



Investing in Kids, Not Prisons:

The Urgency of Transformative Youth Justice Reform in New Jersey

Introduction

As the New Jersey Institute for Social Justice (the “Institute”) noted in its January 2018 vision document, *Ain’t I A Child: A Transformative Vision for Youth Justice Reform in New Jersey*, New Jersey’s youth justice system, for the following reasons, is failing young people—particularly Black and Brown young people:

- New Jersey currently has the worst racial disparities among its incarcerated Black and white youth in the nation. According to available DOJ data, a Black child is 21 times more likely to be detained or committed to a youth facility than a white child. A Latino child is four times more likely to be detained or committed than a white child—the fourth highest racial disparity nationwide. As of June 1, 2020, of the 141 youth in youth prisons, 91 are Black, 31 are Hispanic and 19 are white. These staggering racial disparities persist even though Black and white youth commit most offenses at similar rates. To be clear, these racial disparities in our state’s youth prisons reflect racially discriminatory decisions about which kids deserve incarceration, and which deserve rehabilitation and second chances.
- New Jersey’s current youth incarceration system is a waste of precious taxpayer dollars, funneling millions each year into largely empty youth prisons. Currently, the state spends approximately \$300,000 each year to incarcerate each young person in a state youth prison. And this is so even though New Jersey’s youth prisons are largely empty. For example, as of June 1, 2020, Jamesburg, which has a capacity of 330, houses only 91 boys. And Hayes, which has a maximum capacity of 48 girls, incarcerates 6 girls as of that same date. By contrast, New Jersey spends only around \$16 million each year on community-based programs to keep kids out of the youth justice system.
- New Jersey’s youth incarceration system does not significantly reduce recidivism or increase public safety. Of the 377 youth released from commitment in state youth facilities in 2014, 76.9% had a new court filing or arrest, 58.9% had a new adjudication or conviction, and almost one-fourth (23.9%) were recommitted within three years of release. Studies show that children who are incarcerated in the youth justice system are also much more likely to be incarcerated as adults.

- Incarcerating our children in youth prisons damages their natural development by removing them from positive support networks, their communities, and their families. 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.”

The Closure Announcement

On January 8, 2018, in direct response to the advocacy of the 150 Years is Enough Campaign—which focuses on closing New Jersey’s youth prisons and reinvesting funds into community-based programs—former governor Chris Christie announced the closure of Jamesburg and Hayes and the development of two smaller youth rehabilitation centers in Ewing and Winslow Townships.

As the Institute explained in its 2018 vision document, while we lauded the closure of the two youth prisons, we cautioned the State that **the two proposed youth rehabilitation centers must not be smaller youth prisons.** Instead, and only if development of such centers is deemed necessary as a last resort (as further outlined below), the proposed centers should be small, holistic, child-centered, treatment-focused, imbued with wrap-around services in settings that offer real rehabilitation for our youth, accessible to families to ensure sustained family engagement, staffed with public workers trained in youth development, and should provide culturally sensitive, developmentally-appropriate, and trauma-informed care.

With the historic closure announcement in hand, New Jersey must seize this powerful moment in time to transform its broken youth justice system—not to build smaller youth prisons. Simply treating youth justice reform as a construction project is not the transformative change that our children need, and will merely continue to reinforce the damaging impact of youth incarceration in the lives of New Jersey’s children—largely its children of color.

Accordingly, New Jersey must immediately halt any plans to construct yet more failed youth prisons.

Instead, our state must take the time necessary to commit to a comprehensive evaluation of the entire youth justice system—from front-end to back-end—based on both a quantitative review of the current youth justice system and population and a qualitative analysis that incorporates the voices of formerly-incarcerated youth, their families, and the communities most impacted by youth incarceration.

Recognizing the urgency of this moment, the Institute, the 150 Years is Enough Campaign, and the United Black Agenda Group launched The Movement for the 94 Percent Campaign to hold Governor Phil Murphy accountable to the issues—including youth justice—important to the 94 percent of Black voters who voted for him. In direct response to our movement, and on the eve of our Rally for the 94 Percent, Murphy announced the creation of the Task Force for the Continued Transformation of Youth Justice (the “task force”) in New Jersey.

During its deliberations, the task force heard from almost 1,000 community members across the state in three public hearings. The community spoke in one voice to issue the following message: We do not need any more youth prisons in New Jersey. Yet, ignoring this public outcry, the task force plans to recommend in its final report that the State should proceed with its plan to construct new youth prisons in Winslow and Ewing Township; the State is also in the process of identifying a northern site for construction of a third youth prison.

We do not need any more youth prisons in New Jersey. It is up to the community to make sure that we see meaningful youth justice transformation in New Jersey—not simply create new facilities for our kids.

So What Do We Do?

Youth Justice Transformation Action Plan

The 150 Years is Enough Campaign focus its efforts on achieving the following three goals:

(1) Ending Racial and Ethnic Disparities:

First, to combat its shameful racial disparities, which are themselves manifestations of racial discrimination in New Jersey’s youth justice system, the State must undertake an intensive and comprehensive data analysis. This review should include an evaluation of youth demographics (to include, among other things, race and ethnicity) at every point of youth justice system involvement (e.g., school exclusion, arrest, law enforcement interaction, court diversion, waiver, detention, adjudication of delinquency, and disposition). After the data collection, the State must create an action plan—tied to tangible benchmarks, incentives, and deadlines—to reduce these racial and ethnic disparities through systemic policy and practice changes.

(2) Strengthening Community-Based Programs and Funding:

Second, New Jersey must reform its fractured Youth Services Commission program, which varies greatly across counties because of limited accountability and a lack of transparency. New Jersey must comprehensively review each Youth Services Commission and incentivize transparency, community input and participation, funding for effective community-based youth programs, and information sharing and accountability.

To facilitate this transformation of the Youth Services Commissions and strengthen New Jersey’s overall community-based programming options,¹ the State should create the Youth

¹ Beyond the Youth Services Commissions, New Jersey must think creatively about what resources are available at the front-end to keep young people out of the youth justice system. To that end, the 150 Years is Enough Campaign is engaging in a community engagement initiative to identify key community resources in Newark, Trenton, and Camden—three cities that have felt the brunt of our state’s youth incarceration system. And, to develop a model of community healing, rather than retributive punishment, the Campaign is also working to develop a model of transformative justice wherein the community—rather than the youth justice system—can right any community harms.

Justice Transformation Fund—a \$100 million “lockbox fund” to house funding for successful community-based programs. To finance this fund, New Jersey should use all closure-related cost savings and any additional funding opportunities the budget provides for system-involved youth. Fund monies should primarily go to youth in the communities with the highest youth incarceration rates.

(3) Transforming New Jersey’s Youth Facilities:

Third, the State must not move forward with any new facilities until it conducts a comprehensive review of the current use and effectiveness of all existing JJC non-secure and secure facilities—including a review of the youth found in these facilities. Such an analysis must include the following: (1) a review of youth demographics (including municipality of residence, race, ethnicity, age, gender, offense, and waiver status); (2) an analysis of current and projected youth admission totals for young people within JJC custody and point-in-time youth populations in each facility; (3) a review of the JJC’s current youth assessment tools for facility classification; (4) an assessment of the total number of staff employed in each facility and their classifications; (5) a review of available programs in each facility and any tracked programmatic benchmarks, achievements, or outcomes; (6) an examination of recidivism rates of youth released from each facility (disaggregated by facility); and (7) a review of facility operation costs. Conducting this inclusive analysis will allow the State to assess its facility needs and ensure that, moving forward, its primary aim is reducing the number of youth in out-of-home placements in New Jersey, not filling up beds in new state-of-the-art youth prisons.

Closure & Repurposing Plan

New Jersey must set a closure date and timeline for closing Jamesburg and Hayes and set in motion the eventual closure of the Juvenile Medium Security Facility (JMSF)—the state’s most secure youth prison for boys. For each youth transitioning from these youth prisons, and for all young people in JJC custody moving forward, the state must develop a transition plan that prioritizes “pushing down” as many kids as possible out of youth facilities and into community-based programs as the default placement. As described above, by strengthening available community-based programs, we can begin to phase out the need for out-of-home placements and envision a day where there are no kids in prison.

The closure process should also include a workers’ transition plan to accommodate the possibility of retraining workers for new positions within other facilities or State agencies. No young person should be transitioned from Jamesburg and Hayes to either JMSF or a Department of Corrections facility due solely to the closure of either youth prison. All three youth prisons should be repurposed to benefit the surrounding communities, such as for education, youth and economic development, workforce investment, agriculture, and parks & recreational purposes. For example, as outlined by the Institute in its report *Bring Our Children Home: A Prison-to-School Pipeline for New Jersey’s Youth*, Hayes’ former site could be transitioned into a modern and integrated Bordentown School. The sale of any land for development purposes should be put into the Youth Justice Transformation Fund to support community based programs, services, and opportunities for impacted youth.

Residential Community Homes

We are mindful of the reality that, in rare instances, some young people may need to be in an out-of-home placement for a limited period of time for public safety reasons. In this case, rather than constructing new facilities, New Jersey should first look to the 11 non-secure residential community homes (also known as RCHs) that the JJC currently operates. By conducting a comprehensive analysis of these facilities, to include a review of the current and projected youth admission totals, the State can determine if any of the RCHs can be closed or are appropriate placements—as is or as repurposed/renovated—for youth being transitioned from, or who would otherwise have been sent to, a secure facility. Importantly, for the number of young people who may need to be in an out-of-home placement, they should be housed in a facility close to their home communities to maintain critical family connections.

Youth Rehabilitation Centers

As a last resort, and only if the State, with community input and oversight, determines that an RCH does not currently exist in a community that is highly impacted by youth incarceration, and, for public safety reasons, a certain number of kids from this community cannot be rehabilitated in the community, the JJC should look to repurpose or renovate existing facilities or structures (such as abandoned schools, churches, community centers, etc.) within the community to develop a youth rehabilitation center(s).

The center(s) must prioritize rehabilitation while also maintaining public safety, and community member input and feedback must be integral to the project. Among other things, these publicly-run center(s) must be treatment-focused, child-centered, rehabilitative, incorporate family interaction, and filled with public workers trained in effective youth rehabilitation practices.

Significantly, the proposed center(s) should be no more than 30 beds, and should be tied to financial incentives to reduce the youth population in the center(s) on an annual basis. After a date in time, to be set in agreement with the community, the center should be closed forever as a youth facility and should be transitioned into a community resource center open to all community residents.

No funds allocated to renovate/repurpose these centers should be used for new construction. We do not need any more youth prisons in New Jersey.

150 Years is Enough.