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“Ain’t I A Child?”

A Transformative Vision for Youth Justice in New Jersey

Introduction

On June 28, 1867, the New Jersey Training School for Boys (“Jamesburg”), New Jersey’s largest youth prison for boys, opened its doors.

Since then, thousands of children have passed through its gates.

More than 150 years later, we are lifting our collective voices to transform New Jersey’s youth incarceration system into a community-based system of care by closing Jamesburg and the Female Secure Care and Intake Facility (“Hayes”), the state’s girls’ youth prison.

Our primary goal is to ensure that our state’s youth—regardless of the color of their skin—receive the rehabilitation they need to mature and grow into responsible adults.

This is not happening under the current system.

Instead, as outlined in the Institute’s report *Bring Our Children Home: Ain’t I A Child?*, we must no longer support New Jersey’s system of youth incarceration. It is a moral stain on our state that must finally be brought to an end.

The Problem with New Jersey’s Youth Incarceration System

New Jersey currently has the worst racial disparities among its incarcerated Black and white youth in the nation. In our state, a Black child is, incredibly, more than 30 times more likely to be detained or committed to a youth facility than a white child. As a result, as of June 1, 2017, 70 percent of incarcerated kids are Black, and only 8 percent (just 18 kids) 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 grace.

Further, these disparities persist even though New Jersey’s involvement in the Juvenile Detention Alternatives Initiative led to a significant decrease in the state’s incarcerated youth population. In fact, between 1997 and 2010, the total population of confined youth in our state’s juvenile residential facilities was cut by over half.

As a result of these low numbers, our state’s youth prisons are largely empty. For example, Jamesburg, which has a capacity of 330, housed only 155 boys as of June 1, 2017. And Hayes, which has a maximum capacity of 48 girls, incarcerated 12 girls at that time.



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Despite these low numbers, New Jersey continues to fund its youth prisons as if they are operating at full capacity. New Jersey spends around 60 million dollars annually to operate its three youth prisons—about half of the Juvenile Justice Commission’s entire state budget. Currently, the state spends approximately \$250,000 each year to house each young person in the state’s three youth prisons.

Imagine the good we could do in a child’s life with an annual \$250,000 investment.

Importantly, New Jersey’s current youth incarceration system also does not reduce recidivism or increase public safety. Of the 450 young people released from commitment in state youth facilities in 2013, 79 percent had a new court filing or arrest, 67 percent had a new adjudication or conviction, and almost one-third (30 percent) were recommitted within three years of release. Studies show that children who are incarcerated are also more likely to be incarcerated as adults.

Moreover, incarcerating our children in faraway youth prisons damages their natural development by removing them from positive support networks, their communities, and their families. Indeed, 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.”

Put simply, New Jersey’s failed youth incarceration system perpetuates harmful racial disparities, is financially wasteful, does not promote public safety, and interrupts positive youth development. Such a system punishes, rather than rehabilitates, our youth, depriving them of the necessary treatment, services, and familial support they need to avoid repeating the same mistakes over and over again.

But there is a better way. To successfully rehabilitate our state’s most marginalized youth, New Jersey must transform its youth justice system into a community-based system of care.

Through such a model, the default would be to keep our young people in their homes, in community-based programs with intensive treatment and wrap-around services, rather than to incarcerate them in faraway youth prisons. And, in the case where an out-of-home placement may be necessary for public safety reasons, these facilities should be small, child-centered, close to home, and treatment-intensive.

As a state, our overarching goal must be to use out-of-home placement as a last resort for *all* of our state’s children. Accordingly, we must aim to *push down* our youth from the most secure out-of-home placements to treatment-intensive community-based programs with wrap-around services. Here at the Institute, we believe we can achieve this vision through the following “push down” model.



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The “Push Down” Model

First, New Jersey must immediately close Jamesburg and Hayes. These two failing youth prisons are largely empty, financially wasteful, far away from young people’s families, do not increase public safety, and perpetuate harmful racial disparities.

And, as part of the long-term transformation of the system, New Jersey must take steps to close the Juvenile Medium Secure Facility—the state’s most secure boys’ youth prison.

Second, and as has been proposed by the Christie administration, substantial cost savings from these closures should be reinvested into expanding community-based programming—including prevention, intervention, diversion, and incarceration alternatives programming. While the state currently spends approximately 60 million dollars to operate its three youth prisons, it only allocates around 8 million dollars to provide counties with funding for community-based youth programs through the state-community partnership grant program. As a result, the state should use closure funds to increase funding for community-based programs that have proven successful in either New Jersey or other jurisdictions. Importantly, at the point of adjudication, the default should be to place a young person in an effective community-based program, rather than an out-of-home placement.

Third, for those young people who do not, for public safety reasons, need to be placed in a secure setting, but are not yet ready to return to the community, New Jersey should consider housing these young people in one of the state’s non-secure placements. Currently, the Juvenile Justice Commission operates 11 non-secure residential community homes throughout the state. Many of these facilities already incorporate some best practices in youth out-of-home placement. And, like the youth prisons, these facilities are largely under capacity. While all of these residential community homes must be assessed and evaluated to ensure they are fully in accord with national best practices, they provide an important alternative to secure placement for our young people that the state must consider.

Last, Governor Christie’s plan is to build two youth rehabilitation centers for those youth who may require a more secure setting for public safety reasons. This proposal provides us with an opportunity to implement national best practices and to truly offer our system-involved young people a full continuum of care.

Importantly, however, these centers cannot—and must not—be prisons. Instead, these publicly-run facilities should be small, cottage-like, holistic, child-centered, treatment-focused, and imbued with wrap-around services in settings that offer real rehabilitation for our youth. Rather than faraway youth prisons, these centers should be easily accessible to families to ensure sustained



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family engagement, filled with public workers trained in youth rehabilitation, and should provide culturally sensitive, developmentally-appropriate, and trauma-informed care.

The young people housed in these rehabilitation centers should also have individualized treatment programs—based on a comprehensive assessment—to account for their unique social, emotional, developmental, therapeutic, health, skills development, and educational needs.

Conclusion

Nelson Mandela once said “There can be no keener revelation of a society’s soul than the way in which it treats its children.” The time is now for New Jersey to take the next step to transform its youth justice system so that all of our state’s children can be treated as children.

150 years is enough.