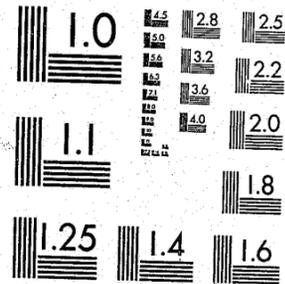


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

1/26/83

85797

REPORT TO THE ESSEX COUNTY JUVENILE JUSTICE
ADVISORY COMMITTEE AND DEPARTMENT
OF CORRECTIONS: ASSESSMENT OF ESSEX COUNTY'S
PRETRIAL DETENTION NEEDS



Community Research Forum
University of Illinois at Urbana-Champaign, 505 East Green Street, Suite 210, Champaign, Illinois 61820

REPORT TO THE ESSEX COUNTY JUVENILE JUSTICE ADVISORY
COMMITTEE AND DEPARTMENT OF CORRECTIONS:
ASSESSMENT OF ESSEX COUNTY'S PRETRIAL DETENTION NEEDS

Newark, New Jersey

OJJDP Project No. II-NJ CRF-47 80-2

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Essex City Division of Correctional Services

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Technical Assistance Report Prepared by Robert Kihm,
Consultant to the Community Research Forum
under a Grant from the Office of Juvenile Justice
and Delinquency Prevention, Washington, D.C.

September, 1980

ACKNOWLEDGEMENTS

It has been a pleasure to meet and work with the members of Essex County's Ad Hoc Juvenile Justice Committee. They reflect the concern for the welfare and best interests of children clearly evident in our observations of this youth service system. We are particularly grateful to Dr. Jennie Brown and her staff of the Essex County Department of Corrections, especially Mr. Cisco Carter, and Ms. Sandy Larson, Ms. Linda Fulcher, and Mr. Thomas Benjamin of the New Jersey Citizen Advocacy Network for their help in facilitating this study.

Discussion and eventual implementation of the report's recommendations present an exciting challenge to Essex County officials and considerable hope for improving pretrial services for Essex County's troubled youth.

NCJRS
OCT 12 1982
ACQUISITIONS

TABLE OF CONTENTS

Introduction	1
Methodology	2
Issues to be Addressed	3
Basic Principles to be Considered in Detention Planning	4
Existing System	6
Summary of Existing System	11
Assessment of Secure Custody Needs	12
Recommendations	20
Appendix 1	
Appendix 2	
Appendix 3	
Appendix 4	

INTRODUCTION

This report is in response to a technical assistance request from Dr. Jennie Brown, Director of the Essex County Department of Public Safety. Assistance was also requested by an ad hoc Juvenile Justice Committee of Essex County, New Jersey. The report will be discussed by the Juvenile Justice Committee during an anticipated meeting in October, 1980.

This report is a study of the secure juvenile detention needs of Essex County. For several years, there has been considerable concern over the number of children detained and the average length of stay in detention at the Essex County Youth House. The Essex County Youth House holds the highest number of children from the longest periods of time than any other juvenile detention facility in the State of New Jersey. The fact that the Youth House often operates over its rated capacity is of particular concern to local officials. The New Jersey Department of Corrections has issued a temporary capacity of 99 beds for the Youth House. The Youth House was over this 99 bed capacity on 184 out of 366 days in FY 79-80 (50.3 percent of the year). In fact, the average daily population at the Youth House during FY 79-80 was 101 children. In addition to violating state regulations, operating a detention facility over its rated capacity places tremendous strain on staff to maintain control in the facility. A vivid indicator of the problems stemming from overcrowding is the high incidence of physical violence by staff. The Department of Corrections in its monitoring report noted that "numerous child abuse complaints have been filed with the Division of Youth and Family Services (DYFS)." The Department of Corrections concluded that, "Although there was no indication of serious injuries or use of restraining devices such as handcuffs or shackles, virtually every juvenile interviewed stated that some staff members routinely slap, punch, kick or push juveniles who get out of line...Physical abuse of the juveniles by some staff is so pervasive, that incidents occur nearly everyday."

Experience in other detention centers suggests that staff violence may be directly related to facility overcrowding, and not the quality of staff, per se. Therefore, the purpose of this report is to identify the appropriate need for secure detention in Essex County, and to investigate methods to safely reduce the population of the Youth House.

METHODOLOGY

The Community Research Forum was assigned this request for assistance through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in Washington, D.C. The Community Research Forum (CRF) is funded by OJJDP to provide technical assistance in assessing juvenile pre- and post-trial placement needs in states and localities. Currently, the CRF is providing assistance in this area in over 31 states.

In conducting this study, the following methodology was used. First, CRF staff met with the Essex County Juvenile Justice Committee on July 22, 1980 to identify issues to be addressed by this report. This Committee, representing diverse community interests, provided input on the special problems encountered by Essex County in finding suitable placements for troubled or delinquent youth.

With this background, CRF staff began the data collection phase of the study. The Youth House was visited and interviews with key juvenile justice and other local officials were conducted. A 30-day survey measuring the characteristics of juveniles detained at the Youth House was completed. Statutes, state standards, pertinent reports and statistics were also reviewed. This information provided a sound data base for preparing this report. Analysis of this data was based in large part on three sets of recently released national standards for juvenile justice. These standards are from: the National Institute for Juvenile Justice

and Delinquency Prevention (NIJJDP); the Institute of Judicial Administration/American Bar Association (IJA/ABA); and the National Advisory Committee on Criminal Justice Standards and Goals (NAC).

Discussion of this report is anticipated during the next meeting of the ad hoc Juvenile Justice Committee. This discussion should lead to a consensus on the best options available to provide appropriate pretrial placement services in Essex County. At this meeting, a plan to implement these recommended options should also be established by the Committee.

It is hoped that active participation by the Juvenile Justice Committee and other local citizens and officials will result in positive action to improve pre-trial placement services soon for the children in Essex County.

ISSUES TO BE ADDRESSED

The following is a list of issues to be addressed by this report. Basically, the concerns of this study can be focused into one major goal: To minimize the population of the Youth House to the lowest appropriate level.

To properly address this goal, the following issues must be thoroughly analyzed:

Issue: What are the secure/nonsecure pretrial custody needs of Essex County?

Issue: What alternatives to secure pretrial custody have yet to be tried in the County?

Issue: Can related juvenile justice procedures (e.g., law enforcement, juvenile court, probation, etc.) be modified to impact the need for secure/nonsecure custody?

Issue: Can existing appropriations be redirected to new nonsecure programs to minimize the need and the cost of secure custody?

This report addresses these issues by analyzing the County's existing juvenile justice system, assessing secure and nonsecure pretrial custody needs, and presenting preliminary recommendations.

Decisions resulting from information presented in this report will have long-range impacts on the Essex County juvenile justice system and general community. Therefore, the following section outlines the basic purposes for juvenile pretrial detention which should be understood before final decisions are reached.

BASIC PRINCIPLES TO BE CONSIDERED IN DETENTION PLANNING

Assessing Essex County's pretrial custody needs first requires a thorough understanding of the purposes for pretrial detention. The New Jersey Juvenile Court Act provides guidance in defining the procedure to be followed after a child has been arrested and a decision to file a court petition has been made. The Code stipulates that it is preferable to release a child to his/her parents or guardian unless this would "adversely affect the health, safety or welfare of (the) juvenile..." If a child cannot be released to his/her parents or guardian, then the Code provides for two placement alternatives--shelter care or secure detention. The Code stipulates very narrow and explicit conditions which must be met before a child may be securely detained before trial. To be securely detained, a child must be charged with a delinquency offense. Additionally, it must be determined that "(1) detention is necessary to secure the presence of the juvenile at the next hearing; or (2) the nature of the conduct charged is such that the physical safety of the community would be seriously threatened if the juvenile were not detained" (New Jersey Code, Section 2A: 4-56).*

*Note: New Jersey Court Rule 5:8-6(e)(1)(B) further defines "physical safety of the community" to mean the "Physical safety of persons or property..."

Children not meeting these strict conditions for secure detention should be placed in a nonsecure shelter home if a suitable parent or guardian is unavailable to assume custody.

Strictly limiting secure pretrial detention to only those instances where the public safety or court process are seriously threatened reflects an understanding that a child charged with an offense is presumed innocent until proven guilty. Punishment for an offense follows adjudication, not before.

Moreover, detaining a child prior to trial "may hamper the juvenile's opportunity to prepare an effective defense to the allegations, and may subtly influence the court's final disposition of the case to his or her detriment" (National Advisory Committee on Criminal Justice Standards and Goals, "Juvenile Justice and Delinquency Prevention," page 391).

The case for minimizing the use of secure pretrial detention goes beyond solely legal reasons, however. The National Council on Crime and Delinquency succinctly describes the socially destructive effects of securely detaining children:

To place (children) behind bars at a time when the whole world seems to turn against them, and belief in themselves is shattered or distorted merely confirms the criminal role in which they see themselves. Jailing delinquent youngsters plays directly into their hands by giving them delinquency status among their peers. If they resent being treated like confirmed adult criminals, they may--and often do--strike back violently against society after release. The public tends to ignore that every youngster placed behind bars will return to the society which placed him there (NCCD Standards and Guides for the Detention of Children and Youth, 1961, page 3).

Undoubtedly, some children pose a serious enough threat to the public safety or of failing to appear for court hearings to warrant secure pretrial custody. Appropriately defining these children and having adequate detention space in the Youth House is critically important to Essex County. Underestimating the need for secure detention results in some possibly dangerous children being released to

potentially unsafe nonsecure settings. Overestimating the need for secure detention results in many children being unnecessarily detained. It also results in overcrowding at the detention center which, in turn, can lead to numerous assaults by both staff and juveniles.

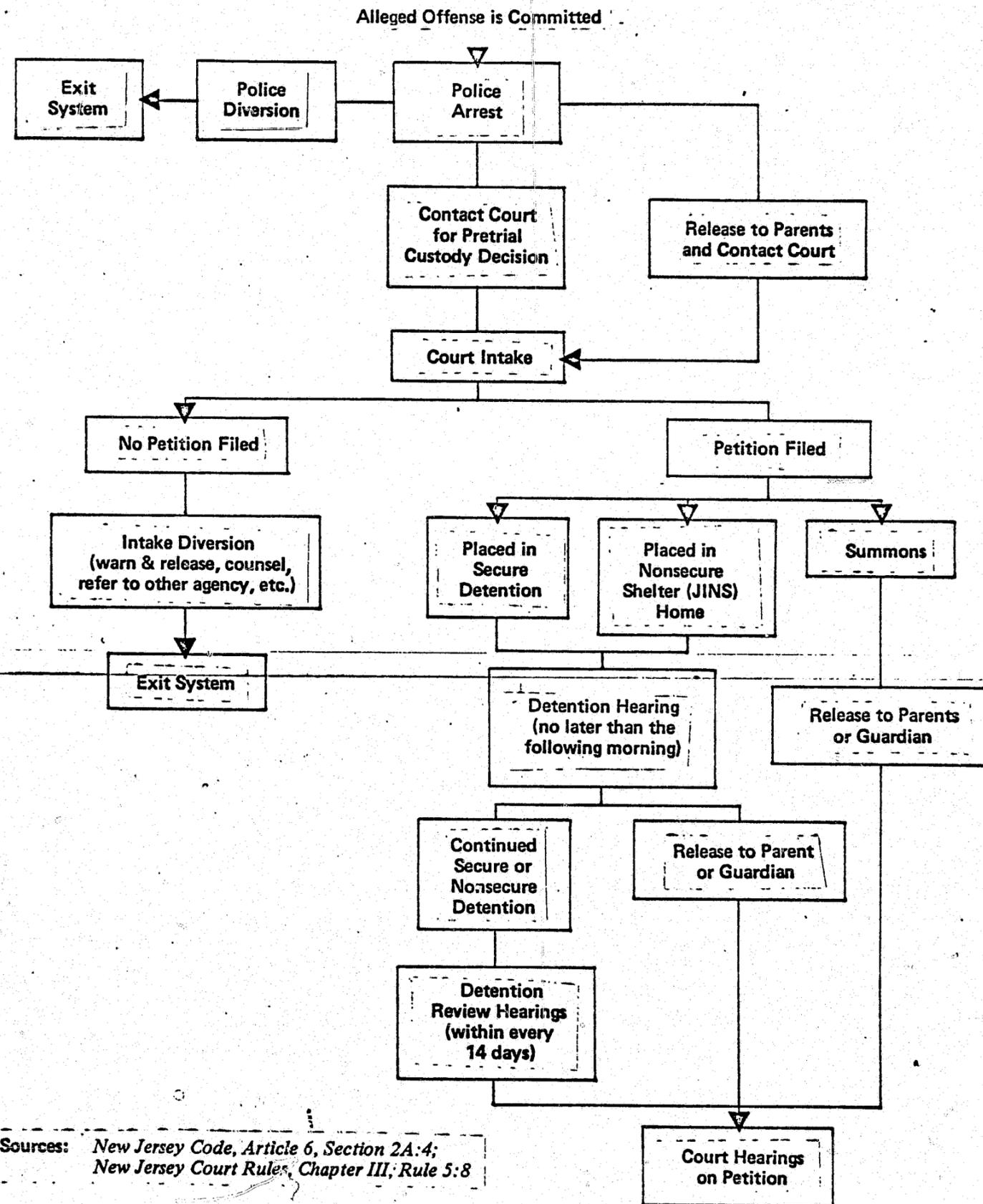
In essence, the population of a detention center is dependent upon two factors--the number of children admitted to the facility, and the length of stay each child spends in the center. The policies and procedures of police, court intake and probation staff, defense and prosecution attorneys, judges and other juvenile justice officials greatly affect these two factors. The availability of alternative placement programs, adequate staff and other resources also impacts the perceived need for secure detention. Modifications to local policies, procedures and available resources can reduce the population in a detention center. Concurrently, such improvements can better preserve the balance between protecting childrens' pretrial rights, and protecting the public safety and court process. Therefore, the detention needs of Essex County should be considered in the overall context of the County's juvenile justice system.

The remainder of this report describes the existing policies and procedures of Essex County's juvenile justice system. Recommendations to modify these practices and the subsequent impact on the need for secure and nonsecure custody programs are then presented.

EXISTING SYSTEM

The flowchart on the following page depicts how juveniles charged with offenses may be processed through the New Jersey pretrial system. Most children come into contact with the juvenile justice system by a law enforcement officer taking the child into custody. After an arrest, the police officer has the option to simply

NEW JERSEY JUVENILE PRETRIAL DETENTION PROCESS



Sources: *New Jersey Code, Article 6, Section 2A:4;*
New Jersey Court Rules, Chapter III, Rule 5:8

warn and release the child and not refer the case to the juvenile court. Typically, about half of all police contacts are diverted in this manner. In other instances, the officer may locate and release the child to his parents or guardian and issue a summons for the child to appear at a later court hearing. The New Jersey Code specifies that the police have the initial responsibility to try and locate the child's parent or guardian. After a summons has been issued, it is then the responsibility of the juvenile court to notify the child and his parents of the specific time and place of a court hearing or a pretrial interview with the juvenile court staff.

Each city police department in Essex County has a special unit, called a youth aid bureau, which is assigned to handle only juvenile cases. Youth aid officers are responsible for investigating juvenile cases to gain additional information after the initial arrest, to locate suspects, and to decide what official police action will be taken. In some Essex County suburbs, the youth aid officer is also responsible for locating and releasing a child to his parents' or guardian's custody immediately after an arrest, or for contacting the juvenile court to make a pretrial placement decision. In these cities, youth aid officers are on-call 24 hours a day to perform these duties. In Newark, the arresting patrol officer is responsible for locating the child's parents or contacting the juvenile court for a pretrial placement decision. The youth aid bureau is not involved in this function. Often, a regular patrol officer does not have time to search for a responsible adult to take custody of a child. Moreover, parents or guardians of inner city youths are often very difficult to locate. Therefore, it is possible that many Newark children are admitted to the Youth House without a thorough search to locate a parent or guardian.

If the police officer cannot locate the child's parents or guardian, or believes the child presents a serious risk to the public safety or court process, the officer

will contact the juvenile court for a pretrial custody decision. Staff of the court intake office are on-call 24 hours a day to handle these custody requests. In Essex County, the intake staff have three primary options currently available when making pretrial custody decisions. A parent or guardian willing to accept custody of the child may be located by the court staff. However, the court staff does not usually go beyond the efforts of the police to search for a responsible adult to accept custody of the child.

If the child is a status offender, placement in the nonsecure JINS shelter is also feasible. The shelter has a capacity of 25 beds. County officials report that the shelter is often operating close to capacity due especially to long stays by post-adjudicated DYFS children awaiting transfer to a DYFS facility. It should be noted that across New Jersey there is confusion whether delinquent children may be placed in a JINS shelter home. It is the official policy of both the Department of Corrections and the Department of Human Services that these shelters may be used to place delinquent children not requiring secure custody. Occasionally, minor delinquent children in Essex County are placed in the JINS shelter home. However, the current general policy of Essex County is not to use the JINS shelter for delinquent children. Consequently, some children charged with minor delinquency offenses who cannot be returned to their parents, but do not pose a serious threat to the public safety or court process, may be securely detained for lack of other alternatives.

The third custody option currently available is placement in the secure Youth House. The Youth House, occupied for secure detention purposes in 1957, has a rated capacity by the Department of Corrections of 99 beds (74 boys and 25 girls). Appendix 1 shows the actual population of the facility during each day of FY 79-80. The Appendix shows that the facility was over the 99 bed capacity on 184 out of 366

days, or 50.3 percent of the time. Moreover, County and state officials and previous Essex County studies note that the 99 bed capacity is too high to protect the safety of both staff and residents. The facility currently operates two dormitory-type rooms called "cot rooms" which normally hold nine and six beds each. National detention standards strongly recommend against holding more than one child in one secure room. Juveniles entering detention have not been diagnosed or treated.

Assaultive and/or homosexual incidents may result between residents who must share a bedroom. In fact, the Youth House director and the Department of Corrections both report numerous abuse and security problems in the cot rooms. Consequently, the Department of Corrections has recommended, but not required, that the cot rooms be closed. In addition, an architectural assessment by the National Clearinghouse for Criminal Justice Planning and Architecture also recommended that the maximum Youth House capacity should not exceed 58 beds. The National Clearinghouse concluded that a 58 bed capacity would meet the majority of current architectural and juvenile justice standards.

If a child is placed in detention by the court intake office, a detention hearing must be held before the juvenile court judge no later than the following day. The judge must find that continued secure custody is necessary to protect the public safety or property, or to insure that the child will appear for subsequent court hearings. It was reported that often more than one detention hearing is required for minor delinquents because no parent or guardian is present. Once a responsible adult is located, many minor delinquents are released, but only after staying sometimes over eight days in the Youth House.

Other court proceedings on a juvenile case can include detention review hearings, a probable cause hearing, a call hearing, an adjudication hearing, and a dispositional hearing. In the recent past, the Essex County Juvenile Court had six full-

time judges and two part-time judges. Currently, the juvenile court has only four full-time judges and one part-time judge. Each local official contacted believed that at least one additional full-time judge could help reduce current delays in scheduling court hearings, thereby reducing the average length of stay in the Youth House which is currently the longest in the state.

SUMMARY OF EXISTING SYSTEM

Recent years have been marked by several significant improvements in the Essex County juvenile justice system. The status offender (JINS) shelter was opened to provide an alternative to secure detention for children charged with offenses which are not hazardous to the public safety. Essex County established a court intake office which screens all complaints and diverts from court those cases which may be handled in an informal manner. The court intake office also screens requests for detention and shelter care, thereby providing trained court staff to make initial detention decisions. The impact of these and other improvements is reflected by a significant drop in the Youth House's average daily population which used to reach almost 150 children only a few years ago.

This analysis of the existing system, however, has revealed several areas where additional improvements can still be made to reduce the number of inappropriate admissions and minimize the length of stay at the Youth House. For example, strict detention criteria are needed to insure that the Youth House is reserved for only children who pose a serious threat to the public safety or court process. Greater effort is required to locate parents or guardians of minor delinquents who do not require secure custody. Additional nonsecure placement programs are also required to provide an alternative for minor delinquents whose parents or guardian cannot be found. These and other improvements can have a dramatic impact on further

reducing the Youth House population which currently exceeds the state mandated 99 bed capacity, and far exceeds the previously recommended 58 bed capacity.

Before sound recommendations can be made, however, an assessment of Essex County's appropriate secure custody needs is required. The following section presents results of a 30-day survey of all youths admitted to the Youth House during January, 1980.

ASSESSMENT OF SECURE CUSTODY NEEDS

One of the primary policy decisions which must be made in Essex County involves the use of criteria at intake to determine the necessity for secure pretrial detention. New Jersey, in keeping with the most current level of practice and standards, has adopted the practice of seeking the least restrictive alternative possible for placing children in pretrial custody. To be securely detained, a child must pose a significant threat to the public safety or property, or pose a serious risk of not appearing for subsequent court hearings. All other children should be released to a nonsecure setting.

Although the New Jersey Code appears specific with regard to detention use, detention rates in some New Jersey counties are actually five times as high as other New Jersey counties. It is apparent that more specific detention criteria should be used at court intake to insure against detention abuses.

Essex County does not currently utilize specific and objective criteria for detention beyond what is already provided in the New Jersey statute. Therefore, it is suggested that criteria proposed by the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP) be used to define those children who require secure pretrial custody. These criteria presume a child is to be released to a nonsecure setting unless the current charges or conditions, coupled with a past

criminal history, are serious enough to warrant incarceration (see Appendix 2). In general, the criteria require that to be eligible for secure custody a juvenile must be charged with a serious felony offense and has a recent criminal record, or has failed to appear for prior court hearings. By adopting the principle of "innocent until proven guilty," the criteria require demonstrable prior proof that a child is a significant threat to the community, court process, or himself before pretrial incarceration is allowed. These are specific and objective criteria which are moderate when compared with those proposed by another national standards of the Institute for Judicial Administration/American Bar Association. The NIJJDP criteria strike a balance between protecting children's pretrial rights and freedoms, and protecting the public safety and court process.

A survey measuring characteristics of juveniles detained at the Youth House during January, 1980 was completed for this study. The results of this survey can be used to determine the number of juveniles eligible for secure custody according to the NIJJDP criteria. The month of January was selected because it recorded the highest number of days of care during the 12 months in FY 79-80. Experience in other counties proves that taking data from the highest detention month will determine the highest detention need expected in a county.

During the survey period, 207 juveniles were admitted to the Youth House. Table 1 shows that 110, or fully 53 percent of these detained children were not eligible for secure detention based on national standards detention criteria. Implicitly, these 110 children could have been safely released to supervised non-secure settings. Support for this finding of excessive detention is found in analyzing where these children were released after being detained in the Youth House. Table 2 reveals that 93 percent of these 110 children were released to a nonsecure setting (i.e., to parents, JINS shelter, DYFS program, etc.) after being

Table 1: Eligibility for Detention According to National Standards Detention Criteria, Youth House Admissions, January, 1980

<u>Eligible for Detention</u>	<u>Not Eligible for Detention</u>	
91	95	186
<u>6</u>	<u>15</u>	<u>21</u>
97 (47%)	110 (53%)	207

Table 2: Release from Detention Settings for Children Ineligibly Detained, Youth House Admissions, January, 1980

<u>Release Setting</u>	<u>Number of Cases</u>	<u>Percent of Total</u>
To parents or guardian	8	82%
To nonsecure residential placement	12	11%
To secure residential placement	<u>90</u>	<u>7%</u>
Total Cases	110	100%

detained in the Youth House. Consequently, it may be assumed that Essex County is basically in agreement with the intent of the national standards criteria since most children ineligible for secure detention were eventually released to nonsecure settings. Moreover, the court and detention records reveal that most of these children were detained solely because their parents or guardian could not be found. It is clear that these children would probably not have been detained if a nonsecure alternative had been available.

The 110 children inappropriately detained based on national standards criteria accounted for 38 percent of the total days in detention accumulated by the entire January detention sample. Therefore, the population of the Youth House could be reduced by approximately 38 percent if Essex County adopted the national standards criteria and developed additional nonsecure placement alternatives.

The survey results also show that 32 children who were eligible for detention based on the national standards criteria were released to their parents within seven days. The national standards criteria encourage the release of these children if officials believe a responsible adult or program can provide supervision to insure the child's presence at court hearings without further incidents. Therefore, since many children eligible for detention are currently released to their parents, a well-supervised nonsecure alternative could divert some of these children from the Youth House until their parents accepted custody.

Another potential method of reducing the Youth House population is to reduce the average length of stay. National juvenile justice standards recommend that a final disposition should be reached within 38 days of a child's arrest if the child is placed in secure detention. Thirty-three children (or 16 percent of the total January sample) had court hearings that exceeded the recommended 38 day time limit. Table 3 indicates where these children were released after staying longer than 38

Table 3: Release Settings for Juveniles Held Over 38 Days in Detention, Youth House Admissions, January, 1980

<u>Release Setting</u>	<u>Number of Cases</u>	<u>Percent of Cases</u>
To parents or guardian	14	42.4%
Yardville or Jamesburg	13	39.4%
DYFS program	4	12.1%
Delfields program	1	3.0%
State Home for Boys	<u>1</u>	<u>3.0%</u>
Totals	33	99.9%

days in the Youth House. The table reveals that the highest percentage of placements is back to their parents' custody. These 14 children alone, representing only seven percent of the survey population, accounted for 20 percent of the total days spent in detention by all January detention admissions. Moreover, the court records do not indicate that other agencies (with the exception of three DYFS cases) created excessive delays in finding placements for children. Consequently, this information suggests that delays in scheduling court hearings may be the chief cause of extended stays in the Youth House. This finding confirms the perception of County officials that the current availability of fewer juvenile court judges creates delays in processing cases.

Given these survey findings, the maximum secure custody needs of Essex County can be determined as follows:*

Since the level of delinquent activity fluctuates throughout the year, detention space must be planned to accommodate the busiest or peak periods of criminal activity. Consequently, survey data was collected from January, 1980 which was the highest detention month in the year. With the peak number of detentions in a month estimated, an average daily population can be computed. The formula is:

$$\frac{\text{number of detentions in a peak month} \times \text{average length of stay}}{21 \text{ days in a month}} = \text{average daily population}$$

An additional peak loading factor of ten percent needs to be added to the average daily population to account for the possibility of several juveniles being admitted at one time during the month.

With this formula, different projections can be made. First, if Essex County is to continue its current detention practices, the following secure custody bed-space would be required:

*See Appendix 3 for additional survey results.

$\frac{207 \text{ detentions in January, 1980} \times 16.8 \text{ days average length of stay}}{31 \text{ days in January}} = 112.2 \text{ average daily population}$

$112.2 \text{ average daily population} \times 11.10 \text{ peak loading factor} = 123.4 \text{ or } 124 \text{ beds given current detention practices (112 boys and 12 girls)}$

If the children ineligible for detention according to national standards criteria are no longer detained, then the secure custody need is reduced as follows:

$\frac{97 \text{ children eligible for detention} \times 22.1 \text{ days average length of stay}}{31 \text{ days in January}} = 69.2 \text{ average daily population}$

$69.2 \text{ average daily population} \times 1.10 \text{ peak loading factor} = 76.1 \text{ or } 77 \text{ beds given implementation of national standards criteria (72 boys and 5 girls)}$

Finally, if ineligibly detained children are no longer detained; and children eligible for detention but currently released to parents within seven days are no longer detained; and the average length of stay is slightly reduced, the secure custody needs of the County would be:

65 children eligible and not released to parents within 7 days x

$\frac{21 \text{ days average length of stay}}{31 \text{ days in January}} = 44.0 \text{ average daily population}$

$44.0 \text{ average daily population} \times 1.10 \text{ peak loading factor} = 48.4 \text{ or } 49 \text{ beds given adherence to national standards criteria, release of all children currently released to parents within 7 days, and slight reductions in average length of stay (47 boys and 2 girls)}$

SUMMARY OF SECURE CUSTODY NEEDS ASSESSMENT

New Jersey statutes and national standards endorse the concept that secure pretrial detention be used only for children who pose a significant threat to the public safety or court process. Results of a survey conducted at the Youth House show that 53 percent of the juveniles admitted to the Youth House did not pose such

a significant threat. Most of these children were eventually released to nonsecure settings following their detention stay, and these children did not meet moderate national standards detention criteria. Survey results also indicated that many children who were eligible for secure detention were released to their parents custody within seven days. Apparently, a lack of alternative nonsecure placements requires these children, by default, to be detained at the Youth House. The survey also shows that many children stay in the detention center longer than the national recommended 38-day limit. The extended stays in detention appear to be caused by delays in scheduling court hearings.

From these survey results, the following secure custody needs projections are derived:

1) If current detention practices in Essex County are continued, 124 beds (112 boys and 12 girls) are required. Clearly, this exceeds the 99 bed rated capacity of the Youth House (including the use of cot rooms) and would require Essex County to construct an additional 25 beds. Constructing secure juvenile detention space is currently estimated to cost approximately \$50,000 per bed. Therefore, approximately 1.25 million dollars in construction costs plus additional annual operating costs would be required if current detention practices are continued. However, this additional detention space is not required to meet the appropriate secure custody needs of the County given the opportunity to make moderate changes in current practices to safely reduce the Youth House population.

2) If children who are ineligible for detention according to national standards detention criteria are no longer detained, then 77 beds (72 boys and five girls) would be required to meet the maximum needs of the County. This figure is below the 99 bed rated capacity and would allow all children to be placed in single occupancy rooms. Additional nonsecure placement alternatives would be needed, however, to

provide custody until parents, guardians, or other suitable long-term placement could be arranged. Typically, nonsecure alternatives are far less costly to develop and operate than secure detention space.

3) If children who are ineligible for detention are no longer detained (as in projection 2, above); and other children who are currently released to parents within seven days are no longer detained; and the average length of stay is slightly reduced, then 49 beds (47 boys and two girls) would be required. This projection considers that many children, regardless of offense, are currently released to parents within seven days to await further court hearings. Given the availability of a well-supervised nonsecure program, it is suspected that these children could be safely released before their parents could be contacted to provide custody. This projection also considers that many children have extended stays in the Youth House apparently due to delays in scheduling court hearings. Increasing the number of juvenile court judges would allow Youth House cases to be prioritized and handled more quickly, thereby lowering the average length of stay and reducing the Youth House population further.

The following section presents recommendations to improve pretrial placement services and minimize the population of the Youth House to the lowest appropriate level.

RECOMMENDATIONS

As previously stated, the goal of this study is to minimize, to the extent appropriately possible, the population of the Youth House. Consequently, the following recommendations attempt to minimize the number of children admitted to detention, and to reduce the average length of stay. This study has shown that moderate changes in current detention practices can have a major impact on

alleviating serious overcrowding at the Youth House, protect the public safety and court process, and preserve the pretrial rights and freedoms of children. Therefore, what is required at this time are policy decisions to adopt and implement needed improvements in the pretrial services afforded Essex County's troubled youth.

Recommendation 1: Secure pretrial detention should be reserved only for those children who pose a significant threat to the public safety or court process. The juvenile court should follow specific and objective national standards detention criteria when making pretrial custody decisions. In general, only children charged with high misdemeanor (first, second, or third degree) offenses coupled with a past record of criminal offenses or failures to appear for court hearings should be eligible for secure detention.

Rationale: This study found a substantial percentage of children detained for only minor delinquency offenses. Experience in other jurisdictions has shown that minor offenders can be released to supervised nonsecure settings without posing a threat to the public safety or court process. In fact, virtually all children who did not meet these moderate national standards criteria for detention were released to their parents or other nonsecure setting, but only after spending many days in detention. Adopting national standards detention criteria can significantly reduce the population in the Youth House.

- Recommendation approved for implementation
- Recommendation approved in amended form for implementation
- Recommendation not approved for implementation

Recommendation 2: Essex County should develop additional nonsecure placement alternatives for minor delinquents. The nonsecure program should have a strong component to locate parents or a responsible adult willing and able to provide pretrial custody of these children. The "proctor" program concept should be the mainstay of this new alternative placement program. In addition, the existing JINS shelter should also be used to a greater extent for placing minor delinquents.

Rationale: This study found that a substantial percentage of the Youth House population did not meet national standards detention criteria, and that most children were released back to their parents after spending many days in detention. Court records reveal that these children are detained solely because a parent or guardian cannot be found to accept custody. The New Jersey Juvenile Code clearly prohibits secure detention for this reason and mandates that a nonsecure placement should be provided.

Two New Jersey state departments have ruled that the JINS shelters can and should be used for minor delinquents in lieu of secure detention. Therefore, when space is available, the existing Essex County JINS shelter should be used to meet part of this need. However, adequate space is often not available to accommodate all children whose parents or guardian cannot be found, but who do not require secure custody.

An excellent nonsecure program with a proven record of safety and cost efficiency is a "proctor" program similar to one developed in New Bedford, Massachusetts (see Appendix 4). The proctor program concept is to use responsible adults in the community to provide one-to-one supervision for children awaiting trial. For a per diem rate, the adult, or "proctor", serves as a 24-hour a day advocate and supervisor of the child to insure that the child attends school, appears for court hearings, receives necessary services, helps with schoolwork, and is a friend to listen to and talk with. An additional feature of this program that is especially important in Essex County is that the proctor can help the child locate his parents or a responsible adult who is willing and able to provide custody for the child. A goal of the program would be to return a child to his own home as soon as possible. Experience with this program in New Bedford and other jurisdictions shows that children previously detained can be safely supervised, at less cost, and returned

to his/her own home more quickly. Results of the secure custody needs assessment show that this program and greater use of the JINS shelter could service at least 69 percent of the children currently detained at the Youth House and reduce the average daily population by about 60 percent.

- Recommendation approved for implementation
- Recommendation approved in amended form for implementation
- Recommendation not approved for implementation

Recommendation 3: The number of juvenile court judges should be increased by at least one full-time judge.

Rationale: Many juveniles stay in the detention center beyond the nationally recommended 38 day limit. Court and detention records and interviews with local officials revealed that overcrowded court calendars often caused delays. It was also found that a full complement of juvenile court judges has been six full-time and two part-time judges. Currently, Essex County has only four full-time and one part-time judge. Moreover, the Essex County judges have recently been called upon to accept a broader range of responsibilities. Despite efforts to prioritize Youth House cases, crowded court calendars often create lengthy delays, prolong the time spent in detention by many juveniles, and increase the Youth House's average daily population. Therefore, the number of juvenile court judges in Essex County should be increased by at least one full-time judge. This will help alleviate overcrowded court calendars, allow prioritizing of Youth House cases, and help reduce the Youth House population.

- Recommendation approved for implementation
- Recommendation approved in amended form for implementation
- Recommendation not approved for implementation

Appendix 1: Daily Population of Essex County Youth House, July 1, 1979-June 30, 1980
(Boys rated capacity = 74; girls rated capacity = 25)

<u>July</u> <u>1979</u>	<u>Boys</u>	<u>Girls</u>	<u>Total</u>	<u>Aug.</u>	<u>Boys</u>	<u>Girls</u>	<u>Total</u>	<u>Sep.</u>	<u>Boys</u>	<u>Girls</u>	<u>Total</u>	<u>Oct.</u>	<u>Boys</u>	<u>Girls</u>	<u>Total</u>
1	78	16	94	1	83	13	96	1	82	12	94	1	96	9	105
2	85	15	100	2	81	13	94	2	84	12	96	2	99	8	107
3	85	16	101	3	76	13	89	3	84	12	96	3	97	8	105
4	84	16	100	4	72	12	84	4	89	12	101	4	99	7	106
5	88	16	104	5	74	11	85	5	87	12	99	5	96	7	103
6	83	14	97	6	77	12	89	6	90	13	103	6	99	8	107
7	83	12	95	7	76	14	90	7	93	14	107	7	100	8	108
8	81	12	93	8	79	14	93	8	92	14	106	8	103	8	111
9	87	12	99	9	79	15	94	9	93	14	107	9	107	8	115
10	78	13	91	10	82	15	97	10	98	14	112	10	94	11	105
11	79	13	92	11	82	11	93	11	96	14	110	11	97	10	107
12	75	12	87	12	82	11	93	12	98	14	112	12	98	10	108
13	77	15	92	13	93	11	104	13	100	12	112	13	92	10	102
14	72	16	88	14	93	11	104	14	98	14	112	14	93	10	103
15	74	16	90	15	87	12	99	15	93	13	106	15	101	12	113
16	81	17	98	16	86	12	98	16	94	13	107	16	86	11	97
17	81	16	97	17	85	12	97	17	94	14	108	17	84	10	94
18	81	12	93	18	83	12	95	18	96	15	111	18	75	10	85
19	82	13	95	19	87	12	99	19	92	14	106	19	85	10	95
20	81	13	94	20	87	14	101	20	92	11	103	20	87	8	95
21	77	13	90	21	84	15	99	21	85	9	94	21	88	8	96
22	77	12	89	22	79	14	93	22	87	9	96	22	92	8	100
23	84	14	98	23	80	13	93	23	94	9	103	23	88	6	94
24	82	15	97	24	74	11	85	24	105	9	114	24	88	6	94
25	83	17	100	25	70	13	83	25	102	10	112	25	75	6	81
26	82	16	98	26	71	12	83	26	99	11	110	26	79	6	85
27	81	14	95	27	73	12	85	27	93	10	103	27	76	5	81
28	83	15	98	28	75	12	87	28	92	9	101	28	77	5	82
29	85	15	100	29	84	12	96	29	90	8	98	29	81	7	88
30	89	15	104	30	80	12	92	30	90	8	98	30	79	8	87
31	87	13	100	31	82	12	94					31	86	7	93
	<u>2,525</u>	<u>444</u>	<u>2,969</u>		<u>2,496</u>	<u>388</u>	<u>2,884</u>		<u>2,782</u>	<u>355</u>	<u>3,137</u>		<u>2,797</u>	<u>255</u>	<u>3,052</u>

Appendix 1 continued

Nov.	Boys	Girls	Total	Dec.	Boys	Girls	Total	Jan. 1980	Boys	Girls	Total	Feb.	Boys	Girls	Total
1	82	7	89	1	69	12	81	1	94	9	103	1	105	7	112
2	85	8	93	2	75	12	87	2	109	10	119	2	102	8	110
3	79	8	87	3	80	12	92	3	104	9	113	3	104	8	112
4	80	9	89	4	78	12	90	4	108	9	117	4	109	10	119
5	81	10	91	5	77	14	91	5	103	10	113	5	112	8	120
6	87	10	97	6	82	14	96	6	104	9	113	6	113	7	120
7	97	9	106	7	84	13	97	7	114	9	123	7	107	7	114
8	92	8	100	8	86	11	97	8	109	8	117	8	100	7	107
9	100	8	108	9	87	10	97	9	107	8	115	9	101	5	106
10	91	8	99	10	97	10	107	10	104	7	111	10	106	5	111
11	93	9	102	11	89	10	99	11	107	12	119	11	108	6	114
12	95	9	104	12	86	12	98	12	101	13	114	12	103	5	108
13	98	11	109	13	83	13	96	13	107	13	120	13	108	5	113
14	97	9	106	14	78	14	92	14	114	15	129	14	103	6	109
15	95	9	104	15	80	14	94	15	108	11	119	15	96	7	103
16	94	8	102	16	80	14	94	16	118	13	131	16	93	7	100
17	86	8	94	17	82	10	92	17	113	10	123	17	95	7	102
18	86	7	93	18	76	12	88	18	104	8	112	18	96	7	103
19	91	8	99	19	75	13	88	19	98	7	105	19	102	10	112
20	93	11	104	20	81	15	96	20	95	7	102	20	92	9	101
21	78	10	88	21	79	13	92	21	113	7	120	21	98	8	106
22	78	9	87	22	69	10	79	22	118	11	129	22	101	8	109
23	84	11	95	23	72	10	82	23	118	12	130	23	99	9	108
24	83	12	95	24	78	10	88	24	114	11	125	24	101	9	110
25	83	12	95	25	62	6	68	25	103	11	114	25	106	10	116
26	87	13	100	26	67	5	72	26	105	10	115	26	105	9	114
27	78	12	90	27	79	8	87	27	109	9	118	27	109	11	120
28	72	11	83	28	92	9	101	28	122	9	131	28	111	10	121
29	72	10	82	29	91	9	100	29	110	9	119	29	113	11	124
30	72	10	82	30	92	9	101	30	114	9	123				
				31	95	9	104	31	109	9	118				
	2,589	284	2,873		2,501	345	2,846		3,356	304	3,660		2,998	226	3,224

Appendix 1 continued

March	Boys	Girls	Total	April	Boys	Girls	Total	May	Boys	Girls	Total	June	Boys	Girls	Total
1	102	11	113	1	89	7	96	1	88	3	91	1	87	4	91
2	102	11	113	2	92	9	101	2	89	3	92	2	91	4	95
3	111	11	122	3	86	6	92	3	88	2	90	3	89	4	93
4	112	11	123	4	75	5	80	4	88	2	90	4	94	6	100
5	112	13	125	5	75	4	79	5	93	3	96	5	105	6	111
6	123	11	134	6	78	4	82	6	106	8	114	6	113	5	118
7	126	11	137	7	81	5	86	7	102	9	111	7	97	5	102
8	120	10	130	8	80	4	84	8	92	7	99	8	98	5	103
9	124	10	134	9	80	4	84	9	88	9	97	9	105	6	111
10	136	11	147	10	84	4	88	10	83	6	89	10	110	5	115
11	133	11	144	11	91	4	95	11	85	6	91	11	106	7	113
12	133	11	144	12	88	5	93	12	92	6	98	12	99	6	105
13	131	10	141	13	91	5	96	13	94	5	99	13	95	6	101
14	118	11	129	14	101	7	108	14	89	5	94	14	100	6	106
15	107	11	118	15	85	5	90	15	90	5	95	15	102	6	108
16	108	12	120	16	77	4	81	16	92	6	98	16	107	6	113
17	115	12	127	17	76	4	80	17	101	6	107	17	108	6	114
18	105	13	118	18	86	5	91	18	99	6	105	18	106	5	111
19	105	11	116	19	79	5	84	19	105	6	111	19	104	5	109
20	107	9	116	20	82	6	88	20	97	3	100	20	99	4	103
21	104	7	111	21	84	9	93	21	93	4	97	21	93	4	97
22	98	6	104	22	79	10	89	22	88	5	93	22	94	4	98
23	104	6	110	23	80	10	90	23	81	7	88	23	99	6	105
24	105	7	112	24	77	6	83	24	73	6	79	24	96	7	103
25	85	7	92	25	73	3	76	25	76	6	82	25	98	6	104
26	83	6	89	26	73	3	76	26	79	6	85	26	98	5	103
27	84	7	91	27	75	4	79	27	85	7	92	27	105	7	112
28	86	5	91	28	81	6	87	28	79	8	87	28	98	7	105
29	96	6	102	29	78	4	82	29	89	7	96	29	98	7	105
30	93	5	98	30	90	3	93	30	92	6	98	30	105	7	112
31	98	7	105					31	87	4	91				
	<u>3,366</u>	<u>290</u>	<u>3,656</u>		<u>2,466</u>	<u>160</u>	<u>2,626</u>		<u>2,783</u>	<u>172</u>	<u>2,955</u>		<u>2,999</u>	<u>167</u>	<u>3,166</u>

Community Research Forum

University of Illinois at Urbana-Champaign 505 East Green Street, Suite 210, Champaign, Illinois 61820 (217) 333-0443

Testing the Effectiveness of National Standards Detention/Release Criteria

ABSTRACT

Several prominent studies have concluded that a substantial number of children are unnecessarily detained in juvenile detention centers, adult jails, and police lockups across the country. Other studies have thoroughly portrayed the socially destructive effects of inappropriately detaining children. State statutes have increasingly attempted to narrow the allowable reasons for secure detention to only those children who pose a threat to the public safety, court process, or themselves. However, the wide discretion afforded detention decision-makers (e.g., police, court intake staff, and judges) to decide what constitutes a "threat" provides a large loophole to detain virtually every child referred to court. In 1976, the National Advisory Committee on Standards for the Administration of Juvenile Justice proposed specific and objective criteria based primarily on a child's legal status at the time of arrest to define juveniles eligible for secure pretrial detention. Juveniles not meeting these criteria must be released to their parents or a nonsecure shelter setting. These standards were proposed, however, without field research attesting to their effectiveness. It is unknown whether most juveniles released to a nonsecure setting based on these criteria do actually appear for trial without incident.

This research study selected two urban and two rural jurisdictions for analysis. One urban and one rural jurisdiction currently meet the detention criteria and detain relatively few juveniles. The other two jurisdictions do not meet the criteria and detain a higher proportion of juveniles. A sample of randomly selected cases referred to the juvenile court was selected in each jurisdiction. In each case, the national standards criteria were applied to assess eligibility for detention, and the actual pretrial placement decision was recorded. In addition, each case was queried to determine whether the child was rearrested prior to the case's final disposition and whether the child failed to appear for any court hearings. If the criteria are effective, it would be expected that:

- 1) fewer children would be detained in jurisdictions that meet the criteria; and
- 2) jurisdictions meeting the criteria would not experience a significantly higher rate of rearrests or failures to appear for court hearings.

Final data results are presented on the following pages.

Preliminary Results of Detention/Release Criteria Research, 1979

	Urban Counties over 175,000 Population		Z-score
	County A (meets national standards)	County B (does not meet national standards)	
Randomly selected sample size	199	205	
Percent of cases eligible for detention according to national standards criteria	17.0%	8.3%	3.16 ¹
Percent of cases actually detained over 12 hours	8.0%	14.1%	4.15 ¹
Percent of cases failing to appear for court hearings	3.5%	7.8%	1.87 ²
Percent of all cases rearrested and found guilty of any crime prior to final disposition	12.5%	21.5%	2.40 ¹
Percent of all cases rearrested for a felony offense prior to final disposition	7.0%	10.2%	1.15 ²

¹Represents a significant difference between results at the .05 level of significance.

²Does not represent a significant difference between results at the .05 level of significance.

	Rural Counties under 85,000 Population		Z-score
	County C (meets national standards)	County D (does not meet national standards)	
Randomly selected sample size	151	155	
Percent of cases eligible for detention according to national standards criteria	6.0%	9.7%	1.20 ²
Percent of cases actually detained over 12 hours	0.0%	30.3%	15.53 ¹
Percent of cases failing to appear for court hearings	1.3%	1.9%	.42 ²
Percent of all cases rearrested and found guilty of any crime prior to final disposition	8.6%	3.9%	1.70 ²
Percent of all cases rearrested and found guilty of a felony offense prior to final disposition	4.7%	1.3%	1.75 ²

¹Represents a significant different between results at a .05 level of significance.

²Does not represent a significant difference between results at the .05 level of significance.

From the data, it can be concluded that:

1) proportionately fewer children are detained in the jurisdictions that meet the detention criteria than in the jurisdictions that do not meet the criteria;

2) the Advisory Committee's criteria can be implemented in both a rural and an urban setting without experiencing a significantly higher rate of rearrests or failures to appear for court hearings.

A limitation of this study is that only four jurisdictions were analyzed due to time and resource constraints. Consequently, these results cannot be used to predict the exact impacts of implementing the criteria in all jurisdictions. However, the results should provide strong incentive for all juvenile court jurisdictions to measure the effects of releasing to supervised nonsecure settings those children who do not meet eligibility for secure detention. The results of this study suggest that a considerable number of children currently in juvenile detention centers and adult jails could be released to nonsecure settings without posing an increased threat to the public safety or an orderly court process.

Copies of the final report or additional information may be obtained from: Robert C. Kihm, Community Research Forum, 505 East Green Street, Suite 210, Champaign, Illinois 61820, 217/333-0443.

Appendix 3: Additional Youth House Januar, 1980 Admissions Survey Data

Table A: Age at Time of Admission

<u>Age</u>	<u>Number of Cases</u>	<u>Percent of Total</u>
9	1	.5%
10	0	0.0%
11	2	1.0%
12	5	2.4%
13	20	9.7%
14	28	13.5%
15	27	13.0%
16	62	30.0%
17	56	27.1%
missing	<u>6</u>	<u>2.9%</u>
Total	207	100.0%

Table B: Sex of Children Admitted to Youth Home

<u>Sex</u>	<u>Number of Cases</u>	<u>Percent of Total</u>
Male	186	89.9%
Female	<u>21</u>	<u>10.1%</u>
Total	207	100.0%

Appendix 3 continued

Table F: City of Residence for All Youth House Admissions

<u>City</u>	<u>Number of Cases</u>	<u>Percent of Total</u>
Newark	129	62.3%
East Orange	28	13.5%
Irvington	16	7.7%
Belleville	6	2.9%
Orange	9	4.3%
West Orange	4	1.9%
Plainfield	1	.5%
Perth Amboy	1	.5%
Monclair	2	1.0%
Flaneck	1	.5%
Blmf. (?)	2	1.0%
North Irvington	1	.5%
Cedar Grove	1	.5%
Essex Field	1	.5%
Bloomfield	3	1.5%
Out of State	2	1.0
Missing	<u>1</u>	<u>.5%</u>
Total	208	100.6%

Appendix 3 continued

Table G: Time of Admission to Youth House for Children Ineligible for Detention According to National Standards Criteria

<u>Time</u>	<u>Number of Cases</u>
12 noon	8
1 p.m.	7
2 p.m.	13
3 p.m.	16
4 p.m.	11
5 p.m.	3
6 p.m.	4
7 p.m.	5
8 p.m.	9
9 p.m.	6
10 p.m.	3
11 p.m.	4
12 midnight	0
1 a.m.	8
2 a.m.	2
3 a.m.	1
4 a.m.	4
5 a.m.	1
6 a.m.	1
7 a.m.	0
8 a.m.	0
9 a.m.	0
10 a.m.	1
11 a.m.	2
missing	<u>1</u>
Total	110

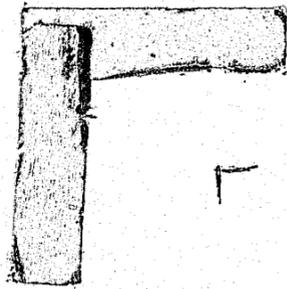
The following pages (1-4) contain material protected by the
Copyright Act of 1976 (17 U.S.C.): Appendix 4--National
Clearinghouse for Criminal Justice Planning and Architecture

National Criminal Justice Reference Service

ncjrs

Copyrighted portion of this
document was not microfilmed
because the right to reproduce
was denied.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531



END