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STATE OF NEW JERSEY  
JUVENILE JUSTICE COMMISSION  
JUVENILE DETENTION REFORM PROJECT

FINAL REPORT  
OF THE  
DETENTION REFORM TASK FORCE



State of New Jersey  
JUVENILE JUSTICE COMMISSION

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March 11, 1999

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Dear Director Donnelly,

On behalf of the Detention Reform Task Force, I submit to you the attached Final Report. The document makes far reaching, substantive recommendations for improving the statewide detention system and for alleviating detention overcrowding where it exists.

As Chair of the Detention Reform Task Force, I want to express my appreciation to the Task Force members who enthusiastically gave their time and were committed to promoting detention reform in New Jersey. I would also like to express my appreciation to the Detention Specialists who served as staff to the Task Force. Without their hard work and diligence this report would not have been possible.

Thank you for the privilege of chairing the Task Force. I look forward to working with you, the counties and the public in reviewing these recommendations. I know that this work is but a first step in the effort to improve New Jersey's detention system and to reduce detention overcrowding in the state.

Very Truly Yours,

B. Thomas Leahy  
Task Force Chair



**State of New Jersey  
Juvenile Justice Commission  
Juvenile Detention Reform Project**

**Final Report of the Detention Reform Task Force**

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The opinions, findings and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice.

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## **EXECUTIVE SUMMARY**

In 1994, the Governor's Advisory Council on Juvenile Justice set forth recommendations to improve conditions in county detention facilities in New Jersey by reducing overcrowding, improving practices and procedures, and providing adequate education. These recommendations were, in part, a response to the growing problem of detention facility overcrowding.

In 1996, the Juvenile Justice Commission (JJC) received funding from the Office of Juvenile Justice and Delinquency Prevention to implement the Detention Reform Project. The goal of the project was to address the Governor's Advisory Council recommendations by examining and assessing detention policy and practice in an effort to improve the statewide detention system, with a particular focus on addressing the continuing statewide detention crowding problem. This was to be a "research-driven" initiative, utilizing empirical findings to guide subsequent policy debate and decisions.

A Detention Reform Task Force was created to develop a set of recommendations for detention reform. Detention Specialists were hired and played a proactive role in moving the project forward. The Detention Specialists, working in close collaboration with the Task Force, formulated the project's basic methodology and created various surveys and other data collection instruments; devised and implemented strategies for data collection; and helped to interpret the meaning and policy implications of analyzed data.

Data collection for the Detention Reform Project was a two phase process. The first phase of the project involved an in-depth assessment of detention programs and related systems in seven counties (Atlantic, Burlington, Camden, Essex, Hudson, Mercer, and Union). The data collection process included surveys and interviews with county juvenile justice personnel, an analysis of existing county and State data sources and various independent studies of key issues identified by the Task Force. Following the completion of this first phase, similar (though less detailed) information on detention was collected from the remaining 14 counties.

A major objective of the Detention Reform Task Force was to identify the factors that affect admissions and length of stay at the county level and make recommendations to help reduce the impact of these factors on New Jersey's detention population and on its overcrowding problem. The following presents the Task Force recommendations regarding detention reform in New Jersey. The recommendations focus on statewide reform. The applicability of specific recommendations varies across counties, since the nature and extent of delinquency and particular detention issues varies by county, as does the system currently in place in various counties to address these problems and issues.

The final phase of the Detention Reform Project calls for a focus on implementing recommendations contained in this report. The implementation of the recommendations at the State and county level can help to reduce detention crowding and minority presence in secure detention. Implementation will require cooperation from individual State and local

agencies. The role of Project staff will be to work closely with counties to facilitate successful implementation within the context of county needs. A report will be submitted in the Fall of 1999 outlining the implementation process and progress toward implementation.

## **TASK FORCE RECOMMENDATIONS**

### **A. Admissions, Referrals and Decision Making**

#### **Recommendations~ Admissions Decision Making**

- 1) *The Department of Law and Public Safety and local law enforcement, in collaboration with the Administrative Office of the Courts (AOC) should sponsor statewide training sessions for Law Enforcement Officers.*
- 2) *Family Division Managers and/or their designated Intake staff person(s) and any related individuals with expertise in the area of court intake should identify and refine best practices, including the review of a risk assessment tool for statewide intake training, the standardization of informational forms and the development of basic minimum standards for court file information. Family Division Intake staff should then be trained in these best practices models once they have been approved for statewide use.*
- 3) *Court intake officers should have access to Family Automated Case Tracking System (FACTS) data twenty-four hours a day, seven days a week.*
- 4) *Court intake should have standardized ways of gathering basic information about a detained juvenile and should also have clearly defined procedures for passing this information on to the court.*
- 5) *Court intake should routinely receive feedback about the impact of its decisions on the detention population.*

#### **Recommendations ~ Role of the Family in Detention Decision Making**

- 1) *Counties should develop, as needed, select detention alternative programs to avoid placement of youth in secure detention facilities who would avoid such placement if not for family instability or related family issues. Specifically, shelter care, host homes, group homes and highly structured day reporting programs would serve to provide degrees of supervision that might be required for such juveniles short of placement in secure detention.*

2) *The court should play a role in developing a clearly designated, understood mechanism of finding alternate care givers for juveniles who are currently placed into secure detention primarily because their parents/guardians are unwilling or unable to claim them from the police department or court.*

3) *Counties should review their need for shelters and other types of temporary residential placements (host homes, group homes, etc.) in the context of providing needed alternatives to secure juvenile detention.*

#### **Recommendation ~ Violations of Probation**

1) *County level efforts should be undertaken, where appropriate, to avoid placement in secure detention of youth solely as a response to a “violation of probation”. This can be accomplished in part through the development of a system of graduated sanctions available to probation officers as a response to failure to abide by the conditions of their probation.*

#### **B. Detention Alternatives**

#### **Recommendation ~ Developing a Continuum of Pre-adjudication Placements**

1) *Counties should assess specific needs across a potential range of detention alternative programs, and develop appropriate options as feasible. This array of detention alternative programs should be seen as a necessary adjunct to a county’s secure detention resources. The purpose of such detention alternatives should be to make options available to judges which provide varying levels of supervision and structure in the community short of placement in secure detention facilities, in appropriate cases. This would help match available alternative programs to the levels of risk posed by juveniles who come before the court.*

2) *Shelter care should be used as a short-term placement for juveniles who are now placed in detention primarily because they have no one who claims responsibility for them and no place else to go.*

3) *Counties should develop and implement a risk screening tool to assist in matching juveniles’ levels of risk with the appropriate, available detention alternative option.*

4) *Detention alternative programs should provide the level of supervision necessary to enforce conditions of release, ensure adherence to program rules and assist in holding youth accountable for violating program conditions.*

5) *Eligibility criteria of detention alternatives should be clearly articulated so that court and detention personnel know which juveniles are appropriate candidates.*

6) *Processes should be in place to familiarize all Family Division Judges, Intake staff and other court personnel involved in detention and detention alternatives with the existence of detention alternatives, the nature of various programs and the programs' role and responsibility to the court (e.g. regarding violations of court-ordered rules).*

#### **Recommendation ~ Detention Alternative Program Operations and Staffing**

1) *Detention alternative programs efforts should include: gathering pertinent information on a juvenile's background; coordination with the local school system; and a family/parental involvement and support component, when possible. In addition, detention alternative programs and counties should ensure that transportation needs both to and from the programs are being met, and that juveniles are not disqualified from participation in an alternative program for lack of transportation.*

#### **C. Barriers to Timely Release from Secure Detention**

##### **Recommendation ~ Case Scheduling**

1) *The Family Division should examine the potential for calendaring cases without waiting for statutorily defined time limits for hearings, in an effort to reduce waiting time and continuances, and increase the timeliness of court proceedings.*

##### **Recommendations ~ Expediting Cases Through the Court Process**

1) *Each vicinage should examine its method of expediting cases, in terms of how information is gathered and disseminated and how resources are used, and develop a process to assure timely resolution of cases, particularly when detention is continued. This process should encourage communication among key actors in the juvenile justice system and obtain the information needed to foster effective and timely release to detention alternative programs, in appropriate cases, and timely dispositions. Expediting teams should work in close collaboration with the court to meet the needs of the court.*

2) *The court should explore ways to use detention alternatives at the earliest possible hearing.*

3) *The court should encourage flexibility and creativity in using available resources as alternatives to detention.*

4) *The court should review existing processes for obtaining prior evaluation information and determining the need for additional evaluations.*

5) *The Administrative Office of the Courts should consider efforts to foster career-oriented juvenile justice specialization among Family Division Judges through its assignment practices.*

#### Recommendation ~ Family Automated Case Tracking System

1) *The Administrative Office of the Courts should enhance the Family Automated Case Tracking System, with collaborative input from court representatives at the county level, so that the system is more useful to consumers in the various counties. County users should have appropriate access to information and also have the ability to develop reports that meet the needs of various components of the juvenile justice system. The database should give useful feedback to its users for court planning, individual decision making, community planning and research purposes.*

#### Recommendations ~ Awaiting Dispositional Placement with State Agencies

1) *The Juvenile Justice Commission should explore ways of expediting the post-disposition removal, out of secure detention, of juveniles committed to the Juvenile Justice Commission out of secure detention by considering the implementation of comprehensive efforts to respond to shortages of institutional and noninstitutional beds.*

2) *Establish a specially funded interdepartmental program development effort to plan for and develop high priority programs for select special needs populations who are in secure detention awaiting placement.*

## **I. Introduction**

The purpose of secure juvenile detention is to temporarily confine youth charged with delinquent acts to assure their attendance in court and to ensure public safety through the prevention of delinquent acts during case processing. The detention center is a locked facility characterized by security hardware, custodial personnel and related procedures. Placement in secure detention usually occurs prior to adjudication, thus most juvenile detainees have not yet been adjudicated of a crime. In some cases, juveniles may be cleared of allegations in court or found guilty of a lesser offense. Others may be released at the initial or probable cause hearing based on findings that they do not require continued secure confinement. The use of secure detention is the most restrictive placement option for pre-adjudicated offenders. Secure detention also can be the most costly pre-adjudication placement option. National per diem rates range from \$60.00-\$300.00 (Burrell, DeMuro, Dunlap, Sannitti and Warboys, 1998).

In 1994, the Governor's Advisory Council on Juvenile Justice set forth recommendations to improve conditions in county detention facilities in New Jersey by reducing overcrowding, improving practices and procedures, and providing adequate education. These recommendations were, in part, a response to the growing problem of detention facility overcrowding in New Jersey.

In 1996, Juvenile Justice Commission (JJC) received funding from the Office of Juvenile Justice Delinquency and Prevention to implement the Detention Reform Project. The goals of the project were to address the Governor's Advisory Council recommendations by examining and assessing detention policy and practice in an effort to improve the statewide detention system, with a particular focus on addressing the continuing statewide detention crowding problem. This was to be a "research driven" initiative, utilizing empirical findings to guide subsequent policy debate and decisions.

A Detention Reform Task Force was created to develop a set of recommendations for detention reform. The project hired Detention Specialists who played a proactive role in the Project. The Detention Specialists, working in close collaboration with the Task Force formulated the project's basic methodology; created various surveys and other data collection instruments; devised and implemented strategies for data collection; and helped to interpret the meaning and policy implications of analyzed data.

This report presents the recommendations of the Detention Reform Task Force. The recommendations focus on statewide reform. Their applicability varies across counties, since the nature and extent of delinquency and particular detention issues varies by county, as does the system currently in place in various counties to address these problems and issues.

## **A. National Experience with Juvenile Detention**

Both the rate of juvenile detention and the actual numbers of detained youth have increased since the early 1980s. In 1984, the admission rate to public detention centers was 1,421 per 100,000; by 1994 the rate had risen to 1,950 per 100,000 (Burrell et. al., 1998). In absolute numbers, there were 404,175 admissions to public juvenile detention facilities in 1984, and 573,843 in 1994, an increase of 42% (Burrell et. al., 1998).

Nationally, detention overcrowding worsened. For example, the *Conditions of Confinement Study* (1995) found that, in 1991, 53% of detained youth were held in facilities where population exceeded design capacity. By 1995, 62% of juveniles in public detention centers were held in facilities whose population exceeded design capacity.

Crowding in secure detention facilities can produce a dangerous living and/or working environment by straining the resources of a facility in ways that produce tension, stress and hostility. The Youth Law Center's *Juvenile Detention Problem Solving Manual* (Burrell et al., 1998) describes in detail the various potential detrimental effects of detention crowding, which are outlined below.

- ◆ **Safety is a problem in overcrowded facilities.** Juveniles' perceptions of safety decrease significantly in crowded institutions. Crowded sleeping quarters, a hallmark of crowded facilities, has been shown to be associated with increased reports of behavioral incidents, assaults, suicides, illnesses, and psychiatric problems. Sexual exploitation and gang attacks are more likely to occur in this atmosphere, and youth not previously in gangs may affiliate for self-protection.
- ◆ **Crowding affects the facility's ability to provide basic services in an efficient manner.** When facilities are overcrowded, meal time may be shortened; bathroom access may be limited; restrictions may be imposed on medical attention, education and other programming, recreation and family visits. When these services are significantly reduced, problems with mental health issues, suicidal behavior and acting out may increase.
- ◆ **Overcrowding increases the potential for juveniles to exhibit anger or hostility toward staff and other detainees.** It is often necessary to use locked room confinement and mechanical or chemical restraints when crowding exists. In some cases, the detention center may resort to a policy that allows only some of the youth in a living unit out of their rooms at a given time. This practice increases the amount of time youth spend in their rooms, increasing the potential for inappropriate or violent behavior.

- ◆ **Working in a crowded facility takes a toll on staff.** Detention personnel who work in crowded facilities regularly face overwhelming responsibilities in a stressful and sometimes dangerous atmosphere. Studies have shown that working in a crowded environment is associated with increased staff burnout, as well as higher staff turnover and increased overtime.
- ◆ **Detention crowding overburdens the resources of the detention center.** Institutional costs that are not calculated into a per diem rate include an increased need for food, clothing and furniture to accommodate increased numbers of offenders and money spent on keeping physical plant systems in operation, as they can be overburdened in overcrowded facilities

In response to serious overcrowding in secure juvenile detention, several jurisdictions are participating in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). The initiative is designed to demonstrate that jurisdictions can create more effective and efficient detention systems that confine fewer youth without negatively impacting public safety or the integrity of the court process. The initiative used risk assessments, detention alternative programs and various case processing innovations to implement detention reform. With the initiation of reforms, some sites have experienced decreases in failure to appear rates and rates of pre-disposition re-offending. Case processing time has also fallen in most of the sites.

## **II. Detention In New Jersey**

There are currently eighteen secure juvenile detention facilities in New Jersey. All but one are operated and financed by the counties. The remaining counties contract bed space from one of the existing secure detention facilities.

Secure detention facility compliance with State and Federal regulations is monitored by the Juvenile Justice Commission's Compliance Monitoring Unit. This unit is responsible for preparing and maintaining standards for the operation of juvenile detention facilities in the State and ensuring, through monitoring, compliance with the standards. This unit also participates in, reviews and approves physical plant improvements at existing facilities and construction of new detention facilities. Additionally, the unit is responsible for reviewing critical incidents involving juvenile detainees.

The State Juvenile Detention Monitoring Unit determines the approved capacity, i.e. the approved number of beds. When there are more juveniles in secure detention than there are approved beds, the detention facility is officially overcrowded. In January 1999, statewide approved capacity was 922. This was a 48% increase from 1996, when statewide approved capacity was 622.

## A. Facility Data and Trends

Detention populations are a product of admissions and length of stay. Overcrowding results when the combined effects of level of admissions and length of stay exceed the bed capacity of the detention facility. The following provides current information and trends for detention admissions, average daily population, average length of stay, detention demographics and detention facility overcrowding in New Jersey.

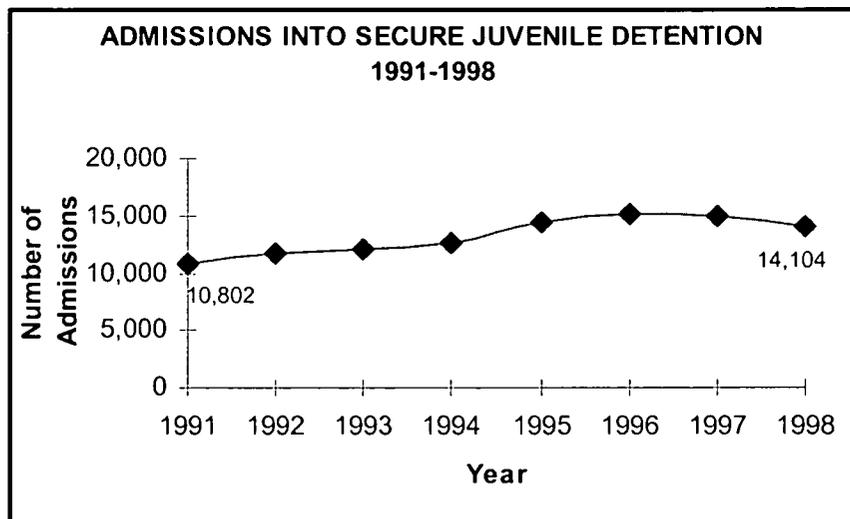
### *Admissions*

There were 14,104 admissions<sup>1</sup> to secure juvenile detention in 1998. This was a decline in admissions of 5.6% compared with the prior year's figure of 14,935.

A small number of counties accounted for a large share of the statewide detention admissions in 1998. Essex, Hudson, Camden and Passaic counties accounted for 50.5% of all admissions. A total of 61.7% of all admissions were made in six counties (the above plus Cumberland and Union).

Admissions increased 30.5% between 1991 and 1998. Admissions increased each year, reaching a peak in 1996 (15,173), before declining to the 1998 level.

CHART 1



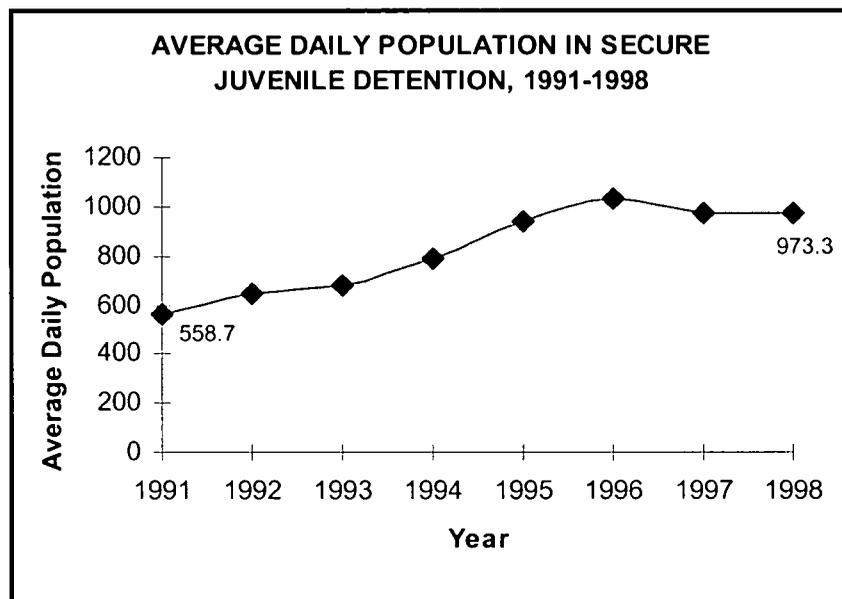
<sup>1</sup> Total statewide admissions statistics include both pre-disposition admissions and post-disposition admissions to 60-day commitment programs. Source: Juvenile Justice Commission Compliance Monitoring Unit annual detention statistics.

### *Average Daily Population*

In 1998, average daily population in secure detention was 973.3. This represents a decrease of .5% from 1997, when average daily population was 977.2.

Chart 2 reflects changes in total average daily population between 1991 and 1998. Over this eight year period, average daily population increased 74.2%. Average daily population reached its peak at 1,302 in 1996, followed by a 5.6% decline between 1996 and 1998.

**CHART 2**

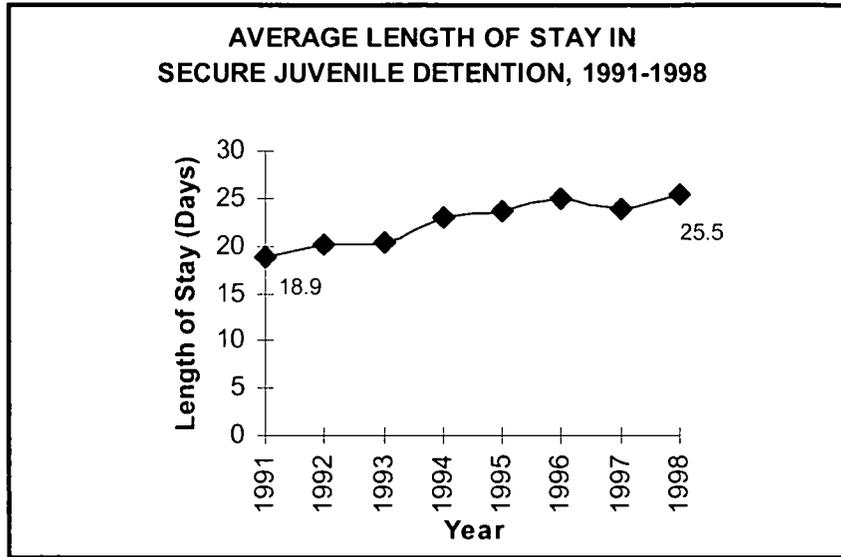


### *Average Length of Stay*

Juveniles vary greatly in the amount of time they remain in secure detention facilities. While some are detained for only a day or two, others remain in detention for months. The statewide average length of stay was 25.5 days in 1998. This represents a 4.5% increase from 1997, when average length of stay was 24.4 days, statewide.

Between 1991 and 1998, average length of stay in detention increased 34.4% (see Chart 3). In 1991, juveniles stayed an average of 18.9 days in detention. Over the next five years, average length of stay gradually increased until 1996, when average length of stay was 24.9 days. In 1997, average length of stay began to decrease. However, in 1998, average length of stay in secure detention was at its highest level in seven years.

CHART 3



Average length of stay varied by county. The length of stay in 1998 ranged from highs in Hudson (33.4), Salem (32.8) Warren (32.3) and Ocean (31.9) to lows in Camden (16.5) and Gloucester (16.7).

Length of stay is affected by the time it takes for cases to be processed through the court, and for post-disposition placements to be made by the Juvenile Justice Commission, Division of Youth and Family Services and other state agencies. In addition, the availability of programs that serve as detention alternatives can have a substantial impact on average length of stay.

#### *Detention Demographics*

##### Gender

Males continued to comprise a large majority of detained juveniles. In 1998, males accounted for 85.2% of detention admissions. On average, males had a greater length of stay, averaging 27.3 days compared with 15.2 days for females.

##### Race/Ethnicity

Minority youth continued to be heavily represented in detention, accounting for 78.5% of total admissions. More specifically, African American youth accounted for 59.1% of admissions; Hispanic youth, 18.6% and "other" youth, .8%.

## Detention Overcrowding

In 1998, detention centers operated at 117.4% of approved capacity, a 29.2% decrease from 1996.<sup>2</sup> The reduction in overcrowding in 1998 was due to both a lowering of average daily population (as indicated earlier) and a growth in secure detention beds. The number of approved beds (i.e. approved capacity) in secure detention has been steadily increasing since 1996 (see Table 1). In 1996, statewide capacity was 622. In 1998 statewide capacity was 831, a 33.6% increase from 1996. In February, 1999 statewide capacity was 922, and increase of 48% in the number of approved secure detention beds since 1996.

**TABLE 1**

<b>CAPACITY AND PERCENT OF APPROVED CAPACITY 1996 - 1998</b>		
<b>Year</b>	<b>Capacity</b>	<b>Total Percent of Approved Capacity</b>
1996	622	165.9
1997	739 <sup>3</sup>	132.2
1998	831 <sup>4</sup>	117.4
<b>Percent Change 1996-1998</b>	<b>33.6%</b>	<b>-29.2%</b>

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<sup>2</sup> For a county-level breakdown of average daily population as a percent of approved capacity in 1998, see Appendix A.

<sup>3</sup> The Essex County Youth House, with an approved capacity of 100, closed on July 3, 1997 when the new Youth House opened, with an approved capacity of 242. For statistical purposes, Essex County figures for approved capacity and percent of approved capacity were averaged to reflect the change from 100 to 242. Statewide totals reflect the averaged figures for Essex County.

<sup>4</sup> In 1998, several counties experienced increases in their approved capacity. In January, 1998 Atlantic County increased its approved capacity from 19 to 22. In November, 1998 Mercer County increased its approved capacity from 44 to 80. For statistical purposes, the total approved capacity for 1998 reflects a weighted average of Mercer County's capacity for the year. In late December, Middlesex County increased its approved capacity from 39 to 100. This increase will be reflected in the 1999 juvenile detention statistics. In addition, Salem County Detention Center opened in September, 1998, increasing statewide capacity by 12 beds. Salem County data, however, only represent statistics reported between September and December, 1998.

### *Short-term Commitments*

The Juvenile Code provides the court with an additional disposition option in the form of short-term commitment to a county detention center, i.e., up to 60 consecutive days of incarceration. While counties may establish these short-term commitment programs in their detention centers, this is an option only for counties having sufficient space and willing to finance these programs. Approval of the programs by the State is required.

In 1998, seven county detention facilities housed juveniles under this provision. The counties included: Bergen, Cumberland, Middlesex, Morris, Ocean, Sussex and Warren.

There were 547 short-term commitments statewide in 1998. This was a 20.9% decrease compared with 1997. Average length of stay in short-term commitment programs decreased 5.3% between 1996 and 1998. In 1996, average length of stay in short-term commitment programs was 17.1 days. Average length of stay dropped to 13.5 days in 1997 followed by an increase to 16.2 days in 1998.

In 1998, Sussex County accounted for the greatest share, 42.7%, of short-term commitments statewide, Morris County the smallest share, .3%. Counties also varied in the length of stay for juveniles in short-term commitment. Length of stay ranged from highs in Morris (30.0) and Middlesex (29.8) to a low in Sussex of 8.7 days.

### **III. Data Collection**

The data collection for the Detention Reform Project was a two phase process. The first phase of the project involved an in-depth assessment of seven counties' detention programs and related systems. The data collection process in the seven counties included surveys and interviews with county juvenile justice personnel, and an analysis of existing county and State data sources. Data collection included six Key Actor surveys, each focusing on a specific area of juvenile detention, and various independent studies of key issues identified by the Task Force and Key Actor interviews. Following the completion of this first phase, similar (though less detailed) information on detention was collected from the remaining 14 counties. Data collection for this second phase included: a survey on the context of juvenile detention, Multidisciplinary Team (MDT) site visits and meetings, and a survey which asked respondents to suggest strategies for reducing detention crowding, and reporting on the perceived impact of the State/Community Partnership Grant program (N.J.S.A. 52:17B-179).

The broad range of data collection revealed notable county variation in juvenile justice system organizational structure and processing. In-person interviews were conducted with forty-two key actors involved in detention decision making (Family Court Judges, Prosecutors, Public Defenders, Family Division Managers, Detention Administrators). The purpose of these interviews was to gain a more complete

understanding of issues identified in previously collected data and also to further examine county differences regarding the procedures and processes used to admit and release from secure detention. The interview covered detention philosophy, issues related to admissions into detention, barriers to timely release from detention, Multidisciplinary Teams and Detention Review Committees, and the existence and use of detention alternative programs.

Data were collected to address several research questions regarding factors contributing to overcrowding and relevant to developing specific recommendations for improving the statewide detention system. The research questions are outlined below.

- ◆ What is the profile of detainees: who is detained in each county; for what reasons; how long are they detained?
- ◆ What are the major factors contributing to detention overcrowding in New Jersey?
- ◆ What are the detention admissions practices: what criteria are used in detention decisions?
- ◆ What system barriers to timely release are contributing to overcrowding?
- ◆ What, if any, detention alternatives are currently available and in use; what is the profile of the detention alternatives population; what are the criteria for entry into these programs; what are the barriers to their use?
- ◆ Are Detention Review Committees being used; are they working effectively?
- ◆ What are detainees' levels of risk; how does this impact planning for both secure care and detention alternatives? If used in decision making, how would a detention risk screening instrument be expected to impact on county detention levels?

The results presented below represent analyses for all the studies and surveys undertaken as part of the Detention Reform Project. This report focuses on the findings of the in-depth seven county study. However, the report includes data analysis from the statewide studies when appropriate.

## **IV. Data Results, Discussion and Recommendations**

Detention facility populations are a product of detention admissions and length of stay. Changes in a county's level of admissions and/or length of stay can be tied to various factors. A major objective of the Detention Reform Task Force was to identify the factors that affect levels of admissions and length of stay at the county level and make recommendations to help reduce the impact of these factors on New Jersey's detention population and on its overcrowding problem.

Section IV presents the recommendations of the Detention Reform Task Force. Prior to each group of recommendations, background and relevant research results are presented. Where appropriate, a discussion of potential implementation strategies follow the statement of the recommendation.

### **A. Factors Contributing to Detention Overcrowding**

As part of the data collection effort, four groups representing key juvenile justice system actors statewide were asked to identify the most important factors contributing to detention crowding in their particular county: key actors in the seven in-depth counties, key actors in the remaining ten counties with secure detention centers; key actors in the four counties that do not have their own detention centers, and police officers<sup>5</sup> in the seven in-depth counties.

Table 2 provides key actors' responses describing the five most important factors that contribute to detention crowding. There was much similarity in the groups' top five answers. All identified an increase in the number of serious juvenile offenders; lack of responsible supervision at home; and an inadequate number of secure detention beds in their top five responses. These three factors represent, in particular, commonly shared perceptions regarding the factors that drive detention populations.

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<sup>5</sup> Police officers are certainly "key actors" in the juvenile justice system. They are distinguished here as a group separate from court "key actors" because their Key Actor survey included questions relevant only to police officers who deal with juvenile offenders while also incorporating some of the same questions found in other key actor surveys.

**TABLE 2**

<b>TOP FIVE REASONS FOR DETENTION CROWDING</b>			
<b>SEVEN COUNTY</b>		<b>TEN COUNTY</b>	
<b>Factor</b>	<b>Percent of Respondents Selecting this Factor</b>	<b>Factor</b>	<b>Percent of Respondents Selecting this Factor</b>
Increase in Serious Juvenile Offenders	57%	Increase in Serious Juvenile Offenders	55%
Lack of Responsible Supervision at Home	47%	Placement Delays from DYFS	42%
Placement Delays from DYFS	44%	Lack of Responsible Supervision at Home	41%
Inadequate Number of Secure Detention Beds	43%	Lack of Sufficient Detention Alternative Programs	34%
Placement Delays from JJC	42%	Inadequate Number of Secure Detention Beds	30%
<b>FOUR COUNTY</b>		<b>LAW ENFORCEMENT</b>	
<b>Factor</b>	<b>Percent of Respondents Selecting this Factor</b>	<b>Factor</b>	<b>Percent of Respondents Selecting this Factor</b>
Inadequate Number of Secure Detention Beds	67%	Inadequate Number of Secure Detention Beds	80%
Increase in Serious Juvenile Offenders	67%	Increase in Serious Juvenile Offenders	78%
Lack of Supervision at Home	53%	Lack of Supervision at Home	38%
Placement Delays from JJC	47%	Lack of Sufficient Detention Alternative Programs	20%
Inadequate Detention Alternative Slots	40%	Parent Unable to Claim Juvenile from Police	11%

### *Increase in the Number of Serious Juvenile Offenders*

Reaction to real or perceived changes in the number or nature of juvenile offenders impacts on juvenile justice policy and practice. For the juvenile population, this may impact the level of police presence in the community, referrals to secure detention and court decision making. System response to a tougher (or perceived to be tougher) juvenile population, consequently is likely to result in increases in admissions and length of stay in detention.

As reflected in Table 2, key actors believe that an increase in the number of serious juvenile offenders is a key contributor to detention crowding statewide. A majority of key actors statewide believe that the nature of juvenile offending has changed since 1984, the year the revised Code of Juvenile Justice was implemented (N.J.S.A. 2A:4A et seq.).

Regarding changes between 1984 and 1997, key actors from all four groups identified increased seriousness in the following ways: juveniles are offending at earlier ages now; there has been an increase in the number of serious and violent offenders; there has been an increase in juveniles abusing drugs and alcohol; and juveniles are coming from more severely troubled home environments.

Key actors report that there has been an increase in the number of serious and violent juvenile offenders between 1984 and 1997. According to Table 3, the Uniform Crime Report shows a 27.4% decrease in juvenile arrests for Part I Index offenses (i.e., generally serious offenses) from 1984 to 1997. Index crimes include: murder, rape, robbery, aggravated assault, burglary, larceny-theft and motor vehicle theft. The number of arrests for violent index offenses has also slightly decreased (13.4%) during this time period. Juvenile arrests for drug offenses<sup>6</sup> however increased 68.4% over this period, in agreement with key actor perceptions.

**TABLE 3**

<b>Number of Juvenile Arrests by Type of Offense, 1984-1997</b>			
<b>Offense Type</b>	<b>1984 Juvenile Arrests</b>	<b>1997 Juvenile Arrests</b>	<b>Percent Change in Type of Juvenile Arrests 1984-1997</b>
<b>Part I Index Offenses</b>	28,248	20,518	-27.4%
<b>Violent Index</b>	5,481	4,745	-13.4%
<b>Part II Offenses</b>	68,532	62,779	-8.4%
<b>Drug Abuse Violations</b>	6,154	13,365	68.4%
<b>Total</b>	96,780	83,297	-13.9%

<sup>6</sup> Drug offenses are a sub-group of the Part II Index. The Part II index includes all offenses excluding traffic and Part I Index offenses.

Both the juvenile crime rate and the juvenile population have also declined between 1984 and 1997. In New Jersey, the population of 10 to 17 year olds declined from 893,816 in 1984 to 845,725 in 1997, a decrease of 5.4%. The juvenile arrest rate per 1,000 juveniles in the population declined 9% during this time period, from 108.2 juvenile arrests per 1000 in 1984 to 98.4 arrests per 1000 in 1997. Arrest rates for Part I and Part II offenses generally declined between 1984 and 1997, with the exception of arrest rates for drug abuse violations. In 1984, the juvenile arrest rate for drug violations was 6.9 arrests per 1000 juveniles in the population. In 1997, this rate increased to 12.2 drug violation arrests per 1000 juveniles in the population, an increase of 76.8%, from 1984.

Over 65% of those surveyed believe that juvenile offenders were younger in 1997 than they were in 1984. Table 4 provides a comparison in the number of arrests by age for 1984 and 1997. Overall, the total number of arrests for juveniles under age 18 fell 13.8% between 1984 and 1997. Each age category registers a decrease when comparing 1984 to 1997, except for the number of arrested 17 year olds, which experienced no change. Relevant to the key actor perception that juveniles are offending at earlier ages, the share of juvenile arrests accounted for by younger juveniles decreased over this period of time. For example, the share of juvenile arrests for the 14 and under age group decreased from 37% (1984) to 32% (1997) of the total number of juvenile arrests.

**TABLE 4**

<b>Number of Juvenile Arrests by Age, 1994-1997</b>			
<b>Age</b>	<b>1984 Number of Juvenile Arrests</b>	<b>1997 Number of Juvenile Arrests</b>	<b>Percent Change in the Number of Juvenile Arrests 1984-1997</b>
Under 10	2,400	1,368	- 43.0%
10-12	9,206	6,847	- 25.6%
13-14	24,051	18,680	- 22.3%
15	18,840	15,912	- 15.5%
16	20,605	18,941	- 8.1%
17	21,678	21,669	No Change
Total Under 18	96,780	83,417	- 13.8%

### *Lack of Responsible Supervision at Home*

Detention Reform Task Force findings indicate that, when making detention and retention decisions, juvenile justice decision makers weigh heavily their understanding of the level of supervision and stability in a youth's home. As a result, a significant number of youth are placed and remain in secure detention facilities due to real or perceived inadequate supervision and/or family instability. But for this fact, these youth might avoid such placement.

Table 2 shows that a lack of supervision at home was identified as a key contributor to detention crowding statewide. Key actors suggested that the impact of family factors such as a lack of supervision at home may be lessened through the development of select detention alternative programs designed to avoid placement or retention of youth in secure detention facilities who would avoid such placement if not for family instability or related family issues.

### *Inadequate Number of Secure Detention Beds*

Key Actors identified an inadequate number of secure detention beds as a significant contributor to detention crowding statewide. Between 1996 and 1999, the statewide approved capacity in secure detention has increased. In 1996, approved capacity was 622. Statewide capacity in 1998 was 831, an increase of 33.6% from 1996. By January, 1999, approved capacity reached 922 beds, an increase of 48.2% from 1996. Currently, four counties are at various stages of planning and construction of new or expanded detention centers.

These significant increases in the number of secure detention beds have had only a limited impact on detention crowding. In 1996, 13 of 17 detention centers were operating over their approved capacity. In 1998, 11 of 18 detention centers operated over their approved capacity, and one center (Warren), operated at capacity. However, two counties that had long standing detention crowding problems, Mercer and Essex, built new detention centers and were operating below their approved capacities in 1998. In 1997, the Essex County Detention Center increased approved capacity from 100 to 242. In 1998, the Essex County Detention Center operated just below its new approved capacity, averaging 93.3% of approved capacity for the year. Mercer County opened its new detention center in November, 1998, very close to the end of data collection for that year. Throughout 1998, Mercer County operated below its approved capacity, both with and without increased bed space. Mercer County key actors attribute their reduction in percent of approved capacity to the implementation of innovations (e.g., the Multidisciplinary Team) in their juvenile justice system. As counties plan for new and expanded detention centers, there is continued need for discussion regarding their detention bed needs within the context of an overall policy relating to the use of secure detention and concern for public safety.

## **B. Admissions, Referrals and Decision making**

### **Detention Decision Making**

In New Jersey, admission into secure juvenile detention is a two-tiered procedure. The first phase of admissions is the initial detention decision. Local police refer a juvenile to court intake staff. Depending primarily on information provided by law enforcement (and, in some jurisdictions, FACTS<sup>7</sup> information), intake staff make an initial placement decision. Because intake staff do not have the ability to refer a juvenile to a detention alternative program at the initial detention decision, their choices of outcome are limited to placement into secure detention or release.

The second phase of the admission process occurs at the Initial Hearing (a court hearing required to be held within 24 hours of placement into secure detention) and/or the Probable Cause hearing (required to be held within 48 hours of placement into secure detention). More detailed court information is typically available by the time of these hearings. Decision makers have access to more detailed information about the juvenile, the juvenile's family and the charges. At this time, the court re-evaluates the case in light of any new information and may release the juvenile to his/her parent (with or without various conditions), refer the juvenile to a detention alternative program, or remand the juvenile to secure detention.

At each decision point, the decision maker (law enforcement officer, court intake staff, and judge) evaluates relevant case information in the context of the statutory admissions criteria. New Jersey's statutory criteria (N.J.S.A. 2A:4A-34) state that a juvenile should be released if release will not "adversely affect the health, safety or welfare of the juvenile" unless two broad criteria are met. Detention is appropriate if "1) it is deemed necessary to secure the presence of the juvenile at the next hearing as evidenced by demonstrable record of recent willful failure to appear at juvenile court proceedings or to remain where placed by the court or the court intake service; or 2) the physical safety of persons or property of the community would be seriously threatened if the juvenile were not detained and the juvenile is charged with an offense which, if committed by an adult, would constitute a crime" (i.e., first through fourth degree offense, not including disorderly or petty disorderly persons offenses). The statute also puts forth a number of factors to be used in making the detention decision. These factors include: 1) the nature and circumstances of the offense charged; 2) the age of the juvenile; 3) the juvenile's ties to the community; 4) the juvenile's record of prior adjudications, if any; and 5) the juvenile's record of appearance or non-appearance at previous court hearings.

As "gatekeepers" into secure detention, police officers have discretion in deciding

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<sup>7</sup> The Family Automated Case Tracking System is a database administered through the Administrative Office of the Courts. It contains relevant information (e.g. prior record, hearing dates, hearing outcomes, case disposition, etc) for all juveniles that come before Family Division Judges.

whether to refer a juvenile to court intake for placement into secure detention. Though the actual number of rejected police referrals is unclear, a majority of key actors estimated that police referrals are rejected in less than 25% of referred cases. When asked why police referrals are rejected, intake staff most often cited that 1) the nature of the current offense was not serious enough and/or 2) the case did not meet statutory detention criteria. The seriousness of the current offense is a key factor in police referral decision making. However, police definitions of serious crime may not always coincide with intake's definitions of serious crime, potentially leading to intake's rejection of referrals.

Police officers may justify referral decisions for reasons unrelated to current offense or prior record. Over 85% of police officers supported referral to secure detention to access services, or to deter or sanction delinquent youth. In cases where the nature of the current offense is not very serious but a juvenile's attitude or demeanor is inappropriate, police may refer juveniles to detention as a way of teaching the juvenile a lesson. Referral to secure detention for these reasons is not clearly defined under New Jersey's statutory criteria and can lead to inappropriate referrals to secure detention.

Court intake staff are the court level "gatekeepers" into secure detention. As gatekeepers, they use discretion in determining whether a referred juvenile is initially placed in secure detention. Intake staff were asked to identify the factors they consider in deciding whether to place a juvenile in secure detention. All respondents reported using the nature of current delinquency charges and the age of the juvenile in making the detention decision. Almost all respondents (94%) reported that they also use the nature and length of the prior record, juvenile's previous non-appearance in court and the parent's ability to supervise the juvenile at home in making a determination. Intake's definitions of these factors may vary between jurisdictions and among individual decision makers, potentially leading to disparate placement outcomes for similarly situated juvenile offenders.

Assessing the number of unnecessary initial detention admissions is a key issue in reforming juvenile detention. One way of assessing the extent to which gatekeepers avoid unnecessary detention admissions is to examine the number of juveniles who are admitted into detention but are released within one or two days of admission. These admissions may reflect difficulty in distinguishing who needs to be confined, possibly due to vaguely defined criteria about who should be admitted, or a lack of objective risk measures. Key actors were asked to estimate the portion of juveniles released at the initial or probable cause hearing in their county. Release rates at initial or probable cause hearings varied across counties from between 5%-10% to 50%. Some of the cases released at the Initial or Probable Cause hearing may be due to difficulty in distinguishing who needs to be confined. However, in many cases, these quick releases result from the fact that intake staff may only choose between release back to the juvenile's parents or secure detention. They are not permitted to refer the juvenile to a detention alternative program. Thus, a high release rate within one or two days of placement into secure detention may be more a reflection of a county's use of detention alternative programs than of statewide admissions policy.

One strategy used in many states for dealing with potential disparities in detention decision making is the implementation of a risk assessment instrument. Generally, risk assessment and classification in juvenile justice refer to the process of estimating an individual's likelihood of continued involvement in delinquent behavior, and making decisions about the most appropriate intervention for the identified risk level (Howell, 1995). Risk assessment tools are designed to help decision makers by objectifying the admissions process, thereby providing a defensible way to release certain juveniles into a range of detention alternatives without jeopardizing public safety.

The Detention Reform Task Force conducted a retrospective application of a risk assessment instrument (see Table 6). The instrument, developed by the Task Force's Risk Assessment Sub-committee, was used as a tool to help determine the potential impact of a risk assessment instrument on detention decision making. The risk instrument was retrospectively applied to a random sample of 159 detained juveniles. The sample was collected through a one-day census (a "snapshot") of seven county detention centers.

All of the juveniles in the sample were initially admitted into secure detention. Detention Specialists used snapshot and FACTS data to apply the risk assessment to the sample. Table 5 reproduces the instrument and provides results of the retrospective application. Of the total sample, 57% fell into the high risk category, 19% fell into the low risk category and 24% of the sample fell into the moderate risk category. The project's ability to determine the potential impact the instrument may have had on detention decision making was limited by two significant factors.

First, the risk assessment instrument utilized for the study defined three potential decision making outcomes: 1) authorize secure detention; 2) eligible for release 3) authorize release. Snapshot and FACTS data, however did not allow for follow-up regarding the use of detention alternatives or release for juveniles initially placed in detention. This is a critical shortcoming in light of the fact that juveniles must be placed into detention before referral to a detention alternative program. The inability to determine the subsequent use of detention alternative programs or release for the sample limits the project's ability to identify the potential impact of the instrument on detention decisions.

Second, the retrospective risk assessment application relied on FACTS information to determine risk scores. FACTS data, however, does not measure aggravating and mitigating factors, which were seen by Detention Reform Task Force Risk Assessment Sub-committee members as driving factors in detention decision making.

In an attempt to partially address these shortcomings, a prospective risk assessment study was conducted in Atlantic and Mercer Counties. In each county during a two week period, intake staff and judges completed forms which captured the types and sources of information used in making detention decisions, including information on aggravating and mitigating factors. Detention Specialists attended initial or probable cause court hearings to collect case level information for use in applying the risk assessment

instrument and also to collect information related to the use of detention alternatives at the initial or probable cause stage. The risk instrument was applied by the Detention Specialists and was not used by judges as a tool in active decision making.

Detention Specialists collected information on a total of 34 juveniles in the four week period. Application of the risk assessment resulted in the following categorizations for the sample: 53% high risk, 23.5% moderate risk and 23.5% low risk. The potential ability to fully gauge the impact of the risk screening instrument on detention decision making for the prospective study was limited due to the small sample size and also by extenuating circumstances in one county. Because of these factors, the sample in the prospective risk assessment study may not have been representative of the population of detained juveniles in either county.

**TABLE 5**  
**Risk Assessment Study Instrument**

		<u>SCORE</u>
<b>1) MOST SERIOUS CURRENT OFFENSE</b>		
A) ANY 1ST DEGREE OFFENSE (murder, agg. manslaughter, felony murder, agg. sexual assault, armed robbery, conspiracy, kidnapping, carjacking, hiring/being hired to start fire or explosion, etc.....)	14	_____
B) VIOLENT 2ND DEGREE OFFENSES (sexual assault, agg. assault, manslaughter, robbery) OR: aggravated arson; possession of firearm, explosive, or destructive device; eluding police by auto with risk OR: possession of firearm (any degree charge)	12	_____
C) ALL OTHER SECOND DEGREE OFFENSES OR: 3RD DEGREE VIOLENT OFFENSES (agg. assault causing signif. bodily injury; agg. assault on a teacher) OR: death by auto; arson; eluding police by auto; endangering welfare of children	7	_____
D) ANY 3RD DEGREE DRUG CHARGES (possession, manufacturing/dist. or dispensing) OR: 4TH DEGREE VIOLENT OR SEXUAL OFFENSES (criminal sexual contact, aggravated assault, aggravated assault without bodily injury--officer, simple assault against ethnic group, assault on elderly) OR: possession of weapon other than firearm; possession of weapon on educational property	4	_____
E) NOT PICKED UP ON NEW OFFENSE (i.e., picked up on warrant or technical violation of probation/alternative)	0	_____
<b>2) OFFENSE HISTORY</b>		
A) PRIOR COURT REFERRAL WITHIN THE LAST 7 DAYS FOR: 1ST OR 2ND DEGREE CHARGE 3RD OR 4TH DEGREE CHARGE DISORDERLY PERSONS OR PETTY DISORDERLY PERSONS CHARGE	5 3 0	_____ _____ _____
B) ADJUDICATION IN PAST YEAR FOR 1ST DEGREE OR 2ND DEGREE VIOLENT OFFENSE	3	_____
C) NOT INCLUDING THE ABOVE ADJUDICATION: 3 OR MORE DELINQUENCY ADJUDICATION INCIDENTS IN PAST 12 MOS. 2 DELINQUENCY ADJUDICATION INCIDENTS IN PAST 12 MOS. ONE DELINQUENCY ADJUDICATION INCIDENT IN PAST 12 MONTHS	3 2 1	_____ _____ _____
<b>3) CURRENT CASE STATUS</b>		
A) CURRENT ESCAPEE/ABSCONDER FROM COUNTY OR STATE RESIDENTIAL PROGRAM OR PAROLE	12	_____
B) CURRENTLY ON PRE-ADJUDICATION HOME DETENTION OR DETENTION ALTERNATIVE OR: COURT-ORDERED TO A NON-RESIDENTIAL PROGRAM	7	_____
C) ACTIVE PROBATION CASE NEW CRIMINAL OFFENSE ALLEGED NO CRIMINAL ALLEGATION	4 2	_____ _____
<b>4) RISK OF FAILURE TO APPEAR</b>		
A) SUBJECT OF ACTIVE BENCH WARRANT/DETAINER (other than 3A)	*10	_____
B) # OF TIMES YOUTH FAILED TO APPEAR FOR COURT HEARINGS IN PAST YEAR (2 POINTS FOR EACH FTA INCIDENT)	2 pts each	_____
<b>5) AGGRAVATING/MITIGATING FACTORS (CAN INCREASE OR DECREASE BY 1-3 POINTS)</b> (SEE LIST OF POSSIBLE FACTORS--DOCUMENT REASONS)	+/- 0-3	_____
<b>TOTAL SCORE =</b>		

RISK LEVEL	POINTS	ACTION RECOMMENDED	R	P
HIGH RISK	12+	AUTHORIZE SECURE DETENTION	57.0% (91)	53.0% (18)
MODERATE RISK	7-11	ELIGIBLE FOR RELEASE; COMPLETE NON-SECURE/DET. ALT. FORM	24% (38)	23.5% (8)
LOW RISK	0-6	AUTHORIZE RELEASE	19% (30)	23.5% (8)

**ADMINISTRATIVE OVERRIDE** NO \_\_\_\_\_ YES \_\_\_\_\_ (SUPERVISORY APPROVAL REQUIRED) \_\_\_\_\_  
**FINAL DECISION:** DETAIN \_\_\_\_\_ RELEASE \_\_\_\_\_ RELEASE TO NON-SECURE DETENTION (refer to non-secure form) \_\_\_\_\_

The prospective study, however did elicit useful information on the utilization of detention alternatives at the initial or probable cause hearing. Table 6 shows a fairly high level of correspondence between level of risk and judicial decision making. Of the cases that fell into the high risk category (recommending detention placement), 89% were remanded to secure detention. Of the cases that fell into the low risk category (recommending release), 75% were released. Of the cases that fell into the moderate risk category (discretionary placement into secure detention or referral to a detention alternative program), 63% were remanded to secure detention, 12% were referred to electronic monitoring and 25% placed on house arrest.

Where there was a lack of correspondence between risk score and hearing outcome, aggravating and mitigating factors tended to account for the differences. Results indicated that a primary mitigating factor in all the cases that were released or referred to a detention alternative was the presence of an authority figure who could inform the court regarding the juvenile's behavior in the community and discuss the level of supervision that would be provided if the juvenile were released. Aggravating factors which resulted in remands to secure detention were: 1) the serious nature of the charges, 2) no parent or guardian available or parent refusal to take the juvenile home and 3) lengthy prior record.

**TABLE 6**

**RISK SCORE BY HEARING OUTCOME**

<b>Risk Score</b>	<b>Detain</b>	<b>Release- Refer to Electronic Monitoring</b>	<b>Release- Place onto House Arrest</b>	<b>Release- Into Parental Custody</b>	<b>Total</b>
<b>High</b>	<b>89% (16)</b>	<b>11% (2)</b>	<b>---</b>	<b>---</b>	<b>53% (18)</b>
<b>Moderate</b>	<b>63% (5)</b>	<b>3% (1)</b>	<b>25% (2)</b>	<b>---</b>	<b>23.5% (8)</b>
<b>Low</b>	<b>25% (2)</b>	<b>---</b>	<b>25% (2)</b>	<b>50% (4)</b>	<b>23.5% (8)</b>

There is no consensus regarding the value of using a risk assessment instrument in detention decision making. A majority of key actors believed risk assessment instruments could be helpful in guiding detention decision making. As one key actor stated:

I think if you have a statistically provable risk assessment document that gives Judges, Prosecutors and Public Defenders some measure of security, I think it would lower the numbers in secure detention ... The decision to release somebody or not release somebody can largely depend on subjective criteria and if there was a statistically provable, reliable risk assessment document, I think it would be very helpful.

Several key actors believe that the use of a risk assessment instrument would increase the number of juveniles in secure detention and limit judicial discretion. As one key actor stated:

I think if you used an objective test, the numbers in the youth house would balloon. I don't think that [juveniles] would get into alternatives to detention. One reason is ... that we like the judges to have discretion, they have a lot of discretion in juvenile court, and there's a lot of outcomes you can fashion here to meet the needs. When you [use a risk assessment instrument], that puts pressure on the judges to abide by the numbers and moves away from judicial discretion.

There was also concern that the implementation of a risk assessment instrument may not be helpful if alternative placement options are not available. As one Family Division Manager said, "You can have a risk instrument, you can have a tool, but if you don't have some alternative program to be able to, I mean, here we go again, you're just getting information, that's about it. You need to have an outcome."

The use of a well constructed, objective risk assessment may help guide detention decision making to avoid unnecessary placement in secure detention. Risk assessments may also assist decision makers in deciding where to place initially detained juveniles who may be appropriate for release, when a continuum of detention alternative programs exists.

Making detention decisions relies on the availability of relevant information about the juvenile to determine whether the statutory criteria are met. Task Force data show that intake staff frequently do not have access to relevant background information (typically found in FACTS), especially in the evenings and on the weekends. In these cases, intake must rely on the police description of the current incident in making detention decisions. Key Actors typically supported increased access to information (i.e., FACTS data), as they believe it will lead to more informed intake decision making.

## **Recommendations~ Admissions Decision Making**

**1) The Department of Law and Public Safety and local law enforcement, in collaboration with the Administrative Office of the Courts (AOC) should sponsor statewide training sessions for Law Enforcement Officers.** As initial gatekeepers into secure detention, police officers should be trained in making appropriate referral decisions and in assessing juvenile offenders' needs. Police training sessions might present a broad perspective of the juvenile justice system, including informational updates on juvenile justice initiatives and programs in New Jersey.

**2) Family Division Managers and/or their designated intake staff person(s) and any related individuals with expertise in the area of court intake should identify and refine best practices, including the review of a risk assessment tool for statewide intake training, the standardization of informational forms and the development of basic minimum standards for court file information. Family Division intake staff should then be trained in these best practices models once they have been approved for statewide use.** As gatekeepers into secure juvenile detention, intake plays an important role in the implementation of effective admissions practices. Statewide training sessions for Family Division Managers and/or their designated intake staff person(s) would strengthen intake staffs' standing as important decision makers in the juvenile justice system. Statewide training sessions should include descriptions of "best practice" models in New Jersey and other jurisdictions and should develop specific guidelines that operationalize the statutory admissions criteria. Training sessions might include the development of a risk assessment screening tool to be used for intake decision making training and standardized intake forms which might include a section for notes related to the police scenario at the time of the initial intake decision. During training, the group might also develop and suggest strategies for implementing minimum standards for procuring basic information for the court file in all vicinages. Family Division intake staff should then be trained in these best practices models once they have been approved for statewide use. Detention Reform Project staff can provide technical assistance to Family Division Managers in developing various aspects of the training sessions.

**3) Court intake officers should have access to Family Automated Case Tracking System (FACTS) data twenty-four hours a day, seven days a week.** The Task Force found that, in some vicinages, intake staff do not have access to FACTS information, especially in the evenings and on the weekends when many admissions occur. The FACTS database contains important prior record information, open pending charges in court and prior dispositions. Statutes governing the factors to be considered in making detention decisions include these variables as considerations in weighing whether to detain. In addition, intake officers may find the name and address of a potential care giver can be obtained through the FACTS database. Without access to FACTS information, the intake officer only has information about the current offense contained in the police officer's description of the current incident. Having access to more comprehensive information will allow for more informed decision making by intake staff.

**4) Court intake should have standardized ways of gathering basic information about a detained juvenile and should also have clearly defined procedures for passing this information on to the Court.** Intake staff should standardize a minimum set of basic information to be collected and used in making initial detention decisions. One strategy for gathering this information is to adapt a version of a risk assessment instrument as a basic data collection form. Additionally, this information should follow the juvenile into the court system. Judges, Prosecutors, Public Defenders and, potentially, MDTs at a minimum, should have access to this basic information.

**5) Court intake should routinely receive feedback about the impact of its decisions on the detention population.** Court intake should be aware of how its decisions affect the detention population. Court intake should have current information about the detention population and conditions in the facility. One strategy for providing feedback regarding decisions to admit would be an examination of the extent of, and the reasons for, various types of releases at the initial or probable cause hearing. The Detention Reform Project is prepared to provide technical assistance to counties in developing ways to provide system feedback to intake staff.

### **The Role of the Family in Detention Decision Making**

One of the most important factors juvenile justice system decision makers weigh in making detention and retention decisions is the level of supervision and stability in a youth's home. As a result, a significant number of youth are placed and remain in secure detention facilities due to real or perceived inadequacy of supervision and/or family instability. But for unstable family situations, these youth might otherwise avoid placement in secure detention.

As noted above at page 10, a lack of supervision in the home has been identified by key actors to be a significant contributor to detention crowding, falling within the top three contributors to detention crowding statewide (See Table 2). Key actors report that family factors are key considerations in the initial placement decision and in decisions to release a juvenile within the first two days of placement. A parent's ability to supervise was identified by 94% of court key actors as a key consideration in the detention placement decision. Conversely, Task Force research indicated that the most common reason for release (58%) at the Initial Detention Hearing is a determination that a parent/guardian or relative can supervise the juvenile in the community, or becomes available to supervise the juvenile in the community. It should be noted that the role and weight of family variables at various stages of decision making varies over time. For example, at the early stages of referral and intake, key decision makers often do not have complete information on the juvenile's family situation that may help them make a decision to refer a juvenile to a detention alternative program. Within 24 hours however, information about a juvenile's family can be obtained while the juvenile and a family member or guardian attend the Initial Detention Hearing.

A separate, but related consideration is the juvenile justice system's inability to find a responsible adult to care for the juvenile while he or she is awaiting adjudication and disposition. Parents may be unable or unwilling to claim their child from the police station or court or there may be other reasons why they do not show up (e.g., they are not notified or the court has obtained incorrect information from the juvenile). However, the research indicates that the inability to find a capable guardian for court-involved youth is not a statewide problem. One half of law enforcement key actors and 69% of court key actors reported that it is uncommon for juveniles who might otherwise be released to be securely detained due to the fact that their parent/guardian could not be reached or located. Nevertheless, in cases where a parent or guardian cannot be found, juveniles may be placed in secure detention, if only for a short time. Avoiding this situation, to the extent that it is possible, requires basic information collection and updates and a well-defined process for locating potential alternate care givers.

A majority of key actors responded in interviews that family considerations significantly impact detention populations, especially for minority and/or urban poor juveniles. These considerations have an especially significant impact sometimes independently of the nature and seriousness of the charges. In particular, key actors were concerned that the use of family considerations may impact disproportionately on minority, and urban poor juveniles because of the potential for disparate case outcomes among juveniles who have stable families and those who do not. As one key actor noted:

(Family considerations) are significant when they are considered above the nature of the current offense and the prior record. I think this practice contributes more to the minority over representation issue. It is certainly unfortunate, but poor urban people, often people of color are less likely to have insurance alternatives, less likely to have extended family, less likely to have the ability to not only purchase treatment but also to wrap around other types of supervision arrangements. Because of that you often find, I often find, a disparity between some of the kids that are able to get out on reasonably similar charges because they have somebody (in court) and I feel comfortable of their support.

In addition, families that do not appear in court may also disproportionately impact on disadvantaged juveniles. As indicated by another key actor:

I think that if the parent is not in the court, that can often contribute to a Judge's decision to detain because the Judge may feel that there's not an appropriate alternative to place the child in for care or supervision, so the Judge may make a decision to detain. I think that impacts more often on poor and disadvantaged youngsters, who, for whatever reason, their family can't get to court, or they don't have transportation, and therefore the parent doesn't come to court. I think that certainly could be one reason that some disadvantaged or poor families might have their child detained above and beyond, if they do not have access to transportation and all of the support

that better off families may have.

A majority of key actors, reported the impact of family considerations can be significantly reduced through the development and/or expansion of select detention alternative programs.

### ***Recommendations ~ Role of the Family in Detention Decision Making***

***1) Counties should develop, as needed, select detention alternative programs to avoid placement of youth in secure detention facilities who would avoid such placement if not for family instability or related family issues. Specifically, shelter care, host homes, group homes and highly structured day reporting programs would serve to provide degrees of supervision that might be required for such juveniles short of placement in secure detention.*** The Task Force found that the placement into secure detention is not uncommon for juveniles who might be released but for an unstable family situation. Key actors are concerned with how this practice may disproportionately impact on urban poor minorities by holding them accountable for a family situation over which they have no control.

***2) The court should play a role in developing a clearly designated, understood mechanism of finding alternate care givers for juveniles who are currently placed into secure detention primarily because their parents/guardians are unwilling or unable to claim them from the police department or court.*** Research results point to the importance of having a family member or guardian appear in court. When a potential care giver does not appear in court there are few placement choices. By implementing a clearly understood mechanism of finding alternate care givers, the court can look beyond the immediate family for someone who can provide adequate structure and supervision in the community, making the consideration of release a more viable option. Some counties use their MDTs for this function, as they often have the most current family information. The court may also use various community organizations (e.g., YMCA, Ministers Program) as a resource in helping to find alternate care givers in the community for appropriate youth.

***3) Counties should review their need for shelters and other types of temporary residential placements (host homes, group homes, etc.) in the context of providing needed alternatives to secure juvenile detention.*** While shelter care serves other functions, it can serve as an appropriate and perhaps less costly option to placement in secure detention facilities. Key Actors identified the need for increased shelter care as a primary strategy in reducing detention crowding, noting that juveniles who are appropriate for shelter care are often detained due to a lack of available shelter beds.

## Violation of Probation

Key Actors note that, in some vicinages, youth who violate probation or who are brought in on bench warrants make up a large portion of the detention population. Detaining violation of probation cases was also one of the top ten reasons for detention crowding statewide. While detention may be appropriate for those who have committed a serious violation or a new offense, a majority of key actors reported that violation of probation cases could be handled in settings other than secure detention, depending on the circumstances of the violation. Key actors were also concerned that, currently, there are few consequences for probation violations besides informal warnings and a formal violation that leads to placement in secure detention. As one key actor stated:

If we don't show kids that there are some consequences to conduct, that is everything they do and don't do, we give them more time to do it again and again. I don't think that makes a lot of sense. I believe we have to change the practice of trying to deal with the kid on the sixth offense. Actually the thing I think we need to do is when they leave the first time, we have to express to them what the consequences will be if they don't comply and follow through on those consequences when they keep re-offending. This would require a focus on front loading consequences to inappropriate behavior.

Key actors suggested the development of a continuum of sanctions that tie probation violations to real consequences as a way to avoid overuse of formal violations of probation and thus, as alternatives to secure detention placement for probation violators. Key actors also noted that, in the case of formal violations of probation, juveniles may avoid placement in secure detention if a continuum of detention alternatives exists. As one key actor stated:

If there are intermediate sanctions available to the court, then clearly some violation of probation cases should be handled in settings other than secure detention. I mean I don't like this all or nothing, you're out/you're in business, which is why I like our electronic monitoring program. An intermediate sanction that is something like the electronic monitoring program is a fair middle ground. Juveniles in the home detention program are the kids who have been violating their probation and can be placed on home detention pending a hearing.

### ***Recommendation ~ Violation of Probation***

***1) County level efforts should be undertaken, where appropriate, to avoid placement in secure detention of youth solely as a response to a "violation of probation." This can be accomplished in part through the development of a system of graduated sanctions available to probation officers as a response to failure to***

***abide by the conditions of their probation.*** Task Force data show that in some counties, probation violators make up a significant portion of the detained population. Currently, most probation officers may only choose between informal warnings or formal violation of probation proceedings as consequences for inappropriate behavior. Often, formal violation of probation proceedings result in secure detention placement. Avoiding the overuse of formal violations of probation and thus, avoiding secure detention placement for technical probation violators can be achieved through the development of a system of graduated sanctions that ties technical violations of probation to increasing levels of probation supervision and sometimes services, thus increasing probationer accountability. The concept of graduated sanctions provides a mechanism for probation officers to avoid filing formal VOPs, thus avoiding potential placement in detention.

In terms of new arrests and formal probation violations, the court may, at the detention hearing, review prior placements to determine whether there are available, appropriate detention alternative options that might be considered to avoid placement in secure detention. Some or all of these detention alternative options may overlap with the continuum of graduated sanctions, however placement in these programs as a detention alternative is a short-term option that is a condition of detention. Thus, failure in the detention alternative results in remand to secure detention.

It is important to note, however, that due to county variation, each individual county should ascertain its need to develop a continuum of graduated sanctions as a fundamental part of planning for the broader juvenile justice system. The degree to which any or all of the programs listed in the example below are developed or need to be developed should be based on a county level determination of need. In making this determination, counties may consider how such a continuum may impact on detention populations, and where relevant, on detention crowding.

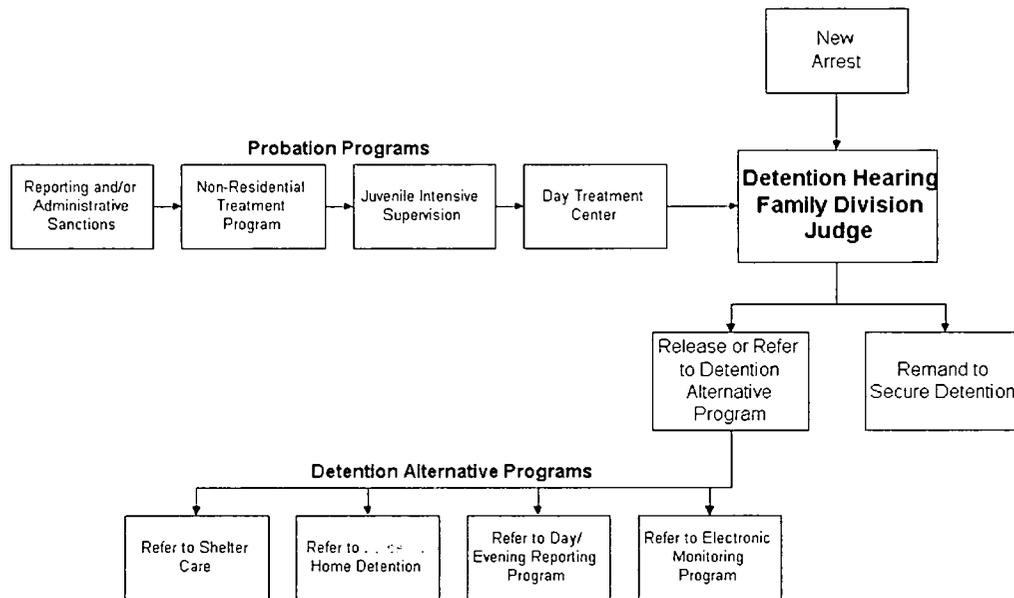
#### *Example of a Continuum of Graduated Sanctions for Probation*

Chart 4 provides an example of a system of graduated sanctions. The system can, for example, start with simple reporting and/or administrative sanctions (e.g. increasing the number of times a juvenile is required to report to probation, increasing the number of drug tests, increasing community service hours, placing the juvenile on a curfew). The next step up might be various types of non-residential treatment programs (e.g. drug treatment, anger management classes, counseling). The next level of programming might be intensive supervision based programs such as Juvenile Intensive Supervision Probation (JISP). Intensive supervision programs are characterized by small caseloads and daily contact requirements. The final level of programming might be placement in a day treatment center. Day treatment centers allow juveniles to attend the program during the day for counseling and education and return home to their families each evening. Juveniles may be disposed to a probation disposition at any level in the continuum and may move up the continuum for violating the technical conditions of their probation, at the discretion of the probation officer. When the range of appropriate options has been exhausted, the Probation Officer may file a formal VOP with the court.

At the formal VOP stage, the court can review the prior placements in the continuum and the context of failures in the programs. The court's decision, at this point, is the same as if the juvenile had been referred to detention for a new arrest. The court may remand the juvenile to detention, or may consider the juvenile for referral to a detention alternative.

### CHART 4

EXAMPLE CONTINUUM OF PROBATION AND DETENTION ALTERNATIVE COMMUNITY-BASED OPTIONS



### C. Detention Alternatives

#### Developing a Continuum of Pre-adjudication Placements

One of the most critical elements in any strategy to reduce detention populations is the availability of a range of detention alternative programs that matches the needs and characteristics of youth who do not need secure detention. Reform in the use of secure detention cannot be fully realized without the development of appropriate alternatives to secure detention. Research shows that the more a jurisdiction learns to view secure detention as but one on a continuum of available options, the less likely it will be to use its detention center as the repository for all youth needing some pre-adjudication supervision (Burrell, et al., 1998). Detention alternatives may include a wide array of programs, but typically include: home detention, electronic monitoring, day and evening reporting programs and various types of shelter care programs (Annie E. Casey Foundation, 1992; Burrell et al., 1998). Home detention programs use face to face contacts and random

phone calls to intensively monitor the released youth in the community and to ensure compliance with release conditions. House arrest/electronic monitoring programs increase the level of surveillance beyond home detention through the use of technology that allows for remote tracking of a juvenile's whereabouts. Day reporting centers provide intensive monitoring through daily attendance with on-site services to higher risk youth. Day reporting is particularly suitable for youth who do not have a structured routine or schedule, such as those not currently enrolled in school, or those without parental supervision during the day. Evening reporting centers provide a range of after school services and programs for youth who go to school, but are not supervised in the evenings. Shelter care programs provide non-secure residential options for youth who have no home or parent to whom the juvenile can be released or because other types of release conditions are deemed insufficient to assure court appearance or minimize the likelihood of re-arrest. Shelter care options include: shelters, group homes, and host homes (Annie E. Casey Foundation, 1992; Burrell et al., 1998).<sup>8</sup>

Despite variations in program structure and supervision, an overarching goal of detention alternative programs is to reduce detention populations, overcrowding and costs by allowing eligible juveniles to remain under some form of community supervision while awaiting their future court hearings. Alternative programs are targeted to serve juveniles who do not pose a significant risk of flight or threat to public safety, but would otherwise not be released from secure detention.

The range of detention alternative programs in New Jersey provide increased supervision, sometimes in coordination with services, for pre-adjudicated youth. Statewide, there were thirty-three detention alternative programs operating in 1998. They include: home detention; house arrest/electronic monitoring; residential shelter care; day reporting programs; mentoring services (and employment, vocational, family counseling and substance abuse services) for pre-adjudicated youth. These programs can provide increased supervision in the community at a great reduction in cost compared with placement in secure detention.

In New Jersey, counties have the ability to plan for, develop and implement or expand various detention alternative programs through County Youth Services Commissions with State/Community Partnership Grant Program funds. In fact, many of the programs that key actors noted to be helpful in reducing overcrowding were funded or expanded through this process. When asked whether they believe any of the new Partnership programs or positions would help to reduce overcrowding, 73% of key actors thought the programs would be helpful to some degree. In explaining their responses, optimistic key actors generally felt that the programs could have an impact if used for the

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<sup>8</sup> A National Directory of Detention Alternatives has been compiled by the Detention Reform Project. The Directory can assist in program development by providing additional information on a wide range of detention alternative programs.

target population of juveniles that are currently detained who could be appropriately released. Others noted that newly developed MDTs could be an effective and efficient means of selecting appropriate juveniles for these programs by providing judges with more information about juveniles' cases and available services; and expediting placement. Of the 27% of key actors who were dubious about Partnership programs' ability to decrease overcrowding, several noted that such programs are limited in their ability to significantly impact the overcrowding problem because they do not address key causes of overcrowding such as: juveniles in detention awaiting placement with the State; an increase in serious cases requiring detention; and an inadequate number or range of detention alternative programs and space.

Despite the development of detention alternative programs through the Partnership, key actors reported that there is a need for additional detention alternative programs and increased space in existing programs. Overall, key actors identified that the lack of detention alternative programming and space are significant contributors to detention crowding. In the seven in-depth counties, 68% of key actors listed a lack of detention alternative programs as a significant factor contributing to detention crowding, while 66% noted inadequate space in existing detention alternative programs as a contributing factor. When asked to rank the issues they believed to play the largest role in detention crowding in their county, most key actors ranked a lack of alternative programs and alternative program space in the top ten factors.

The most frequently identified program needs were for: 1) increased shelter care; 2) increased residential alternatives to secure detention, including host homes and group homes; and 3) the need to add or expand electronic monitoring supervision. Although the majority stated that there is a consensus for expanded use of detention alternatives, key actors noted that fiscal constraints greatly impact their county's ability to increase programs or space in programs.

When asked to identify any successful efforts to reduce detention overcrowding, the most frequently noted successes were: the expansion of detention alternatives and shelter care, and the use of Detention Review Committees or MDTs to facilitate the use of, and entry into, detention alternatives. For example, Burlington County key actors identified the Electronic Monitoring/Bracelets Program and the Host Home Program to be successful alternative efforts. Atlantic County expressed enthusiasm over detention diversion programs, including the Ministers Home Detention Program. Camden County key actors were pleased about an increase in the number of home detention officers, the implementation of a house arrest program, and a new shelter facility. Mercer County juvenile justice personnel indicated the expansion of the In-home Detention Program, the use of an MDT, and shelter expansion to be important improvements. Both Essex and Hudson County respondents noted that the expansion of Home Detention had been helpful.

Though the development of a continuum of detention alternative programs can be an effective strategy in detention reform, there are two critical issues which, if not

addressed, may reduce their effectiveness as a response to detention crowding or related goals. First, the development of a continuum of detention alternatives should be tied to the risk level of juveniles who are currently detained, but may be released given increased supervision in the community. Detention alternative programs that do not provide needed levels of community supervision for the target population are not likely to be utilized by decision makers. In addition, alternative programs sometimes are utilized for juveniles who would not otherwise require placement in secure detention programs. This phenomenon is known as “net widening.” The impact of alternative programs on detention populations can be substantially limited in either case.

Second, just as length of stay in secure detention needs to be constantly monitored, so too does length of stay in detention alternative programs. Programs and services developed by the jurisdiction should be constructed so youth stay in them for a clearly defined period of time. Extended stays may cause such programs to quickly reach capacity and even develop waiting lists, thus undercutting their effectiveness in reducing crowding in secure detention.

### ***Recommendations ~ Developing a Continuum of Pre-adjudication Placements***

***1) Counties should assess specific needs across a potential range of detention alternative programs, and develop appropriate options as feasible. This array of detention alternative programs should be seen as a necessary adjunct to a county’s secure detention resources. The purpose of such detention alternatives should be to make options available to judges which provide varying levels of supervision and structure in the community short of placement in secure detention facilities, in appropriate cases. This would help match available alternative programs to the levels of risk posed by juveniles who come before the court.*** In 1994, the Governor’s Advisory Council on Juvenile Justice recommended that each county provide a continuum of detention alternatives ranging from least restrictive alternatives to secure facilities. The research indicates that the degree to which this continuum currently exists varies by county. Ongoing county discussions regarding the need to increase the number of secure beds should include a discussion of the role that a broad range of pre-adjudication placements should play in an overall system of supervision response.

Chart 4 outlines a potential continuum of detention alternatives that may be developed for use following arrest, referral and acceptance into secure detention (see page 27).<sup>9</sup> Detention alternative programs should be primarily focused on increasing supervision and structure in the community to reduce the potential for recidivism and to ensure the juvenile’s return to court. However, in some jurisdictions detention alternative programs are also used as conditions of probation for disposed offenders. When programs are used

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<sup>9</sup> For additional information see DeMuro, Paul, “Consider the Alternatives: Planning and Implementing Non-Secure Detention Alternatives”, Annie E. Casey Foundation. Forthcoming, Spring 1999.

for the dual purposes of probation and as a detention alternative, available spaces in the program should be clearly defined as either a probation space, which allows longer stay in the program according to the sentence, and a detention alternative space, which will be a short-term space that has a high rate of turnover.

One strategy for implementing a continuum of detention alternative programs is to develop a county "core group". Presiding Judges in several counties have formed a "core group" of system key actors. The core group's mission is to discuss court-related issues and implement reforms in detention policy and practices. Though counties may handle the core group differently, members have included any or all of the following: the Presiding Judge; Assistant Prosecutor in charge of the Juvenile Unit; Assistant Public Defender in charge of the Juvenile Unit; Family Division Manager; Chief Probation Officer; Detention Administrator; JJC representatives; and the County Youth Services Commission Coordinator. Since these members are typically also members of the County Youth Services Commission, it might be useful to develop the core group as a subcommittee of the Youth Services Commission.

**2) Shelter care should be used as a short-term placement for juveniles who are now placed in detention primarily because they have no one who claims responsibility for them and no place else to go.** The Task Force found that juveniles placed in shelter care often stay in the shelter for lengthy periods of time. One strategy for ensuring shorter stays in shelter care is to develop a plan at the time of placement which indicates that the juvenile will remain in shelter care until a certain outcome/placement is achieved. Planning of this nature may be done by the MDT, the Detention Review Committee or any identified court key actor. The goal is to give the identified person or body the responsibility for tracking length of stay in shelter care placement and moving the court process along. In addition, if the original plan is not working, identified planners could revise the shelter care placement plan to make it more workable.

**3) Counties should develop and implement a risk screening tool to assist in matching juveniles' levels of risk with the appropriate, available detention alternative option, once secure detention has been deemed unnecessary.** Detention alternative programs should be accessed through a systems approach. One way of accomplishing this is through the use of a risk assessment to assist the court in determining the level of community supervision needed and, consequently, the detention alternative option most appropriate in each case. This type of tool can also help identify gaps in the detention alternative continuum and provide insight into the need for expansion of programs that already exist.

4) ***Detention alternative programs should provide the level of supervision necessary to enforce conditions of release, ensure adherence to program rules and assist in holding youth accountable for violating program conditions.*** There are several strategies for increasing supervision in detention alternative programs. First, programs might increase the number of staff and supervisors to monitor home detention programs to facilitate the provision of consequences for violating program conditions. Second, local law enforcement and perhaps neighborhood groups (such as Neighborhood Watch) can be encouraged to help enforce conditions and ensure adherence to program rules.

5) ***Eligibility criteria of detention alternatives should be clearly articulated so that court and detention personnel know which juveniles are appropriate candidates.*** When clearly articulated, admissions criteria can be an important tool to help ensure that a certain target population is served, especially when an adequate range of programming exists and when key decision makers are aware of the existence of these alternatives, the nature of various programs and the programs' role and responsibility to the court (e.g., regarding violations of court-ordered rules). This information should be disseminated among all court decision makers and personnel involved in detention and detention alternatives. The MDT can make use of the eligibility criteria for detention alternative programs and can inform court and detention key actors. However, broad eligibility criteria may sometimes exclude an individual juvenile who the court believes to be appropriate for the program. Thus, care should be taken to ensure flexibility to the admission process in reference to a particular juvenile.

6) ***Processes should be in place to familiarize all Family Division Judges, intake staff and other court personnel involved in detention and detention alternatives with the existence of detention alternatives, the nature of various programs and the programs' role and responsibility to the Court (e.g., regarding violations of court-ordered rules).*** Decision makers and personnel should thoroughly understand various programs' requirements so that time is not wasted in setting up interviews for programs for which a youth is not appropriate. Counties should clarify the role and responsibility of detention alternative programs to the court (regarding violations of court-ordered rules, etc). In some counties, there is a perception that youth who are placed in private non-profit detention alternative programs are not held sufficiently accountable for violating program conditions. A strategy for dealing with this issue is for County Youth Services Commissions to familiarize the Judiciary on alternatives to detention by arranging to have judiciary staff visit programs and assess the programs' utility. Staff can bring this information back to the court, in an effort to build judicial confidence.

## **Detention Alternative Program Operations and Staffing**

One common characteristic of detention alternative programming is the exclusion of family members whose child is involved in the juvenile justice system. Despite often being kept out of the decision making process, the family, in many cases, is relied upon to supervise the juvenile who is placed in a community-based detention alternative. Sometimes, parents do not know or understand what is expected of them, and are not aware of the goals or characteristics of the detention alternative program.

There are also several operational issues that often preclude placement in community-based detention alternatives that, if addressed, may improve the structure of detention alternative programming. Interviewed respondents noted that local school systems often will not allow juveniles to return who have been in detention or are currently in detention alternative programs. Better coordination among the schools, the court and various alternative programs can help alleviate the problem. In some counties, expeditors are used to negotiate re-entry into the school system.

The Task Force also found that juveniles who lack transportation to and from detention alternative programs may be disqualified from release based on the lack of transportation. Counties and detention alternative programs should seek ways to ensure that transportation needs, both to and from detention alternative programs, are being met. Some counties have used client specific services money, available through the County Youth Services Commissions' Partnership funding, to ensure transportation to and from detention alternative programs.

In an effort to improve the effectiveness of detention alternative programs, the programs should have adequate information on juveniles under their care. The court should provide relevant information on the juveniles' educational, substance abuse, delinquency history, etc, so that programs can better support juveniles under their supervision.

### ***Recommendation ~ Detention Alternative Program Operations and Staffing***

***1) Detention alternative programs efforts should include: gathering pertinent information on a juvenile's background; coordination with the local school system; and a family/parental involvement and support component, when possible. In addition, detention alternative programs and counties should ensure that transportation needs both to and from the programs are being met, and that juveniles are not disqualified from participation in an alternative program for lack of transportation.***

## **D. Barriers to Timely Release from Secure Detention**

There are typically two broad categories of barriers to timely release from secure detention. First, there are internal or court-related barriers which result in court delays and in a parallel way, result in longer stays in secure detention. Examples of this are: scheduling delays or delays due to untimely court-ordered reports and evaluations. The second category of concerns is external or disposition agency-related barriers. External barriers to timely release occur when State agencies do not remove disposed youth from secure detention in a timely manner.

### **Case Scheduling**

N.J.S.A. 2A:4A-19-22-23 define various time limits for processing juvenile cases. Court calendars tend to use these time limits as scheduling intervals; thus, there is little effort to reduce the time between hearings. The statutes were originally designed to make sure juveniles are not forgotten in detention and were not meant to define court calendars.

In some counties, the court has trouble meeting these time frames. Key actors were asked to estimate the portion of all juvenile cases in secure detention that do not have their adjudication hearings within the prescribed 30 days. Twenty-five percent of key actors reported that a majority of the cases do not have their adjudication hearing within 30 days, and 23% reported that this was true in at least three-quarters of the cases. The most common reasons given were: 1) disagreement between prosecutor and public defender in plea bargaining; 2) need for more investigation to prepare a case for court; and 3) poor exchange of discovery between the prosecutor and public defender. When an adjudication hearing is postponed, 47% of key actors report that the hearing is usually rescheduled within two weeks. The Task Force conducted case studies of pre-dispositional delays in three counties. The study indicated that, in certain types of complex cases, adjudication hearings can be postponed repeatedly, typically at 14 day intervals.

Delays in completing disposition hearings also occur. There was consensus that incomplete court-ordered evaluations and reports contribute to delays in disposition hearings. These include pre-disposition reports, substance abuse evaluations, and untimely JJC and/or DYFS interviews.

### ***Recommendation ~ Case Scheduling***

***1) The Family Division should examine the potential for calendaring cases without reference to statutorily defined time limits for hearings in an effort to reduce waiting time and continuances, and increase the timeliness of Court proceedings.*** The Family Division calendar should prioritize detention cases and should put policies in place to expedite these cases through the system. Some counties use their MDT or other expediting team for this purpose. In these cases, expeditors work to ensure that court-ordered reports and evaluations are completed in a timely manner.

## **Expediting Cases through the Court Process**

Reducing the average length of stay for youth in detention can have a significant impact on detention facility populations. The use of “expeditors” for this purpose has been one of the most effective reform strategies in the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative. Jurisdictions may accomplish the expediting process through either the use of an individual expeditor or regular group reviews of the detention population. In New Jersey, many jurisdictions have formed Detention Review Committees or MDTs, to help reduce length of stay in detention.

Survey findings revealed that 38% of system key actors believe their MDT or Detention Review Committee has helped to reduce detention crowding by expediting cases through the system. The goal of the MDT is to assist the Family Court in the use of alternatives so that juveniles are detained for the shortest time necessary consistent with public safety.

MDTs can be helpful in expediting cases in which a detained juvenile may be eligible for release onto a detention alternative. The length of time it takes for a juvenile to be found eligible for a detention alternative program and the length of time it takes for actual admission into the program can range from between one and 90 days, depending on the county and/or the alternative program.

At the court level, delays in timely release for juveniles who have been adjudicated and are awaiting their disposition occur for three broad reasons: 1) there are not enough secure and nonsecure residential placement beds; 2) relevant information (e.g. Pre-disposition Reports and evaluations) is not available quickly and 3) accessing disposition beds is often a time consuming process, especially for traditionally “hard to place” juveniles (e.g. sex offenders, fire setters, etc.). Juveniles compelled to remain in secure detention post-adjudication but pre-disposition often need to be evaluated by various services and disposition placements. Key actors statewide identified the problem of untimely court-ordered evaluations and pre-disposition reports among the most problematic internal barriers to timely release. The Task Force study on pre-disposition delays found that certain types of outside evaluations, including psychological and psychiatric reports, typically take a long time to complete, especially for sexual assault and fire setter cases. The study also found that information concerning prior interviews and outcomes may not be available for use in court decision making. In addition, the process of locating and following through on disposition placements for these kinds of cases is often difficult and complex, making length of stay for these cases a particularly problematic issue.

## ***Recommendations ~ Expediting Cases Through the Court Process***

***1) Each vicinage should examine its method of expediting cases, in terms of how information is gathered and disseminated and how resources are used, and develop a process to assure timely resolution of cases, particularly when detention is continued. This process should encourage communication among key actors in the juvenile justice system and obtain the information needed to foster effective and timely release to detention alternative programs , in appropriate cases, and timely dispositions. Expediting teams should work in close collaboration with the court to meet the needs of the court.***

As noted earlier, one of the goals of the MDT is to assist the court in the use of detention alternatives and disposition options in the shortest time possible consistent with public safety. Thus, the driving force should be one of impatience. MDTs should reflect this by not allowing agencies involved with the placement process to dictate time-frames in which to move a case out of detention. Their objective is to ensure that time-frames are met according to the juveniles' and the courts' needs.

A possible strategy for earlier referral to detention alternative programs can be a focus on expediting social history reports and/or other necessary information to determine a youth's eligibility/appropriateness for various detention alternative programs. Some counties use their MDT in this role.

Expeditors can shorten the period between adjudication and disposition by speeding up the evaluation and interview process for determining appropriateness and acceptability of specific disposition placements and for specific services. The county MDT can help coordinate the interviews and track who has been rejected for certain placements and the reasons why. In addition, programs that are designed to be alternatives to incarceration often require documentation and information that may be difficult to acquire (e.g., proof of school registration or school reports or various types of evaluations). It often takes time to gather all the relevant information before a juvenile can be accepted to a particular disposition and disposed. The expeditors can help ensure that these reports are completed in a timely manner and that the court has the necessary information before the disposition hearing.

Due to their unique role as coordinators between juveniles and various placements, MDTs frequently provide feedback to the County Youth Services Commission in relation to the effectiveness of detention alternative programs and dispositions, the identification of programming gaps and significant changes in the detained juvenile population. The County Youth Services Commission can then use this information in making planning decisions for the county juvenile justice system.

2) ***The court should explore ways to release youth to detention alternatives at the earliest possible hearing.*** Because of wide variation in the time it takes counties to refer and accept a juvenile into a detention alternative, counties should review their case expediting procedures and make necessary changes to reduce the time to detention alternative program admission. The ultimate goal is for juveniles to be referred and accepted into detention alternatives in a timely manner. When possible, the court should consider alternatives at the initial detention hearing or probable cause hearing.

3) ***The court should encourage flexibility and creativity in using available resources as alternatives to detention.*** Counties should encourage strategies that customize detention alternatives in a way that will adequately increase levels of supervision and structure in the community for appropriate youth. For example, a juvenile who otherwise could be appropriately served in a shelter facility but needs more supervision might be placed on electronic monitoring while in the shelter. The expediting body could assist in the effort to customize.

4) ***The court should review existing processes for obtaining prior evaluation information and determining the need for additional evaluations.*** If it is determined that there is a need for additional evaluation, the court process should be focused on completing the evaluation in a timely way. This process would be particularly helpful in cases involving sex offenders and arsonists. The MDT can be used as a mechanism to obtain and track prior evaluation information.

5) ***The Administrative Office of the Courts should consider efforts to foster career-oriented juvenile justice specialization among Family Division Judges through its assignment practices.*** The policy of rotating judges has had unintended consequences in the Family Division. Judicial rotation may, in some cases, cause newly appointed Family Division Judges to be overly dependent on those court staff and MDT staff who have been working in the juvenile justice system for a long time. Over time, Family Division Judges learn about the juvenile justice process and available, appropriate resources, only to be reassigned to another Division. Strategies should be considered which might foster career-oriented juvenile justice specialization among judges.

### **Family Automated Case Tracking System (FACTS)**

Statewide, there is great variation in the type and reliability of information that is entered into FACTS, especially as it relates to the court's use of detention and detention alternatives. Counties also vary in the extent to which they use FACTS information for juvenile justice system planning. In addition, several key actors have noted that the FACTS system is too complex and that the information found in it is often too vague to use in decision making without further investigation. The FACTS system may become a more useful tool by increasing its capacity to track this type of information and making it available to court decision makers.

## **Recommendations ~ Family Automated Case Tracking System**

**1) The Administrative Office of the Courts should enhance the Family Automated Case Tracking System, with collaborative input from court representatives at the county level, so that the system is more useful to consumers in the various counties. County users should have appropriate access to information and also have the ability to develop reports that meet the needs of various components of the juvenile justice system. The database should give useful feedback to its users for court planning, individual decision making, community planning and research purposes.** There are various ways in which the FACTS information system can be improved. For example, FACTS could track the use of detention alternatives and the outcomes for juveniles placed in them. In terms of developing disposition options, the FACTS system could maintain a record of court-ordered assessments and evaluations, who completed them and when. The system could also be more specific in defining charges and in describing pre and post disposition placement. This information could follow the juvenile through the court process to avoid over evaluation or duplicate evaluations of a juvenile. Data entry staff could participate in frequent training sessions sponsored by the vicinage and the Administrative Office of the Courts to help ensure quality data entry.

### **Awaiting Dispositional Placement with State Agencies**

Respondents suggest that a major barrier to timely release and a contributor to detention crowding is the need for juveniles to be detained while awaiting placement with state agencies and other disposition programs. The major agencies primarily responsible for residential disposition placement are the JJC and the Department of Human Services, through its Division of Youth and Family Services.

Key actors throughout the State reported that both the JJC and the Division of Youth and Family Services significantly contribute to detention crowding by not removing disposed youth from secure detention in a timely manner. Key actor respondents in all four surveys reported that placement delays from the JJC was one of the top ten causes of detention crowding. Key actor interviewees noted that though they believed the JJC needed more beds, recent improvements have been made regarding the removal of disposed youth from detention. Since these data were collected however, the JJC has undertaken a concerted effort to reduce the statewide number of juveniles awaiting placement in secure detention.

Removal of juveniles sentenced to a DYFS placement was also identified as an important contributor to detention crowding. Key actors noted placement delays from DYFS are a problem, ranking it in the top three contributors to detention crowding. A contributing factor is that DYFS is overburdened and lacks resources which often impede expeditious post-disposition placement.

State agencies contribute to both pre and post-disposition delays. Pre-disposition delays include interview delays and delays in finding an available bed prior to disposition. Juveniles rejected by one program must start the interview process over for another program, thus increasing the length of time required to find an appropriate placement.

In February, 1997, the Task Force studied the length of time juveniles wait in secure detention facilities for placement with State agencies. There were three primary disposition placements in the awaiting placement study: JJC commitments, placement of probationers into JJC residential programs, and Division of Youth and Family Services residential placement.<sup>10</sup> Of the total sample, 56% were committed to the JJC. This group waited an average of 40 days to be placed. Since these data were collected, however, the JJC has reduced the average number of days for committed awaiting placement to within 15 days. Dispositions to JJC residential placement represented 20% of the total sample and waited an average of 19 days to be placed. The median wait, however, was eight days, indicating a few lengthy waits that effected the average. Juveniles disposed to DYFS accounted for 15% of the total sample and waited in detention an average of 29 days for placement. The median wait time for DYFS residential placement was 14 days. The DYFS figure, however does not reflect the common judicial practice of waiting to have a disposition hearing until a DYFS bed has been secured.

One of the main reasons cited for placement delays was a lack of appropriate programming resources for "special needs" offenders (e.g., sex offenders, fire setters, or juveniles with mental health problems or severe learning disabilities). Key actors suggested that the traditional means of contracting with various disposition program providers should be re-examined. Key actors emphasized the importance of program providers accepting and treating the juveniles that need to be served. Currently, many of these juveniles are not accepted into dispositional alternative to incarceration programs because they do not fit the admissions criteria. Difficulty in finding programs that will serve the population of juveniles the court handles is a major barrier to timely release from detention, and contributes to detention crowding.

In addition, many youth present needs that extend beyond the categorical services provided by individual government departments or systems. Although the Commission and the Department of Human Services have worked collaboratively on individual cases and have collaborated in program development and implementation efforts, there are occasional inter-agency and inter-departmental disputes regarding responsibility for an individual juvenile, particularly when he or she has special needs. While the agencies determine responsibility, the juvenile waits in detention.

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<sup>10</sup> The remaining cases awaiting placement were parole violators, Municipal Court holds and cases which did not fall into any of the above categories, "Other".

## ***Recommendations ~ Awaiting Dispositional Placement with State Agencies***

**1) *The Juvenile Justice Commission should explore ways of expediting the post-disposition removal, out of secure detention, of juveniles committed to the Juvenile Justice Commission by considering the implementation of comprehensive efforts to respond to shortages of institutional and noninstitutional beds.*** In recent months, the JJC has substantially reduced number of committed juveniles awaiting placement statewide and has also reduced the length of the waiting periods. The average number of committed juveniles awaiting placement reached a high of approximately 200 in 1996. The statewide average for 1998 decreased to 38. In addition, long waiting periods have also been reduced to within 15 days for committed offenders. In the long run, however, there will be pressure on the JJC to continue removing committed juveniles from secure detention centers in a timely manner. The Juvenile Justice Commission's Master Plan addresses issues regarding strategies for assuring sufficient bed space and for systems improvement through a balanced approach.

**2) *Establish a specially funded interdepartmental program development effort to plan for and develop high priority programs for select special needs populations who are in secure detention awaiting placement.*** The JJC and each of the divisions within DHS have expertise in working with certain juvenile populations. Many detained juveniles, especially those who have special needs, present a combination of issues and needs that extend beyond any one agency's area of expertise, budgetary capabilities and available resources. Ability to adequately address these needs within the current system and resources is limited.

Youth with special needs are likely to make lifelong demands on the juvenile justice and human service systems if attention to appropriate rehabilitative efforts is lacking. An ongoing special interagency funding initiative, appropriately tied to a collaborative planning and program development effort for special needs juvenile offenders, would improve the system's ability to deflect this population from serious and lengthy careers as juvenile and adult offenders.

The programs developed through the interagency funding mechanism would be solely or jointly administered (or contracted for) by the JJC and the appropriate State agency and/or agencies with experience and expertise in dealing with youth who have mental health problems, have a low IQ, are juvenile sex offenders or who are severely learning disabled. The Juvenile Justice Commission's Master Plan (1999) describes the plan in more detail.

## **V. Next Steps**

The final phase of the Detention Reform Project calls for a focus on implementing recommendations contained in this report. Implementation will require cooperation from individual State and local agencies. The role of Project staff will be to work closely with counties to facilitate successful implementation within the context of county needs and interest. A report will be submitted in the Fall of 1999 outlining the implementation process and progress toward implementation.

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**APPENDIX A**

**Average Daily Population as a Percent of Approved Capacity\***  
**January through December**  
1998

<u>County</u>	<u>Average Daily Population</u>	<u>Approved Capacity</u>	<u>Percent of Approved Capacity</u>
Atlantic**	39.9	22	181.4
Bergen	29.7	41	72.4
Burlington	30.8	24	128.3
Camden	71.2	37	192.4
Cumberland	39.7	46	86.3
Essex	225.8	242	93.3
Gloucester	17.5	15	116.7
Hudson	123.3	79	156.1
Mercer**	42.6	50	85.2
Middlesex**	52.3	39	134.1
Monmouth	52.8	40	132.0
Morris	18.3	24	76.2
Ocean	43.3	30	144.3
Passaic	79.1	52	152.1
Salem**	11.0	12	91.7
Sussex	23.0	16	143.7
Union	52.4	34	154.1
Warren	28.0	28	100.0
<b>Total:</b>	<b>973.4</b>	<b>831</b>	<b>117.1</b>

\* Includes juveniles admitted to detention commitment programs.

\*\* In 1998, several counties experienced increases in their approved capacity. In January 1998 Atlantic County increased their approved capacity from 19 to 22. In November 1998 Mercer County increased their approved capacity from 44 to 80. For statistical purposes, the total approved capacity for 1998 reflects a weighted average of Mercer County's capacity for the year. In late December, Middlesex County increased their approved capacity from 39 to 100. This increase will be reflected in the 1999 juvenile detention statistics. In addition, Salem County Detention Center was approved in September 1998. Total statewide capacity represents these additional 12 beds. The Average Daily Population for Salem County was calculated based on 122 days as compared to 365 days for all other counties. The statewide total for Average Daily Population reflects the calculation for Salem County.

**APPENDIX B**

## DETENTION REFORM TASK FORCE MEMBERS

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Task Force Chairman

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