

ASSEMBLY, No. 4663

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

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District 15 (Hunterdon and Mercer)

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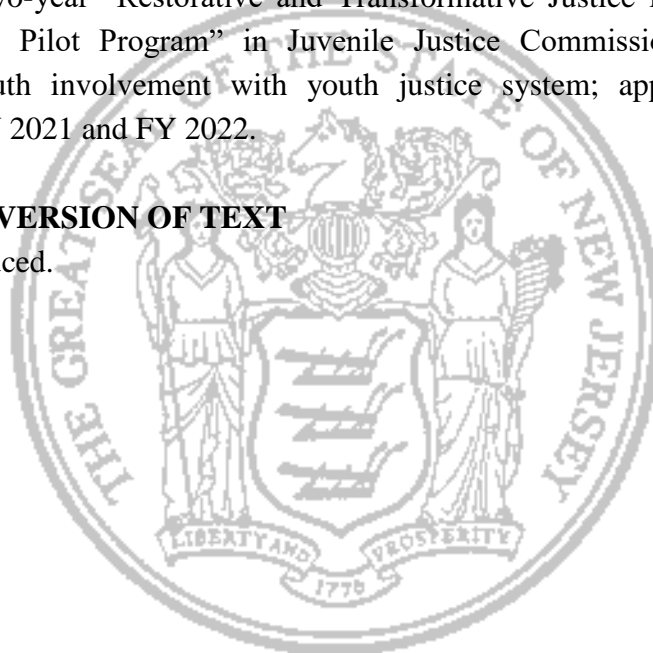
**Assemblywomen Vainieri Huttie, Chaparro, Assemblyman Spearman,
Assemblywomen Jasey, Carter, Assemblyman Wimberly, Assemblywomen
Tucker and Dunn**

SYNOPSIS

Creates two-year “Restorative and Transformative Justice for Youths and Communities Pilot Program” in Juvenile Justice Commission focused on reducing youth involvement with youth justice system; appropriates \$8.4 million in FY 2021 and FY 2022.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT creating a two-year restorative and transformative justice
2 pilot program focused on reducing initial and repeat youth
3 involvement with the youth justice system, and making an
4 appropriation.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. The Legislature finds and declares that:

10 a. Currently, New Jersey's youth justice system has staggering
11 racial justice disparities, high recidivism rates, and grossly
12 underfunded community-based services;

13 b. New Jersey has the highest Black to white youth
14 incarceration racial disparity rate in the country with a Black youth
15 twenty-one times more likely to be detained or committed than a
16 white youth, even though research shows that Black and white
17 youth commit most offenses at similar rates;

18 c. New Jersey also has the fourth highest Latina-Latino to
19 white youth incarceration disparity rate in the country;

20 d. The recidivism rates in New Jersey are devastating as well.
21 Of the 377 youth released from State juvenile facilities in 2014,
22 76.9 percent had a subsequent arrest or court filing, 58.9 percent
23 had a subsequent adjudication or conviction, and almost one-fourth,
24 23.9 percent, were recommitted to a facility within three years of
25 release;

26 e. Yet, despite these failures, New Jersey continues to finance
27 its youth incarceration system at exorbitant cost. In calendar year
28 2020, New Jersey plans to spend \$300,000 to incarcerate each youth
29 in a State secure juvenile facility managed and operated by the
30 Juvenile Justice Commission, and projects the same expenditure in
31 calendar year 2021;

32 f. While the State currently spends approximately \$56 million
33 a year to operate its three secure juvenile facilities, it only allocates
34 around \$16 million to provide counties with funding for
35 community-based youth programs;

36 g. The current public health crisis resulting from the
37 Coronavirus disease 2019 pandemic, also referred to as the COVID-
38 19 pandemic, has further illustrated the failures of our youth justice
39 system by detrimentally harming our impacted youth. As of August
40 20, 2020, according to the Juvenile Justice Commission, 29 youth
41 and 56 staff in juvenile facilities have tested positive for the virus
42 SARS-CoV-2 which causes COVID-19; 21 of the 29 youth cases
43 occurred at the New Jersey Training School, also known as
44 Jamesburg, the State's largest secure facility for youthful males;

45 h. The Juvenile Justice Commission has taken several measures
46 to mitigate the spread of the virus, including releasing
47 approximately 38 incarcerated youth from its facilities. Should
48 Senate Bill No. 2519, passed by the Senate on August 27, 2020, or

- 1 its counterpart bill, Assembly Bill No. 4235, become law, more
2 incarcerated youths would be released in an expedited fashion
3 because their terms of incarceration would be reduced based on
4 awards of credits during the current declared public health
5 emergency concerning the COVID-19 pandemic;
- 6 i. As young people are released from facilities in response to
7 the current pandemic, it is clear that the State must actively engage
8 communities and properly fund services to reintegrate these youth
9 back into their communities successfully;
- 10 j. The Juvenile Justice Commission and community
11 stakeholders should also work together to create community-based
12 public safety systems that divert young people away from the youth
13 justice system in the first place;
- 14 k. Thus, the confluence of the COVID-19 pandemic with the
15 on-going, fervent call for racial equality demands a fresh and
16 immediate need to transform New Jersey's youth justice system. As
17 an alternative to an overreliance on punishment, New Jersey needs a
18 community-based system that embraces restorative and
19 transformative justice practices and emphasizes physical,
20 psychological and emotional safety and healing for youth, their
21 families and communities;
- 22 l. Nationally, restorative justice and transformative justice
23 programs and practices have been recognized as best practices in
24 keeping young people out of the youth justice system and
25 successfully reintegrating them into their home communities after
26 being released from out-of-home placements;
- 27 m. Restorative justice is a system that brings victims,
28 community members, and youth who have committed harm together
29 to discuss the harm that was done and explore solutions to address
30 the root cause of that harm. This system presents an alternate
31 avenue for addressing harm and encourages active participation in
32 the restorative process to facilitate stronger community
33 relationships and community-driven public safety;
- 34 n. Transformative justice addresses conflicts and harms at the
35 individual level, community level, and within broader social
36 structures. Transformative justice works to build alternatives to our
37 current systems and transform the conditions which help create acts
38 of violence or make them possible;
- 39 o. Restorative justice and transformative justice offer two
40 different perspectives of justice aimed at interpersonal and
41 consensual resolutions, with transformative justice also
42 incorporating systems-level change;
- 43 p. To sufficiently support young people being released from
44 juvenile facilities in response to the current public health crisis, and
45 to provide adequate resources to prevent young people in New
46 Jersey from entering the youth justice system in the first instance,
47 New Jersey should explore, through a pilot program, the

1 development of a comprehensive youth continuum of care based on
2 restorative and transformative justice practices.

3
4 2. There is established in the Juvenile Justice Commission,
5 created by section 2 of P.L.1995, c.284 (C.52:17B-170), a two-year
6 pilot program, titled the “Restorative and Transformative Justice for
7 Youths and Communities Pilot Program.” The purpose of the pilot
8 program is to develop innovative restorative and transformative
9 justice continuums of care in four target cities that include two
10 components: community-based enhanced reentry wraparound
11 services and restorative justice hubs. The pilot program shall be
12 established in the municipalities of Camden, Newark, Paterson, and
13 Trenton.

14 a. The first component of the pilot program shall include
15 community-based enhanced reentry wraparound services. These
16 services shall be designed as an emergency response for those
17 young people being released from juvenile facilities due to the
18 COVID-19 pandemic, and may also serve as a long-term program
19 for all young people released from a facility. Community-based
20 enhanced reentry wraparound services shall include, but not be
21 limited to, the following services and supports:

- 22 (1) Mental health services;
- 23 (2) Substance use disorders treatment and recovery;
- 24 (3) Education support;
- 25 (4) Employment services;
- 26 (5) Housing support;
- 27 (6) Financial literacy and debt support services;
- 28 (7) Life skills support services; and
- 29 (8) Social support services.

30 b. The second component of the pilot program shall include
31 restorative justice hubs, which are physical spaces within the
32 community where youth and families can heal, reconnect and build
33 healthy relationships in the community. The purpose of restorative
34 justice hubs is to resolve local conflicts through dialogue instead of
35 punitive measures, connect youth and families to a variety of
36 services and programs, and coordinate service delivery across the
37 community, and by doing so create and maintain equitable
38 relationships between the Juvenile Justice Commission, county
39 youth services commissions, courts, State and municipal public
40 defenders, prosecutors and law enforcement, and additionally,
41 collaboration on public safety initiatives.

42 c. The goals of the pilot program shall be:

- 43 (1) To increase participation in education, vocational
44 programming, and employment. Youth participants in the pilot
45 program shall receive academic support, depending on personal
46 development goals, and shall be connected to secondary schools,
47 alternative schools, vocational schools, apprenticeship programs
48 and colleges and universities. The program shall collaborate with

1 local community college's admissions and academic support
2 programs, and offer workshops that include financial aid planning.
3 Participants seeking employment shall be linked to vocational or
4 job readiness training. The selected partner-providers participating
5 in the pilot program shall be trained in and utilize evidence-based
6 and evidence-informed practices with respect to the provision of
7 their respective services;

8 (2) To increase participation in mental health and well-being
9 programming. The program shall employ trauma-informed
10 practices and connect youth to licensed outpatient mental health
11 care facilities and professionals. The program shall create safe,
12 caring environments to address physical health, mental health and
13 substance use disorder conditions and facilitate healing for youth,
14 families, and communities.

15 (3) To decrease incidents of harmful and unlawful behavior.
16 The program shall work with youth to comply with their probation
17 or parole plan, as applicable. Moreover, the program shall employ
18 trauma-informed practices, violence reduction, and peacemaking
19 supports and tools to address harmful and unlawful behavior;

20 (4) To improve the socioemotional and behavioral responses of
21 youth within communities through the use of more appropriate, and
22 less punitive, interventions, thereby establishing more restorative
23 interventions; and

24 (5) To increase program participation rates in other restorative
25 and transformative justice programs in the municipalities in which
26 the pilot program is established.

27

28 3. a. (1) The county youth services commissions for the
29 counties in which the municipalities participating in the pilot
30 program are located shall implement their existing request for
31 proposal process in order to select service providers to develop and
32 implement the program.

33 (2) Persons and organizations interested in developing and
34 implementing aspects of the program in a participating municipality
35 shall submit a proposal using the existing request for proposal
36 process to the appropriate youth services commission.

37 b. All proposals shall include concrete measurements for
38 success to assess the impact of the program and include outcomes
39 related to positive youth development, reduction in harmful
40 behavior, and community engagement.

41 c. In addition to the pilot program requirements set forth in
42 subsections a. and b. of section 2 of this act, concerning mandatory
43 components of enhanced reentry wraparound services and
44 restorative justice hubs, a proposal may also include, and a youth
45 services commission may consider and accept for the program,
46 additional services and training that support the development and
47 implementation of restorative justice and transformative justice
48 practices in the participating municipalities.

1 d. Persons and organizations selected as service providers shall
2 collaborate with the service providers of any education pilot
3 programs operating in the participating municipalities during the
4 time the pilot program established by this act is operating, in order
5 to incorporate restorative justice and transformative justice
6 practices within that education pilot program.

7 e. Person and organizations selected as service providers may
8 seek additional monies from any public or private source to further
9 advance the goals of the pilot program.

10
11 4. There is established within the General Fund a separate,
12 temporary dedicated fund to be known as the “Restorative and
13 Transformative Justice for Youths and Communities Pilot Program
14 Fund,” to be held separate and apart from all other funds of the
15 State. This fund shall be administered and the monies in the fund
16 distributed by the Juvenile Justice Commission. From the monies
17 appropriated under the category of juvenile services for the
18 Department of Law and Public Safety in State fiscal year 2021 and
19 State fiscal year 2022, \$8,400,000 in each fiscal year shall be
20 credited to this fund, and these monies, and any interest or other
21 income earned thereon, shall only be used for purposes associated
22 with the pilot program established by this act.

23 a. (1) Notwithstanding the provisions of the “Administrative
24 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
25 contrary, the Juvenile Justice Commission, shall, within 30 days of
26 the effective date of this act, file proper notice with the Office of
27 Administrative Law, and thereafter immediately adopt rules and
28 regulations prepared by the commission necessary or proper to
29 setting the terms and conditions of applying for grants paid for by
30 monies in the fund, the distribution of those monies, and for
31 publishing these terms and conditions on its official website.
32 Following the adoption of the rules and regulations, the commission
33 shall also schedule at least one public meeting in the north, central,
34 and southern regions of the State to announce the pilot program,
35 and inform the public of the adopted rules and regulations for grant
36 applications and distributions.

37 (2) The initial rules and regulations adopted pursuant to
38 paragraph (1) of this subsection shall be in effect for the duration of
39 the two-year pilot program, unless the commission determines it is
40 necessary to amend or repeal any initial rule or regulation, which it
41 may do on an expedited basis immediately upon filing proper notice
42 with the Office of Administrative Law, notwithstanding the
43 provisions of the “Administrative Procedure Act,” P.L.1968, c.410
44 (C.52:14B-1 et seq.), to the contrary.

45 b. The fund shall be used to provide grants to participating
46 service providers selected by the county youth services
47 commissions pursuant to section 3 of this act to develop and
48 implement the pilot program established by this act. Priority in

1 distributing monies in the fund shall be given to service providers
2 located in or intending to work with youth from those
3 municipalities participating in the pilot program with a higher rate
4 of youth committed to a secure juvenile facility.

5 c. No more than 10 percent of the monies in the fund shall be
6 used for administrative purposes.

7 d. Monies in the fund administered and distributed by the
8 Juvenile Justice Commission shall not replace any other funds
9 administered and distributed by the commission, including those
10 administered and distributed through the State/Community
11 Partnership Grant Program established pursuant to P.L.1995, c.283
12 (C.52:17B-179 et al.).

13 e. At the conclusion of the two-year pilot program, any monies
14 remaining in the fund shall be transferred to the Juvenile Justice
15 Commission for use in administering the State/Community
16 Partnership Grant Program established pursuant to P.L.1995, c.283
17 (C.52:17B-179 et al.), and funding grants distributed through that
18 program.

19
20 5. The Juvenile Justice Commission shall submit a report to the
21 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
22 19.1), to the Legislature at the conclusion of the two-year pilot
23 program, containing information on the development and
24 implementation of the pilot program and the feasibility of
25 expanding the program to other municipalities in the State. The
26 report shall also include copies of any reports by service providers
27 selected to develop and implement the pilot program by the county
28 youth services commissions for the counties in which the
29 municipalities participating in the pilot program are located
30 pursuant to section 3 of this act.

31
32 6. This act shall take effect immediately, and shall expire 30
33 days following the Juvenile Justice Commission's submission of the
34 report to the Governor and Legislature as required by section 5 of
35 this act.

36
37

38 STATEMENT

39

40 This bill would establish a two-year pilot program in the Juvenile
41 Justice Commission, which would assist with the reintegration of
42 youths released from juvenile facilities to prevent repeated
43 involvement with the youth justice system and to help youths avoid
44 any initial involvement with such system; the program would be
45 titled the "Restorative and Transformative Justice for Youths and
46 Communities Pilot Program." The program would be designed to
47 help provide ways the Juvenile Justice Commission and
48 communities directly impacted by the State's current harmful

1 juvenile justice policies can transform New Jersey's youth justice
2 system – during the current public health crisis caused by the
3 Coronavirus disease 2019 pandemic, also referred to as the COVID-
4 19 pandemic, and potentially beyond – based on a restorative justice
5 and transformative justice approach.

6 Nationally, restorative justice and transformative justice
7 programs and practices have been recognized as best practices in
8 keeping young people out of the youth justice system and
9 successfully reintegrating them into their home communities after
10 being released from out-of-home placements. Restorative justice is
11 a system that brings victims, community members, and youth who
12 have committed harm together to discuss the harm that was done
13 and explore solutions to address the root cause of that harm. This
14 system presents an alternate avenue for addressing harm and
15 encourages active participation in the restorative process to
16 facilitate stronger community relationships and community-driven
17 public safety. Transformative justice addresses conflicts and harms
18 at the individual level, community level, and within broader social
19 structures. Transformative justice works to build alternatives to our
20 current systems and transform the conditions which help create acts
21 of violence or make them possible. Both restorative justice and
22 transformative justice offer different perspectives of justice aimed
23 at interpersonal and consensual resolutions, with transformative
24 justice also incorporating systems-level change.

25 The purpose of the pilot program would be to develop
26 innovative restorative and transformative justice continuums of care
27 in four target cities, Camden, Newark, Paterson, and Trenton, that
28 include two components: community-based enhanced reentry
29 wraparound services and restorative justice hubs. Community-
30 based enhanced reentry wraparound services would include, but not
31 be limited to, services and supports, such as: mental health
32 services; substance use disorders treatment and recovery; life skills
33 support; and other social support services. Restorative justice hubs
34 would be physical spaces within the community where youth and
35 families could heal, reconnect and build healthy relationships in the
36 community, and help resolve local conflicts through dialogue
37 instead of punitive measures. By doing so, such hubs are intended
38 to create and maintain equitable relationships between the Juvenile
39 Justice Commission, county youth services commissions, courts,
40 State and municipal public defenders, prosecutors and law
41 enforcement, and additionally, collaboration on public safety
42 initiatives.

43 For the youth participants, the overall goals of the pilot program
44 would be to: increase participation in education, vocational
45 programming, and employment, which would be aided by the
46 program service providers being trained in and utilizing evidence-
47 based and evidence-informed practices with respect to the provision
48 of their respective services; increase participation in mental health

1 and well-being programming; decrease incidents of harmful and
2 unlawful behavior; improve the socioemotional and behavioral
3 responses of youth within communities through the use of more
4 appropriate, and less punitive, interventions, thereby establishing
5 more restorative interventions; and increase program participation
6 rates in other restorative and transformative justice programs in the
7 municipalities in which the pilot program is established.

8 As to the development and implementation of the pilot program,
9 the county youth services commissions for the counties in which the
10 municipalities participating in the pilot program are located would
11 implement their existing request for proposal process in order to
12 solicit proposals from interested persons and organizations and
13 select from among them the service providers to work on the
14 program. All submitted proposals would have to include concrete
15 measurements for success to assess the impact of the program and
16 include outcomes related to positive youth development, reduction
17 in harmful behavior, and community engagement. Also, in addition
18 to supplying information in proposals about the mandatory program
19 components of enhanced reentry wraparound services and
20 restorative justice hubs, proposals could include offers to provide
21 additional services and training that support the development and
22 implementation of restorative justice and transformative justice
23 practices in the participating municipalities. The selected service
24 providers for the pilot program would be required to collaborate
25 with the service providers of any education pilot programs
26 operating in the participating municipalities during the time the
27 pilot program operated, in order to incorporate restorative justice
28 and transformative justice practices within that education pilot
29 program.

30 Funding for the pilot program would come from taking
31 \$8,400,000 in State fiscal year 2021 and State fiscal year 2022 that
32 is appropriated under the category of juvenile services for the
33 Department of Law and Public Safety, and crediting it to a separate,
34 temporary dedicated fund to be known as the “Restorative and
35 Transformative Justice for Youths and Communities Pilot Program
36 Fund.” This fund would be administered and the monies in the fund
37 distributed as grants to selected service providers by the Juvenile
38 Justice Commission. All monies in the fund, and any interest or
39 other income earned thereon, would only be used for purposes
40 associated with the pilot program established by the bill; and no
41 more than 10 percent of the monies in the fund could be used for
42 administrative purposes.

43 Notwithstanding the provisions of the “Administrative Procedure
44 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the
45 Juvenile Justice Commission, would, within 30 days of the bill
46 taking effect (immediately), file proper notice with the Office of
47 Administrative Law, and thereafter immediately adopt rules and
48 regulations prepared by the commission necessary or proper to

1 setting the terms and conditions of applying for grants paid for by
2 monies in the fund, the distribution of those monies, and for
3 publishing these terms and conditions on its official website.
4 Following the adoption of the rules and regulations, the commission
5 would also schedule at least one public meeting in the north,
6 central, and southern regions of the State to announce the pilot
7 program, and inform the public of the adopted rules and regulations
8 for grant applications and distributions. The initially adopted rules
9 and regulations would be in effect for the duration of the two-year
10 pilot program, unless the commission determined it to be necessary
11 to amend or repeal any such rule or regulation, which it could do on
12 an expedited basis.

13 Priority in distributing grants using monies in the fund would be
14 given to service providers located in or intending to work with
15 youth from those municipalities participating in the pilot program
16 with a higher rate of youth committed to a secure juvenile facility.
17 Additionally, the bill notes that monies in the fund administered and
18 distributed by the Juvenile Justice Commission would not replace
19 any other funds administered and distributed by the commission,
20 including those administered and distributed through the
21 State/Community Partnership Grant Program established pursuant
22 to P.L.1995, c.283 (C.52:17B-179 et al.). At the conclusion of the
23 two-year pilot program, any monies remaining in the fund would be
24 transferred to the commission for use in administering the
25 State/Community Partnership Grant Program, and funding grants
26 distributed through that program.

27 The Juvenile Justice Commission would be required to submit a
28 report to the Governor and, pursuant to section 2 of P.L.1991, c.164
29 (C.52:14-19.1), to the Legislature at the conclusion of the pilot
30 program, containing information on the development and
31 implementation of the program and the feasibility of expanding the
32 program to other municipalities in the State. The report would also
33 include copies of any reports by service providers selected to
34 develop and implement the pilot program by the county youth
35 services commissions for the counties in which the municipalities
36 participating in the pilot program are located. Thirty days after that
37 report was filed, the bill's provisions would expire.