

CHAPTER 196

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

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

1. The Legislature finds and declares that:
 - a. Currently, New Jersey's youth justice system has staggering racial justice disparities, high recidivism rates, and grossly underfunded community-based services;
 - b. New Jersey has the highest Black to white youth incarceration racial disparity rate in the country with a Black youth twenty-one times more likely to be detained or committed than a white youth, even though research shows that Black and white youth commit most offenses at similar rates;
 - c. New Jersey also has the fourth highest Latina-Latino to white youth incarceration disparity rate in the country;
 - d. The recidivism rates in New Jersey are devastating as well. Of the 336 youth released from State juvenile facilities in 2015, over one quarter (28 percent), were recommitted to a facility within three years of release;
 - e. Yet, despite these failures, New Jersey continues to finance its youth incarceration system at exorbitant cost. In fiscal year 2021, New Jersey will spend \$445,504 to incarcerate each youth in a State secure juvenile facility managed and operated by the Juvenile Justice Commission;
 - f. While the State currently spends approximately \$53 million a year to operate its three secure juvenile facilities, it only allocates around \$16 million to provide counties with funding for community-based youth programs;
 - g. The current public health crisis resulting from the Coronavirus disease 2019 pandemic, also referred to as the COVID-19 pandemic, has further illustrated the failures of our youth justice system by detrimentally harming our impacted youth. As of March 18, 2021, according to the Juvenile Justice Commission, 92 youth and 221 staff in juvenile facilities have tested positive for the virus SARS-CoV-2 which causes COVID-19; 54 of the 92 youth cases occurred at the New Jersey Training School, also known as Jamesburg, the State's largest secure facility for youthful males;
 - h. The Juvenile Justice Commission has taken several measures to mitigate the spread of the virus, including releasing approximately 90 incarcerated youth from its facilities as of November 4, 2020. Since the enactment of P.L.2020, c.111, more incarcerated youths will be released in an expedited fashion because their terms of incarceration will be reduced based on awards of credits during the current declared public health emergency concerning the COVID-19 pandemic;
 - i. As young people are released from facilities in response to the current pandemic, it is clear that the State must actively engage communities and properly fund services to reintegrate these youth back into their communities successfully;
 - j. The Juvenile Justice Commission and community stakeholders should also work together to create community-based public safety systems that support all young people as they return home from juvenile facilities and divert young people away from the youth justice system in the first place;
 - k. Thus, the confluence of the COVID-19 pandemic with the on-going, fervent call for racial equality demands a fresh and immediate need to transform New Jersey's youth justice system. As an alternative to an overreliance on punishment, New Jersey needs a community-

based system that embraces restorative and transformative justice practices and emphasizes physical, psychological and emotional safety and healing for youth, their families and communities;

l. Nationally, restorative justice and transformative justice programs and practices have been recognized as best practices in keeping young people out of the youth justice system and successfully reintegrating them into their home communities after being released from out-of-home placements;

m. Restorative justice is a system that brings victims, community members, and youth who have committed harm together to discuss the harm that was done and explore solutions to address the root cause of that harm. This system presents an alternate avenue for addressing harm and encourages active participation in the restorative process to facilitate stronger community relationships and community-driven public safety;

n. Transformative justice addresses conflicts and harms at the individual level, community level, and within broader social structures. Transformative justice works to build alternatives to our current systems and transform the conditions which help create acts of violence or make them possible;

o. Restorative justice and transformative justice offer two different perspectives of justice aimed at interpersonal and consensual resolutions, with transformative justice also incorporating systems-level change;

p. To sufficiently support young people being released from juvenile facilities in response to the current public health crisis, and to provide adequate resources for all youth released from incarceration and to prevent young people in New Jersey from entering the youth justice system in the first instance, New Jersey should explore, through a pilot program, the development of a comprehensive youth continuum of care based on restorative and transformative justice practices.

2. As used in this act:

“Community conferencing” is a practice which addresses conflicts through a collective group session, consensual resolution, and decision-making processes to heal and repair harms. Community conferencing works for multiple types of conflicts involving the community, station house adjustments, juvenile court diversion, and reentry from youth incarceration.

“Peace circles” refer to a technique used to facilitate restorative conversations, conflict resolution strategies, and healing practices between youth, families, and community stakeholders.

“Restorative justice hubs” are physical spaces within the community where youth and families can heal, reconnect, and build healthy relationships in the community. The purpose of restorative justice hubs is to resolve local conflicts through dialogue instead of punitive measures. Restorative justice hubs shall provide services that: include peace circles and community conferencing; connect youth and families to the services and programs provided for in paragraphs (1) through (9) of subsection b. of section 3 of P.L.2021, c.196; and coordinate service delivery across the community, and by doing so, create and maintain equitable relationships and collaborations between the Juvenile Justice Commission, county youth services commissions, courts, public defenders, prosecutors, law enforcement, and any other appropriate entities or persons.

3. There is established in the Juvenile Justice Commission, created by section 2 of P.L.1995, c.284 (C.52:17B-170), a two-year pilot program, titled the “Restorative and

Transformative Justice for Youths and Communities Pilot Program.” The purpose of the pilot program is to develop innovative restorative and transformative justice continuums of care in four target cities that include two components: restorative justice hubs and community-based enhanced reentry wraparound services. The pilot program shall be established in the municipalities of Camden, Newark, Paterson, and Trenton.

a. The first component of the pilot program shall include restorative justice hubs. Each of the four pilot program municipalities shall have one restorative justice hub.

b. The second component of the pilot program shall include community-based enhanced reentry wraparound services to be provided within each restorative justice hub. These services shall be designed as an emergency response for those young people being released from juvenile facilities due to the COVID-19 pandemic, and may also serve as a long-term program for all young people released from a facility. Community-based enhanced reentry wraparound services shall include, but not be limited to, the following services and supports:

- (1) Mental health services;
- (2) Substance use disorders treatment and recovery;
- (3) Education support;
- (4) Employment services;
- (5) Housing support;
- (6) Financial literacy and debt support services;
- (7) Life skills support services;
- (8) Social support services; and
- (9) Preventative mentoring services.

c. The goals of the pilot program shall be:

(1) To increase participation in education, vocational programming, and employment. Youth participants in the pilot program shall receive academic support, depending on personal development goals, and shall be connected to secondary schools, alternative schools, vocational schools, apprenticeship programs and colleges and universities. The program shall collaborate with local community college’s admissions and academic support programs, and offer workshops that include financial aid planning. Participants seeking employment shall be linked to vocational or job readiness training. The selected partner-providers participating in the pilot program shall be trained in and utilize evidence-based and evidence-informed practices with respect to the provision of their respective services;

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

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

(4) To have restorative justice hubs establish working relationships with local law enforcement agencies, courts, prosecutors, and defense attorneys to support the diversion of youth away from arrests and prosecution and towards participation in restorative justice services provided in the hubs;

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

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

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

(2) A restorative justice hub may have a single service provider or multiple service providers within one lead service provider.

(3) An individual organization interested in becoming a service provider at a restorative justice hub shall submit a proposal using the existing request for proposal process to the appropriate youth services commission.

(4) A lead organization partnering with other organizations which are interested in becoming service providers at a restorative justice hub shall submit a joint proposal using the existing request for proposal process to the appropriate youth services commission. If selected, they shall jointly provide services at the restorative justice hub.

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

c. In addition to the pilot program requirements set forth in subsections a. and b. of section 3 of P.L.2021, c.196, concerning mandatory components of restorative justice hubs enhanced reentry wraparound services, a proposal may also include, and a youth services commission may consider and accept for the program, additional services and training that support the development and implementation of restorative justice and transformative justice practices in the participating municipalities.

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

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

f. Each service provider participating in the pilot program shall be required to undergo intensive training in restorative and transformative justice practices. A service provider may be exempt from this training requirement upon a satisfactory showing of proof of prior training in these practices which may include certificates of completion of training courses provided by trainers in restorative and transformative justice practices approved by the Juvenile Justice Commission. Service providers may use the monies awarded from the pilot program to finance this training.

5. There is established within the General Fund a separate, temporary dedicated fund to be known as the “Restorative and Transformative Justice for Youths and Communities Pilot Program Fund,” to be held separate and apart from all other funds of the State. This fund shall be administered and the monies in the fund distributed by the Juvenile Justice Commission. From the monies appropriated under the category of juvenile grants-in-aid for the Department of Law and Public Safety in State fiscal year 2022 and State fiscal year 2023, \$4,200,000 in each fiscal year shall be credited to this fund for a total of \$8,400,000, and

these monies, and any interest or other income earned thereon, shall only be used for purposes associated with the pilot program established by this act.

a. (1) Notwithstanding the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Juvenile Justice Commission, immediately upon filing with the Office of Administrative Law and within 120 days of the effective date of this act, shall adopt such rules and regulations as the commission deems necessary or proper to implement the provisions of this act including, but not limited to, setting the terms and conditions of applying for grants paid for by monies in the fund, the distribution of those monies, and for publishing these terms and conditions on its official website. The rules and regulations shall be effective during any interim period and may thereafter be amended, adopted, or readopted by the commission in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.). The Juvenile Justice Commission also shall require: the Passaic County Youth Services Commission to schedule one public meeting in Paterson; the Essex County Youth Services Commission to schedule one public meeting in Newark; the Mercer County Youth Services Commission to schedule one public meeting in Trenton; and the Camden County Youth Services Commission to schedule one public meeting in Camden. These public meetings shall be held to announce the pilot program, and inform the public of the adopted rules and regulations for grant applications and distributions.

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

b. The fund shall be used to provide grants to participating service providers selected by the county youth services commissions through a competitive process pursuant to section 4 of P.L.2021, c.196 to develop and implement the pilot program established by this act. Priority in distributing monies in the fund shall be given to service providers located in the four pilot municipalities and to service providers whose employees are representative of the communities to be served by the pilot program. Monies in the fund used to provide grants to develop and implement the pilot program shall be allocated equally among the four county youth services commissions and distributed in accordance with rules and regulations adopted by the Juvenile Justice Commission.

c. No more than eight percent of the monies in the fund shall be used by the Juvenile Justice Commission for administrative purposes and no more than 15 percent of the monies in the fund shall be used by the county youth services commissions for administrative purposes.

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

e. The pilot program shall operate for a period of two years, exclusive of the time required to implement the grant application and award process, and to initiate the pilot program. To the extent necessary, funding distributed to the pilot program shall be carried forward and used for its purposes regardless of whether the funds are expended in the same fiscal year in which the funds were initially distributed. At the conclusion of the two-year pilot program, any monies remaining in the fund shall be transferred to the Juvenile Justice

Commission for use in administering the State/Community Partnership Grant Program established pursuant to P.L.1995, c.283 (C.52:17B-179 et al.), and funding grants distributed through that program.

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

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

Approved August 11, 2021.