

STATE OF NEW JERSEY

Juvenile Justice and Delinquency Prevention

Monitoring Report

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New Jersey Department of Corrections

Juvenile Detention and Monitoring Unit

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William M. Burke, Monitoring Specialist

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STATE OF NEW JERSEY

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

MONITORING REPORT

January 1990

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ACQUISITIONS

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EXECUTIVE SUMMARY

Since 1975, when New Jersey first participated in the federal Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, two provisions of this law were required to be met. One provision, Section 12, mandated that status offenders and non-offenders, such as incorrigibles, runaways, and truants, could not be held in secure detention or correctional facilities.

Another provision, Section 13, required that status, non-offenders and delinquent youths could not be confined in any institution in which they had regular contact with adult criminal offenders. In 1980, several amendments were added to the JJDP Act. The most important change, Section 14, specified that within five (5) years no juvenile could be held in a local lockup or county jail with adult criminal offenders.

In 1978, the Juvenile Detention and Monitoring Unit was created in the Department of Corrections through the assistance of a federal grant to monitor the State's compliance with the Act. Since then a comprehensive annual schedule of on-site visits has been maintained in order to fulfill this responsibility. During the 1989 monitoring year, the following activities were accomplished:

- A total of 63 on-site inspections and/or telephone contacts of 12 State adult and youth correctional facilities; 29 State juvenile correctional facilities; 24 county jails, penitentiaries, and workhouses; and 18 county juvenile detention centers were conducted. During each on-site

inspection and/or telephone contact all pertinent information was compiled regarding intake records and case histories on potential and actual violations. In addition to site visits, master DOC computer printouts, weekly reception Unit reports, and weekly transfer and new commitment sheets were reviewed to obtain information on juvenile admissions.

- All the statistics utilized in the monitoring report reflect admissions between November 1, 1988 and October 31, 1989.

- To determine compliance for the deinstitutionalization requirement (Section 12), 13,203 admissions were monitored in 18 county juvenile detention facilities. A total of 13 violations were found. By utilizing the guidelines of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), an institutionalization rate of .71 per 100,000 juveniles has been computed.

Additionally, the State's 29 juvenile correctional institutions and residential/community programs were monitored and there were no violations. Hence, New Jersey remains in full compliance with Section 12 with de minimis exceptions.

- To determine compliance for the requirement of not confining juveniles in adult lockups and jails (Section 14), the Bureau of County Services conducted on-site inspections of 366 municipal lockups. For 1989 only 4 lockups detained a total of 5 juvenile offenders in cells for more than 6 hours. The Juvenile Monitoring Unit, which is responsible for monitoring the State's 24 county jails, penitentiaries and workhouses, reviewed a total of 146,366 admissions at these facilities. A total of 14 violations were found in 8 facilities. This represents an institutionalization rate of 1.04 per 100,000 juveniles. Hence, New Jersey remains in full compliance with Section 14 with de minimis exceptions.

- With regard to compliance with the Act's separation mandate (Section 13), 8 juveniles were transferred to adult prison facilities in the current monitoring year. It should be noted that the last juvenile transfer case took place during the 1985 monitoring year. It should also be noted that the relocation of the Juvenile Medium Security Unit, in November 1983, was the final step in the complete segregation of the juvenile and adult systems.

During 1989 a new, much larger problem with regard to separation has surfaced. Detailed inspections of the four (4) Newark municipal lockups revealed widespread problems at each lockup regarding the lack of juvenile/adult offender separation. A review of admission logs at each lockup indicated that approximately 3,244 juveniles were processed at the lockups during the current monitoring year. Based on site visits to review policies and procedures, a review of the physical layout of each lockup,

and interviews with police personnel, a reasonable estimate of the number of juveniles who came in contact with adult offenders was 25%. Accordingly, we are projecting that 811 juveniles were in violation of the separation mandate of the JJDP Act. Thus, New Jersey is out of compliance with Section 13, the separation mandate of the JJDP Act.

In an effort to resolve the situation, the Monitoring Unit met with the precinct captains, Chief of Police, and eventually with the Director of Police to discuss methods of addressing the problems. At present, the Newark Police Department, in conjunction with the Monitoring Unit, is developing a plan which will include specific directives to each precinct lockup outlining the policies and procedures to be followed in the future. Hopefully this matter will be resolved in early 1990.

- At the local level, separation was not provided for the 14 juveniles admitted to county jails. Of the 14 violations of Section 13, 8 were juveniles jailed for motor vehicle offenses. Legislation was passed on July 3, 1989 prohibiting the jailing of juvenile motor vehicle offenders. The change in legislation enabled New Jersey's law to conform to the federal regulations. It should be noted that the Monitoring Unit has not discovered any juveniles who have been admitted to a jail for motor vehicle offenses since the law became effective.

I INTRODUCTION

In order to address the issues of the detention of status offenders and the jailing of juveniles with adults, Congress passed the federal Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. Specifically, this Act mandates that each participating state must verify, through an annual report, that it has fulfilled the requirements of this law.

As amended in 1984, this Act mandates that each State must:

- provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses which do not constitute violations of valid court orders, or such non-offenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; (Section 223 (a) 12 (A))
- provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges; (Section 223 (a) 13)
- provide that, beginning after the five year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults...(Section 223 (a) 14).

In order to fulfill the congressional mandate of this Act, the Juvenile Detention and Monitoring Unit was created in the Department of Corrections (DOC) in 1978. This Unit, which has overall responsibility for the collection of data, inspection of facilities, and response to violations, has been administratively located in the Office of the Commissioner in order to ensure its autonomous and independent status.

Since the DOC has the statutory authority to monitor and inspect all local correctional facilities (N.J.S.A. 30:1-13, 1-15), as well as all State correctional facilities, it was appropriate for the Juvenile Detention and Monitoring Unit to be located in the DOC.

In order to provide a description of the State's compliance with this Act, this report is divided into three distinct sections in relation to Section 12 (A), 13 and 14, with accompanying statistical data and a brief narrative. For an overall narrative of New Jersey's compliance, an Executive Summary has been included, while the reporting requirements of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) may be found in Section VI.

II. MONITORING METHODOLOGY

In order to meet the requirements of the JJDP Act, federal guidelines require that each state shall:

Describe its plan, procedure, and timetable for annually monitoring jails, lockups, detention facilities, correctional facilities and non-secure facilities. (Federal Register, June 20, 1985, Page 25558)

The plan must address the following tasks:

- (A) Identification of the Monitoring Universe
- (B) Classification of the Monitoring Universe
- (C) Inspection of Facilities
- (D) Data Collection and Data Verification

In accordance with these regulations, a comprehensive plan has been devised which includes data collection instruments, sampling design, frequency of on-site visits, and monitoring periods to be utilized. This monitoring plan was originally developed and utilized in 1978, and has been modified each subsequent year to more efficiently address any new factors in monitoring local and State facilities.

To determine the total universe of facilities to be monitored, each State, local, and private facility was classified as to whether it was a juvenile detention or correctional facility.

As shown in Figure 1, the total number of municipal, county, and State correctional facilities which has been identified is 449. Each facility received on-site inspections, telephone contacts, or computer printout reviews by either the Juvenile Monitoring Unit or the Department's Bureau of County Services (BCS) in 1989. Since the majority of these facilities are municipal lockups (366), inspectors from the BCS were utilized to monitor these facilities during their annual inspections.

Figure 1

TOTAL NUMBER OF FACILITIES MONITORED BY TYPE - 1989

366 - Municipal Lockups
24 - County Jails, Penitentiaries, and Workhouses
18 - County Juvenile Detention Facilities
29 - State Juvenile Correctional Facilities
12 - State Adult and Youth Correctional Facilities
<hr/>
449 - Total

For the current year (1989), admissions to all local and State correctional facilities were monitored based on a full 12 months of admissions, from November 1, 1988 through October 31, 1989. This period constitutes the 1989 monitoring year.

For an overall view of the 1989 Monitoring Plan, see Figure 2, the Methodology Matrix.

In order to determine compliance for Section 223 (a) (12) (A), the following facilities were monitored:

1. State Juvenile Correctional Facilities	29
(a) Training Schools	
(b) Residential Group Centers	
(c) Community Treatment Centers	
(d) Juvenile Medium Security Unit	
2. County Juvenile Detention Centers	18
	TOTAL
	47

A list of these facilities may be found in Appendix A.

FIGURE 2

METHODOLOGY MATRIX - 1989 PLAN

Type of Facility	Agency Collecting Data	Sampling Unit	Total Monitoring Period	Method of Data Collection	Number of On-Site Visits	Compliance Requirement			
						Section 223 (a) (12)	Section 223 (a)(13) & (14)	Pre-Disp.	Post Disp.
State Facility (Adult)	Monitoring Unit	Admissions	12 Months	On-Site Inspection and Computer Printout	As Needed		X		X
State Facility (Youth)	Monitoring Unit	Admissions	12 Months	On-Site Inspection and Computer Printout	1-3		X		X
State Facility (Juvenile)	Monitoring Unit	Admissions	12 Months	Telephone Contact	As Needed		X		
County Jail/ Workhouses	Monitoring Unit	Admissions	12 Months	On-Site Inspection and Telephone Contact	1-3	X	X	X	X
Municipal Lockups	Bureau of County Services	Admissions	12 Months	On-Site Inspection	1	X	X	X	X
County Juvenile Detention Center	Monitoring Unit	Admissions	12 Months	On-Site Inspection	2-3	X	X		

During the monitoring of these facilities, the following information was collected:

1. Total number of juveniles admitted for each month of the year;
2. Total number of accused/adjudicated status or non-offenders admitted or in residence; and,
3. All pertinent data on any juvenile offender who was in suspicion of being, or found to be in violation of Section 223 (a) 12 (A) including: name, dates of admission and release, offense, sex, age, and length of stay.

In order to ensure compliance with Section 223 (a) (13) and (14), the following State and local adult correctional facilities were monitored:

1. State Adult Correctional Facilities	12
(a) Prison Complex	
(b) Youth Correctional Institution Complex	
2. County Jails, Penitentiaries, and Workhouses	24
3. Municipal Lockups	<u>366</u>
	TOTAL: 402

A list of these facilities may also be found in Appendix A.

During the monitoring of these facilities, the following information was collected:

1. Total number of adults admitted or in residence for each month of the year;
2. Total number of juveniles admitted or in residence for each month of the year;
(Local Correctional Facilities)
3. All pertinent data on any juvenile offender or non-offender who was found to be in violation of Section 223 (a) 14 including: names, dates of admission and

release, offense, sex, age (DOB), length of stay, committing judge, and any court/legal information available; and,

(State Correctional Facilities)

4. All pertinent information on any juvenile offender held in an adult facility including: name, date of admission or transfer, offense, sex, age (DOB), and reason for admission or transfer.

Facsimiles of the 1989 data collection forms are included in Appendix B.

Since its inception, the Juvenile Monitoring Unit has relied primarily on on-site inspections for both the collection of data and the determination of compliance with Sections 223(a) (12) (A), (13), and (14). Although telephone contacts and computer printouts have been utilized to some extent, the on-site inspection method of data collection has been employed and adhered to in most instances because of its reliability in verifying information and its immediacy in responding to violations.

Although on-site inspections provide the most effective means for determining compliance, there are certain problems associated with the task. The process is certainly a time consuming one since most targeted facilities are visited at least one each year, and admission records sometimes involving thousands of cases must be reviewed. In most situations, however, very few individual files must be reviewed, since admission logs generally contain all needed information.

Also, in many instances verification of data cannot be

accomplished "on the spot" because of incomplete records. If an individual's status cannot be ascertained through a verified birth date, and/or legal documents indicating whether he/she has been waived to adult status, other means must be employed to determine if a violation exists. Often, telephone contact with various county and judicial offices must be made to address suspected violations.

County juvenile detention facilities can also experience verification problems when violation of probation (VOP) or bench warrant (BW) is recorded as the reason for admission. Detention records are usually unclear regarding whether a VOP or BW is based upon a pending delinquent charge, because most facilities are not routinely provided with that background information. When such ambiguity exists, it is difficult to establish the "true" nature of a case and consequently violations may be concealed under the guise of being "unspecified". As noted above, subsequent telephone calls may be required to ascertain suspected violations.

In addition to reviewing records on the population in residence, supplementary sources of data are utilized to more efficiently monitor State juvenile and adult correctional facilities. As mentioned previously these include telephone contacts and monthly population in residence and admission printouts of all major juvenile and adult institutions provided by the Bureau of Correctional Information Systems. Also, weekly juvenile population in residence reports,

furnished by the Division of Juvenile Services, and weekly transfer reports maintained at Garden State are utilized. By reviewing the offense, sentence, and date of birth of each admission in advance, a list of cases is selected and then reviewed during the on-site inspection to determine if there are any violations of Sections 223 (a) (12) (A) or (13).

Federal regulations also require that a monitoring plan shall "describe procedures established for receiving, investigating, and reporting complaints of violation of Section 223(a) (12), (13), and (14)". The Juvenile Monitoring Unit's method of response to violations has always been, and continues to be dictated by the particular circumstances of an individual situation (i.e., is the occurrence an isolated incident or part of a persistent pattern?) and the type of facility (i.e., local or State?).

For 1989, the total number of predispositional violations decreased from the previous year and were random in nature rather than being regular occurrences in any one locale.

With regard to postdipositional violations of Section 223 (a)(13) (i.e., juvenile transfers), for 1989 there were eight (8) juveniles transferred from juvenile correctional facilities to adult correctional facilities. It should be noted that these transfer cases were the first noted since 1985. All potential violations are thoroughly reviewed by the Juvenile Monitoring Unit by checking individual case histories and the paperwork involved in effectuating a

juvenile variance. The process and guidelines for transferring juveniles to adult facilities are discussed in Section IV--Juveniles in State Adult Facilities.

III. DEINSTITUTIONALIZATION OF STATUS OFFENDERS

The status offender legislation which created the classification of juveniles in need of supervision (JINS) was passed in New Jersey in March 1974. The intent of this legislation was to differentiate between juveniles who committed offenses which would not be crimes if committed by an adult (e.g., runaway, incorrigibility, and truancy), and those who have committed delinquent offenses.

A significant component of this legislation was the creation of "shelter care", which according to the statute is defined as "the temporary care of juveniles in facilities without physical restriction pending court disposition". In accordance with this statute, non-secure shelters had to be developed on a state-wide basis as soon as the legislation became effective, since the placement of a JINS in a secure detention facility was in violation of law. The prohibition of placing status offenders in secure institutions has been retained in the more recent juvenile code which created the classification of juvenile-family crisis in place of the JINS designation:

No juvenile involved in a juvenile-family crisis shall be committed to or placed in any institution or facility established for the care of delinquent children or in any facility...which physically restricts such juvenile committed to or placed in it. (N.J.S.A. 2A:4A-46(b)).

Hence, New Jersey's juvenile code is in compliance with Section 223 (a) 12 (A) of the JJDP Act.

Predispositional Compliance

In order to determine the compliance of juvenile detention facilities in the State, the Juvenile Monitoring Unit conducted 2-3 on-site inspections and/or telephone contacts of each detention facility at periodic intervals in 1989. As presented in Table I, a total of 13,203 admissions were monitored at these facilities. Of this total, 13 violations were found of Section 223 (a) (12) (A) of the JJDP Act.

Of the 13 violations noted above, a closer analysis indicates that 8 cases involved out-of-state runaways held in excess of 24 hours, while the remaining 5 were in-state juveniles (also held in excess of 24 hours) who were charged with one or more status offenses. It was noted during the monitoring of the juvenile detention facilities that an additional 17 juvenile status offenders were admitted to detention for violating court orders which stemmed from family crisis matters. In nearly every instance, the juveniles were detained for running away from a non-secure shelter placement and spent very little time, usually overnight, in detention. A closer review indicated that each case met the federal criteria for valid court order exceptions. While there is confusion as to whether juveniles can be detained pursuant to New Jersey State law in such cases, it is documented here for informational purposes.

TABLE 1

1989 MONITORING REPORT ON JUVENILE DETENTION CENTERS (N=18)
DEINSTITUTIONALIZATION REQUIREMENT-SECTION 223 (a) 12 (A)

NAME OF FACILITY	TOTAL ADMISSIONS SAMPLED ¹	TOTAL NUMBER VIOLATIONS Sect. 12(A) ²	NUMBER OF OUT-OF-STATE RUNAWAYS
ATLANTIC COUNTY DETENTION CENTER	338	0	1
BERGEN COUNTY CHILDREN'S SHELTER	533	0	0
BURLINGTON DETENTION CENTER	237	0	0
CAMDEN COUNTY CHILDREN'S SHELTER	1,109	0	0
CUMBERLAND COUNTY JUVENILE CENTER	447	0	0
ESSEX COUNTY YOUTH HOUSE	3,759	0	1
GLOUCESTER COUNTY CHILDREN'S CENTER	236	0	0
HUDSON COUNTY YOUTH HOUSE	1,711	2	0
MERCER COUNTY YOUTH DETENTION CENTER	597	0	0
MIDDLESEX COUNTY YOUTH CENTER	712	1	2
MONMOUTH YOUTH DETENTION CENTER	496	0	1
MORRIS COUNTY YOUTH CENTER	212	2	2
OCEAN JUVENILE DETENTION CENTER	267	0	0
PASSAIC COUNTY CHILDREN'S SHELTER	1,046	0	0
SOMERSET DETENTION COTTAGE (SKILLMAN)	150	0	0
SUSSEX COUNTY YOUTH CENTER	130	0	0
UNION COUNTY JUVENILE CENTER	1,081	0	0
WARREN ACRES	142	0	1
TOTALS:	13,203	5	8

¹Based on admissions over a 12 month period, from Nov. 1, 1988 to Oct. 31, 1989

²Status offenders detained in excess of 24 hours.

The 13,203 admissions represent the total admissions for a 12 month period, ranging from November 1, 1988 to October 31, 1989. Based upon the 13 detected violations, we can conclude that for every 1,015 legal admissions into juvenile detention centers there would be one (1) violation of Section (12) (A). In comparison, the ratio for the four previous years were: in 1985, one violation in every 372 admissions; in 1986, one violation in every 518 admissions; in 1987, one violation in every 331 admissions; and, in 1988, one violation in every 643 admissions.

By utilizing the de minimis criteria, as outlined in the Federal Register of January 8, 1981, we have computed a .71 per 100,000 institutionalization rate for Section 223 (a) (12) (A) in 1989. This institutionalization rate represents a decrease compared to last year's rate of 1.04 and is far below OJJDP's allowable rate of 5.8 as required in Criteria A of the guidelines.

This rate was derived in the following manner:

1. Based upon figures obtained from the Office of Juvenile Justice and Delinquency Prevention in Washington, the 1987 census data for the juvenile population under 18 years of age in New Jersey was 1,831,000.
2. As noted above, there were 13 detected violations of Section 223 (a) (12) (A) in 1989 based upon the 12 month admissions total of 13,203.
3. The stipulated formula of the number of status offenders and non-offenders held (13) divided by the population under 18 divided by 100,000 ($1,831,000 \div 100,000 = 18.31$) results in a status offender institutionalization rate of .71 per 100,000 in the current monitoring year.

In conclusion, New Jersey remains in full compliance with de minimis exceptions in accordance with the predispositional requirement of Section 223 (a) (12) (A).

Postdispositional Compliance

As previously noted, New Jersey's current juvenile code also prohibits the Family Court from committing an adjudicated status offender to any institution or facility established for the care of delinquent children (N.J.S.A. 2A:4A-46(b)). New Jersey has interpreted this statute to mean that a status offender may not be placed in any facility which is under the jurisdiction of the Department of Corrections (DOC), whether this facility is secure or non-secure.

Under the present system, adjudicated delinquents (after being processed through the Juvenile Reception Unit, located at the New Jersey Training School for Boys, Jamesburg) may be committed to one of two state training schools (Lloyd McCorkle, Skillman; and New Jersey Training School for Boys, Jamesburg); or one of twenty-six residential or community centers (Allaire, Alpha House, Camden House, Camden Prep, Camden Youth Agricultural, Cedar Residential, Cottage 6-L, Double Trouble Group Home, Essex Fields, Greenfields, H.E.L.P., Highfields, Lincoln Avenue Project, Manor Woods, Monroe House, Oceanfields, Pinelands, RAP, Sandy Hook, Southern Residential, St. Joe's Program, Turrell Group

TABLE 2

1989 MONITORING REPORT ON STATE
JUVENILE CORRECTIONAL FACILITIES (N=29)
DEINSTITUTIONALIZATION REQUIREMENT - SECTION 223 (a) (12) (A)

STATE JUVENILE TRAINING SCHOOLS AND RESIDENTIAL PROGRAM	AVERAGE POPULATION IN RESIDENCE ¹	TOTAL VIOLATIONS SECTION 223(a)12(A)
New Jersey Training School for Boys	403	0
Lloyd McCorkle Training School for Boys	204	0
Juvenile Medium Security Facility	111	0
Allaire	8	0
Alpha House	18	0
Camden House	32	0
Camden Prep	24	0
Camden Youth Agricultural	1	0
Cedar Residential	4	0
Cottage 6-L	12	0
Double Trouble Group Home	7	0
Essex Residential	21	0
Green Residential Group Center	29	0
H.E.L.P.	7	0
Highfields Residential Group Center	16	0
Lincoln Avenue Project	9	0
Manor Woods Residential Group Center	23	0
Monroe House	4	0
Ocean Residential Group Center	21	0
Pinelands Residential Group Center	17	0
RAP	5	0
Sandy Hook	27	0
Southern Residential	30	0
St. Joe's Program	28	0
Turrell Residential Group Center	10	0
Voorhees Residential Group Center	18	0
Voorhees South	15	0
Warren Residential Group Center	22	0
YMCA Explorers	9	0
Total:	1135	0

¹Figures derived from population data sheets provided by Bureau of Correctional Information and Classification Services.

Center, Voorhees, Voorhees South, Warrenfields, YMCA Explorers).

Lastly, juveniles may be committed to the Juvenile Medium Security Unit which is located on the grounds of Johnstone Training School in Bordentown. Placement here is reserved for those juvenile offenders who require a more secure setting.

In order to monitor these facilities, site visits and/or telephone contacts were made to each facility to obtain pertinent information on admissions to each facility. As noted in Table 2, the average population in residence was 1,135 and there were no violations.

Thus, New Jersey remains in full compliance with the postdispositional requirement of Section 223 (a) (12) (A) since adjudicated status and non-offenders are not placed in juvenile detention and correctional facilities.

IV. JUVENILES IN STATE ADULT FACILITIES

Since 1975, when New Jersey first agreed to participate in the JJDP Act, the Department of Corrections has worked diligently from year to year to develop and implement new programs to separate juveniles from adults in the Youth Correctional Institution Complex (consisting of facilities at Garden State (Yardville), Mountainview (Annandale), the Wagner Youth Correctional Facility (Bordentown)) and the Edna Mahan Correctional Facility for Women (Clinton). Significant strides have been made in pursuing the goal of separation to fulfill the mandate of Section 223(a) (13), and presently the adult and juvenile correctional systems are completely segregated.

In previous years one of the essential functions of the Juvenile Monitoring Unit was to document the progress of the State in properly separating juveniles from adults in specifically designated programs. As part of the JJDP guidelines, the percentage of adequately separated juveniles was to be monitored and increased on an on-going basis. With the movement of the Juvenile Medium Security Unit from Garden State to an independent facility on the grounds of the Johnstone Training and Research Center, the last vestige of a "separation program" has been eliminated and the separation concept itself has become obsolete as far as the State system is concerned.

Female delinquents have been excluded from the adult population since an administrative decree issued in 1977 prohibited their commitment to the Edna Mahan Correctional Facility. The only three programs available for the placement of

female delinquents, Turrell Residential Group Center, Alpha House, and Cottage 6L at Skillman, accommodate approximately 45 females.

Transfer of Juveniles to Adult Facilities

While the separation mandate of the JJDP Act (Section 13) stipulates that delinquent youths cannot be confined to any institution where they have regular contact with adult offenders, from year to year there emerges a small number of juveniles who would be more appropriately classified to adult programs. These juveniles, because of their age, sophistication/maturity, and/or assaultive behavior, have demonstrated a consistent inability to adjust to any facility or program within the Division of Juvenile Services. As such, a transfer is initiated as a means of providing a more suitable placement for those juveniles experiencing adjustment problems.

In response to this problem, the Commissioner's Office issued a Policy Memorandum (originally dated January 21, 1981) to dictate the criteria and procedures to be followed in transferring juvenile offenders to adult facilities. After meetings late in 1981 between representatives of OJJDP and the Department concerning the cautious use of this action, several modifications were made which resulted in a February 27, 1982 Policy Memorandum (superseding the one from January 1981).

The February 1982 memorandum from Commissioner Fauver regarding the classification of juvenile offenders states that:

1. No offender under age 18 having only a juvenile commitment may be transferred to an adult facility.

2. An offender under age 18 with an adult sentence (youth or prison) may be placed in any state correctional facility which is deemed appropriate to his/her age, maturity, sentence, and correctional needs.
3. A juvenile offender who is received with adult charges pending may be treated either as a juvenile or an adult, depending on his/her age, maturity, correctional needs, and any other relevant factors.
4. Juvenile offenders over the age of 18 may not be transferred to an adult facility unless all available resources of the Division of Juvenile Services have been exhausted without success. In such cases, written reports shall be submitted to the Commissioner through the Assistant Commissioner of the Division of Juvenile Services to support a request that the individual be transferred to a suitable institution, pursuant to the authority of N.J.S.A. 30:4-91.1.

As noted in Table 3, 12 State Adult Prison Complex and YCIC facilities were monitored in 1989. These facilities had an average population of 14,102 adult offenders.

In monitoring admissions from November 1, 1988 to October 31, 1989, a total of 31 offenders under age 18 were found. Twenty-three (23) of these cases concerned individuals who had been waived to adult status because of the severity of their offense. Eight (8) of the cases involved individuals who were serving juvenile sentences but were administratively transferred due to their disruptive behavior within juvenile correctional facilities.

As Table 3 indicates, seventeen (17) of the thirty-one (31) offenders under age 18 were discovered at the Garden State Reception and Youth Correctional Facility. This was accomplished through a review of the weekly Reception Unit reports as well as the weekly transfer and new commitment sheets.

1989 MONITORING REPORT ON STATE ADULT CORRECTIONAL
FACILITIES (N=12) SEPARATION REQUIREMENT
SECTION 223 (a) 13

NAME OF FACILITY	AVERAGE POPULATION IN RESIDENCE SAMPLED ¹	NUMBER OF JUVENILES WAIVED TO ADULT STATUS ADMITTED ²	TOTAL NUMBER OF JUVENILE TRANSFERS ³
STATE PRISON COMPLEX			
ADTC	464	0	0
BAYSIDE	1653	0	0
EAST JERSEY STATE PRISON	2014	0	0
EDNA MAHAN	634	1	0
MID-STATE	525	0	0
NEW JERSEY STATE PRISON	2261	0	0
NORTHERN STATE	1083	0	0
RIVERFRONT	492	1	0
SOUTHERN STATE	1263	0	0
YCIC			
GARDEN STATE	1166	17	0
MOUNTAINVIEW	1403	3	0
WAGNER	1144	1	8
TOTAL:	14,102	23	8

¹Figures derived from population data sheets provided by Bureau of Correctional Information and Classification Services. Includes satellite programs of each region.

²Includes juvenile waivers received between November 1, 1988 and October 31, 1989 who were under 18 at time of admission. Does not include juvenile waivers who were over 18 at time of admission.

³Includes juveniles who were transferred to an adult facility between November 1, 1988 and October 31, 1989.

It should be noted, however, that some of these offenders have already been placed or may be placed in other facilities within the adult/youth complex.

Finally, the relocation of the Juvenile Medium Security Unit, in November 1983 from Garden State to a facility on the grounds of the Johnstone Training and Research Center, has significantly reduced the number of management transfer cases sent to Garden State. As is indicated in Table 3, eight (8) juveniles were transferred to Wagner, an adult facility, during the past year, and thus constitute violations of the separation mandate of the JJDP Act, Section 13. All eight (8) of these transfer cases resulted from a major disturbance at the Juvenile Medium Security Unit in February 1989. It should be noted that the last juvenile transfer case took place during the 1985 monitoring year.

Use of Adult Inmates in Juvenile Facilities

The Department of Corrections has developed a unique program over the years which utilizes adult inmates for a variety of tasks in juvenile programs. The program was conceived and operates as a rehabilitative tool for both juveniles and adults. Adult inmate paraprofessionals are a carefully selected group of inmates who become involved with particular juvenile programs by taking residence at a facility, and assisting with classroom work, group sessions, work details, and vocational training classes.

In response to OJJDP's request for classification and coordination of this program in the fall of 1981, the Department promulgated Standard 63: Use of Adult Inmates or Paraprofessionals in Programs Within the Division of Juvenile Services. These Standards specify minimum eligibility criteria, institutional paraprofessional coordinators, a central office paraprofessional coordinator, and the selection process, orientation, training, and evaluations to be utilized in operating the program. Approximately 20 adult paraprofessionals are presently being used within the Division of Juvenile Services.

In summary, at the State level, eight violations of Section 223 (a) 13 of the JJDP Act are noted.

V. JUVENILES IN LOCAL ADULT FACILITIES

In accordance with the 1980 amendments to the JJDP Act of 1974, Congress mandated that all participating states, in addition to separating juveniles from adult criminal offenders, must:

Provide that, beginning after the five year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults... (Section 223 (a) 14).

This provision, however, is consistent with New Jersey's current juvenile code, which states:

A juvenile being held for a charge under this act shall not be placed in any prison, jail, or lockup,...
N.J.S.A. 2A:4A-37(c).

With the jailing of delinquent and status offender youth prohibited by state law, two separate units within the Department of Corrections have worked jointly over the past several years to monitor both municipal adult lockups and county jails, penitentiaries, and workhouses. The vast number of municipal lockups in the State (366) precludes the Juvenile Monitoring Unit from conducting on-site monitoring at each facility. When the Unit was created in 1978, arrangements were made for the Department of Corrections' Bureau of County Services to determine if juveniles were held in municipal lockups. Several years later, the Juvenile Monitoring Unit monitored on-site 10% of the municipal lockups in the State to ensure compliance with the provisions of the JJDP Act. Since very few violations were found, the Unit has continued to rely on the Bureau of County Services to monitor the municipal lockups for juvenile violations.

In 1987 the Juvenile Monitoring Unit again refocused on municipal lockups. In order to ensure that juveniles were not held in lockups for more than six hours or overnight, the Unit monitored on-site a 10% sample of municipal lockups in the State. For many counties, large cities and shore towns were selected for monitoring since these municipalities would more likely have juveniles than suburban or rural towns. Results of the monitoring indicated widespread compliance with both state and federal law. It should be noted that for 1989, only 4 lockups detained a total of 5 juvenile offenders in cells for more than six hours.

During the 1989 monitoring year, the Juvenile Monitoring Unit conducted detailed site inspections of the four (4) Newark municipal lockups. The inspections revealed widespread problems at each lockup with regard to the lack of juvenile/adult offender separation. None of the lockups were found to be in compliance with the sight and sound mandate since physical contact often occurred between juvenile and adult offenders at each lockup. None of the four precinct lockups have separate cells for juveniles. Accordingly, juveniles and adults are often placed together in the same cell.

In an effort to resolve the situation, the Monitoring Unit met with the precinct captains, Chief of Police, and eventually with the Director of Police to discuss methods of addressing the problems. At present, the Newark Police Department, in conjunction with the Monitoring Unit, is developing a plan which will include specific directives to each precinct lockup

outlining the policies and procedures to be followed in the future. Hopefully this matter will be resolved in early 1990.

For monitoring purposes, a review of admission logs at each lockup indicated that approximately 3,244 juveniles were processed at the lockups during the current monitoring year. Based on site visits to review policies and procedures, a review of the physical layout of each lockup, and interviews with police personnel, a reasonable estimate of the number of juveniles who came into contact with adult offenders was 25%. Accordingly, we are projecting that 811 juveniles were in violation of the separation mandate of the JJDP Act. Again, the above-mentioned plan should dramatically reduce the separation problems at the Newark lockups in 1990.

The Juvenile Monitoring Unit's continuing efforts to upgrade the monitoring of all municipal lockups in the state include several provisions in addition to on-site monitoring. The Unit will monitor on a referral basis from the Bureau of County Services any other municipal lockups where there are any indications of violations. Also, by way of a directive, all juvenile detention facilities have been asked to refer any cases to our Unit where there is an indication upon admission that juveniles have spent longer than six hours in any municipal lockup.

The Monitoring Unit has also completed a final draft of Standards For Processing Juveniles in Municipal Lockups. The Standards encompass the most recent federal regulations from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) which were published in the Federal Register, November 2, 1988.

The Standards have received the approval of numerous police and other related agencies and are currently under review by the Commissioner of Corrections and should become administrative law in early 1990.

The Standards will be released to all municipal police departments and will serve as a guide for all inspectors of the Bureau of County Services to use when conducting on-site visits. In addition, a questionnaire for municipal lockups has been developed which targets specific areas of concern to be addressed during an inspection of a lockup. A copy of the draft of the Standards may be found in Appendix C.

Finally, the Monitoring Unit will continue to conduct training sessions for all inspectors of the Bureau of County Services. The purpose of these sessions is to provide information on the applicable laws and reporting requirements with regard to monitoring municipal lockups.

The 24 county jails, workhouses, and penitentiaries received one to three inspections in 1989 by the Juvenile Monitoring Unit, depending upon the volume of admissions and/or the past history of violations at each facility.

As noted in Table 4, a total of 146,366 admissions were monitored at county facilities in 1989. From this total, 82 admissions were found to be juveniles. Of this total, 61 were found to be waiver cases; 14 were found to be motor vehicle violations which were permitted under state law until July 3, 1989; and, 7 were found to be violations of state law. Under current state law, juveniles admitted to adult jails for reasons

other than waiver cases are violations regardless of how brief a period of time the juvenile was held in the adult jail.

With regard to compliance with the federal regulations, 14 violations in county jails were found. Pursuant to federal regulations, a violation is only counted when a juvenile spends more than six hours in an adult jail. Of the 14 motor vehicle cases, 8 spent more than six hours in adult jails. Of the State violations, 6 spent more than six hours in adult jails. The two categories total 14 violations of Section 223 (a) (14) for county jails.

The 146,366 admissions monitored in the State's county jails account for admissions over the 12 month period ranging from November 1, 1988 to October 31, 1989. The 14 admissions which were determined to be violations of federal law would allow us to conclude that for every 10,455 legal admissions to county jails there would be one violation of Section 223 (a) (14).

As noted earlier, there were 5 juvenile offenders held in municipal lockups in excess of six hours. Thus, there were a total of 19 violations of Section 223 (a) (14), taking into account violations in municipal lockups and county jails. Using OJJDP's de minimis criteria for compliance with this section, New Jersey has a jailing rate of 1.04 per 100,000 juveniles, well below the acceptable limit of 9.0 required by OJJDP.

The 14 violations of Section 223 (a) (14) resulting from county jails are also being counted as violations of the separation mandate, Section 223 (a) (13), since it could not be documented that the juveniles were separated from the adults. Monitoring at the municipal lockups revealed that the 5 juvenile

offenders held in violation of Section 223 (a) (14) were adequately separated from adults. However, as noted earlier, it is projected that 811 juveniles from the Newark lockups are violations of the separation mandate. Under OJJDP regulations, compliance with Section 223 (a) (13) is met when:

- (1) State law, regulation, court rule, or other established executive or judicial policy clearly prohibits the incarceration of all juvenile offenders in circumstances that would be violation of Section 223 (a) (13);
- (2) All instances of noncompliance reported in the last submitted monitoring report were in violation of, or departures from, the State law, rule, or policy referred to ...;
- (3) The instances of noncompliance do not indicate a pattern or practice but rather constitute isolated practices; and,
- (4) Existing mechanisms for the enforcement of the State law, rule, or policy referred to...are such that the instances of noncompliance are unlikely to recur in the future.

The State did not comply with the above regulations until July 3, 1989 when legislation was passed prohibiting the jailing of juvenile motor vehicle offenders. The change in legislation enabled New Jersey's law to conform to the federal regulation on this issue. It should be noted that the Monitoring Unit has not discovered any juveniles who have been admitted to a jail for motor vehicle offenses since the law became effective.

With regard to the separation violations in Newark, clearly the high number of violations would constitute a pattern or practice for Newark. However, it should be noted that this problem is an aberration when compared to other lockups in the State. The Monitoring Unit has never discovered such a

pattern or practice of noncompliance at any other lockups in the State. Without question, the separation problems noted at the Newark lockups are not indicative of the prevailing practices among all other municipal lockups.

As mentioned previously, the Monitoring Unit will be working closely with the Newark Police Department to ensure that the violations are reduced significantly in early 1990. Also, the Monitoring Unit will be closely monitoring the Newark lockups to ensure future compliance.

TABLE 4

1989 MONITORING REPORT ON COUNTY JAILS (N=24)

JAIL REMOVAL REQUIREMENT - SECTION 223 (a) 14

COUNTY FACILITY	TOTAL ADMISSIONS SAMPLED ¹	TOTAL JUVENILES IN JAIL	JUVENILES IN COUNTY JAILS: Type & #			TOTAL NUMBER VIOLATIONS ² SECTION 223 (a) 14
			WAIVERS ADULT COURT	MOTOR VEHICLE OFFENSES	VIOLATIONS ³ NJSA 2A:4A-37c	
Atlantic	6,227	2	1	0	1	1
Bergen	8,822	3	3	0	0	0
Burlington	5,517	2	1	1	0	0
Camden	9,626	8	7	0	1	0
Cape May	2,308	2	2	0	0	0
Cumberland	7,128	2	2	0	0	0
Essex - Jail ⁴	18,000	34	33	0	1	1
- Penitentiary	1,745	0	0	0	0	0
Gloucester	3,725	1	1	0	0	0
Hudson - Jail	14,288	4	1	0	3	3
- Penitentiary	1,300	0	0	0	0	0
Hunterdon	1,599	0	0	0	0	0
Mercer - Jail	4,911	1	1	0	0	0
- Workhouse	1,649	0	0	0	0	0
Middlesex	9,367	0	0	0	0	0
Monmouth	9,612	5	3	2	0	1
Morris	4,314	4	0	4	0	2
Ocean	6,250	7	1	6	0	4
Passaic	13,757	1	0	0	1	1
Salem	2,170	0	0	0	0	0
Somerset ⁴	5,000	1	1	0	0	0
Sussex	1,692	0	0	0	0	0
Union	5,974	5	4	1	0	1
Warren	1,385	0	0	0	0	0
TOTAL:	146,366	82	61	14	7	14

¹Based on admissions over a 12 month period, November 1988 to October 1989.

²Juveniles held in excess of six hours whether separated or not.

³Juveniles held for any length of time whether separated or not.

⁴Approximate number of admissions.

OMB # 1121-0089
EXPIRES: 9/90

THIS FORM IS A TECHNICAL
ASSISTANCE TOOL AND ITS
USE IS OPTIONAL

VI. STATE MONITORING REPORT

A. GENERAL INFORMATION

1. NAME AND ADDRESS OF STATE MONITORING AGENCY

Juvenile Detention and Monitoring Unit, New Jersey

Department of Corrections, CN 863, Trenton,

New Jersey 08625

2. CONTACT PERSON REGARDING STATE REPORT

Name: Joseph DeJames

Phone#: (609) 984-6539

3. DOES THE STATE'S LEGISLATIVE DEFINITION OF CRIMINAL-TYPE OFFENDER, STATUS OFFENDER, OR NONOFFENDER DIFFER WITH THE OJJDP DEFINITION CONTAINED IN THE CURRENT OJJDP FORMULA GRANT REGULATION? No, the definitions are synonymous.

IF YES, HOW? _____

4. (To be answered only if response to item 3 above is yes).

DURING THE STATE MONITORING EFFORT WAS THE FEDERAL DEFINITION OR STATE DEFINITION FOR CRIMINAL-TYPE OFFENDER, STATUS OFFENDER AND NONOFFENDER USED? _____

Revised 9/88

SECTION 223(a)(12)(A)

B. REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM SECURE DETENTION AND CORRECTIONAL FACILITIES

The information required in this section concerns those public and private residential facilities which have been classified as a secure detention or correctional facility as defined in the current OJJDP regulation.

1. BASELINE REPORTING PERIOD 1979

CURRENT REPORTING PERIOD 1989

2. NUMBER OF PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES.

Enter the number of residential facilities which have been classified as public or private secure detention and correctional facilities as defined in the OJJDP regulation. This includes but is not limited to juvenile detention facilities, juvenile correctional facilities, jails, lockups, or other secure facilities.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>392</u>	<u>392</u>	<u>0</u>
Current Data	<u>437</u>	<u>437</u>	<u>0</u>
Juvenile Detention Centers	<u>18</u>	<u>18</u>	<u>0</u>
Juvenile Training Schools	<u>29</u>	<u>29</u>	<u>0</u>
Adult Jails	<u>24</u>	<u>24</u>	<u>0</u>
Adult Lockups	<u>366</u>	<u>366</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

3. NUMBER OF FACILITIES IN EACH CATEGORY REPORTING ADMISSION AND RELEASE DATA FOR JUVENILES TO THE STATE MONITORING AGENCY.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>392</u>	<u>392</u>	<u>0</u>
Current Data	<u>437</u>	<u>437</u>	<u>0</u>
Juvenile Detention Centers	<u>18</u>	<u>18</u>	<u>0</u>
Juvenile Training Schools	<u>29</u>	<u>29</u>	<u>0</u>
Adult Jails	<u>24</u>	<u>24</u>	<u>0</u>
Adult Lockups	<u>366</u>	<u>366</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

4. NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD FOR THE PURPOSE OF VERIFYING SECTION 223(a)(12)(A) COMPLIANCE DATA.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Current Data	<u>408</u>	<u>408</u>	<u>0</u>
Juvenile Detention Centers	<u>18</u>	<u>18</u>	<u>0</u>
Juvenile Training Schools	<u>0*</u>	<u>0</u>	<u>0</u>
Adult Jails	<u>24</u>	<u>24</u>	<u>0</u>
Adult Lockups	<u>366</u>	<u>366</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

* Verified from telephone calls and review of printouts.

5. **TOTAL NUMBER OF ACCUSED STATUS OFFENDERS AND NONOFFENDERS HELD FOR LONGER THAN 24 HOURS IN PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES DURING THE REPORT PERIOD, EXCLUDING THOSE HELD PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.**

Write in the number of accused status offenders and nonoffenders held in excess of 24 hours in the facilities during the report period. This number should not include (1) accused status offenders or nonoffenders held less than 24 hours following initial police contact, (2) accused status offenders or nonoffenders held less than 24 hours following initial court contact, or (3) status offenders accused of violating a valid court order for which a probable cause hearing was held during the 24 hour grace period.

The 24 hour period should not include weekends and holidays.

Where a juvenile is admitted on multiple offenses, the most serious offense should be used as the official offense for purposes of monitoring compliance.

	TOTAL	PUBLIC	PRIVATE
Baseline Data	<u>50*</u>	<u>50</u>	<u>0</u>
Current Data	<u>13</u>	<u>13</u>	<u>0</u>
Juvenile Detention Centers	<u>13</u>	<u>13</u>	<u>0</u>
Juvenile Training Schools	<u>0</u>	<u>0</u>	<u>0</u>
Adult Jails	<u>0</u>	<u>0</u>	<u>0</u>
Adult Lockups	<u>0</u>	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

* There were 41 actual violations found over a 10 month period, which projects to 50 violations for the entire year.

6. TOTAL NUMBER OF ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS HELD IN PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES FOR ANY LENGTH OF TIME DURING THE REPORT PERIOD, EXCLUDING THOSE HELD PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.

Write in the number of adjudicated status offenders and nonoffenders held in the facilities for any length of time during the report period. This number should not include those status offenders found in a violation hearing to have violated a valid court order.

Where a juvenile is admitted on multiple offenses, the most serious offense should be used as the official offense for purposes of monitoring compliance.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	0	0	0
Current Data	0	0	0
Juvenile Detention Centers	_____	_____	_____
Juvenile Training Schools	_____	_____	_____
Adult Jails	_____	_____	_____
Adult Lockups	_____	_____	_____
Other	_____	_____	_____

7. TOTAL NUMBER OF STATUS OFFENDERS HELD IN ANY SECURE DETENTION OR CORRECTIONAL FACILITY PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.

Write in the total number of status offenders accused of violating a valid court order pursuant to a judicial determination, based on a hearing during the 24 hour grace period, that there is probable cause to believe the juvenile

violated the court order and the number of status offenders found in violation hearings to have violated a valid court order.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>0</u>	<u>0</u>	<u>0</u>
Current Data	<u>17</u>	<u>17</u>	<u>0</u>
Juvenile Detention Centers	<u>17</u>	<u>17</u>	<u>0</u>
Juvenile Training Schools	<u>0</u>	<u>0</u>	<u>0</u>
Adult Jails	<u>0</u>	<u>0</u>	<u>0</u>
Adult Lockups	<u>0</u>	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

Has the state monitoring agency verified that the criteria for using this exclusion have been satisfied pursuant to the current OJJDP regulation? yes.

If yes, how was this verified (state law and/or judicial rules match the OJJDP regulatory criteria, or each case was individually verified through a check of court records)? All 17 cases were individually

examined and verified.

C. DE MINIMIS REQUEST

1. CRITERION A -- THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.

Number of accused status offenders and nonoffenders held in excess of 24 hours and the number of adjudicated status offenders and nonoffenders held for any length of time in secure detention or secure correctional facilities.

<u>ACCUSED</u>	<u>ADJUDICATED</u>	<u>TOTAL</u>
<u>13</u>	<u>0</u>	<u>13</u>

Total juvenile population of the State under age 18 according to the most recent available U.S. Bureau of Census data or census projection.

1,831,000

If the data was projected to cover a 12-month period, provide the specific data used in making the projection and the statistical method used to project the data.

<u>ACCUSED</u>	<u>ADJUDICATED</u>	<u>TOTAL</u>
Data: _____	+ _____	= _____

Statistical Method of Projection: _____

Calculation of status offender and nonoffender detention and correctional institutionalization rate per 100,000 population under age 18.

Status offenders and nonoffenders held (total)	=	13	(a)
Population under age 18	=	<u>1,831,000</u>	(b)
<u>13</u>	/	<u>1,831,000</u>	= .71
(a)		(b)	Rate

NOTE: If the rate is less than 5.8 per 100,000 population, the State does not have to respond to criterion B and C.

2. **CRITERION B -- THE EXTENT TO WHICH THE INSTANCES OF NONCOMPLIANCE WERE IN APPARENT VIOLATION OF STATE LAW OR ESTABLISHED EXECUTIVE OR JUDICIAL POLICY.**

- a. Provide a brief narrative discussion of the circumstances surrounding the noncompliant incidences. Describe whether the instances of noncompliance were in apparent violation of state law, established executive policy or established judicial policy. Attach a copy of the applicable law and/or policy.
-
-
-

3. CRITERION C -- THE EXTENT TO WHICH AN ACCEPTABLE PLAN HAS BEEN DEVELOPED.

A plan is to be developed to eliminate noncompliant incidents within a reasonable time where the instances of noncompliance (1) indicate a pattern or practice or (2) appear to be sanctioned by or consistent with state law or established executive or judicial policy, or both.

- a. Do the instances of noncompliance indicate a pattern or practice?

Yes _____ No _____

- b. Do the instances of noncompliance appear to be sanctioned or allowable by state law, established executive policy, or established judicial policy?

Yes _____ No _____

- c. Describe the State's plan to eliminate the noncompliant incidents within a reasonable time. The following must be addressed as elements of an acceptable plan:

- (1) If the instances of noncompliance are sanctioned by or consistent with state law or executive or judicial policy, then the plan must detail a strategy to modify the law or policy to prohibit noncompliant placement so that it is consistent with the Federal deinstitutionalization of status offenders and nonoffenders requirement.
- (2) If the instances of noncompliance were in apparent violation of state law, or executive or judicial policy, and amount to or constitute a pattern or practice rather than isolated instances of noncompliance, the plan must detail a strategy which will be employed to rapidly identify violations and ensure the prompt enforcement of applicable state law or executive or judicial policy.
- (3) In addition, the plan must be targeted specifically to the agencies, courts, or facilities responsible for the placement of status offenders and nonoffenders in noncompliance with Section 223(a)(12)(A). It must include a specific strategy to eliminate

instances of noncompliance through statutory reform, changes in facility policy and procedure, or modification of court policy.

4. OUT OF STATE RUNAWAYS

Number of out of state runaways held beyond 24 hours in response to a want, warrant, or request from a jurisdiction in another state or pursuant to a court order, solely for the purpose of being returned to proper custody in the other state? 8

These juveniles may be excluded only if their presence created a noncompliance rate in excess of 29.4 per 100,000 juvenile population.

5. FEDERAL WARDS

Number of Federal wards held in the State's adult jails and lockups pursuant to a written contract or agreement with a Federal agency and for the specific purpose of affecting a jurisdictional transfer, appearance as a material witness, or for return to their lawful residence or country of citizenship? 0

These juveniles may be excluded only if their presence created a noncompliance rate in excess of 29.4 per 100,000 juvenile population.

6. RECENTLY ENACTED CHANGE IN STATE LAW

Describe recently enacted changes in state law which have gone into effect, and which can reasonably be expected to have a substantial, significant, and positive impact on the State's achieving full compliance within a reasonable time.

Since New Jersey's compliance is well within the de minimis threshold, there is no need for changes in state law.

SECTION 223(a)(12)(B)

D. PROGRESS MADE IN ACHIEVING REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM SECURE DETENTION AND CORRECTIONAL FACILITIES

1. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(12)(A).

State legislation has prohibited status offenders and non-offenders from being held in secure detention and correctional facilities since 1974. New Jersey has been in full compliance, with de minimis exceptions, since its participation with the Act. For the current 1989 monitoring year, New Jersey has an institutionalization rate of .71 violations per 100,000 juveniles, well below OJJDP's standard of 5.8 allowable violations for de minimis compliance.

2. NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS WHO ARE PLACED IN FACILITIES WHICH (A) ARE NOT NEAR THEIR HOME COMMUNITY; (B) ARE NOT THE LEAST RESTRICTIVE APPROPRIATE ALTERNATIVE; AND, (C) DO NOT PROVIDE THE SERVICES DESCRIBED IN THE DEFINITION OF COMMUNITY-BASED.

Eight of the 13 status offenders found in juvenile detention facilities were out-of-state runaways and may be construed as not being near their home communities. The 13 juveniles found to be in violation were not in the least restrictive alternative and were not offered community-based services.

SECTION 223(a)(13)

E. SEPARATION OF JUVENILES AND ADULTS

The information required in this section concerns the separation of juveniles and incarcerated adults in residential facilities which can be used for the secure detention and confinement of both juveniles offenders and adult criminal offenders.

Adequate separation means adult inmates and juveniles cannot see each other and no conversation is possible. Separation may be established through architectural design or time phasing use of an area to prohibit simultaneous use by juveniles and adults.

1. BASELINE REPORTING PERIOD 1979

CURRENT REPORTING PERIOD 1989

2. WHAT DATE HAS BEEN DESIGNATED BY THE STATE FOR ACHIEVING COMPLIANCE WITH THE SEPARATION REQUIREMENTS OF SECTION 223(a)(13)?

September 30, 1980

3. TOTAL NUMBER OF FACILITIES USED TO DETAIN OR CONFINES BOTH JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE PAST TWELVE (12) MONTHS.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>13*</u>	<u>13</u>	<u>0</u>
Current Data	<u>374</u>	<u>374</u>	<u>0</u>
Adult Jails	<u>8</u>	<u>8</u>	<u>0</u>
Adult Lockups	<u>366</u>	<u>366</u>	<u>0</u>

4. NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD TO CHECK THE PHYSICAL PLANT TO ENSURE ADEQUATE SEPARATION.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>356</u>	<u>356</u>	<u>0</u>
Current Data	<u>374</u>	<u>374</u>	<u>0</u>
Adult Jails	<u>8</u>	<u>8</u>	<u>0</u>
Adult Lockups	<u>366</u>	<u>366</u>	<u>0</u>

5. TOTAL NUMBER OF FACILITIES USED FOR THE SECURE DETENTION AND CONFINEMENT OF BOTH JUVENILE AND ADULT OFFENDERS WHICH DID NOT PROVIDE ADEQUATE SEPARATION OF JUVENILES AND ADULTS.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>13</u>	<u>13</u>	<u>0</u>
Current Data	<u>13</u>	<u>13</u>	<u>0</u>

* Baseline data does not include the 331 adult lockups utilized in 1979.

Adult Prisons	1	1	0
Adult Jails	8	8	0
Adult Lockups	4	4	0

6. TOTAL NUMBER OF JUVENILES NOT ADEQUATELY SEPARATED IN FACILITIES USED FOR THE SECURE DETENTION AND CONFINEMENT OF BOTH JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE REPORT PERIOD.

	TOTAL	PUBLIC	PRIVATE
Baseline Data	75	75	0
Current Data	833	833	0
Adult Prisons	8	8	0
Adult Jails	14	14	0
Adult Lockups	811	811	0

7. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(13).

(This summary should discuss the extent of the state's compliance in implementing Section 223(a)(13), and how reductions have been achieved, including the identification of state legislation which directly impacts on compliance. Discuss any proposed or recently passed legislation or policy which has either positive or negative impact on achieving or maintaining compliance. Attach additional sheets as necessary.)

See following page

- A. DESCRIBE THE MECHANISM FOR ENFORCING THE STATE'S SEPARATION LAW.

See following page

7. The 1988 Monitoring Report noted that there were 24 violations of Section 13, 14 of which were juveniles jailed for motor vehicle offenses which were permitted under state law. This problem has now been resolved since legislation was passed on July 3, 1989 prohibiting the jailing of juvenile motor vehicle offenders. The Monitoring Unit had noted that eight juveniles were admitted this year to jails for motor vehicle offenses prior to enactment of the law. However, since the law has become effective, the Monitoring Unit has not discovered any juveniles admitted to jails for such offenses.

A. During 1989 a new, much larger problem with regard to separation has surfaced. Detailed inspections of the four (4) Newark municipal lockups revealed widespread problems at each lockup regarding the lack of juvenile/adult offender separation. None of the lockups were found to be in compliance with the sight and sound mandate since physical contact often occurred between juvenile and adult offenders at each lockup.

For monitoring purposes, a review of admission logs at each lockup indicated that approximately 3,244 juveniles were processed at the lockups during the current monitoring year. Based on site visits to review policies and procedures, a review of the physical layout of each lockup, and interviews with police personnel, a reasonable estimate of the number of juveniles who came into contact with adult offenders was 25%. Accordingly, we are projecting that 811 juveniles were in violation of the separation mandate of the JJDP Act.

In an effort to resolve the situation, the Monitoring Unit met with the precinct captains, Chief of Police, and eventually with the Director of Police to discuss methods of addressing the problems. At present, the Newark Police Department, in conjunction with the Monitoring Unit, is developing a plan which will include specific directives to each precinct lockup outlining the policies and procedures to be followed in the future. Hopefully this matter will be resolved in early 1990.

SECTION 223(a)(14).

F. REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS.

The information in this section concerns the removal of juveniles from adult jails and lockups as defined in the current OJJDP regulation.

1. BASELINE REPORTING PERIOD 1980

CURRENT REPORTING PERIOD 1989

2. NUMBER OF ADULT JAILS

Enter the total number of facilities meeting the definition of adult jail as contained in the current OJJDP regulation.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>25</u>	<u>25</u>	<u>0</u>
Current Data	<u>24</u>	<u>24</u>	<u>0</u>

3. NUMBER OF ADULT LOCKUPS

Enter the total number of facilities meeting the definition of adult lockup as contained in the current OJJDP regulation.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>331</u>	<u>331</u>	<u>0</u>
Current Data	<u>366</u>	<u>366</u>	<u>0</u>

4. NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD FOR THE PURPOSE OF VERIFYING SECTION 223(a)(14) COMPLIANCE DATA.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Current Data	<u>390</u>	<u>390</u>	<u>0</u>
Adult Jails	<u>24</u>	<u>24</u>	<u>0</u>
Adult Lockups	<u>366</u>	<u>366</u>	<u>0</u>

5. TOTAL NUMBER OF ADULT JAILS HOLDING JUVENILES DURING THE PAST TWELVE MONTHS.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>13</u>	<u>13</u>	<u>0</u>
Current Data	<u>8</u>	<u>8</u>	<u>0</u>

6. TOTAL NUMBER OF ADULT LOCKUPS HOLDING JUVENILES DURING THE PAST TWELVE MONTHS.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>0*</u>	<u>0</u>	<u>0</u>
Current Data	<u>366</u>	<u>366</u>	<u>0</u>

7. TOTAL NUMBER OF ACCUSED JUVENILE CRIMINAL-TYPE OFFENDERS HELD IN ADULT JAILS IN EXCESS OF SIX (6) HOURS.

Enter the total number of accused juvenile criminal-type offenders held in all adult jails in excess of six hours during the report period. This number includes juveniles held in those counties meeting the removal exception criteria. This number should not include (1) status offenders and nonoffenders held (2) criminal-type offenders held less than six hours, and (3) juveniles held in adult lockups.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>49</u>	<u>49</u>	<u>0</u>
Current Data	<u>14</u>	<u>14</u>	<u>0</u>

8. TOTAL NUMBER OF ACCUSED JUVENILE CRIMINAL-TYPE OFFENDERS HELD IN ADULT LOCKUPS IN EXCESS OF SIX (6) HOURS.

Enter the total number of accused juvenile criminal-type offenders held in all adult lockups in excess of six hours during the report period. This number includes juveniles held in those counties meeting the removal exception criteria. This number should not include (1) status offenders and nonoffenders held (2) criminal-type offenders held less than six hours, and (3) juveniles held in adult jails.

* Baseline data does not include the 331 adult lockups utilized in 1979.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
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Baseline Data	<u>0</u>	<u>0</u>	<u>0</u>
Current Data	<u>5</u>	<u>5</u>	<u>0</u>

9. TOTAL NUMBER OF ADJUDICATED CRIMINAL-TYPE OFFENDERS HELD IN ADULT JAILS FOR ANY LENGTH OF TIME.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
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Baseline Data	<u>0</u>	<u>0</u>	<u>0</u>
Current Data	<u>0</u>	<u>0</u>	<u>0</u>

10. TOTAL NUMBER OF ADJUDICATED CRIMINAL-TYPE OFFENDERS HELD IN ADULT LOCKUPS FOR ANY LENGTH OF TIME.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
--	--------------	---------------	----------------

Baseline Data	<u>0</u>	<u>0</u>	<u>0</u>
Current Data	<u>0</u>	<u>0</u>	<u>0</u>

11. TOTAL NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS HELD IN ADULT JAILS FOR ANY LENGTH OF TIME, INCLUDING THOSE STATUS OFFENDERS ACCUSED OF OR ADJUDICATED FOR VIOLATION OF A VALID COURT ORDER.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
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Baseline Data	<u>0</u>	<u>0</u>	<u>0</u>
Current Data	<u>0</u>	<u>0</u>	<u>0</u>

12. TOTAL NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS HELD IN ADULT LOCKUPS FOR ANY LENGTH OF TIME, INCLUDING THOSE STATUS OFFENDERS ACCUSED OF OR ADJUDICATED FOR VIOLATION OF A VALID COURT ORDER.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
--	--------------	---------------	----------------

Baseline Data	<u>0</u>	<u>0</u>	<u>0</u>
Current Data	<u>0</u>	<u>0</u>	<u>0</u>

13. TOTAL NUMBER OF ADULT JAILS AND LOCKUPS IN AREAS MEETING THE "REMOVAL EXCEPTION."

If the State has received approval from OJJDP pursuant to the removal exception contained in the current regulation, enter the number of adult jails and lockups located in those counties or jurisdictions which are outside a Metropolitan Statistical Area.

Baseline Data Not applicable

Current Data

Provide the names of the adult jails and lockups and the county in which it is located. (Attach additional sheets as necessary).

14. TOTAL NUMBER OF JUVENILES ACCUSED OF A CRIMINAL-TYPE OFFENSE WHO WERE HELD IN EXCESS OF SIX (6) HOURS BUT LESS THAN TWENTY-FOUR (24) HOURS IN ADULT JAILS AND LOCKUPS IN AREAS MEETING THE "REMOVAL EXCEPTIONS."

Enter the number of juveniles accused of a criminal-type offense who were held in excess of six (6) hours but less than twenty-four (24) hours in adult jails and lockups located in counties which are outside a Metropolitan Statistical Area.

The 24 hour period should not include weekends and holidays.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>Not applicable</u>	<u> </u>	<u> </u>
Current Data	<u> </u>	<u> </u>	<u> </u>
Adult Jails	<u> </u>	<u> </u>	<u> </u>
Adult Lockups	<u> </u>	<u> </u>	<u> </u>

NOTE: The criteria for this exception includes the existence of a state law requiring detention hearings within 24 hours.

15. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(14).

(This summary should discuss the extent of the State's compliance in implementing Section 223(a)(14), and how reductions have been achieved, including the identification of state legislation which directly impacts on compliance. Discuss any proposed or recently passed legislation or policy which has either positive or negative impact on achieving or maintaining compliance. Attach additional sheets as necessary.)

The State is in full compliance with Section 14, with de minimis exceptions. Only 14 violations of juveniles admitted into county jails were found of 146,366 admissions monitored, in addition to 5 violations in municipal lockups, for a total of 19 violations. Using OJJDP's de minimis criteria for Section 14, a jailing ratio of 1.04 per 100,000 juveniles is reached.

G. DE MINIMIS REQUEST: NUMERICAL

1. THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.

Number of accused juvenile criminal-type offenders held in adult jails and lockups in excess of six (6) hours, accused juvenile criminal-type offender, held in adult jails and lockups in non-MSA's for more than 24 hours, adjudicated criminal-type offenders held in adult jails and lockups for any length of time, and status offenders held in adult jails and lockups for any length of time.

TOTAL = 19

Total juvenile population of the state under 18 according to the most recent available U.S. Bureau of Census data or census projection 1,831,000.

If the data was projected to cover a 12-month period, provide the specific data used in making the projection and the statistical method used to project the data.

Data: _____

Statistical Method of Projection: _____

Calculation of jail removal violations rate per 100,000 population under 18.

Total instances of noncompliance = 19 (a)
Population under 18 = 1,831,000 (b)

19 / 1,831,000 = 1.04
(a) (b) Rate

2. ACCEPTABLE PLAN

Describe whether an acceptable plan has been developed to eliminate the noncompliant incidences through the enactment or enforcement of state law, rule, or statewide executive or judicial policy, education, the provision of alternatives, or other effective means.

Since the number of violations is very low and does not represent a pattern, there is no need to change the current monitoring plan.

3. RECENTLY ENACTED CHANGE IN STATE LAW

Describe recently enacted changes in state law which have gone into effect, and which can reasonably be expected to have a substantial, significant, and positive impact on the State's achieving full (100%) compliance, or full compliance with de minimis exceptions by the end of the monitoring period immediately following the monitoring period under consideration.

As mentioned previously, legislation was passed on July 3, 1989 prohibiting the jailing of juvenile motor vehicle offenders. The change in legislation enabled New Jersey's law to conform to the federal regulations with regard to motor vehicle offenders. It should be noted that the Monitoring Unit has not discovered any juveniles who have been admitted to a jail for motor vehicle offenses since the law became effective.

H. **DE MINIMIS REQUEST: SUBSTANTIVE**

1. **THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.**

- a. Were all instances of noncompliance in violation of or departures from state law, court rule, or other statewide executive or judicial policy?

Yes

- b. Do the instances of noncompliance indicate a pattern or practice, or do they constitute isolated instances? Yes

- c. Are existing mechanisms for enforcement of the state law, court rule, or other statewide executive or judicial policy such that the instances of noncompliance are unlikely to recur in the future? Yes. Few violations were noted and these

were all isolated cases which did not represent a pattern.

- d. Describe the State's plan to eliminate the noncompliant incidents and to monitor the existing enforcement mechanism. Since the number of violations is very low there is no need to change the current monitoring plan. The Monitoring Unit will continue to closely monitor compliance with the requirements of Section 14.

APPENDIX A

LIST OF THE TOTAL NUMBER

OF

JUVENILE DETENTION AND CORRECTIONAL FACILITIES

MONITORED IN 1989

STATE CORRECTIONAL FACILITIES - ADULT AND YOUTH

A. State Prison Complex

- (1) Adult Diagnostic and Treatment Center, Avenel
- (2) Bayside State Prison, Leesburg
- (3) East Jersey State Prison, Rahway
- (4) Edna Mahan Correctional Institution for Women, Clinton
- (5) Mid-State Correctional Facility, Ft. Dix
- (6) New Jersey State Prison, Trenton
- (7) Northern State Prison, Newark
- (8) Riverfront State Prison, Camden
- (9) Southern State Prison, Delmont

B. Youth Correctional Institution Complex (YCIC)

- (1) Garden State Reception and Youth Correctional Facility, Yardville
- (2) Mountainview Youth Correctional Facility, Annandale
- (3) Wagner Youth Correctional Facility, Bordentown

STATE CORRECTIONAL FACILITIES - JUVENILE

A. Training Schools

- (1) Lloyd McCorkle Training School for Boys and Girls, Skillman
- (2) New Jersey Training School for Boys, Jamesburg

B. Residential Group Centers (R.G.C.) and Community Treatment Centers

- (1) Alpha House, Camden
- (2) Allaire, Farmingdale
- (3) Camden House, Camden
- (4) Camden Prep, Camden
- (5) Camden Youth Agricultural, Camden
- (6) Cedar Run R.G.C., Forked River
- (7) Cottage 6-L, Skillman
- (8) Double Trouble Group Home, Forked River
- (9) Essex Residential, Newark
- (10) Green R.G.C., Ringwood
- (11) H.E.L.P., Jamesburg
- (12) Highfields R.G.C., Skillman
- (13) Lincoln Avenue Project, Newark
- (14) Manor Woods R.G.C., Mays Landing
- (15) Monroe House, Jamesburg
- (16) Ocean R.G.C., Forked River
- (17) Pinelands R.G.C., Chatsworth
- (18) RAP, Jamesburg
- (19) Sandy Hook R.G.C., Fort Hancock

- (20) Southern Residential, Egg Harbor
- (21) St. Joe's Program, Trenton
- (22) Turrell R.G.C., Farmingdale
- (23) Voorhees R.G.C., Glen Gardner
- (24) Voorhees South, Camden
- (25) Warren R.G.C., Oxford
- (26) YMCA Explorers, Branchville

C. Juvenile Medium Security Unit, Bordentown

JUVENILE DETENTION FACILITIES IN NEW JERSEY

COUNTY	CAPACITY	FACILITY
Atlantic	19	Atlantic County Juvenile Detention Center (Harborfields) 800 Buffalo and Duerer Streets Egg Harbor, New Jersey 08215 (609) 965-3583 Rip Schavone, Acting Director Donald Christiano, Acting Superintendent
Bergen	41	Bergen County Juvenile Detention Center East Ridgewood Avenue Paramus, New Jersey 07652 (201) 599-6264 Peter Kurtz, Superintendent Bob Knox, Assistant Superintendent
Burlington	21	Burlington County Juvenile Detention Center Box 256 New Lisbon, New Jersey 08064 (609) 726-7150 Mr. Claude Masiko, Superintendent
Camden	38	Camden County Youth Center Lakeland-Blackwood, New Jersey 08012 (609) 757-3467 Mrs. Mary Previte, Superintendent
Cape May		Presently utilizing the juvenile detention facility in Cumberland County
Cumberland	32	Cumberland County Juvenile Center R.D. 2, Box 28 Cumberland Drive Bridgeton, New Jersey 08302 (609) 455-0717 Mr. Ralph Brownlee, Superintendent
Essex	89	Essex County Youth House 70 Duryea Street Newark, New Jersey 07103 (201) 482-5510 Mr. James Oliphant, Superintendent (201) 482-0292 Mr. Phil Linfante, Acting Director (201) 482-2030

Gloucester	15	Gloucester County Juvenile Detention Center Box 39 Clarksboro, New Jersey 08020 (609) 423-3025 Mr. David Armor, Superintendent Mr. Tom Stokes, Administrator
Hudson	45	Hudson County Youth House 635 County Avenue Secaucus, New Jersey 07094 (201) 319-3750 Mr. William Spirko, Superintendent
Hunterdon		Presently utilizing the juvenile detention facilities of Middlesex and Warren counties.
Mercer	47	Mercer County Youth Detention Center 1430 Parkside Avenue Trenton, New Jersey 08638 (609) 530-7909 Mr. Larry Wenger, Director
Middlesex	39	Middlesex County Youth Center Route 130 Box 164 North Brunswick, New Jersey 08902 (201) 297-8991 Mr. John Ross, Administrator of Youth Services Edmund Cicchi, Superintendent
Monmouth	39	Monmouth County Youth Detention Center Dutch Lane Road Freehold, New Jersey 07728 (201) 431-7280 Mr. Gary Linington, Director
Morris	24	Morris County Youth Center c/o Morris County Courthouse Morristown, New Jersey 07960 (201) 285-2959 Mr. Richard Theusen, Director
Ocean	16	Ocean County Juvenile Detention Center 155 Sunset Avenue Toms River, New Jersey 08753 Mr. Robert Coughlin, Director (201) 341-1365

Passaic	52	Children's Shelter of Passaic County 40 Valleyview Road Haledon, New Jersey 07508 (201) 904-6272 Mr. Robert Garigliano, Director of Youth Services
Salem		Presently utilizing the juvenile detention facility in Gloucester County.
Somerset	17	Somerset Detention Cottage Training School for Boys Post Office Box 70 Skillman, New Jersey 08851 (609) 466-2200/466-0370 Ms. Deirdre Tucker, Acting Director
Sussex	16	Sussex County Youth Center R.D. #3 Newton, New Jersey 07860 (201) 948-6000 Mr. Peter Terranova, Administrator
Union	34	George W. Herlich Juvenile Quarters Union County Court House Elizabeth, New Jersey 07207 (201) 527-4922 Darryl Dawson, Superintendent
Warren	20	Warren Acres Box 24 Oxford, New Jersey 07863 (201) 453-2145 Mr. Jerry Coyle, Director Department of Juvenile Detention
Total State Capacity		604

Prepared By: Juvenile Detention and Monitoring Unit
New Jersey Department of Corrections
Whittlesey Road
CN 863
Trenton, New Jersey 08625
(609) 984-6539
December 1989

COUNTY CORRECTIONAL INSTITUTIONS IN NEW JERSEY

<u>COUNTY</u>	<u>FACILITY</u>
Atlantic	Atlantic County Jail 2200 Atlantic Avenue Mays Landing, New Jersey 08330 Phone: (609) 641-0111 Mr. Donald Fiscor, Warden
Bergen	Bergen County Jail 160 South River Street Hackensack, New Jersey 07601 Phone: (201) 646-2588 Major John Duffy, Warden
Burlington	Burlington County Jail 30 Grant Street Mount Holly, New Jersey 08060 Phone: (609) 265-5118 Mr. William Jemison, Administrator
Camden	Camden County Jail Third and Mickle Streets Camden, New Jersey 08101 Phone: (609) 757-6658 Mr. William C. Strang, Jr., Warden
Cape May	Cape May County Jail Crest Haven Road Cape May Court House New Jersey 08210 Phone: (609) 465-7911 Mr. William Fisher, Warden
Cumberland	Cumberland County Jail 54 West Broad Street Bridgeton, New Jersey 08302 Phone: (609) 455-2930 Mr. Joseph Zagari, Undersheriff
Essex	Essex County Jail 60 Nelson Place Newark, New Jersey 07103 Phone: (609) 455-2930 Mr. James A. Mosley, Acting Warden
	Essex County Jail Annex Elm Road Box 349 Caldwell, New Jersey 07006 Phone: (201) 226-7777 Mr. Gerald D. Lenihan, Warden

COUNTY

Gloucester

FACILITY

Gloucester County Prison
Euclid and Hunter Streets
Post Office Box 376
Woodbury, New Jersey 08096
Oscar J. Stiles, Jr., Undersheriff

Hudson

Hudson County Correctional
Institution
576 Pavona Avenue
Jersey City, New Jersey 07306
Phone: (201) 795-6355
Larry Butler, Warden

Hudson County Jail Annex
Two New County Road
Secaucus, New Jersey 07094
Phone: (201) 217-5410
Larry Butler, Chief Warden

Hunterdon

Hunterdon County Jail
Park Avenue and Capner Street
Flemington, New Jersey 08822
Phone: (201) 788-1183
Mr. Carl F. Frick, Warden

Mercer

Mercer County Adult Detention Center
200 Market Street
Trenton, New Jersey 08611
Phone: (609) 989-6587
Patrick McManimon, Superintendent

Mercer County Correctional Center
Post Office Box 8068
Trenton, New Jersey 08650
Phone: (609) 989-6901
Mr. Albert Van Lieu, Jr., Warden

Middlesex

Middlesex County Adult Correctional
Center (Workhouse)
Route 130 - Post Office Box 266
New Brunswick, New Jersey 08903
Phone: (201) 297-3636
Mr. Rudolph Johnson, Warden

Monmouth

Monmouth County Correctional
Institution
1 Water Works Road
Freehold, New Jersey 07728
Phone: (201) 431-7860
Mr. Nelson Stiles, Warden

<u>COUNTY</u>	<u>FACILITY</u>
Morris	Morris County Jail 23 Court Street Morristown, New Jersey 07960 Phone: (201) 829-8202 Charles W. Kranz, Chief
Ocean	Ocean County Jail CN 2191 Justice Complex - 120 Hooper Avenue Toms River, New Jersey 08753 Phone: (201) 929-2043 Theodore J. Hutler, Warden
Passaic	Passaic County Jail 11 Marshall Street Paterson, New Jersey 07501 Phone: (201) 881-4620 Gerardo Torres, Warden
Salem	Salem County Jail 94 Market Street Salem, New Jersey 08079 Phone: (609) 935-7510 Mr. James Hefner, Undersheriff
Somerset	Somerset County Jail 22 East High Street Post Office Box 3000 Somerville, New Jersey 08876 Phone: (609) 231-7150 Mr. John Gardner, Warden
Sussex	Sussex County Jail 41 High Street Newton, New Jersey 07860 Phone: (201) 383-2440 Mr. Joseph Diemar, Warden
Union	Union County Jail 15 Elizabeth Plaza Elizabeth, New Jersey 07860 Phone: (201) 527-4484 Mr. Warren Maccarelli, Director
Warren	Warren County Correctional Center 850 Route 519 Belvidere, New Jersey 07823 Phone: (201) 475-8200 Mr. Robert Sharr, Warden

Furnished By: Bureau of County Services

MUNICIPAL LOCKUPS IN NEW JERSEY

Atlantic County - 14

Absecon	Linwood
Atlantic City	Longport
Brigantine	Margate City
Buena Boro	Northfield
Egg Harbor Township	Pleasantville
Egg Harbor City	Somers Point
Hammonton	Ventnor City

Bergen County - 56

Allendale	Montvalle
Bergenfield	Moonachie
Carlstadt	New Milford
Cliffside Park	North Arlington
Closter Boro	Norwood
Cresskill	Oakland
Dumont	Palisades Park
East Rutherford	Paramus
Edgewater	Park Ridge
Elmwood Park	Port Authority - George Washington Bridge
Englewood	Ramsey
Englewood Cliffs	Ridgefield
Fair Lawn	Ridgefield Park
Fairview	Ridgewood
Fort Lee	River Edge
Franklin Lakes	Rochelle Park
Garfield	Rutherford
Glen Rock	Saddle Brook
Hackensack	Saddle River
Harrington Park	South Hackensack
Hasbrouck Heights	Teaneck
Haworth (Construction)	Tenafly
Hillsdale	Upper Saddle River
Ho-Ho-Kus	Wallington
Leonia	Washington Township
Lodi	Westwood
Lyndhurst	Wood Ridge
Mahwah	Wyckoff

Burlington County - 20

Bordentown City	Medford
Bordentown Township	Mount Holly
Burlington City	Mount Laurel
Burlington Township	Moorestown
Cinnaminson	New Hanover
Lumberton	Palmyra

Edgewater Park
Evesham Township
Florence Township
Maple Shade

Pemberton
Riverside
Springfield Township
Willingboro

Camden County - 26

Audubon
Barrington
Bellmawr
Berlin Boro
Berlin Township
Brooklawn
Camden
Cherry Hill
Clementon
Collingswood
Gloucester City
Haddonfield
Haddon Heights

Haddon Township
Lawnside
Lindenwold
Merchantville
Mount Ephraim
Oaklyn
Pennsauken
Pine Hill
Somerdale
Voorhees Township
Waterford
Winslow Township

Cape May County - 11

Avalon
Cape May City
Cape May Courthouse
(Construction)
Lower Villas Township
Middle Township

North Wildwood
Ocean City
Sea Isle City
West Wildwood
Wildwood
Wildwood Crest

Cumberland County - 2

Vineland

Millville

Essex County - 31

Amtrak
Belleville
Bloomfield
Caldwell
Cedar Grove
East Orange
Essex County Police
(East Orange)
Essex Fells
Fairfield
Glen Ridge
Irvington
Livingston
Maplewood
Millburn
Monclair

Newark - New Main
Newark - North District
Newark - South District
Newark - East District
Newark - West District
Newark International Airport
New Jersey Transit Police - Newark
North Caldwell
Nutley
Orange
Port Newark - Port Authority
Roseland
South Orange
Verona
West Caldwell
West Orange

Gloucester County - 10

Clayton
Deptford
Franklin Township
Glassboro
Mantua Township

Paulsboro
Washington Township
West Deptford Township
Williamstown
Woodbury

Hudson County - 14

Bayonne
East Newark
Guttenberg
Harrison
Hoboken
Holland Tunnel
(Port Authority)
Kearny

Lincoln Tunnel
(Port Authority)
North Bergen
Path Plaza (Port Authority)
Secaucus
Union City
Weehawkin
West New York

Hunterdon County - 1

Clinton (Construction)

Mercer County - 11

East Windsor Township
Ewing Township
Hamilton Township
Hightstown
Hopewell Township
Lawrence Township

Princeton Boro
Princeton Township
Trenton
Washington Township
(Construction)
West Windsor Township

Middlesex County - 21

Carteret
Dunellen
East Brunswick
Edison Township
Highland Park
Metuchen
Middlesex Boro
Monroe Township
New Brunswick
North Brunswick
Old Bridge

Perth Amboy
Piscataway Township
Plainsboro
Sayerville
South Amboy
South Brunswick
South Plainfield
South River
Spotswood Boro
Woodbridge

Monmouth County - 41

Aberdeen
Allenhurst
Asbury Park
Atlantic Highlands
Avon-By-The-Sea
Belmar

Manasquan
Manalapan
Marlboro Township
Matawan
Middletown Township
Monmouth Beach

Bradley Beach
Brielle
Deal
Eatontown
Fairhaven
Freehold Boro
Freehold Township
Hazlet
Highlands
Holmdel Township
Howell Township
Keansburg
Keyport
Little Silver
Long Branch

Neptune City
Neptune Township
Oceanport
Ocean Township
Red Bank
Rumson
Sea Bright
Sea Girt
Spring Lake
Spring Lake Heights
Tinton Falls
Union Beach
Wall Township
West Long Branch

Morris County - 28

Boonton
Butler
Chatham Boro
Chatham Township
Chester Boro (Construction)
Chester Township
Denville
Dover
East Hanover Township
Florham Park
Hanover Township
Harding Township
Jefferson Township
Kinnelon

Madison Township
Mendham Boro
Mine Hill Town
Montville Township
Morristown
Morris Township
Mount Olive Township
Parsippany - Troy Hills
Pequannock Township
Randolph Township
Riverdale
Rockaway Boro
Rockaway Township
Roxbury Township

Ocean County - 15

Beach Haven
Berkeley Township
Brick Township
Dover Township
Jackson Township
Lacey Township
Lakewood
Lavallette

Long Beach Township
Manchester Township
Point Pleasant Beach
Point Pleasant Boro
Seaside Heights
Seaside Park
Stafford Township

Passaic County - 15

Bloomingdale
Clifton
Haledon
Hawthorne
Little Falls
North Haledon
Passaic
Paterson

Pompton Lakes
Prospect Park
Totowa Boro
Wanaque
Wayne Township
West Milford Township
West Paterson

Salem County - 6

Carney's Point Township
Lower Alloways Creek
Township
Penns Grove

Pennsville
Salem
Woodstown

Somerset County - 12

Bernards Township
Bernardsville
Bound Brook
Branchburg
Bridgewater Township
Franklin Township

Manville
Montgomery Township
North Plainfield
Somerville
Warren Township
Watchung

Sussex County - 3

Hardyston
Hopatcong

Vernon Township

Union County - 22

Berkeley Heights
Clark
Conrail (Elizabeth)
Cranford
Elizabeth
Fanwood
Garwood
Hillside
Kenilworth
Linden
Mountainside
New Providence

Plainfield
Rahway
Roselle
Roselle Park
Scotch Plains
Springfield
Summit
Union
Westfield
Winfield Township

Warren County - 3

Hackettstown
Phillipsburg

Washington

Furnished By: Bureau of County Services

APPENDIX B

DATA COLLECTION FORMS

DEPARTMENT OF CORRECTIONS

JUVENILE DETENTION AND MONITORING UNIT

STATE JUVENILE CORRECTIONAL MONITORING REPORT

Name of Facility _____ Phone _____

Superintendent _____ Classification _____

Dates of Commitment Reviews _____

Monitoring Period*

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Status or Non-Offenders											88	88	
Average Juvenile Population in Residence													

1. List all pertinent data for any status offenders admitted or in residence on the day of the inspection: Name, date of admission, date of release, reason for release/transfer, offense, sex, age, length of stay, and county.
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

* Monitor admissions from November 1 to October 31.

Form: Deinstitutionalization - State Correctional (Juvenile)

DEPARTMENT OF CORRECTIONS
JUVENILE DETENTION AND MONITORING UNIT
JUVENILE DETENTION MONITORING REPORT

Facility _____ Phone _____

Administrator _____ Record Keeper _____

Date of Inspections _____

Monitoring Period*

Total Admissions	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Juvenile Offenders											88	88	
Status or Non-Offenders													
Out of State Runaways													

1. List all pertinent data for any status offenders admitted or in residence on the day of inspection: Name, date of admission, date of release, offense, sex, age, municipality, length of stay:

*Monitor admissions from November 1 to October 31.

Form: Deinstitutionalization - Local

DEPARTMENT OF CORRECTIONS

JUVENILE DETENTION AND MONITORING UNIT

STATE ADULT CORRECTIONAL MONITORING REPORT

Name of Facility _____ Phone _____

Superintendent _____ Classification _____

Dates of Commitment Reviews _____

Monitoring Period*

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Juveniles Waived to Adult Status											88	88	
Juvenile Transfers													
Average Adult Population in Residence													

1. List all pertinent data for any juveniles admitted or in residence on the day of the inspection: Name, date of admission, date of release, reason for release/transfer, waiver status, offense, sex, age, length of stay, and county.

* Monitor admissions from November 1 to October 31.

Form: Deinstitutionalization and Separation - State Correctional (Adult)

DEPARTMENT OF CORRECTIONS
JUVENILE DETENTION AND MONITORING UNIT

COUNTY JAIL/WORKHOUSE MONITORING REPORT

Name of Facility _____ Phone _____

Warden _____ Record Keeper _____

Date of Inspection/Phone Inquiries _____

Monitoring Period*

Total Admissions	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Adults											88	88	
Total Juveniles in Jail													
Motor Vehicle Offenders													
Juveniles Waived to Adult Status													
Violations of Sec. 223													

1. List all pertinent data for any juvenile offenders admitted or in residence on the day of inspection: Name, date of admission, date of release, offense, sex, age, length of stay, and waiver status:

*Monitor admissions from November 1 to October 31.

Form: Deinstitutionalization and Separation - Local

APPENDIX C

Standards for Processing Juveniles in Municipal Lockups

NEW JERSEY DEPARTMENT OF CORRECTIONS
STANDARDS FOR PROCESSING JUVENILES IN MUNICIPAL LOCKUPS

1. Introduction

Since 1974 New Jersey has been a participating State in the federal Juvenile Justice and Delinquency Prevention Act (JJDPA). In return for receiving federal funds distributed to state, county and municipal juvenile justice agencies, New Jersey agrees, among other things, to prohibit status offenders (e.g., runaways, truants, and incorrigible juveniles) from being placed in secure custody, and juvenile offenders from being placed in adult jails and lockups.

The Juvenile Detention and Monitoring Unit in the New Jersey Department of Corrections monitors juvenile detention facilities, county jails and workhouses, and state adult and juvenile correctional facilities to ensure compliance with the federal law. Municipal lockups are monitored jointly by the Juvenile Detention and Monitoring Unit and the Bureau of County Services, also in the Department of Corrections. As a result of a federal audit of New Jersey's monitoring procedures, increased attention has been given by the New Jersey Department of Corrections to the monitoring of municipal lockups. These standards are a direct outgrowth of this effort. Most of the standards delineate already existing State and federal law and regulations regarding the processing of juveniles in municipal lockups.

Monitoring of a sample of municipal lockups by the Juvenile Detention and Monitoring Unit reveals that the vast majority of juveniles processed at the municipal level are never placed in secure custody at the police station. Rather, most are processed in nonsecure areas such as interview rooms, booking areas, and administrative areas. This is the preferred process and is in keeping with State and federal law. In fact, a number of municipal police departments in the State do not have a secure cell or holding area specifically designed for detaining juveniles. Accordingly, these standards do not require municipalities to construct or

develop secure cells or holding areas for juveniles. If, however, a municipality constructs or renovates an area to be used for the secure custody of juveniles, the regulations contained in Section 16 of these standards shall apply.

2. Legal Authority of the Department of Corrections

- a. N.J.S.A. 30:1B-10 grants the Commissioner of the Department of Corrections the authority to establish minimum standards for municipal lockups.
- b. The Commissioner of the Department of Corrections may, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., promulgate such rules and regulations as he shall deem necessary to establish minimum standards for such care, treatment, government, and discipline of juveniles detained in municipal lockups.

3. Taking Juveniles into Custody

N.J.S.A. 2A:4A-31 provides the following:

- a. A juvenile may be taken into custody:
 1. Pursuant to an order or warrant of any court having jurisdiction; or
 2. For delinquency, when there has been no process issued by a court, by a law enforcement officer, pursuant to the laws of arrest and the Rules of Court.
- b. Except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without order of the court when:
 1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his protection;
 2. The officer has reasonable grounds to believe the juvenile has left the home and care of his parents or guardian without the consent of such persons; or

3. An agency legally charged with the supervision of a child has notified the law enforcement agency that the child has run away from out of home placement, provided, however, that in any case where the law enforcement officer believes that the juvenile is an "abused or neglected child" as defined in Section 1 of P.L. 1974, c.119 (C9:6-8.21), the officer shall handle the case pursuant to the procedure set forth in the act.

c. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well-being of the juvenile.

4. Short-Term Custody of Juvenile-Family Crisis Cases

a. Pursuant to N.J.S.A. 2A:4A-22(g), juvenile-family crisis does not constitute a delinquent offense, but rather "means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which present or results in (1) a serious threat to the well-being and physical safety of a juvenile, or (2) a serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or (3) unauthorized absence by a juvenile for more than 24 hours from his home, or (4) a pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes."

b. Pursuant to N.J.S.A. 2A:4A-32(a), under no circumstances shall any juvenile taken into short-term custody for a juvenile-family crisis be held more than 6 hours and "a juvenile taken into short-term custody shall not be retained in a detention facility or jail".

c. Juveniles taken into short-term custody at a police department for a juvenile-family crisis shall be held and processed in an unlocked area of the police department.

1. Under State law, the holding of a juvenile-family crisis case in a locked facility is prohibited by N.J.S.A. 2A:4A-32(a).

2. Under federal law, (Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended) the secure holding of status offenders (juvenile-family crisis cases) and nonoffenders in municipal lockups is prohibited. A status offender is a juvenile who has been charged with or adjudicated for conduct which would not be a crime if committed by an adult, such as truancy, runaway, incorrigibility, or possession of alcohol by a minor.
3. For custody purposes, when a juvenile has been charged with both a delinquent and status offense, he may be processed as a delinquent. Likewise, if the juvenile is charged with a status offense and that offense constitutes a violation of probation for a delinquent offense, he may be processed as a delinquent.
- d. Pursuant to N.J.S.A. 2A:4A-32(b), "an officer taking a juvenile into short-term custody shall inform the juvenile of the reason for custody and shall where possible transport, or arrange to have the juvenile transported to his home. The officer releasing a juvenile from such custody shall inform the juvenile's parents or guardian and the juvenile-family crisis intervention unit of the reason for taking the juvenile into custody and may, if he believes further services are needed, inform the juvenile and his parents of the nature and location of appropriate services".
- e. Pursuant to N.J.S.A. 2A:4A-32(c), "a law enforcement officer taking a juvenile into short-term custody may transport the juvenile to the home of a relative of the juvenile or to the home of another responsible adult or make arrangement for such transportation where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in custody of the adult until such time as the juvenile-family crisis intervention unit can bring about the child's return home or an alternative living arrangement or out of home placement. A law enforcement officer placing a juvenile with a relative or responsible adult shall immediately notify the juvenile-family crisis intervention unit of this fact and the reason for taking the juvenile into custody."

f. Pursuant to N.J.S.A. 2A:4A-32(d), "a law enforcement officer acting reasonably and in good faith pursuant to this section in releasing a juvenile to a person other than a parent of a juvenile is immune from civil or criminal liability for his action."

5. Release of Juvenile Delinquents on Their Own Recognizance

N.J.S.A. 2A:4A-35 provides that "a juvenile charged with delinquency may be released at either the police or court level on his own recognizance if all of the following circumstances have been met:

- a. The nature of the offense charged is not such that a danger to the community would exist if the juvenile were released;
- b. There is no parent, guardian or other appropriate adult custodian to whom the juvenile could be released and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person;
- c. The juvenile is at least 14 years of age;
- d. The identity and address of the juvenile are verified through a positive form of identification; and,
- e. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his hearing."

6. Notification of Custody to Parents

Pursuant to N.J.S.A. 2A:4A-33, whenever a police officer takes a juvenile into custody, the officer shall immediately notify the juvenile's parents or guardian that the juvenile has been taken into custody.

- a. Parents shall be notified that a juvenile is in police custody even when the release or detain decision has not been made and further processing time may be required.

7. Processing Juvenile Delinquents

- a. Every effort shall be made to process juvenile delinquents in an unlocked area of the police station such as a booking area, juvenile aid bureau office, detective area, or interview room.
- b. Only in extraordinary situations when juvenile delinquents are assaultive, disruptive, unmanageable, or charged with a serious violent crime shall they be placed in a secure cell or holding room.
- c. In lieu of placing juveniles in a secure cell or holding room, a cuffing bar may be used provided that the juvenile is under continuous visual supervision by a law enforcement officer or other facility staff, and the juvenile does not have regular contact with adults in secure detention or confinement.
- d. If a juvenile is in custody during regular meal periods, the juvenile shall be provided with a meal.

8. Length of Time to Process Juvenile Delinquents

- a. Under State law, a juvenile may be held in a police station only "...for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility". (N.J.S.A. 2A:4A-37(c)).
- b. Pursuant to federal regulations, juveniles alleged to have committed an act which would be a crime if committed by an adult (criminal-type offenders) may be held in a police lockup for a maximum of six hours. "This six-hour period would be limited to the temporary holding in a...lockup by police for the specific purpose of identification, processing, and transfer to juvenile court officials or to juvenile shelter or detention facilities. Any such holding of a juvenile criminal-type offender must be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, and in no case overnight." (Federal Register, Vol. 50, No. 119, June 20, 1985, page 25554).

1. The six-hour limit imposed by the federal government begins to run when the juvenile enters a secure detention status, as defined in Section 9, Secure Detention Defined.

9. Secure Detention Defined

Pursuant to federal regulations, "a secure detention or confinement status has occurred within a jail or lockup facility when a juvenile is physically detained or confined in a locked room, set of rooms, or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object." (Federal Register, Vol. 53, No. 212, November 2, 1988, Page 44366).

10. Separation From Adult Prisoners

a. Under State law, a juvenile detained in a police station must be held "...in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime..." (N.J.S.A. 2A:4A-37(c)).

b. Under federal law, "...juveniles alleged to be or found to be delinquent...shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges" (Section 223(a)(13) of the JJDPA).

1. "The term regular contact is defined as sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks as complete a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults." (Federal Register, Vol. 50, No. 119, June 20, 1985, page 25557).

11. Recordkeeping Requirements for Secure Detention

a. Whenever a juvenile is placed in secure custody as defined in Section 9 above (secure cell, secure holding room, or cuffing bar), regardless of how

brief a period of time, an entry shall be made in a separate logbook or in a separate section of the adult cell logbook. Such entry shall contain, at minimum, the following information:

1. Name, age, sex of juvenile, and charge;
2. Date and time of admission into the cell or holding room;
3. Date and time of release from the cell or holding room;
4. Cell number;
5. Time of each physical cell check (continuous supervision if confined in a barred front cell); and,
6. Signature of officer conducting each physical cell check.

12. Suicide Issues and Reporting Requirements

- a. All cells or holding rooms in which juveniles are placed shall be free of suicide hazards.
- b. If a juvenile, while in custody at a municipal police department, attempts or commits suicide, is sexually or physically assaulted, or has a substantial injury which requires medical attention, a preliminary report (see Appendix A) must be furnished within three days to:

Juvenile Detention and Monitoring Unit
Office of the Commissioner
New Jersey Department of Corrections
CN 863
Trenton, New Jersey 08625

In addition, a follow-up detailed internal report must be furnished to the Juvenile Monitoring Unit which includes, at minimum, the following:

1. A detailed chronology of events regarding the incident;
2. Reason for placement into the cell or holding room;

3. Logbook entries noting the times of each physical cell check;
 4. Statements by all appropriate officers; and,
 5. Copies of all reports from outside agencies such as DYFS, Prosecutor's Office, Medical Examiner's Office, hospitals, etc.
- c. In the event of a death of a juvenile from a suicide or any other reason, the Juvenile Detention and Monitoring Unit shall be notified immediately by telephone at (609) 984-6539. If the death occurs during the evening, weekend, or holiday, the telephone report shall be made immediately on the morning of the next regular working day.
 - d. All juvenile suicides in municipal lockups will be thoroughly evaluated by the Department to determine if all applicable standards, policies, and procedures were adhered to as well as to identify possible physical plant problems. In addition, at the discretion of the Department, juvenile suicide attempts, sexual and physical assaults, and substantial injuries to juveniles may also be similarly evaluated.

13. Supervision of Juveniles

- a. As noted in Section 7(c), Processing Juvenile Delinquents, in lieu of placing juveniles in a secure cell or holding room, a cuffing bar may be used provided that the juvenile is under continuous visual supervision by a law enforcement officer or other facility staff, and the juvenile does not have regular contact with adults in secure detention or confinement.
- b. Juveniles placed in cells or holding rooms with security type hollow core metal doors shall be checked at least every 15 minutes.
 1. A reporting form shall be placed on the door whenever a juvenile is placed in the holding room and the person checking on the juvenile shall initial the form during each check.
 2. If the juvenile placed in the holding room is visibly intoxicated, under the influence of drugs, or shows outward signs of depression,

continuous visual supervision shall be provided by a law enforcement officer or other facility staff. Clearly, extreme caution should be exercised before admitting juveniles in the above condition into municipal lockups. Existing municipal police policies and procedures should be reviewed to determine if the situation warrants a medical clearance.

- c. For juveniles placed in cells or holding rooms with barred fronts, continuous visual supervision shall be provided by a law enforcement officer or other facility staff.
- d. While audio-video monitoring systems provide an added measure of safety and security, these shall not be used as a substitute for continuous visual supervision.

14. Strip Searches

- a. Pursuant to N.J.S.A. 2A:161A-1, "No strip search may be conducted upon a person who has been detained or arrested for the commission of an offense other than a crime, without a warrant or the consent of the person to be searched unless there is probable cause to believe that a weapon, controlled dangerous substance, as defined by the "New Jersey Controlled Dangerous Substances Act, "P.L. 1970, c. 226 (C. 24:21-1 et seq.), or evidence of a crime will be found."
- b. Pursuant to N.J.S.A. 2A:161A-2, "No body cavity search may be conducted upon a person who has been detained or arrested for the commission of an offense other than a crime, without a warrant or the consent of the person to be searched."
- c. Pursuant to N.J.S.A. 2A:161A-4, "Any strip search or body cavity search conducted under this act shall be performed by persons of the same sex as the arrested person and at a location where the search cannot be observed by persons not physically conducting the search."

15. Codes, Regulations and Laws

- a. Municipal detention facilities shall be in conformance with all applicable public health and safety codes, set forth by the State of New Jersey,

the county, and municipality in which the facility is located.

- b. New construction, alterations, additions, and repairs of municipal detention facilities shall comply with the State Uniform Construction Code Act N.J.S.A. 52:27D-1.19 et seq., the Uniform Construction Code Rules, N.J.A.C. 5:23-1 et seq., and with this Subchapter.
- c. All municipal detention facilities shall be in compliance with the New Jersey Uniform Fire Code N.J.A.C. 5:18-1 et seq. in all aspects of fire safety.

16. Requirements for the Construction and Renovation of Juvenile Holding Rooms

The following requirements are to be followed when juvenile holding rooms are constructed or renovated at municipal police departments. The need for a newly constructed or renovated juvenile holding room shall be determined by past practice, the volume of juveniles processed, and current compliance with appropriate laws and regulations. Blueprints for the construction of such holding rooms shall be reviewed and approved by the Bureau of County Services and the Juvenile Detention and Monitoring Unit, Department of Corrections, prior to construction. The Juvenile Detention and Monitoring Unit is available for technical assistance from the conceptual planning stage through final blueprint review.

- a. Juveniles must be separated by "sight and sound" from all adult prisoners. Ideally, the juvenile holding room should be as far removed from the adult cellblock as is practical.
- b. The holding room should be located in an area which facilitates separate processing of juveniles (admission and release). The entrance should be situated so that juveniles have no contact with adult detainees being admitted or released and, if possible, away from areas utilized by the general public.
- c. The juvenile holding room shall be as non-jail like as possible, but must be secure and provide for controlled entry and exiting, and must not be a room or cell which is ordinarily used for the detention

of adult prisoners. Steel mesh detention screens and/or impact-resistant security glazing must be used in place of traditional bars to secure windows and provide observation ports.

- d. Toilet facilities must be readily accessible. When an existing office or similar type of room is renovated for use as a juvenile holding room, toilet facilities must be readily accessible but are not required to be located inside of the room. However, for new construction of a juvenile holding room, it is recommended that toilet facilities be located within the room.
- e. When a separate holding room is provided, it must include the following:
 1. A minimum of 60 square feet of floor space, with a seven foot width and an eight foot ceiling for single occupancy;
 - a. A minimum of 100 square feet of floor space shall be provided for multi-occupancy holding rooms.
 2. A bench or other seating secured to the floor and/or wall;
 3. Adequate lighting, which provides a minimum of 20 foot candle illumination, measured three feet from the floor at the furthest point from the light source, with tamperproof fixtures;
 4. A minimum of 10 cubic feet per minute of fresh or purified air for each juvenile;
 5. No projections over two feet from the floor from which a juvenile could hang himself;
 - a. If audio/video monitoring devices are installed in a holding room, they shall not provide any means by which a suicide attempt may be made.
 - b. Grills covering the air vents, which are a significant suicide hazard, should be designed to prevent articles of clothing from being tied to the grills;

6. A security type hollow core metal door which has a pull type handle in lieu of an inside doorknob.
7. A viewing port, at least 18" x 30", constructed of impact-resistant security glazing, to observe juveniles being held in the room.
8. Walls, floors, and ceilings of security design and finish.