

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2924

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 2021

The Senate Judiciary Committee reports favorably Senate Bill No. 2924.

This bill would establish a two-year pilot program in the Juvenile Justice Commission, which would assist with the reintegration of youths released from juvenile facilities to prevent repeated involvement with the youth justice system and to help youths avoid any initial involvement with such system; the program would be titled the “Restorative and Transformative Justice for Youths and Communities Pilot Program.” The program would be designed to help provide ways the Juvenile Justice Commission and communities directly impacted by the State’s current harmful juvenile justice policies can transform New Jersey’s youth justice system – during the current public health crisis caused by the Coronavirus disease 2019 pandemic, also referred to as the COVID-19 pandemic, and potentially beyond – based on a restorative justice and transformative justice approach.

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. 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. 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. Both restorative justice and transformative justice offer different perspectives of justice aimed at interpersonal and consensual resolutions, with transformative justice also incorporating systems-level change.

The purpose of the pilot program would be to develop innovative restorative and transformative justice continuums of care in four target cities, Camden, Newark, Paterson, and Trenton, that include two components: community-based enhanced reentry wraparound services

and restorative justice hubs. Community-based enhanced reentry wraparound services would include, but not be limited to, services and supports, such as: mental health services; substance use disorders treatment and recovery; life skills support; and other social support services. Restorative justice hubs would be physical spaces within the community where youth and families could heal, reconnect and build healthy relationships in the community, and help resolve local conflicts through dialogue instead of punitive measures. By doing so, such hubs are intended to create and maintain equitable relationships between the Juvenile Justice Commission, county youth services commissions, courts, State and municipal public defenders, prosecutors and law enforcement, and additionally, collaboration on public safety initiatives.

For the youth participants, the overall goals of the pilot program would be to: increase participation in education, vocational programming, and employment, which would be aided by the program service providers being trained in and utilizing evidence-based and evidence-informed practices with respect to the provision of their respective services; increase participation in mental health and well-being programming; decrease incidents of harmful and unlawful behavior; 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 increase program participation rates in other restorative and transformative justice programs in the municipalities in which the pilot program is established.

As to the development and implementation of the pilot program, the county youth services commissions for the counties in which the municipalities participating in the pilot program are located would implement their existing request for proposal process in order to solicit proposals from interested persons and organizations and select from among them the service providers to work on the program. All submitted proposals would have to 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. Also, in addition to supplying information in proposals about the mandatory program components of enhanced reentry wraparound services and restorative justice hubs, proposals could include offers to provide additional services and training that support the development and implementation of restorative justice and transformative justice practices in the participating municipalities. The selected service providers for the pilot program would be required to collaborate with the service providers of any education pilot programs operating in the participating municipalities during the time the pilot program operated, in order to incorporate restorative justice and transformative justice practices within that education pilot program.

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

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, would, within 30 days of the bill taking effect (immediately), file proper notice with the Office of Administrative Law, and thereafter immediately adopt rules and regulations prepared by the commission necessary or proper 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. Following the adoption of the rules and regulations, the commission would also schedule at least one public meeting in the north, central, and southern regions of the State to announce the pilot program, and inform the public of the adopted rules and regulations for grant applications and distributions. The initially adopted rules and regulations would be in effect for the duration of the two-year pilot program, unless the commission determined it to be necessary to amend or repeal any such rule or regulation, which it could do on an expedited basis.

Priority in distributing grants using monies in the fund would be given to service providers located in or intending to work with youth from those municipalities participating in the pilot program with a higher rate of youth committed to a secure juvenile facility. Additionally, the bill notes that monies in the fund administered and distributed by the Juvenile Justice Commission would 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.). At the conclusion of the two-year pilot program, any monies remaining in the fund would be transferred to the commission for use in administering the State/Community Partnership Grant Program, and funding grants distributed through that program.

The Juvenile Justice Commission would be required to 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 pilot program, containing information on the development and implementation of the program and the feasibility of expanding the

program to other municipalities in the State. The report would 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. Thirty days after that report was filed, the bill's provisions would expire.