

BRING OUR CHILDREN HOME:

Building Up Kids Through New Jersey's Youth Services Commissions



A REPORT BY THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE



THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE

The mission of the New Jersey Institute for Social Justice is to empower urban residents to realize and achieve their full potential. Established in 1999 by Alan V. And Amy Lowenstein, the Institute's dynamic and independent advocacy is aimed at toppling load-bearing walls of structural inequality to create just, vibrant, and healthy urban communities. We employ a broad range of advocacy tools to advance our ambitious urban agenda, including research, analysis and writing, public education, grassroots organizing, the development of pilot programs, and legislative strategies.

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"The question is not if we can afford to invest in every child; it is whether we can afford not to."

- Marian Wright Edelman

INTRODUCTION

\$289,287.

Imagine the good that could be done in a child's life with an annual investment of \$289,287.

Instead, New Jersey is spending this much this year to incarcerate each young person in a state youth prison.¹

With 188 kids locked up, on average, this year,² this amounts to New Jersey spending an astounding \$54,385,956 on youth incarceration alone. This shocking expenditure comes at a time when our state's youth prisons are almost two-thirds empty,³

and when almost a quarter of the young people released from youth facilities return within three years.⁴

And one thing is tragically clear: This broken youth justice system disproportionately harms Black and Brown kids.

As of 2015, New Jersey has the worst Black to white youth incarceration disparity rate in America.⁵ A Black child is over 30 times more likely to be detained or incarcerated than a white child.

This disparity exists despite research that shows that Black and white kids commit most offenses at similar rates.⁶ Any differences that do exist in the commission of certain crimes (such as violent offenses) cannot explain the extreme racial disparities in commitment.

In our state of almost nine million people,⁷ as of May 1, 2019, only eight white kids are incarcerated.⁸ By stark contrast, 113 of New Jersey's 158 incarcerated youth are Black.⁹

This destructive system also impacts Brown youth: New Jersey currently has the second worst Latino to white youth incarceration disparity rate in the nation.¹⁰

In short, our state's youth incarceration system wastes taxpayer dollars, does not meaningfully increase public safety, and disproportionately harms Black and Brown kids. It must be put to an end.¹¹

Thankfully, with the January 2018 closure announcement of Jamesburg, the state's largest youth prison for boys, and Hayes, New Jersey's girls' youth prison, New Jersey took a historic first step toward ending our youth incarceration system.¹² And, with the recent introduction of the New Jersey Youth Justice Transformation Act, which mandates a closure timeline for all three of the state's youth prisons, New Jersey is on its way to ensuring that youth prisons will soon become a relic of the past.¹³

But beyond closing youth prisons, what if there were a way to help young people before incarceration was even a consideration? What if there were a process through which at-risk youth in our state could have access to restorative treatment and services that could address their unique concerns and issues to aid rehabilitation at the front-end? And what if there were an outlet for community members to have a say in what services kids in their community need to stay in school and out of the youth justice system?



New Jersey's county Youth Services Commissions create such a system. As the county bodies responsible for planning and funding youth services ranging from prevention to reentry services, they are a vital tool in keeping our young people in their communities and schools. However, a lack of funding, community engagement, transparency, and accountability has led to an uneven Youth Services Commission landscape—resulting in inconsistent programs and services for our young people based largely on their zip codes.

This report sheds light on New Jersey's Youth Services Commissions and proposes that by strengthening our state's current structure—through increased funding, community engagement, transparency, and accountability—we can help create a community-based system of care that builds up our young people, instead of a system built on incarcerating them. In doing so, we can keep them in their communities, keep them out of youth prisons, and ensure that they have every opportunity to develop and thrive.

WHAT ARE YOUTH SERVICES COMMISSIONS?

Each of New Jersey's 21 counties¹⁴ has a county Youth Services Commission (YSC) responsible for planning and funding the county's youth prevention, diversion, detention, disposition, and reentry programs and services.¹⁵ To finance this process, YSCs apply for funding from the New Jersey Juvenile Justice Commission (JJJ) through the submission of a comprehensive plan every three years (the "triennial plan") that contains the following information: YSC membership; YSC meeting dates; existing programs and services; countywide youth arrest, diversion, detention, disposition, and reentry data (broken down by such categories as race, gender, and ethnicity); proposed recommendations for programs and services to address needs and gaps; and a vision of the county's ideal continuum of care.¹⁶ In addition to the triennial plan, YSCs are also required to submit plan updates and an annual funding application.¹⁷

Among other responsibilities, YSCs are tasked with informing the public about the unique youth justice issues faced by county youth. Specifically, they are required to "[a]ssess and prioritize the needs of youth adjudicated or charged delinquent"; "[d]etermine, through the collection and maintenance of data, the nature and scope of juvenile delinquency and related problems in the county and identify the geographical regions within the county where such offenses and problems are most prevalent"; and to "[i]nform the public of the scope of juvenile offenses, the needs of youth in the county and the availability of sanctions and

services, and advocate for the needs of youth."¹⁸ Through this role, YSCs provide critical youth justice information to community members.

YSCs also help New Jersey comply with federal requirements. For example, the federal Juvenile Justice Delinquency Prevention Act (JJJPA) provides funding to states for youth programming and services based on a number of conditions—including the creation of "a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas."¹⁹ As New Jersey's Juvenile Justice and Delinquency Prevention Committee—the state entity responsible for managing JJJPA funds²⁰—has noted, YSCs "offer the best opportunity" to comply with this rural areas requirement.²¹

YSCs are thus a vital tool for ensuring that each young person in a given county has access to a variety of programs and services to keep them out of the youth justice system, is provided with diversionary resources if they do get ensnared in the system, and is supported with effective reentry supports upon release.

WHY WERE YOUTH SERVICES COMMISSIONS CREATED?

The current YSC framework grew out of a need for effective youth programming at the local level. In the early 1990s, a time when youth arrests for serious offenses were on the rise in New Jersey, the range of pre-incarceration services at the local level was limited.²² While YSCs did exist at the county level at that time, they had not been formalized or legislatively mandated.²³ As a result, the Governor's Advisory Council, convened by former-Governor Christine Todd Whitman to develop youth justice recommendations, recommended the formal legislative establishment of county YSCs as the main local planning and policy entity for youth-justice-involved- and at-risk youth in its December 30, 1994 report.²⁴

As a result of the Council's recommendations, a wave of youth justice legislation swept across New Jersey in 1995, with the creation of New Jersey's Juvenile Justice Commission, the formalization of the YSC program, and the formation of the State/Community Partnership grant program—the primary YSC funding grant.²⁵



“The County Youth Services Commissions have had a significant role in the success of New Jersey’s juvenile justice programs and services, and in the implementation of the mission and responsibilities of the Juvenile Justice Commission (JJC). The County Youth Services Commissions are key to reducing juvenile crime in local communities, and increasing the accountability, effectiveness[,] and efficiency of the juvenile justice system.”

– Statement of the New Jersey Association of County Youth Services Commission Administrators²⁶

HOW CAN YOUTH SERVICES COMMISSIONS BE IMPROVED?

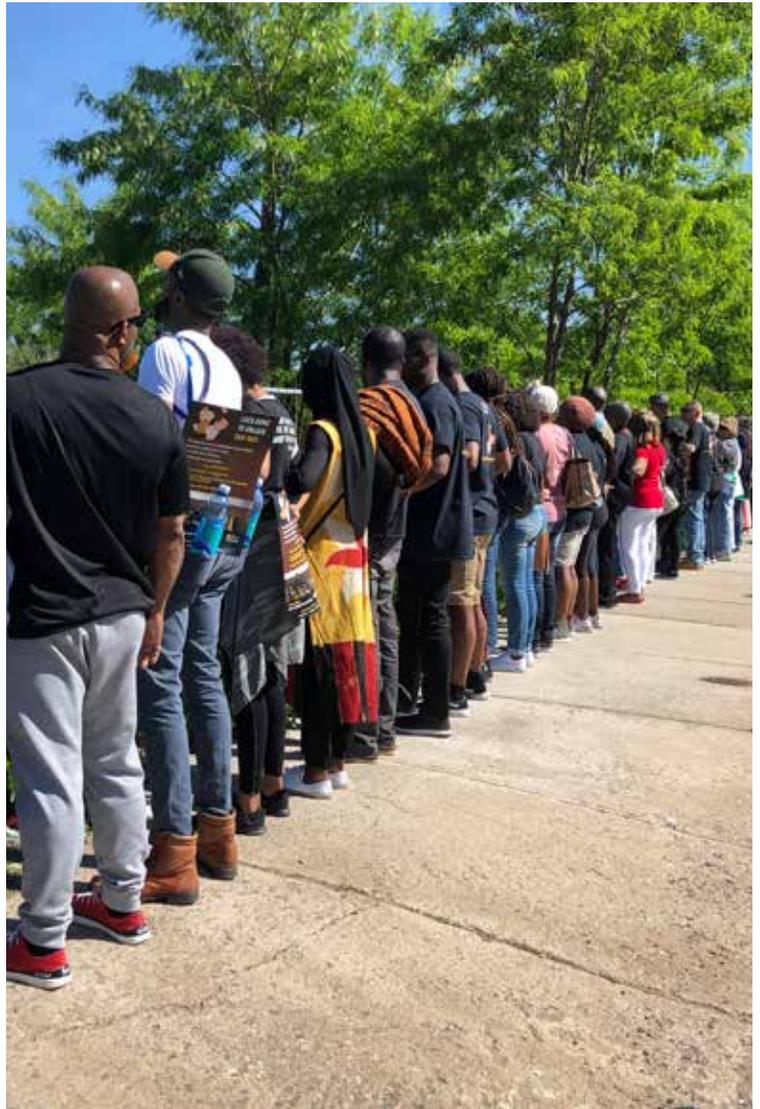
By investing in effective front-end programs and impactful reentry services, YSCs can be a powerful force to keep our kids in their communities with their loved ones. In the almost quarter century since they were first legislatively mandated, however, there does not appear to have been a comprehensive statewide review of the YSC process.

It is long past time for that review.

On October 26, 2018, Governor Phil Murphy signed Executive Order No. 42 creating the Task Force for the Continued Transformation of Youth Justice in New Jersey.²⁷ Among other responsibilities, the Task Force is required to evaluate “the current Youth Services Commission scheme and identify areas to be strengthened and strategies to increase accountability, including funding, community member involvement, and data reporting.”²⁸

On February 26, 2019, the New Jersey Association of County Youth Services Commission Administrators (the “Association”)—the YSC professional organization—issued a statement of recommendations to the Task Force.²⁹ The statement contains several recommendations for improving the YSC process—including increased staffing, a request to use program funds for youth transportation, and the expansion of transitional housing options.³⁰ While some of the Association’s recommendations may warrant further review,³¹ this statement is a significant step in strengthening the YSC process.

In particular, the Association’s recommendation regarding a review of how YSCs are funded is on point.³²





FUNDING

POLICY PROPOSAL 1:

The Juvenile Justice Commission should reassess its YSC funding formula.

Currently, the JJC uses the following formula elements to allocate funding to New Jersey’s 21 counties:

- An equal minimum base of \$75,000 to each county;
- A formula based on the extent of youth justice problems in each county which incorporates the following: (1) the county’s percentage of the State’s youth population; (2) the county’s percentage of the State’s total youth arrests for violent Index crimes; and (3) the county’s percentage of the State total of persons living below the poverty level; and
- An equal allocation to each county of \$55,550 for program management.³³

Other than an increase in program management funds, this formula—which is used to apportion both State/Community Partnership and Family Court Services grant funding³⁴—has remained largely unchanged for the past 20 years.³⁵ This is so even though the New Jersey Administrative Code allows the JJC to adjust funding allocations “as it deems necessary in order to reflect changing needs in and among counties”³⁶

Between 1998 and 2018, funding for the State/Community Partnership grant and the Family Court Services program to New Jersey’s 21 counties only increased by 29.6 percent (from a combined \$10,679,297 to a combined \$13,838,253).³⁷ And, even including the current \$2,126,144 counties received in 2018³⁸ in Juvenile Detention Alternatives Initiative (JDAI) Innovation funding³⁹—which was not available in 1998—YSC funding from the State has only increased by 49.5 percent during this time period.⁴⁰

By stark contrast, between 1998 and 2018, the amount New Jersey spent each year to incarcerate a young person increased by an astounding 370.4 percent (from an annual per capita total of \$51,400.67 in 1998 to \$241,809 in 2018—which, as previously mentioned, increased to \$289,287 in 2019).⁴¹ Even more troubling, this increase occurred during a period where the state’s incarcerated youth population decreased by seventy percent—from 729 to 215 young people.⁴²

49.5%

Increase in YSC funding between 1998 and 2018.

370.4%

Increase in the amount New Jersey spent to incarcerate each child between 1998 and 2018.

1998 YOUTH SERVICES COMMISSION FUNDING			
County	State/ Community Partnership	Family Court	Total
ATLANTIC	\$310,764	\$129,816	\$440,580
BERGEN	\$440,993	\$264,723	\$705,716
BURLINGTON	\$292,753	\$163,936	\$456,689
CAMDEN	\$491,423	\$233,063	\$724,486
CAPE MAY	\$161,807	\$90,316	\$252,123
CUMBERLAND	\$234,795	\$117,629	\$352,424
ESSEX	\$887,119	\$442,897	\$1,330,016
GLOUCESTER	\$220,935	\$121,831	\$342,766
HUDSON	\$711,346	\$264,368	\$975,714
HUNTERDON	\$143,799	\$82,123	\$225,922
MERCER	\$312,853	\$173,600	\$486,453
MIDDLESEX	\$382,034	\$214,572	\$596,606
MONMOUTH	\$396,081	\$218,983	\$615,064
MORRIS	\$248,551	\$159,523	\$408,074
OCEAN	\$320,594	\$171,922	\$492,516
PASSAIC	\$422,308	\$232,958	\$655,266
SALEM	\$154,691	\$86,112	\$240,803
SOMERSET	\$186,999	\$122,123	\$309,122
SUSSEX	\$158,365	\$88,632	\$246,997
UNION	\$371,357	\$213,638	\$584,995
WARREN	\$150,433	\$86,532	\$236,965
TOTAL	\$7,000,000	\$3,679,297	\$10,679,297

2018 YOUTH SERVICES COMMISSION FUNDING				
County	State/ Community Partnership	Family Court	JDAI*	Total
ATLANTIC	\$368,795	\$151,144	\$124,000	\$643,939
BERGEN	\$522,748	\$308,217	\$80,144	\$911,109
BURLINGTON	\$364,181	\$230,869	\$124,000	\$719,050
CAMDEN	\$582,363	\$464,649	\$124,000	\$1,171,012
CAPE MAY	\$209,383	\$105,152	\$124,000	\$438,535
CUMBERLAND	\$295,153	\$136,955	\$124,000	\$556,108
ESSEX	\$1,050,145	\$515,661	\$124,000	\$1,689,806
GLOUCESTER	\$279,282	\$278,523	\$124,000	\$681,805
HUDSON	\$842,354	\$307,803	\$124,000	\$1,274,157
HUNTERDON	\$188,094	\$95,615	\$-	\$283,709
MERCER	\$369,995	\$287,392	\$124,000	\$781,337
MIDDLESEX	\$453,049	\$388,453	\$124,000	\$965,502
MONMOUTH	\$469,649	\$386,754	\$124,000	\$980,403
MORRIS	\$311,929	\$185,733	\$-	\$497,662
OCEAN	\$380,417	\$338,792	\$124,000	\$843,209
PASSAIC	\$500,656	\$431,420	\$124,000	\$1,056,076
SALEM	\$200,966	\$100,261	\$-	\$301,227
SOMERSET	\$239,162	\$142,188	\$124,000	\$505,350
SUSSEX	\$205,316	\$163,184	\$62,000	\$430,500
UNION	\$440,426	\$248,737	\$124,000	\$813,163
WARREN	\$195,937	\$100,751	\$124,000	\$420,688
TOTAL	\$8,470,000	\$5,368,253	\$2,126,144	\$15,964,397

*Juvenile Detention Alternatives Initiative Innovation Funding

New Jersey should be investing in building up kids, not in incarcerating them.

To do so, New Jersey must prioritize funding to keep its young people out of youth incarceration on the front-end and to provide support for them upon return to the community. To that end, the recently-introduced New Jersey Youth Justice Transformation Act creates a \$100 million “lockbox fund” to fund effective community-based youth programs.⁴³ The Legislature and Governor should act quickly to pass this bill to safeguard these important funds.

To ensure that these funds are effectively spent and reflect current county youth justice priorities, the JJC should also review its YSC funding formula. As noted by the Association, “[w]ith the changes in the needs of each community and demographics[,] revisiting the formula for any possible changes would be beneficial in providing services.”⁴⁴ Such an assessment will determine if the current formula is best supporting the counties that need it most—primarily the communities most impacted by youth incarceration. After the formula is reviewed and, if needed, modified, the JJC should post the funding formula, a written explanation for any formula changes, and its county disbursements to its official website. If needed, supplemental grant opportunities can also be considered for those counties most impacted by youth incarceration.



Further to the call for a review of the funding formula, there are a number of additional reform measures that would strengthen the YSC process: increased community engagement, transparency, and accountability.⁴⁵



Family and community engagement are critical to successful youth development. Indeed, as the Governor’s Advisory Council noted, “[t]he Juvenile Code’s philosophy recognizes, and most studies and experts concur, that the goals of public safety and rehabilitation are best served if the community and family are closely involved in dispositional services and sanctions.”⁴⁶ Yet, even with this recognition, community member involvement in county YSCs is limited and uneven.

POLICY PROPOSAL 2:

New Jersey should mandate that at least two YSC seats be held by a youth and a parent directly impacted by the youth justice system.

The New Jersey Administrative Code requires that each county YSC have a minimum of 20 voting members.⁴⁷ Voting members that are required to serve on the YSC include, among others, the following: the county’s presiding Superior Court Family Part Judge (or designee), the highest elected official of county government, the county prosecutor, the regional public defender, the county’s school superintendent, the county detention center director, and a representative of the county’s business community.⁴⁸ The Administrative Code also provides that **at least two, but no more than 11 individuals** in total, can serve on the YSC from the following categories: (1) the education sector; (2) mental health, family counseling, child advocacy, domestic violence, and/or victims’ rights groups; (3) **parents** or parent organizations; (4) clergy; (5) family law practitioners; (6) the minority concerns vicinage advisory committee of the Administrative Office of the Courts; (7) civic organizations; (8) representatives of major urban areas within the county; (9) **community youth**; (10) municipal youth services commissions; and (11) other interested persons who deal with children.⁴⁹



Thus, the Administrative Code currently provides the option, rather than the mandate, for YSCs to have seats for youth and parents. Many YSCs do not appear to be considering this option: a review of county triennial plans shows that several YSCs do not have any parent or youth representatives.⁵⁰ Rather than focusing primarily on system actors participating in the YSC process, YSCs should serve as a vehicle for parents and youth—particularly those who have been directly impacted by the youth justice system—to meaningfully contribute their expertise to county youth programming.

New Jersey should mandate that at least two YSC seats be held by a youth and a parent directly impacted by the youth justice system. YSCs can also go further than this mandate by providing additional seats for these two constituencies in their bylaws.⁵¹

POLICY PROPOSAL 3:

New Jersey should mandate that YSCs meet in a neutral location during the weekend or evening.

The Administrative Code requires that YSC meetings be “held at such times and in such locations as to encourage maximum public attendance.”⁵² However, as of July 8, 2019, not a single county YSC holds its meetings during the evening or weekend—times when community members would most likely be able to attend.⁵³ In addition, having YSC meetings during the school day also ensures that young people—those directly impacted by the YSC’s work—effectively have no say in the body’s functions. While current YSC meeting schedules likely accommodate YSC members whose jobs are in the youth justice system,⁵⁴ they are a clear impediment to meaningful community engagement with the YSC process. Further, many YSC meetings occur in governmental buildings (including courthouses),⁵⁵ which may act as a barrier to attendance for community members and youth who have been traumatized by the youth justice system.



To address these concerns, New Jersey should mandate that YSC meetings occur in the evening or on weekends at a community-based location unassociated with the youth justice system. For example, a YSC meeting at 7 pm—with food, transportation, and child care provided—at a church⁵⁶ or community center could provide an optimal way to increase community engagement.



TRANSPARENCY & ACCOUNTABILITY

Transparency and accountability are the keystones to ensuring that YSCs are applying for necessary funding in a timely manner, funding effective programs and services, and engaging in ongoing monitoring of outcomes and other success measures. The policy proposals below serve to increase YSC transparency and accountability.

POLICY PROPOSAL 4:

New Jersey should develop a scheme that incentivizes YSCs to submit timely triennial plans and updates to the JJC and for the JJC to approve these documents in a timely fashion.

YSC triennial plans are the primary tool for YSC funding, accountability, and transparency. Comprehensive triennial plans provide YSCs with the necessary funding and outline to finance impactful and dynamic youth programs. The plans also serve as an invaluable tool for community members to understand current youth justice concerns in the county, how the YSC plans to address these concerns, how funding is spent, and how youth programs and services are monitored and improved.

But triennial plan accountability is a point of concern. The New Jersey Administrative Code conditions YSC funding approval on timely application and triennial plan or update submission.⁵⁷ The deadline for YSC submission of the 2018-2020 triennial plan to the JJC was September 1, 2017.⁵⁸ Yet, documents received in response to an Open Public Records Act (OPRA) request for all county 2018-2020 triennial plans show that, as of June 21, 2018, only 12 counties had submitted their plans, had them approved by the JJC and the Department of Law and Public Safety, and had received fully executed awards: Atlantic, Burlington, Cape May, Cumberland, Gloucester, Hunterdon, Middlesex, Monmouth, Somerset, Sussex, Union, and Warren,⁵⁹ on September 14, 2018,

Bergen and Camden Counties' plans were made available,⁶⁰ and, as of September 10, 2018, Mercer, Morris, Ocean, Passaic, and Salem Counties' plans were awaiting review by the Office of the



Attorney General and Essex and Hudson Counties' plans were still under review with the JJC "given the extent of the revisions that were required of the counties."⁶¹

To guarantee that counties submit their triennial plans and funding applications on a timely basis, and thus ensure timely fund distribution for needed county programs, New Jersey should develop a plan to incentivize timely submission. For example, other states (e.g., Ohio and Illinois) have incentivized the development of local youth programming by tying funding for such programs to funding for and county reductions in juvenile commitments to state facilities.⁶² New Jersey should create a similar process wherein counties that submit late triennial plans, updates, and applications would have to agree to a percentage reduction of juvenile commitments (or a similar sanction) to receive continued funding. Such a mandate could inspire all counties, even those who submit their plans in a timely fashion, to make similar pledges.

Further, to ensure timely JJC approval of plans and updates, New Jersey should require the JJC to post the status of all plans and updates (and any related documents) on its official website, providing a written explanation for any delay.

POLICY PROPOSAL 5:

New Jersey should mandate that each YSC create an individual website or webpage and that the JJC, the Association, and each YSC post all relevant information (meeting and call information, triennial plan, annual update, etc.) to their individual websites/webpages.

Currently, there are three primary websites/webpages that provide YSC information: (1) the Juvenile Justice Commission website, (2) each individual county's YSC webpage, and (3) the Association's website. Each of these sites/pages poses different transparency challenges. For one, although the JJC funds and approves YSC plans, as of July 8, 2019, the JJC website provides minimal YSC information.⁶³ Information available on individual YSC webpages also varies greatly. For example, while Atlantic County's comprehensive YSC webpage contains its YSC meeting schedule, a list of its members, its triennial plan, and contact information for its YSC administrator,⁶⁴ as of July 8, 2019, Warren, Essex, and Camden Counties do not have individual YSC webpages.⁶⁵



Fortunately, there has been recent progress to make the YSC process more transparent. On Friday, May 3, 2019, the Association launched its new website.⁶⁶ The website includes a page for each county YSC and a master calendar of upcoming meetings.⁶⁷ While the new website is an important step toward transparency, gaps remain: as of July 8, 2019, the majority of county pages do not include the triennial plan, annual update, funding application, or meeting minutes.⁶⁸ And, with the website announcement launch taking place during the work day,⁶⁹ it is unclear if community members and families are aware of this important resource.

To bring greater transparency to the YSC process, the State should mandate that all YSCs create individual websites, and that all relevant websites/webpages (i.e., those of the JJC, individual YSCs, and the Association) contain the triennial plan, annual update, funding application, YSC meeting dates and locations, meeting minutes, and any other additional relevant YSC documents.⁷⁰ To bring even further transparency, YSCs should also discuss with community members how they would like to receive important YSC updates (e.g., mailer, email, application, etc.).

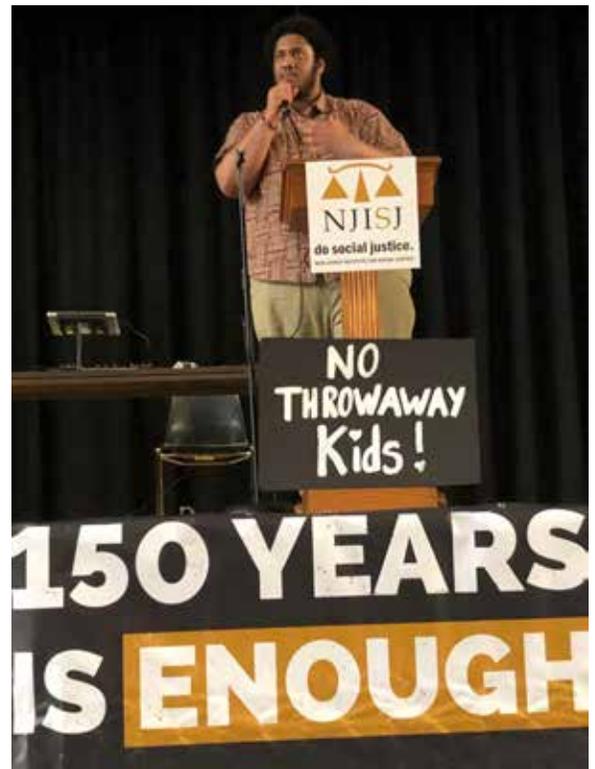
POLICY PROPOSAL 6:

New Jersey should mandate monthly YSC meetings and biweekly subcommittee calls.

Currently, YSCs are only required to meet “no less frequently than six times annually, provided that no more than nine weeks shall elapse between meetings”⁷¹ This has resulted in a disparate meeting landscape across counties. For example, several counties, such as Atlantic, Burlington, Cumberland, Mercer, and Middlesex meet on a monthly basis.⁷² By contrast, Cape May, Gloucester, Hudson, Hunterdon, Passaic, Monmouth, Warren, and Camden County—the county that consistently commits the highest number of youth to JJC facilities in the state⁷³—only plan to hold the minimum six YSC meetings in 2019.⁷⁴ Along with the proposals to increase YSC funding and community involvement, holding all YSCs to a monthly meetings standard will increase equity across counties and serve as an additional accountability and transparency measure to make certain that YSCs are operating in the most effective and impactful manner.

In addition to monthly meetings, YSCs should also consider hosting an annual “open house” for community members and program providers to walk through the YSC process, how community members can become involved as members, how program providers can effectively apply for YSC funding, and what the YSC has identified as funding priorities and why. Moreover, quarterly meetings should be held to inform prospective program providers about the funding application process, to ensure both seasoned and new program providers have equal access to and information about vital funding.

Further, the Administrative Code requires each YSC to establish standing committees to consider the following issues: (1) the development of the triennial plan and updates; (2) the review of provider proposals; (3) monitoring and evaluation of programs, sanctions, and services; (4) education, training, and community awareness; and (5) racial disparities.⁷⁵ To ensure that the standing committees meet regularly, have accountability measures in place, are incorporating community feedback, and are moving forward with tangible outcomes, the State should mandate that—in between YSC monthly meetings—these committees hold biweekly calls. These calls should be open to the public and any committee minutes/reports should be posted to all relevant websites/webpages.





CONCLUSION

Closing New Jersey's three youth prisons is a critical step in transforming our state's broken youth justice system. As this report illustrates, however, closure is only part of the equation. It is imperative that New Jersey has fully-effective, fully-funded, fully-community involved, fully-transparent, and fully-accountable YSCs to create a comprehensive community-based system of care for our young people.⁷⁶

By implementing the proposals in this report, we can move closer to the creation of a system that builds up all of New Jersey's kids.

ENDNOTES

¹ N.J. DEP'T OF THE TREASURY OFFICE OF MGMT. & BUDGET, GOVERNOR'S FY 2020 DETAILED BUDGET D-264 (2019), <https://www.nj.gov/treasury/omb/publications/20budget/pdf/FY20GBM.pdf>.

² *Id.*

³ *Id.* This calculation was determined by subtracting the average daily population of Juvenile Justice Commission youth prisons in 2019 (188) from the operational capacity of these facilities that same year (511). The resulting number (323) was then used to obtain the percentage of empty youth prison beds (323 is 63.2% of 511).

⁴ N.J. DEP'T OF CORR. ET AL., RELEASE OUTCOME 2014: A THREE-YEAR FOLLOW UP 6, https://www.state.nj.us/corrections/pdf/offender_statistics/2014_Release_Recidivism_Report.pdf.

⁵ THE SENTENCING PROJECT, BLACK DISPARITIES IN YOUTH INCARCERATION (2017), <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>.

⁶ JOSHUA ROVNER, THE SENTENCING PROJECT, RACIAL DISPARITIES IN YOUTH COMMITMENTS AND ARRESTS 6-7 (2016), <https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>; *see also* NAT'L JUVENILE JUSTICE NETWORK, IMPLICIT BIAS: WHY IT MATTERS FOR YOUTH JUSTICE 1-2 (2017), <http://www.njjn.org/uploads/digital-library/NJJN%20Implicit%20Bias%20Snapshot%202017.pdf>.

⁷ *Quick Facts: New Jersey*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/NJ> (last visited July 11, 2019).

⁸ N.J. JUVENILE JUSTICE COMM'N, AS OF MAY 1, 2019, THE TOTAL NUMBER OF YOUTH IN A JJC SECURE FACILITY, BROKEN DOWN BY FACILITY, RACE, GENDER, AND AGE (2019) (on file with author).

⁹ *Id.*

¹⁰ THE SENTENCING PROJECT, LATINO DISPARITIES IN YOUTH INCARCERATION (2017), <https://www.sentencingproject.org/publications/latino-disparities-youth-incarceration/>.

¹¹ *See generally* ANDREA McCHRISTIAN, N.J. INST. FOR SOC. JUSTICE, BRING OUR CHILDREN HOME: AIN'T I A CHILD? (2016) (describing inequities of youth incarceration and proposing alternatives to incarceration), https://d3n8a8pro7vnm.cloudfront.net/njisj/pages/465/attachments/original/1482183464/Ain%27t_I_A_Child_Final_.pdf?1482183464.

¹² Press Release, N.J. Inst. for Soc. Justice, Institute Statement on Governor Christie's Plan to Close Two New Jersey Youth Prisons (Jan. 8, 2018), https://www.njisj.org/institute_statement_on_governor_christie_s_plan_to_close_two_new_jersey_youth_prisons.

¹³ S.B. 3701, 218th Leg., 2nd Ann. Sess. (N.J. 2019), https://www.njleg.state.nj.us/2018/Bills/S4000/3701_I1.PDF; Gen. Assemb. B. 5365, 218th Leg., 2nd Ann. Sess. (N.J. 2019), https://www.njleg.state.nj.us/2018/Bills/A9999/5365_I1.PDF.

¹⁴ Municipalities may also have Youth Services Commissions as well. For example, Somerset County, in addition to having a county YSC, also has 14 municipal YSCs. *See Municipal Youth Services Commissions*, SOMERSET CTY., <https://www.co.somerset.nj.us/government/human-services/youth-services/municipal-youth-services-commissions> (last visited July 11, 2019).

¹⁵ N.J. GOVERNOR'S JUVENILE JUSTICE & DELINQUENCY PREVENTION COMM., THE NEW JERSEY 2016 COMPREHENSIVE THREE-YEAR PLAN OCTOBER 1, 2016-SEPTEMBER 30, 2019 28-29 (2016) (on file with author).

¹⁶ *See, e.g.*, MONMOUTH CTY., MONMOUTH COUNTY COMPREHENSIVE YOUTH SERVICES PLAN 2018-2020, <http://co.monmouth.nj.us/documents/41/2018-2020%20Monmouth%20County%20Youth%20Services%20Plan.pdf>.

¹⁷ An update to the triennial plan must be submitted before the second and third year of the triennial plan cycle, and must include a narrative description of program activity, the extent to which needs identified in the plan are being currently addressed, and how partnership funds are meeting these needs. The annual funding application must include an identification of all program and services funding sources and amounts and the listed efforts to ensure that services are culturally appropriate. *See* N.J. ADMIN. CODE § 13:90-3.11 (2019).

¹⁸ N.J. ADMIN. CODE § 13:90-2.10 (2019).

¹⁹ 34 U.S.C. § 11133 (2018), <http://www.act4jj.org/sites/default/files/resource-files/JJDP%20Complete%20Act%20%282018%29.pdf>.

²⁰ GOVERNOR'S JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMM., NOTICE OF AVAILABILITY OF JJDP ACT TITLE V FUNDS (2005), <https://www.state.nj.us/lps/jjc/pdf/TitleVFundingAnnouncement.pdf>.

²¹ N.J. GOVERNOR'S JUVENILE JUSTICE & DELINQUENCY PREVENTION COMM., *supra* note 15, at 68.

²² N.J. STAT. ANN. § 52:17B-169 (West 2002).

²³ GOVERNOR'S ADVISORY COUNCIL ON JUVENILE JUSTICE, FINAL REPORT 25-26 (1994) (on file with author).

²⁴ *Id.* at 21.

²⁵ See N.J. STAT. ANN. § 52:17B-169 (West 2012); § 52:17B-179 (West 1995); § 52:17B- 180 (West 2005).

²⁶ Statement from Rosy Arroyo & Antonietta B. Phelan, Co-Chairs, N.J. Ass'n of Cty. Youth Servs. Comm'n Adm'rs, to the Task Force for the Continued Transformation of Youth Justice (Feb. 26, 2019) (on file with author).

²⁷ N.J. Exec. Order No. 42 (Oct. 26, 2018), <https://nj.gov/infobank/eo/056murphy/pdf/EO-42.pdf>.

²⁸ *Id.* at 3.

²⁹ See Statement, *supra* note 26.

³⁰ *Id.*

³¹ For example, the Association recommends that the planning period be extended from three to five years to "allow each commission to invest more time with developing the capacity of programs and organizations so that they are better prepared to serve youth in the community." *Id.* For the reasons outlined in this report, and given that the planning period was already previously extended from two to three years (see N.J. JUVENILE JUSTICE COMM'N, JUVENILE JUSTICE MASTER PLAN 87 (1999) (on file with author)), transparent and comprehensive reporting should not be further delayed. In addition, the Association's recommendation for increased funding could also support additional staff to assist in the planning process.

³² The JJC also notes that YSC funding should be viewed in conjunction with funds provided by the Department of Children and Families and the Probation Division of the Judiciary to support court-involved youth. See E-mail from Kevin Brown, Exec. Dir., N.J. Juvenile Justice Comm'n, to Andrea McChristian, Dir. of Criminal Justice Reform, N.J. Inst. for Soc. Justice (July 15, 2019, 11:23 EST) (on file with author).

³³ E-mail from Sharon Lauchaire, Pub. Info. Officer, N.J. Juvenile Justice Comm'n, to Andrea McChristian, Dir. of Criminal Justice Reform, N.J. Inst. for Soc. Justice (Apr. 6, 2017, 11:26 EST) (on file with author).

³⁴ See E-mail from Doris Darling, Dir., Office of Local Programs & Servs., N.J. Juvenile Justice Comm'n, to Andrea McChristian, Dir. of Criminal Justice Reform, N.J. Inst. for Soc. Justice (Mar. 8, 2019, 15:33 EST) (on file with author) ("The Family Court Services Program funds are provided directly to County Youth Services Commissions and uses the same funding formula as the State/Community Partnership Grant Program. The funds are used to address all points of the juvenile justice continuum (Prevention through Reentry).").

³⁵ The JJC's 1999 Juvenile Justice Master Plan lists the following as the allocation formula at that time:

[A]n equal minimum base of \$75,000 for each county, plus a formula based on the extent of juvenile justice problems in each county comprised of: 1) the county's percentage of the State's youth population, 2) the county's percentage of the State's total juvenile arrests for violent Index crimes, and 3) the county's percentage of the State total of persons living below the poverty level. In addition, each county receives funds for Program Management, distributed in two tiers; 1) \$50,000 to the 11 counties which receive the largest fund distribution and 2) \$35,000 to the other 10 counties.

See N.J. JUVENILE JUSTICE COMM'N, *supra* note 31, at 86-87.

³⁶ N.J. ADMIN. CODE § 13:90-3.5(a)(2019).

³⁷ See N.J. JUVENILE JUSTICE COMM'N, *supra* note 31, at 88; N.J. JUVENILE JUSTICE COMM'N, JUVENILE JUSTICE COMMISSION CY 2018 COUNTY ALLOCATIONS (2018) (on file with author).

³⁸ See N.J. JUVENILE JUSTICE COMM'N, JUVENILE JUSTICE COMMISSION CY 2018 COUNTY ALLOCATIONS, *supra* note 37.

³⁹ The Juvenile Detention Alternatives Initiative (JDAI) is a program to decrease detention facility populations. See *Juvenile Detention Alternatives Initiative*, ANNIE E. CASEY FOUND., <https://www.aecf.org/work/juvenile-justice/jdai/>. "The purpose of JDAI Innovations Funding is to provide an additional resource and support to those JDAI sites that have demonstrated an active commitment to the implementation of JDAI Core Strategies." N.J. JUVENILE JUSTICE COMM'N, CY 2019 NEW JERSEY JUVENILE DETENTION ALTERNATIVES INITIATIVE INNOVATIONS FUNDING 1 (2018), https://www.nj.gov/oag/jjc/pdf/funding/CY-2019-JDAI-Innovations-Funding_APP.pdf.

⁴⁰ See N.J. JUVENILE JUSTICE COMM'N, *supra* note 31, at 88; N.J. Juvenile Justice Comm'n, *supra* note 37.

⁴¹ N.J. DEP'T OF THE TREASURY OFFICE OF MGMT. & BUDGET, STATE OF N.J. BUDGET FISCAL YEAR 1998-1999 D-225-27 (1998), https://www.state.nj.us/treasury/omb/publications/99budget/pdf/66_ps.pdf; N.J. DEP'T OF THE TREASURY OFFICE OF MGMT. & BUDGET, *supra* note 1, at D-264. The 1998 annual per capita cost was calculated by multiplying the Revised FY 1998 annual per capita cost for the New Jersey Training School for Boys (\$45,710) by the average daily population (486), multiplying the Revised FY 1998 annual per capita cost for the Juvenile Medium Security Center (\$62,782) by the average daily population for both males and females (243), adding the two totals (\$37,471,086), and then dividing by the total average daily population of both the New Jersey Training School for Boys and the Juvenile Medium Security Center (729).

⁴² *Id.*

⁴³ See S.B. 3701, *supra* note 13.

⁴⁴ See Statement, *supra* note 26. The Association has also requested “that each county is provided a specific and separate allocation for the Family Crisis Intervention Unit.” See *id.*

⁴⁵ This report recognizes current statute largely delegates Youth Services Commission oversight to the JJC, including delegating to the JJC the authority to establish by regulation “[s]pecific guidelines as to membership of a county youth services commission,” and “[s]pecific requirements for the administration of the State/Community Partnership Grant funds awarded by the county.” N.J. STAT. ANN. § 52:17B-180(b)(West 2015). To increase YSC accountability and transparency, this report argues that New Jersey should establish new and additional accountability measures as outlined below.

⁴⁶ See GOVERNOR’S ADVISORY COUNCIL ON JUVENILE JUSTICE, *supra* note 23, at 28.

⁴⁷ N.J. ADMIN. CODE § 13:90-2.4(a)(2019).

⁴⁸ *Id.*

⁴⁹ *Id.* (emphasis added).

⁵⁰ See, e.g., PASSAIC CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020, <http://www.passaiccountynj.org/Departments/Human%20Services/CY2018%202020%20Comprehensive%20Plan.pdf> (vacant parents of youth in the juvenile justice system or youth member); BERGEN CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020, https://countyweb.bergen.org/images/Departments__Services/Human_Services/Advisory_Boards_and_Commissions/Youth_Services_Commission/Bergen-County-Comprehensive-Youth-Services-Plan-2018-2020updated.pdf (vacant parents of youth in the juvenile justice system or youth member); CUMBERLAND CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020 (on file with author) (blank parents of youth in the juvenile justice system or youth member); GLOUCESTER CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020 (on file with author) (states that there is no parents of youth in the juvenile justice system or youth member because not in bylaws); HUNTERDON CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020 (on file with author) (vacant at this time parents of youth in the juvenile justice system or youth member); MIDDLESEX CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020 (on file with author) (blank parents of youth in the juvenile justice system or youth member); SOMERSET CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020 (on file with author) (vacant parents of youth in the juvenile justice system or youth member); WARREN CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020 (on file with author) (blank parents of youth in the juvenile justice system or youth member); HUDSON CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020 (on file with author) (vacant parents of youth in the juvenile justice system or youth member); ESSEX CTY., COMPREHENSIVE YOUTH SERVICES PLAN JANUARY 2018-DECEMBER 2020 (on file with author) (parents of youth in the juvenile justice system or youth member “to be identified”).

⁵¹ See N.J. Admin. Code § 13:90-2.6(2019) (“Each youth services commission shall adopt bylaws, which shall be submitted to the Juvenile Justice Commission for its review, to assure compliance with applicable rules.”).

⁵² N.J. ADMIN. CODE § 13:90-2.8(a)(2019).

⁵³ See N.J. GOVERNOR’S JUVENILE JUSTICE & DELINQUENCY PREVENTION COMM., 2019 COUNTY YOUTH SERVICES COMMISSION MEETINGS (2019) (on file with author); see also *Events*, N.J. ASS’N CTY. YOUTH SERVS. COMM’N ADM’RS, <http://www.njacysca.org/events/> (last visited July 15, 2019) (providing an online calendar of YSC meeting times and locations).

⁵⁴ See generally Bruce A. Scruton, *County tries to keep juvenile offenders out of lockup*, N.J. HERALD (Oct. 22, 2011), <https://www.njherald.com/article/20111022/ARTICLE/310229985> (“One advantage is that Justice James Farber, who hears the Family Court cases, is also a member of the Youth Services Commission, which meets once a month during the judge’s lunch hour so he can attend.”).

⁵⁵ For example, Somerset County has its meetings in the Human Services Building; Middlesex County has its meetings in the Freeholders Meeting Room; Monmouth County has its meetings in the Human Services Building; Warren County has its meetings in the Courthouse Annex Grand Jury Room; and Cape May has its meetings in the City Courthouse. See *Events*, *supra* note 53.

⁵⁶ For example, Salem County holds its YSC meetings at St. John’s Church. See *id.*

⁵⁷ N.J. ADMIN. CODE § 13:90-3.11(d)(2019).

⁵⁸ See, e.g., PASSAIC CTY., PASSAIC COUNTY COMPREHENSIVE COUNTY YOUTH SERVICES PLAN 2018-2020 (2017), <http://www.passaiccountynj.org/Departments/Human%20Services/CY2018%202020%20Comprehensive%20Plan.pdf>.

⁵⁹ N.J. Gov’t. Records Request Receipt from Bruce J. Solomon, L&PS Custodian of Records, N.J. Juvenile Justice Comm’n., to Andrea McChristian, Dir. of Criminal Justice Reform, N.J. Inst. For Soc. Justice (June 21, 2018) (on file with author).

⁶⁰ Memorandum from Cynthia Mozee, Exec. Assistant, N.J. Juvenile Justice Comm’n., to Andrea McChristian, Dir. of Criminal Justice Reform, N.J. Inst. For Soc. Justice (Sept. 14, 2018) (on file with author).

⁶¹ E-mail from Jennifer LeBaron, Deputy Exec. Dir. Policy, Research, Planning, N.J. Juvenile Justice Comm’n., to Andrea McChristian, Director of Criminal Justice Reform, N.J. Inst. for Soc. Justice (Sept. 10, 2018, 11:25 EST) (on file with author).

⁶² See PEW CHARITABLE TRS., STATE-LOCAL PARTNERSHIP IN OHIO CUTS JUVENILE RECIDIVISM, COSTS 2 (2013), https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2013/psppstlocalpartnershipinohiocutsjuvenilecidivismcosts.pdf; MODELS FOR CHANGE, MEASURABLE PROGRESS: A SUMMARY OF ILLINOIS JUVENILE JUSTICE REFORMS 2005-2012 10 (2012), <http://www.modelsforchange.net/publications/456>.

⁶³ While the JJC website contains information on the grant funding process, the YSC page on the JJC website is two paragraphs long and includes a list of YSC Administrators that was last updated a year ago. See *Youth Services Commissions*, N.J. JUVENILE JUSTICE COMM'N, https://www.nj.gov/oag/jjc/localized_programs_ysc.html (last visited July 8, 2019). There is also one paragraph describing the State/Community Partnership that cites 1999 data. See *State/Community Partnership*, N.J. JUVENILE JUSTICE COMM'N, https://www.nj.gov/oag/jjc/localized_programs_scp.html (last visited July 8, 2019).

⁶⁴ *Youth Services Commission*, ATLANTIC CTY., <https://www.atlantic-county.org/youth-services-commission/> (last visited July 8, 2019).

⁶⁵ See *Department of Human Services*, WARREN CTY., http://www.co.warren.nj.us/Humanservices/human_services.html#c (last visited July 8, 2019) (no YSC page); *Department of Citizen Services: Division of Youth Services*, ESSEX CTY., <https://ess-excountynj.org/youth-services/> (last visited July 8, 2019) (The contact information for the Essex County YSC is the only information provided on this page); *Youth Services*, CITY OF CAMDEN, <https://www.ci.camden.nj.us/youth-services/> (last visited July 8, 2019) (this website, which is linked from the Camden County page on the Association's website, is for the City of Camden Office of Youth Services, not the Camden County YSC).

⁶⁶ N.J. ASS'N OF CTY. YOUTH SERVS. COMM'N ADM'RS, <http://www.njacysca.org/> (last visited July 12, 2019).

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ The launch event occurred at 10:30 am on Friday, May 3, 2019. See *Agenda*, N.J. Ass'n of Cty. Youth Servs. Comm'n Adm'rs, WWW.NJACYSCA.Org-Website Launch Agenda (May 3, 2019) (on file with author).

⁷⁰ This legislative mandate would go further than the current Administrative Code, which only requires the YSCs to follow the Open Public Meetings Act requirements (see N.J. Admin. Code § 13:90-2.8)(2019), which makes website notification of meetings permissive. See N.J. Stat. Ann. § 10:4-9.1 (West 2002).

⁷¹ N.J. ADMIN. CODE § 13:90-2.8(a)(2019). In addition, YSCS can meet “at such other times as deemed necessary by the chair, or by the Executive Director or designee.” *Id.*

⁷² See N.J. GOVERNOR'S JUVENILE JUSTICE & DELINQUENCY PREVENTION COMM., *supra* note 53; see also *Events*, *supra* note 53.

⁷³ *Juvenile Demographics and Statistics-2019*, N.J. JUVENILE JUSTICE COMM'N, https://www.nj.gov/oag/jjc/aboutus_demo_stats.html (last visited July 8, 2019).

⁷⁴ See N.J. GOVERNOR'S JUVENILE JUSTICE & DELINQUENCY PREVENTION COMM., *supra* note 53; see also *Events*, *supra* note 53. While the JJDPA meetings list shows Camden County has two additional pending meetings in August and October, the Association website confirms that Camden only plans to have six meetings in 2019.

⁷⁵ N.J. ADMIN. CODE § 13:90-2.7(b)(2019).

⁷⁶ See, e.g., Retha Onitiri & Rev. Dr. Charles Boyer, *What Comes After Youth Prison Closure?*, FACEBOOK (June 28, 2019), www.facebook.com (go to New Jersey Institute for Social Justice Facebook page and scroll to June 28, 2019 webinar post).



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