

Present  
9-5-88

111 683

PROCEEDINGS  
OF THE SYMPOSIUM  
JUVENILE JUSTICE:  
THE UNFINISHED AGENDA

May 27, 1987

111683

U.S. Department of Justice  
National Institute of Justice

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

Permission to reproduce this copyrighted material has been granted by

New Jersey Juvenile Delinquency  
Commission

to the National Criminal Justice Reference Service (NCJRS).

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

NCJRS

JUN 7 1988

ACQUISITIONS



NEW JERSEY SENATE

LEANNA BROWN

SENATOR, DISTRICT 26 (MORRIS-PASSAIC)

CORY COMMONS  
123 COLUMBIA TURNPIKE  
FLOHAM PARK, N. J. 07932  
201-966-6200

RESIDENCE

7 DELLWOOD AVENUE  
CHATHAM, N. J. 07928  
201-635-8660

On May 27, 1987, the Juvenile Delinquency Disposition Commission hosted a symposium entitled Juvenile Justice: The Unfinished Agenda. Its purpose was to bring together policy-makers from all branches and levels of government to reexamine our juvenile justice system--where it stands now and how it can be improved in the future.

The speakers, panelists, and participants provided a thoughtful review of the system and generated a number of exciting ideas for improvements. A summary of the day's proceedings is contained in this document.

A handwritten signature in black ink, appearing to read "Leanna Brown". The signature is fluid and cursive, with a large initial "L" and "B".

Senator Leanna Brown  
District 26 (Morris-Passaic)  
October, 1987

# TABLE OF CONTENTS

---

ACKNOWLEDGEMENTS . . . . .	i
SYMPOSIUM PROGRAM . . . . .	iii
ABOUT THE SYMPOSIUM . . . . .	v
THE OPENING REMARKS . . . . .	1
PETER W. LOOS, JUVENILE DELINQUENCY DISPOSITION COMMISSION SENATOR LEANNA BROWN, NEW JERSEY STATE SENATE SENATOR FRANCIS J. MCMANIMON, NEW JERSEY STATE SENATE	
A CHALLENGE TO PARTICIPANTS AT THE SYMPOSIUM . . . . .	5
ROBERT N. WILENTZ, CHIEF JUSTICE, NEW JERSEY SUPERIOR COURT	
THE INITIAL PANEL DISCUSSION	
WHAT IS THE UNFINISHED AGENDA? . . . . .	9
MARTIN A. HERMAN, JUDGE, FAMILY PART, GLOUCESTER COUNTY DANIEL J. O'HERN, JUSTICE, SUPREME COURT OF NEW JERSEY W. CARY EDWARDS, ATTORNEY GENERAL ROBERT B. NICHOLAS, ACTING DEPUTY COMMISSIONER, DEPARTMENT OF HUMAN SERVICES SAUL COOPERMAN, COMMISSIONER, DEPARTMENT OF EDUCATION WALTER M.D. KERN JR., ASSEMBLYMAN, NEW JERSEY GENERAL ASSEMBLY H. TED RUBIN, INSTITUTE FOR COURT MANAGEMENT, DENVER, COLORADO	
SUMMARY OF PROCEEDINGS OF THE SIX WORKSHOPS	
WORKSHOP 1: NEW CODE POLICIES ARE THEY WORKING? . . . . .	13
WORKSHOP 2: THE ISSUE OF EQUITY	
HOW FAIR IS THE JUVENILE JUSTICE SYSTEM? . . . . .	23
WORKSHOP 3: THE IDEAL JUVENILE JUSTICE SYSTEM	
WHAT WOULD IT LOOK LIKE? . . . . .	35
WORKSHOP 4: JUVENILE CRIME FACTS AND MYTHS . . . . .	45
WORKSHOP 5: STATE AND LOCAL ROLES IN DELINQUENCY	
WHO SHOULD DO WHAT? . . . . .	55
WORKSHOP 6: OUR PHILOSOPHIES OPERATIONALIZED	
HOW APPROPRIATE ARE OUR INTERVENTIONSTRATEGIES? . . . . .	65
KEYNOTE ADDRESS INTRODUCTION . . . . .	75
TY HODANISH	
THE UNFINISHED AGENDA - A NATIONAL PERSPECTIVE . . . . .	77
H. TED RUBIN	

## ACKNOWLEDGEMENTS

---

Many organizations and individuals contributed to the development of the symposium. Special thanks to the following organizations for assistance in planning and implementing the symposium:

The Juvenile Delinquency Disposition Commission  
The State Law Enforcement Planning Agency  
The Administrative Office of the Courts  
The Governor's Committee on Children's Services Planning  
The Association for Children of New Jersey  
The Department of Law and Public Safety  
The Department of Corrections  
The Department of Human Services  
The Department of the Public Advocate  
The Legislature of the State of New Jersey  
The State Youth Services Commission  
The State Parole Board

Acknowledgement is made of the special contributions of the following individuals.

**Senator Leanna Brown**  
**Senator Francis McManimon**

Ty Hodanish	Alan Rockoff
Bruce D. Stout	William Brown
Gail Larkin	Terry Edwards
Robert Nicholas	Thomas Lynch
Karen Kasick	James Louis
Steven Yoslov	Russell Molloy
Gregory Wilcenski	Steve Sachs-Wilner
Ciro Scalera	Barbara Hutcheon
R. Alexandra Larson	Randy Corman
Margaret Woods	Sharon Larmore
John Tumulty	Judith Peoples
Richmond Rabinowitz	Aladar Komjathy
Isabelle Cunningham	Michael Aloisi
Judith Arciniaco	

A special thanks to the State Law Enforcement Planning Agency for partial funding for the symposium.

# SYMPOSIUM PROGRAM

---

9:30 INTRODUCTIONS

Peter W. Loos, Juvenile Delinquency Disposition Commission

WELCOMING REMARKS

Senator Leanna Brown  
Senator Francis J. McManimon

THE CHALLENGE TO PARTICIPANTS

Chief Justice Robert N. Wilentz

PANEL DISCUSSION: WHAT IS THE UNFINISHED AGENDA?

Panel Chairman:

Professor James O. Finckenauer

Panelists:

Commissioner Saul Cooperman  
Attorney General W. Cary Edwards  
Judge Martin A. Herman  
Assemblyman Walter M.D. Kern  
Deputy Commissioner Robert B. Nicholas  
Justice Daniel J. O'Hern  
H. Ted Rubin

10:45 WORKSHOPS

Workshop 1

New Code Policies - Are They Working?

Workshop 2

The Issue of Equity - How Fair is the Juvenile Justice System?

Workshop 3

The Ideal Juvenile Justice System - What Would It Look Like?

Workshop 4

Juvenile Crime - Facts and Myths.

Workshop 5

State and Local Roles in Delinquency - Who Should Do What?

Workshop 6

Our Philosophies Operational - How Appropriate Are Our Intervention Strategies?

12:30 LUNCH

THE UNFINISHED AGENDA - A NATIONAL PERSPECTIVE

H. Ted Rubin, Institute for Court Management, Denver, Colorado

1:30 WORKSHOPS (Continued)

3:30 WRAP-UP SESSION - PUTTING IT ALL TOGETHER

Reports By Workshop Chairpersons

4:00 ADJOURNMENT

## ABOUT THE SYMPOSIUM

---

The concept for this symposium grew from the general sense that we had made significant progress in New Jersey in reforming and updating our system, but that additional work was still required.

Senator Leanna Brown generated the idea for this symposium, and its form and substance grew from the efforts of a core planning group. The group developed a list of the major issues confronting juvenile justice; these issues were eventually organized into tracks or workshops. These are indicated in the agenda.

Once the workshops were developed, faculty were recruited for each. An effort was made to locate the most informed individuals within the State and, in some instances, nationally.

Since a major goal of the symposium was to have all workshop participants actively involved, workshop facilitators provided a short "briefing paper" to all participants before the day of the symposium. The briefing papers, along with additional readings, served as a jumping off point for the workshop discussions. At the close of the afternoon session, all participants gathered to "debrief". Major insights and findings developed in each workshop were shared with everyone, signifying the linkages that need to exist to meet our common goals. This document summarizes many of the major concepts and issues discussed at the symposium.

## THE OPENING REMARKS

---

### PETER LOOS, CHAIRMAN JUVENILE DELINQUENCY DISPOSITION COMMISSION

Those of us who are interested in juvenile justice are fortunate to live in a state like New Jersey. That's because we have a number of individuals and organizations actively working on juvenile issues. I'm honored to chair the Juvenile Delinquency Disposition Commission which is providing solid, empirical analysis of juvenile issues for the first time in our State's history. Our Youth Services Commissions at both the state and local levels are helping coordinate and organize services for court involved juveniles. Organizations such as the Governor's Committee on Children's Services Planning, the Association of Children of New Jersey and the State Law Enforcement Planning Agency are making invaluable contributions. And that's without mentioning the various State agencies involved. They've all contributed heavily to today's program, along with many individuals you will meet during the course of the day.

We're also fortunate to have legislators in this state who care about kids and who critically analyze issues. The idea for today's symposium generated from the individual I am about to introduce. She has served with distinction as a Senator, an Assemblyperson and a Freeholder. And I have had the pleasure of working with her on the Juvenile Delinquency Disposition Commission. I am pleased to introduce Senator Leanna Brown.

### SENATOR LEANNA BROWN

I would like to welcome all of you who are gathered here today to perform an important task. We are here to think, to learn, to share our thoughts on an important social problem - juvenile delinquency. We are here to contribute to finishing what we have called the 'unfinished agenda'. Each of you is part of the solution, and I am confident that with the array of talent we have gathered here today, we will have an important impact on the future.

We have to deal with juvenile crime more effectively, especially with the small number of kids who are most troublesome and do not get the message that we are serious about changing their behavior. About seven percent of youths account for approximately 40 percent of juvenile crime in New Jersey. They have to learn that we will not permit them to take advantage of us any longer. I, as a parent, get upset if I feel that my children try to take advantage of and manipulate me. We as a society react the same way when it comes to young people getting involved over and over again in serious activities that trouble and endanger the community. We will not let them take advantage of us. Our juvenile justice system has to get tough on these kids. On the other hand, we also recognize that many kids who come before our courts on delinquency charges need help - and we must be prepared to respond.

I look forward to a very productive day. Our challenge is to come up with realistic strategies that will bring us to a more effective juvenile justice system.

Now, I'd like to introduce one of the individuals who serves with me in the Senate, and on the Juvenile Delinquency Disposition Commission, Senator Francis McManimon.

#### SENATOR FRANCIS MCMANIMON

Today represents a rare opportunity. An opportunity because of the talent gathered here to examine our juvenile justice system. I want to thank each of you for coming, and ask each of you to give us your best shot in our workshops. As Legislators, we need to know what you think.

As some of you are aware, Senator Brown and I serve as members of the Juvenile Delinquency Disposition Commission. I think this group has provided a valuable service. You've all heard the expression, "there's many a slip between the cup and the lip." Every year, the legislature passes hundreds of laws. But we don't always know the impact of these new laws, or how effective they are, or whether or not they are implemented and applied as we intended.

But that's not the case with this Code. We found that the new Code is steering us in the right direction when it comes to dealing with juveniles. A new family court system has been established that has the ability to handle a variety of problems associated with delinquency.

We have also developed a promising new approach for dealing with "troublesome juveniles" - those who haven't broken any law, but are in need of help. It's called Juvenile-Family Crisis Intervention. Rather than being solely responsible for the outcome of these cases, judges now have the means of referring these juveniles to professionals for diagnosis and treatment if this is necessary.

We have also come to realize that what works in Newark won't necessarily work in Flemington. Too often laws and regulations are implemented on a statewide basis, without regard to specific local needs. Each county now has a Youth Services Commission to plan for local needs.

While the Commission's First Annual Report clearly indicates that we've made substantial progress toward making New Jersey's juvenile justice system a model for the country, it also indicates that we have much more work to do. One of the major goals of the new Code was to give judges more options for sentencing juveniles. Many new programs have been created, but considerable gaps still exist. The fact that judges in some counties have more resources than judges in other counties raises concerns about fairness in sentencing.

We also have to get our act together at the state level. There are at least thirteen state departments responsible for providing services for juveniles. Instead of working together, these departments often work at cross purposes. No clear policies exist to specify who handles what cases. As a result, judges and court staff are forced to fight bureaucracies and red tape to get desperately needed support. A more coordinated approach is needed.

Our successes are encouraging and the problems identified are surmountable. But we must continue to put the system under the microscope to discover what is working and what isn't. This is especially important with juvenile justice, an area in which success can prevent future problems for all of society. So, I urge you to join us today in looking for some of the answers.

I am especially pleased that the young man I am about to introduce was able to be with us today. In his role as Chief Justice, he has spearheaded many of the activities that have been necessary to effectively implement the new Juvenile Code. I would like to introduce the Chief Justice of the New Jersey Supreme Court, Robert N. Wilentz.

## A CHALLENGE TO PARTICIPANTS AT THE SYMPOSIUM

---

CHIEF JUSTICE ROBERT N. WILENTZ

I want to thank the Juvenile Delinquency Disposition Commission for designing this program. The concept is sound -- bringing together all of those concerned with juvenile justice, including all three branches of government. If there is one thing that we have learned over these past few years, it is that the more we talk to each other, and the more we learn what others are doing, the more likely it is that we will succeed in our efforts.

Given New Jersey's judicial tradition, I would not ordinarily express my views on the unfinished agenda of juvenile justice. The questions involved are primarily matters of policy. Judges are well advised to stay out of them. This is the only subject where I have come to believe an exception should be made. Judges are simply too involved as active participants with juveniles to remain silent.

The most important ingredient in dealing successfully with the problems of juveniles is the perseverance of those committed to this cause. The Attorney General made a similar point in connection with the drug problem: he cautioned against expecting a solution within a year or two, rather he suggested we prepare for a struggle that will take decades.

If decades are needed for drugs, what about all of the problems of juveniles, including drugs? It has taken us over two hundred years in America to create the conditions that caused these problems. It has taken generations of slavery, illiteracy, unemployment, and abject poverty to get us where we are. Whatever the causes, the effects are clear: a substantial part of our population, mostly black and mostly young, is isolated from society, shares neither its culture nor its dreams, and has come to expect nothing and to give nothing. The problems of juveniles go beyond black youth, of course, but failure to recognize the core of this problem may result in failure to solve it.

Real progress in this area may take generations. That is what I meant when I suggested that perseverance is the most important ingredient.

Perseverance requires faith and hope. That we have faith is clear, otherwise we would not be here. And there is cause for hope. In America today and certainly in New Jersey, the degree of concern and attention paid to the problems of juveniles is unprecedented. This strong commitment is the greatest cause for hope. Our forefathers left us a terrible problem. When our grandchildren look back, I hope they will say that their forefathers left them the beginning of a solution.

I find it helpful to consider juvenile problems from two viewpoints, one the relatively short-term problem of a limited group -- those involved in the juvenile justice system, and the other the long-term problems of juveniles in our society. Today's symposium will deal mostly with the first, and it is a very important problem. We have a new Juvenile Justice Code in place and a court with new jurisdiction. Is it working? If not, does it at least show some promise of working? What are its failures and its successes? What needs to be changed? Call it as you see it. I want constructive criticism, I want suggestions. I will thank you for any idea, any criticism, that will make our judiciary perform better than it does now, especially in this area.

To some extent, your analysis may be in terms of the present level of resources devoted to the problems of juveniles in contact with the court system, and will comment on how the system is working given that level of resources. That is a perfectly legitimate way of starting your analysis. There is a danger, if that is all you do, that the public may get the impression that we can adequately address these problems without additional resources, that we can somehow solve them through some improved juvenile justice system, some better way of structuring the courts or making the court system and the judges work better or differently. I respectfully suggest such a conclusion would be a disservice. It would give the public a mistaken impression of what is needed to deal with these problems; it would deprive us of the only effective way to address them, and that is by telling the people of New Jersey that we must do more, that they must do more, if we want a civilized, peaceful society.

Without exception, those most knowledgeable about these matters tell us that the resources society has made available for the problems of juveniles are inadequate in almost every way and in almost every category. Some would say grossly inadequate. This lack of resources, this absence of suitable dispositional alternatives, varies from county to county. The inadequacy is generally directly proportionate to the need, the more you need, the less you have. Whether it be professional analysis of the juvenile's condition and needs, locating affordable and available counseling, finding appropriate group residencies, social workers, psychologists, psychiatrists, advisors, big brothers: you name it, even for the relatively untroubled but misguided youth there is not enough, and for the deeply troubled the absence of resources of all kinds is awesome. It seems to me we must let society know where we stand, and what we believe the stakes are.

The long-term view, as I see it, may call for a different kind of commitment. As we look at the problems of those involved with the justice system, we must conclude that we have failed to rehabilitate adult offenders, especially violent, repetitive adult offenders. It may be beyond our ability, and perhaps beyond anyone's ability. That should make us that much more determined to address the problems of juveniles, for here there is a chance to save lives, a chance to bring children back to society as productive people, as satisfied people. We must remember, however, that these children, many terribly maladjusted, immature, often most unhappy, are themselves right now the parents of another generation. They have their own children. Teenage pregnancy is not simply a problem, it is the fact of life for many. There is the risk that this new generation, many of whose parents have been abused and neglected, will repeat the pattern of their parents just as their parents have repeated that of theirs. We must begin to think now about our future juveniles, these infants, during their first three to four years, for truly they are the ones who pose the greatest hope and in a way the greatest risk. We must not assume that our job is done when we solve the problems of today's juveniles. Our challenge

is to prevent this new generation from growing up with the scars of their parents and their grandparents. Our challenge requires both an end -- a job that today's juveniles can realistically hope for, can see as within their reach, a job that will give them a place in society that is fulfilling and satisfying; and our challenge requires a beginning -- a caring, loving environment for these infants, one that will give them a better chance to be happy with society and society a better chance to be happy with them.

## THE INITIAL PANEL DISCUSSION: WHAT IS THE UNFINISHED AGENDA?

---

The following is a summary of the panel discussion that initiated the symposium. The panel was chaired by Professor James O. Finckenauer of Rutgers University and was comprised of key policymakers. The panel consisted of:

### Panel Chairman

Professor James O. Finckenauer, Rutgers University

### Panelists

The Honorable Martin A. Herman, Judge, Family Part, Gloucester County

The Honorable Daniel J. O'Hern, Supreme Court of New Jersey

The Honorable W. Cary Edwards, Attorney General

The Honorable Robert B. Nicholas, Deputy Commissioner, Department of Human Services

The Honorable Saul Cooperman, Commissioner, Department of Education

The Honorable Walter M.D. Kern Jr., New Jersey General Assembly

H. Ted Rubin, Institute for Court Management, Denver, Colorado

James Finckenauer (to Judge Herman): As architect of the new Code, why was there a need for this kind of change in New Jersey's juvenile code? What are some of the goals of the new law? What do you think the unfinished agenda is?

Judge Herman: Our basic goal was to bring rationality to the system; for example, dispositions should fit the crime or the criminal. What is the unfinished agenda? We need most of all to have open communication; we must overcome preconceived notions of the right way to do things. In a sense, though, the agenda always has to remain "unfinished" as we try to move closer to our ideal system. The most important thing is to maintain communication between the constituent elements of our system. We also need to follow up to see how the Code is being implemented. The JDDC should not be afraid to tweak noses in its monitoring and evaluation roles. We also need to assure that the new family court has services to go along with the wide range of options provided. Finally, we need a better organization of services so we can more efficiently get the job done.

James Finckenauer (to Justice O'Hern): What exactly is this new family court? How well is it being implemented?

Justice O'Hern: There is a special structure to the family court; it goes beyond the typical "you win-you lose" structure. It is an attempt to strengthen the family, and to serve the interests and needs of juveniles. With reference to its implementation, there has been some progress. There still remains, and this is very crucial, a lack of available dispositional alterna-

tives. That is, available programs and services for youths involved in the courts. This is central. One important goal we ought to have is to provide good residential settings as an option to judges in their disposition decisions. We need to have them.

James Finckenauer (to Attorney General Edwards): Attorney General, what do you see as the unfinished agenda?

Attorney General Edwards: The Code is now in place but we are not yet fully implementing it. One of the central things is that we have not yet come up with the necessary system or structure to provide the necessary horizontal linkages between components of the system. We in government are presently organized vertically. Without a system providing these horizontal linkages, the Juvenile Code will not be fully implemented. Such linkages are required to foster communication and effective decisionmaking in the system, and allow it to change and grow. Another important thing is that we have to figure out how to put resources where they need to be - where they will make the most impact. With reference to the unfinished agenda, we have a very large unfinished agenda, there is still much to be done.

James Finckenauer (to Deputy Commissioner Nicholas): As a representative of the largest department in state government, a department carrying major responsibilities for services to children, youth, and families, what do you see as the unfinished agenda?

Deputy Commissioner Nicholas: The new Code emphasized the goal of family preservation; it also required a change in perspective - seeing certain offenses as, foremost, family problems. In order to reach our goals, we will require a complete range of services available to meet the needs of youths and families. Despite some improvements in available services, there is still much work to be done.

I see several priorities in the implementation of the family court:

- We need more coordination - we need to coordinate the interrelated parts of the system, including the different levels and branches of government, and public and private agencies. The county Youth Services Commissions and other county bodies are crucial components of this coordination.
- There is a problem with the classification of children and families. We need to 'describe' youth better; we need a shared language to inform our decisions. We need a descriptive mechanism that includes a needs assessment standardized across systems so that planning and services will be consistent.
- The Department of Human Services is a major service provider. We need more residential placements - ones that are not overrestrictive. We need them for juvenile offenders, for kids with mental health problems, and for the developmentally disabled.
- A great need is for prevention. Important sources of prevention strategies are the schools and the local community. We have to have an impact on youth at an early stage of their development.

We have to keep plugging. There's more cooperation than ever before - if we work as a single force we will be successful.

James Finckenauer (to Commissioner Cooperman): What are some of the programs the Department of Education has established to deal with delinquency?

Commissioner Cooperman: I would like to begin by agreeing with Attorney General Edwards that we need to build linkages between the various components of the system. The Department of Education has begun a number of initiatives - in the areas of discipline, literacy and dropouts especially. Our initiative with reference to discipline attempts to deal with and understand children's expectations; it provides for better training of teachers leading to more effective discipline in the classroom. We need to more effectively communicate to our kids codes of acceptable behavior. Our literacy initiative attempts to establish effective alternative education programs - right now there is a paucity of programs that work. We have developed two strategies concerning dropouts. In one, "10,000 Graduates...10,000 Jobs", we are guaranteeing 10,000 entry level jobs for kids who stay in school. Through the involvement of business and industry and special efforts at increasing job-seeking and employability skills, we are attempting to motivate kids to remain in school and graduate, and we are trying to better prepare them for full-time employment upon graduation. In another program, we are attempting to forge a link between the schools and family court. This is a pilot program in Ocean County. Partially tied in with dropouts is our "Literacy Volunteers of America" program. We get the public to volunteer their time to work with kids to increase their reading skills.

I would like to emphasize the importance of committing ourselves to be willing to take money away from programs that don't work, and to put the money into programs that do work. This involves getting past people's interests and concerns about losing their positions, but it must be done. This means that we need evaluation research to judge just what is working and what is not.

James Finckenauer (to Assemblyman Kern): As a legislator, what do you think the 'unfinished agenda' consists of?

Assemblyman Kern: We want to know, first of all, if the new Code is working. What modifications and refinements are necessary? We have to continue monitoring what we've established - the JDDC has been helping us with this. I would like to point out a special problem that we face. Some of our youths are involved with organized crime - and we have to address this problem. We have to respond to their criminal activities in an appropriate way; our response will differ from how we treat the more typical delinquency cases.

James Finckenauer (to H. Ted Rubin): As an outsider with "fresh eyes", and as one who has traveled widely and studied juvenile codes throughout the United States and elsewhere, what are your impressions about our unfinished agenda in New Jersey?

H. Ted Rubin: In my travels across the nation, I continue to see more of an emphasis on treatment than on the legal end. I can only caution, don't forget the law. As of now we still don't know if family courts are a good idea or not! But you in New Jersey are in a position to find out what the answer is. I will only introduce here several basic issues that I intend to address later today.

- Juvenile restitution is not utilized much in New Jersey. It ought to be a major disposition in all sorts of cases. It should dominate in diverted and in adjudicated cases. We can't ignore the victim. Restitution is a good way of holding kids accountable for their actions.
- Guidelines can be very helpful. Extensive disparate handling of cases exists all around the country which could be diminished with effective guidelines. We need to balance concerns for individual justice and equal justice.
- With reference to minorities you have disparity in New Jersey. The courts cannot be party to this.

---

**NEW CODE POLICIES**  
**ARE THEY WORKING?**

---

W  
O  
R  
K  
S  
H  
O  
P  
I

## LIST OF PARTICIPANTS WORKSHOP 1

---

### FACULTY

Judge Martin A. Herman (Chair) - Superior Court, Gloucester County  
Lydia Carbone - Association for Children of New Jersey  
Jude Del Preore - Essex County Family Court  
Shelly Wimpfheimer - Department of Family Guidance, Bergen County  
Judge Dennis Braithwaite - Superior Court, Atlantic County  
Judge Richard J. Williams - Superior Court, Atlantic County  
Richmond Rabinowitz (Facilitator) - Association for Children of New Jersey  
Deborah Martin (Recorder) - New Jersey State Parole Board

### ATTENDEES

Judy Blackadar - Youth Services Planner, Morris County  
Ralph S. Brownlee - Superintendent, Juvenile Center, Cumberland County  
Nancy Caplan - Central Region, Department of Human Services  
Rosalie B. Cooper - Judge, Superior Court, Ocean County  
Naomi G. Eichen - Judge, Superior Court, Bergen County  
Lee Forrester - Public Defender, Mercer County  
Alicia Deliz Ghidetti - Southern Region, Department of Human Services  
Barbara Hutcheon - Office of Legislative Services  
Shirley M. Kayne - Director, Juvenile/Family Crisis Intervention Unit  
Elizabeth Lehmann - Northern Region, Department of Human Services  
Russ Molloy - Office of Legislative Services  
Joseph Mullen - Director, Volunteers in Probation  
Robert P. O'Leary - Assistant Prosecutor, Union County  
Roy Perham - Chairman, Hasbrouck Heights Juvenile Conference Committee  
Richard J. Russo - Department of Health  
Morris Siegel - Association for Children of New Jersey  
Aggie Szilagyi - Office of Legislative Services  
Barbara Tocco - Bonnie Brae School  
John Tumulty - Office of Legislative Services  
Sheri Woliver - Deputy Public Defender, Warren County

# BRIEFING PAPER

## WORKSHOP 1

---

Prepared by: Richmond Rabinowitz  
Association For Children of New Jersey

In 1982 a new Code of Juvenile Justice and related legislation (P.L. 1982, C.77-81) was passed by the New Jersey Legislature and signed by the Governor. It was the result of years of research, collaboration, and dedicated hard work. At the same time, the Supreme Court established a committee to make recommendations about establishing a Family Court. This began a lengthy, comprehensive initiative which culminated in the approval by the People of New Jersey of a Constitutional Amendment which, among other things, established the Family Division of the Superior Court. The Family Division was given authority, by Court Rule, to hear virtually all intra-family legal disputes. This includes, among other things, juvenile delinquency, domestic violence, matrimonial, child abuse, custody and support, child placement review and termination of parental rights. By January 1, 1984 the New Code of Juvenile Justice and the Family Court had become effective.

One of the most important aspects of the new Code is its focus on the family. Family responsibility for juveniles who commit offenses has been broadened in an attempt to better meet the needs of both the juveniles and the community.

It is the goal of this workshop to examine this and other major aspects of the code and examine their level of success. The following outline is provided to help meet that goal and provide some common ground for discussion. There are undoubtedly many other important questions and issues to be discussed. Please view this as a starting point.

### FAMILY COURT

The new Family Division has jurisdiction over all matters previously heard in the Juvenile and Domestic Relations Court and the Matrimonial Part of the Chancery Division of the Superior Courts and for adoption issues previously under the jurisdiction of the County Surrogates offices.

The Administrative Office of the Courts has promulgated a Family Division Model Plan which provided for a regional approach to Family Division management. The plan stated that each vicinage Staff Support Unit should be divided into regional teams. The goal of this being an increased level of expertise in the availability of social services. Yet, there are some questions:

- Is the plan being implemented?
- If not, why not?
- Is there a better method, or areas for improvement?

The plan also outlined three alternative methods for the assignment of judges: one judge - one region, one judge - one family, or judicial specialization.

- How are these alternatives being used?
- Is this in the best interest of families?
- If not, why not?

One of the major goals of the Family Court was to increase family involvement in delinquency dispositions. According to a report by the JDDC, corroborated by ACNJ, "formal involvement" of parents, guardians or family members is not really being achieved.

- Is this so simply because voluntary parental involvement is a preferred method?
- Is this appropriate?
- Is the Family Court making the best use of this new authority?
- If not, why not?

According to the Report of the Supreme Court's Family Division Liaison Committee, "Full achievement of the major goals of the court will depend in large part on improved coordination and availability of social services to treat dysfunctional families. In this regard, the Family Division has great potential, but needs comprehensive preventative and rehabilitative services, especially at the community level."

- Are we successfully moving towards that goal?
- If not, why not?

Among the major new resources to the communities and the Court are the Family Crisis Intervention Units. They were established to deal with non-delinquency juveniles and family problems. The Units have jurisdiction over parents, guardians and other family members seen to be contributing to the family crisis. They are required to respond immediately to problems. They are charged to assess the nature of the crisis, and then either provide services, or refer the family for services within the community. Every effort is supposed to be made to deal with the crisis and keep the family out of the court. Records show that of the 14,542 cases disposed of statewide by the units in 1985-1986 only 1,332 or 9.2% were referred to the court by petition (that includes the filing of juvenile-family crisis and out-of-home placement petitions).

- How effectively are county crisis intervention units preventing children and families, who earlier would have appeared in court, from doing so?
- Have sufficient resources been allocated directly to the CIUs as well as to the development of community resources needed by the families they see?
- Is there enough continuity in CIU staff to make them effective?
- Is there enough training of CIU staff to make them effective?

In 1985 the AOC and DYFS signed an agreement which specified the roles of DYFS and the CIUs.

- Are these roles clear?
- Are DYFS and the CIUs communicating adequately and fulfilling their respective roles.

It is our hope that these statements and questions will provide a beginning to our discussion. Please come with your expertise to help us answer these difficult questions so that together we can resolve some of the problems of "the unfinished agenda."

## SUMMARY OF PROCEEDINGS WORKSHOP 1

---

Prepared by: Deborah Martin  
State Parole Board

The focus of Workshop 1 was to examine policies initiated by the new Code of Juvenile Justice, including an evaluation of how well these policies have been implemented and how effective they have been.

The morning session was devoted to the observations and opinions of the faculty. In addition to points expressed and questions asked in the Workshop's briefing paper prepared by Richmond Rabinowitz, Judge Herman asked that panelists and attendees create a "wish list", ideas that would enhance the system's functioning.

Judge Williams described the team approach, a method used in Atlantic and Cape May counties to deal with juvenile and family matters. Prior to 1982, court involvement with juveniles and their families was "one judge - one family". Problems arose in the attempt to provide consistent dealings with families. A "one team - one family" approach is now utilized. This approach allows for consistency and greater attention to problems and solutions via networking. Teams are assigned regional areas and all team members work closely together and with judges and supporting agencies. Information concerning referral options is more readily available, and family participation in problem resolution is increased. Should a judge leave the bench, or a team member leave, consistency and continuity are maintained between the court, team and family. Atlantic County has found this approach a successful one.

Judge Braithwaite added that the team approach brings a higher level of expertise to juvenile services. Team members become familiar with child study teams within the schools, DYFS, mental health professionals, etc., thus creating a broader network of services available to families.

Jude Del Preore reviewed the workshop description with his colleagues in Essex County. They identified four major areas of concern with relation to new Code implementation in Essex County.

- There is a harsher approach to the serious offender. There are more instances of determinate sentencing and waivers to adult court. This situation has led to overcrowding at detention facilities, and a backlog in the processing of cases.
- There is more family involvement. However, there are problems with staff turnover, and there is no clear procedure for monitoring parents' compliance with court orders.

- A tracking system needs to be implemented to monitor cases. The majority of cases are in Newark, Orange, East Orange, and Irvington. Funds to implement a tracking system are scarce.
- There is a provision in the Code for victim input. However this has not been implemented in Essex County. V.C.C.B. penalties appear to be unenforceable.

Jude Del Preore also outlined four priority needs in Essex County, identified in a survey of judges in Essex County.

- inpatient substance abuse services
- residential placement for the developmentally disabled
- juvenile mental health services
- academic and vocational services

Shelly Wimpfheimer is the Director of Division of Family Guidance in Bergen County. The Family Guidance Program is a group of thirteen programs, and is a provider and referral agency to the courts. The programs range from detention centers and juvenile shelters, to a sex offender program and substance abuse facilities. She stated that there are conflicting philosophical views among counties and within Bergen County itself in relation to implementing the new Code. This is reflected in the varying extent to which families are held accountable, even though provisions are outlined in the Code. Divergent approaches are exhibited by legal versus social service personnel. The law itself creates problems in the monitoring of cases - there is no follow up; coordination is needed from a planning perspective; funds are not provided.

She explained further that problems exist in Bergen County in the diagnostic testing of juvenile offenders and offered some solutions:

- More sophistication is needed in classifying juvenile offenders.
- There is a need to recruit well qualified professionals.
- Professional schools must be made aware of this specific job market.
- There is high stress among staff and insufficient pay.

These situations must be addressed:

- Counties must make provisions to train staff via in-service programs to suit the needs of the county.
- Special consideration must be given to the multiply diagnosed offender.
- Truancy cases need to be handled differently. These cases do not belong in the court system.

Lydia Carbone, formerly of the Association for Children of New Jersey, participated in a two-phase study conducted by the Association that examined implementation of the new Code. In phase two of the study, the Association focused on Family Crisis Intervention Unit operations in Camden, Cumberland, Hunterdon, Somerset and Union counties. They reviewed records, hearings, analyzed statistics, and conducted surveys with personnel involved with each county's FCIU. The intent of the study, the results of which are not yet available to the public, is to serve only as an observation of individual counties' dealings with the new Code.

Overall, the study indicates that funding and staffing concerns are central. The study further indicates that the intent of the legislation has not been well implemented but that counties are doing the best they can with what they have. The study does not indicate whether or not the legislation has been effective.

### AFTERNOON DISCUSSION

The afternoon session was devoted to a sharing of ideas, problems and possible solutions in dealing with the new Code. Judge Herman suggested a "wish list" of solutions.

Presented below are those problems identified by representatives of various counties. The problems appear to be "universal":

- There are no written guidelines on Code implementation. The group was made aware that a manual is in preparation.
- Counties do not know their boundaries or authority within the Code.
- There is no accountability.
- Sentencing disparity is prevalent.
- Better communication must be established between community/county and county/state.
- Judges do not always provide enough input into the system.
- Families are not involved enough in the process and are not held accountable.
- It is unclear as to who has jurisdiction over the family and juvenile.

The "Wish List" is as follows:

- More funding
- More staffing
- Inpatient substance abuse facilities
- Greater family involvement
- Standardization of FCIUs

- A central system for placement (within each county)
- Manuals for implementation are a must
- Substance abuse facilities to service underprivileged juveniles and families
- Facilities to handle the multiply diagnosed offender

---

**THE ISSUE OF EQUITY - HOW FAIR  
IS THE JUVENILE JUSTICE SYSTEM?**

---

W  
O  
R  
K  
S  
H  
O  
P  
  
II

## LIST OF PARTICIPANTS WORKSHOP 2

---

### FACULTY

Senator Leanna Brown (Chair) - District 26, New Jersey Senate  
Professor Darnell Hawkins (Chair) - University of Illinois at Chicago  
Jennie Brown, Ph.D. - Department of Corrections  
Judge Carmen Ferrante - Superior Court, Passaic County  
R. Alexandra Larson - Governor's Committee on Children's Services Planning  
Peter Loos - Juvenile Delinquency Disposition Commission  
Prosecutor Herbert Tate, Jr. - Essex County  
Judge Shirley Tolentino - Superior Court, Hudson County  
Michael Aloisi, Ph.D. (Facilitator) - Juvenile Delinquency Disposition Commission  
Phyllis Mason (Recorder) - State Law Enforcement Planning Agency

### ATTENDEES

Howard Adelman - Assistant Deputy Public Defender, Cumberland County  
David Anderson - Department of Higher Education  
Joan C. Ayers - Department of Human Services, Essex County  
Alice Domm - Assistant Deputy Public Defender, Middlesex County  
Corrine Driver - New Jersey Child Placement Advisory Council  
David Flood - New Jersey State Parole Board  
Frank E. Gripp, Jr. - Department Of Corrections  
Willie T. Helm - Superintendent, Jamesburg Training School for Boys  
Philip J. Hill - Director, Union City Detention Center  
Arthur Jones - New Jersey State Parole Board  
Leroy J. Jones - New Jersey State Parole Board  
William J. Kearney - Presiding Judge, Family Part, Ocean County  
Carol Anne Kremetz - Detective, Juvenile Officer's Association  
Doreitha R. Madden - Department of Education  
Mary Mooney - Deputy Public Defender, Essex County  
Anne C. Paskow - Deputy Attorney General  
Anne Perlman - Governor's Committee on Children's Services Planning  
Angela Pulvino - County Clerk, Cape May County  
Marcia R. Richman - Assistant Public Defender, Essex County  
Charles Sanders - Governor's Committee on Children's Services Planning  
Dorienne Silva - Governor's Committee on Children's Services Planning  
Jacquelin Spencer - Youth Services Commission Coordinator, Essex County  
William Stubbs - Department of Community Affairs  
Susan E. Van Amburgh - Assistant Deputy Public Defender, Morris County  
John M. Wall - Superintendent, Johnstone Training Research Center  
Steven Yoslov - Administrative Office of the Courts

## BRIEFING PAPER WORKSHOP 2

---

Prepared by: Michael Aloisi  
Juvenile Delinquency Disposition Commission

Our focus of concern in Workshop 2 is the issue of whether and to what extent the juvenile justice system in NJ provides equitable treatment of juveniles. We will address the existence of disparities in juvenile justice decisions, especially racial and regional disparities. Our objectives include:

- clarifying the extent to which disparities exist
- discussing the extent to which disparities are or are not justifiable
- identifying strategies for remedying any unjustifiable disparities.

There are a number of points in the juvenile justice process where crucial decisions are made that will have great impact on the lives of juveniles, and the broader community, including:

- police decisions (to arrest; to refer to court)
- intake screening decisions (to divert delinquency cases or not)
- prosecutor decisions (to dismiss or prosecute; charging decisions)
- judges' decisions (detention decisions; deciding on a range of dispositional options)
- parole board decisions (when to release or not).

At each of these crucial decision points, many factors potentially contribute to the action taken, and a substantial degree of discretion is left to system personnel. The existence of wide-ranging variation in decisions, within and between jurisdictions, resulting in differential treatment of similarly situated youths, has long been an issue in the field of juvenile justice.

One stated goal of the new Juvenile Justice Code was to decrease perceived disparities in the handling of cases. The formulators of the Code attempted to achieve this goal by specifying criteria, broad guidelines or standards, that would introduce greater uniformity and equity into the system. The Code provides criteria for waiver, short-term custody and detention decisions. A series of "guidelines" require the court to weigh certain factors in arriving at dispositions, prohibit the incarceration of certain offenders and relate the terms of incarceration the court may impose.

While it is hard to say with confidence just how successful the Code has been in diminishing unwarranted disparities, research by the Juvenile Delinquency Disposition Commission (First Annual Report, 1986) has revealed continuing disparities in treatment and processing of cases.

For example, extensive variation exists between counties in police referral rates to court, diversion and adjudication rates and dispositions. Percentages of juvenile arrests in 1984 referred to court range from 84 percent in Cumberland County to 30 percent in Ocean County; proportions of docketed cases diverted range from 72 percent in Morris to 23 percent in Somerset; proportion of docketed cases adjudicated ranges from 46 per hundred in Sussex to 15 per hundred in Cape May. Such disparities undoubtedly reflect variation in overall offense seriousness. An array of other factors is certainly involved as well.

One of these factors appears to be variation in the quantity and quality of resources available in each county. If mechanisms are perceived to exist that will effectively control or redirect juvenile misbehavior, police will more likely deal with youths on an informal basis and refer juveniles and families to local service providers. Similar considerations apply concerning screening and dispositional decisions. The judge's use of any one disposition certainly may be influenced by the range of options relevant to the case at hand. The question has been posed of whether the lack of a particular option (i.e. short-term commitment in local detention centers) in some counties, while available in others, violates equal protection considerations.

An important question is to what extent differential handling of cases based on differences (in resource and option availability, informal mechanisms for addressing delinquency, attitudes and 'philosophies') are valid or justified. When does geographical variation lead to unfair advantages for some vs. others? What are the implications of how we answer these questions for the provision of services at the county level? What can be done to optimize the range of options open to judges who are concerned with providing the disposition that best matches the needs of each particular case? Will this, in fact, reduce disparities?

A further central concern is to clarify the extent of racial disparities in the juvenile justice system, and to remedy such disparities in treatment that are judged to be inequitable. New Jersey follows the disturbing national pattern of minority overrepresentation throughout various points in the criminal and juvenile justice process.

Nationally, a disproportionate number of black youths are arrested; the overrepresentation is greatest in arrests for violent index offenses. Research provides evidence that black youths are more likely to be referred by police to court, more likely to be detained in a secure facility, more likely to go through the formal adjudication process, and more likely to be incarcerated in public institutions. Much the same has been found where researchers have focused on hispanic youth.

Utilizing federal statistics, one report finds that in 1982 black males were incarcerated in public juvenile correctional facilities at a rate of over four to one over non-hispanic whites; the rate for hispanics is almost three to one over non-hispanic whites. Figures for females are similar but not as dramatic. Further, during the period from 1977 to 1982 there has been an increase of 26 percent in minority youths (mostly black) in these public institutions, alongside a slight increase for whites.

Several authors have proposed that the increasing racial/ethnic disparity in incarceration in public institutions may in part be due to recent policy shifts in the juvenile system. The deinstitutionalization of status offenses may have had its primary impact on white youth. Further, increasing emphasis on chronic and violent offenders may have differentially affected black youth, who may be overrepresented among serious and chronic juvenile offenders, or, at least, are more likely to be processed through the juvenile system.

One important question is whether minority overrepresentation throughout the juvenile justice process reflects higher rates of minority youth involvement in crime, especially serious crime. Little consensus exists in the research literature on this point. National Youth Survey data reveal little variation between blacks and whites in their self-reporting of offenses. On the other hand, victimization surveys (surveys of victims of crime) more closely reflect the disproportionate involvement of minorities that is seen in the Uniform Crime Report data. It does appear likely that non-legal factors are responsible for some of the overrepresentation of black youths at the point of arrest, although discretion in arrest and other juvenile justice system decisions seems to play a greater part in the less serious offenses. A number of studies report that the demeanor of a youth is an important component of police arrest decisions, and that this factor varies by race.

An extensive body of research has accumulated addressing the factors that contribute to juvenile justice decisions leading to racial disparities, especially in dispositions/sentencing. It attempts to reveal the extent to which disparities result from racial bias. Again, there is little consensus on the impact of overtly discriminatory decisions.

Most research finds the legal factors of offense seriousness and prior record of offender as the two most important criteria affecting differential decisions. When the effects of these factors are taken into account, differential decisions by race are partially explained.

There are a number of non-legal factors that do not imply conscious racial bias, that, nevertheless, may contribute to overall racial disparities, especially if they accumulate across decisions throughout the juvenile justice process. These include among others, such factors as parental stability or "intactness", school status, employment status and income. Each of these personal and socioeconomic characteristics may consciously or unconsciously contribute to juvenile justice decisions. The decision-maker may, plausibly, consider such factors in making a decision "in the best interest of the child", or may consider such factors as indicators of amenability to treatment, or of potential for recidivism.

While decisionmakers may view these non-legal factors as racially neutral, they may negatively impact minorities, to the extent that they overlap with racial status. Using criteria for decisions that correlate highly with race will have the same effect as using race itself as an input into decisions.

Several questions present themselves. What criteria in fact contribute to the crucial decisions we make in the juvenile justice system? What impact do such criteria have on our youth? What impact do they have on minority youths in particular? To what extent are these criteria relevant? To what extent are these criteria justifiable?

The Administrative Office of the Courts is currently attempting to address the broad issues of racial/ethnic disparities and equity. The Committee on Minorities and Juvenile Justice of its Task Force on Minority Concerns is developing a research study of minority involvement and handling in the New Jersey court system. The Case Processing Committee of the Conference of Presiding Family Division Judges is preparing a research project on the question of disparity, across the board, i.e. in terms of gender, race, county etc.

## SUMMARY OF PROCEEDINGS WORKSHOP 2

---

Prepared by: Phyllis Mason  
State Law Enforcement Planning Agency

The purpose of Workshop 2 was to examine the issue of whether or not equitable treatment is provided for juvenile offenders within the juvenile justice system. Attention was to be focused on the specific concerns of racial and regional disparities.

The discussion was initiated with comments from the co-chair Darnell Hawkins. He directed attention to the use of the terms fairness and equity, and indicated that limiting the use of these terms to the results of practices of the juvenile or criminal justice systems is simplistic, and does not provide an adequate measure of these concepts. As a result, the primary causes of the disproportionate number of blacks and minorities in the system are unfortunately ignored and disregarded. Darnell Hawkins' assertion was that if one eliminates the bias existing in the system, there would still be an overrepresentation of minorities. This is due most of all not to the administration of justice, but rather to social factors and processes prior to arrest. To a great extent, the question ought to be: "how fair is society generally, in terms of dealing with those who engage in crime."

We often ignore the link between poverty and crime and overlook the unfairness tied to the areas of employment opportunity, educational levels and other social conditions. Darnell Hawkins' final comments were that we must question the function and intent of the system; to the extent that the system incarcerates large numbers of minorities, the system is recycling and maintaining an underclass. Involvement with the courts, especially incarceration, adds greatly to the existing problems facing minority youth, and hinders already tenuous employment opportunities.

Short presentations by each of the faculty members followed; they are summarized below.

Peter Loos indicated that there is disparity in incarceration and sentencing. He attributed the disparity, primarily, to the lack of resources at the local community level, and noted the need for greater employment skills, more education and services to the neurologically impaired and those with other mental disabilities. Mr. Loos addressed the fact that, in the juvenile justice system, seven percent of those processed are chronic offenders, but that many youths who are less involved are also incarcerated. He indicated that many youngsters are sent to correctional facilities because other services and facilities are so sorely lacking. He further stated that the resources available in different communities vary greatly and that those counties most in need of private residential treatment programs and other services are the least likely to have them. Consequently, urban communities are more likely to dispose of cases by incarceration and suburban communities are more likely to divert cases to less restrictive programs.

Judge Carmen Ferrante began with the statement that there is simply not enough money available in the juvenile justice system, and that services are generally very limited. In agreement

with Professor Hawkins, he indicated that social problems must be dealt with first and foremost, and that one should take into account both youths' social background and previous involvement with (social service treatment) programs. Judge Ferrante encouraged the expansion of alternative programs and reported on several programs that have been developed in Passaic County. These programs include: home detention, Probationfields, Greenfields, Total Life and Volunteers in Probation.

Judge Ferrante emphasized that the courts strive for an equitable handling of cases in New Jersey. This is made difficult by the lack of resources, of available alternatives for judges. He also stated that assertions of disparity in the court system (i.e. unwarranted differences in treatment) are unfair and not substantiated by hard data. The presiding judges are in the process of studying the question of disparity in the courts.

Judge Shirley Tolentino chairs the subcommittee on Minorities and the Juvenile Justice System of the Task Force on Minority Issues. She indicated that the chief problem is the overrepresentation of minorities in the system, making special note of the areas of detention, waiver, and the use of dispositional alternatives to incarceration. Judge Tolentino enumerated eight areas of concern that have surfaced in the process of the subcommittee's work, with relation to treatment of minorities within the system. These are:

- the overrepresentation of minorities at all stages of the juvenile system
- the unequal distribution of available services between minority and non-minority youth, and between communities with large vs. small minority populations
- the fact that parents of minorities are less likely to be involved in the dispositional process
- the insensitivity of judges and other decisionmakers, and the lack of recognition of cultural differences
- the fact that minorities are treated with less professionalism and courtesy
- the lack of alternatives to incarceration for minorities
- the failure of the judiciary to provide information to minority communities, concerning the workings of the system
- the tendency to direct blacks and hispanics to correctional facilities vs. private residential treatment for whites.

Judge Tolentino indicated that the subcommittee would address the above concerns through empirical research that would help clarify the extent to which these problems exist, and how they might be alleviated.

Sandy Larson began with the statement that there are, in fact, inequities in the system, and further justified her assertion with the statement that nine-tenths of the juvenile correctional population consists of minority youngsters. She noted that arrest rates for minorities cannot account for the greatly disproportionate incarceration rates. While minorities comprise nearly half of those charged with serious crimes, they are incarcerated at a rate of over 80 percent. She indicated additionally that the handling of cases within the system is differentiated on the basis of social class - cases are handled differently for poor as opposed to non-poor youths. In

poor communities parents are already overburdened with limited employment opportunities and limited educational skills. She agreed that the white population is directed toward private treatment programs rather than the correctional facilities black and hispanic populations are ordered to. Why is this so? One reason is that there is a basic lack of resources in poor areas.

Sandy Larson concluded by stating that prevention efforts are greatly needed. She stated that we need more such positive programming efforts for minority youngsters at a much earlier age.

Prosecutor Herbert Tate's comments focused on the importance of making a distinction between de jure (legally recognized and intended) vs. de facto (existing in fact though not by legal establishment or official recognition) discrimination, when evaluating the treatment of juveniles within the juvenile justice system. While it is certainly clear that minorities are over-represented in the juvenile justice system, we need to be clear about why this is the case. He stated that it is sometimes difficult to identify intentional bias. It is clear that there is a great degree of discretion in the system at various points; each could be a source of intentional bias. Some inequities can be identified in system handling, but there does not appear to be substantial de jure discrimination. On the other hand, de facto discrimination appears to play a significant part. Race neutral policies and decisions (not intentionally biased) can have a serious negative impact on minorities. Attention was directed to the JDDC Report's profile of incarcerated juveniles. Prosecutor Tate noted the following factors as part of that profile: poverty, family problems, problems in school, personal problems and drug abuse. Many such factors can impact on a child, and lead to involvement in the juvenile justice system.

We have to take a look at how decisions are made in the system, concerning diversion, charging procedures, sentencing and so on. We need to take a long look at the guidelines, formally and informally, that influence these decisions. Some of the criteria utilized in our decisions, notably in dispositions, can have a biased impact written into them, even though they are meant to be race neutral.

Prosecutor Tate suggested that we need strong educational programs at all levels; teaching life skills is especially important. He asserted, in conclusion, that although the law enforcement system is overburdened and overworked, it would like to do a more equitable job.

Jennie Brown acknowledged the racial inequities and regional/county disparities in the system. She indicated that monitoring of system handling of cases is a major issue, and a cause for much concern; both professional and parental advocacy are extremely limited. She went on to say that the public advocate's office has very limited resources; impoverished families, furthermore, are seldom prepared to advocate effectively for residential vs. correctional placement for their youngsters. She indicated that it is the duty of the court to insure that children are placed in the least restrictive alternative. Further, we simply do not have the facilities needed within the state to serve our youngsters; more New Jersey based programs are clearly needed.

Jennie Brown noted that some judges would not consider sending a white youth to Jamesburg; they have decided not to incarcerate because they feel the youth would not fare well there. We are in effect promoting a dual system. Consequently, the population in Jamesburg consists of a disproportionate number of blacks and other minorities, and the poor. She went on to say that discrimination in the system must be an ongoing concern, for if we look at enough levels of decisionmaking, we begin to see negative racial patterns imposed. She suggested that we must educate the parents of these youths about the system, and encourage an increase in

the number of blacks in decisionmaking positions, to serve as role models and to advocate for minority youth.

## AFTERNOON DISCUSSION

Senator Leanna Brown commented that it is important to obtain input from juveniles affected by the system, and encouraged this approach for the future. She then solicited comments from the attendees. The comments were diverse; varied and sometimes conflicting views and opinions were presented. The general consensus was that there is clearly an overrepresentation of minorities in the juvenile justice system. Many shared the view that there are inequities at various levels throughout the juvenile justice system, as well as in the social and economic system in general. The limited resources in certain communities further compound the problem and contribute to the disparate treatment.

Many felt that we clearly need to increase system resources. Specific suggestions included fully funding the family court system (e.g., more public defenders, more judges), and diminishing county differences in the availability of programs and services to provide greater equity, since resources are not available where problems are the greatest. Existing resources should be earmarked for the communities with the greatest need.

Another suggestion was that there should be greater uniformity in the broad application of legal procedures. Concern was expressed at the amount of 'discretion' that exists in various areas of the system, including arrest decisions. Assurance was given that serious offenses will enter and proceed through the system whether they involve minorities or not. It was pointed out that discretion does not necessarily equal discrimination. In response to the concern for greater uniformity, it was noted that guidelines have been put in place as a result of the new Juvenile Code, outlining valid criteria and options for decisions at different points in the system. However, what is set forth in the Code has not been fully implemented and/or monitored, and there appear to be widely differing interpretations of intent and meaning.

It was suggested that when decisionmakers take criteria into account when deciding to detain, to incarcerate etc., those criteria (e.g., unemployment, family instability) may have a negative impact on minorities even though this is not intended, and even though this may be uniformly done.

Some disparate treatment does appear to result from differences in family income. Income can come into play in various ways, including choice of lawyer, ability to pay for private programs, ability to effectively advocate etc. Among other things, we need to educate parents about the system, and to have a community representative in family court cases, especially when parents are not available or involved.

Several persons felt strongly that we need a strong advocacy role, especially for minorities. A Volunteer Ethnic Tolerancy Committee was proposed to insure minority participation on various commissions to demand more fairness in the system, and to increase the number of minorities in decisionmaking positions. There were also several suggestions for a state official 'ombudsman' to oversee and monitor the system with reference to equitable treatment. It was also noted that comments from youth/clients in the system, and victims should be obtained, to better understand their perspectives.

It was stated that it is difficult to pinpoint inequalities unless one focuses on one area at a time. It was clear, however, that those in the greatest need (minorities and the poor) have the least options, the least resources and the least support available for them.

By the close of the workshop there appeared to be a shared uneasiness and dissatisfaction about the present state of the system with reference to the overrepresentation of minorities, and regional variation in available services. Yet, there was clearly no consensus on the exact nature of the problems to be addressed, nor how they were to be addressed. This epitomizes the nature of the 'unfinished agenda'.

---

**THE IDEAL JUVENILE JUSTICE SYSTEM**

**WHAT WOULD IT LOOK LIKE?**

---

W  
O  
R  
K  
S  
H  
O  
P

III

## LIST OF PARTICIPANTS WORKSHOP 3

---

### FACULTY

Paul DeMuro - DeMuro and Associates, Montclair, New Jersey  
Virginia Gormley - Legislative Aide, Atlantic County  
Thomas Lynch - Department of Corrections  
Robert Nicholas - Department of Human Services  
Judge Robert Page - Superior Court, Camden County  
Lieutenant Donald Stunpf - Bergenfield Police Department  
Margaret Woods (Facilitator) - Governor's Committee on Children's Services Planning  
Jeff Fleischer (Recorder) - Youth Advocacy Project, Orange, New Jersey

### ATTENDEES

John Armstrong - Atlantic County Administrator  
Marilyn Babashak - Supervisor, Office of Community Services  
Jane Berezow - Director of Department of Human Services Representative Unit  
Sharon Copeland - Department of Human Services, Mercer County  
Robert Coughlin - Director, Ocean County Juvenile Detention Center  
Mary Croce - New Jersey State Parole Board  
Thomas Fiskien - Administrative Office of the Courts  
David Flynt - Department of Human Services, Morristown  
Gerald Hannon  
Barbara Greer - Governor's Office Policy & Planning  
Dee Kirk - Aide to Senator Ewing  
Carol Lesniowski - Administrative Office of the Courts  
Hannah Levin - Department of Higher Education  
John McCandless (Sergeant) - Juvenile Officer's Association  
Hilyard Simpkins - Central Region, Department of Humans Services  
Father Edward Walsh - Chairman, Community Planning & Advocacy Council  
John P. Zerillo - Department Of Corrections

## BRIEFING PAPER WORKSHOP 3

---

Prepared By: Margaret L. Woods  
Governor's Committee on Children's Services Planning

The purpose of this workshop is to attempt to design the ideal juvenile justice system. The tenets of this new system will be a combination of both traditional and current ideologies.

Until recently the New Jersey juvenile justice system has kept pace with national patterns which emphasize the *parens patriae* doctrine. The court, assuming the parental role, would make decisions about the education and rehabilitation of the child. Reformers in the late 19th century advocated that the reformatory be used to house poor and misbehaving youths. The main purpose of the reformatory was to instill morality, good work habits, and remove negative influences.

Throughout most of the 19th century the juvenile or family court remained punitive in its treatment of misbehaving youth. This perspective was reinforced by the social philosophies of the day e.g., Social Darwinism which held that some were predestined to succeed and others to fail. Antisocial acts had to be punished in order to protect society.

In the late 1800's social philosophers argued that children were amoral and pure. Children were viewed as being innocent and malleable. As such, misbehaving children should be treated differently than adults." Social reformers such as Jane Adams argued that misbehaving children should: "(1) receive therapeutic services rather than punishment and (2) be adjudicated separately from adults." This was the social climate in which the first Family Court was established in Cook County, Illinois in 1899.

Shortly after World War I the tenets of casework became the foundation for the provision of services for the juvenile court. The traditional doctrine of *parens patriae*, while still providing the legal foundation for the operation of courts, was subjugated to the principles of psychoanalysis. The adherents to this approach argued that a child should not be held criminally responsible for uncontrollable impulses. Therefore, the court placed increasing emphasis on the efficacy of rehabilitation.

The court continued to operate under the assumption that its major responsibility was to rehabilitate and educate the wayward child until the latter decades of this century. A new generation of social philosophers emerged. Thomas Szasz, Nicholas Kittrie, et al argue that a child's age should not relieve him/her from accepting responsibility for his/her actions and receiving punitive sanctions for those acts.

During the 1970's and 1980's the perception of both the public and governmental policy setters was that the juvenile crime problem was endemic. From 1977 through 1984 New Jersey's juvenile arrest rate decreased. However, the State's juvenile arrest rate for violent crimes in-

creased by 71 percent. It was also the perception of key decision makers and the public that these violent juvenile offenders were literally getting away with murder. People believed that the juvenile courts were a revolving door. Violent juveniles because of their youth were not made to experience harsh sanctions for heinous crimes. As a result of the juvenile court's leniency, honest law abiding citizens were not safe in their homes or in their communities. It was in this climate that New Jersey revised its Juvenile Code in 1984. The major purposes of the revision were to:

- increase the uniformity and equity of the handling of juvenile cases,
- place an emphasis on the importance of family in the remediation of a juvenile's problems,
- provide for alternative handling of status offenses by creating juvenile-family crisis intervention units to divert these cases from formal court processing,
- increase dispositional options available to the court and,
- provide harsher penalties for serious and repetitive offenders.

Prior to the Code revision in 1983 the Association for Children of New Jersey report, Through the Safety Net: A Citizens' Report on New Jersey Children and Families in Need, indicated that many adjudicated youth could have been diverted if community-based services had been available. This problem currently persists.

In 1985, the Governor's Committee on Children's Services Planning issued a report entitled New Jersey's Action Plan for Children. This report cited a tendency toward overreliance on costly institutional care. This report also found that disproportionate numbers of incarcerated youth were poor, non-white, and from urban areas; it highlighted the practice of inappropriately placing emotionally disturbed youth in its state training schools.

The recently published First Annual Report of the Juvenile Delinquency Disposition Commission states that the new Code places us on the right path. The report further states that incarcerated populations are declining. However, even with this good news there are still some disturbing facts about New Jersey's juvenile justice system which must be seriously explored:

- There is much diversity in decision making on a county by county basis. This raises serious questions about the degree of equity and uniformity.
- The average incarcerated juvenile is an older Black or Hispanic male in an urban center.
- Over half of the incarcerated population have not committed a violent act.
- The majority of incarcerated juveniles are recidivists and likely to have extensive prior records.
- The average incarcerated juvenile has been previously diverted and placed on probation twice.

The preceding litany of the system's shortcomings clearly points to the fact that even with the success of the new Code something is still wrong. Before we can design an ideal juvenile system the following issues must be addressed:

- Can New Jersey tolerate a system that is disproportionately comprised of poor and minority youth?
- Can the state permit its juvenile offenders to be denied social and educational services which they need and deserve?
- What should be the guiding principles of our juvenile justice system?
- Should the juvenile court be concerned with punishment or treatment?
- If the majority of incarcerated youth recidivate, is it because the punishment was not harsh enough or because they did not receive the proper rehabilitative services?
- How should the State treat its most dangerous and violent juvenile offenders?
- Are state training schools the most effective way of handling both repeat offenders and violent juvenile offenders?
- Can anything positive be accomplished with juveniles who are incarcerated with as many as two hundred other disturbed youth.
- What is the best way of helping juveniles learn to accept responsibility for their actions?
- What role should juveniles' natural support networks play in helping them to live constructively among others?
- Finally, can anything constructive be done with delinquents or youth experiencing family problems if we do not have adequate services available in the community to assist them and their families?

## SUMMARY OF PROCEEDINGS WORKSHOP 3

---

Prepared By: Jeff Fleischer  
Youth Advocacy Project, Orange, New Jersey

The focus of Workshop 3 was to examine various perspectives on juvenile justice, and attempt to construct the "ideal" system; this "ideal" system was to be compared with what we presently have in New Jersey. The workshop began with presentations by the faculty.

Virginia Gormley explained the rationale behind the creation of the Family Court. She pointed out that we still have problems with violent offenders, seeing a further need for residential programs. We have developed more alternatives, but we have many areas still to progress in.

Judge Robert Page stated that he sees the Family Court as something to coerce people to do what they ought to do anyway. He went on to say that this year has been the toughest year yet; kids are becoming involved with more serious offenses, and there were more cocaine-related cases than ever before. The problems are much deeper and perhaps beyond the realm of the "people in this room."

Today there are not new alternatives arising from Family Court related legislation. Although provision for a New Jersey Family Court encompasses one of the most comprehensive such developments in the nation, there is still a need for change. Judge Page stated that the system is fragmented; we must unify into one consolidated agency. The system now is self-defeating. He suggested that we enact legislation prohibiting post-disposition detention.

Judge Page stated that plans should include time-lines within which alternatives must be created. Currently, we continue to maintain developmentally disabled kids in the correctional system, and this must be changed. He suggested the creation of a strong watchdog mechanism to monitor the system.

Robert Nicholas stated that we do not now have a system; we have a non-system, with parts that do not interact. We need to consolidate now fragmented services. We also require a common and consistent way of looking at children. We spend too much time deciding who should serve a kid. Right now it is like a "crap shoot", in terms of matching kids with the necessary and appropriate services.

We need to increase support to families. Problem solving should be a community effort with community supports built in. He went on to say that it is not easy to deal with juvenile offenders. We need outreach services; we are not doing enough here. We need to develop alternative care systems with services for the more difficult cases. We need to help kids be successful in the community and to develop self-esteem. We should also focus on the strengths of problem kids. He pointed out that "these kids have a lot to offer."

We need to discover which of our efforts are successful, and which are not. We need to develop equal access to services; a divergence in access to services from county to county now exists. Robert Nicholas concluded by pointing to the need for a statewide road map for services.

Thomas Lynch asserted that presently "there is no voice for kids." Agencies do not deal with the have-nots; we have two different societies. Eighty percent of kids in the correctional system come from eight counties; most are minorities. When we refer to families, we mean white middle-class families; we forget about black and hispanic families. He continued that we jail kids who have already been punished by poverty.

He stated that the Department of Human Services does not deal with all the kids in need, suggesting that we put the same "no-refuse" policy on the Department of Human Services as the Department of Corrections now has. If we're going to have a "no-refuse" policy for corrections, we must give corrections the needed resources.

He advocated for treating kids as if they were our own. We must stop putting them in large facilities. We must seriously look at aftercare services. We must put services in place to prevent kids going into corrections in the first place. We need to handle kids differently; by doing so we can help them buy into the system so they will be more likely to succeed.

Lieutenant Donald Stunpf asserted that DYFS' task is impossible; we need to be realistic. The family court structure is good, but, it must be able to function at the time the client has a problem. We also need better training of law enforcement personnel, as well as greater professionalism.

He urged that we stop sending kids out of state. We need to work more locally, with families and with the schools. We need to replace the J.I.N.S. law as a preventative measure. We need to rethink our entire system of juvenile delinquency prevention strategies.

Lieutenant Stunpf pointed to the many single-parent families we fail to serve. We also need to redefine our foster care system.

The last panelist, Paul DeMuro, cautioned the group that a more coordinated system alone does not instantly solve problems. To build a better system, we need to ask ourselves, "What would happen if your kid was in the system?"

He pointed out that in Massachusetts 65 percent of "committed youth" are in non-residential programs in the community. We must get away from large institutions and move towards smaller secure units; the need is especially great for violent offenders.

We need to develop jobs for kids, not clinical services. Most committed kids come from the same neighborhoods. Our efforts must be focused on these predominantly poor neighborhoods.

Paul DeMuro also cited the case of Minnesota where they have Blue Cross funded drug and alcohol programs. He cautioned that classification and guidelines won't solve the problem. We need service options. Some affluent counties have resources, but most counties do not.

He endorsed separating detention for youths who are at the pre- and post-disposition stages, and suggested that we sue counties that keep kids in detention post-disposition.

#### AFTERNOON DISCUSSION

During the afternoon open-discussion session, the following observations were offered.

It was pointed out that the entire morning panel consisted of white males; all but one participant in the workshop was white. Yet, we were discussing policies that will strongly affect minority youths and their families.

The assertion was made that money is now wasted on ineffective services. There is a need for true community-based services and aggressive outreach. Yet, we should not spend money in "dribs and drabs." Money must be guaranteed only for programs that work. The system now blocks adequate funding of local services; it is biased towards institutions that do not work.

We must develop effective programs, available in every county, and get youths to participate in them without being labelled. The programs must be made accessible. At the same time, it was suggested, alternative programs tend to "widen the net" for white, middle-class youths.

Two strategies for effective community-based program development were suggested:

- Close correctional institution beds and fund community programs.
- Make counties pay for correctional slots.

It was noted that Wisconsin and Massachusetts' policies make it more expensive for counties to place kids residentially, as opposed to handling them within the community. It was suggested that communities must take responsibility for creating programs, but that there must be economic incentives for creating such alternatives. The need for a state-mandated service system was asserted. It was suggested that corrections should match community-based services.

Family court legislation, it was asserted, is not really working in urban counties. They lack resources and alternative programs. We need very basic services for kids, housing, jobs, education, recreation etc. We do not now have equity in jobs, education and housing.

At the close of the session, six observations of need were provided as a summary:

- Planning for a community-based continuum of care.
- Effective monitoring and accountability of services.
- Dedicated dollars for family services.
- Financial incentives for community-based services.
- Smaller community-based settings.
- Always ask: "what happens to the kids?"

---

**JUVENILE CRIME**  
**FACTS AND MYTHS**

---

W  
O  
R  
K  
S  
H  
O  
P  
  
IV

## LIST OF PARTICIPANTS WORKSHOP 4

---

### FACULTY

Assemblyman Walter M.D. Kern, Jr. (Chair) - District 40, New Jersey Assembly  
Judge Thomas B. Leahy - Superior Court, Essex County  
Judge Peter Lisenco - Department of Corrections  
Albert Record - Associate Dean, Rutgers University School of Criminal Justice  
Prosecutor Alan A. Rockoff - Middlesex County  
H. Ted Rubin - Institute for Court Management, Denver, Colorado  
Assemblyman Eugene H. Thompson - District 29, New Jersey Assembly  
Bruce D. Stout (Facilitator) - Juvenile Delinquency Disposition Commission  
Diane Hellauver (Recorder) - Prosecutor's Office, Camden County

### ATTENDEES

Chris Bond - Criminal Justice Planner, Middlesex County  
Alexander G. Carson - Case Manager, Gloucester County  
Cedric Edwards - Deputy Public Defender, Mercer County  
Robert Egels - New Jersey State Parole Board  
Wanda Finnie - Assistant Public Defender  
Nicholas Fiore - Chief Probation Officer, Essex County  
John Ford - Division of Youth Services  
Assemblyman Rodney P. Frelinghuysen - District 25, New Jersey Assembly  
James D. Harris - Assistant Council to the Governor  
Andrew Johnson - Governor's Office Policy & Planning  
Keith Jones - New Jersey State Parole Board  
Kenneth W. Keller - Assistant Prosecutor, Monmouth County  
Nancy Kessler - Case Manager, Middlesex County  
Andrea Lambertson - Division of Family Guidance, Bergen County  
Carol J. Murphy - Freeholder Director, Morris County  
Glenn Nearey - Assistant Prosecutor, Atlantic County  
Lyman H. O'Neill - Chief Probation Officer, Middlesex County  
Michael J. O'Shea - Assistant Prosecutor, Passaic County  
Judith B. Peoples - Office of Legislative Services  
Brian Reid - Detective, Juvenile Officer's Association  
Spangler, Tim - Governor's Committee on Children Service's Planning  
Theirs, Gerard - Association of Schools & Agencies for Handicapped  
Turner, Julie - Executive Director, New Jersey Association of Children's Residential  
Facilities  
Norton H. Witlin, - Camden Planning Advocacy Council/Human Services Council, Camden  
County  
Wendy Wolf - Department of Higher Education  
Kathleen Wood - Community Planner - Sussex County

## BRIEFING PAPER WORKSHOP 4

---

Prepared by: Bruce D. Stout  
Juvenile Delinquency Disposition Commission

Fear of crime, including crimes perpetrated by juveniles, can strongly influence how we live our lives. To what extent is our fear of crime related to the actual risk we face of being victimized? Some report that our fear is reasonable: "fear of crime is a perfectly sensible response: people are more afraid of crime when they are more exposed to it, when the damages they might sustain are larger, or when they have fewer resources to protect themselves." Others argue that our fear is not a reasonable response and that it is unrelated to our actual risks of being victimized. Some research supports this view: fear of crime seems to increase as the visibility and level of policing increases, even though increased policing may actually reduce the incidence of crime. Public opinion surveys have also shown fear of crime to increase during times of decreasing crime rates.

If our perceptions of crime are not influenced by an accurate understanding of the problem, what then shapes our views? Some argue that the media is responsible for propagating a distorted view of the crime problem by focusing their coverage on the few unusual, sensational, and bizarre crimes. "We live in terms of the stories we tell- stories about what things exist.... Increasingly, media-cultivated facts and values become standards by which we judge." Are our perceptions about the magnitude, severity and importance of crime shaped by the media? Some assert that they are and that our perceptions are biased by the backgrounds, training, personalities, and values of those relatively few who determine what becomes news. Others feel that the media's control over what the public deems important is overblown and that the media's coverage of crime is appropriate.

To what extent do public perceptions about crime influence our criminal justice policies? Pollsters have noted general trends in public opinion over the course of the last 10 to 15 years: Americans have become tolerant of general social and civil liberty issues, Americans are more fearful of crime now than they were in the past, and Americans favor more punitive treatment of criminals. Over the same period, the overriding philosophy of our correctional systems has drifted from rehabilitation to punishment. Our sentencing laws have also become more "just desserts" oriented. Washington State has enacted a juvenile code which stresses "accountability." Commitments of juveniles to institutions have increased dramatically since that Code took effect. The Model Juvenile Code, developed by the American Legislative Exchange Council (ALEC), which is currently receiving nationwide attention, is similar.

What are the facts about juvenile crime? The percentage of all arrests which were of juveniles has decreased in New Jersey from over one-third (38.5%) in 1978 to about one-quarter (25.3%) in 1986. With the exception of a very minor upswing in 1985, the total number of juvenile arrests has also been declining. From 1978 to 1986 juvenile arrests decreased from

128,949 to 95,429, a drop of 26.0%. That decrease is partially explained by a 14% drop in the population of juveniles over that same time period.

Juveniles are arrested more often for index offenses (murder, rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft), but the percentage of all index arrests which were of juveniles has also been decreasing since 1978. In that year 48.6% of the people arrested for index offenses were juveniles. In 1986, 34.6% of index arrests were of juveniles, a drop of 14 percentage points.

Despite these promising trends, arrests of juveniles for violent index offenses (murder, rape, robbery and aggravated assault) increased steadily from 1977 through 1983. In 1977 there were 3,204 arrests of juveniles for violent index offenses; that number increased 72.6%, to 5,529, in 1983. The numbers of juvenile violent index arrests remained elevated at 1983 levels in 1984 and 1985. In 1986 arrests of juveniles for violent index offenses decreased substantially for the first time in a decade. The 4,739 juvenile violent index arrests in 1986 represented a 14% drop from the 1985 level (5,502).

In general these figures are promising. Yet we know from research conducted in other states that a small number of juveniles disproportionately contribute to the volume of all juvenile crime through repetitive acts of delinquency. A study of delinquency among all males born in 1958 who lived in Philadelphia from their 10th to 18th birthdays found that 7.5% could be considered 'chronic' delinquents, those with five or more police contacts. This small group of offenders was responsible for 61% of all delinquent acts committed by the group, including 61% of the homicides, 73% of the robberies, and 66% of the aggravated assaults.

Preliminary findings in New Jersey suggest that we have the same problem here. Of all juveniles who had a delinquency complaint lodged against them in one of New Jersey's family courts from October, 1984 through March, 1987, 6.7% had four or more delinquency complaints brought against them during that period. This small minority of juveniles accounted for 28% of the charges brought against all court-involved juveniles, including 41% of the 1st and 39% of the 2nd degree charges.

The new Juvenile Code, which became effective in 1984, was designed, in part, to respond to this small group of offenders. The Senate Judiciary Statement to the bill which became the Code reads:

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.

Specifically, the new Code lengthened some of the terms of incarceration, liberalized the provisions which allow juveniles to be tried as adults (waiver), and gave judges the authority to impose extended terms of incarceration in certain cases. A review of the use of waivers in the first year of the Code's effectiveness conducted by the Attorney General's Office found that waivers were used less, not more, frequently. Research conducted by the Juvenile Delinquency Disposition Commission found that only two juveniles received extended terms in a

recent 10 month period. A comparison between the old and new codes illustrates that with the exception of 1st degree offenses, where the maximum allowable term of imprisonment increases from 3 to 4 years, maximum sentences under the new Code are shorter than they were under the old Code. With three years of operations under the new Code, it is appropriate that we ask ourselves if these strategies are still appropriate, and if so, if they are effective.

## SUMMARY OF PROCEEDINGS WORKSHOP 4

---

Prepared by: Diane Hellauer  
Camden County Prosecutor's Office

The focus of Workshop 4 was to examine facts and myths concerning juvenile crime and the extent to which our policies are influenced by them. These included questions of public perceptions, as well as the nature and handling of serious and chronic delinquency.

Prosecutor Rockoff began the session by addressing what he would like to see, as a member of law enforcement, concerning the unfinished agenda:

- we need to address whether the victim has rights to restitution, to speed up the justice process etc.;
- we need a new concept of "accelerated rehabilitation disposition", where juveniles can speed up the process;
- we need increased use of station house adjustments;
- we need effective programs such as Camden County's for targeting chronic offenders.

He stated that the media does provide a distorted view of delinquency by focusing on juvenile behavior which is not necessarily representative of overall juvenile offenses.

Peter Lisenco addressed the recidivist problem and the continuing problem of developing programs most appropriate for a particular juvenile. He believes the concept of juvenile delinquents as "alien beings", functions to the detriment of juveniles.

Prosecutor Rockoff stated that swift justice and responsibility are necessary for the chronic offender, but we must also spend resources on prevention and early intervention, and not commit all resources to the small group of chronic offenders. Ted Rubin emphasized the important role of restitution, both in satisfying the victim and as an opportunity to emphasize accountability - to impress on youths their responsibility for the offense. Judge Leahy addressed the restitution issue, and the importance of tailoring it to the environment. In Somerset County, where Judge Leahy sat for some time, monetary restitution was used frequently. In Essex County, where he now sits, an urban county, community service appears to be much more appropriate. Ted Rubin pointed out innovative strategies for community service, jobs for youth and restitution - programs to clean a courthouse and library, for example.

Assemblyman Thompson emphasized the importance of family values in preventing juvenile and adult criminal problems, and also the need for innovative programs such as the early release "soldiering" program in Louisiana, which teaches discipline and other skills needed to be productive and remain crime-free. Many programs are irrelevant to today's youth; they

need structure and discipline built into their lives. Peter Lisenco responded that this is not easily accomplished in an institutional setting. Judge Leahy pointed out the need for follow-up and aftercare, and post-placement planning, to assure that the juvenile does not leave the institution and return to the same environment and problems without support.

Albert Record addressed the phenomenon of press coverage and its impact on perceptions of juvenile crime. Does society's taste for the sensational force the press to report mainly the most bizarre and non-representative juvenile offenses? What about fear of crime? Does press coverage cause the public's fear of crime to be exaggerated? Chicago's television news raised its ratings and advertising revenues by leading off with bizarre crime stories. Other cities followed suit because covering these sensational crimes pays. He pointed out that perhaps the most serious crimes get so much attention because they are so unusual and occur so infrequently; the majority of juveniles do not become involved in this type of activity. He was interested in hearing what works for these "hard-core" juvenile offenders.

Assemblyman Kern addressed the question of whether the public perception of serious offenders affects legislators via pressure from constituents. He stated that he believes that it does, and that the need to deal with the serious offender had been addressed by the 1984 juvenile Code. Assemblyman Thompson referred to the problems created when victims see offenders immediately back out on the street.

Prosecutor Rockoff addressed the myth of "kiddie court", that family court often gets the inexperienced judges, prosecutors and public defenders. If the system upgrades the resources it provides to the family court, the public perception of juvenile justice may improve accordingly. Judge Leahy stated that there are two types of myths that apply to the system, from two sources. One type derives from laziness, the result of a failure to get the facts out. The other arises from deliberate misrepresentation. He emphasized the need to continue rehabilitation efforts for juveniles, even though it, has largely been abandoned as a goal in the adult criminal system. He agreed with Prosecutor Rockoff that earlier interventions for juveniles are important, and that a juvenile should not receive numerous informal dispositions before getting to a meaningful intervention.

The role of the prosecutor was discussed by Ted Rubin, Judge Leahy and Prosecutor Rockoff. The question arose whether part of the problem was overcharging by police, with the law enforcement objective of pumping up statistics to garner greater resources for one's agency.

The chronic offender statistics were discussed. Judge Leahy emphasized that 7% of all juveniles are not chronic offenders, but rather a much smaller percentage.

Bruce Stout asked about the impact of the new Code. Are the new strategies addressing the problem of the chronic offender properly? Peter Lisenco responded that many problems are caused by major system problems, lack of resources across the board, education, human services, etc. He referred to alternatives to incarceration that have worked, including those programs which have emphasized peer pressure, group involvement, and basic skills. Again, the need for aftercare was emphasized.

Prosecutor Rockoff asked, "Shouldn't we intervene earlier - not when the juvenile has already become criminally involved, but when he begins to have school problems; or when he has his

first informal or diversionary treatment?" "Shouldn't predisposition reports be available at this early stage, to assist the system in addressing the juvenile's real problems now, and possibly prevent the juvenile's reaching the formal proceeding stage?" He suggested early fingerprinting and photographing to assist law enforcement efforts. Assemblyman Thompson stated that such fingerprinting and photographing might smack of an Orwellian society. Albert Record recently returned from the Soviet Union, where these intensive controls do exist, pointed out that such a restrictive society still has the same problems and the same problem juveniles that we do. He stated that "tightening the screws" is not the solution.

Judge Leahy stated his belief that the public perception that "good old common sense" will solve the problem of juvenile crime is erroneous; research in the behavioral sciences may hold the answer. We now operate by making public policy based on myths, e.g., deterrence theories that are based on values not held by the juveniles we seek to deter. Most problem juveniles are disturbed and abnormal, Judge Leahy asserted, and do not hold the same values and respond to the same incentives and disincentives as other juveniles. They need treatment by professionals. Ted Rubin added that paraprofessionals should also be involved. Justice O'Hearn suggested that eliminating the confidentiality of juvenile proceedings and records may assist in bringing the public perception more into line with the reality of juvenile justice.

Bruce Stout asked whether this great commitment of resources to persistent juveniles worth is it, in view of the fact that the youth will shortly "age out" of the juvenile justice system. Prosecutor Rockoff responded that it is important to recall that this "aged-out" juvenile may shortly arrive in the adult criminal justice system; and that it is important for the adult system to be aware of the juvenile's history. Ted Rubin pointed out that diagnosis and treatment remain imperfect sciences.

Detective Reed addressed the Station House Adjustment system, which he asserted is chaotic; an officer who diverts a juvenile on an SHA often does not know whether the same juvenile has recently received another one elsewhere.

#### AFTERNOON DISCUSSION

During the afternoon session participants addressed various questions raised in the workshop briefing paper.

With reference to the portrayal of juvenile crime by the media, a public defender reported that perhaps public defenders have not done enough to balance and de-sensationalize the press coverage of juvenile crime. All members of the system must contribute to a balanced view. Michael O'Shea, a prosecutor, stated that press coverage of the juvenile courtroom itself, which exists in his county, is important to assure an accurate public perception.

Concerning the seriousness of the chronic offender problem in New Jersey, Assemblyman Thompson asserted that fractured families have resulted in a subculture that does not relate to dominant cultural norms; juveniles socialized to these subcultural norms aspire to being successful drug dealers.

Peter Lisenco related his observations of "revolving door" justice in Hudson County, where the same juveniles continued to return to the system. He saw the need to establish a system

that deals effectively with a whole range of juvenile problems. For example, not just finding youths a job, but following up with a peer group counseling program to help them learn how to keep a job.

Judge Leahy reported on a program tried in another state, where several dozen factors are systematically used to assist in making decisions concerning diversion; this is a proactive or predictive approach. Bruce Stout pointed out several criticisms of the proactive approach. One is that the science of prediction may not predict accurately. Another is that the approach may be viewed as punishing the juvenile for what one predicts he may do, rather than what he has done.

A probation officer suggested getting the family involved in a court-ordered program. A detective objected that this may be impractical in one-parent families where the parent is working.

Prosecutor Rockoff responded to a public defender's assertion that juveniles drinking in cemeteries, and desecrating graves constitutes a childish prank. He felt instead that this is a serious offense that goes to the core of our values as a society. This subject provoked a rather heated discussion concerning the treatment appropriate for juveniles who commit these crimes.

A public defender objected to the concept of mandatory sentences, saying that such provisions failed to recognize differences between offenders.

The importance of targeting chronic offenders for special prosecutorial attention was stressed. It was also pointed out that interviews with incarcerated juveniles demonstrated their own perceptions that more forceful intervention should have been taken against them earlier in their criminal careers. Prosecutor Rockoff raised the point that, rather than more prosecutorial involvement in charging, what is needed is to impress the juvenile with his responsibility for the offense through restitution, family involvement etc.

Ted Rubin referred to the Washington State approach, called "the Justice Model". It includes diversion criteria for the prosecutor, and sentencing guidelines for the court. This is a "just desserts" approach, based on accountability for the offense. It is contrasted with the New Jersey model, which looks more to the offender than the offense. The accountability program resulted in greater incarceration of chronic and serious offenders, and less diversion of these offenders. The accountability program also resulted in more uniformity of dispositions, as the program was focused on the severity of the offense.

A prosecutor emphasized the need for accountability, and criticized the new juvenile Code as being more lenient, e.g., in reducing the maximum penalty for the much-committed third degree offenses from three years to two.

Judge Leahy discussed how to get a juvenile's family involved in the disposition. He would order the juvenile and parents to family counseling. If the parents failed to attend, he would issue an Order to Show Cause why they should not be held in contempt. Once families became aware that the court was prepared to impose sanctions, they tended to comply with the Court's order. Prosecutor Rockoff urged parental responsibility and use of the provisions of the new Code to achieve the goals of accountability and rehabilitation.

---

**STATE AND LOCAL ROLES IN  
DELINQUENCY  
WHO SHOULD DO WHAT?**

---

W  
O  
R  
K  
S  
H  
O  
P  
  
V

## LIST OF PARTICIPANTS WORKSHOP 5

---

### FACULTY

Senator Francis J. McManimon (Chair), District 14, New Jersey Senate  
Catherine DeCheser - Community Planning Advisory Council, Camden County  
Joseph DeJames - Department of Corrections  
Beatrice Maggio - Youth Services Commission Coordinator, Somerset County  
Dave Mattek - County and Municipal Government Study Commission  
Terry Tuskey - Department of Corrections  
Gregory Wilcenski - Administrative Office of the Courts  
Ty Hodanish (Facilitator) - Juvenile Delinquency Disposition Commission  
Karen Kasick (Recorder) - Department of Human Services

### ATTENDEES

Joseph A. Ciccone - Northern Region, Department of Human Services  
Tom D'Elia - Department of Labor  
Amy S. Fischer - Office of Legislative Services  
James A. Hemm - New Jersey Association of Corrections  
Carol Howard - Governor's Study Commission  
Patricia Jones - Aide to Senator Rand  
Adele Keller - Case Manager, Monmouth County  
Aladar Komajathy - Aide to Senator McManimon  
William G. Kowalski - Supervisor, Northern Region, Department of Human Services  
Robert LeSavage - Juvenile Intake, Bergen County  
Ann Miner - Division of Human Services, Mercer County  
Louis Nickolopoulos - New Jersey State Parole Board  
Loretta O'Sullivan - Department Of Corrections  
Louis Purcaro - Northern Region, Department of Human Services  
Kay Reiss - Supervisor, Central Region, Department of Human Services  
Thomas K. Stokes - Administrator, Juvenile Detention, Gloucester Children's Shelter  
Connie Strand - Youth Services Commission, Morris County  
Edward H. Tetelman - Commission for Intergovernmental Affairs - Department  
of Human Services  
John West - Juvenile Delinquency Disposition Commission

## **BRIEFING PAPER WORKSHOP 5**

---

**Prepared by: Ty Hodanish  
Juvenile Delinquency Disposition Commission**

### **The Issues**

Participants in Workshop 5 will be examining several critical policy issues:

- What is an appropriate State role in dealing with juvenile crime?
- What is an appropriate local role in dealing with juvenile crime?
- Should the State provide fiscal "incentives" to local government? Why? For what purposes?
- How should local government "organize" to deal with juvenile crime?
- How should State government organize?

### **The Role of the State**

There are few clear-cut answers when it comes to describing who should do what. However, the First Annual report of the Juvenile Delinquency Disposition Commission notes that the state government is being increasingly asked to do more in the area of juvenile justice and that its current role is unfocused.

Many states, including New Jersey, have recently revised their juvenile Codes; many of them incorporate concepts developed during the 1960's and 1970's, including commitments to deinstitutionalization and the development of community-based programs. This is because there is an increasing belief that juveniles cannot be rehabilitated in larger institutional settings and are best helped in alternative, community-based programs.

### **New Jersey's Direction**

New Jersey's new Codes also stresses a "local" approach. It specifically calls for the establishment of local youth service coordinating mechanisms, referred to as Youth Services Commissions, to assess local needs and plan for the delivery of local services. Youth Services Commissions have the potential for initiating a wide variety of local services. However, while local planning for the needs of court involved youth is now mandated for the first time in history, few state-level dollars have been provided to assist local communities.

But there are some promising trends. A current legislative proposal (S.1898) would permanently establish local Youth Services Commissions and provide for developing local programs.

### What Other States Have Done

In contrast, other states have already pioneered in the area of state support for local efforts. A forerunner was the 1964 California Probation Subsidy Act. This program originally provided funds to county probation departments to reduce commitment rates to state correctional institutions. Counties that reduce commitment rates were reimbursed based upon actual expenditure of dollars. However, subsequent legislative changes altered the act from its original categorical to a block grant form. Now, local planning units (instead of probation departments) administer the act and the funds are used for a broader range of programs. While counties now have more discretion to develop a wider range of services, research indicates that the program eventually resulted in considerable "net widening" rather than accomplishing its original goals.

A number of other states (Minnesota, Virginia, Kansas, Oregon etc.) have developed "Community Corrections Acts". Objectives include reducing institutional commitments, improving coordination among local agencies, promoting local corrections planning and/or deinstitutionalizing status offenses. Units of government participate so long as they comply with select state standards; "chargeback" penalties are usually assessed for each eligible adult or juvenile offender sent to state prison or a youth correctional facility. Thus, states help finance these Acts by reducing state-level costs.

Early evaluations of many of these Community Corrections Acts have generally been favorable. However, while many acts reduced commitments to state facilities, the cost of subsidy programs has often been greater than the cost of continuing the pre-act system, and the evaluations have generally shown that they have had little impact on recidivism rates.<sup>1</sup>

Pennsylvania uses a unique approach and goes further than most other states in maintaining local control over juvenile services.<sup>2</sup> In an attempt to encourage diversion and discourage incarceration, the Legislature enacted Act 148 in 1976. As the largest children's state subsidy of its kind, this legislation establishes a cost-sharing arrangement; the state allocates over 100 million dollars annually to counties as an incentive to develop community-based, non-secure programs for delinquent youth.

The use of secure, resident placement is discouraged through provision of a 75% reimbursement for non-residential programs as opposed to a 50% reimbursement for residential ones. The net result is that non-residential programs and services are encouraged. While the Act has been controversial, evaluations have shown that it resulted in more systematic state and local planning for the management of youth services.<sup>3</sup>

Finally, an approach similar to Pennsylvania's exists in North Carolina. The "Community Based Alternatives (CBA) fund (established in 1985) provides dollars to county task forces comprised of major child serving agencies. The program's objectives are similar to those of the program subsidies already described. CBA fiscal policies require governmental units to provide a 10-30% match for every CBA dollar received. Early evaluations found that the sub-

sidy reduced institutional population levels and had a significant impact on community-based programs. Court contacts with youth served by group homes were reduced and the number of delinquency and status offender hearings in juvenile court declined. The subsidy accelerated already declining state training school populations and declining school absenteeism.<sup>4</sup>

### **Regional Differences**

Related to the issue of subsidy is the fact that there are often glaring regional differences in problems and resources. This fact has been noted in other localities and is certainly the case in New Jersey. The problems of an Essex or a Camden County are significantly different than those of a Hunterdon or Morris County. Some towns and counties possess fairly adequate "safety nets", i.e., a range of services that meet many of the needs of court involved youth. Other localities, especially inner-city areas, are plagued by overwhelming problems and very limited resources. At issue therefore is how a subsidy would deal with these inequities.

### **But Subsidy Is Not The Only Issue**

While some favor the use of a state subsidy as a means to achieve a set of agreed upon policy goals, others stress roles such as planning, coordination, standard setting, research and monitoring as more appropriate strategies. These approaches would apply in a variety of ways. What, for example, should the State's role be in the area of detention? Many believe that juvenile detention is overutilized. The Juvenile Delinquency Disposition Commission found widespread variation in the use of detention. As a result it recommended that a more articulated state role in detention be developed, especially one that assists counties in the development of alternatives to the use of detention.

Others have suggested that the State ought to assure that certain minimum standards are met in the provision of services, or that the State role should concentrate on education and training of juvenile justice personnel as a way to improve the juvenile justice system. There is also ample evidence to suggest that if the State is to play a viable role in dealing with delinquency, it would be well advised to "get its act together." Specifically, state government must examine how well it is organized to deal with responsibilities. The Commission's Report notes the following:

Many of the problems associated with limited impact (of the Code) are due to the fact that we are poorly organized to deal with delinquency. We have failed to adequately define who is responsible for what. This system leads to confusion, frustration, counter-productive activity and inefficient use of resources. These issues must now be addressed.

Numerous examples can be cited. There is a lack of clarification as to which agency does what. Agencies often unilaterally define their responsibility toward delinquent youth. A lack of appropriate residential services has led to increased court reliance upon incarceration. Similarly, the lack of restrictive alternatives for developmentally disabled offenders has led to the continued incarceration of these individuals, a practice that is forbidden by the Code.

## A Period Of Restructuring

At this point, we are in a period of restructuring, one in which our understanding of State and local roles is evolving. We have now altered our direction by way of the new Code, requiring periodic fine-tuning and adjustment to new needs and realities. Hopefully, the participants of this workshop will contribute to this process of development.

## REFERENCES

1. Patrick D. McManus and Lynn Zeller Barclay, Community Corrections Act: Technical Assistance Manual (The American Correctional Association, College Park, Maryland, 1981). pp. 21-23
2. John M. Pettibone, et. al., Major Issues in Juvenile Justice Information and Training: Services To Children in Juvenile Courts: The Judicial Executive Controversey (Academy for Contemporary Problems, Columbus, Ohio, 1981), p. 180
3. Constance L. Simmons, et. al., Major Issues in Juvenile Justice Information and Training: Grants-in-Aid of Local Delinquency Prevention and Control Services (Academy for Contemporary Problems, Columbus, Ohio, 1981), pp. D259, D268, D278-D281.
4. Ibid., pp. D216, D231-D300.

## SUMMARY OF PROCEEDINGS WORKSHOP 5

---

Prepared By: Karen Kasick  
Department of Human Services

The focus of Workshop 5 was to generate ideas on how a more effective organization of New Jersey's juvenile justice system could be realized. This entails, in part, a clear definition of roles appropriate to state and local governments.

Dave Mattek began the workshop by discussing the proposed state takeover of the judicial system. According to Mr. Mattek, a current proposal for state takeover of court costs and a unification of the judicial system would:

- Transfer approximately 5,000 county employees to state government payroll.
- Eliminate disparities in funding and programs.
- Ensure uniform services.
- Provide property tax relief.
- Maintain some services, administration, and management at the level of government which could best provide for them.
- Transfer state functions to the state level of government, thus enhancing local government resources.
- Reduce total costs over time.

Ty Hodanish described various components of the current juvenile justice system. He described the "system" as centerless and fragmented - one that would never be uniform or adequately coordinated.

The role of County Youth Services Commissions within the total system context was then presented. Bea Maggio provided an overview of the development of the Somerset County Youth Services Commission, often described as the most sophisticated in the state. She described the need for participants in the local system to provide a broad based representation of the community. Participation also maximizes the likelihood that organizations "buy-into" the work and decisions of a local commission. The primary motivation behind the work of the commission should be that, "these are our kids". This provides a sense of ownership concerning youth problems; it instills a sense of moral responsibility for planning for and meeting their needs. She then described a desired continuum of services ranging from the diversion efforts of the Crisis Intervention Unit, to the most restrictive correctional commitment for serious offenders. She stated further that other County Youth Services Commissions need to be strengthened and more municipal commissions need to be developed.

There was some discussion regarding the state's role in facilitating further development of the Youth Services Commissions. Whatever the role, the state must allow flexibility to meet local needs.

Catherine DeCheser addressed the role of the state in funding and cited special problems of urban counties such as Camden. Costs are increasing intercounty government. The current system of funding provides a hostile environment for service advocacy. For example, in Camden there has been a 116 percent increase in the Family Court budget, only 11 percent of which is for services to clients. There is a reluctance on the part of county officials to increase taxes. The lack of resources for youth services was a theme throughout the discussion.

Several participants spoke of the need for greater coordination between parts of the system, and the need to maximize use of limited resources through networking and a variety of public/private partnership efforts. The need for prevention planning was highlighted, beginning at the early childhood level.

There was a brief discussion regarding the role of Family Part Judges in the Youth Services Commissions. Some of the participants believed that the judges must take a more active role in the Commissions and with youth issues in general. The required separation of the judicial branch of government and exceptions to the judicial code of conduct were mentioned.

This was followed by a discussion of the role of the State Youth Services Commission. The structure of the Commission was described as deliberately "loose" to enable it to provide a flexible forum for discussion of youth issues and problems. Greater representation of county and municipal commissions was mentioned as a target area for improvement.

The appropriate role of the state was discussed with regard to monitoring and accountability of system performance. Joseph DeJames cited problems in the Hudson County Youth House and difficulties with compliance with licensing standards. Overcrowding both within the state juvenile correctional system and at the county detention centers was described as reaching a crisis level, with the potential for tragedy dangerously high.

Concern for adequate minority representation throughout the juvenile justice system, and representation of women, was expressed. The lack of participation of minorities at the symposium was contrasted with the overrepresentation of minorities in state correctional facilities. It was recommended that state resources be targeted to address these concerns where the greatest need exists.

A brief summary of the proposed differentiation of state and local roles was presented as outlined below:

**What The State Role Should Consist Of:**

- o Monitoring
- o Providing funding for select services tied to guidelines and a system of accountability
- o Systemwide planning and coordination
- o Providing services not feasible at the local level

**What The Local Role Should Consist Of:**

- Planning and coordination of services
- Maximizing resources
- Encouraging a sense of community responsibility
- Providing community services as appropriate

---

**OUR PHILOSOPHIES OPERATIONALIZED  
HOW APPROPRIATE ARE OUR  
INTERVENTION STRATEGIES?**

---

**W  
O  
R  
K  
S  
H  
O  
P**

**VI**

## LIST OF PARTICIPANTS WORKSHOP 6

---

### FACULTY

Assemblyman John S. Watson (Chair) - District 15, New Jersey Assembly  
Judge Howard Kestin - Superior Court, Gloucester County  
Professor James Finckenauer - Rutgers University  
Harvey Goldstein - Administrative Office of the Courts  
Theodore Joseph - Division of Youth and Family Services  
Kim Zelly - Department of Corrections  
James A. Louis (Facilitator) - Office of the Public Advocate  
John Clyde (Recorder) - Department of Corrections

### ATTENDEES

Robert Anderson - Captain, Juvenile Officer's Association  
Dianne Borgeson - Northern Region, Department of Human Services  
Stephen Bruner - Department Of Corrections  
Matther Catania - Public Defender, Bergen County  
Sue Dondiego - Association for Children of New Jersey  
Stuart Grant - Association for Children of New Jersey  
Norman L. Helber - Chief Probation Officer, Gloucester County  
Harold Katz - Probation Department, Camden County  
Stephen F. Katzen - Health Department, Atlantic County  
Ronald Manzella - Director, Divisions of Youth Services  
Ed Niemiera - Department of Corrections  
Donald J. Parker - Atlantic Mental Health Center  
Denise Quirk - Central Region, Department of Human Services  
Charles Reid - Association for Retarded Citizens of New Jersey  
Diane Schulman - Director, Human Service Planning, Morris County  
Jean Socolowski - President, New Jersey Parent Teachers Association  
Christopher Stanecki - Probation Department, Essex County  
George Yefchak - Superintendent, Skillman Training School for Boys and Girls

## BRIEFING PAPER WORKSHOP 6

---

Prepared By James A. Louis  
Office of the Public Advocate

The purpose of Workshop Six is to consider the question "Does what we do about delinquency relate rationally to the problem of delinquency?" To answer this question, various issues must be considered. Does it matter what causes delinquency? If so, do the responses deal directly with the causes? It has been asserted, from time to time, that delinquent behavior is the result of biological manifestations--everything from genetic predetermination to endocrinological problems to physical or other disabilities to reactions to the environment. To the extent there is a treatable, physical cause, it would make sense to correct the behavior by curing the cause. Others have postulated one or another psychological basis for delinquent behavior. Again, the possibilities for remediation relate directly to the particular cause. There have been others who suggest that delinquency is caused by societal or relational problems. Still others hold to the view that delinquent behavior is simply the product of deprived "bad boys" and that the only appropriate response is separation from vulnerable society.

The issue relating to cause is really the dilemma resulting from the possibility that no single theory describes all delinquent youth. It then becomes necessary to anticipate many possible causes by fielding a group of strategic responses suggested to meet them. How big does the system need to be? Perhaps both an inventory of theories of causation and a catalog of matching responses is in order.

Having the array of strategic responses resulting from the understanding of why delinquent youth do what they do, it then becomes appropriate to ask what programs and intervention techniques have been fielded to carry out the responses. Beyond that, do these programs actually work? It is asserted that a basic problem in striving to operate an effective juvenile justice system is developing a complete understanding of what the current system is like. A thorough discussion of delinquent interventions is in order.

It is possible to take the new-found understanding of what responses actually work and apply it to preventing delinquent behavior. This question appears to be relevant to youths who have yet to commit delinquent acts or have only been involved in relatively insignificant violations, in a very different way from how it applies to serious offenders. The "revolving door" syndrome must be addressed with special attention in light of the evidence that the largest share of delinquent acts are perpetrated by a small number of repeat offenders.

In reviewing the appropriateness of responsive strategies, the question of fine-tuning and selection of options arises. For children who can be dealt with while living at home or in a home-like alternative, does the record show a preference for a range of treatment and supportive services brokered by a caseworker or probation officer or for referral to one agency

for whatever services are necessary? On the other hand, for those youths who are directed to institutional settings, are there relevant differences between large and small facilities? Secured and open facilities? Nearby and distant facilities?

Finally, the overriding question in considering whether the juvenile justice system makes any sense is to consider whether there are better ways of getting the job done. Obviously, the question then becomes an assessment of what is "better." If there is an agreed upon theory of causation, what combination of responses would have the result of reducing delinquent behavior? In answering this question, it is essential to look at certain practical realities such as cost and legality. If compromises must be made in regard to either, how much less than the ideal is acceptable?

## SUMMARY OF PROCEEDINGS WORKSHOP 6

---

Prepared by: John Clyde  
Department of Corrections

"What are the causes of juvenile crime?"

"What kinds of existing solutions seem to make the most sense?"

"What different kinds of practical solutions can be fashioned?"

"Are these solutions realistic for New Jersey in 1987?"

These fundamental questions were posed by Jim Louis at the outset of the session. Workshop 6 participants were charged with discussing the philosophical underpinnings of juvenile justice not as an idle intellectual exercise, but rather to ask basic questions as to whether our philosophies and what we do are consistent and make sense.

The participants represented a broad spectrum of the juvenile justice system. Jim Louis remarked that all of us had thrown up our hands at one time or another with regard to individual cases, or the system as a whole. He noted a number of theories concerning the causes of delinquency including: biological/physiological factors; psychological factors; societal factors; problems in social relationships; and theories of subcultural values of "bad boys and girls."

Harold Katz commented that there is no one identifiable cause of juvenile delinquency - many forces are at work. Sometimes the whole family is in trouble, sometimes just one kid in an otherwise stable family has problems. There are no easy answers.

Jean Sopolowski stated that many kids do better as they get older. She also asserted that many kids are not held accountable for their actions. Bob Anderson responded that in the past we didn't expect kids to be as accountable as we do now. Kids would receive a slap on the wrist; they would commit serious offenses and receive neither punishment nor rehabilitation. It's sad, he continued, that the law and/or funding doesn't allow us to address the problem of juvenile crime more adequately. Although, as the Attorney General points out, seven percent of juveniles commit 40 percent of the crime, there is no emphasis on juvenile issues. Juvenile justice is a forgotten step-child.

Jim Louis asked whether it really matters what the causes of delinquency are. James Finckenauer responded that it does matter; we do need to know what the causes of juvenile delinquency are, and not only from a theoretical standpoint. When we intervene we make certain implicit assumptions; such assumptions underlie why we intervene in the first place. Some feel that the history of juvenile justice interventions is a history of failure. One basic reason why we often fail is that we don't address the problem adequately in the first place. We take

an appropriate intervention and we misapply it. For example, guided group interaction is a major strategy in New Jersey, but it doesn't work for all kids.

He also argued that we sometimes have short attention spans and don't give promising interventions time to work; we're always looking for a new panacea. We don't provide enough resources or time to allow a real test of our interventions, and the theories upon which they are based. There is a need to classify programs and treatments and juveniles' needs - matching the intervention to the youth. Where there are gaps in what we can provide, we should push for and try new alternatives.

Jim Louis asked Judge Howard Kestin whether the causes of delinquent behavior enter into dispositional decisions, and how a judge deals with uncertainty over the roots of delinquency when deciding on a disposition to Department of Corrections or Department of Human Services. Judge Kestin said that the lack of adequate dispositional resources is an important factor. There are generalized programs such as probation, community service, restitution and counseling, however, judges only rarely get clear insights into delinquent behavior from psychologists or DYFS to assist in decisionmaking. Intake staff levels are minimally appropriate.

Steve Katzen emphasized that there is no incentive for the juvenile justice system to work. As a monopoly it isn't geared to success. If crime ends and family problems end "we'll go out of business."

Ted Joseph stated that some people don't want to know the causes of delinquency, and that it was important to ask tough questions about economic impacts. The state spends an average of \$36,000 per residential placement. Giving each family \$12,000 might be better than a placement in VisionQuest. Increasing job opportunities in Essex County is an important solution; at the same time we would benefit from knowing the causes of delinquency.

Ken Spaar commented that in Cherry Hill there were no poor delinquents. Delinquency there has a different set of causes. Kim Zelly countered that in Cherry Hill they've got expensive programs. Ted Joseph stated that affluence may sometimes be a cause of delinquency.

Don Parker stated that there were multiple problems. We've created a generation of residential placement junkies. After youths are released, they go back to chaos and wind up in another program. People are now looking to deinstitutionalization. Kids traditionally are separated from their families, as a way to deal with family problems. There's hard work to be done in the homes themselves, but people don't want to go into certain neighborhoods.

Harvey Goldstein commented that residential populations get the highest dollars even though probation handles the highest numbers. Resources going to persons in the community have begun to increase through the Department of Corrections. More community-based programming is a serious need for the future.

Ted Joseph asserted that rational decisions in individual cases are difficult because there is very little research on the causes of delinquency.

Jim Louis asked what direction we should move in for the future. Judge Kestin said that Attorney General Edwards had a nugget of wisdom when he discussed the horizontal and verti-

cal organizational components of the juvenile justice system. Every entity says that it should have a piece of the system, but then fights against responsibility for individual cases. With Division of Developmentally Disabled, DYFS, Probation, etc., we have a horizontal system to deal with juvenile cases. Ted Joseph pointed out the difficulty at the Governor's level in getting 13 different departments to work together. He speculated that it might make more sense to give juveniles money rather than build new facilities.

Diane Schulman noted that with limited funding streams decisions had to be made between putting money into prevention efforts and throwing kids into the system. James Finckenauer commented that no business would put \$30 - 35,000 into something without measuring results.

Don Parker stated that Florida has made a special effort to deal with problems in the community. "Bring our kids home" is the theme. The program has had interesting results.

Steve Katzen commented that while resources will always be a problem, it is important to show what we achieve in return for what we spend. He asked what incentives exist for workers to really accomplish something. Carl Donaldson said that there needs to be education on cost effectiveness.

Mike Catania pointed out that we often deal with a hostile audience. We are trying to help people who don't want our help.

Jim Louis commented that important questions had been put on the table, including whether programs are rationally related to the felt causes of delinquency, as well as to the needs and interests of clients. We are attempting to view the system in terms of reality, he concluded.

#### AFTERNOON DISCUSSION

Jim Louis began the afternoon session by asking workshop participants to discuss programs measured against some theoretical baseline. What do we have now? What would make more sense? Where are the gaps?

George Yefchak pointed to the number of juveniles with serious mental health problems in Department of Corrections facilities.

Don Parker stressed that the community has to take more responsibility in the juvenile justice system. He said that accountability is not demanded at the early stages of the juvenile justice system. Alternative dispositions are soft and do not require accountability. The role of Juvenile Conference Committees should be expanded, and accountability - quality community service, restitution - should be demanded at the early stages of delinquency.

Officer Anderson said that adjusting confidentiality requirements so that people can see what's happening might make a difference and build community support. Sometimes we coddle kids too much. George Yefchak pointed out that we're dealing with at least two different levels of delinquency: kids in the community and serious offenders in the Department of Corrections. A message of accountability has to be sent down the line.

Don Parker made several additional points: foster parents should be paid a reasonable salary to work with kids; resources to establish community homes for kids with drug and alcohol

problems should be provided; we ought to create very small community homes, which would require no major capital investment, and generate less neighborhood opposition, increasing potential links with school systems.

Jim Louis commented that there is no clear understanding of adequate alternatives. The system settles into a pattern of distinguishing between two different types of kids. It is important that the system be logically consistent throughout. The overriding consideration should be what do the people who own and operate the system, the public, really want.

Judge Kestin remarked that for a long time the system has needed a better intake operation. People should be trained to evaluate the background of a case and make a determination that this is a matter best diverted, and this is not. The judicial system post-disposition does not work very well. It hasn't been demonstrated that more resources up front would not work better. There is a need for extensive counseling and therapy as well as DYFS type services to court involved youth.

John Ford said that he would like to have more staff. Presently, only basic services can be provided, while there are great needs concerning drug treatment, health and education. The money isn't there.

Judge Kestin replied that others had advocated an integrated approach. He was merely suggesting that appropriate resources be provided for intake and diversion.

John Ford said that squabbling within the system is tremendous. In Essex County there is a crisis with 130-140 kids sitting and waiting in detention to go to state institutions; DYFS kids sit there forever.

Jim Louis said that every county has a crisis, be it overcrowding in detention facilities or a lack of resources. Moreover, there is no clarity of mission in the system. What is the central purpose - the mission - of the different arms of the system?

Don Parker said that in Atlantic County they were able to design a system from scratch through the Family Court Plans. Most plans had clearly articulated philosophies. He commented on the need for a continuum of effective dispute resolution techniques, and a case reception process that thoroughly analyses kids coming in.

Judge Kestin commented that diversion should not just be for "lightweight" offenders. A properly functioning family court will divert those more serious offenders for whom a non-judicial approach might be more effective.

Steve Katzen said that the juvenile justice system has no clarity as to goals and objectives. The system is just being maintained. We need leaders more than managers. We need to recognize the reality of families in crisis as we move into the 21st century. The system needs to be reoriented to flex-time.

Judge Kestin commented that for some kids juvenile delinquency has become a lifestyle. The Court ought to be a last resort. We need to deal realistically with juveniles, not punitively.

Ted Joseph stressed the need to use existing funds more efficiently. He suggested developing self-treatment wilderness camps, like Pinelands, and other potentially innovative programs, such as a State work corps. He added that we throw away \$25,000 a year on outside placements from which most kids eventually return. We may have enough money if we utilize it more rationally.

Charles Reid of the Association for Retarded Citizens pointed to the apparent absence of empirical evidence to justify programs. Ted Joseph responded that requests for proposals sometimes provide such data. Kim Zelly emphasized that most research doesn't help kids and the one thing missing from the day's discussion was kids. Statistics, tracking - nothing works unless people are available. The system deals with a whole range of kids. He saw no differences in the new Family Court system, citing a continued need for in-state programs. Vision-Quest makes a lot of money, he asserted. The program model is not as important as the people who work with the kids. Sometimes the system encourages delinquency through our examples of how we deal with each other. Kids have a negative view of the system.

James Finckenauer responded that evaluation of program effectiveness has an important place in providing an adequate and responsive system. John Clyde commented that every program should have an evaluation component. He also pointed to the importance of developing effective aftercare planning for juvenile offenders released from state correctional facilities, and of providing incentives for individuals who work directly with juvenile offenders.

Don Parker asked if the system was just putting in the time. There's no pressure on agencies to effectively implement programs.

Jim Louis summarized the discussions of the workshop. We can't strive for ideological purity but rather we must provide room for flexibility to those who operate the system and try to change it. The message is: Don't tinker until you understand. Try to analyze what works and why it works, as well as what should be changed. Maybe the philosophical underpinning of the system should be the development of clearly and rationally thought out responses to the problems we are trying to solve. Every effort at design ought to take into account the independent importance of perceptions of reality.

## INTRODUCTION OF H. TED RUBIN

---

Ty Hodanish  
Juvenile Delinquency Disposition Commission

We are indeed fortunate to have the gentleman I am about to introduce with us today as our keynoter. He is one of the nation's leading authorities on juvenile justice. As a judge of the Denver Juvenile Court from 1965 through 1971, he pioneered due process reforms and community-based rehabilitation programs. He designed the major provisions of the Model Colorado Children's Code enacted in early 1967. Previously, as a Colorado State Legislator, he developed forestry camp programs for delinquent youths, and authored mental health/retardation legislation.

Our speaker is now Senior Associate for the Institute for Court Management of the National Center for State Courts in Denver. He has taught at a number of universities and been a consultant to the President's Commission on Law Enforcement and Administration of Justice, the Joint Commission on Correctional Manpower and Training, the Institute of Juvenile Administration-American Bar Association Juvenile Justice Standards Project, and the National Advisory Committee on Criminal Justice Standards and Goals.

He holds graduate degrees in both law and social work, and has published over 40 articles and books, mostly focused on juvenile justice, court and rehabilitation issues. Ladies and gentlemen, I would like to introduce H. Ted Rubin.

# KEYNOTE ADDRESS

## THE UNFINISHED AGENDA - A NATIONAL PERSPECTIVE

---

By H. Ted Rubin  
Institute for Court Management  
Denver, Colorado

Mr. Rubin stated that there were seven major concerns that he wished New Jersey would address. The following restates his discussion of these concerns.

### Handling of Serious and Repetitive Offenders

First we need to deal with our expectations as to intervention with these juveniles. Program evaluations have, for years, revealed the unhappy news that many youngsters recidivate while under our supervision, or following periods in our care. Most recently, the multi-year National Council on Crime and Delinquency study of Utah juvenile probation and youth corrections reported the following:

- In random assignments of similar juveniles (less serious and repetitive offenders) to probation caseloads that required alternately no contact, twice monthly contacts, and weekly contact plus a weekly telephone contact, there were no significant reoffense differences between caseloads. Each group averaged two new arrests over twelve months.
- Among 247 juveniles (more serious and repetitive offenders) committed to community-level residential programs, secure diagnostic centers followed by intensive program services, and two thirty-bed secure facilities, there were 593 new arrests over 12 months (2.4 average).
- Most rearrests were for minor property offenses. While the juveniles committed vastly more offenses in the year prior to the twin studies, the research directs us to anticipate reoffenses and to go slowly with state institutional commitments.

We ought to follow the lead of Tracy and Wolfgang: juvenile justice ought to react strongly to that small cadre of violent people and react softly to nonserious offenders; further, we should hold back on waiver. We need more alternatives for serious and repetitive offenders (alternatives to incarceration) in the community including intensive probation supervision and tracking systems, home detention, extensive use of community service, proctor foster homes, day treatment, drug/alcohol treatment, adventure/wilderness programs etc. Building more and more secure institutions to house these juveniles does not appear to be justified; increase the sanction, where possible, short of incarceration.

With reference to less serious and repetitive offenders, continue utilization of diversion mechanisms, such as juvenile conference committees, intake service conferences etc., but add a financial restitution/community service component. Build on accountability theory, and tie this in to job skills training, job development, public and private job slots.

### Restitution

Financial Restitution, Community Service and, to a smaller degree, direct services to victims, are becoming a central dimension of the juvenile justice process - New Jersey needs to get more involved in this.

One goal is that all victims should be reimbursed for losses to the fullest extent possible, regardless of the stage in the process we are talking about:

- case diverted by police at police processing stage
- case diverted by intake at intake processing stage
- juveniles receiving formal probation disposition from judge
- juveniles sentenced to detention, to day treatment, community-level residential programs, or state level institution or program
- if not accomplished earlier - while on parole status

You might ask - how can juveniles earn this money? I would answer that we can, with imagination, erect a range of approaches that result in juvenile earnings and restitution payments. First, many juveniles are able to find their own jobs. Further, the juvenile justice system can and should facilitate juvenile earning opportunities. Some examples:

- Clarksboro, New Jersey: a juvenile, though working, fails to make restitution payments. He is sentenced to detention. The judge wisely asks the detention center social worker to speak with the employer. The employer values his employee, and would like him to continue. The juvenile, then, is transported daily to and from his job. After the first week, he turns in \$100 of his \$140 earnings to make restitution payment.
- piloted by a Quincy, Massachusetts judge: a number of chambers of commerce have convinced members to set aside job slots for juveniles owing restitution. When the money has been paid in full, another youth is assigned to the job.
- a clone of the Quincy program: Erie, Pennsylvania/Earn It, has a \$60,000 a year contract to clean up the county government building. It has since added a public library contract.
- an Ohio restitution program sets up an aluminum can recycling business for juveniles, a beer company providing technical assistance for this process and.....
- a foundation in St. Louis County, Missouri switches certain of its United Way gifts to a restitution program, conditioning the grant on the requirement that juveniles should perform "paid community service" at United Way agencies...

At least 5 states provide for "paid community service", i.e. the provision of state monies (and in Utah, 25 percent of juvenile court fine income) to pay juveniles to perform community service for pay, for repayment to victims. Utah law also provides that the required payments by parents for their juveniles' out of home placements shall go into a state juvenile restitution work fund to pay institutionalized juveniles and community corrections juveniles to perform paid community service.

Unpaid community service takes two forms:

- work crews performing public service work
- individual placements for juveniles with non-profit and governmental agencies.

The tasks performed range from "creative" to "menial". Work crews enable highly visible, publicizable projects. Individual placements emphasize good working relationships with job site supervisor role models, and job satisfaction in libraries, nursing homes, YMCAs, YWCAs, civic theaters etc.

Direct service to victims often grows out of victim/offender mediation, an exciting, perhaps profound effort to adapt mediation methods to meetings between consenting victims and juvenile offenders. This approach uses trained volunteer mediators and/or trained staff mediators. The first phase allows for victim venting of anger and hurt. Phase two involves the juvenile's statement of how and why he/she committed the offense. Phase three is a discussion of the remedy: a restitution plan, direct reparation to the victim, or agreement on the loss/damage, amount to be repaid, and a possible installment plan. Phase four is often the juvenile's apology, the joint handshake, the reconciliation. Phase five may be the final payment hand delivered to the victim, with the result being the juvenile's reintegration into the community. I am advised that New Jersey can do much more to further all forms of juvenile restitution at all levels of the system, including state institutions.

### Guidelines

The JDDC First Annual Report states: "We found considerable variation in decisionmaking at various stages in the juvenile justice system. These variations commence at police referral, continue through diversion, and are apparent in dispositional choices." Juvenile courts were founded on the principle of individual justice. But unguided decisionmaking leads to random justice. Can there be a better balance between individual and equal justice? Yes, but it involves guidelines! Police dislike guidelines; judges dislike guidelines; probation officers dislike guidelines; institutional officials dislike release date guidelines. But guidelines can allow for variations; in general, they are presumptive. As with detention guidelines, they take the statutory criteria and then narrow them. They do not allow detention where law disallows detention. They more narrowly define what constitutes, for example, a serious threat to property or physical safety and other statutory provisions.

In my opinion, there is a need for guidelines at all stages of the juvenile justice system. The system should jointly develop guidelines for:

- police - who should, may/may not be referred to court, unless...
- detention - who should, may/may not be detained, unless...
- intake - who should, may/may not proceed to formal judicial hearing, unless...
- dispositions - who should, may/may not remain in the community, unless...
- institutional release - when a juvenile should be released from custody, unless...

Guidelines can be developed on a statewide basis by Supreme Court rule, or Department Of Corrections, and can be developed by a statewide police association for local police rule. They tend to be based on present offense, prior offense history, age, and perhaps certain social factors. Guidelines are not a one-time thing. They need reevaluation; they will need modification. But they lead to a more fair juvenile justice system.

### **The Detention Nexus**

To my knowledge juveniles are not jailed in New Jersey, and I applaud you. And only 10% of delinquency complaints result in detention admission - good! Yet, just 19% of detained juveniles who were adjudicated received a disposition of residential placement or incarceration (and 12% were not adjudicated). For these juveniles "preventive detention" was their punishment. Preventive detention may be salutary for some, but not for all. You can do better. Juveniles who are detained should be the "heavy hitters", likely to be ticketed for out of home placement or incarceration. The use of unnecessary secure detention can be reduced by:

- crisis intervention on the spot (particularly with families present)
- non-secure shelter care placements should be utilized for delinquency cases, not just for JINS type youths or dependent, neglected and abused youngsters
- home detention should be expanded. It should be available in all counties, not just the three counties cited in the Juvenile Delinquency Disposition Commission report.

Freeing up more detention beds by these devices and by detention screening guidelines, allows greater use of sentences to detention if you choose to expand this option. I trust you will avoid commingling sentenced juveniles with pre-dispositional detainees, something most of the dozen or so states that authorize this disposition have not avoided. I like what you have done in requiring certification of detention centers for county eligibility for sentences to detention.

I like what Washington State has done in providing state dollars to detention centers for 45-120 day sentences (after 1/3 of the time has been served, juveniles who have "earned it" go onto work or school release, returning to the center in the afternoon). But lengthy detention sentences should only be used as alternatives to other out of home placement or state incarceration. Further, extensive community restitution requirements can serve as alternatives to a detention sentence.

## Minorities and the Juvenile Justice System

This is becoming a national issue. It is an issue in New Jersey; it is a Colorado issue (disparate police referrals, offense charging, adjudication, state institutionalization for minority juveniles). These practices and results are now issues in California, Minnesota and other states. This needs to be addressed by the juvenile justice system, and before the system. Nationally, there is no significantly greater rate of more serious and repetitive offenses by minorities than majorities. Serious and repetitive offending is more common with the poor offender. The directions to a solution lie in better schools (and keeping kids in school), more available job training and jobs, lifting up the poor - but we also need to further check out our attitudes and decisional practices. Look further at this; do something further about this! Foster more minority sponsored/directed youth agencies.

## The Family Court

There is considerable interest, nationally, in family courts, although no state has made the plunge since the New Jersey accomplishment to become the 7th or 8th family court jurisdiction (depending on definitions). So, you accomplished the first goal: unification of jurisdiction. Reportedly, some limited progress has been made on a second goal - regionalization. Reportedly, only limited progress toward a third - 1 family/1 judge. Substantial progress on a fourth - broadening the probation intake function to include child support negotiations. Apparently, no real consideration of a fifth - 1 family/1 probation officer. Yet, New Jersey did an overall thoughtful job of merging Juvenile and Domestic Relations Courts into Superior Court, and in providing management capabilities for the family court.

I would offer several suggestions:

- Demonstration county: the sharing of information to family part judges re events taking place in all jurisdictions of the court, i.e. with matrimonial child custody decisions, to know if there are any proceedings re dependent, neglected and abused children, delinquency; at delinquency disposition proceedings, to know if child support payment are current.
- Rotate most family part judges to other Superior Court divisions each 3-5 years. Broaden the ownership of the family part; bring in new approaches, but maintain the family part as a status assignment.
- Develop case processing guidelines for non-detained delinquents.

## Structure

Experience in other states has shown us that when we expand community correctional beds without closing down state institutional beds, we fill all the beds and significantly increase costs, i.e. we double fund.

From 1980 through 1985 you showed reduced Department Of Corrections incarceration beds of 114, but expanded DOC custody program beds by 202. While there is always the complaint

that we lack sufficient resources, this does not mean that the additional resources, necessarily, must include residential or institutional beds.

There is a clear trend among the more enlightened states to substantially reduce state institutional beds and substitute a broader range of resources at community or regional levels - administered by a state agency (Massachusetts and Utah - but with judicial control over juveniles placed in Utah's community correctional custody program); or administered by local juvenile courts or local governmental units with state assistance (Washington, Pennsylvania).

The future is in the county and the community; the state role becomes: to help fund, set standards, monitor, provide technical assistance etc. A possible redirection that I believe has merit, is to grant state funds to official local planning/coordinating groups such as your County Youth Services Commissions to fund a range of juvenile services by grant or contract to public and private agencies.

Counties would exclusively fund certain "minimum" services; the state would fund or provide much of the "above minimum services". The funding structure would be slanted away from state commitments. The state would directly administer only long-term secure institutions and programs not provided by/through local entities. Counties would purchase from other counties' programs. Break down your large state institutions; build a basic network of local resources and alternatives, with small institutional backups.

But with such a direction, financial incentives should be structured. From a county's fund, dollars are subtracted - or paid over to the state - where commitments to the state exceed a quota determined by the average commitment levels over 2 or 3 base years, or if juveniles are committed by the court who lack stated offense or offense history adjudications. Subsidy should force "least restrictive alternatives" and reserving of state juvenile facilities for the most serious and repetitive offenders. There are different approaches to state subsidy and incentives such as these developed over the past 22 years in California, Minnesota, Pennsylvania, Kansas and other states.

State-local relationships and responsibilities need to be redefined - and not just once. In some states, state executive agencies have pre-empted the field due to local government's default. Somehow you should undertake a new blend of local and state functions. Here, you have been demonstrating strong local interest, and, for New Jersey this direction should be furthered.

In 1967 President Johnson's Task Force on Juvenile Delinquency described (in *The Challenge of Crime in a Free Society*) six major strategies to reduce juvenile crime - the six Ds:

- Decriminalization of status offenses
- Diversion from court (up front)
- Due process extensions
- Deinstitutionalization (reducing reliance on state institutions for delinquents)
- Diversification of services

- Decentralization of control (i.e. include county level)

These are useful directions still. But we should add to them (and this is in summary and in emphasis of what I have been saying today):

- Guidelines
- Expanded, intensive, non-residential services
- Accountability (restitution)
- Research (continue)

G

E

A

R

"UP"!