

“Social justice should be the underlying goal of all humanity.”
-Alan V. Lowenstein, Institute Founder



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60 Park Place, Suite 511
Newark, NJ 07102-5504

ph. (973) 624-9400

fax (973) 624-0704

email: justice@njisj.org

www.njisj.org

do social justice.

Kira Shepherd
Director of Criminal Justice Reform
New Jersey Institute for Social Justice
60 Park Place, Suite 511
Newark, NJ 07102-5504

March 25, 2020

The Honorable Paul A. Sarlo
Chair, Senate Budget Committee
New Jersey State Legislature
State House Annex
P.O. Box 068
Trenton, NJ 08625-0068

**CRIMINAL JUSTICE REFORM FY 2021 BUDGET TESTIMONY OF THE NEW
JERSEY INSTITUTE FOR SOCIAL JUSTICE**
Reinvesting in our Youth and Divesting from Youth Incarceration

Dear Chairman Sarlo and Members of the Senate Budget Committee:

My name is Kira Shepherd, and I am Director of Criminal Justice Reform at the New Jersey Institute for Social Justice. Thank you for the opportunity to submit this criminal justice budget testimony today on behalf of my organization.

The New Jersey Institute for Social Justice (the “Institute”) is a legal advocacy organization that works to ensure that urban residents live in a society that respects their humanity, provides equality of economic opportunity, empowers them to use their voice in the political process, and protects equal justice.

The Institute urges the State to halt further investment into its failing youth prisons and to begin making meaningful, restorative investments in community-based youth programs. Specifically, for the following reasons, we are requesting a \$100 million investment into a youth justice lockbox fund which supports community-based youth programming that keeps young people in their communities and out of youth prisons.

New Jersey’s current youth justice system is racist, costly, does not promote public safety, and interrupts the healthy development of our youth.

First, our current system of youth incarceration disproportionately harms kids of color. Based on available Department of Justice data, New Jersey has the worst Black to white youth incarceration racial disparity in the nation, with **a Black child being 21 times more likely to be detained or committed to a youth facility than a white child.**¹ New Jersey also has the **fourth worse Latino to white youth incarceration racial disparity rate nationwide, with a Latino child being four times more likely to be detained or committed than a white child.**² As of May 1, 2019, out of New Jersey’s 158 incarcerated youth, 113 are Black, 35 are Hispanic, and only 8 are white.³ These staggering racial disparities persist even though Black and white youth commit most offenses at similar rates.⁴

Second, we are incarcerating these largely Black and Brown kids at exorbitant costs. New Jersey will spend an incredible \$300,000 to incarcerate each child in a youth prison this year—an almost \$60,000 increase from 2018—and expects to spend the same amount in 2021.⁵ In other words, New Jersey spends over \$55 million to lock our youth up each year. In contrast, it only invests about \$16 million annually on community-based programs that help kids avoid prison.⁶ And, to make matters worse, the State already has much of the money needed to help our youth and their communities, and can take steps to secure the rest. For starters, the closure of its two youth prisons—Jamesburg and Hayes—is estimated to result in about \$20 million in savings.⁷ The State can also obtain additional funds by mandating a closure plan for its third youth prison, the Juvenile Medium Security Facility. Last, New Jersey can also look to more efficiently use—or close some of—its eleven non-secure residential community homes, which are filled at less than half capacity. The State should look to redirect these fiscal savings, as well as savings from other budget areas, into a youth justice fund, as other states have done, and as further outlined below.⁸

¹ OJJDP, EASY ACCESS TO THE CENSUS OF JUVENILES IN RESIDENTIAL PLACEMENT: 1997-2017, RACE/ETHNICITY BY STATE 2017 (RATE PER 100,000 JUVENILES),

https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Race.asp?state=59&topic=State_Race&year=2017&percent=rate.
² *Id.*

³ 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).

⁴ JOSHUA ROVNER, THE SENTENCING PROJECT, RACIAL DISPARITIES IN YOUTH COMMITMENTS AND ARRESTS 6-7 (2016), <https://www.sentencingproject.org/wp-content/uploads/2016/04/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf>; *see also* NAT’L JUVENILE JUSTICE NETWORK, IMPLICIT BIAS: WHY IT MATTERS FOR YOUTH JUSTICE 1-2 (2017), <http://www.njjn.org/uploads/digitalibrary/NJJN%20Implicit%20Bias%20Snapshot%202017.pdf>.

⁵ N.J. DEP’T OF THE TREASURY OFFICE OF MGMT. & BUDGET, GOVERNOR’S FY 2021 DETAILED BUDGET D256 (2020), <https://www.nj.gov/treasury/omb/publications/21budget/pdf/FY21GBM.pdf>.

⁶ *See* ANDREA MCCHRISTIAN, N.J. INST. FOR SOC. JUSTICE, BRING OUR CHILDREN HOME: BUILDING UP KIDS THROUGH NEW JERSEY’S YOUTH SERVICES COMMISSION 6 (2019), https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/1345/attachments/original/1565122296/Bring_Our_Children_Home_LowRes.pdf?1565122296.

⁷ Suzanne Russell, *State to Close NJ Training School for Boys in Monroe*, MY CENTRAL (Published 4:58 p.m. ET Jan. 8, 2018, Updated 9:29 p.m. ET Jan. 8, 2018), <https://www.mycentraljersey.com/story/news/education/in-our-schools/2018/01/08/state-close-nj-training-school-boys-monroe/1014359001/>.

⁸ *See generally* SAMANTHA HARVELL ET AL., PROMOTING A NEW DIRECTION FOR YOUTH JUSTICE: STRATEGIES TO FUND A COMMUNITY-BASED CONTINUUM OF CARE AND OPPORTUNITY, THE URBAN INSTITUTE 13-16 (Mar. 27,

Third, the State’s current system of youth incarceration is not helping our kids. In 2014, of the 377 youth released from a juvenile facility, 76.9% had a new court filing or arrest, 58.9% had a new adjudication or conviction, and 23.9% were recommitted within three years of being released.⁹ Moreover, children who spend time in a youth prison are also more likely to be incarcerated as adults.¹⁰

And last, youth incarceration interrupts the healthy development of our kids. The National Research Council of the National Academies cautions that “the practice of committing youth to large institutions that fail to provide for their developmental needs is both costly in financial terms and ineffective in furthering the goal of crime prevention.”¹¹

In short, the Garden State is continuously falling short when it comes to investing in Black and Brown youth in a meaningful way. While the State has reduced youth incarceration rates over the last two decades through the implementation of the Juvenile Detention Alternatives Initiative,¹² New Jersey still has a long road to go if it truly wants to transform its broken youth justice system.

In the Governor’s FY 2021 Budget Report, he mentions the need to invest “in programs and services for youth so they don’t get entangled in the juvenile justice system.”¹³ While we are happy that the State has committed to increased funding for such initiatives, we believe that New Jersey must do more. The State should first conduct a comprehensive analysis of the needs of impacted communities, specifically when it comes to youth incarceration. Whereafter, the Garden State should use this analysis to develop and invest in a well-resourced continuum of care in the areas of prevention, intervention, reintegration, and out-of-home treatment.

It is not too late for New Jersey to start making a meaningful investment in our youth. The State can join with other states that have directed funds towards increasing community-based youth services designed to keep kids out of youth prisons and within their home communities. For example, in 2016, Kansas passed youth justice reform legislation that, in part, created the Juvenile Justice Improvement Fund, designed to redirect surplus funds from the State’s reduction in youth incarceration into community-based programs.¹⁴ Similarly, in 2018, legislators in California created the Youth Justice Reinvestment Grant Program, which allocated \$37.3 million from the state’s FY 2018 budget for a competitive grant program funding community

2019), https://www.urban.org/research/publication/promoting-new-direction-youth-justice-strategies-fund-community-based-continuum-care-and-opportunity/view/full_report.

⁹ *Mayor Baraka Says, “A New Youth Prison In Newark is Not Happening.”*, CITY OF NEWARK (Apr. 15, 2019), <https://www.newarknj.gov/news/mayor-baraka-says-a-new-youth-prison-in-newark-is-not-happening>.

¹⁰ *Id.*

¹¹ NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMIES, *REFORMING JUVENILE JUSTICE: A DEVELOPMENTAL APPROACH* 126 (2013).

¹² The Juvenile Detention Alternatives Initiative (JDAI) is a program focused on decreasing the number of youth detained before trial. For more information on JDAI, see RICHARD A. MENDEL, THE ANNIE E. CASEY FOUND., *JDAI IN NEW JERSEY* (2014), <http://www.aecf.org/m/resourcedoc/aecf-JDAIinNewJersey-2014.pdf>.

¹³ N.J. Dep’t of the Treasury Office of Mgmt. & Budget, *Governor’s FY 2021 Detailed Budget* vi (2020), <https://www.nj.gov/treasury/omb/publications/21budget/pdf/FY21GBM.pdf>.

¹⁴ HARVELL ET AL., *supra* note 8, at 14.

programs.¹⁵ Legislators in California are actively advocating for that amount to be increased to \$100 million, which was the original goal.¹⁶

The Garden State, on the other hand, does not appear to be taking youth justice seriously. In the wake of a historic closure announcement of two youth prisons, the State has set plans in motion to construct three new youth prisons, and has neglected to take decisive measures to build up impacted communities so that they can unlock meaningful ways to care for their youth outside of incarceration. The State could easily shut down all of its antiquated prisons in due time if it made a serious investment in a youth justice system that centers on community needs. However, if the Garden State continues to maintain its youth justice status quo, its efforts will never succeed and all New Jerseyans will suffer the dismal consequences.

In closing, New Jersey's broken youth justice system disproportionately harms Black and Brown children and the communities they are from. The State must act today to undo this harm by investing in the very neighborhoods hurt by youth prisons.

To make a significant investment in young people's futures, the State should invest \$100 million into a youth justice lockbox fund. This fund would pour a substantial amount of money into a community-based continuum of care that centers the growth and expansion of organizations that exist in and serve impacted communities through services such as job preparation, mental health support, substance abuse treatment, child care assistance, learning and development initiatives, and youth justice diversion programs. In addition, monies from this fund would also be used to break down the siloes between State programs and departments that provide our youth with crucial support—such as county Youth Services Commissions, Family Success Centers, and Community Schools.

Members of the Senate Budget Committee, I urge you to examine Governor Murphy's 2021 budget plan through the eyes of the countless Black and Brown youth who have suffered from youth incarceration, as well as their family members and communities who have all too often had to pick up the pieces after the system failed their youth—our youth—time and time again. This has to stop. We have to do better. Evidence shows that investing in youth incarceration is harmful and should be avoided; New Jersey's budget should reflect that reality. Sadly, it does not.

Thank you so much for your time.

Sincerely,
Kira Shepherd
Director of Criminal Justice Reform
New Jersey Institute for Social Justice

¹⁵ *Id.* at 15.

¹⁶ *Id.*