful implementation of this expanded role would require that the AOC advise county court administrators, county prosecutors, county JCC Coordinators, JCC volunteers, and court intake screeners to implement this additional function.

Once this new practice has been formally sanctioned and communicated to county court administrators and JCC Coordinators, the next step would be to ensure that JCC volunteers are trained to carry out their expanded role. Also, court intake personnel should be trained to screen appropriate second-time offenders to the JCCs.

D. Juvenile Detention

This section sets forth the Advisory Council's recommendations for improving the conditions in county detention facilities by reducing overcrowding, improving practices and procedures, and providing adequate education.

Nationally, there has been a significant rise in the use of secure detention since the late 1970s. This has led to a more expensive and overcrowded system with a growing minority overrepresentation. Admissions increased 26 percent from 1978 to 1990 despite a reduction in the use of detention for status offenders. In addition, the total number of juveniles confined in detention facilities rose 80 percent between 1979 and 1991. The average length of stay also increased substantially from 9 to 15 days between 1979 and 1990. By the early 1990s, a majority of detained juveniles across the country were housed in overcrowded detention centers. While nearly 38 percent of detained juveniles were in overcrowded facilities in 1987, this figure grew to 53 percent by 1991.

New Jersey has experienced similar problems with detention overcrowding. In August of this year, New Jersey's county detention facilities were at 128 percent of capacity, the worst overcrowding in at least a decade. Ten of New Jersey's sixteen secure county detention facilities were overcrowded in August. Eight of those ten counties were in excess of 125 percent of capacity, including Atlantic (179 percent), Passaic (167 percent), Hudson (165 percent) and Union (165 percent). Even rural and suburban counties are now experiencing overcrowding in their juvenile detention centers.

Minority overrepresentation in secure detention facilities also has increased significantly in recent years. Nationally, between 1979 and 1991, the overall percentage of minority youth detained increased from 47 to 65 percent of the total detention population, a 38 percent rise. Again, New Jersey has seen a similar increase. In 1993, minority youth in New Jersey detention facilities accounted for 84 percent of all admissions.

A Plan For Addressing Chronic Overcrowding

The Advisory Council recommends that chronic overcrowding in county secure detention centers be addressed through an increased use of detention alternatives and the development of a process that discourages placing juveniles in already overcrowded facilities.

Not all juveniles in need of pre-adjudication supervision must be placed in a secure detention facility to ensure public safety and the juvenile's presence at trial. Alternatives to secure detention, such as home detention, day programs and non-secure residential programs, can provide a more appropriate and cost-effective approach to supervising these juveniles. At this time, the use of alternative detention programs is severely limited in many counties.

First, the Advisory Council recommends that each county provide detention alternatives ranging from least restrictive alternatives to secure facilities. The following alternatives are recommended:

- A secure detention facility (or an arrangement to use a neighboring county's facility) in which the average daily population for the year does not exceed capacity.
- Two home detention alternatives:
 - a. Court ordered curfew (a copy of the order should be sent to the police department in the municipality where the juvenile resides).
 - b. Supervised home detention which maintains daily contact with the juvenile, the juvenile's family and the school.
- One or more day programs in which the juvenile is picked up each morning and transported to a work or school site and then returned home in the evening.
- One or more non-secure residential alternatives, such as group homes and temporary foster care placements, to which juveniles charged with delinquency have access.
- A program which allows juveniles who are a poor risk to attend court (primarily out-of-state residents detained on minor offenses who have no ties to the community) to post bond as an alternative to detention. This should be used only as a method of releasing juveniles who would otherwise remain in secure detention.

An assessment of the juvenile's risk to the community and to him or herself, and the risk that the juvenile will not appear in court, should determine which response is most appropriate.

Secure detention, at an estimated per diem cost of \$140 per juvenile, is the most expensive method of supervising juveniles who are awaiting adjudication. Detention alternatives alleviate detention overcrowding while avoiding both the capital and higher operating costs incurred in expanding secure bed capacity. For example, a detention alternative initiative in Broward County, Florida, dramatically reduced, over a five year period, the county's secure detention population by providing a mix of detention alternatives. This switch led to an annual decrease in operating costs of almost \$1 million (from approximately \$4.7 million to \$3.8 million) with no increase in capital costs. While there may be short-term additional costs in "transitioning" to a system of detention alternatives, such a system should provide significant long-term savings.

The State/Community Partnership Grant Program could provide transition funding for counties adopting detention alternatives. The Juvenile Justice Commission should encourage County Youth Services Commission in counties experiencing detention overcrowding to utilize Partnership funds to finance this transition.

Second, the Advisory Council recommends development of a process that discourages placing juveniles in already overcrowded county detention facilities. This process would require the director of each county detention facility to advise the Detention Monitoring Unit, Department of Human Services (which would be transferred to the Juvenile Justice Commission under this proposal), whenever the detention facility exceeds maximum capacity for ten consecutive days. The Monitoring Unit would then notify the governing body of the county in which the detention facility is located that a plan must be prepared within 30 days describing how the county expects to reduce detention overcrowding. The Monitoring Unit would, within 30 days of plan submission, either approve the plan or return it for modifications. If returned, the county would have 30 days to consult with the Monitoring Unit and resubmit the plan for approval. Approved plans would be implemented within 90 days of the date of approval if practicable.

Counties that fail to comply with this planning process may jeopardize their eligibility for Partnership grant monies to establish detention alternatives and, in some cases, additional grant funding as well.

A Plan To Improve Detention Practices and Procedures

The Advisory Council recommends improving detention practices and procedures by creating detention review committees, reviewing practices affecting juveniles awaiting placement in non-secure settings, and screening juveniles in detention for mental health, substance abuse, and other problems.

Establish Detention Review Committees and Detention Policy Committees

It is recommended that every county create a detention review committee to review the case of each juvenile in detention on a weekly basis. The committees would consider alternative placements and recommend such alternatives to the family court where appropriate. The detention review committees in each county should be comprised of representatives from the detention center, Family Division Intake, the County Youth Services Commission, and detention alternative programs.

In addition, each county should form a detention policy committee that would meet quarterly to discuss recurring detention issues that are best handled on a policy level rather than on a case-by-case basis. Detention policy committee members could include the Family Division Presiding Judge or designated Family Division Judge, the assistant prosecutor and the deputy public defender in charge of their respective juvenile units, a representative of the County Bar Association, and the County Detention Administrator. The

primary goal of this committee would be to expedite case processing for juveniles in detention.

Revise Practices Concerning Juveniles Awaiting Placement

Juveniles should not be kept in secure detention while awaiting placement in non-secure facilities. New Jersey's Juvenile Code, *N.J.S.A. 2A:4A-38(1)*, now requires that juveniles adjudicated delinquent who are awaiting a non-secure placement should be transferred to a non-secure facility. As a practical matter, lack of space in shelters sometimes prevents such transfers. Detention review committees should work with the courts to provide alternatives to secure detention for these juveniles.

In addition, juveniles who are committed to the authority of the Department of Corrections or the Division of Juvenile Services in the Department of Human Services must, as a matter of law, be removed from county detention within 72 hours of disposition.

Substance Abuse and Mental Health Screening

County Detention facilities should screen all admitted juveniles for substance abuse, physical ailments, educational needs, and mental health problems. These facilities should also provide for Alcoholics Anonymous and Narcotics Anonymous meetings. The county should be responsible for providing adequate screening services as such screening is an essential aspect of administering a detention facility.

Providing Adequate Educational Services in Detention

There currently is no dedicated funding to provide a through and efficient education for juveniles in county detention facilities. The Advisory Council recommends the development of a dedicated funding source for this purpose. State funding of detention education should be built into any new funding formula which is developed for public schools. The Advisory Council suggests that, in the interim, County Superintendents of Schools should improve detention education in their respective counties.

E. Dispositions for Adjudicated Youth

The 1983 Code of Juvenile Justice authorized a series of dispositional options for family court judges to use in placing juvenile offenders. These dispositions were intended to provide a complete range of sanctions and rehabilitative services that a judge could designate as appropriate in crafting a dispositional plan that would both protect the public and provide juveniles with the opportunity to grow into responsible and productive adults.

Because of a lack of funding, few of these options were implemented. As a result, few community-based alternatives to incarceration exist and most juvenile delinquents are either placed on probation or sent to the State training schools. Those urban counties with

the least resources have the fewest community-based alternatives and, consequently, commit a greater number of delinquents to the State training schools.

Currently, the New Jersey Department of Human Services provides \$3.3 million to the County Youth Services Commissions to create and implement local services and sanctions and to support county Juvenile-Family Crisis Intervention Units. Unfortunately, this funding does not provide even the minimal level of community-based alternatives authorized by the Justice Code. As a result, wide disparities exist from county to county in the provision of services and sanctions.

The Advisory Council recommends that each county maintain basic core services and sanctions for juveniles adjudicated delinquent. These core services include: alternate educational and vocational programs, job skills training and placements, mental health and substance abuse counseling and treatment, intensive supervision and community service. Specialized treatment programs for, among others, sex offenders, firesetters and juveniles with severe mental health problems, should also be provided.²⁸ Counties should prioritize their needs with regard to these core services and seek funding from federal, State, county and local sources as appropriate to implement those services that are most needed. Partnership grants could be used to assist in these funding efforts.

The basic core services and sanctions are briefly described below.

Core Services:

Alternative Education

As previously discussed in Subsection C., the number of alternative schools has recently been increased through a Department of Education initiative. These schools provide educational opportunities and support services to disaffected and disruptive students. They also serve as a bridge back to the community for juveniles returning from the State training schools.

Vocational Education, Job Readiness Training and Job Placement Services

Job readiness training and job placement services can enhance the effectiveness of other services and sanctions by expanding opportunities and preparing juveniles for success in the job market. Greater access for this population of juveniles to the Job Corps and Youth Corps programs would assist in increasing employability and long-term rehabilitation.

²⁸The need for a range of dispositional services to make the juvenile justice system work effectively has been recognized in many prior reports dealing with juvenile justice topics: 1989 Judicial Conference, *Juveniles, Justice and the Courts*, 1990, pp. 44-51; Juvenile Delinquency Commission, *The Impact of the New Jersey Code of Juvenile Justice*, 1986; Pathfinders Committee Reports -- *Pathfinders I*, pp. 87-105, *Pathfinders II*, pp. 20-22; Supreme Court Task Force on Minority Concerns, *Final Report*, pp. 178-183.

Mental Health Services

A relatively small but significant portion of adjudicated youth have severe emotional problems. For many juveniles, these problems are never identified or treated. Assessments, out-patient counseling and in-patient services are needed to address serious clinical mental health needs.

The Advisory Council's interim report noted the creation of a Juvenile Justice Mental Health Task Force to identify and address the mental health needs of juveniles. This Task Force, which included representation from the Division of Mental Health and Hospitals and the Division of Juvenile Services, completed a survey of existing mental health services in county detention centers and at State facilities including the State

Training School for Boys and the Juvenile Medium Security Facility. The Task Force then identified gaps in service that needed to be filled.

The Task Force recommended replication of Monmouth County's Project ACT in other counties. Project ACT provides clinical mental health and substance abuse assessment services to Monmouth County's family court, youth detention center and Juvenile and Family Crisis Intervention Unit.

The Task Force also recommended increasing mental health services at the State training schools. About 10 to 15 percent of the residents at the Training School for Boys and a much greater portion of the population at the Juvenile Medium Security Facility have mental health problems that require specialized treatment. The Task Force recommended that mental health personnel be assigned to these facilities to provide this treatment.

Substance Abuse Treatment Programs

There are currently 294 State-funded substance abuse beds for youth, most of which are designated for alcohol abuse. According to the Department of Health, few of these beds serve the juvenile justice population. Lack of health insurance significantly reduces the ability of these juveniles to access substance abuse treatment services as a viable alternative to incarceration. Access to these services for indigent and uninsured youth should be increased through provision of additional residential and outpatient slots.

Model Program

In Monmouth County, Project ACT provides a comprehensive range of clinical and consultation services to the Family Court. This includes crisis evaluation and intervention to stabilize volatile and dangerous situations that arise while juveniles are in detention.

Funding for Monmouth County Project ACT totals approximately \$120,000 annually and is an example of pooled funding streams; Drug/Alcohol provides \$20,000, the Department of Human Services' Family Court appropriation provides \$40,000, and the Division of Mental Health and Hospitals \$60,000.

Core Sanctions:

Community Service

Community service, which is administered by county probation, is an "intermediate sanction" to teach juveniles a sense of responsibility towards their communities. Unfortunately, community service sites for juveniles are limited in many counties. This, in turn, limits the usefulness of community services as a disposition. Technical assistance may be required from the State to overcome barriers, such as the lack of insurance or transportation, to the expansion of community service.

Restitution Programs

Requiring restitution forces juvenile delinquents to face the consequences of their actions and helps to develop empathy for the victim. However, for many juveniles adjudicated delinquent restitution is not a realistic disposition unless opportunities for employment can be provided.

Juvenile Intensive Supervision Programs

Probation is the most frequently used disposition. There is a need for expanding special probation programs to serve juveniles assessed as high risk probationers. Key ingredients of these programs are intensive monitoring and supervision along with structured components based in the community.

Access to Services

Ensuring that the juvenile justice population has access to existing services is as important as providing new programs. These juveniles compete for access to services with other young people who are not involved in criminal or violent behavior. These other youth, who may be abused, developmentally disabled, or who may have severe emotional/behavioral problems, are more likely to gain access to existing services. Delinquent juveniles have trouble accessing these services for many reasons, including failure to meet program eligibility qualifications, inability to pay for services, and the perception that this population is more difficult to serve. These access issues must be addressed if the juvenile justice system is to function effectively.

INFORMATION SHARING

VII. INFORMATION SHARING

A myriad of State and federal confidentiality laws currently protect the identity of juveniles who have been adjudicated delinquent or who are involved in various social service programs. While these confidentiality laws protect the identity of the juvenile, they also sometimes interfere with the exchange of information between programs and with the ability of agencies to collaborate with each other in providing services. Problems also arise when service providers do not fully understand legal requirements and erroneously determine that information cannot be lawfully exchanged or err on the side of maintaining confidentiality for fear of criminal sanctions. The inability to share information about services previously provided results in both the costly duplication of services and the provision of inappropriate services.

To address some of these problems, New Jersey recently revised its juvenile confidentiality law. The new law allows a greater exchange of information between law enforcement and school systems. Prior to the revisions, information shared by a law enforcement agency with the principal of the juvenile's school could be used only to plan for the juvenile's educational and social development. Under the new law, shared information can also be used to maintain order, safety or discipline in the school.

Despite the revisions to New Jersey's juvenile confidentiality law, federal confidentiality laws and regulations continue to restrict information sharing between State agencies. For example, federal confidentiality regulations concerning substance abuse treatment make it unlawful for a treatment program to acknowledge the presence of a patient in the program without a court order or the patient's signed consent. Other federal laws and regulations restrict access to student records, records of participation in food stamp, welfare, and/or mental health programs, and records that reveal that a person is afflicted with the Human Immunodeficiency Virus.

These federal restrictions, however, are not absolute, and information generally can be exchanged between agencies if the juvenile or his or her parents provide written consent. Interagency agreements and memoranda of understanding also allow treatment programs and service providers to share information within the agency and with other agencies. Further, standing court orders can permit the exchange of information among agencies designated to provide juvenile services.

The Advisory Council recommends that authorized personnel who serve the legitimate interests of juveniles involved with the justice system should have access to information concerning services and case records to the extent permitted by law. State, county and local juvenile justice and social services agencies should use consent forms and interagency agreements to exchange information whenever appropriate and should collaborate in providing services to juveniles and their families. The Advisory Council further recommends that the AOC consider the development of a standing court order where appropriate to allow the sharing of information concerning court-involved youth.

Use of Consent Forms

Model consent forms should be presented to juvenile clients and their parents for signature when information needs to be communicated to another agency. Model consent forms should contain:

- the name of the juvenile who is the subject of the information;
- the name of the person, program, or agency sharing the information;
- the name of the person, program, or agency with whom the information will be shared;
- the reasons for sharing the information;
- the type of information to be shared;
- the signature of the parent or guardian of the juvenile who is the subject of the information;
- the date the release is signed;
- a statement that the release is subject to revocation at any time by the parent or guardian of the juvenile who is the subject of the information;
- an expiration date for the release or an event (such as termination in the program) that will terminate the release; and
- a statement that the subject of the information has a right to a copy of the release.

Use of Interagency Agreements

Another means of allowing agencies to exchange information is the use of interagency agreements, qualified service organization agreements, and memoranda of understanding. These agreements allow agencies in certain circumstances to share information without the client's written permission. In general, the agreements acknowledge that each of the agencies will comply with federal and State confidentiality laws and protect confidential information. The Advisory Council recommends that these agreements be used in the juvenile justice system whenever appropriate.

Interagency agreements should include:

- the overall mission of each agency;

- the purpose and legal authority for developing the affiliation;
- the specific responsibilities of each agency, including anticipated results;
- where service is jointly delivered, the case information that is to be shared among the listed agencies in order to improve service delivery;
- where case management is provided, information which will be provided by the listed agencies to the case manager, including multi-agency client consent forms if applicable;
- where a service is provided by one affiliated agency to another, information which is needed upon admission and upon termination by the agency or program;
- procedures for security, duplication, and redisclosure of records; and
- procedures for retention and timely destruction of records.

A qualified service organization agreement (typically used by substance abuse treatment programs) can also be used in other appropriate circumstances. Under these agreements, the agencies must agree to resist in judicial proceedings efforts to access patients' records except as permitted by regulation.

Use of Standing Court Orders

The Advisory Council recommends that the Administrative Office of the Courts in conjunction with the Department of Law and Public Safety and the Public Defender create a standing court order which allows for the exchange of information about court-involved juveniles. Such orders should be used by judges whenever appropriate to the juvenile's rehabilitation.

In other states, standing court orders have been developed to allow the release of confidential records to agencies involved in the juvenile court process. This permits agencies to exchange information, as authorized by State and federal law, about court-involved youth.

Training in the Use and Exchange of Confidential Information

Agency personnel often do not know exactly what information can be exchanged under the law. Consequently, personnel should be trained in the specifics of State and federal confidentiality laws and regulations. Training should be provided for State agency and Administrative Office of the Courts personnel, as well as for county and local service providers.

Compilation and Sharing of Information

Much of the information which should be shared is maintained on computers. However, not all service information is computerized, nor are all computer systems and programs compatible with one another. Nor is information always maintained in a format that is easily understandable by agencies that would find the information useful. A standing inter-departmental committee should be created to address how this computerized information can be shared. This committee should include representation from the Administrative Office of the Courts, the State Departments of Corrections, Education, Health, Human Services, Law and Public Safety, the Public Defender, Treasury and the Youth Services Commissions' Multi-disciplinary Teams. The Advisory Council recommends that the standing committee be operated by and under the Juvenile Justice Commission.

***ATTORNEY GENERAL'S
YOUTH ADVISORY COMMITTEE***

VIII. ATTORNEY GENERAL'S YOUTH ADVISORY COMMITTEE

At the request of the Attorney General, a Youth Advisory Committee was convened to provide a forum for her to discuss issues with a group of young people. The members of this Committee were selected with the help of various youth serving agencies and several New Jersey public schools. Approximately 30 youth from across the State were asked to participate. This diverse group included boys and girls from various racial, ethnic, cultural, religious and economic backgrounds. Some were honor students and some were involved in the juvenile justice system.

The Youth Advisory Committee developed three recommendations which address race relations, youth/police relations and financial penalties associated with juvenile crime.

Race Relations

The Committee recommends using older students as cultural ambassadors to younger students. The Committee believes that personal contact with youth from different cultures will improve race relations. Schools should recruit student volunteers knowledgeable about various cultures to serve as cultural ambassadors. In addition, cultural fairs could be sponsored to showcase various cultures.

Youth/Police Relations

The goal of this recommendation is to increase the understanding of young people about the role of the police and to educate New Jersey's youth on how best to interact with police on the street and during motor vehicle stops. The program should also increase understanding by police officers of how they are viewed by youth.

Through liaison with local police, each school district should provide at least one session to each of its 7th and 8th grade classes. The curriculum would be an expansion of the program developed by the Perth Amboy Police Department (the "How to Survive a Motor Vehicle Stop" program) for Perth Amboy students. The classes should be presented by DARE officers or other juvenile officers and could be coordinated with school health departments. The New Jersey Juvenile Officers Association should be responsible for developing the expanded curriculum under the Juvenile Justice Commission.

Financial Penalties

The Youth Advisory Committee recommends legislation to allow community service to be substituted for financial penalties in some cases. The Committee reasoned that financial penalties create unnecessary hardship for some juveniles and their families who do not have the ability to pay and cannot find employment. Juveniles who have been rehabilitated and have satisfied all other conditions of probation except payment of financial penalties face the possibility of a civil judgement being lodged against them that will follow them through college and their future efforts to establish credit. In addition, as a practical

matter, probation is unable to collect a substantial portion of fines and restitution monies. In contrast, approximately 80 percent of assigned community service hours are completed.

The current community service system would need to be expanded. New community service sites should be considered to meet the increased need; use of libraries, parks, homeless shelters, domestic violence shelters, nursing homes, AIDS facilities, schools and various social service agencies should be explored.

Development of programs to expand employment opportunities for juveniles so that they can afford to pay financial penalties would also help alleviate this problem. Project F.A.I.R. (Finding Accountability in Restitution Program), which is run by the Ocean County Probation Division, could be a model for statewide programs.

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