



NEW JERSEY STATE LEGISLATURE
ASSEMBLY TASK FORCE ON JUVENILE CRIME

Report and Recommendations

November 22, 1994

Assemblywoman Joanna Gregory-Scocchi
Chair

Assemblyman John C. Gibson
Assemblywoman Nia H. Gill
Assemblywoman Virginia Haines
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NEW JERSEY STATE LEGISLATURE

LEGISLATIVE TASK FORCE ON FUTURE OF NJ

Report and Recommendations

November 12, 1994

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NJ State House

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New Jersey State Legislature

ASSEMBLY TASK FORCE
ON JUVENILE CRIME
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November 22, 1994

Honorable Garabed "Chuck" Haytaian, Speaker
General Assembly of New Jersey

Dear Mr. Speaker:

The Assembly Task Force on Juvenile Crime herewith respectfully
submits its report and recommendations pursuant to Assembly Resolution No.1.

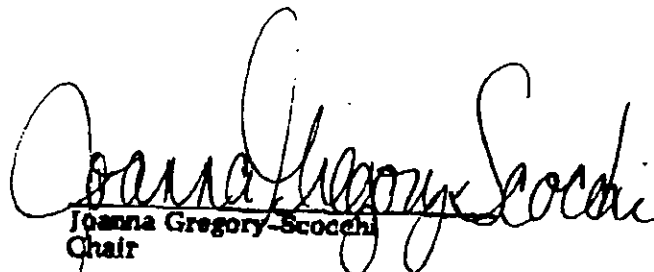

Joanna Gregory-Scocchi
Chair



TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	1
LIST OF TASK FORCE MEMBERS.....	4
INTRODUCTION.....	5
RECOMMENDATIONS.....	9
APPENDIX I: Witnesses' Testimony.....	16
APPENDIX II: Background Materials and Studies...	32

Materials:

- A-1, A-2: Assembly Resolutions No. 49 and 81
- B: New Jersey Statutes: Authorized
Dispositions for Juveniles
- C-1, C-2: New Jersey Statistics: Juvenile
Arrests 1993
- D: National Statistics: Juvenile Arrests
1965-1991
- E-1, E-2: New Jersey expenditures: Juvenile
correctional facilities and community
programs

Programs and Studies Recommended by the Task Force:

- F: Juvenile Delinquency Commission:
"Restructuring Services for Delinquent
Youth"
- G: Juvenile Delinquency Commission: "The
Future of New Jersey's Juvenile Justice
System"
- H: "The Regimented Juvenile Training Program"
(Colorado)
- I: National Conference of State Legislatures:
"Juvenile Justice Reform: State
Experiences"



EXECUTIVE SUMMARY

The Assembly Task Force on Juvenile Crime was created in March, 1994 with a mandate to study the juvenile crime problem in New Jersey and to report back to the Assembly with recommendations.

Members of the public, including law enforcement personnel, social service workers, community leaders, educators and private individuals, gave testimony and offered proposals for reform during four public hearings held in various locations in the State from March through June of 1994.

After considering the testimony and studying the issue, the Task Force recommends the following:

- *Make better use of our existing juvenile justice resources. A single government entity must take responsibility and be answerable to the public, the Governor, and the Legislature.*
- *Help communities develop innovative, community-based programs for first offenders and youth at risk. While the ultimate administrative responsibility must be in Trenton, local access and accountability are crucial.*

- *Increase the protections in our public schools against disruptive and destructive juveniles.*

- *Develop a full spectrum of programs, services and sanctions that respond to the varied needs of delinquent youth while providing for the public safety. As part of this continuum, regimented juvenile training programs should be implemented as an alternative to incarceration. For the most dangerous offenders, the courts must be granted the option to impose longer terms of incarceration.*

- *Prevent an adult convicted of a sex crime who previously committed a sex crime as a juvenile from being considered a "first offender" under the Criminal Code. These persons must be considered second offenders, subject to the mandatory prison terms imposed by current law.*

- *Make the commitment to reduce overcrowding in the facilities reserved for the most dangerous juvenile offenders. A crucial first step in this direction is to re-open the Lloyd McCorkle Training School in Skillman.*

- *Conduct an audit to determine whether New Jersey is spending juvenile justice funds efficiently, and whether we can make better use of other funding sources, such as federal grants, private sector initiatives, and charitable foundations.*

• *Support the family courts, which must be recognized as the most important in the court system. Only the family courts have the potential to prevent youthful offenders from becoming adult criminals. The family courts must be given adequate tools to do their work: there must be enough programs and services available so that each youth is placed in the setting where he -- and society -- can most benefit.*

ASSEMBLY TASK FORCE

ON JUVENILE CRIME

MEMBERS

Assemblywoman Joanna Gregory-Scocchi, Chair (R) (District 18)*

Assemblyman John Gibson (R) (District 1)

Assemblywoman Nia Gill (D) (District 27)

Assemblywoman Virginia Haines (R) (District 10)

Assemblyman Lee Solomon (R) (District 6)

Assemblyman Charles Zisa (D) (District 37)

Note: On October 6, 1994, Assemblywoman Gregory-Scocchi replaced former Assemblyman Frank Catania (R) (District 35) as Chair of the Task Force.

ASSEMBLY TASK FORCE ON JUVENILE CRIME

REPORT AND RECOMMENDATIONS

INTRODUCTION

Assembly Resolution No. 49, sponsored by Assemblyman Frank Catania and Assemblywoman Rose Heck, created a seven- member task force to study and make recommendations concerning the issue of juvenile crime in New Jersey. The resolution, which passed the Assembly by voice vote on March 10, 1994, authorized the Task Force on Juvenile Crime to meet and hold hearings, and to report its findings and recommendations to the Assembly, including any recommendations for legislation, within three months. The life of the Task Force was extended an additional three months by Assembly Resolution No. 81.

The Task Force held four public hearings:

- March 22, 1994, Monmouth County Library, Manalapan.
- April 12, 1994, Passaic County Community College, Paterson.
- May 4, 1994, Vineland City Hall, Vineland.
- June 22, 1994, Middlesex County College, Edison.

The Task Force heard testimony from a number of witnesses at the hearings. Witnesses included State, county and municipal law enforcement personnel; county and municipal officials; legislators; representatives of social service agencies; school administrators, and private individuals.

The members of the Task Force would like to express their appreciation to all of the witnesses who testified, whether in their official capacities or simply as concerned members of the public. The testimony was invaluable in providing insight into the complex and difficult issue of juvenile crime.

BACKGROUND

The statistics are grim. While the number of people in the State under the age of 18 declined five percent between 1988 and 1992, the number in this age group arrested for violent crimes rose by more than one-third. According to the Uniform Crime Report issued by the State Police, there was a 17 percent increase between 1992 and 1993 in the number of youths under 18 who were arrested for murder.

New Jersey ranks fourth in the country, after New York, Florida, and Washington, D.C., in the arrest rate of juveniles for violent crimes.

A 1991 study by the Juvenile Delinquency Commission showed that a small group of chronic juvenile offenders is responsible for a hugely disproportionate number of juvenile crimes. Although these chronic offenders -- who had each been charged with juvenile offenses four or more times -- made up only 13% of the total in the JDC study, together they were responsible for nearly half of all of the charges.

Of course, statistics alone can't tell the story. In 1994, particularly brutal murders committed by young people dominated the newspaper headlines and highlighted some of the failings of the juvenile justice system. In March, 19-year-old Kevin Aquino was charged with kidnapping and murdering his neighbor, six year old Amanda Wengert. The police said he broke a window to get into the Wengerts' house and kidnap the child as she was sleeping. Two years before, as a 17-year-old juvenile, Aquino had been convicted of aggravated sexual assault against three young children in the neighborhood. He was sentenced to a year's probation and attendance at a program for sex

offenders, which he completed. There was no follow-up counseling or monitoring. Because the court records had been sealed, in accordance with routine procedure in juvenile matters, his neighbors never knew of the previous convictions. Shortly before the murder, Aquino was found in the girls' bathroom of a local elementary school and was charged with trespassing, a disorderly persons offense handled in municipal court.

The same month Amanda Wengert was murdered, three teenagers were charged in Vineland with what city officials called "the grisliest murder in decades." The youths broke into the home of 63-year-old George and Margaret McLoughlin to steal cash. When Mrs. McLoughlin discovered them, they shot her repeatedly. As soon as her husband walked in the front door, they shot him, kicked him and stabbed him some 20 times. The teenagers all had extensive juvenile records for burglary, assault, robbery and other crimes. The McLoughlin robbery netted them \$27 in cash.

In New Jersey, the breakdown of the family, the deterioration of traditional social supports, and the increased numbers of troubled youth have resulted in soaring case loads within our juvenile justice system.

As it is currently structured, New Jersey's juvenile justice system does not have the resources to combat this surge of juvenile crime, particularly the rise of juvenile violence. Testimony received by the task force suggested that New Jersey's juvenile justice system is not a system at all, but rather a series of fragmented services operated by various agencies without proper case or planning level coordination. For example, judges must haggle, barter and persuade State level agencies to provide proper placement for delinquent youth. While the judge negotiates, youth languish in detention centers that already exceed their maximum capacity.

It is important to realize that juvenile crime will neither abate on its own nor be eradicated by a massive influx of funds. The solution must include better coordination, management and utilization of New Jersey's existing juvenile justice resources.

The New Jersey juvenile justice system must coordinate its services, hold agencies with juvenile justice jurisdiction accountable and provide courts as well as counties with local contacts to provide efficient resolution of juvenile justice problems.

Many of the witnesses who testified before the Task Force, as well as other observers, have commented that our juvenile justice system was simply not designed to handle violent, chronic offenders and that it does a poor job at the other end of the spectrum as well, with those youths who commit minor offenses and who could benefit from appropriate intervention. The Task Force also notes that a series of articles in The Record newspaper published earlier this year has documented, in great detail, the many failures of the system: the failure to prevent juvenile crime, through adequate early intervention; the failure to reform juveniles who have already committed crimes, but who are amenable to change; the failure to adequately punish the most dangerous and violent repeat offenders.

RECOMMENDATIONS

The following recommendations are based on testimony received by the Assembly Task Force on Juvenile Crime throughout the State as well as principles which have emerged from juvenile justice reform efforts nationwide.

1) STREAMLINE GOVERNMENT: ESTABLISH A SINGLE AUTHORITY FOR JUVENILE JUSTICE SERVICES.

Currently, New Jersey's fragmented system of juvenile justice assures that no single entity has responsibility or authority. The Department of Corrections runs the two State reformatories, at Bordentown and Jamesburg; the Department of Human Services runs residential programs and day programs; the counties fund local programs, assisted by county Youth Services Commissions.

The Task Force strongly urges that authority for all of these be consolidated under one entity, within the Department of Human Services. An Office of Youth Services within the Department would be responsible for New Jersey's juvenile justice system and answerable to the public, the Governor and the Legislature.

On the local level, the Office of Youth Services would be represented in each county by a county coordinator who would work with the existing Youth Services Commissions to develop community programs. The coordinator's office would have an active role in each juvenile case, communicating with the family court and assuring that the court's orders are followed through.

**2) CONDUCT A THOROUGH AUDIT OF OUR CURRENT SPENDING
ON PROGRAMS FOR JUVENILES.**

Nearly \$15 million is budgeted for the Department of Human Services in fiscal year 1995 for alternative programs and group homes for juveniles. County and local monies are spent on additional programs. We recommend an in-depth examination of how these funds are spent and an examination of the programs themselves. Which programs are chosen for funding, and why? Which programs are more successful, as measured by the juveniles' recidivism and arrest rates? Are these funds being spent in the most effective manner?

3) INVESTIGATE ALTERNATIVE FUNDING SOURCES.

Because State funding for juvenile justice services is unlikely to increase significantly in the near future, other potential funding sources must be aggressively pursued. The private sector may be able to help fill in the gaps, through corporate foundations and grants. Individual citizens could be given incentives to donate money to worthwhile programs through State income tax

check-offs. In addition, the New Jersey Department of Corrections has stated that some \$4 million in Federal funds may be available through the Social Security and Medicaid programs if group homes and other programs adapt to certain Federal requirements.

4) SUPPORT INNOVATIVE COMMUNITY PROGRAMS.

The former Juvenile Delinquency Commission noted in a January, 1992 newsletter that the "locus of delinquency prevention, control and treatment must be at the local level," in accordance with the principal goal of the 1983 enactment of the Juvenile Code. One goal of the Code is to expand community options for handling delinquent youths by increasing local responsibility. Yet these potentials have not been achieved, for the most part. Local programs that use innovative methods of treating and rehabilitating juveniles -- such as Paterson's "Total Lifestyle and Support Program" -- should be held up as role models across the State. The State oversight and authority in the new Office of Youth Services can help assure that successful programs be quickly duplicated in other communities.

Juveniles must receive a whole continuum of alternatives, ranging from intervention programs to at-risk youth, to community service and structured day programs for offenders and, when necessary, intensive supervision and confinement.

5) ESTABLISH A "REGIMENTED JUVENILE TRAINING PROGRAM"
FOR SERIOUS OFFENDERS.

As an alternative to incarceration, regimented, rigorous programs that provide military-type training have the potential to instill positive values in delinquent youth. Although definitive studies gauging the effectiveness of these programs in other states have not yet been completed, the Task Force recommends that New Jersey explore the option by establishing a pilot program in the State. The Regimented Juvenile Training Program would be offered as an alternative to incarceration for serious offenders, who would be able to avoid going to a secured facility if they complete the program.

6) RE-OPEN THE LLOYD McCORKLE SCHOOL.

When the State closed the Lloyd McCorkle Training School in Skillman two years ago, New Jersey's capacity to hold juveniles in secure facilities fell by 25 percent. The Skillman facility had housed 187 youths, out of a total population of 757. The drop has helped cause woefully overcrowded conditions at the Training School for Boys in Monroe. The Task Force urges that the Skillman facility be reopened. We recognize that incarceration is the only possible option for the worst juvenile offenders.

7) INVESTIGATE THE "WAIVER" PROCESS.

The Task Force questions whether juveniles who commit brutal crimes should be encompassed in the juvenile justice system at all. An inquiry should be made on whether the "waiver" process, which allows a juvenile to be tried as an adult (upon request of the prosecutor and the consent of the family court), is being used appropriately, and whether waiver is a viable alternative to juvenile proceedings.

8) ENACT APPROPRIATE LEGISLATION TO IMPLEMENT THESE GOALS.

Over 50 bills are currently pending in the Legislature concerning juvenile justice. While the Task Force recognizes that all of the pending bills are worthy of consideration, we specifically endorse several initiatives, and a recent enactment, that embody our recommendations. They are:

•A-23. Raises the maximum terms of incarceration which may be imposed on juveniles adjudicated delinquent for serious offenses. Currently, the maximum term of incarceration which may be imposed on a juvenile adjudicated delinquent for a crime other than murder is four years. This bill would raise the maximum term for first degree crimes to 10 years, while leaving the imposition of a maximum term to the discretion of the family court judge.

•A-183. Provides for reporting of criminal activities in the public schools, authorizes school districts to impose community service requirements upon pupils for misconduct, and appropriates funds for metal detectors at schools which experience repeated incidents of weapons possession.

•A-544. Establishes a shock incarceration program; appropriates \$13 million.

•A-1110. Requires that an adult be sentenced as a repeat sex offender, rather than as a first offender, if the adult had previously been adjudicated delinquent as a juvenile for a sex offense.

•A-1392. Re-establishes the Lloyd McCorkle Training School at Skillman as a secure facility for serious juvenile offenders.

•P.L.1994, c.56. The Task Force strongly endorses this new enactment, which was approved June 29, 1994. The enactment increases public access to juvenile records by requiring identifying information to be released under most circumstances. The Task Force recommends strengthening public access even further, by requiring that all juvenile proceedings and identifying information be open to the public.

CONCLUSION

New Jersey has the opportunity to create a new and innovative system of juvenile justice. Taking advantage of this opportunity will require consolidating the responsibility for services and reallocating our resources in the most effective and efficient ways possible.



APPENDIX I

WITNESSES' TESTIMONY



PUBLIC HEARINGS

MONMOUTH COUNTY LIBRARY
MANALAPAN, NEW JERSEY

MARCH 22, 1994

1. Ted Narozanick, Member Monmouth County Board of Chosen Freeholders
2. Assemblywoman Rose M. Heck, District 38
3. John Kaye, Monmouth County Prosecutor
4. Joseph F. Scozzari, Superintendent, Manalapan-Englishtown School District
5. James O'Brien, Chairman, New Jersey Coalition of Crime Victims
6. Carolyn Meuly, Assistant Prosecutor, Middlesex County
7. Ben Rosenberg, Mayor, Manalapan
8. Joseph Dias
9. Fran J. Handley, Secretary to Freeholder, Monmouth County Freeholder's Office
10. Roy Patterson, Safe Streets, Incorporated, Washington, DC and resident Manalapan Township
11. Nick Saviano
12. Henry Swordsma, New Jersey Association Forensic Scientists
13. Paul Schliflin
14. Charlotte Rose Kirylo, Executive Director, Children's Helpers in Lawful Defense
15. Ryan Saint Michael, Chairman, National Committee People's Prison



PASSAIC COUNTY COMMUNITY COLLEGE
PATERSON, NEW JERSEY

APRIL 12, 1994

1. Superior Court Judge Carmen Ferrante, Passaic County
2. Elliot Collins, President, Passaic County Community College
3. Mayor William Pascrell, Paterson
4. Al Moody, Director Paterson Youth Service Bureau,
Founder, "Total Lifestyle and Support Program"
5. Two former juvenile offenders
6. Michael O'Shea, Assistant Prosecutor, Passaic County
7. Detective Donald Reading, Paterson Police
8. George Yefchek, Skillman Parole Board
9. Derrick Laury, Wagner Rehabilitation Center
10. George Sullivan, Director, Probationfields
11. Wendy Kovell
12. Therese Matthews, Program Development Specialist, Division of
Operations
13. Sheila Thomas, Assistant Superintendent, New Jersey Training School
for Boys, Jamesburg
14. Jack Cuttre, Superintendent, Juvenile Medium Security Facility
15. Julie Turner, N.J. Assoc. Children's Residential Facility
16. Dr. Anna DeMolli



VINELAND CITY HALL
VINELAND, NEW JERSEY

MAY 4, 1994

1. Hon. Joseph Romano, Mayor, Vineland
2. Senator William Gormley
3. Mayor Robert Shannon, Millville
4. Michael Brooke Fisher, Cumberland County Prosecutor
5. James Harris
6. Hon. Art Marchand, Freeholder, Cumberland County
7. Hon. Jennifer Lookabaugh, Cumberland County Freeholder & Principal Mount Pleasant School
8. Stephen Moore, Prosecutor, Cape May County
9. Hon. Jim Plousis, Sheriff, Cape May County
10. Hon. Laura Pizzo, Mayor, Deerfield Township, Bridgeton
11. Police Chief John Biondi
12. Hon. Donald Olbrich, Councilman
13. Hon. Joseph Santagata, Councilman, Buena Borough
14. Detective Michael P. Brogan, Lower Township Police
15. Sharon Bloom
16. Larry Starnes
17. Margaret Bitters, Psychologist, Vineland Board of Education
18. Steve Plevins, Juvenile Counselor, Vineland Residential Center
19. Tom McCann, Principal, Landis School
20. Barry Bruner, Mutual Aid Emergency Services
21. Stephanie Perlstein, Supervisor, DYFS
22. Sonny Alexenberg
23. Margaret Davis
24. Dina Murray, Resident of Vineland
25. George Williams
26. Terrence Coursey, Associate Executive Director, Martin Luther King Academy/Chairman of the Cumberland County Youth Services Committee

MIDDLESEX COUNTY COMMUNITY COLLEGE
EDISON, NEW JERSEY

JUNE 22, 1994

1. Casimir Kowalczyk
2. Ann Orenstein, Toughlove
3. Vivian Jonas, Toughlove
4. Dolores Levan



Highlights of the testimony heard by the Task Force are represented by the following summaries:

March 22, 1994

Public Hearing

Monmouth County Library

Monmouth County Prosecutor John Kaye told the Task Force that he believed juvenile court records should be open to public inspection, but that he was doubtful that the threat of publicity would act to deter serious offenders. He expressed his opposition to the idea (raised by some commentators on the juvenile justice system) that increasing the number of juvenile cases "waived" out of family court and into criminal court would lead to more appropriate punishments in serious cases. He noted that the waiver process is lengthy and expensive for the prosecution and for the State as well, since it involves additional court proceedings, and since most juvenile defendants are represented by the Public Defender's office rather than private attorneys. He felt that it should be the sole responsibility of the prosecutor, who is familiar with the case and with the chances of conviction, to decide in which cases waiver should be attempted.

He stated that in Monmouth County, 6,000 juveniles were arrested every year, resulting in formal charges against 2,500 of them: out of these, waiver was sought in perhaps 20 cases.

Mr. Kaye stressed that there is a lack of secure facilities to incarcerate the most serious offenders, and that this situation is only getting worse. The closing of the McCorkle School in Skillman, along with severe overcrowding at the Training School for Boys in Monroe, are signs of a serious problem that can be remedied only by expending the monies to build more institutions, he said.

Jim O'Brien, Chairman of the New Jersey Coalition of Crime Victims, noted that the current approach to juvenile crime is akin to trying to fight a modern war while using the weapons of the 1930's. The youth of today are mobile, street-smart, bombarded constantly with media images of sex and violence, and are unfazed by the sanctions the current system has to offer, he said. He stated that keeping juvenile records sealed to the public, given the conditions in our society today, is outmoded, ineffectual and can lead to tragedy when a vicious repeat offender is not stopped: Mr. O'Brien's own daughter was murdered by a man who had numerous convictions and incarcerations as a juvenile for violent crimes, yet when the man committed his first crime as an adult he was considered a "first offender" and consequently treated leniently by the court.

Carolyn Meuly, Middlesex County assistant prosecutor, expressed agreement with Monmouth County Prosecutor John Kaye on the waiver issue, saying that the decision to waive a case should be left to the prosecutor's discretion. She noted that some juveniles whose cases are waived will be treated more leniently in criminal court than in family court: In criminal court, plea bargains can result in downgraded charges and smaller sentences, and when a case involving a particularly young-looking juvenile goes to trial, the jury might be swayed into returning a not-guilty verdict, she noted. Ms. Meuly also suggested that the penalties for relatively minor offenses, such as trespass, vandalism and assault, be increased if they are committed in and around schools, based on the same rationale behind the statute that imposes harsher penalties for drug dealing in school zones: that schools must remain safe havens for children.*

Roy Patterson, a Manalapan resident who works with "Safe Streets, Inc.," in Washington, D.C., stated that the focus on reform and parole over the past 20 years has not been successful. Because parolees and repeat offenders are responsible for a very large proportion of crime, just eliminating parole would decrease the crime rate significantly, he said.

* P.L.1994, c.90, enacted August 9, 1994, puts one of these suggestions into effect. Introduced in the Legislature on March 21, 1994 in response to the Amanda Wengert murder, the new statute upgrades criminal trespass to a crime of the fourth degree when it is committed in schools or on school property. Prior to the enactment, criminal trespass in schools was a disorderly persons offense.

Paul Schliflin stated that 5,000 people had signed a petition he was circulating, calling for psychological evaluations of people who commit minor offenses involving children, such as trespassing in schools. The purpose of the evaluation would be to determine whether these offenders are potentially repetitive and compulsive sex offenders.*

*Chapter 92 of P.L.1994, enacted August 9, 1994, embodies this suggestion to some degree. Like P.L.1994, c.90 (cited on the previous page), the bill was introduced in the Legislature on March 21, 1994 in response to the Amanda Wengert murder. Chapter 92 requires that presentence investigations of persons convicted of certain offenses involving children be required to include a report on the defendant's mental condition, unless the court directs otherwise. The offenses which would trigger this requirement are: endangering the welfare of a child (N.J.S.A.2C:24-4); criminal trespass in a school (N.J.S.A.2C:18-3); attempted luring or enticing of a child (N.J.S.A.2C:13-6); stalking (N.J.S.A.2C:12-10), or kidnapping (N.J.S.A.2C:13-1) where the victim is a child.

April 12, 1994

Public Hearing

Passaic County Community College

Superior Court Judge Carmen Ferrante, the Presiding Judge of the Family Division in Passaic County, described the heavy caseloads involving juveniles in that county and the procedures in juvenile cases. He stated that the family court in that county handled 5,286 cases involving juveniles in the past year (out of a total of 21,375 cases in the family court), and noted that Passaic County is currently operating with only six family court judges, instead of the eight that are needed. The procedure in a juvenile case is as follows, he said: after a juvenile is arrested, he may be detained. The county also has a home detention program, similar to house arrest, which relieves overcrowding in the detention center. Within two days, the juvenile goes before the judge for a "probable cause" hearing to determine whether further proceedings are necessary. If so, a trial must be held within the next 30 days, and the court orders a disposition within 45 days. If a juvenile is not detained, the case may be "diverted" from the court system. He noted that 25% of all juvenile cases in Passaic County are diverted.

Judge Ferrante stressed the importance of establishing community programs for juveniles. He stated that there is a need for intensive supervision programs for first offenders, tailored to the specific offenses that the juveniles commit (burglary, sexual assault, controlled dangerous substances, and so on), and located right in the county. He stressed the importance of putting funds into the juvenile justice system "up front," establishing these intensive supervision programs for youths who are involved in their first experience in the system, rather than waiting for them to become hardened offenders and then attempting the much more difficult task of reforming them.

He noted the lack of funds available for community-based programs, and recalled that a year ago State officials had made a commitment to fund these programs when discussions were held on closing the juvenile facility at Skillman. However, the promised funds did not materialize.

Elliot Collins, president of Passaic County Community College, stated that the community college is working with at-risk youth now and that it potentially has the resources to establish more programs in that direction. He suggested setting up programs to take young people out of the county jail, under appropriate supervision, and help them through college.

Al Moody, director of the Paterson Youth Service Bureau, described the "Total Lifestyle and Support Program" he founded. The program is an alternative for youths who would otherwise be incarcerated in the Jamesburg facility. It is a six-month, intensive, highly structured program that includes

a great deal of community service work. Mr. Moody was accompanied by two former juvenile offenders who had graduated from the program. (Their names were not disclosed.) Both youths stressed the importance of such programs, and stated that aftercare programs and job training were urgently needed as well.

Mr. Moody noted that community programs present the State with cost savings, since the alternative -- incarceration in a secure facility such as Jamesburg -- costs approximately \$30,000 per year per juvenile.

Passaic County Assistant Prosecutor Michael O'Shea discussed the breakdown of society and the decline of the family as social forces that help cause juvenile crime. He stated his hopes that society's attitudes towards violence could be changed through social pressures, just as our attitudes towards cigarette smoking have dramatically changed because of social pressures. He agreed with the previous speakers on the pressing need for programs that involve juveniles in the community.

Detective Donald Reading of the Paterson Police Department also stressed the need for well-supervised community programs, and suggested that juveniles could perform needed tasks like cleaning up parks and schools and removing graffiti. He also stated that interventions were needed to help youths who had not yet committed crimes and so were not yet involved in the juvenile justice system. Parents had expressed their frustrations to him that their children were uncontrollable, yet the system could not do anything to help until it was too late.

George Yefchek, former superintendent at the Lloyd McCorkle Training School and now with the Skillman Parole Board, stated that treatment services must include proper education. He noted that, although youths in detention attend classes, that education is not accredited by the State. (Programs will not be accredited unless they meet the specific State standards.) As a result, when the youths return to school after their juvenile proceedings are concluded they are always behind their classmates. Of course, this leads to even more frustration. He noted that the Lloyd McCorkle school had provided an accredited education, but that since its closing no comparable program had taken its place.

George Sullivan, Director of the ProbationFields program run by the Passaic County Probation Department, stated that the program was in jeopardy because of funding problems. He pointed out that community-based rehabilitation programs are cost-effective when compared with the alternatives, and stressed that the programs must be continued and expanded.

Julie Turner of the New Jersey Association of Children's Residential Facilities also discussed the need for more juvenile programs and services. She stated that to talk about a juvenile justice "system" is an oxymoron, since New Jersey does not have a "system" but a scattered, fragmented approach with no central control. Ms. Turner suggested that all of the agencies responsible for group home facilities be consolidated into one department.

Dr. Anna DeMolli, who works in the Paterson public school system, stated that the schools have the potential to be community resources and rehabilitative systems, since the structure already set in place in each community. She said there is a need for after school programs as well as more programs that come into the schools during the school day.

May 4, 1994

Public Hearing

Vineland City Hall

Vineland Mayor Joseph Romano stated that the community was frustrated with the juvenile justice system's failure to deal with violent offenders. (Mr. Romano was referring to the brutal murders that had occurred in March, where an elderly Vineland couple was stabbed and shot to death during a burglary in their home by three teenagers with extensive juvenile records.)

Michael Brooke Fisher, Cumberland County Prosecutor, supported pending legislation that would allow broader disclosure of juvenile's names, and stated that he favored further measures: when juveniles aged 16 or 17 are charged with first or second degree crimes (like the teenagers charged in the Vineland murders), all proceedings should be open to the public.*

* Pursuant to P.L.1994, c.54, enacted June 29, 1994, access to juvenile records has been increased. As amended by the enactment, N.J.S.A.2A:4A-60 now provides that identifying information concerning juveniles adjudicated delinquent shall be disclosed to the public unless the juvenile demonstrates a substantial likelihood that specific and extraordinary harm would result from such disclosure in the specific case.

Jim Plousis, Cape May County Sheriff, said he was in favor of setting up rigorous boot camps for juvenile offenders convicted of relatively minor serious offenses, in order to instill the concepts of self-discipline and hard work at a relatively early stage, before the youths have a chance to move on to more serious crimes.

Stephen I. Plevins, juvenile counselor with the Vineland Residential Center, and director of the "Community Partnership Program" for at-risk youth, stated that these juveniles benefit from intensive programs designed to integrate them into the community. However, serious repeat offenders must be placed in restrictive settings, such as boot camps and detention centers.

June 22, 1994

Public Hearing

Middlesex County Community College

Vivian Jonas of the Toughlove organization stated that there is a need for programs which would follow up with juveniles who are released from incarceration. She also suggested that the courts try to impose creative sentencing on minor offenders, such as requiring that they spend a weekend in a locked facility; this would at least send the juvenile the message that society takes their infractions seriously.

APPENDIX II**BACKGROUND MATERIALS**

- A-1, A-2: Assembly Resolutions No. 49 and 81
- B: New Jersey Statutes: Authorized Dispositions for Juveniles
- C-1, C-2: New Jersey Statistics: Juvenile Arrests 1993
- D: National Statistics: Juvenile Arrests 1965-1991
- E-1, E-2: New Jersey expenditures: Juvenile correctional facilities and community programs

STUDIES ENDORSED BY THE TASK FORCE

- F: Juvenile Delinquency Commission: "Restructuring Services for Delinquent Youth"
- G: Juvenile Delinquency Commission: "The Future of New Jersey's Juvenile Justice System"
- H: "The Regimented Juvenile Training Program" (Colorado)
- I: National Conference of State Legislatures: "Juvenile Justice Reform: State Experiences"



ASSEMBLY RESOLUTION No. 49

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 28, 1994

By Assemblyman CATANIA, Assemblywomen HECK, Haines,
Assemblymen Solomon, Corodemus, T. Smith, Gibson,
Stuhltrager, Oros, Roma, Rocco, Warsh, Assemblywoman
Gregory-Scocchi, Assemblymen Mikulak, Kamin, Felice,
Assemblywoman Wright, Assemblymen Kramer and Gaffney

- 1 AN ASSEMBLY RESOLUTION creating an Assembly Task Force
2 on Juvenile Crime.
3
4 WHEREAS, According to the 1992 Uniform Crime Report -
5 Crime in New Jersey, there were almost 89,000 juvenile arrests
6 in New Jersey in 1992; and
7 WHEREAS, Juveniles now account for over one in every five
8 arrests in the State; and
9 WHEREAS, According to data compiled by the Juvenile
10 Delinquency Commission (the "JDC"), New Jersey ranks fifth
11 in the nation in the total number of juvenile arrests and fourth
12 in the arrest rate for serious violent offenses; and
13 WHEREAS, The JDC further reports that in 1992, New Jersey's
14 six most populated cities (with about 14% of the youth
15 population) accounted for 37% of juvenile arrests for serious
16 violent crime and 54% of arrests for selling drugs; and
17 WHEREAS, The present system of juvenile justice is fragmented
18 and overwhelmed by violent and repeat offenders, and
19 WHEREAS, Juvenile facilities are plagued with overcrowding and
20 the system is struggling to provide rehabilitative services; now,
21 therefore,
22
23 BE IT RESOLVED by the General Assembly of the State of
24 New Jersey:
25 1. There is created a task force of the General Assembly to
26 study and make recommendations concerning juvenile offenders
27 and the juvenile justice system. The task force shall meet as
28 soon as practicable after the appointment of its members.
29 2. The task force shall consist of seven Assembly members,
30 not more than five of whom shall be members of the same party.
31 The Speaker of the General Assembly shall appoint a chairperson
32 from among the task force members. The members of the task
33 force shall appoint a secretary who need not be a member of the
34 task force. Vacancies in the membership shall be filled in the
35 same manner as the original appointments were made.
36 3. The task force may meet and hold hearings at any place or
37 places it shall designate during the sessions or recesses of the
38 General Assembly. The task force shall hold three public
39 hearings which shall be open to members of the general public as
40 well as experts on juvenile delinquency and rehabilitation of
41 juvenile offenders.
42 4. The task force shall report its findings to the General
43 Assembly and to the Governor upon completion of its work, but
44 not later than three months after the passage of this resolution,
45 accompanying the report with any legislation or recommendations

1 for legislation which it may desire to have adopted by the
2 Legislature.

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STATEMENT

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7 This Assembly Resolution creates a task force to study and
8 make recommendations concerning juvenile offenses.

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13 Creates a task force to study juvenile crime.

ASSEMBLY RESOLUTION No. 81

STATE OF NEW JERSEY

INTRODUCED MAY 16, 1994

By Assemblyman CATANIA and
Assemblywoman GREGORY-SCOCCHI

1 AN ASSEMBLY RESOLUTION extending the Task Force on
2 Juvenile Crime.

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4 WHEREAS, The Assembly Task Force on Juvenile Crime was
5 created by Assembly Resolution No. 49, enacted on March 10,
6 1994; and

7 WHEREAS, The Task Force is charged with studying and making
8 recommendations concerning juvenile offenders and the
9 juvenile justice system; and

10 WHEREAS, The Task Force is required to hold public hearings in
11 order to elicit testimony from experts on juvenile delinquency
12 and the rehabilitation of juvenile offenders as well as from the
13 general public; and

14 WHEREAS, The Task Force must report its findings to the
15 General Assembly and to the Governor upon completion of its
16 work, but not later than three months after the passage of
17 Assembly Resolution No. 49, accompanying its report with any
18 legislation or recommendations for legislation which it may
19 desire to have adopted by the Legislature; and

20 WHEREAS, The Task Force has held a number of public hearings
21 and received testimony from many witnesses, including those
22 with expertise in the field of juvenile justice as well as
23 members of the general public; and

24 WHEREAS, The members of the Task Force, upon consideration
25 of the witnesses' testimony and upon study of the issues
26 involved, have agreed that the problem of juvenile crime is
27 complex, and that any proposed solutions need careful and
28 deliberate consideration; and

29 WHEREAS, The members of the Task Force have determined that
30 the three month deadline for completion of their work is
31 insufficient, given the difficult nature of the task; now,
32 therefore,

33
34 BE IT RESOLVED by the General Assembly of the State of
35 New Jersey:

36 1. The deadline for completion of the work of the Assembly
37 Task Force on Juvenile Crime is hereby extended an additional 60
38 days, so that the Task Force must complete its work and issue a
39 final report by August 10, 1994.

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STATEMENT

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44 This resolution would extend the life of the Assembly Task
45 Force on Juvenile Crime an additional 60 days. The Task Force,

1 which was created on March 10, 1994 pursuant to Assembly
2 Resolution No. 49, is currently required to complete its work by
3 June 10, 1994. This resolution would give the Task Force until
4 August 10, 1994 to complete its work and issue a final report.

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9 Extends the life of the Assembly Task Force on Juvenile Crime
10 an additional 60 days.

NEW JERSEY STATUTES

AUTHORIZED DISPOSITIONS:
JUVENILES CHARGED WITH DELINQUENCY
AND JUVENILES ADJUDICATED DELINQUENT



N.J.S.A. 2A:4A-34: Authorized Dispositions for Juveniles Charged with Delinquency

2A:4A-34. Criteria for placing juvenile in detention

a. Where it will not adversely affect the health, safety or welfare of a juvenile, the juvenile shall be released pending the disposition of a case, if any, to any person or

Last additions in text indicated by underline; deletions by strikeouts

agency provided for in this section upon assurance being received that such person or persons accept responsibility for the juvenile and will bring him before the court as ordered.

b. No juvenile shall be placed in detention without the permission of a judge or the court intake service.

c. A juvenile charged with delinquency may not be placed or retained in detention under this act prior to disposition, except as otherwise provided by law, unless:

(1) Detention is necessary to secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent willful failure to appear at juvenile court proceedings or to remain where placed by the court or the court intake service or based on information presented to the court on the record that there is a likelihood that the juvenile will not appear at the next court proceeding; or

(2) The physical safety of persons or property of the community would be seriously threatened if the juvenile were not detained and the juvenile is charged with an offense which, if committed by an adult, would constitute a crime, or would constitute a repetitive disorderly persons offense provided that the judge determines that there is a likelihood that upon adjudication of delinquency for that disorderly persons offense a custodial disposition will be ordered, or (3) Would constitute a high misdemeanor as defined by the "New Jersey Controlled Dangerous Substances Act" (P.L.1970, c. 226; C. 24:21-1 et seq.) ; or

(3) When the criteria for detention are met and the juvenile is charged with an offense which, if committed by an adult, would constitute a disorderly persons or petty disorderly persons offense, the juvenile may be placed in detention temporarily. Police and court intake personnel shall make all reasonable efforts to locate a parent or guardian to accept custody of the juvenile prior to requesting or approving the juvenile's placement in detention. If, after the initial detention hearing, continued detention is necessary, the juvenile shall not be detained in a secure facility but shall be transferred to a shelter or other non-secure placement.

d. The judge or court intake officer prior to making a decision of detention shall consider and, where appropriate, employ any of the following alternatives:

(1) Release to parents;

(2) Release on juvenile's promise to appear at next hearing;

(3) Release to parent, guardian or custodian upon written assurance to secure the juvenile's presence at the next hearing;

(4) Release into care of a custodian or public or private agency reasonably capable of assuring the juvenile to appear at the next hearing;

(5) Release with imposition of restrictions on activities, associations, movements and residence reasonably related to securing the appearance of the juvenile at the next hearing;

(6) Release with required participation in a home detention program;

(7) Placement in a shelter care facility; or

(8) Imposition of any other restrictions other than detention or shelter care reasonably related to securing the appearance of the juvenile.

e. In determining whether detention is appropriate for the juvenile, the following factors shall be considered:

(1) The nature and circumstances of the offense charged;

(2) The age of the juvenile;

(3) The juvenile's ties to the community;

(4) The juvenile's record of prior adjudications, if any; and

(5) The juvenile's record of appearance or nonappearance at previous court proceedings.

f. No juvenile 11 years of age or under shall be placed in detention unless he is charged with an offense which, if committed by an adult, would be a crime of the first or second degree or arson.

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g. If the court places a juvenile in detention, the court shall state on the record its reasons for that detention.

Amended by L.1989, c. 306, § 1, eff. Jan. 12, 1990.

Senate Judiciary Committee Statement

Senate, No. 3169—L.1989, c. 306

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3169.

Presently, juveniles charged with repetitive disorderly persons offenses may be held in detention prior to adjudication if the court determines that there is a likelihood that a custodial disposition would be ordered upon adjudication. This bill would only permit preadjudication detention of juveniles charged with crimes. Juveniles charged with disorderly persons offense could, however, be initially detained when attempts to locate a parent or guardian have been unsuccessful.

The bill would also delete language providing that a court could order the preadjudication detention of a juvenile based on information indicating that there is a likelihood that the juvenile will not appear at the next court proceeding. Language indicating that a juvenile may be held in detention if there is a demonstrable record of failure to appear would be retained.

The amendments adopted by the committee clarify that if it is determined that a juvenile charged with a disorderly persons offense should be detained pending disposition, the juvenile would not be held in a juvenile detention facility but should be transferred to a shelter or some other non-secure facility.

The amendments also clarify that if the disposition of adjudicated delinquent does not involve a secure residential or out of home placement and continued detention is necessary, the juvenile would not be held in juvenile detention facility but transferred to a non-secure facility.

The provisions of the bill are based on recommendations contained in 1988 report of the Juvenile Delinquency Commission. These recommendations seek to address the problem of overcrowding in juvenile detention facilities.

2A:4A-37. Place of detention or shelter

a. The State Department of Corrections shall specify the place where a juvenile may be detained; and the Department of Human Services shall specify where a juvenile may be placed in shelter.

b. No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Department of Corrections or Department of Human Services as provided in subsection a.

c. A juvenile being held for a charge under this act or for a violation of or contempt in connection with a violation of Title 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes or N.J.S. 2C:33-13, including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility in reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility which has reached its maximum population capacity, as designated by the Department of Corrections.

d. No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18.

e. (1) The Department of Corrections and the Department of Human Services shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for juvenile detention facilities or shelters under their respective supervision.

(2) The Department of Corrections and the Department of Human Services, in consultation with the appropriate county administrator of the county facility or shelter,

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CIVIL AND CRIMINAL JUSTICE

shall assign a maximum population capacity for each juvenile detention facility or shelter based on minimum standards for these facilities.

f. (1) Where either the Department of Corrections or the Department of Human Services determines that a juvenile detention facility or shelter under its control or authority is regularly over the maximum population capacity or is in willful and continuous disregard of the minimum standards for these facilities or shelters, the department may restrict new admissions to the facility or shelter.

(2) Upon making such determination, the department shall notify the governing body of the appropriate county of its decision to impose such a restriction, which notification shall include a written statement specifying the reasons therefor and corrections to be made. If the department shall determine that no appropriate action has been initiated by the administrator of the facility or shelter within 60 days following such notification to correct the violations specified in the notification, it shall order that such juvenile detention facility or shelter shall immediately cease to admit juveniles. The county shall be entitled to a hearing where such a restriction is imposed by the department.

(3) Any juvenile detention facility or shelter so restricted shall continue under such order until such time as the department determines that the violation specified in the notice has been corrected or that the facility or shelter has initiated actions which will ensure the correction of said violations.

(4) Upon the issuance of an order to cease admissions to a juvenile detention facility or shelter, the department shall determine whether other juvenile detention facilities or shelters have adequate room for admitting juveniles and shall assign the juveniles to the facilities or shelters on the basis of available space; provided that the department shall not assign the juvenile to a facility or shelter where such facility or shelter is at the maximum population. A juvenile detention facility or shelter ordered to accept a juvenile shall do so within five days following the receipt of an order to accept admission of such juvenile.

(5) A juvenile detention facility or shelter restricted by an order to cease admissions shall assume responsibility for the transportation of a juvenile sent to another juvenile detention facility or shelter so long as the order shall remain in effect.

(6) A facility or shelter receiving juveniles pursuant to paragraph (4) of this subsection shall receive from the sending county a reasonable and appropriate per diem allowance for each juvenile sent to the facility, such allowance to be used for the custody, care, maintenance, and any other services normally provided by the county to juveniles in the facility or shelter and which reflects all county expenditures in maintaining such juvenile, including a proportionate share of all buildings and grounds costs, personnel costs, including fringe benefits, administrative costs and all other direct and indirect costs.

(7) The governing body of a county whose juvenile detention facility or shelter has been prohibited from accepting new admissions, and whose juveniles have been assigned to other juvenile detention facilities or shelters, shall appropriate an amount to pay the county receiving such juveniles for all expenses incurred pursuant to paragraph (6) of this subsection.

Amended by L.1989, c. 125, § 2, eff. July 3, 1989.

Historical and Statutory Notes

Statement: Governor's Reconsideration and Recommendation statement to Senate, No. 1101—L.1989, c. 125, see § 2A:4A-23.

Administrative Code References

Standards for shelters accepting juveniles awaiting court disposition, see N.J.A.C. 10:124-1.1 et seq.

Notes of Decisions

County facilities 7

7. County facilities

Practice of housing juveniles who have been sentenced to state institutions in county detention facilities.

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2A:4A-43. Disposition of delinquency cases

a. In determining the appropriate disposition for a juvenile adjudicated delinquent the court shall weigh the following factors:

(1) The nature and circumstances of the offense;

(2) The degree of injury to persons or damage to property caused by the juvenile's offense;

(3) The juvenile's age, previous record, prior social service received and out-of-home placement history;

(4) Whether the disposition supports family strength, responsibility and unity and the well-being and physical safety of the juvenile;

(5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition;

(6) Whether the disposition recognizes and treats the unique physical, psychological and social characteristics and needs of the child.

(7) Whether the disposition contributes to the developmental needs of the child including the academic and social needs of the child where he has mental retardation or learning disabilities; and

(8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court.

b. If a juvenile is adjudged delinquent, and except to the extent that an additional specific disposition is required pursuant to subsection e. or f. of this section, the court may order incarceration pursuant to section 25 of this act or any one or more of the following dispositions:

(1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; provided that if the court adjourns formal entry of disposition of delinquency for a violation of an offense defined in chapter 35 or 36 of Title 2C, of the New Jersey Statutes the court shall assess the mandatory penalty set forth in N.J.S. 2C:35-15 but may waive imposition of the penalty set forth in N.J.S. 2C:35-16 for juveniles adjudicated delinquent;

(2) Release the juvenile to the supervision of his or her parent or guardian;

(3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a

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period not to exceed three years upon such written conditions as the court deems will aid rehabilitation of the juvenile;

(4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile;

(5) Place the juvenile under the care of the Department of Human Services under the responsibility of the Division of Youth and Family Services pursuant to P.L.1961, c. 138, § 2(c) (C. 30:4C-2(c)) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Human Services shall submit to the court a service plan, which shall be presumed valid detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

(6) Place the juvenile under the care and custody of the Commissioner of the Department of Human Services for the purpose of receiving the services of the Division of Mental Retardation of that department, provided that the juvenile has been determined to be eligible for those services under P.L.1965, c. 59, § 16 (C. 30:4-25.4);

(7) Commit the juvenile, pursuant to the laws governing civil commitment, to the Department of Human Services under the responsibility of the Division of Mental Health and Hospitals for the purpose of placement in a suitable public or private hospital or other residential facility for the treatment of persons who are mentally ill, on the ground that the juvenile, if not committed, would be a probable danger to himself or others or property by reason of mental illness;

(8) Fine the juvenile an amount not to exceed the maximum provided by law for such a crime or offense if committed by an adult and which is consistent with the juvenile's income or ability to pay and financial responsibility to his family, provided that the fine is specially adapted to the rehabilitation of the juvenile or to the deterrence of the type of crime or offense. If the fine is not paid due to financial limitations, the fine may be satisfied by requiring the juvenile to submit to any other appropriate disposition provided for in this section;

(9) Order the juvenile to make restitution to a person or entity who has suffered loss resulting from personal injuries or damage to property as a result of the offense for which the juvenile has been adjudicated delinquent. The court may determine the reasonable amount, terms and conditions of restitution. If the juvenile participated in the offense with other persons, the participants shall be jointly and severally responsible for the payment of restitution. The court shall not require a juvenile to make full or partial restitution if the juvenile reasonably satisfies the court that he does not have the means to make restitution and could not reasonably acquire the means to pay restitution;

(10) Order that the juvenile perform community services under the supervision of a probation department or other agency or individual deemed appropriate by the court. Such services shall be compulsory and reasonable in terms of nature and duration. Such services may be performed without compensation, provided that any money earned by the juvenile from the performance of community services may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(11) Order that the juvenile participate in work programs which are designed to provide job skills and specific employment training to enhance the employability of job participants. Such programs may be without compensation, provided that any money earned by the juvenile from participation in a work program may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(12) Order that the juvenile participate in programs emphasizing self-reliance, such as intensive outdoor programs teaching survival skills, including but not limited to camping, hiking and other appropriate activities;

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development. This may require attendance after school, evenings and weekends;

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(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services; or

(15) Order the parent or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a significant contributing factor towards the commission of the delinquent act, or, under his authority to enforce filial rights, that such person's omission or conduct has been a significant contributing factor towards the ineffective implementation of a court order previously entered in relation to the juvenile;

(16) Place the juvenile in a nonresidential program operated by a public or private agency, providing intensive services to juveniles for specified hours, which may include education, counseling to the juvenile and the juvenile's family if appropriate, vocational training, employment counseling, work or other services; or

(b) Place the juvenile under the custody of the Department of Corrections for placement with any private group home or private residential facility with which the department has entered into a purchase of service contract;

(17) Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed two years the driver's license, registration certificate, or both of any juvenile who used a motor vehicle in the course of committing an act for which he was adjudicated delinquent. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the severity of the delinquent act and the potential effect of the loss of driving privileges on the juvenile's ability to be rehabilitated. Any postponement, suspension, or revocation shall be imposed consecutively with any custodial commitment;

(18) Order that the juvenile satisfy any other conditions reasonably related to the rehabilitation of the juvenile; or

(19) Order a parent or guardian who has failed or neglected to exercise reasonable supervision or control of a juvenile who has been adjudicated delinquent for an offense which, if committed by an adult, would constitute the crime of theft of a motor vehicle or unlawful taking of a motor vehicle to make restitution to any person or entity who has suffered a loss as a result of that offense. The court may determine the reasonable amount, terms and conditions of restitution.

c. (1) If Except as otherwise provided in subsection e. and f. of this section, if the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Department of Corrections, the court may, in addition to any of the dispositions not involving placement out of the home enumerated in this section, incarcerate the juvenile in the youth detention facility in that county for a term not to exceed 60 consecutive days. Counties which do not operate their own juvenile detention facilities may contract for the use of approved commitment programs with counties which they have established agreements for the use of pre-disposition juvenile detention facilities. The Department of Corrections shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility, and program standards for the use of juvenile detention facilities pursuant to this subsection.

(2) No juvenile may be incarcerated in any county detention facility unless the county has entered into an agreement with the Department of Corrections concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Department of Corrections shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50% of the maximum capacity of the facility.

(3) The court may fix a term of incarceration under this subsection where:

(a) The act for which the juvenile was adjudicated delinquent, if committed by an adult, would have constituted a crime or repetitive disorderly persons offense;

(b) Incarceration of the juvenile is consistent with the rehabilitative goals of this act and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of this act; and

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(c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2).

(4) If as a result of incarceration of adjudicated juveniles pursuant to this subsection, a county is required to transport a predisposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Department of Corrections.

d. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section other than subsection c., the duration of the juvenile's mandatory participation in such alternative programs shall extend for a period consistent with the program goal for the juvenile and shall, in no event exceed one year beyond the maximum duration permissible for the delinquent if he has been committed to a correctional institution.

e. In addition to any disposition the court may impose pursuant to this section or section 25 of P.L.1982, c. 77 (C. 2A:4A-44), the following orders shall be included in dispositions of the adjudications set forth below:

(1) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c. 77 (C. 2A:4A-44) or an order to perform community service pursuant to paragraph (10) of subsection b. of this section for a period of at least 60 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of theft of a motor vehicle or the crime of unlawful taking of a motor vehicle in violation of subsection c. of N.J.S. 2C:20-10, or the third degree crime of eluding in violation of subsection b. of N.J.S. 2C:29-2.

(2) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c. 77 (C. 2A:4A-44) which shall include a minimum term of 60 days during which the juvenile shall be ineligible for parole, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of aggravated assault in violation of paragraph (6) of subsection b. of N.J.S. 2C:12-1, the second degree crime of eluding in violation of subsection b. of N.J.S. 2C:29-2, or theft of a motor vehicle, in a case in which the juvenile has previously been adjudicated delinquent for an act, which if committed by an adult, would constitute unlawful taking of a motor vehicle or theft of a motor vehicle.

(3) An order to perform community service pursuant to paragraph (10) of subsection b. of this section for a period of at least 30 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the fourth degree crime of unlawful taking of a motor vehicle in violation of subsection b. of N.J.S. 2C:20-10.

(4) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c. 77 (C. 2A:4A-44) which shall include a minimum term of 30 days during which the juvenile shall be ineligible for parole, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of unlawful taking of a motor vehicle in violation of subsection b. of N.J.S. 2C:20-10, or the third degree crime of eluding in violation of subsection b. of N.J.S. 2C:29-2, and if the juvenile has previously been adjudicated delinquent for an act which, if committed by an adult, would constitute either theft of a motor vehicle, the unlawful taking of a motor vehicle or eluding.

f. (1) The minimum terms of incarceration required pursuant to subsection e. of this section shall be imposed regardless of the weight or balance of factors set forth in this section or in section 25 of P.L.1982, c. 77 (C. 2A:4A-44), but the weight and balance of those factors shall determine the length of the term of incarceration appropriate. If any beyond any mandatory minimum term required pursuant to subsection e. of this section, No time spent in custody prior to adjudication of delinquency shall be considered as time served on a mandatory minimum term of incarceration pursuant to subsection e. of this section.

(2) When a court in a county that does not have a juvenile detention facility or a contractual relationship permitting incarceration pursuant to subsection c. of this section is required to impose a term of incarceration pursuant to subsection e. of this section, the court may, subject to limitations on commitment to State correctional facilities of juveniles who under the age of 11 or developmentally disabled, set a term of incarceration.

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tion consistent with subsection c. which shall be served in a State correctional facility. When a juvenile who because of age or developmental disability cannot be committed to a State correctional facility or cannot be incarcerated in a county facility, the court shall order a disposition appropriate as an alternative to any incarceration required pursuant to subsection e.

(3) For purposes of subsection e. of this section, in the event that a "boot camp" program for juvenile offenders should be developed and is available, a term of commitment to such a program shall be considered a term of incarceration.

Amended by L.1988, c. 44, § 16, eff. June 28, 1988; L.1988, c. 72, § 1, eff. July 21, 1988; L.1993, c. 133, § 1, eff. June 3, 1993.

Section 2A:4A-44.

Expiration

Expiration of subsec. c. of § 2A:4A-43 as provided by L.1982, c. 77, § 34, amended by L.1985, c. 269, § 1; L.1988, c. 2, § 1 was repealed by L.1988, c. 72, § 2. Subsection c. remains in full force and effect. See Historical Note under § 2A:4A-20.

Senate Judiciary Committee Statement

Senate, No. 1206—L.1993, c. 133

The Senate Judiciary Committee reports favorably Senate Bill No. 1206.

Under the present "New Jersey Code of Juvenile Justice" (N.J.S.A. 2A:4A-20 et seq.), sanctions for juveniles adjudicated delinquent are within the discretion of the court. This bill would establish the following mandatory disposition for juveniles adjudicated delinquent for certain motor vehicle related offenses:

- 60 days incarceration for any juvenile adjudicated delinquent for aggravated assault if an injury is caused as the result of jostling or eluding a law enforcement officer; for eluding if the offense creates a risk of injury and for motor vehicle theft by a repeat offender.

- 30 days incarceration for repeat offenders adjudicated delinquent for the lawful taking of a motor vehicle or for eluding which does not create a risk of injury.

- 60 days mandatory community service for first offenders adjudicated delinquent for motor vehicle theft, for the unlawful taking of a motor vehicle which creates a risk of injury and for eluding which does not create a risk of injury.

- 30 days mandatory community service for the unlawful taking of a motor vehicle which does not create a risk of injury.

These mandatory dispositions would be in addition to any other disposition presently authorized by the Code of Juvenile Justice.

In addition to these dispositions, the bill provides that parents who neglect to exercise reasonable supervision and control over juveniles may be ordered to pay restitution to car theft victims.

Historical and Statutory Notes

1988 Legislation
L.1988, c. 72, § 16, in subsec. c., par. (1), facilities to contract for the use of another court authorized counties without juvenile detention

Cross References

Adjudication as delinquent for controlled dangerous substances or drug paraphernalia violations, penalty and fees, see §§ 2C:35-15, 2C:35-20.
Conviction of or adjudication as delinquent for substances or drug paraphernalia, forfeiture of right to operate motor vehicle, see § 2C:35-16.
Last additions in text indicated by underline; deletions by strikeout



ARREST TRENDS BY AGE GROUP—1992-1993

OFFENSES	UNDER 18 YEARS OF AGE			18 YEARS OF AGE AND OVER		
	1992	1993	Percent Change	1992	1993	Percent Change
Murder	54	63	+17	320	313	- 2
Rape	236	235	*	1,083	987	- 9
Robbery	1,941	2,019	+ 4	3,975	3,986	*
Aggravated Assault	3,097	3,185	+ 3	11,245	10,420	- 7
Burglary	4,318	4,041	- 6	6,873	7,021	+ 2
Larceny-Theft	13,959	12,528	-10	29,549	29,358	- 1
Motor Vehicle Theft	1,726	1,519	-12	1,232	1,246	+ 1
Subtotal Index Offenses	25,331	23,590	- 7	54,277	53,331	- 2
Manslaughter	3	8	†	15	28	+ 87
Simple Assault	9,604	9,669	+ 1	32,572	31,979	- 2
Arson	342	269	-21	239	262	+ 10
Forgery and Counterfeiting	84	57	-32	1,320	1,317	*
Fraud	224	185	-17	6,144	6,189	+ 1
Embezzlement	6	2	†	92	69	- 25
Stolen Property; Buying, Receiving, Possessing, etc.	4,587	3,787	-17	6,971	6,738	- 3
Criminal/Malicious Mischief	7,902	6,608	-16	5,211	4,928	- 5
Weapons; Carrying, Possessing, etc.	2,563	2,936	+15	5,160	4,958	- 4
Prostitution and Commercialized Vice	21	23	+10	2,516	3,050	+ 21
Sex Offenses (Except Rape and Prostitution)	481	476	- 1	1,977	1,973	*
Drug Abuse Violations	5,149	5,889	+14	41,351	41,851	+ 1
Gambling	78	60	-23	517	470	- 9
Offenses Against Family and Children	46	27	-41	14,855	15,468	+ 4
Driving Under the Influence	212	226	+ 7	35,755	33,791	- 5
Liquor Laws	3,535	2,777	- 21	7,414	7,096	- 4
Disorderly Conduct	10,245	10,081	- 2	29,054	28,029	- 4
Vagrancy	44	34	-23	122	383	+214
All Other Offenses (Except Traffic)	10,741	10,104	- 6	72,563	73,751	+ 2
Curfew and Loitering Law Violations	1,950	2,157	+11	-	-	-
Runaways	5,642	5,853	+ 4	-	-	-
GRAND TOTAL	88,790	84,818	- 4	318,125	315,661	- 1

*Less than one-half of one percent.

†Percent change not calculated due to small volume.

(Uniform Crime Report, 1993)
(New Jersey)



TOTAL ARRESTS BY AGE--1993

OFFENSES	UNDER 10	10-12	13-14	15	16	17	TOTAL UNDER 18
Murder	-	1	7	14	14	27	63
Rape	10	33	61	34	41	52	235
Robbery	8	153	481	385	485	507	2,019
Aggravated Assault	35	204	797	821	733	795	3,185
Burglary	66	444	1,148	813	836	733	4,041
Larceny-Theft	279	1,562	3,766	2,302	2,363	2,277	12,528
Motor Vehicle Theft	8	82	410	342	341	266	1,519
Subtotal Index Offenses	404	2,489	8,080	4,515	4,855	4,887	23,590
Manslaughter	1	-	1	1	2	3	8
Simple Assault	232	1,145	2,668	1,796	1,926	1,864	9,609
Arson	34	87	81	41	30	26	269
Forgery and Counterfeiting	-	1	6	18	15	17	57
Fraud	-	7	18	34	48	77	185
Embezzlement	-	-	-	-	-	2	2
Stolen Property, Buying, Receiving, Possessing, etc.	22	231	893	688	865	887	3,787
Criminal/Malicious Mischief	336	1,087	2,071	1,097	994	1,013	6,608
Weapons; Carrying, Possessing, etc.	30	229	812	611	599	655	2,836
Prostitution and Commercialized Vice	-	-	4	-	5	14	23
Sex Offenses (Except Forcible Rape and Prostitution)	33	67	155	74	81	66	476
Drug Abuse Violations	11	69	623	1,050	1,684	2,452	5,869
Gambling	-	-	11	11	16	22	60
Offenses Against Family and Children	-	3	10	4	5	5	27
Driving Under the Influence	4	1	3	16	25	177	226
Liquor Laws	2	18	295	487	771	1,203	2,777
Disorderly Conduct	182	973	2,507	2,028	2,188	2,212	10,081
Vagrancy	-	1	9	5	8	11	34
All Other Offenses (Except Traffic)	171	642	2,800	1,874	2,110	2,367	10,104
Curfew and Loitering Law Violations	10	91	537	552	548	421	2,157
Runaways	129	603	1,811	1,270	1,249	891	5,853
GRAND TOTAL	1,831	7,945	21,774	16,573	18,003	18,882	84,818
							17,847

TOTAL ARRESTS BY AGE--1993

[illegible]

(Uniform Crime Report, 1993)

NEW JERSEY STATISTICS



Tools for prevention

The key principles for preventing and reducing juvenile delinquency are:

- strengthening families;
- supporting core social institutions;
- intervening immediately when delinquent behavior occurs; and
- identifying and controlling the small percentage of serious, violent and chronic juvenile offenders.

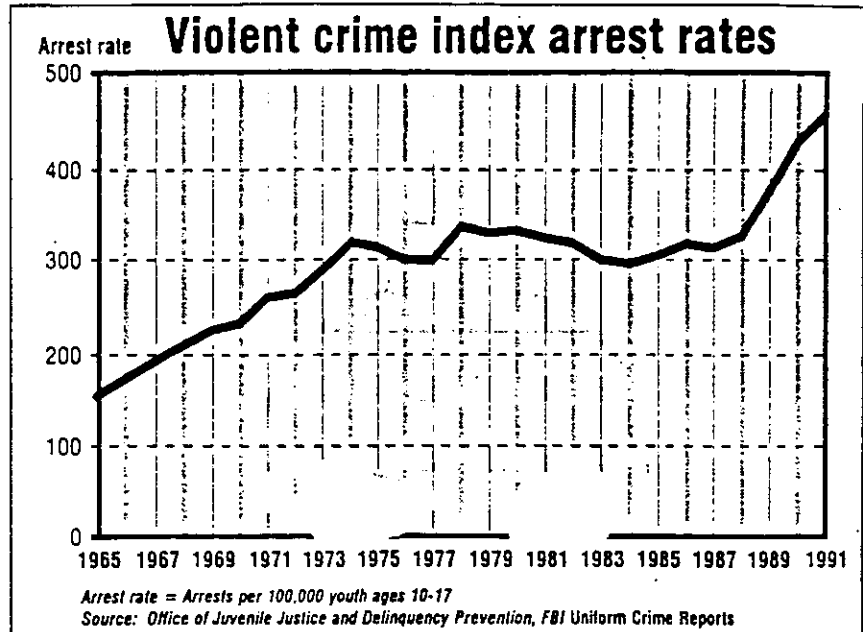
A Philadelphia study (Wolfgang, Figlio and Sellin, 1972) found that chronic offenders (five or more police contacts) made up 6 percent of the cohort, or age group, and 18 percent were responsible for 62 percent of all offenses and about two-thirds of all violent offenses.

Source: Office of Juvenile Justice and Delinquency Prevention

Gunning for trouble

More than 1,400 children die each year from guns — a number that has more than doubled in eight years. This means that 120 children under 18 are killed by gunfire each month. In 1992, a gun was used in more than 60 percent of child homicides.

Youth themselves contribute to the problem. A survey of 1,600 male students in 10 inner-city high schools found that 22 percent owned a gun. The most common was a semiautomatic handgun.



Teens said they got the guns from a variety of sources: friend (38 percent), family member (23 percent), the street (14 percent), gun shop (11 percent), drug addict/dealer (8 percent), stolen/other (6 percent).

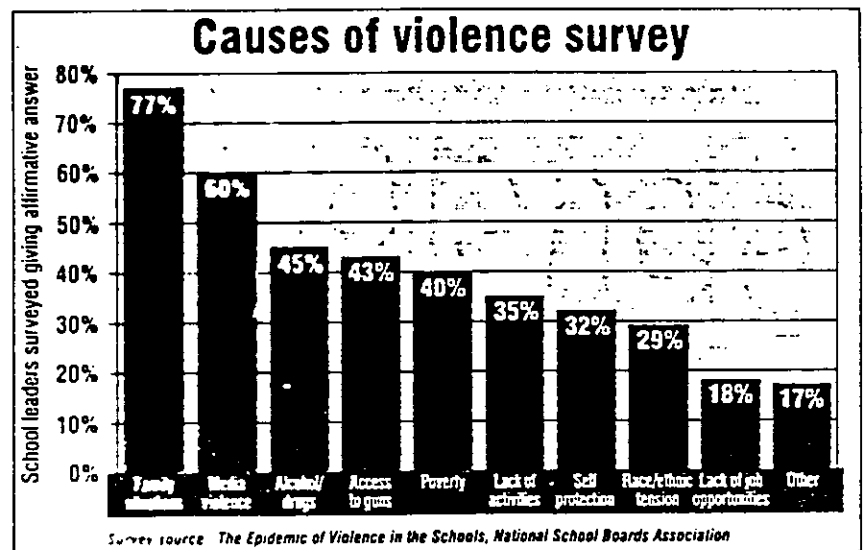
Sources: *USA Today*, May 9, 1994; Office of Juvenile Justice and Delinquency Prevention brief, *Gun Acquisition and Possession in Selected Juvenile Samples*

Juvenile legislation

As of May 1994, many states had pending legislation on a variety of juvenile justice issues:

- boot camps — eight states, with a total of 11 bills;
- firearm restrictions — 16 states with a total of 62 bills;
- gangs — seven states, with a total of 12 bills; and
- school safety — 10 states, with a total of 35 bills.

Source: Office of Juvenile Justice and Delinquency Prevention





JUVENILE AND YOUTH CORRECTIONS
FY 1995 APPROPRIATIONS

	<u>DIRECT STATE SERVICES</u>	<u>CAPITAL</u>	<u>FEDERAL</u>	<u>TOTAL</u>
<u>YOUTH</u>				
Garden State	\$42,104,000	\$669,000	\$75,000	\$42,848,000
Wagner	\$33,752,000	\$2,027,000	-	\$35,779,000
Mountainview	\$36,442,000	\$4,565,000	\$83,000	\$41,090,000
TOTAL YOUTH	\$112,298,000	\$7,261,000	\$158,000	\$119,717,000
	<u>GENERAL FUND</u>	<u>CAPITAL</u>	<u>FEDERAL</u>	<u>TOTAL</u>
<u>JUVENILE</u>				
NJTSB (DOC) Jamesburg	\$16,832,000	\$1,061,000	\$406,000	\$18,299,000
Juvenile Med Sec. (DOC)	\$9,644,000	\$676,000	\$268,000	\$10,588,000
Juvenile Community Program (DHS)	\$14,961,000	-	\$1,610,000	\$16,571,000
TOTAL JUVENILE	\$41,437,000	\$1,737,000	\$2,284,000	\$45,458,000
TOTAL	\$153,735,000	\$8,998,000	\$2,442,000	\$165,175,000



N J YOUTH & JUVENILE CORRECTIONAL POPULATION ANNUAL PER CAPITA COSTS

Youth Institutions	FY 1994 Population	FY 1994 Per Capita
Garden State Reception and Youth Correctional Facility	1,653	\$26,462
Albert C. Wagner Youth Correctional Facility	1,445	\$23,746
Mountainview Youth Correctional Facility	1,649	\$22,426
TOTAL YOUTH POPULATION	4,747	
Juvenile Institutions - DOC		
New Jersey Training School For Boys	442	\$38,068
Juvenile Medium Security Center	128	\$54,110
Subtotal Institutional Pop	570	
Juvenile Community Programs - DHS		
Residential Programs	435	\$45,415
Day Programs	286	\$18,518
Subtotal Community Prog Pop	721	
TOTAL JUVENILE POPULATION	1,291	
TOTAL YOUTH & JUVENILE POPULATION	6,038	

*Note: Youth Institutions house offenders between the ages of 18 and 26
Juvenile Institutions house offenders under the age of 18



J D**C CLEARINGHOUSE**

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609-292-2264
October 2, 1992

RESTRUCTURING SERVICES FOR DELINQUENT YOUTH

The following summarizes the recent recommendations of a Task Force of the Cabinet Action Group on Juvenile Justice. The report is part of an emerging blueprint that should be presented in full in the near future.

The last major reform of New Jersey's juvenile justice system came in 1983 with the revised Code of Juvenile Justice and the constitutional amendment creating a family court. Since then, the Juvenile Delinquency Commission has monitored the system and recommended a number of strategies for further change.

One of our key concerns has been the insufficient supply of good local programs, especially in our urban centers. We also pointed out that the juvenile justice system is fragmented and poorly organized – a major reason for the slow pace of local program development. One problem is that the responsibilities of state agencies and their roles vis a vis local government (and the private sector) are simply not defined.

Poor organization has contributed to slow progress in developing a local response to delinquency.

Within this broader context, the executive branch has examined various proposals to reorganize the existing structure for responding to delinquent youth. In March of 1991, a Cabinet Action Group was developed to spur greater coordination and efficiencies of executive agencies, with an eye toward determining how existing dollars might be redistributed or "redeployed" to get maximum impact. The Action Group has focused on four key areas: increasing dispositional options for delinquent youth; increasing the use of alternatives to training schools; increasing the availability of drug treatment programs; and expanding prevention services for at-risk youth.

One recommendation coming from the Group was for the creation of an Office of Youth Services (OYS) to oversee the State's shifting policy direction. And a Task Force on Community Services and Disposi-

tional Alternatives worked to outline how a local service network could be designed to support the goals and objectives of the proposed OYS. The Task Force has now released its final report under the chairmanship of William Waldman, Assistant Commissioner of the Department of Human Services. We summarize findings and recommendations of the "Waldman Report" below.

THE WALDMAN REPORT

The focus of the Task Force was to address the array of community services that should be available to support the proposed OYS and to explore how levels of government could interact with community groups – in other words, what should be available and where should responsibility for service delivery lie. The youth population targeted by the Task Force includes all juveniles adjudicated delinquent as well as youth "at risk" of involvement with the family court. Special attention is to be paid to urban and minority issues.

The Task Force looked at what services should be available and where responsibility for service delivery should lie.

The Task Force delineated a series of principles to guide future action:

- We need to develop a full spectrum of services and sanctions for youths and their families. (The report provides a model for such a continuum in the form of a "matrix" of interventions that vary in intensity.) There needs to be flexible funding, conducive to the use of alternative dispositions that provide both "holistic" and individualized interventions.

- Juvenile system expenditures dedicated to institutions need to be reviewed for possible redirection of funds to community-based services, many of which could be delivered by local not-for-profit organizations.
- The refashioned system will require inter-governmental cooperation and coordination, and a partnership between the public and private sectors. There should be clear mutual responsibility between all parties, along with empowerment of the community, family and juvenile.
- A multidisciplinary team approach is needed for system level and individual case planning.
- Multicultural competency and sensitivity should be achieved at all levels of the system.
- The strategy should build on existing structures and programs, most notably County Youth Services Commissions and the current Youth Incentive Program of the Department of Human Services.

Dollars should be redirected to programs in the community – often run by community organizations.

The following summarizes key recommendations of the Task Force.

A Focus on County Youth Services Commissions. County Youth Services Commissions (YSCs) should be the primary local planning and advisory entity for the target population, with such functions as: planning, advocacy, public education, local program development and monitoring, coordinating relevant activities of related bodies, coordinating or administering a multidisciplinary process of case planning, and possibly advising counties on detention center issues and operations. To facilitate this role, YSCs should receive adequate state funding for administrative support.

An Office of Youth Services. A proposed Office of Youth Services, to include current functions of the DOC Division of Juvenile Services, would be the primary state level body for planning and coordination of services for the target population. Some key functions would involve standard setting, planning, contracting and coordination.

The Task Force sees OYS as the primary state level planning and coordinating body for the target population of delinquent and "at-risk" youth.

The report notes that adequate state funding would be required to carry out these functions and to develop a core continuum of services. Local services should be funded on a formula basis, and discretionary funding would be available for addressing special needs. Performance based incentives and disincentives should be considered to encourage development of community-based services.

Some General Recommendations. Some general recommendations were also provided in the report including that:

- The State YSC would serve as an open forum for system communication, and in an advisory capacity to OYS.
- The judiciary should be actively involved with the State and local Youth Services Commissions. Participation in these bodies, in most instances, should be allowed through an exception to the separation of powers doctrine.
- Policies, regulations, etc., set at the state level should allow for county diversity in line with New Jersey's "home rule" tradition.
- Multidisciplinary teams should be available to provide recommendations for service planning and sanctions for individual juveniles and their families. The primary mechanism and model for this should be the Case Assessment Resource Team (CART) process, newly established by DHS.

County Youth Services Commissions would play a key role in the reorganized system of local response.

SOME FINAL THOUGHTS

The Waldman Report is a welcome contribution to efforts to forge a more effective and efficient juvenile justice system. Many of its recommendations appear to be on target. At the same time, some of the proposed reforms, understandably, will need to be widely discussed.

We hope that a core component of the changing structure will be systematic procedures through which the impact of new policies can be measured. That in itself would be a significant step ahead.



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May 1, 1992

**SPECIAL
EDITION**

THE FUTURE OF NEW JERSEY'S JUVENILE JUSTICE SYSTEM: A Think Piece

This special edition of the Clearinghouse examines our juvenile justice system's recent history and prospects for the future. Despite much progress, we see broad continuity in many of the issues we still face.

Our juvenile system is currently receiving an uncommon amount of scrutiny by lawmakers. As in times past, there is once again a widespread feeling that the system is not working very well, and that improvements are needed. And a number of reforms have been proposed.

When lawmakers look at proposed reforms, they are likely to be concerned with issues relating to public safety, costs, and the likelihood of curtailing further crime. And because lawmakers will likely be asked to participate in a new set of reforms in the near future, it is useful to provide some "perspective" – a look back at the recent past and a look forward to the future. This perspective can help guide future efforts.

It is likely that lawmakers will be asked to participate in a new set of juvenile justice system reforms in the near future.

JUST YESTERDAY

Our last major effort at reform occurred in 1983. It involved two related reforms: passage of a substantially revised Juvenile Justice Code and creation of a Family Court. Both were a reaction to pervasive concerns over perceived system shortcomings: judges with few dispositional op-

tions; a system handling too many minor delinquency situations that might best be handled in an alternative manner; a system closed to public scrutiny and, some claimed, soft on serious juvenile crime; a system lacking in uniformity and fairness; and a system failing to deal with delinquency as a family-related problem.

The last major reform came in 1983 with the Code of Juvenile Justice.

Legislators set out to develop solutions. What emerged was a bill described by the following Senate Judiciary Committee statement:

This bill recognizes that the public welfare and the best interests of juveniles can be served most effectively through an approach which provides for harsher penalties for juveniles who commit serious acts or who are repetitive offenders, while broadening family responsibility and the use of alternative dispositions for juveniles committing less serious offenses.

While space does not allow for a review of all the objectives of the Code (past Commission reports provide this), several key thrusts are important to note. Among other things, the Code

attempted to increase the uniformity and equity in handling cases by providing criteria to be used in waiver, short-term custody, detention and even dispositional decisionmaking. Another key provision was to focus more on the family by extending the court's jurisdiction to include parents and family members found to be contributing to delinquency or a juvenile-family crisis. It also removed "status offenses" from the immediate jurisdiction of the court by providing alternative means for handling these cases. And perhaps most importantly, the Code sought to provide judges with an expanded range of dispositional options.

One of the most important provisions of the Code was to expand the range of dispositional options.

Students of intergovernmental relations also recognize that another landmark was an emphasis on local government's role in dealing with delinquency. The Code mandated for the first time that counties routinely plan for the development of services for court-involved youths.

The Code also recognized local government's role in providing delinquency-related services.

Finally, the Legislature had the foresight to create a body, the Juvenile Delinquency Commission, to monitor the implementation and effectiveness of the new Code provisions and provide the Legislature with ongoing oversight of the system so that problems could be identified and addressed on a routine basis rather than "twenty years down the road."

TODAY

It is now time to consider how far we've gone toward meeting these goals. Our research shows that our track record is mixed. And new problems confront us. On the plus side, we've made great strides in some areas. We've launched a better local planning effort through Youth Services Commissions. The new Family Crisis Intervention Units are successfully diverting many former "status offense" cases from the

courts; and more information is now available on the day to day workings of the system than perhaps ever before.

Some of the problems we wanted to solve continue to plague us.

However, the Commission's research also points to some continuing shortcomings - far too few real options for dealing with delinquent youths (especially in our urban areas), continued disparity in how cases are handled, seeming inability to deal effectively with the serious and repetitive juvenile offender, and the continued overrepresentation of minority youths throughout the system (especially in our institutions and residential programs). And it is becoming clear to all that these shortcomings are not being adequately addressed.

We are also increasingly recognizing that the vast majority of our efforts at delinquency prevention, control and treatment must be focused at the local community level. These efforts must build on the institutions most responsible for socializing our children - the family, the school, and the local neighborhood. This approach makes the most sense and is the most economical. Yet, it has proven difficult if not impossible to implement.

Our failures are due, in large part, to the way we have organized our system. One reason for the limited local response is that our communities with the most severe delinquency problems tend to have the fewest resources. Another is that we provide few incentives to stimulate local efforts. One result of this is default by local government and an expansion of state level efforts. The role of the Division of Juvenile Services has grown dramatically over the past decade.

Our efforts at delinquency prevention and treatment must focus at the local level. But we've failed to do this!

In partial response to today's shortcomings, policymakers are now examining ideas that could transform the system further. There are

lots of new proposals on the table. A major focus is reorganizing state executive level response to delinquency, an interest reflected in last year's creation of the Governor's Cabinet Action Group on Juvenile Justice. The Group is proposing creation of an Office of Youth Services, possibly in the Department of Human Services, that would consolidate responsibility for a number of services for delinquent youth. The Group has also examined the feasibility of expanding community-based operations, in part to serve as alternative placements for some juveniles who now are being sent to training schools. The plans for "deinstitutionalization" have not been without controversy, however. Differences have revolved around debates about public safety, likely effectiveness and the costs of alternative programs (vs. current strategies).

Largely lost in the current debates on deinstitutionalization is a discussion of the role of local government.

Largely lost in this current debate, however, is an issue that bears heavily on the long-term health of the juvenile justice system – should we continue to increase direct state administrative responsibility for correctional needs or should we develop a "new partnership" strategy that refocuses responsibility for providing many delinquency-related services at the local level?

TOMORROW – Where to Next?

Looking to the future, it's useful to separate the task of juvenile justice into two sets of challenges – treatment challenges, and administrative and management challenges.

We are now confronted with two separate issues – how we should organize our system and what programs we should stress.

Treatment. One of our core concerns must be about the approaches needed to turn juvenile offenders around. Whether we aim to "rehabilitate" them or to deter them by "getting them the message," the fact is that our technology for changing the behavior of young people remains limited.

The good news is that solid research across the country is beginning to identify approaches that appear to work for many delinquent youths. The future will demand that we learn more about which of these approaches works best and for which specific types of youths. In short, we need to know what's working.

Surprisingly, while we continue to develop new delinquency programs and fund old ones, we spend little time really examining what really works. We often just assume that our well-intentioned interventions are "doing right by our kids." But thoughtful observers of the system will tell you that despite the efforts, the results are a big question mark. This means that in the future, policymakers will need to demand a practical research agenda that will guide their funding decisions.

Management. Even with treatment answers, real progress in improving our juvenile justice system will come only once important management issues are addressed. Six starting points deserve particular attention:

- Organize the system better
- Stress a real continuum of options
- Focus attention locally
- Provide incentives
- Stress accountability
- Focus more attention on the chronic offender

Each of these points requires some brief elaboration below.

At present, we are simply not organized to deal well with delinquency. We need to organize our system better. The roles of various agencies and levels of government are not clearly defined. We need a thorough reexamination of who does what in the system, from top to bottom. The proposed Office of Youth Services could be a

step in the right direction, but only if it orchestrates the system better.

A better organized system must stress a good mix of programs, services and sanctions needed to respond to the varied needs of delinquent youth while providing for public safety. This continuum is currently lacking. Without it, we will continue to "overrespond" and "underrespond" to delinquency.

Many believe that we must focus the vast bulk of our delinquency prevention, control and treatment efforts at the local level. But this will demand a total restructuring of our current policies. A new approach might divest the state of direct responsibility for the delivery of many delinquency related services, with primary emphasis on a local response. The state effort would focus on providing local incentives (funding), and on research and monitoring of local efforts.

By establishing a detailed plan for state level fiscal incentives to counties or urban communities we can foster development of the range of local programs we sorely need. At the same time we can diminish the use of expensive state programs.

Concurrently, we need to make accountability a central theme, accountability in two forms. First, we must develop ways to hold the system accountable. Agencies must develop well-defined and measurable objectives and goals – and their performance must be monitored. And the of-

fender must also be held accountable. Both serious and minor offenders can be held accountable with a range of well-defined sanctions, while we maintain our rehabilitative focus

Finally, we must face the fact that our handling of repetitive juvenile offenders continues to be ineffective and inconsistent. If we are going to make a significant dent in serious juvenile crime, we need comprehensive strategies to deal effectively with (identify, control and treat) these offenders.

Thoughtful observers of the system will tell you that the results of many of our efforts at reforming kids are a big question mark.

CONCLUSION

An observation may help as we look to the future. What we do now is similar to allowing separate divisions of a corporation to pursue independent goals without an overall corporate plan. The end result for the corporation would most likely be bankruptcy. The end result for our juvenile justice system is similar. Only by pursuing well-articulated goals in the context of a clear game plan can we expect to resolve the problems that now plague us.

(COLORADO PROGRAM)

The Regimented Juvenile Training Program

REBOUND CAMP FALCON

FEBRUARY 25, 1994

REBOUND/CAMP FALCON JUVENILE FACILITY

Background/Needs

- o Camp Falcon was created by the Colorado legislature during a special legislative session called by Gov. Roy Romer in Sept. 1993 in response to public concern over an increase in violent juvenile crime.
- o The regimented juvenile training (boot camp) program was created to provide a sentencing alternative for front-end (first offenders) and other at-risk juvenile offenders. Current sentencing choices for these offenders are 45-day detention, probation or commitment to the Division of Youth Services (DYS).
- o The Camp Falcon program is designed to provide short term treatment in a highly structured and disciplined atmosphere; an effective aftercare component is critical to the success of the program.

Program

Where: Lookout Mountain Youth Services Center; Golden, Colorado

Facility owned by: The State of Colorado

Operated by: Rebound Corporation headquartered in Denver.

Contracting agency: Colorado Division of Youth Services

Number of buildings: Four renovated buildings on the Lookout Mountain Youth Services Center campus -- three residential, one dining.

Capacity: Eighty beds; DYS is requesting one building for 27 youths be opened initially; others will be opened as demand dictates.

Age range: 12 to 18 (males only)

Security: Camp Falcon is on the grounds of Lookout Mountain Youth Services Center's secure campus. Youth are supervised by highly trained staff 24 hours a day. The program structures every minute of a youth's time from wake-up at 5:00 am until lights-out at 9:00 pm.

Program: Sixty-day, regimented military boot camp that includes academic education, life-skills counseling and drug and alcohol education.

Staff: Thirteen positions initially; 32 staff at full capacity.

REGIMENTED JUVENILE TRAINING ("BOOT CAMP") PROGRAM
(HB 93S-1005, CRS 19-2-708)

GUIDELINES

Criteria

- Adjudicated delinquent males sentenced to Regimented Juvenile Training as a condition of probation.
- Between the ages of 12 and 18.
- Psychologically stable, able to handle a confrontational, disciplinary milieu.
- Physically able to participate in an intensive physical training regimen.

Program Entry Procedures

Initial Sentence

- Probation prepares a pre-sentence report. In the process of considering options the probation officer would determine general program eligibility and appropriateness. If RJTP were to be considered, the juvenile would be referred to the Division of Youth Services through the regional detention center for a "physical and mental assessment". [CRS 19-2-708 (2)(b)] The probation officer must allow 14 calendar days for the Division of Youth Services to complete the assessment.
- Probation will contact the Rebound Staff at the boot camp located at the Lookout Mountain Youth Services Center to confirm space availability and start up schedule.
- Probation to include the above mentioned eligibility information and start schedule in the pre-sentence report.

Revocation of Probation

- Probation prepares a pre-placement data summary. If in the process of considering options the probation officer determined that the juvenile were appropriate for RJTP, he would be referred to the Division of Youth Services through the regional detention center for a "physical and mental assessment". [CRS 19-2-708(2)(b)] The probation officer must allow 14 calendar days for the Division of Youth Services to complete the assessment.
- Probation will contact the Rebound Staff at the boot camp located at the Lookout Mountain Youth Services Center to confirm space availability and start up schedule.
- Probation to include the above mentioned eligibility information and start schedule in the pre-placement data summary.

Phase One

A. PROGRAM GOAL:

Rebound's Camp Falcon program is based on a military model that emphasizes pro-social behavior, instills basic and traditional moral values, and holds offenders accountable for their behavior. Rebound is sensitive to the fact that the treatment of sentenced youth in boot camp programs is relatively new in Colorado and the nation. The research literature provides a number of insights regarding the elements which contribute to success for youth in the boot camps, and Rebound's Camp Falcon program is designed around these elements.

The Rebound Camp Falcon goals are:

- Providing every opportunity for successful completion of the program
- Increasing academic achievement and pre-vocational competencies
- Developing discipline through teamwork and physical exercise
- Providing prevention and intervention strategies that promote a drug-free lifestyle
- Developing a strong work ethic and positive work habits
- Promoting pro-social values and individual accountability
- Preparing a smooth transition for Phase Two with the Judicial Department

The Rebound Camp Falcon focuses on individuals becoming invested in their own service plan and actively participating in their own advancement. Rebound's programming philosophy is rooted in the idea that give appropriate support, coupled with being held accountable for one's behavior, youth can learn the skills needed to take control and operate responsibly and autonomously. Movement through each level is marked by ceremonial rites of passage. Accomplishment and success are celebrated throughout the program.

B. PROGRAM NARRATIVE

The Rebound's Camp Falcon is a 60-day residential program, admission through graduation, that incorporates the elements of military basic training including regimentation; physical conditioning; academic and vocational skill building; and Rebound's Interpersonal Character Development Program (life skills).

Phase Two

Following the graduation ceremony the juvenile shall be released to the parent, guardian, or court-assigned supervisor for transportation to home or other court-designated residence.

The Phase Two plan shall be determined at the 30 day staffing while the youth is in Phase One. The plan shall consider the following services as spelled out in the enabling legislation:

- Period of supervision.
- Job training (as deemed appropriate by the Judicial Department).
- Educational component (as deemed appropriate by the Judicial Department) which shall include classroom work with basic and/or vocational instruction.
- Electronic monitoring (optional) [no more than 60 statewide at a time].
- Community residential placement (optional) [no more than 20 statewide at a time].

When a 30 day residential stay is deemed necessary in the joint case plan, this should be ordered by the court after the 30 day staffing. The probation officer will be responsible for case management services. Reimbursement would be made from the districts allocation for this purpose. If the court is aware at the time for the original sentencing to the RJTP of the need for residential placement following phase one then the mittimus could include the order for the 30 day stay.

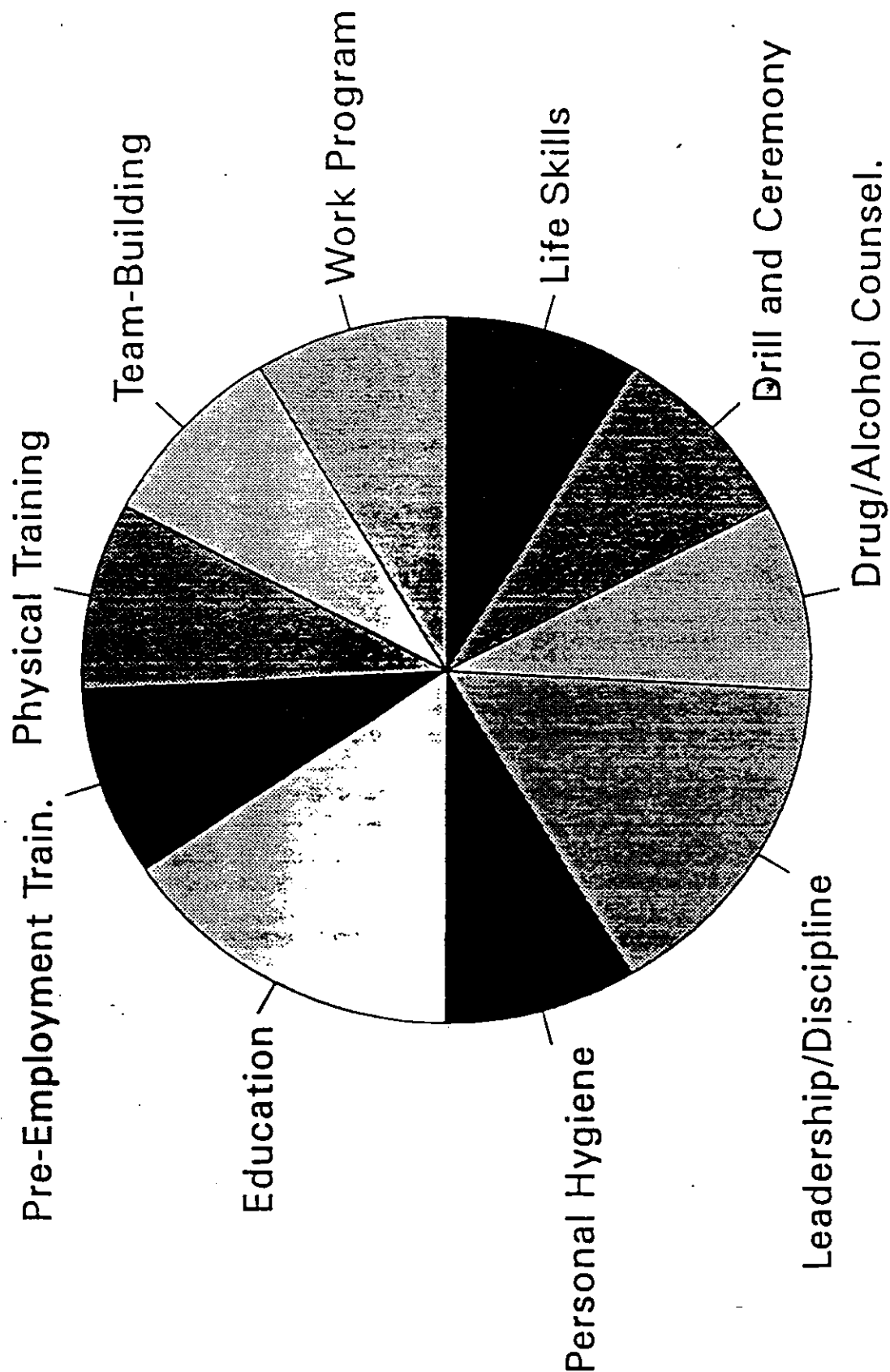
Upon completion of Phase Two, the juvenile shall be reviewed by the court for further disposition of the case.

Phase II Violation Response:

Violations in Phase Two may be referred back to the court. The court may re-sentence the juvenile one additional time or impose any other sentence option available by statute.

Rebound Camp Falcon

Program Components



Contact: Bill Botkin, Rebound 861-9717 or
Jerry Adamek, DYS 762-4695

For Immediate Release
3/9/94

Rebound Corporation to Operate Lookout Mountain Juvenile Boot Camp

DENVER—The Colorado Division of Youth Services (DYS) announced today that it has selected Denver-based Rebound Corporation to operate the state's new juvenile boot-camp. Camp Falcon will be located on the grounds of the Lookout Mountain Youth Services Center in Golden and is scheduled to open in mid-April.

When fully operational, the program can facilitate approximately 80 juveniles between the ages of 12 and 18 years. Based on a 60-day training schedule, the \$1.4 million program will serve 480 juveniles annually.

"Judges in Colorado now can intervene very quickly with youth in the juvenile court process with a very significant consequence for delinquency behavior," said Jerry Adamek, division director, Colorado Division of Youth Services. "This will be no slap on the wrist! This experience should provide an early opportunity for kids to reassess their own behavior."

"We have been successfully treating youths from DYS for nearly five years at our High Plains Youth Center in Brush," said Jane O'Shaughnessy, Rebound chief executive officer. "Camp Falcon is a different approach to a similar goal — to help these young men develop discipline through a highly structured program and physical exercise and to provide the programs and education they need to redirect their lives in a more positive way."

(more)

boot camp 2-2-2-2

The Colorado Legislature created the Lookout Mountain boot camp during the special session on juvenile crime called by Gov. Roy Romer last September. The program, based on a strict military model, intends to emphasize pro-social behavior, instill basic and traditional values and holds offenders accountable for their behavior. It incorporates military regimentation, physical conditioning, academic and vocational skill building and includes several programs developed by Rebound for its treatment programs at High Plains Youth Center in Brush, and its Denver-based Adventures In Change.

"We have developed programs that modify the way these young men think and live," said O'Shaughnessy. "Rebound's life skills programs teach them how to live independently and support themselves. Our programs modify their values and reasoning processes and change how they behave socially."

Rebound's Camp Falcon will be directed by Douglas Lockett. Lockett formerly managed a federal demonstration juvenile boot camp in the Denver area. He attended the Quantico Drill Instructor Course for correctional officers, is a former El Paso County deputy sheriff and detective, and served in the U.S. Army as a primary supervisor for a military police company.

The military atmosphere at Camp Falcon — complete with strenuous physical activities, close-order drill, KP duty, calling all adults "Sir" and M'am," and drill sergeants meting out strict discipline — is coupled with intensive classroom training in regular academic subjects and courses in problem solving, decision making, anger control and mediation, moral reasoning, stress management, family issues, cultural awareness, drug and alcohol education and community service.

Youths will be assigned to one of three platoons, each with two squads of up to 13 boys or "troopers." The troopers will be supervised by a trained staff of 33.

(more)

boot camp 3-3-3-3

A typical day at Camp Falcon begins at 5:00 a.m. with formation, roll call, salute to the colors, calisthenics, barracks clean up and inspection. Breakfast is followed by school, special classes or facility maintenance. After lunch, more classes, KP duty, intramural games, mandatory letter writing to family, and personal hygiene. Final roll call, taps and lights out are at 9:00 p.m.

Nationally, the success rate for boot-camp correctional facilities is 50 percent. Rebound hopes to exceed that mark through a strong aftercare program provided by the Colorado State Judicial Department. Vern Fogg, administrator of the Office of Probation Services, agrees that aftercare is essential to the success of youths in the program.

"It appears universally accepted that behavioral change attributed to the boot camp environment is short-term unless highly structured supervision and individually targeted aftercare services are provided to the youths and their families," Fogg said. "Without a continuum of structured services, the boot camp experiment will provide only the illusion of progressive corrections, while having little effect upon recidivism."

"We want this program to be a harsh reality check for these young men," O'Shaughnessy said. "We want them to think about what they did to get into Camp Falcon and to teach them the social and mental reasoning skills they need to change their lives and to prepare them for the successful completion of the aftercare program."

Rebound Corporation is a Colorado-based provider of offense-specific treatment and training programs for juvenile offenders. Rebound provides programs through contract with governmental agencies or as a facility owner/operator.

###

RECRUIT CREED AT CAMP FALCON

I am a Camp Falcon recruit, I am motivated and determined to do those things that will show me as a responsible member of my community. I will continuously evaluate myself. I will set goals which are reachable and always review them to see where I stand. I will not allow others to convince me to quit or give up on myself. I will strive to be the best person I can. I will believe in myself and my ability to improve my life without hurting others or breaking the law.

S
BRARY

JUVENILE JUSTICE REFORM: STATE EXPERIENCES

Criminal Justice Paper #4



Juvenile Justice
Reform:
State Experiences
The National
Conference on
State Legislatures

The author gratefully acknowledges the input of the following people who read and commented on drafts of this report or provided data: Judge Frank A. Orlando, director of the Florida Atlantic University Center for the Study of Youth Policy; and William Barton, Center for the Study of Youth Policy at the University of Michigan.

Special thanks also go to Sharon Schwach for editing the manuscript.

Juvenile Justice Reform: State Experiences was written by Robert Pierce, consultant, National Conference of State Legislatures (NCSL), with the assistance of Barbara Yondorf, NCSL Director of Research and Program Development. June 1989

1. Art therapy class. Photo courtesy of Massachusetts Department of Youth Services.
2. Classroom at group home. Photo courtesy of Massachusetts Department of Youth Services.
3. Youths aboard the Ernestina, part of a three week transitional program. Photo courtesy of Massachusetts Department of Youth Services.
4. Classroom at secure treatment facility. Photo courtesy of Massachusetts Department of Youth Services.

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INTRODUCTION

Since early in the 19th century, a special government role in the treatment of youths in the juvenile justice system has been recognized. The philosophy of *parens patriae*, or common guardian of the community, gave states great latitude in treating juveniles while severely limiting their legal rights.

State government responded to this special responsibility by establishing training or industrial schools, large institutions designed to rehabilitate their charges through moral training, discipline, education, and job skills.

But throughout their lengthy history, industrial schools have been the setting for scandals concerning the treatment of their residents. Overcrowding, mixing of violent and nonviolent youth, brutality, the use of isolation cells, and inmate violence have fueled calls for reform and frequent litigation.

Most important, industrial schools have failed to rehabilitate their charges. Increased criminality by those released has led to doubts about these institutions' usefulness and fears that they are now part of the problem.

States as diverse demographically and politically as Massachusetts and Utah have pioneered the deinstitutionalization of adjudicated youths and closure of state training schools in favor of small, intensive, secure facilities for fewer serious offenders and community-based services for those who do not pose a risk to the public. Although some of these programs are too new to evaluate definitively, early assessments indicate that the movement away from the use of training schools can reduce per juvenile costs and criminal activity without increasing the threat to the public.

These new alternatives separate the few vio-

lent and serious repeat offenders from status offenders (those offenses, such as running away from home and truancy, would not be considered crimes if committed by adults) and lesser offenders. The most serious offenders, estimated at less than 20 percent of youth in the juvenile justice system, are sent to small, secure facilities, usually for longer lengths of stay than in traditional training school programs. Other offenders are placed in residential programs or remain in their homes while under state supervision. All receive services—often from private, nonprofit agencies—based on evaluations of individual need.

This paper looks at the challenges facing states in juvenile justice, the alternatives to large institutions that states can use, experiences in several states that have embraced deinstitutionalization, and formal evaluations of the effectiveness of reform.

THE PROBLEM FACING STATES

A series of issues confront legislators as they examine their juvenile justice systems. Many of these issues may intensify in the coming decade with a larger population of youth being in the high-risk years for juvenile crime. The expected, demographically driven increase in the number of crimes committed by juveniles may be exacerbated by already changing social characteristics. Today, 25 percent of all kids live in poverty, school dropout and teen pregnancy rates are increasing, there are more single parents, and a changing economy makes it more difficult for those without skills to compete for jobs. [7, p. 16]

Between 1977 and 1986, juvenile arrests dropped 12 percent, and the number of juveniles held for violent crimes decreased 11 percent between 1983 and 1987. These reductions, however, reflect a smaller teen population. Yet, the number held for drug and alcohol offenses increased more than 50 percent be-

tween 1985 and 1987. Despite the overall decrease in arrests for juvenile crime over the past decade, the number of juveniles in custody has grown to its highest level since 1971. In 1987, the average daily census of juveniles held in state and local custody was 55,503 juveniles in 1,107 public facilities. (See Table 1.) Longer lengths of stay have contributed to this increase. [11, p. B2]

Costs have increased, too. State and local governments spent \$1.46 billion on juvenile facilities in 1986, an average of \$27,000 per resident, up 32 percent from 1982.

Several studies of state training schools have shown that more than half of the juveniles in such facilities do not need to be there. For example, a 1987 study conducted by the auditor general of Florida found that less than 40 percent of the youth in Florida's institutions qualified for training school placement under

the agency's own criteria. [15] A recent report on the California Youth Authority system concluded that 50 percent of total wards of the authority could have been diverted if community-based alternatives had been available. [12] The residents of Delaware's only training school were rated on a 10-point risk scale, with "0" representing no risk. Of 135 juveniles in the facility, 21 percent scored "0" and 44 scored "1."

Many reformatories have at least some abused and neglected children or status offenders who can best be treated in the community at less cost. Most others are guilty of property crimes such as theft and vandalism. Fewer than one-fourth are guilty of offenses against people. (See Figure 1.) Mixing these populations in an institution can result in brutality among inmates and runs counter to efforts to rehabilitate them.

States vary widely in the rate at which they institutionalize convicted youths. Alaska, Arizona, California, Kansas, Nevada, New Mexico, South Dakota, Washington, D.C., and Wyoming had 250 or more youths in training camps, reformatories, and halfway houses per 100,000 population over age 10 in 1987; Arkansas, Connecticut, Idaho, Massachusetts, North Dakota, Pennsylvania, Utah, Vermont, and West Virginia had fewer than 100 per 100,000 population over 10. (See Figure 2.)

In developing juvenile justice policies, state legislators need to be concerned about:

- *Protecting the public.* Protection of the general public from youthful offenders, especially violent offenders, is perhaps of utmost concern for state legislators. This is not only a basic function of government, but also an essential one for gaining the consensus and support necessary for community-based systems to succeed.

- *Reducing repeat crimes by juveniles.* Reducing recidivism by juvenile offenders is an important measure of juvenile corrections program success. Although there are many ways to measure recidivism, reduction in the frequency and severity of crimes by juveniles is an important bench mark for program effectiveness. Juvenile offenders often have been convicted of numerous crimes. In Utah, for instance, the typical offender is 16 years old with 18 prior convictions. Eighty-five percent of former wards of the California Youth Authority are rearrested within five years. [12]

- *Controlling costs.* The rising costs of the juvenile justice system have challenged state resources. Institutional placement is very expensive, usually \$120 per day or more. Community residential placement may be less, and home placement with appropriate supervision may be only one-fifth or one-sixth of that of institutional placement. By avoiding capital costs on expensive institutions, states also may realize substantial savings.

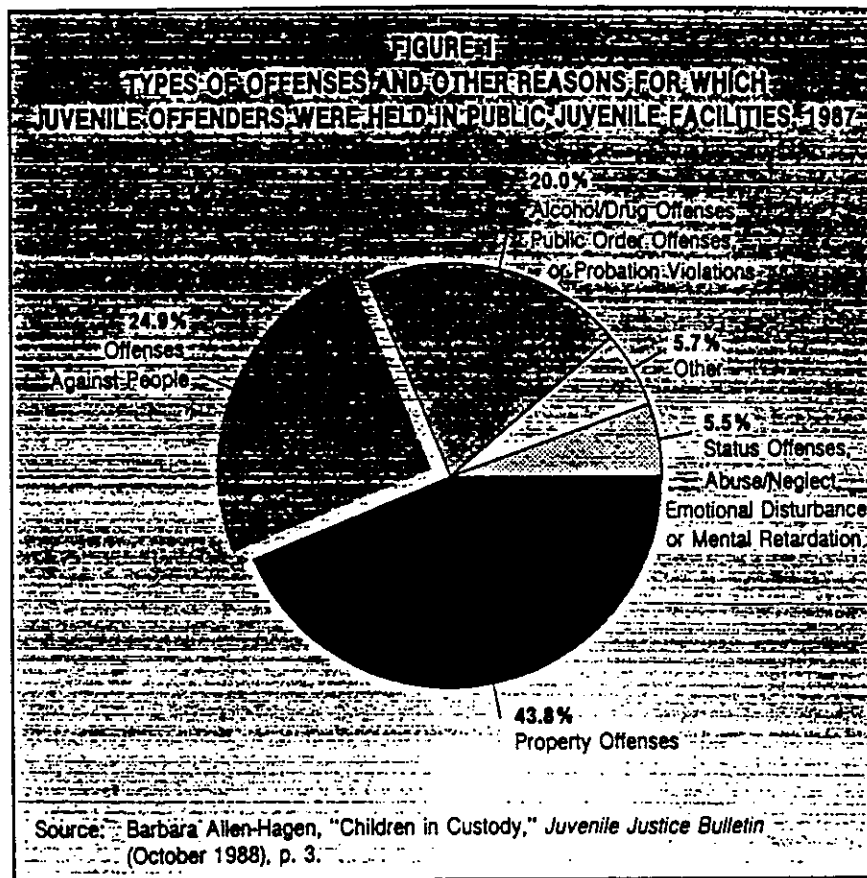
- *Determining who makes placement decisions.* In most states, the juvenile court has broad discretionary powers with

JUVENILES IN TRAINING CAMPS, REFORMATORIES, AND HALFWAY HOUSES NUMBER AND COST PER INSTITUTIONALIZED JUVENILE, 1984, 1986, AND 1987			
State	Admissions Per Year 1984	Number In Custody 1987	Average Annual Cost Per Institutionalized Juvenile
Alabama	1,512	200	\$20,000
Alaska	201	15	51,400
Arizona	10,835	1,371	18,600
Arkansas	1,512	249	27,200
California	135,162	14,112	21,100
Colorado	9,322	503	29,000
Connecticut	1,570	227	61,400
Delaware	1,021	109	26,000
Washington, D.C.	6,012	413	22,500
Florida	32,462	2,311	17,900
Georgia	14,466	1,338	25,500
Hawaii	2,863	149	28,800
Idaho	1,176	92	43,400
Illinois	16,111	1,930	26,800
Indiana	15,821	1,320	20,700
Iowa	2,725	427	28,400
Kansas	3,179	676	31,500
Kentucky	5,420	607	29,400
Louisiana	5,370	1,028	25,300
Maine	784	214	31,300
Maryland	8,653	1,032	30,700
Massachusetts	2,784	212	44,100
Michigan	13,318	1,816	39,100
Minnesota	8,640	581	39,200
Mississippi	4,642	355	18,900
Missouri	10,101	815	24,200
Montana	478	228	23,400
Nebraska	2,456	274	22,000
Nevada	5,697	482	31,800
New Hampshire	847	126	41,600
New Jersey	13,649	1,997	31,800
New Mexico	8,014	491	22,600
New York	7,377	2,226	54,300
North Carolina	4,392	812	28,600
North Dakota	557	69	28,900
Ohio	32,737	3,128	22,000
Oklahoma	2,480	446	43,700
Oregon	7,965	592	29,200
Pennsylvania	13,861	1,103	47,000
Rhode Island	632	105	78,700
South Carolina	4,546	715	27,200
South Dakota	1,598	228	16,500
Tennessee	13,824	1,038	25,600
Texas	30,509	2,421	26,000
Utah	5,414	217	35,400
Vermont	0	15	66,700
Virginia	13,405	1,458	29,100
Washington	22,107	1,134	35,300
West Virginia	1,374	141	22,600
Wisconsin	4,867	686	29,900
Wyoming	277	173	19,200
Total	521,807	53,503	\$27,000

Source: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1988.

respect to the placement of adjudicated youths. In recent years, however, some states have moved to limit this discretion, particularly with respect to the decision to confine a youth in a secure facility. For example, courts may be required to consider the recommendations of an advisory group or personnel from youth corrections agencies. In eight states (Arkansas, Alaska, Illinois, Kansas, Montana, New Mexico, Texas, and Vermont), youth corrections agencies make placement decisions. The move to limit broad judicial discretion comes in response to concerns about the potential for inequitable, capricious, or disproportionate sentences; the need for due process protections; and a desire to control juvenile justice system costs better. [15, pp. 2-5]

■ *Helping the juvenile offender and his family.* Juvenile offenders often come from dysfunctional families and from backgrounds of abuse and neglect. Improving the relationship of the juvenile to his family and providing advice on parenting skills may reduce criminal behavior and benefit society as well as the offender and his family.



OPTIONS FOR PLACEMENT OF CONVICTED JUVENILE OFFENDERS

Traditionally, juvenile justice systems provide few options for placement of convicted offenders. Large state training institutions function as the major alternative to probation for all offenders, regardless of the nature of the crime and the needs of the juvenile.

New reform alternatives are designed to emphasize individual treatment of problem juveniles. A range of settings and services allows placement where rehabilitation can be maximized and costs minimized. Violent youth can be sent to small, secure facilities that offer intensive counseling and services. Most of the other young offenders can be placed in family-

like residential settings or their own homes, where appropriate supervision can be tailored to individual needs, avoiding costs for unnecessary services.

Placement decisions are usually based on evaluations made with an objective risk/needs assessment instrument. Violent offenders guilty of manslaughter, rape, aggravated assault, or escape from secure facilities are automatically sent to secure facilities. Other factors used in the evaluation include seriousness of the offense, previous arrests, drug and alcohol use, and whether the juvenile was on probation at the time of the crime.

Services for juvenile offenders that may be utilized in community settings include behavioral supervision, individual counseling, school placement, reward systems, recreational activities, parent and family counseling, drug and alcohol treatment and counseling, social skills training, youth groups, and sometimes camping or programs such as Outward Bound. Other, less frequently used services include tutoring, job placement, job counseling, and community service.

Placement alternatives include detention centers, transfer to adult courts, secure facilities, observation and assessment facilities

adventure programs, many types of residential community programs, and in-home placement with varying levels of supervision. (See Figure 3.)

Detention centers. Designed as short-term, (e.g., 1-7 days) pretrial secure holding facilities for youths accused of serious offenses who pose a clear and substantial threat to themselves or others, detention centers too often are used to hold nondangerous youths for inordinately long periods of time. [10, p. 225] From 1977 to 1982, the average stay in detention centers rose from 12 to 17 days. Detention center placements are expensive. In Fort Lauderdale, Florida, for example, placement in a detention center costs \$90 per day per youth, versus \$45-\$50 a day for a halfway house placement. Increasing use of detention centers has led to overcrowding and the filing of a number of lawsuits.

Transfer to adult courts. Since 1976, nearly half the states have approved legislation to make transfers of juvenile offenders to adult courts easier, usually in the belief that punishment will be more severe. This is not always the case because juveniles often receive probation or more lenient sentences in adult courts. Where it is the case, minor offenders are sometimes sent to adult prisons, using up costly prison resources. According to Judge Frank Orlando, director of the Florida Atlantic University Center for the Study of Youth Policy, this is a serious concern in Florida.

Placement in reformatory/training school. The most severe alternative in the juvenile system is secure facilities. As discussed earlier, states traditionally have operated large, secure training schools. States implementing reform rely on much smaller institutions, usually those with fewer than 30 beds, that avoid the mixing of serious and nonserious juvenile offenders in the same facility. This eliminates the "training ground for crime" that large institutions often become and allows staff to direct their attention to serious offenders. These facilities may be operated by private, nonprofit organizations as well as by government.

Observation and assessment facilities. They provide temporary, closely supervised residential placement while the youth's needs are evaluated and a treatment plan developed. Length of stay in Utah, for example, can be for up to 90 days.

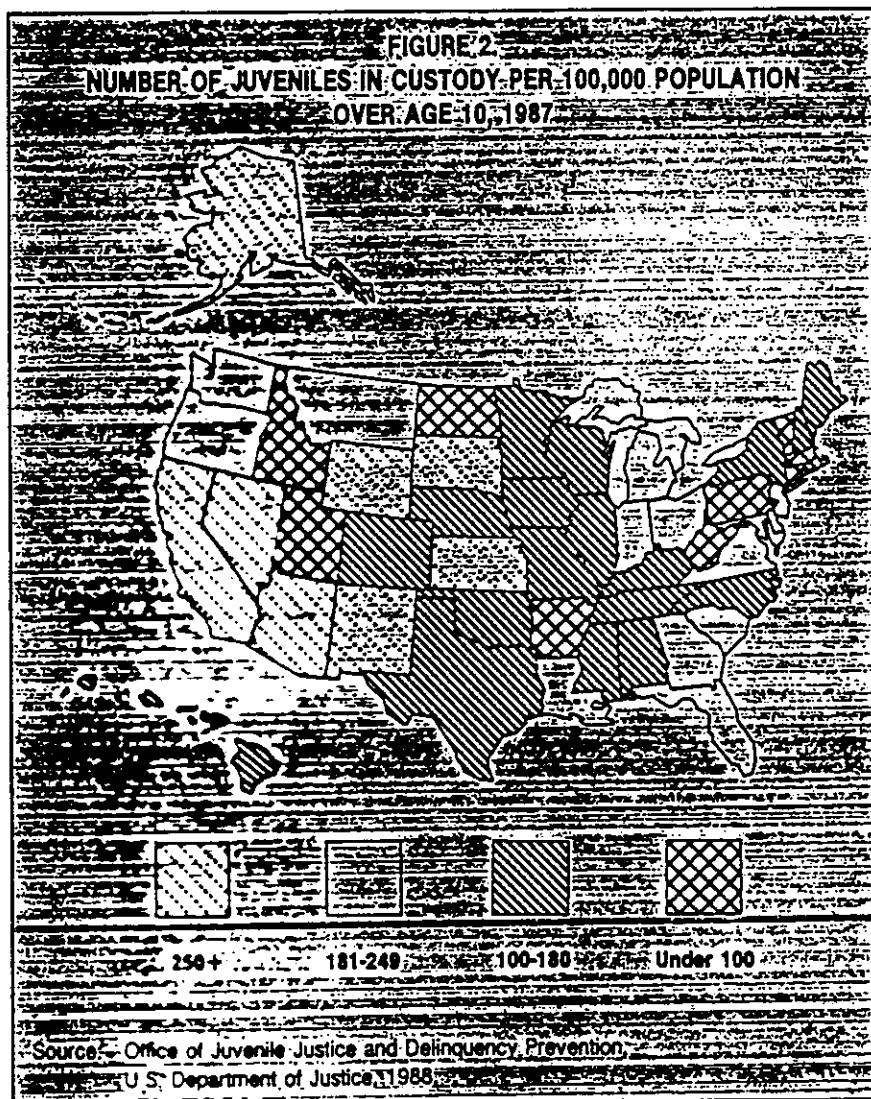
Adventure programs. Programs such as Outward Bound and Marine Institutes attempt to build self-esteem through accomplishments in demanding settings while teaching discipline and teamwork.

Residential community programs. They provide 24-hour supervision and treatment. This

option takes many forms, including emergency shelters, foster care, proctor advocates, and group homes. Restitution is often an important component of noninstitutional placement programs.

Emergency shelters are used as a front-end diversion from the juvenile justice system for runaway and ungovernable youth. Their goal is to involve parents, who often have given up on the child, through reconciliation and crash courses in parenting.

Foster care and proctor advocates feature home-like settings and often house juveniles



whose parents don't want them at home. Utah's Proctor Advocate program may place one or two problem juveniles in the proctor's home. The proctor acts as a parent. A counselor also works with these youth and provides support and advice to the proctor. A caseworker may see his charge three to seven times a week and will have a caseload of five to eight children. The youth, proctor, and caseworker determine a treatment plan that is treated as a contract with the youth.

Group homes take care of a much larger number of juveniles, perhaps as many as 25. Residents earn privileges by staying out of trouble, performing their assigned responsibilities, participating, and having a good attitude. But residents often object to locating group homes in their neighborhoods, causing some

to be located in areas distant from the juveniles' homes. In addition to being sometimes poorly trained, staff are usually overworked and underpaid, causing high turnover and another source of instability in the juvenile's life.

In-home placement. The least expensive alternative, this placement often includes a "tracking" component as well as an individualized treatment program. Caseworkers are assigned to make frequent contacts with their charges to ensure that juveniles are attending school, meeting job responsibilities, and honoring curfews. In addition, restitution may be required by the juvenile.

Broward County, Florida, is experimenting with two tracking programs. Intensive supervision features a one-to-ten caseworker load

and requires seven random face-to-face contacts between caseworker and juvenile offender each week. Juveniles must telephone their caseworker to get permission to go anywhere. Highly intensive supervision requires four face-to-face contacts daily at work, home, or school. The offender wears an electronic monitor on his wrist, which, when a caseworker phones, must be attached to the phone within 30 seconds.

STATE REFORM EFFORTS

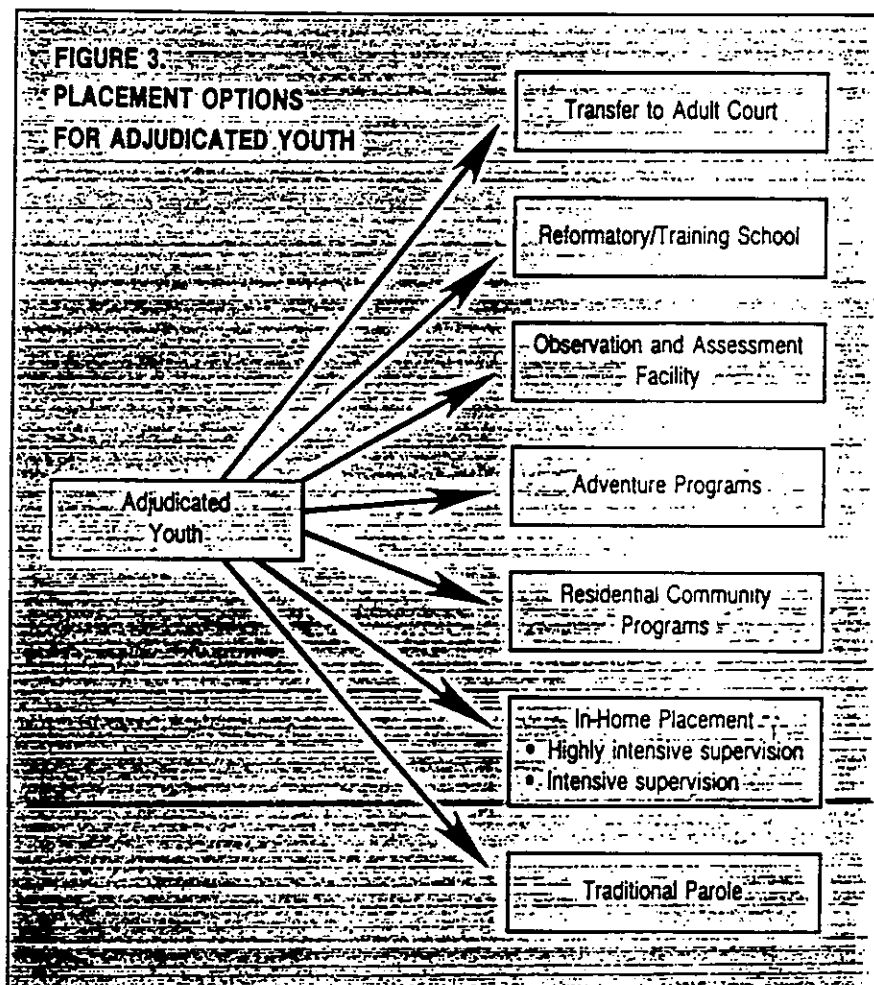
Massachusetts pioneered the deinstitutionalization of juvenile offenders. After three years of failed attempts to reform the state's five training schools housing 1,200 juveniles, the state decided to close the facilities in 1972.

Fifteen years later, Massachusetts places 10 percent of offenders in secure facilities, fewer than any other state except Vermont. Massachusetts has an institutionalization rate of only 42 per 100,000 population over age 10, compared with a national average of 208. (See Figure 1.) The state's largest secure facility has only 18 beds.

Edward J. Loughran, commissioner of the Department of Youth Services, says, "We are taking a certain amount of risk by putting some youths in the community-based programs." But, he adds, the key is knowing the risk and selecting the right program.

Judges commit juveniles to the Department of Youth Services rather than to a particular facility. Of the 1,700 juveniles under the department at any one time, 900 reside at home.

Youth service workers report that 50 percent of these youth do not return to criminal activity, a rate much better than the national statistics show. Perhaps more important, 10 years after deinstitutionalization, graduates of the juvenile justice system account for only 19 percent of



adult inmates, compared with 40 percent in the late 1960s. [12, p. 82]

The community-based programs also serve as a resource for youths leaving secure facilities, by aiding the transition back to the community, as well as an alternative to incarceration for less serious offenders.

Utah changed its juvenile justice system through legislation in 1981 that followed six years of study. The impetus began with changes in federal law and a 1975 class action lawsuit. Consensus on direction evolved through a legislatively funded outside study, a task force review of the state corrections system, a 1980 master plan put together by a juvenile justice task force, and a decision by the governor and the legislature to make juvenile justice reform a priority. An \$800,000 federal grant funded development of privately operated community residential programs.

According to Utah state Senator K. S. Cornaby, "We did not go in with the idea that we would save money. We recognized that it was going to cost as much or more to pay for community-based alternatives." The new legislation limited secure confinement to juveniles "who pose a danger of serious bodily harm to others, who cannot be controlled in a less secure setting, or who have engaged in a pattern of conduct characterized by persistent and serious criminal offenses."

The use of secure confinement was complemented by residential and nonresidential community programs. The state's 450-bed secure facility, the Youth Development Center, was replaced by two 30-bed secure facilities. Both department and court officials make placement recommendations using specific guidelines, but the court makes the final decision.

The Division of Youth Corrections and the Youth Parole Authority decide when juveniles should be released from secure facilities, and then the juvenile court retains jurisdiction until termination of community placement.

Senator Cornaby is enthusiastic about the

results. "Has it succeeded? We believe so in bright lights and blaring music. . . We have experienced a significant drop in our recidivism rates." A division study concluded that the community programs have not resulted in increased risk to the community. Of those in community programs, 55 percent remain crime free, and the 45 percent who commit additional crimes exhibit a reduction in crimes directed at people.

Costs have also fallen. The Division of Youth Corrections estimates that community programs operate at half that of secure confinement, and keeping youth in their homes amounts to one-sixth the cost. [5, p. 5]

For the handful of juvenile offenders still placed in secure facilities, average length of stay has actually increased. According to Judge Orlando, who was mentioned earlier, Utah's smaller secure facilities "keep the serious and habitual offender in custody longer in order for the program to have the necessary time to change behavior where possible. Those juveniles are then released to the community gradually."

Florida changed its system to emphasize community-based services as a result of a consent decree in a federal court action and a state auditor's review of the state training schools.

The report recommended removal of less serious offenders from the schools, development of community alternatives, and juvenile placements based on the nature of offenses and the child's needs. Two and one-half million dollars were reallocated to community services from the institution's budget, and an additional \$2.5 million was allocated for community services.

The reform dramatically cut institutional use. The 1976 census of 1,540 juveniles shrank to 960 juveniles in 1981, and 295 juveniles in 1988. Savings are also being realized by reduced lengths of stay.

Although it is still too early to measure the impact, a 1984 study of 1,664 delinquents released from programs showed training schools had the highest cost per case of \$7,260, while the least expensive of 10 options cost \$2,790. Nine programs had rankings superior to training schools in measures including one-year recidivism rates. [15, p. 5]

Florida Representative Elaine Gordon says of the state's reforms, "Given the shifting of commitment populations from our most expensive to least costly programs, with no reduction in effectiveness and in many instances sharp improvements, significant cost-savings have resulted." A major source of those savings has been reduced capital expenditures.



Maryland began reforming its juvenile justice system in 1987. While a lawsuit calling for closure of a state reformatory was pending, the state called in an outside consulting team to evaluate the system, specifying special attention to be given to the two reformatories.

The consultants declared that the system had become "a child welfare system" rather than "an agency which responds to juveniles who have broken the law." Montrose School had become the residence for "victimized, homeless, addicted, mentally ill, educationally handicapped, developmentally disabled children." The other school, Hickey, was found to

have ceded much authority to juvenile inmates and sometimes to control inmates through psychotropic drugs and antidepressive medication. [8, p. 22]

State legislators and Maryland Governor William Schaefer visited Montrose shortly after the report and ordered the facility phased out.

Nine million dollars from the Montrose School budget were redirected to community programs, assessment teams, and other programs that attempt to rehabilitate youth. Linda D'Amario Rossi, director of the Maryland Juvenile Services Agency, says, "We haven't

asked the legislature for one penny more. We just use the dollars differently."

Individual treatment plans were developed for 118 juveniles diverted from the Montrose facility in its last six months. After 10 months, 38 had been rearrested, a figure substantially lower than that for training schools.

Maryland state Senator Francis Kelly, a leader in the reform movement, says he is "very enthusiastic about the direction we're going. I believe that the solution to jail and prison overcrowding in the future is to help our young people today."

EVALUATION OF JUVENILE JUSTICE REFORMS

The move to greater use of community-based alternatives for juvenile offenders is relatively recent, and the limited number of evaluations has shown mixed results. Evaluations usually look at costs and the rate of recidivism. But the time periods of the evaluation are generally short, just a few years. Longer term impacts, such as the criminality of adults who were in the juvenile justice system, are largely unavailable.

Massachusetts has the oldest and most evaluated state program. Evaluations have been completed by the Harvard University Center for Criminal Justice and the National Council on Crime and Delinquency (NCCD). The Harvard evaluation, headed by Lloyd Ohlin, compared a group from reformatories and a group from community-based programs. *Recidivism* was defined as a court reappear-ance or conviction. The study did not make distinctions between the number or seriousness of the new offenses.

The Harvard study found that recidivism was about the same for both groups but varied greatly between different regions of the state. A 1985 book by Ohlin and Miller, *Delinquency and Community*, found that recidivism statewide was higher after the reform than

before but was lower in the regions that pursued the reforms most *aggressively*. They defined aggressively as offering many diverse options to meet the special needs of each juvenile better. For example, the Worcester area showed that 43 percent of the community-based group reappeared in court, compared with 67 percent of the community's reformatory group. Ohlin and Miller also noted that the region that deviated least from the traditional approach had "an exceptionally large increase in recidivism."

Preliminary results from the NCCD Massachusetts study concluded there was "a large drop in the incidence of recidivism" by juveniles in the new programs, including a large drop in the severity of offenses. "The decrease in severity was most notable for more violent offenders. The decrease in recidivism was sustained throughout the four-year follow-up period," NCCD said. [5, pp. 27-29]

Utah has the most encouraging evaluation results. A 1986 study by the Utah Division of Youth Corrections found that 73 percent of youth completing the community programs remained conviction-free 12 months after their release. Juveniles carried from secure facilities had a high conviction rate, but their crimes

tended to be less serious than those for which they were originally convicted. Seventy-six percent were convicted of further crimes, but this group had averaged 24 convictions prior to their commitment to a secure facility. [5, p. 6]

NCCD conducted a three-year evaluation of Utah's reforms using a sophisticated research design that measured both frequency and severity of offenses before and after entering the state juvenile justice system. The researchers compared juveniles from community corrections programs who had histories of serious and repetitive crimes with juveniles on probation who had committed only minor offenses

NCCD found that although a large proportion of the juveniles in community-based services continued to be arrested, there were large declines in their rate of offenses. A "suppression effect" was calculated for both groups, which attempted to quantify reductions in the frequency of delinquent behavior. The higher the suppression ratio, the lower the recidivism. Youths in community-based services scored 66 percent for number of arrests and 72 percent for seriousness of offenses. The probation group registered less impressive reductions of 33 and 44 percent each

Only 6 percent of the most dangerous offenders in community-based programs who had been retained in secure facilities were later charged with violent crimes. NCCD concluded, "The imposition of appropriate community-based controls on highly active, serious, and chronic juvenile offenders does not compromise public protection." The study also suggested that shorter lengths of stay in secure facilities are as effective as longer stays. [8, pp. 30-32]

William Barton and Jeffrey Butts of the Center for the Study of Youth Policy at the University of Michigan looked at the efforts of a large metropolitan county—*Wayne County, Michigan* (which includes Detroit)—to divert more juvenile offenders from institutional placements. The county used objective criteria to assign youth who normally would have been placed into a training school into three intensive community programs with small caseloads and frequent caseworker contacts. The most violent offenders were excluded. Costs and recidivism rates were compared with those of a control group of juveniles committed to a training school or comparable private institution.

Almost half of the juveniles in community programs successfully completed the programs, and 78 percent of these graduates had

no subsequent charges against them over the two-year study. But 80 percent of the community program group appeared in court during the study, compared with 50 percent of the control group committed to a training school. However, 30 percent of the community program group's appearances in court were for status offenses or rules violations, and their offenses were somewhat less serious overall. When adjusted for time in the community (the control group was in a secure facility some of the time), the rate of charges showed only a small difference.

Barton and Butts concluded, "Despite their best efforts, small caseloads and retention of the youth in the community, the outcome is no different than that of commitment and out-of-home placement." The study did, however, note a reduction in seriousness of charges against the community group when compared with that of the group sent to secure facilities.

The Barton and Butts study also looked at program costs. They found a significant cost-savings for the community-based programs. In-home placements cost \$25.90 per day for males, or \$63 less than the average daily cost of commitment. Between 1983 and 1986, more than \$11.5 million in commitment costs were avoided. [1, pp. 14-16, 19, 36-40]

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CONCLUSION

Community-based programs in the juvenile justice system present a promising alternative to the disappointing results achieved by large institutional facilities. A diverse group of states has found that intensive, individualized services provided in small, family-like residential settings or in the juvenile's own home yield comparable or reduced recidivism rates. The success of these programs appears to depend on how well they are managed, their diversity, and their intensity, all of which may be affected by state funding decisions.

Community-based programs may also reduce costs. Smaller secure facilities using

shorter lengths of stay and use of nonsecure residential programs cost less or no more than traditional large facilities. In-home placement with intensive supervision and community-based services costs even less. These alternatives are especially appropriate for the large numbers of nonviolent juveniles and those guilty of lesser offenses who often have been placed in traditional institutions.

The tendency to widen the net of intervention may erode some of the cost-savings. States can use objective criteria to determine juvenile placements to ensure consistency and maximize efficiency. Although most states

But the researchers found some of these cost-savings were reduced by "net-widening." When the explicit criteria used to place juveniles into community placements during the research period ended, judges began to place more of these juveniles into facilities again. In addition, some youths were placed into community programs who previously would not have received services. Alternative programs actually drew in more youths, increasing the scope of the juvenile justice system.

Other factors also limited cost-savings. First, more cases remained in community programs than the originally estimated year. Second, many parents refused in-home placement for their delinquent children who were deemed eligible. Third, courts placed more juveniles into facilities than were warranted by the original criteria. Judges ruled these juveniles ineligible for community placement because of chronic home truancy, potential for future delinquency, chaotic family environment, and so on.

The Barton and Butts study found that 29 percent of cost-savings from diversion in 1986 were eliminated by the new costs of net-widening. [2, pp. 11-12]

leave placement decisions to the courts, some states vest the youth corrections agency with this authority. Special advisory groups or community and school representatives sometimes participate by making recommendations to the courts.

As state legislators face a new wave of youth in their high-risk years for juvenile crime and steadily increasing juvenile justice system costs, increased reliance on community-based programs may be an important new tool to maximize rehabilitation, minimize costs, and maintain public safety.

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