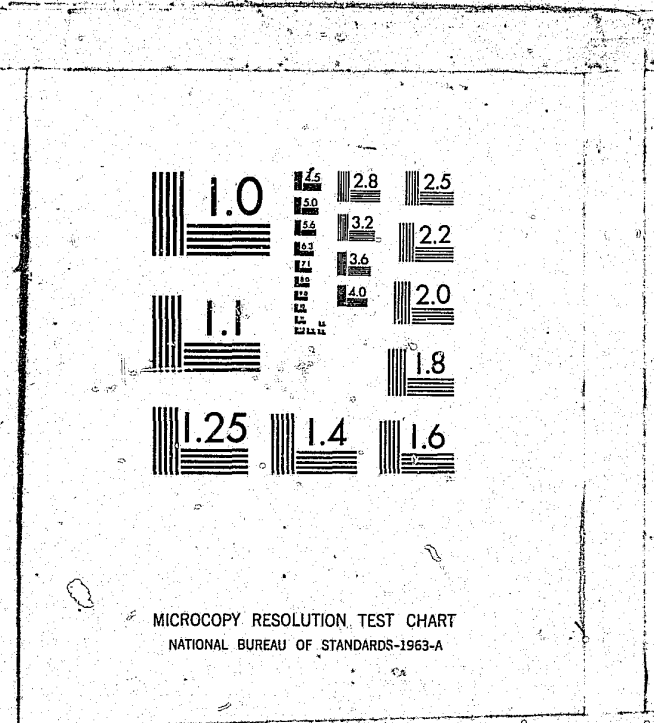


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State of New Jersey
ASSEMBLY JUDICIARY, LAW, PUBLIC
SAFETY AND DEFENSE COMMITTEE

STATE HOUSE, TRENTON, N.J. 08625

REPORT

of the

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

JUVENILE JUSTICE SUBCOMMITTEE

on

Juvenile Violence, Vandalism and the
Juvenile Justice System

U.S. Department of Justice
National Institute of Justice
77419

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State of New Jersey
ASSEMBLY JUDICIARY, LAW, PUBLIC
SAFETY AND DEFENSE COMMITTEE

STATE HOUSE, TRENTON, N.J. 08625

May 8, 1980

TO THE SPEAKER OF THE GENERAL ASSEMBLY
AND
MEMBERS OF THE GENERAL ASSEMBLY

The Assembly Judiciary, Law, Public Safety and Defense Committee herewith respectfully submits a subcommittee report on juvenile violence, vandalism, and the juvenile justice system.

The subcommittee, chaired by Assemblyman William Flynn, and including Assemblymen Charles Mays and William Dowd, held three public hearings, on July 31, 1979 in Middletown, on August 13, 1979 in West Deptford, and on August 28, 1979 in Jersey City. Considerable research was also done on the current New Jersey juvenile justice laws and practices and on the recent juvenile justice literature.

This subcommittee report forms the basis of the Committee's ongoing work on juvenile justice, which is documented in a status report being issued today, and of the Committee's Juvenile Justice Task Force, which is being announced today.

Sincerely,

Martin A. Herman
MARTIN A. HERMAN
Chairman

MAH:BW:hk

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I. REPORT OF THE 1979 JUVENILE JUSTICE SUBCOMMITTEE

A. THE PROBLEM

This subcommittee report and the hearings that preceded it are concerned with the problems of juvenile crime, and specifically with juvenile violence and vandalism, particularly in the schools, and with the way the juvenile justice system handles these problems.

National crime statistics demonstrate that many young people are deeply involved in crime. Sixteen percent of the total U.S. population is comprised of young people between the ages of 10 and 17; yet 26% of arrests made in 1975 were of persons under age 18. In 1975, 30% of all crimes solved involved persons under 18 years of age. The peak age for arrests for violent crime is 18, for major property crimes, 16 (A Juvenile Justice Strategy, prepared by the Prosecutors' Association and the Division of Criminal Justice, page 2).

Statistics show that juvenile crime in New Jersey is as serious a problem as it is nationally. Property crimes and crimes of violence committed by juveniles are increasing, and at the same time, the cost of incarcerating and rehabilitating juvenile offenders is rising. Our system of processing juveniles in the courts and our means of treating them is under question, and experts are re-examining the social problems that lead children to crime and trying to arrive at new ways to deal with them.

During the five-year period 1973-1977, adult arrests increased 7 percent, and juvenile arrests increased 13 percent. Over the last five years, juvenile arrests for

violent crime were up 15 percent, while adult arrests increased only 3 percent. (Crime in New Jersey: 1977 Uniform Crime Reports, pages 52-53).

Thirty-seven percent of all persons arrested in New Jersey in 1977 were under the age of 18, and 54% of all persons arrested were under 21. Further proof that young people are involved in serious crime is contained in the following statistics: 4 of every 10 persons arrested for robbery, 6 of every 10 persons arrested for breaking and entering, and 5 of every 10 persons arrested for larceny in 1977 were under the age of 18. (Crime in New Jersey: 1977 Uniform Crime Reports, pages 52-53.) Not only is the number of crimes committed by young people disturbing: the rate of recidivism worsens the problem. Among adults it has been estimated at from 40 to 70%, while recidivism among juveniles has been estimated at 74 to 85%. (A Juvenile Justice Strategy, page 4.)

The cost of juvenile crime is enormous. According to Senator Birch Bayh, Chairman of the Senate Subcommittee to Investigate Juvenile Delinquency, almost \$15 billion is lost yearly to crimes committed by people under the age of 25. In New Jersey, damages and losses from vandalism to local school districts is \$5,144,485. (Reducing Violence, Vandalism and Disruption in the Schools, a report to the New Jersey State Board of Education by The Task Force on Reducing Violence and Vandalism, page 5.) Crimes themselves are not the only cost. In New Jersey, the cost in 1975 of maintaining

three juvenile institutions (Skillman, State Home for Boys, and Annandale; for boys under the age of 16) was \$10 million. The average cost per offender in each institution, not including capital costs, in 1975 was \$8,300, slightly higher than the national average. (A Juvenile Justice Strategy, pages 4-5.)

Violence and vandalism in the schools account for a large segment of the juvenile problem. School vandalism cost New Jersey a total of \$17,730,558 in losses and costs in F.Y. 1975 (Reducing Violence, Vandalism and Disruption in the Schools, page 5). In New Jersey's secondary schools, alcohol was connected with 17% and drugs were connected with 30% of the violent acts reported in F.Y. 1977. Drugs and alcohol, together with the fear engendered by violence, contribute to a decline in the educational process. The statistics show that students direct violence not only against each other, but also against teachers and administrators.

The problem of juvenile offenders does not stop with the crimes they commit: it continues in the institutions Children in Detention and Shelter Care: Surveying the System in New Jersey, a report prepared by the Association for Children of New Jersey, raises serious questions about the use of detention and JINS facilities in the State. The report shows that while most children remain in these facilities 30 days or less, nearly one-third of their overall populations had been held for over 30 days. From 20% to 25% of the children in detention and JINS facilities were there on a postdispositional basis, although these facilities are

legally authorized only to provide care prior to disposition. These statistics raise serious questions about the speediness of juvenile adjudications and about the availability of adequate pre-adjudication and post-adjudication dispositions and alternatives for juveniles.

The ultimate question, beyond the issue of how to treat juvenile offenders once they have been processed by the courts, is why these children have turned to crime, or become ungovernable in the first place. Social scientists and other professionals have studied and debated the issue for half a century, without any real consensus, except that, on the whole, poverty is a more fertile breeding ground for juvenile crime than is wealth. However, even this finding must be qualified by the recent significant increases in juvenile problems in the more affluent suburbs. Testimony at the Subcommittee hearings focused repeatedly on the family as a major source of children's problems. The divorce rate is approaching 50%; more parents are working and leaving the supervision of their children to others or to no one at all; parental authority is declining. These factors may result in children who are confused about society's standards of morality, children who crave attention and succumb to misdirected peer pressure. In the view of many who spoke before the Subcommittee, the problem of juvenile violence and vandalism will not ultimately be solved until these, and other, social causes are treated.

B. CURRENT JUVENILE JUSTICE LAW

The major substantive law in the area of juvenile justice is contained in the 1973 juvenile justice act, P.L. 1973, c.306 (C.2A:4-42 et seq.), which delineates the juvenile offenses and the method of their processing by the criminal justice system; in the statutes providing for the youth correctional institutions and the training schools for boys and girls, C.30:4-146 et seq., which delineate who can go and where and for how long; and in assorted statutes on particular topics, such as P.L. 1965, c.111 (C.2A:53A-15), which provides for civil liability of parents who are negligent in the supervision of their children who commit acts of vandalism. Key procedures and practices of the juvenile justice system are contained in the Court Rules Governing the Juvenile and Domestic Relations Court, Part V, Chapter III, Rules Governing the Courts of the State of New Jersey, 1980, which delineate the rules governing the cases that come before the Court; in the Operations and Procedures Manual for the Juvenile and Domestic Relations Court Intake Services, which describes the responsibilities and procedures of the Intake Service for monitoring admission to detention and shelter care facilities, reviewing complaints, making recommendations as to diversions and court actions; in the Practices and Procedures for Juvenile Officers Manual,

developed by the Division of Criminal Justice, the Department of Law and Public Safety and the County Prosecutors Association, which delineates the actions of police officers when handling juvenile justice problems; and in the operations manuals of the youth correctional institutions and the training schools, which set out the rules governing the institutions and the rules and schedules governing parole from them.

The 1973 juvenile justice act contains the basic law in the area of juvenile justice. Among its key provisions is a distinction between delinquents, defined as juveniles who commit acts that would be criminal offenses if committed by adults (2A:4-44), and juveniles in need of supervision (JINS), defined as juveniles who are incorrigible, ungovernable, habitually truant or otherwise guilty of status offenses (2A:4-45). Delinquency cases are subject to quasi-criminal proceedings, with a high level of due process, (2A:4-59, 60), except for jury trials, as mandated by the line of United States Supreme Court cases beginning with In Re Gault, 387 U.S. 1 (1967). JINS cases are subject to quasi-civil proceedings, conducted in the classic *parens patriae* tradition which, applied to delinquency cases before Gault, without many of the due process procedures afforded to criminal law defendants. A delinquent can be detained in a secure/locked facility, if that is necessary to protect the community from a serious threat or to ensure the juvenile's appearance

at his next hearing (2A:4-56b). A JINS may be placed in a non-secure/unlocked facility if no appropriate adult will assume responsibility for him, or if it is necessary to protect the juvenile or to ensure his appearance at his next hearing (2A:4-56c.) A delinquent is subject to incarceration for up to 3 years, except for those guilty of homicide, who are subject to indeterminate confinement up to the maximum provided by law for adults (2A:4-61). A JINS is not subject to incarceration, but, like a delinquent, is subject to a variety of community-based and social service programs (2A:4-62). Juveniles cannot be placed in facilities with adult inmates (2A:4-57c).

Another key provision of the law allows for the involuntary waiver of cases of homicide and other crimes committed in a violent manner, and of serious drug offenses defined in N.J.S.A. 24:21-19 (2A:4-48). The Juvenile and Domestic Relations Court may waive to an adult court its otherwise exclusive jurisdiction in delinquency cases if: the juvenile is at least 14 at the time of the act charged; the protection of the public requires the waiver; there are no reasonable prospects of successfully using the facilities available to the court to rehabilitate the juvenile prior to his attaining the age of majority. This waiver provision is apparently rarely used: in a recently released study by the Department of Human Services, a sample of 2,469 juvenile cases included 6 which were waived to adult court (Joseph De James,

Juvenile Justice in New Jersey, July 1, 1979, p.12). And in 1974, only 127 delinquency complaints were referred to adult court in the State (Governor's Adult and Juvenile Justice Advisory Committee, Final Report, 1977, p.286). Other provisions of the law restrict the taking and using of juveniles' photographs and fingerprints (2A:4-66) and provide for confidentiality of juvenile records (2A:4-65). Juvenile dispositions cannot be used in any other criminal case, except for sentencing purposes, and do not operate to impose any of the civil disabilities connected with criminal convictions (2A:4-64).

The statutes, 30:4-146 et seq., providing for the youth correctional institutions (Clinton, Yardville, Bordentown, Annandale) and the training schools for boys and girls (Jamesburg, Skillman) also largely delineate who can go to them, for how long and under what terms. These institutions are run by the Department of Corrections. Any male between 15 and 30, who has not previously been sentenced to a State prison, according to 30:4-147, and any female over 16 years of age, according to 30:4-154, may be sentenced to a youth correctional institution. These provisions are refined by 2C:43-5 of the new Penal Code, which provides that any person who is under 26 at the time of sentencing may be sent to a youth correctional institution, and by 30:4-143, which provides that no male under 16, except one convicted of murder, and no female may be sentenced to an adult State prison.

30:4-148 provides that sentences to the youth correctional institutions shall be indeterminate (immediate eligibility for parole) and that time served shall not exceed five years, except that "for good cause shown" a court may impose an indeterminate sentence of greater than five years. In State v. Prevelt, (1974) the New Jersey Supreme Court reaffirmed that sentences to youth correctional institutions are indeterminate. At the same time, in State v. Costello, (1971) and State v. Chambers, (1973) the New Jersey Supreme Court ruled that females must be sentenced in the same manner as males, even though the only New Jersey State correctional facility for women is the Clinton Correctional Institution. Thus, females sentenced as adults to Clinton will get determinate sentences. Finally, in State v. McBride, (1975), the New Jersey Supreme Court ruled that there is a presumption that unless there is substantial reason shown, a person who is otherwise eligible to be sent to a youth correctional institution should be sent there, rather than to an adult prison facility. The provisions of 30:4-143, 30:4-148 and the holding in State v. McBride impact on the effect of waiving juvenile cases to adult courts.

Boys between the ages of 8 and 16, except those convicted of murder (30:4-157.1), and girls between the ages of 8 and 17 (30:4-157.9) may be sent to the training schools.

30:4-157.4 provides that parents or guardians can be charged for the costs of committing and keeping a child in a training school. There is no provision in State law for the incarceration of children under 8 years of age. The detention shelters for juveniles charged as delinquents (currently there are 19) and the JINS shelters (currently there are 20) are run by the separate counties, under the direction of the Department of Human Services (2A:4-57). Both the JINS and the detention shelters are designed for short term stays, pending adjudication, placement in a foster facility, or release to the juvenile's family.

The New Jersey Department of Corrections September, 1979 report on Admissions, Releases and Residents (page 2) shows that in Fiscal Year 1979 there were 2,921 admissions to the youth correctional complex and 655 admissions to the training schools. The Association for Children of New Jersey report on Children in Detention and Shelter Care (May, 1979, p. 19) cites 14,921 admissions to detention and JINS shelter facilities in 1977, with 10,468 admissions to detention and 4,453 admissions to JINS shelters.

There are also various statutes prohibiting certain behavior of juveniles and relating to juvenile justice which are scattered through the books, generally appearing under the heading of the specific subject matter covered. Thus, there are provisions of the alcohol control laws, drug laws, motor vehicle laws and others which apply specifically to juveniles, and appear therein.

The Manual of Practices and Procedures for Juvenile Officers, issued in 1979, provides guidelines for police officers in dealing with juvenile justice problems. It defines procedures for investigating cases involving juveniles, interrogating juveniles, conducting searches and seizures involving juveniles, taking juveniles into custody and dealing with juvenile records. It also outlines guidelines for the police diversion of juveniles. Diversion of juveniles is a significant function of the police, and is a significant part of the juvenile justice system. As the table below shows (from page 66 of the 1977 Uniform Crime Report of the State of New Jersey Division of State Police), almost one-half of the juveniles taken into custody by the police are handled and released by the police.

STATE OF NEW JERSEY
POLICE DISPOSITION OF JUVENILES TAKEN INTO CUSTODY, 1977

DISPOSITION	Number	Percent
Handled Within Department and Released	56,603	46.2
Referred to Juvenile Court or Probation Department	63,333	51.7
Referred to Welfare Agency	1,008	0.8
Referred to Other Police Agency	1,076	1.0
Referred to Criminal or Adult Court	402	0.3
TOTAL	122,422	100.0

NJSP Table 20

The manual, pages 45-55, recommends that various factors be considered in deciding whether to resolve the problem by filing a complaint or by another alternative, such as a curbstome warning (a warning to stop the activity), a field or stationhouse disposition (taking the juvenile into custody, resolving the dispute, and releasing him into the custody of a parent or guardian), dispute mediation (bringing about a voluntary agreement among the various parties), voluntary restitution, or voluntary referral to a social service agency. These factors (pages 46-49) include: the nature and seriousness of the offense; the police record of the juvenile; the strength of the case against the juvenile; the attitude and cooperation of the juvenile; the willingness and ability of the parents to control the juvenile, cooperate with the police, and/or make a satisfactory adjustment of the problem; and the attitude of the complainant.

The Operations and Procedures Manual for the Juvenile and Domestic Relations Court Intake Services, approved by the Supreme Court, June, 1977, provides the guidelines for the intake stage of the juvenile justice system. The intake services are a function of the Probation Department, which is, in turn, a function of the courts. The intake service has a particularly important impact on whether a juvenile may be held in a correctional or other facility, in that:

(1) "No juvenile may be admitted to a detention or shelter care facility without the permission of the intake service." (page 2); (2) The intake service reviews every complaint

and advises the presiding judge of the Juvenile and Domestic Relations Court as to which cases should be diverted from the system and which cases should be held for trial (pages 2-3); (3) the intake service determines, according to judicially set guidelines, which cases will be listed on the counsel-mandatory trial calendar (where incarceration is a possible outcome of conviction) and on the counsel-not-mandatory trial calendar (where counsel will not be provided for an indigent defendant and where incarceration cannot be an outcome of conviction - page 4).

The impact of the intake services can be seen by the fact that of the 71,278 juvenile complaints screened by them in the year 9/1/77 to 8/31/78, 31,348 calls, 44% of the total, were diverted (Statistical Supplement to the Annual Report of the Administrative Director of the Courts, 1977-1978, page 62). Furthermore, of the 47,416 juvenile delinquency cases heard by the Juvenile and Domestic Relations Courts in the year 9/1/77 to 8/31/78, 27,285 were heard with counsel and 20,131 were heard without counsel. (Annual Report of the Administrative Director of the Courts of New Jersey, 1/25/79, page 119.) The intake services thus, with judicial guidance and approval, determined that some 2/3 of the juvenile delinquency complaints would not result in commitment to a correctional facility, and that some other disposition would be more appropriate.

A uniform system of intake services for all the counties is a relatively recent phenomenon, being pursuant to a Supreme Court order that each county have one by the opening of the September, 1978 court term. The existence of such units and of the operations and procedures manual to guide them may help eliminate a possible inappropriate disparity between counties in the rates of commitment to detention, JINS shelters, diversion programs, and conventional facilities, an argument that has been made by the Association for Children of New Jersey and the New Jersey Association on Correction in their studies of the system.

The Rules Governing the Courts of the State of New Jersey, 1980, Chapter III, delineate the procedures for juvenile cases. Rule 5:8, on Preliminary Proceedings, includes the form of the complaint and the methods for taking juveniles into custody and placing them into detention or shelter care. Rule 5:9, on the hearing, includes procedures for referrals to and from other courts, and the manner and order of dispositions.

The youth correctional institutions, as a group, and the training schools, as a group, each has a Board of Trustees which exercises disciplinary and paroling authority. The rules governing exercise of this authority are contained in the institutional manuals.

Department of Corrections figures (Ibid., page 2) show that in Fiscal Year 1979, there were 2,276 paroles from the Youth Correctional Complex and 352 paroles from the training schools.

C. RECENT JUVENILE JUSTICE LITERATURE

The level of concern about juvenile crime and the juvenile justice system has resulted in the issuance of a series of reports and recommendations over the last two years. On the national level, the President's National Advisory Commission (NAC), including the President's National Advisory Committee, chaired by Governor Brendan Byrne, has been developing proposed standards for the criminal justice system, including juvenile justice and delinquency prevention. Also, the Institute of Judicial Administration, along with the American Bar Association, have created a Joint Study Commission (IJA/ABA) which has been issuing proposed criminal justice standards, including a special emphasis on juvenile justice. On the State level, the Governor's Adult and Juvenile Justice Advisory Committee has issued a Final Report on Standards and Goals for the New Jersey Criminal Justice System (1977). The County Prosecutors Association and the Department of Criminal Justice have issued A Juvenile Justice Strategy (1977) and a Department of Education task force has issued a special report on Reducing Violence, Vandalism and Disruption in the Schools (1979). The Department of Human Services has analyzed the results of the juvenile justice system in Juvenile Justice in New Jersey: an Assessment of the New Juvenile Code (1979), and the Association for Children of New Jersey has analyzed the institutional commitment of juveniles in Children in Detention and Shelter

Care: Surveying the System in New Jersey (1979). The New Jersey Correctional Master Plan Policy Council has analyzed the juvenile corrections facilities in the New Jersey Correctional Master Plan (1977). Each of these reports represents a different social/political group concerned with the juvenile justice system, and therefore their analysis and recommendations are, not surprisingly, not entirely congruent. However, there is a significant degree of overlap in their suggestions, so that one can, perhaps, note certain trends in thinking about juvenile justice on the part of the professionals concerned with the system. Thus, for example, the growing consensus of opinion would seem to include: agreement that greater emphasis should be placed on community-based programs for juvenile delinquents, both as a prevention of and penalty for delinquency; general agreement that juvenile cases should be afforded procedural due process approaching that afforded adult cases; significant criticism of the system of status offenses (JINS), and many recommendations that status offenses (JINS) be abolished; significant recommendations that penalties for serious, violent juvenile offenses and for serious, violent repeat offenders be stiffer, and that the rehabilitation philosophy of juvenile justice be modified to that extent. Both the National Advisory Commission/Committee (NAC) and the Institute of Judicial Administration/American Bar Association (IJA/ABA) have, among other things, for: greater use and standardization of diversion

programs by the police and the courts; an end to indeterminate sentences and development of determinate sentences based on the seriousness of the offense, the degree of culpability and the age and prior record of the juvenile; greater use of community-based corrections; more extensive due process procedures, including a formal arraignment process in juvenile courts and representation by counsel at all adjudicatory hearings; elimination of juvenile status offenses. IJA/ABA also recommends that incarceration be confined to juveniles who are at least 12 years old and that plea bargaining be utilized in delinquency cases.

At the State level, the Governor's Adult and Juvenile Justice Advisory Committee's recommendations include: formulation of a statewide manual on juvenile cases for police departments and intake services (pages 250-251) (subsequently implemented, as discussed above); creation of a separate juvenile justice system, including a juvenile prosecutor, juvenile public defender, juvenile probation function, Division of Juvenile Services of the Department of Corrections, juvenile paroling authority (page 323); recognition that correctional confinement be reserved only for those juveniles who represent a "clear danger to the public and for whom no other alternative is satisfactory" (page 325); establishment of a comprehensive, unified system of community services for troubled youth (page 258); abolition of status offenses (JINS) (page 297); establishment of all due process rights and privileges for children that are available to

adults except for bail and jury trials; elimination of counsel-not-mandatory calendar; greater use of diversion for minor offenses; separate counsel for the juvenile and for parents where there are conflicting interests between them.

In A Juvenile Justice Strategy, the County Prosecutors and Department of Criminal Justice emphasize: voluntary precomplaint police diversion through youth service bureaus and with uniform policies and procedures (pages 14-15); diversion of non-serious cases without factual dispute by the intake services juvenile conference committees and other similar facilities (page 26); de-emphasis of status offenses (page 35); creation of a special category of "youthful offender" for serious cases that are not transferred to adult court and for children who could receive determinate sentences and longer terms of incarceration (page 40); limitation of delinquency jurisdiction to juveniles over 10 years old (page 38); establishment of more delinquency prevention programs.

The Department of Education report on Reducing Violence, Vandalism and Disruption in the Schools outlines some 47 recommendations for reducing crime and disruption in the schools.

The report includes an extensive survey of the research in the area, both national and statewide. It notes that the characteristics of schools with the greatest incidence of violence include large student capacities, enrollment greater than normal capacity, class sizes over 27 students, split sessions, rapid enrollment growth, urban or rural location

and low-income population (pages 3-5).

The report had six specific recommendations on the juvenile justice system (pages 30-32). It called for: (1) a thorough study, directed by the Governor, of the juvenile justice system; (2) legislation which would allow judges to fine juvenile offenders, to order counseling for the parents of juvenile offenders, and to try as adults juveniles over 14 who assault school employees; (3) legislation to provide judges with additional rehabilitation alternatives, such as restitution programs, conservation corps programs, alternative educational programs and/or alternative schools; (4) legislation to require that delinquency findings be reported to school principals; (5) legislation strengthening the alcohol and drug laws; (6) county task forces of law enforcement and educational officials in school crime and disruption.

In Juvenile Justice in New Jersey, the Department of Human Services Task Force on the Juvenile Code reviews the Juvenile Code in particular as to the differential classification and handling of JINS and delinquents. The conclusions are that: the code has been successful in separating out JINS and delinquents (page 7), and without significantly increasing the number of juveniles admitted to predispositional holding facilities (page 9); although the code allows the placement of minor delinquency offenders in JINS shelters, this procedure is rarely used (page 11); JINS are more than twice as likely to be held in custody as delinquents (page 15) and "JINS

receive more stringent treatment than delinquent offenders at every point--custody placement, intake pre-judicial disposition, and court adjudication and disposition." (page 22). The report calls for limiting judicial involvement over JINS, and increasing social services, such as shelters for dependent/neglected children, to deal with these problems (pages 35-37).

Children in Detention and Shelter Care is an analysis of the pre-dispositional holding facilities for delinquents, JINS and neglected children. The report concludes that too many children are being held for too long and for too little reason (page 85). The principle of the "least restrictive alternative" does not seem to be followed, and there is evidence that JINS shelters are used by parents as dumping grounds for their children.

D. JUVENILE JUSTICE PUBLIC HEARING TESTIMONY

The Juvenile Justice Subcommittee, chaired by Assemblyman William E. Flynn and including Assemblymen Charles Mays and William F. Dowd, held three formal subcommittee hearings. The first was on July 31, 1979 in Middletown, the second was on August 13, 1979 in West Deptford, and the third was on August 28, 1979 in Jersey City. The full hearings have been transcribed. Witnesses at the Juvenile Justice Subcommittee hearings included public officials, professionals in the field, and concerned citizens.

The citizens' concerns included: the influence of alcohol and drugs on juvenile crime; the need for community activities that might interest and occupy children while keeping them out of trouble; a desire for harsher ways of dealing with the violent juvenile offender, such as restitution programs, stiffer sentences, publication of juvenile offenders' names; and the need to enforce parental responsibility for the criminal acts of children through parental liability laws. Urban residents testified that juvenile crime was a major cause of urban decline. Violence and vandalism in the schools disturbed many citizens, and they suggested a variety of ways to deal with these problems. School personnel, especially principals, should be trained to handle violence as it arises; incorrigible students should be removed from classrooms and taught in non-traditional settings that will meet their needs more adequately; judges and police should be able to exchange information with schools about the

criminal activities of students. Many citizens who testified at the hearings also felt that the schools should increase their efforts to prevent children from becoming delinquents by establishing programs to identify problem children at an early age and vocational education programs to help problem children find a productive place in society.

The elected officials voiced many of the concerns mentioned by citizens; they also presented ideas for programs and legislation that might solve the juvenile justice problems. Several members of the Assembly spoke in favor of bills. Assemblyman Richard VanWagner supported uniform sentencing of juvenile offenders. Assemblywoman Rosemarie Totaro proposed stiffer penalties for juvenile delinquents. Assemblyman Anthony Villane proposed stiffer parental liability.

The mayors and councilmen who spoke were generally in favor of restitution programs, parental responsibility laws, and publishing the names of serious juvenile offenders. They also expressed concern that the current CAP laws limit the ability of municipalities to create new juvenile justice programs. Anthony M. DeFino, Mayor of West New York, requested that the State provide increased funding so that new programs can be established.

Among those testifying at the hearings were representatives of county prosecutors' offices and other participants in the juvenile court system. Alexander Lehrer, Prosecutor of Monmouth County; Burl Ives Humphreys, Prosecutor of Passaic County; and Anne McDonnell, former assistant prosecutor of Gloucester County, advocated that the subcommittee examine

the State of Washington's new juvenile justice statute and consider it a potential model for New Jersey to follow. Lehrer spoke in favor of stiffer parental responsibility laws, broader waiver of certain violent juvenile cases to adult courts, broader agency sharing of juvenile crime records. Humphreys suggested that Ohio's parental liability law would be a good model for New Jersey to follow. He also felt that a tougher approach to juvenile crime, such as the approach exercised in Passaic County, will ultimately have positive effects. McDonnell recommended changes in two provisions of New Jersey's statutes. 2A:4-65 should be less limited, so that police departments can share information about juveniles when they are not investigating a particular juvenile or a particular act of delinquency. 2A:4-48 should be amended to be more specific; she felt that the meaning of phrases such as "reasonable prospects for rehabilitation" and "facilities available to the court" needed to be clarified.

The question of restitution programs was addressed by Florence R. Pescoe, of the Office of the Administrative Director of the Courts. Federal funds will enable New Jersey to begin operating a Juvenile Restitution Project at the start of the new court year. The program will experiment with three types of restitution: monetary restitution; direct services by the offender to the victim; and community service with the proceeds going to the probation department. Frank Falivena, Assistant Prosecutor in Essex County, pointed out that certain types of restitution programs might impact unfairly between wealthy and poor children.

Steven Zamrin represented the Office of the Public Advocate. In his view, statistics demonstrate a slight increase in juvenile crime, but no "epidemic." He stated that our current provisions for waiving juveniles to the adult court are sufficient; recommended that JINS be removed from the courts; and observed that the juvenile justice system punishes more and rehabilitates less than is generally realized.

The educators who testified at the hearings included teachers, administrators, and representatives of teachers' organizations. Although they were a diverse group, they agreed on the nature of and possible solutions for the problem of violence and vandalism in the schools.

The educators identified several factors that contribute to delinquency in children, including drugs, television, unhappy homes, and neglectful parents. The problem is exacerbated by teachers who have not been trained to handle disruptive, disrespectful, destructive, and violent behavior in students. According to Ester Lee, president of the Gloucester County Education Association, many teachers have developed a condition similar to the "combat neurosis" of soldiers during wartime. Administrators, too, contribute to the problem. Often, they fail to report incidents of violence or vandalism in their schools in order to avoid embarrassment for their school districts. It was also pointed out that untenured teachers who report such incidents against the wishes of their administrations bear a greater risk than do tenured teachers who make violent acts public.

Finally, school budget caps increase the problem by necessitating cutbacks in alternate programs for problem children and cancellation of plans to create innovative programs in the future.

Solutions proposed by the educators fell into two categories: those that must be implemented by the juvenile justice system in general and those that can be implemented in the schools. The first group includes adult trials for those children who assault school employees; the expansion of parental liability or responsibility laws, restitution programs, and harsher sentences; and greater cooperation among courts, probation departments, the police, and the schools. Solutions that the schools can implement include establishing in-school suspension programs for disruptive or violent children in order to insure their continued education and to keep them off the streets; passing laws to require that parents permit their problem children to receive counseling and laws that would mandate quality educational programs for incarcerated children; establishing smaller classes and year-round evening programs that would keep children occupied and out of trouble; implementing immediate suspension (in or out of school) of students who assault a school employee; and creating programs that would make school facilities into community centers, used in the evenings and during the summers.

Social workers and representatives of social service agencies advocated that the Subcommittee increase its concern

for the causes of juvenile delinquency and for the needs of children. Gerald Thiers, of the Department of Social Concerns, the New Jersey Catholic Conference; Thomas Benjamin, of the Citizens Advisory Network, The National Council on Crime and Delinquency; and Linda Wood, Executive Director of the Association for Children of New Jersey, recommended an in-depth review of the JINS law, which often leads to harsher treatment of children who have committed minor or status offenses than those who have committed serious crimes. They were also concerned that minorities are over-represented in correctional and detention facilities and that the present system of indeterminate sentencing needs to be revised.

Several social workers suggested that policy makers should listen to what children have to say about juvenile crime. Reverend Buster Soaries, of St Paul's Church and the New Jersey Leadership Institute, brought a group of young people to provide the subcommittee with the child's view. The young people who spoke said that youth are not afraid of jail because it is too comfortable; that incarceration turns youth into hardened criminals rather than rehabilitating them; and that fining parents for the offenses of their children will not work. According to these young people, and the Reverend Soaries, children want a sense of pride, which can only be attained by solving the social problems that cause juvenile crime--unemployment, racism, poverty, and poor education.

Also represented at the hearings were youth service programs, such as Neptune, Ocean Township Youth Services, Multi-Services Association and Together. Those testifying on behalf of these organizations described their functions and requested the subcommittee's support for increased State funding.

The police chiefs, detectives, and patrolmen felt that a failure of the system is that it does not adequately punish children for their offenses, a situation which decreases children's respect for the law. According to the police, many juveniles know that they can get away with criminal behavior until they turn 18 and no longer have the juvenile justice system to protect them. Some of the recommendations made by police at the hearings include establishing intermediate short-time juvenile detention facilities, treating lesser juvenile offenses in municipal court in order to lighten the juvenile court load, and staffing the juvenile bureaus of police departments with people who understand and like children.

E. CONCLUSIONS

The personal and social costs and effects of juvenile crime have been detailed in numerous testimony and reports: personal and family insecurity, as a result of increases in assaults on persons and burglaries in homes; disruption of important institutions and social services, such as the schools; decline in property values and increases in insurance and other costs, as a result of theft and vandalism; decline in the quality of social life, a fear of the streets, parks and other public places, a fear of the community's youth. Many of the direct causes, the social catalysts, of juvenile crime have also been delineated and decried: decline in respect for authority, for institutions and for individuals, as evidenced by the attacks on all these; decline in effectiveness of key institutions, such as the family, the schools, the churches, the government, as evidenced by the increases in child abuse and runaways, the decrease in scholastic achievement scores, the decreases in regular church attendance and membership, the decreases in voter turnout and citizen knowledge of politics; failure of the economy to provide the necessary jobs for youths, as evidenced by a youth unemployment rate two to three times that of adults; disruption of the old moral values, as evidenced by the spread of alcohol and drugs which are often connected with juvenile crime, and the spread of materialist values which are often the incentive

to juvenile crime. Finally, some of the deeper causes, the roots, of juvenile crime have also been discussed, involving significant, long-term trends and evolutions in family patterns, economic structures, legal institutions and social philosophies. Many of these factors may ultimately be beyond the control of social policy and legislation. Most of them would require broader study and policy formulation than these few hearings and this report can do. The Legislature has recently completed an almost ten-year review and revision of the criminal laws, including countless hearings and reports. The goal of these hearings and this report has been to make an initial survey of the problems of juvenile violence, vandalism and the juvenile justice system, and to recommend reasonable steps in coping with the immediate problems.

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