
Committee Meeting

of

SENATE LAW AND PUBLIC SAFETY COMMITTEE

“The Committee will receive testimony regarding the ability of county governments to provide housing and support services for juveniles taken into custody”

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: March 20, 2025
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

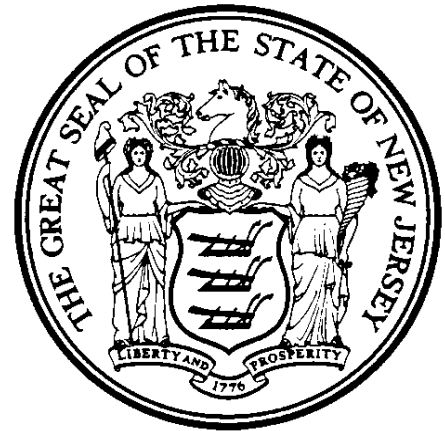
Senator Linda R. Greenstein, Chair
Senator Paul D. Moriarty, Vice Chair
Senator Angela V. McKnight
Senator Owen Henry

ALSO PRESENT:

Amanda D. Holland
Thomas M. Kelly
Office of Legislative Services
Committee Aides

Tom Little
Senate Majority Aide

Greg Harris
Senate Republican Aide



Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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Chair

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COMMITTEE NOTICE

TO: MEMBERS OF THE SENATE LAW AND PUBLIC SAFETY COMMITTEE

FROM: SENATOR LINDA R. GREENSTEIN, CHAIRWOMAN

SUBJECT: COMMITTEE MEETING - MARCH 20, 2025

The public may address comments and questions to Amanda D. Holland, Thomas M. Kelly, Committee Aides, or make bill status and scheduling inquiries to Michelle L. McArthur, Secretary, at (609)847-3870 or e-mail: OLSAideSLP@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Senate Law and Public Safety Committee will meet on Thursday, March 20, 2025 at 10:00 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The Committee will receive testimony regarding the ability of county governments to provide housing and support services for juveniles taken into custody.

Issued 3/13/25

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SENATOR LINDA R. GREENSTEIN (Chair): Good morning, everybody, and welcome to this meeting of the Senate Law and Public Safety Committee.

We should have a very interesting hearing today. And, if you could take attendance.

MR. KELLY: Senator Henry.

SENATOR HENRY: Here.

MR. KELLY: Senator Moriarty is present.

SENATOR PAUL D. MORIARTY (Vice Chair): Here.

MR. KELLY: Chairwoman Greenstein.

SENATOR GREENSTEIN: Here.

MR. KELLY: You have a quorum.

SENATOR GREENSTEIN: Thank you.

OK. I just want to give a brief opening statement. As all of you in the audience know, I'm sure, this hearing is on county juvenile detention facilities. I want to begin by thanking everyone here this morning and extend a special thanks for the invited speakers who came today to share their expertise and knowledge of our state's juvenile detention system. We're here today because we face a crisis of overcrowding in county juvenile detention facilities. There are only 332 beds statewide, and we have continually reached capacity. Most counties don't have a dedicated place to house juvenile detainees, so they instead contract with those that do. This often results in significant delays and greater travel times as local officials try to figure out where there's room to house them. It's obvious that county resources are being stretched too thin, so we must work to better define the State's role in ensuring appropriate housing for juvenile detainees.

Today's hearing is meant to gather firsthand, expert testimony from those who are most familiar with the challenges in our juvenile detention system. We want to find out more about what can be done to address these issues, and ensure that we're meeting the needs of detained juveniles, and helping them on the path to sustained rehabilitation in the long term.

OK. As I said, short and sweet. OK. The first person I'd like to call is Dr. Jennifer LeBaron, Executive Director of the Juvenile Justice Commission, which, actually, has just been changed to the Youth Justice Commission, a courtesy of the bill that was signed into law on Monday. And, also, Steve Finkel, Director of Legislative Affairs for the Department of Law and Public Safety. I don't know if you'll be speaking or just adding to, but, we do want to hear from Jennifer LeBaron.

S T E P H A N F I N K E L, Esq.: Thank you, Chairwoman, and thank you for holding this hearing.

(laughter)

It feels weird, because we're so far away from your stand. A different type of committee room for this Committee. We appreciate the opportunity to have Director -- Dr. LeBaron -- speak on these issues, and we are happy to do it in a non-adversarial, hopefully productive forum where we can explore some of the issues and throw out some ideas for consideration by the Legislature. I want to express our appreciation for the recent legislation that did change the name of the Juvenile Justice Commission to the Youth Justice Commission. And, if we screw up by referring to JJC, it's not intentional, we're just set in our ways a little bit. But, appreciate it, and Dr. LeBaron will address the Committee.

SENATOR GREENSTEIN: I did-- I want to just ask, Dr. LeBaron, do you have any kind of written testimony?

JENNIFER LeBARON, Ph.D.: I do.

SENATOR GREENSTEIN: Oh, you do?

OK.

DR. LeBARON: Yes, I do.

SENATOR GREENSTEIN: Great.

DR. LeBARON: Thank you.

Thank you, Chairwoman Greenstein; Vice Chair Moriarty; members of the Senate Law and Public Safety Committee. I appreciate the opportunity to appear before you today to discuss pre-trial youth detention issues, and help the Committee explore possible solutions in a productive, collaborative forum. I'd also like to thank our county partners, and especially every county youth detention center administrator for engaging with the Commission as we've been working to tackle this challenge together.

Now, as a career public servant, serving as the leader of the Commission continues to be a great honor and privilege, and I'm *very* proud to report that New Jersey continues to be a national leader in systemic and transformative change in youth justice. New Jersey has seen a steeply declining population of youth in detention, a historic achievement brought about by statewide participation in the Juvenile Detention Alternatives Initiative, or JDAI. This historic change was accompanied by equally steep reductions in youth crime. So, for example, because this is very important to sort of set the table, since the launch of JDAI, there has been an 83% reduction in the number of youth admitted to county youth detention facilities, and youth of color account for almost 90% of this decrease.

Importantly, a primary driver of the reduction in detained youth has been minimizing reliance on detention for rule violations, like technical violations of probation and missing a court date. Those types of detentions have dropped by 93%, and uniform crime report figures from 2023 indicate youth arrests were down in all 21 counties as compared to pre-JDAI for a total reduction of 88%. Fewer youth are being committed by the juvenile court to State custody with the Commission at the point of sentencing, with court-ordered commitments to State custody that are also down by 90%, and, with recidivism rates for youth leaving the Commission steadily declining since 2008.

Now, the decline in the number of youth entering and remaining in the justice system and in detention centers, and the steadily improving outcomes for those who do, along with the continued decline in youth crime has been a profound victory for youth and for our state, and has made New Jersey a national leader in youth justice transformation. There are indeed some significant challenges currently facing the pre-trial youth detention system in New Jersey. Pre-trial detention is, of course, the temporary court-ordered placement of youth in a secure detention facility *pending* the final outcome of their case in court. Not all youth facing delinquency charges will need to be remanded for pre-trial detention; it's a determination made by the court based on the likelihood a given youth will remain arrest-free and appear for court hearings while their case moves through the system. The New Jersey pre-trial youth detention system is run by the counties, as it has been since before the creation of the Commission in the 1990s. This local system relies on cooperation among the counties. This is especially true since over the past two decades, 10 counties made the decision to close their youth detention

facilities as a cost-savings measure in the face of substantially reduced youth detention populations. Now, the current challenges facing youth detention have to precisely do with the placement of youth from one county in a detention center operated by another county. These challenges are primarily driven by contracting issues around shared detention services, and are exacerbated by staffing shortages, and increasingly long lengths of stay in pre-trial youth detention. Historically, the county-based placement process has worked successfully; however, in the spring of 2024, counties that had contracted to send their young people to an out-of-county facility began to have issues with placing their youth in an emergent manner. The Commission has worked exhaustively these past months with the counties to try to find solutions. And, by way of background, seven counties -- only seven -- Atlantic, Bergen, Camden, Essex, Middlesex, Morris, and Ocean currently operate youth detention facilities. The remaining 14 counties rely on six of seven of those counties to detain their youth through contracts. And, as noted, since 2008, 10 of those 14 counties without a youth detention center made the decision to close it in the face of substantially declining youth arrests and admissions to detention.

Now, while the Commission does have a role in reviewing county closure and consolidation plans, when a county decides to close its youth detention center, the counties are the entities that are ultimately responsible for ensuring that they have adequate plans and financial resources in place for the detention of county youth. Pursuant to State regulations, consolidation efforts must be conducive to the welfare of juveniles, or to the best interests of the State. So, for counties without a youth detention center, that includes purchasing an adequate number of guaranteed beds in another

county facility. A guaranteed bed is a bed that a sending county essentially reserves by paying an annual fee to a receiving county regardless of whether a youth is placed there. Now, obviously, this can be more expensive, and therefore a less desirable arrangement for the sending county. But, guaranteed beds are in contrast to what are referred to as per diem beds. That's when a sending county pays the receiving county an agreed-to daily rate for a bed on an as-needed basis. In other words, the fee is only paid when a youth occupies a bed. Unlike guaranteed beds and existing contracts between counties, per diem beds generally give receiving counties discretion to refuse placement, despite any open bed capacity that they may have. This means a receiving county, even if it has bed capacity, and the sending county is willing to pay a per diem amount already established in an agreement, can refuse to admit the youth, by contract. Receiving counties have said that at times they do so because they feel compelled to keep open beds they have guaranteed to other counties. So, per diem arrangements can cause a great amount of instability in the system. If every county with space were to refuse the per diem placement of the youth, then the youth has nowhere to go.

Now, the Commission has concluded -- based on numerous conversations with county detention administrators and other stakeholders around the state -- that the placement challenges occur when a sending county reaches its capacity on guaranteed beds, or does not currently have any guaranteed bed contracts and must rely on those per diem arrangements. Counties where more youth are being remanded to detention than the number of guaranteed beds the county has purchased -- not that are available, that the county has purchased -- face the most difficulty with finding a receiving facility that will accept the youth. It therefore seems that this issue

is primarily a contracting issue. The impact would be mitigated if receiving counties were to offer more guaranteed beds, or if they were to eschew contractual clauses that allow them to deny admission to detention, and, if then sending counties were to better adhere to an approach of tracking and managing their detention needs, and buy guaranteed beds commensurate with those actual needs.

It's important to note that challenges associated with placing youth from one county in another county's detention facility are not currently the results of insufficient statewide bed capacity. In October of 2024, the Commission worked with detention center administrators to analyze facilities' bed capacity based on current staffing; taking into account the real staffing shortages that detention centers were facing; as well as accounting for their building structure; and to then adjust, or otherwise confirm, each facility's rated capacity. Prior to that exercise, the total rated capacity on paper was 520. Following the review, the rated capacity was lowered to 332. While statewide capacity as a result of this exercise was reduced, there generally remains sufficient capacity to meet statewide needs. So, for example, on the heels of that exercise, in November of 2024, there were 250 youth in the 332 beds available in the state. So, the state was operating not overcrowded, but, statewide, we weren't overcrowded. We were operating at 76% of the newly lowered capacity. And, this week we're operating at 69% of available bed capacity after having reduced statewide capacity on paper.

So, placement failures generally occur when counties are relying on per diem contracting to attempt to place a youth in detention. And, in many cases, it's not the detention administrator who is making that

operational decision about whether to accept a youth on a per diem basis, but instead individuals higher up the chain of command, which can also make the decision-making process to admit a youth overly complex and untimely. The instability in the detention system from a bed-contracting perspective is aggravated by long case-processing times and corresponding lengths of stay in detention that preclude beds from turning over quickly. Which, *does strain* bed availability in any given facility. And, since detention is designed as a short-term placement for youth pending the outcome of their case in court, county detention administrators are understandably challenged to provide services and programming for youth who, instead of staying a few weeks or a couple of months, are sometimes staying hundreds of days, or even years, all while yet not adjudicated or convicted of a crime. Finally, it should be noted that counties are responsible for placement of youth in detention under the current statutory scheme. This is an important feature of our youth detention system. It is operated locally, and the State, through the Commission, has oversight authority to monitor the conditions within the facilities, and counties' compliance with State regulations. This system offers important protections to New Jersey's youth, ensuring that checks and balances are in place.

I want to be clear, too, that there have been a number of things that we have already done, working together, throughout the state to try to address some of these concerns. First, the Commission has engaged an ongoing emergency problem solving with county detention administrators. Upon request by a sending county, the Commission has assisted in securing a youth detention placement in emergency situations, by working with the counties with facilities to encourage them to take a youth when the sending

county is unsuccessful at securing placement. It's also worth noting that when this happens, it is very frustrating for sure, and it's an emergency that needs to be addressed. But, it's a relatively rare occurrence. In 2024, there were 1,700 admissions to detention. The Commission was asked for, and provided placement assistance, in fewer than 20 cases. The Commission-- A second thing we've done is that we sought out and applied for a technical assistance grant on behalf of select counties with the hope that such assistance might alleviate concerns over a given facility's ability to serve additional out-of-county youth. The Commission also, through the New Jersey Council and Juvenile Justice System Improvement, has convened a multi-disciplinary detention utilization sub-committee to identify solutions in a collaborative manner. So, the sub-committee is made up of prosecutors; public defenders; county administration; detention administrators; the Association of Counties; and the Association of Children of New Jersey. The group has reviewed data, and the drivers that result in emergent placement issues and the data analysis has showed that the placement issues are, in large part, driven by the contracting challenges discussed earlier.

The Commission also awards more than \$20 million in funding for local youth justice programs, which includes alternatives to detention. These interventions are critical to reducing youth in detention, while ensuring that youth remain arrest free, and attend all of their court hearings until their case is complete. But, over and above this investment, the Commission, along with the Governor's Juvenile Justice and Delinquency Prevention Committee, is currently in the process of developing an RFP that would fund two enhanced pilot detention alternative programs. And, these pilot programs would be designed to provide longer term, more intensive supervision and

support, to some subset of young people for whom current, pre-trial detention alternatives, like an electronic monitoring foot bracelet, just aren't sufficient enough to ensure youth participants remain arrest free while their cases remain pending in court. The Commission has also provided resources to help counties collect and analyze data to troubleshoot local detention issues and develop solutions. Since the onset of JDAI, the Commission has hired and deployed an entire team of staff to each county to assist in this regard. This team helps counties use data to develop those detention alternatives; to identify contributors to long lengths of stay in detention; to develop solutions to more expeditiously move cases through the court process; and to track and manage the detention population on a daily basis, which includes knowing on a daily basis how many kids are in detention; how long every single one of those kids has been there; the status of their court case; and when the next court case is. This is critical to helping to identify and reduce backlogs in detention.

Finally, the hiring and retention of trained detention facility staff remains one of the major issues preventing existing facilities from operating back up at a higher capacity. Were facilities able to hire and retain, and train staff promptly, they could increase their target-rated capacity; bringing in more beds online for out -- back online -- for out-of-county placements. Many facilities send their staff to our -- the Commission's -- training academy for their mandatory juvenile detention officer training. Hearing the counties' request for more training opportunities, the Commission increased the number of juvenile detention officer training sessions from one per year, to three, in 2025. And, the first of these three classes began earlier this month,

which should assist counties with detention centers who are struggling with staffing challenges.

Now, we recognize that despite all of this assistance provided to date, and the commitment from counties to work together, problems persist. And, we believe that there are some additional solutions to these challenges. To be clear, the county-run youth detention system has worked effectively for decades. Therefore, we should absolutely be able to effectuate solutions to the current challenges within the framework of that existing, historically effective, locally controlled system.

So, for solutions, first, it's important to recognize that there is adequate physical bed space. New Jersey does not need to build or acquire new pre-trial detention facilities. Counties recently had their rated capacities decreased because they lacked staffing to maintain previous rated capacity levels. So, part of the solution is to increase staffing at the county facilities so they can put more beds back online. The Commission estimates that if staffing increased in such a way to allow for a statewide capacity to increase by 74, from 332 to 406 statewide, there would be enough capacity to allow all counties to purchase guaranteed beds to their high population count from the previous year. The state does not need to return to its previous capacity of 520. Over and above, the additional training the Commission is providing, counties may need assistance in this regard. Being a juvenile detention officer in a 24/7 secure institution is a tough job, and hiring and retention is a real problem. Policymakers might consider whether there are incentives that can be implemented to encourage qualified people to take and stay in these jobs. This might involve examining salary structures across counties to determine whether they can be made more competitive, or determining whether there

are any barriers, such as pension rules, that prevent retired law enforcement professionals from pursuing these job opportunities, by way of example.

Additionally, a second solution, counties without facilities, and Atlantic County, who's daily population exceeds the number of beds it has in its own facility, should strongly consider the approach of purchasing more guaranteed beds in line with the actual number of youth detained, instead of relying on per diem arrangements, that give receiving counties the right to refuse placement. And, counties with detention centers, should similarly consider the approach of selling more guaranteed beds to those counties who need them. The Commission can assist counties analyzing how many beds they need to purchase, or in some cases, how many excess beds they have purchased that could be redistributed and purchased by a county in need of more beds. Note that the 10 counties that closed their detention centers since 2008 estimated about \$30 million in collective cost savings when they submitted their consolidation plans to the Commission. The Commission estimates that in 2024, approximately \$15 million was paid to the receiving counties. These savings and revenue notwithstanding, policymakers might explore possible avenues to encourage or even require counties that opt against operating a local detention center as a cost-savings measure to buy sufficient guaranteed beds in other centers to incentivize counties with detention centers to sell sufficient beds to counties in need, or, to constrain or eliminate counties' ability to refuse placement of youth who've been court ordered to detention.

Now, while stabilizing bed capacity in these ways is an important part of the solution, it must not be a substitute for all of us to work to improve case-processing times, and reduce corresponding length of stay in detention

for non-adjudicated youth. The longer it takes to reach a disposition in a case, the more time the detained youth will need a bed in a detention facility, and the quicker the case gets resolved, the sooner that bed becomes available for someone else. And, of course, as a matter of fairness and good government, youth in court should have their cases resolved, and sentences imposed in a timely manner. For more than 20 years, through JDAI, local system stakeholders have worked together with the assistance of the Commission to improve youth justice system processes, practices, and programs. At this moment in time, all parties involved in case processing need to work together to ensure cases move as expeditiously as possible without sacrificing due process rights or the interest of justice. Clearly, with fewer youth entering the youth justice system, improvement and the processing of fewer cases should be possible. So, stakeholders do need to work to resolve cases; move youth to a final dispositional placement that is determined to be appropriate by the court in a timely manner.

Finally, a third solution we offer-- I'm sorry, a fourth solution we offer, is that the backbone of JDAI and New Jersey's transformation of its youth justice system has been the development of effective alternatives to detention. The Commission awards more than \$20 million in funding to the counties for youth justice services. Counties should consider whether they can use this funding to identify and develop enhanced alternatives to detention. And, those alternatives must be more than just an electronic monitoring bracelet if we expect additional youth to be served by them. Intensive staff supervision and case management; day or evening reporting centers; and even short-term residential placement might be considered. JDAI has demonstrated it's an effective public safety strategy. As noted

earlier, admissions to pre-trial detention have declined dramatically over the years, and youth crime has followed suit, with both dropping by more than 80% since JDAI implementation. So, we believe there are several avenues for productive action that is part of a comprehensive solution, help to stabilize the locally controlled youth detention system in New Jersey, and resolve placement challenges.

I'd be happy, at this point in time, to first share that, in closing, for decades, New Jersey's counties have very successfully operated a locally-controlled youth detention system. The problems the system is currently facing are certainly challenging. There should always be a place to house a youth remanded to detention by the court. But, there were close to 1,700 total admissions in 2024, and serious placement challenges arose in only about 1% of those instances. The solutions I've outlined today would maintain the integrity and the structure of the system that has operated so well for so long, and allow the system to get back on track. So, thank you so much for your time today, and for your interest in ensuring New Jersey's youth detention system continues to be a model for the rest of the nation.

I'm happy to entertain any questions you may have.

SENATOR GREENSTEIN: Thank you very much, Director.

I just want to note that Senator McKnight walked in at the beginning of the testimony. Thank you. And, I also will try my best to call it the YJC, but I may sometimes say JJC.

DR. LeBARON: It's taking me-- My strategy today was to call us the Commission, because I figured I couldn't go wrong.

SENATOR GREENSTEIN: It's smart.

(laughter)

I didn't know if Steve-- Did you want to add anything?

MR. FINKEL: I'm just here to assist.

SENATOR GREENSTEIN: OK.

MR. FINKEL: Dr. LeBaron said everything I think needed to be said for us.

SENATOR GREENSTEIN: Yes, and it was very helpful.

OK. I have a couple of questions. Can you just expand on this, though you did a little of this -- certainly, a lot of this -- in your testimony. Can you provide an overview on the current capacities of the-- I'm sorry?

(indiscernible)

Sorry, I thought I had turned it on. (referring to PA microphone)

OK.

Can you provide an overview on the current capacities of the county juvenile detention facilities? Specifically, have some facilities reached their limit? Do we still have facilities that could accept juveniles? And, if any data is available, please provide it to the Committee after today. Any specifics on the current capacities of some of the facilities.

DR. LeBARON: Did I turn that on?

UNIDENTIFIED SPEAKER: Yes.

DR. LeBARON: OK.

Yes. So, I had mentioned the statewide number, our current statewide rated bed capacity -- that's the number of beds that are available based on current staffing models -- is 332. On Monday of this week, there were 228 kids in those 332 beds, so we're at 69% capacity. Over the past months, there has only been one facility that has, at times, hit capacity; that's the facility in Atlantic County. And, all other facilities have the ability to

accept youth to varying degrees. For example, one facility on Monday was operating at 17% capacity, but the facility operating at its highest capacity was at 85%. So, there's a range, but, statewide, we have 228 youth in 332 beds.

SENATOR GREENSTEIN: OK, thank you.

What factors are-- I'm sorry. What factors are contributing to the overcrowding of the county juvenile detention facilities?

DR. LeBARON: So, the Commission's data indicates that, generally, statewide, we are not overcrowded.

So, we have worked for decades to eliminate what in the late 1990s was serious and chronic detention overcrowding, where on any given day, we had some facilities operating at over 200% of their rated capacity. So, that situation doesn't exist today. What really drives detention population, generally, is how many kids go in, and then how long each youth stays. And, what has been happening in recent years is the number of youth going into detention has been generally declining, but how long they're staying has been increasing. So, that is what pushes up, generally speaking, on any given day. The current primary driver of upticks -- any upticks in detention population -- is sort of a back end; how long kids are staying. Because, we're continuing to see, over the years, significant declines in admissions, but we're seeing an increase in length of stay.

SENATOR GREENSTEIN: Does it happen that youth are held in police stations for extended periods due to a lack of available detention space?

I mean, does that take place anymore?

DR. LeBARON: So, it happens from time to time, and, when it happens, it shouldn't. It is frustrating, and it's an emergency that needs to be addressed.

So, youth should not remain in a police station for more than six hours. And, the situations where there has been a challenge with placement, for all the reasons that I outlined in my testimony, has led to youth remaining in a police station for longer than that six-hour period. But, again, it's serious when it happens; it needs to be addressed; but it's a relatively rare occurrence that we believe can be fixed within the structure -- the general structure of what has historically been a very successful detention system.

SENATOR GREENSTEIN: Given the recent legal ruling that the Youth Justice Commission -- not counties -- is responsible for brokering juvenile housing placements, how does the Commission plan to improve coordination with counties to ensure that youth are placed quickly and appropriately?

MR. FINKEL: Chairwoman, we're not going to address anything related to the litigation.

So, since it's under appeal right now, we're going to demur on answering to that question.

SENATOR GREENSTEIN: OK.

How does the Commission support counties in developing adequate housing plans for detained youth, and what additional resources might be needed to strengthen the system?

DR. LeBARON: So, the Commission's role in the locally-operated youth detention system is an oversight role.

So, we have a-- There are State regulations referred to as the “Manual of Standards” that lay out the minimum standards that any youth detention center needs to meet in order to be certified by the Commission as a place that’s suitable for detention. And, so, we have a unit at the Commission that provides not only monitoring, but technical assistance when needed, if any given detention facility is struggling to meet a particular standard. So, we have a strong presence through that, our Youth Justice Facility Monitoring Unit. And, we have-- We are a lead agency for the Juvenile Detention Alternatives Initiative. So, we do deploy an entire team of staff, funding, and resources to help support counties in their mission to create alternatives to detention placement. So, some youth can avoid detention altogether, or others can be released from detention pretrial into supervised detention alternative programs.

SENATOR GREENSTEIN: That was actually the next thing I was going to ask you about, was alternative programs, such as community-based rehabilitation, or transitional housing.

How many programs like that exist out there?

DR. LeBARON: I’d have to get back to you on the number of actual programs, but every county has at least one detention alternative program.

And, as I mentioned, the Commission does administer more than \$20 million in funding to the counties to support those types of programs. We do know that overall, through the funding we administer-- Close to 15,000 youth are served locally each year. Those aren’t necessarily in detention alternatives programs; they could be in local prevention programs, and early intervention programs. But, the Commission does administer

funding to ensure that counties have the resources they need to develop community-based programs for youth.

SENATOR GREENSTEIN: And, this is my last question.

What additional support is needed from State or Federal policymakers to ensure that juveniles transitioning out of detention have stable housing and resources for a successful reintegration?

DR. LeBARON: I'll never miss an opportunity to indicate that any additional money for youth justice programs in the community, of course, is always welcome.

But, we have a pretty robust in-partnership with the counties; the county youth services commissions; the county councils on juvenile justice system improvement, that bring all of the stakeholders together to ascertain what is needed -- to do needs assessment -- to use data to identify gaps in services, and then to use funding administered -- state funding -- administered by the Commission to address those gaps. It is a very robust process, and it has operated very effectively. It's one of the things that makes New Jersey a leader in the nation in youth justice. So, we're really proud of that, and that only happens because we're all working together across the state, county, and even more micro-local level to make this work with a commitment to kids in our state, particularly justice-impacted kids.

So, additional resources, additional funding to support even better, and additional programs is always welcome, but there is a strong infrastructure in place to ensure that funding is moving to the local level, and used in a data driven way.

SENATOR GREENSTEIN: Thank you.

Yes.

SENATOR McKNIGHT: Hi, good morning; thank you so much for your robust testimony.

I do have a few questions. One is, are specific counties able to contract with any county that has a detention center? Or, are they designated to specific counties to contract?

DR. LeBARON: The Commission plays no role in local contracting.

So, when a county decides-- For instance, because this happened mostly because of counties deciding over the years to close detention centers, so, when counties decide to close a detention center, they have to submit a plan to the state that shows that -- meets a number of criteria. That they've identified counties that they can contract with; that we have confirmation from those counties that they are willing to contract with the county who's closing; that the population needs -- the bed space available in the county who's agreeing -- county or counties -- who's agreeing to take youth from the closing county -- that there is enough bed space there. But, we are not party to local contracting, nor do we say who can contract with who.

SENATOR McKNIGHT: OK.

Second question. You mentioned that, at times, if a youth is going into a facility, like on a per diem, they may be denied. What happens when a youth is denied at a per diem? What's the next step for that youth?

DR. LeBARON: You call the next place.

Really, it's about calling every county-- A given county will call every county that they have an arrangement with, because most counties have arrangements with more than one county. And, really, just-- Say we really need a placement for this kid, and, if that fails, we have-- The Commission

has been contacted, and we've encouraged the placement. And, in the end, kids generally-- Kids who require detention have been placed. But, it is admittedly-- It has been challenging in those instances where it does happen.

SENATOR McKNIGHT: OK.

DR. LeBARON: But, I will just reiterate that, a county that has guaranteed beds generally doesn't face that problem.

If the contract is a guaranteed bed-- The biggest problems occur when the contracts are written on as-need per diem basis.

SENATOR McKNIGHT: All right, one more question.

So, as of right now, you mentioned that there are about 332 beds, and you are operating a little over 60%. But, then you have -- you look at the courts -- you have youth who are staying longer in these detention centers. What are some factors of why they're staying in those facilities longer? And, what could we do with the court systems to facilitate them being seen by a judge?

DR. LeBARON: That's an excellent question, and that is indeed what we are encouraging everyone to look at and analyze.

Typically -- I am not going to speak that I know this for sure -- but, having worked in youth justice and around case-processing issues for a while, typically there are a number of drivers for longer case-processing times. And, some are necessary. What we talk about when we talked about reducing case-processing times, is to eliminate unnecessary delay. Sometimes, there are delays in cases; and cases are complex; and there's multiple co-defendants; and there are a lot of things that go into that, and I don't want to diminish the fact that sometimes, some cases take a while. But, we encourage everyone to look for unnecessary delays. And, an example of an unnecessary delay

might be, for example, default case calendaring times; that is a matter of routine. We calendar a case for four weeks out, when maybe it could be ready at two weeks. Or, maybe the default should be two weeks, with only an extension granted for good cause. So, that's an example of what could be driving an unnecessary delay, as opposed to a delay that is serving a meaningful purpose.

And, I will also point out that cases of young people who have been waived to the adult court typically take the longest. But, we have seen increases in lengths of stay for both that population and the population being heard in the juvenile court.

SENATOR McKNIGHT: Thank you.

Thank you, Madam Chair.

SENATOR GREENSTEIN: Thank you.

SENATOR MORIARTY: I just have one or two questions.

I wanted to ask you about technical violations of parole.

Could you define what you think -- what you consider technical violations?

DR. LeBARON: Sure, and it's technical violations of probation, because parole is-- Yes, yes.

SENATOR MORIARTY: I'm sorry, probation.

DR. LeBARON: So, a technical violation of probation would be a violation of probation for something other than a new -- delinquency charge.

So, it could be that you failed -- you missed a reporting day. It could be anything that is a condition of the probation, short of having committed a new offense.

SENATOR MORIARTY: So, everything other than a new charge is considered a technical violation?

DR. LeBARON: Yes, but it's a term apart; it's not really a legal term, I want to be clear.

One of the things that JDAI encourages people to look at and consider is minimizing reliance on detention for things that are not new delinquency offenses, and to find other methods of accountability that can be community based. So, the numbers around reductions of youth going into detention for technical violations of probation and violations of the rules of probation, and not a violation that was incurred because they were arrested on something new.

SENATOR MORIARTY: So, is this part of how we've reduced the population?

DR. LeBARON: Finding alternatives for young people who break the rules, as opposed to commit a new offense, is one of the ways over the past 20 years that has created the decrease in admissions to detention.

And, fortunately, it's happened with a commensurate decrease in youth crime.

SENATOR MORIARTY: I ask these questions because we have legislation coming our way that we've been talking about.

And, I'm just kind of confused because, if you don't show up for court-- How many times can you not show up for court before you actually are no longer just a technical violator?

DR. LeBARON: Yes.

So, to distinguish between showing up for court; showing up to court would be a failure to appear, not a technical violation of probation,

because that youth isn't on probation, that court is a non-adjudicated-- Usually. So, there-- I don't know which legislation you're talking about to make sure -- to know whether I'm addressing your question sufficiently. But, we strongly encourage the law around detention of young people presumes there won't be detention, unless certain criteria are met, and that includes the danger to public safety, and, demonstrate a recent history of willful failure to appear in court. So, there is sort of a spectrum -- to your point -- there is a spectrum of missing a court date, versus continuously willfully missing your court date. And, that is something we ask and encourage all of local stakeholders to see those nuances and make decisions accordingly.

SENATOR MORIARTY: Has the Legislature weighed in on technical violations, or this is administrative?

DR. LeBARON: Well, the law-- So, the statute presumes nondetention for anyone, unless it's a first-, second-, or third-degree offense, or certain fourth-degree offenses.

SENATOR MORIARTY: One other question.

Some of the facts and figures you were giving, and some of the picture that you were showing; I was watching some of the people behind you that were shaking their heads, and did not seem to agree. So, how would you describe the difference between your perception of what the issues are now, and maybe some of your friends' at the counties?

DR. LeBARON: Chair, well, I'm sure we'll hear what the differences are from our friends in the counties.

But, I can tell you that in terms of facts and figures, they aren't perception; they're facts and figures. They're based on reported, publicly available data. So, what I can tell you is I am reporting figures of long-term,

sustained trends in the use of secure detention, and in youth crime. And, I can also tell you that over the past-- From the time period sort of, like, right before the pandemic to now, things are still down. There was, certainly, an even bigger dip during the pandemic that we're sort of springing back from, in terms of, we're seeing a few more admissions to detention, and an uptick in youth crime. But, we're still below 2019 pre-pandemic; and, we're still more than 80% below where we were when we started this journey to reform the detention system in New Jersey.

SENATOR MORIARTY: Thank you very much.

SENATOR GREENSTEIN: Senator Henry.

SENATOR HENRY: Yes.

Thank you. Thank you, Dr. LeBaron.

Some of my questions were already answered, but I have a couple follow-up questions; you might have provided the information already. But, the YJC facilities, how many currently are being housed? How many residents do you have?

DR. LeBARON: At the-- I'm sorry.

At the Commission? Let me see. I believe I wrote that down.

It's in the neighborhood-- Different piece of paper, sorry. I know I have the information.

SENATOR HENRY: You might have touched base on it, but I couldn't write fast enough.

DR. LeBARON: I am so sorry; I can get back to you with an exact number.

It's just shy of-- Just shy-- Nope, there we go. Two-ninety. And, then, 118 on parole.

SENATOR HENRY: So, you have 290 current residents?

What is your capacity at those facilities?

DR. LeBARON: We are in the throes of significantly reducing capacity as the State has committed to closing the New Jersey Training School for Boys, and our one secure care facility, the Hayes Unit in Bordentown.

So, what are-- I'll have to get back to you on our precise capacity, but those facilities are closing, and, at that point, our secure care capacity will be significantly reduced.

SENATOR HENRY: You had mentioned Atlantic County is a hotspot within the state; are there any other areas in the state where the detention centers are in distress and they can't take any additional?

DR. LeBARON: No.

I will say that everyone has been experiencing staffing shortages, just like the YJC, and just like in many other industries. So, I would not-- I don't want to characterize it as not being in distress. Facilities were facing staffing shortages; we met with the facilities to reduce their rated capacity in the face of those staffing shortages. And, based on those agreed to reduced capacities, no one else has maxed their capacity.

SENATOR HENRY: Are you fully staffed -- the YJC fully staffed?

DR. LeBARON: No, we are not.

SENATOR HENRY: You're not.

Is there a transition from the county facility to the State facilities? What is the difference in the residence?

DR. LeBARON: So, when a young person is sentenced by the court, they can be sentenced to State custody.

And, at that point, they might be sentenced to one, three, five, 10 years, and, at that point, they would come to the State facility. It's analogous to how it works on the adult side, as well, where, generally speaking, the longer-term State-sentenced adults go to the State Department of Corrections, but remain in the counties pre-trial.

SENATOR HENRY: At any point in time during the process, are any of the YJC facilities available for towns or counties that can't place a resident?

Are you making your facilities available?

DR. LeBARON: No.

So, there are a few things that absolutely stand in the way of that. The first is, I will emphasize that there is space in the county facilities. The second thing I will emphasize is that our statutory -- current statutory -- framework doesn't allow for that. So, we would be in a pickle. But, over and above, the statutory barriers-- Let me just find some-- Hang on one second, I just want to make sure I give you the right information. Right, OK.

So, the-- As I shared, the JJC-- The YJC is facing the same kinds of staffing issues that counties are having. Within our current statutory framework, it wouldn't allow for non-adjudicated youth to be housed alongside young people who have been sentenced by the court. But, in addition to all of that, if we sort of set this precedent, it would thwart our plans. And, if we started taking pre-, non-adjudicated youth, and increased our population, it really would thwart the plans to downsize the State's footprint in terms of secure care facilities to close the large facilities that are

just incredibly difficult to operate. It would cost a lot of money. It's by no means a short-term fix, so we may all be in this room again next year, and the year after, and the year after as we work through the statutory and regulatory framework to make it even allowable, in addition to the operational challenges of finding and setting up spaces, and making sure that we operated within the regulatory framework of serving non-adjudicated youth.

SENATOR HENRY: So, if you close -- and, maybe this is off target a little bit -- but, if you close your facilities, where are these residents going to be housed?

DR. LeBARON: We are downsizing our footprint; we're opening three, 48-bed facilities regionally, distributed throughout the state, to get kids closer to their communities and closer to home, and to have a much more efficient operation that relies on fewer staff and lower costs.

SENATOR HENRY: Would it make sense to convert your existing facilities into some type of detention centers that the counties could use?

DR. LeBARON: It would be much more expensive. The philosophy behind closing the existing facilities is that they're hundreds and hundreds of years old; they're antiquated; they're incredibly costly to upkeep on a daily basis; they're spread out -- particularly the training school -- over hundreds of acres, 50-something buildings.

And, so, the-- It just wouldn't be an immediate nor cost-effective solution when there are actual, physical beds in each of the local, smaller county detention facilities that the same solution would apply. So, you have-- The 332 beds I'm talking about are not the number beds available in those facilities; it's the number beds that are currently *staffed* in those facilities.

There are actually many more beds than that in the county facilities that exist. So, we're proposing not blowing up a successful, locally-run system, and making it a state system, because that would take a lot longer; it'd be a lot more expensive; it's a lot more complex; and, a simpler fix is to give the counties what they need to staff up properly, and to effectively contract so no one is saying, "No," to a young person when there is a properly staffed bed available for them.

SENATOR HENRY: You mentioned cost.

What is the average cost for a county bed, (indiscernible)

DR. LeBARON: Well, so, the average--

SENATOR HENRY: When you say they buy these-- So, if they buy these beds in advance, what is the--

DR. LeBARON: Yes, so.

I can tell you what the counties are charging one another, which is an indicator of cost. The range-- The range is-- I know I have this one. Counties are charging each other anywhere between \$225 and \$490 a day.

SENATOR HENRY: Per day?

DR. LeBARON: Per day.

SENATOR HENRY: I don't have my--

DR. LeBARON: In the contracts that they've given us, that is what their contracts say.

SENATOR HENRY: And, the average length of stay?

DR. LeBARON: The average length of stay--

Average length of stay in 2023 is 47 days. And, obviously, that's an average. So, there are young people who stay much longer than that. By

a comparison, previously length of stay was 27 days, so that's the increase I'm talking about.

SENATOR HENRY: And, the average cost for a state -- the YJC facility?

DR. LeBARON: I don't have our per diem costs in front of me, but we don't charge people per diem, so, we'd be comparing operation-- A fair comparison would be to compare operational budgets so we can see what we can track down in terms of the county operational budget versus ours.

SENATOR HENRY: I see the figures, but I have a hard time believing that it costs this much.

I hope they're not accurate. But, I think it's important that we have those numbers.

DR. LeBARON: Yes.

SENATOR HENRY: And, as you reduce population, I guess--

DR. LeBARON: Well, yes.

SENATOR HENRY: --the cost per resident would go up?

DR. LeBARON: The cost per resident goes up as you reduce the population because there are fixed costs associated with operating a facility.

SENATOR HENRY: Thank you so much, I appreciate it, thank you.

DR. LeBARON: You're welcome.

SENATOR HENRY: That's all I have, Madam.

SENATOR GREENSTEIN: Thank you very much, Director.

We really appreciate the testimony, thank you. It was very enlightening, indeed.

DR. LeBARON: Thank you again for your time, and your interest in this matter; I really appreciate that.

SENATOR GREENSTEIN: And, thank you, Steve Finkel, as well; appreciate it.

OK. The next person I'll call is Dan Benson, the Mercer County Executive.

UNIDENTIFIED SPEAKER: Do you want to bring us up in groups--

SENATOR GREENSTEIN: I'm just calling Dan right now.

Unless you had someone you wanted to bring with you.

DANIEL R. BENSON: Thank you, Madam Chairwoman, Vice Chairman, members of the Committee; it's great to see everyone again.

SENATOR GREENSTEIN: Welcome back.

MR. BENSON: I wouldn't be here if there wasn't a crisis.

This is a system that is broken, despite a lot of what you just heard. I've given an extensive letter; I'm not going to read from my testimony, because I think it's really important to kind of hit some of the highlights. It was really interesting to kind of hear the viewpoint of the YJC, which just seems like, from their point of view, they're a bystander in all this, maybe a facilitator. They used the word oversight, but we're not really sure -- when it come to detention -- we're seeing that oversight. There was a brief mention, thanks to the Chairwoman, about the Atlantic County court case. We really think that is the crux, and I can understand why, if they're appealing, they're not going to testify on it today. But, I really encourage each and every one of you and your staffs to read that court case. Because,

it was the Legislature that gave then-JJC the statutory authority for more than just oversight to make sure that placement was occurring for our youth.

Now, as a County Executive, and as someone who was the Chair of the Law and Public Safety in the Assembly, and who works and continues to work with a lot of social justice organizations, we just opened up a restorative hub here in the city of Trenton. There is no detention that I would like to see for any youth; however, 50% of our youth are first-degree crimes. In those cases, generally detention is the only option. We have seen an increase in those crimes, and an increase in younger ages for those crimes since the COVID-19 pandemic. You heard the YJC mention helping to place in an emergent basis when no bed is available. The majority of what was mentioned -- I think it was 17 -- five of those in the last three months were all Mercer County. Mercer County is the canary in the coal mine here. In many ways, you heard, "Well, it's just about contracting." Well, our contract costs are about \$350-\$400 a bed. We contract primarily with Middlesex County. There's not a county that will accept an expansion of the contract. When I first came in, in January of 2024, it was clear we needed to expand our contracted beds. There was an increase going on, and we sought to increase those contracts. Because of the operational capacity -- and you'll hear this from the counties that are operating those facilities -- and, because of staffing shortages, they are not accepting larger contracted spaces. So, that's not even an option.

Now, I'm paying \$900 for some of the per diem spaces. So, to give you that difference in price -- so you heard that range -- the per diem cost, \$900. We're expecting at least a \$2 million increase in our budget for youth detention this year. That means for every dollar -- and, that's within

cap, so, counties face caps just like our municipalities -- so, that means for every dollar I'm spending there because we're at cap, that means I have to find cuts in other services, including youth services. And, so, we'd rather be spending that \$2 million elsewhere. We'd like to send it to try to find ways to prevent youth violence, but we are seeing increasing in our county; and, it's not just in urban areas. We are seeing there is no free market, as it was heard. Now, that court case is really interesting because it's the county's belief -- and, you'll hear this from both those who operate detention centers, and those like us who close detention centers -- that the JJC, now the YJC, has the statutory authority and responsibility for placement, and for managing those placements. The courts agreed in that case. I get that it's on appeal. We can make that court case move if we need to, by saying if we agree with what the judge sees as already now, we can reinforce that with legislation. And, so, that's part of what we're seeking.

In a short term, Mercer County's seeking through this next budget process to try to get these increasing and escalating costs until we have a longer-term solution, whether it's on staffing, whether it's on contracting or shared services, to make those costs out of the cap. So, this way I'm not pressured to cut services anywhere else, in the recognition. Now, the other thing I found interesting is why the YJC pat themselves on the back for all the closures that have occurred since 2008. At the same time, for counties that did close like we did-- And, we were one of the pilots for getting youth alternatives, before the JDAI was done, we worked with local judges to start doing ankle bracelets, and everything else. We got ourselves down from 65 beds on average in a year, with our detention facility, down to 11; nine males and two females. And, that's when we contracted-- Our contracted beds with

Middlesex exceeds 25 now. We have more beds in Middlesex than Middlesex has of their own use in that facility. So, again, there is no free market for this. You'd think if I'm paying \$900 per diem, and I offered maybe \$850 to all the other counties, that they would jump at that; they don't, because they don't have the operational capacity, and you're going to hear that again and again. So, despite kind of an attempt to divide the two types of counties; the counties may be seeking different types of relief, whether you have a detention facility or not.

But, we're kind of united in saying that the system's broken; we need not only legislative help, but we need the JJC, now YJC, to actually meet their statutory responsibility as seen when it was heard before a court. And, that was the Atlantic County Superior Court. There are a number of other things that we can do. It's interesting because, again, you heard that, "Oh, it's just the counties." I still actually have the building; we use it for other office space, and in fact, the pods where the youth were living actually just aren't being used. We've even joked, and not -- somewhat seriously said, "Maybe we should reopen it." At that cost of \$900 a day, we could probably poach employees from other counties, or even from the State, and then at that point reopen. But, you heard from the YJC, they have no interest in seeing either new facilities opening, even if needed, within a county. So, on one hand, they're bystanders in a lot of this process.

Now, what I think is interesting is, they talked about that emergency process. So, if you can't find a bed, and Senator McKnight, you asked about that. So, five of our last detentions -- we used that process, because, all of our beds were filled in Middlesex, all of our contracted beds. And, even for per diem, after calling each of the counties -- and, there are

counties that will not even have a conversation; they don't take outside of their county, or outside of their contracted beds for per diem; they're not even being offered. And, when we get told no, we now have a process in place. It's an *ad hoc* process. We call the JJC well in advance, because we know this is going to happen; there's an outstanding warrant; we let the JJC know. The minute that youth is picked up, we let the JJC know. We call around, when there's no room at the inn, we call the JJC. Now, for the first year that I was in office we followed that same process. We were *not* receiving that help. It wasn't until after the Atlantic County court case that -- and, with a lot of outside pressure -- that-- And, I'm very grateful that the YJC now has this ad hoc process. I'd like to thank the Director, Lisa Mancuso (phonetic spelling) as well, and Steve Finkel; they were very helpful in getting that process in place now. Now that it is there, it is a temporary Band-Aid. But, there is nothing -- and you've heard them say that -- that requires them to do this, even though the court case pretty much clearly says that they can dictate placement and have that ability to manage this process; to use that oversight that they say they have.

So, we are asking the YJC to take ownership as the regulatory agency that the Legislature has statutorily encharged them to be, that the courts have recognized, even though it's being appealed. And, if need be, to create legislation that formalizes that process. And, that recognizes that you can't share services that contract this way out of this. There are long-term things we can do; you heard about there are beds at State facilities. When you started asking about those, all of a sudden, she sounded a lot like what all the counties are going to be testifying; "Oh, we don't have space; we have staff shortages." All of a sudden, you're going to hear the same story from

the State that you're hearing from all the counties. So, we're all competing for the same staffing, which obviously causes issues in a regional basis. The State, I agree, probably cannot take pre-adjudicated. But, there is nothing as far as we can tell statutorily, that they could not take on an emergent basis, adjudicated youth. And, that could also create a really good opportunity. We-- I personally support the regionalization of -- to three facilities; that does make sense to keep them closer to home. But, there's been no discussions about, "OK, well, maybe we should make sure there's capacity there to help out counties as well." There are solutions here; we need the YJC to have the same level of passion that they do about alternatives, to have the same solutions for detention. Detention is always going to be a portion of what's needed for the safety of the youth. Many of these youths are victims themselves. And, in many cases if they are on the streets, they would be potentially a victim of violence, back. So, in some cases, detention is the proper thing for the youth, and for the public safety. It is-- Doesn't mean there's more that we can't do, but our hope is when they're out of detention, we don't continue that cycle.

So, there's work to be done. I'm going to stop there because I'm sure there's plenty of questions. And, I apologize if I sound a little frustrated, because this has been a very frustrating year and a half. We've gotten some progress, but there's much more work to do. And, the counties avail themselves of the Legislature of anything to be a partner in crafting whatever that solution is.

Thank you.

SENATOR GREENSTEIN: Thank you very much.

Very much appreciate your testimony. I just have a couple questions. You may have said this in your testimony; I'm not sure. How many juveniles need housing in Mercer County? What is the average number?

MR. BENSON: Yes, so, there's no average because we're increasing. We were about 22-25 last year, maybe 30 this year from what we're seeing. And, our contract-- I think, contractually, we maybe have less than 23.

SENATOR GREENSTEIN: What do you think are the factors contributing to the overcrowding of the county juvenile facilities?

MR. BENSON: Well, you'll hear from the facility operators of those counties; they say it best.

But, it's a number of factors. It's, again, making sure that they have room for their own youth. And, I understand why counties need to make sure they take care of their own county's youths' needs first. Some of it is because of operational capacity that is based on staffing, and it's based off of the regulations that they, YJC, set for those facilities as well.

SENATOR GREENSTEIN: What are-- As you've been struggling to get housing for the juveniles, what are the alternatives?

Are you sending-- Well, you are sending them--

MR. BENSON: Yes.

SENATOR GREENSTEIN: --to Middlesex, you said.

Has that been satisfactory?

MR. BENSON: Yes, listen, again, we really appreciate the counties that are taking our youth; we are all in this together.

We just think that the system right now-- Depends what county you're in or what ZIP code you're in that's going to determine what type of justice you're getting as a youth. I don't think any of us wants to see that. And, so, leaving it up to the counties, I think, leads to injustice. And, that's why we need these reforms. But, we need the Youth Justice Commission to play the bigger part on that piece with the statutory that they have now. Now, if we need to make that clearer, again, we will work with the YJC and Legislature, and the counties, to make that more apparent so that there is no disagreement about whose role is what. But, we think in placement purposes, but we also think in contracting and in the cost; all of those things are the oversight role.

And, I'll give you a perfect example. So, we had a situation where, last year, we could not place a youth. We notified the JJC of that issue. We did not receive any proactive help during that time. Working with the prosecutor, working with the knowledge of the judge, we came up with a wholly unideal solution. We found an unused wing of our adult corrections; we found additional corrections officers or sheriff's officers who assisted us; and, until a bed opened up over a course of a couple days, we did a temporary holding. So, this way we wouldn't run afoul of what you heard about the six hours; we would make sure that they weren't chained to a place in a police office, which would occur if there was no placement, and that we've seen in other counties which is what led to some of the lawsuit in Atlantic County. We received a letter from JJC saying, "You can't do that." It's not-- They felt that it was not what the statute said. There was no saying, "OK, this is what you should be doing; this is what you could be doing." It literally just said, "You should go out and try to get more contracted beds." Now, as a

new County Executive, you can imagine my response to that. That was not a phone call; it was just a letter that just, all of a sudden, showed up one day. Pretty upset. And, we wrote a letter pretty much laying out why we were upset, and that's when I started getting involved more with this. And, then, when the Atlantic County decision came out, things started changing. And, so, we have this ad hoc; we think that should become in statute, that the JJC can actually do the placement. We think they have that now, but if they disagree, I think that's an easy fix. The courts already think so; the county thinks so; JJC and YJC doesn't think so. That's, I think, an easy first step. We do need to try to build towards having a master agreement across not just the counties with the JJC on what roles and responsibilities; who can take what; what are the operational capacities. And, you'll hear this, from those counties, that operating -- there's big disagreements about what -- or recognition of what -- their operational capacity is by the YJC. And, that's another area of friction that these types of agreements, or at least statutes, should lay out.

SENATOR GREENSTEIN: And, that actually leads to my next question.

You said some areas of friction. If somebody comes into this not knowing much about this -- and, I didn't until this came up -- when we listened to the Director, listening to you, and, I'm sure all the other county people, we're hearing different things. Is that because there really are some points of contention? Or, is it possible that some of those are easy to sum?

MR. BENSON: Well, listen, I think we all agree that moving from-- And, you heard. They took credit. They said, it's great that we've closed detention facilities. But, at the same time, did you hear how often the

Director said, "Those counties that closed their facilities." Like it's-- Like we were being blamed for that, and that's part of the problem. Well, you can't have it both ways. I agree. The fact that we've moved from 65 detentions in Mercer County to what we have now, which is half that, is a huge success. Again, we were one of the counties that piloted ankle bracelets and other detention alternatives. And, we are first in line whenever there's alternatives. And, I was very happy to hear that the YJC is trying to come up with a detention alternative for those medium security-- Because, we would be first in line to try to pilot something like that, as well. We don't want to be sending youth out. We want them to stay in the community. But, we have to make sure that both the community and those youths are safe. But, we can't do that unless the YJC approves it.

SENATOR McKNIGHT: My question to you is-- And, thanks so much for being here.

MR. BENSON: No, appreciate it, Senator.

SENATOR McKNIGHT: So, my question to you is: Is there a roundtable discussion with the counties and YJC?

Are there recommendations given? And, then, is there a follow-up to say, "We took out of the 10 recommendations; we have implemented three of them;" or, "We need to have another meeting." Because, it just seems as if so far we're hearing--

MR. BENSON: Yes.

SENATOR McKNIGHT: --different sides of the story.

But, I want to know if everyone is coming to the table, together, to try to mitigate this.

MR. BENSON: Yes.

The New Jersey Association of Counties has a working group among all the counties that has been developing these recommendations. Part of this was just to get the problems on the board because we want input from the Legislature, as well. And, so that you can see that there's a disconnect between the regulatory agency that's in charge of detention and alternatives, and the counties that are operating the facilities, as well as those who are sending youth to those facilities, as well as operating the alternatives. So, we think this is really important. You're going to hear each of the counties say some of the things I've mentioned about cap issues and about how we fund; making sure that there are alternatives for those medium-- There are staffing things that we think could be very helpful. The State playing a greater role in clarifying. There is also a working group that you heard the YJC mention with prosecutors and others. We think that working group has a lot of merit. We're concerned that not as much will come out of that for some of the court issues, as long as the YJC does not see themselves as where the buck stops for placement, and for managing of the process. Not just what capacities are.

SENATOR McKNIGHT: And, then, last -- may not be a question, may just be a statement -- it is disheartening to hear that you had a youth and you went to place the youth, but you were turned down for whatever reason, then you went to the next one, and you were still turned down.

And, if we're in this together to help our youth, to make sure that they are placed or they receive alternative care, but then when you keep getting the door shut down, and then you go to YJC, and you're stuck; you don't know what to do. So--

MR. BENSON: And, we don't get to choose that placement; they facilitate it; we take the first come, that first serves, and we don't get to choose the cost, either.

SENATOR McKNIGHT: Yes.

MR. BENSON: Yes.

SENATOR McKNIGHT: So, I just want all of us to work together, because a youth should not be held, like you said, over six hours.

And, you shouldn't have to come up with alternatives when there's (indiscernible) in place to say, "Look, this is what we need to do when the doors continue to be shut."

MR. BENSON: No, you find full agreement from the counties.

SENATOR GREENSTEIN: Do you have something, Senator?

SENATOR MORIARTY: Can I?

SENATOR GREENSTEIN: Yes, please.

SENATOR HENRY: Just a comment. Mr. Benson, I thank you for your very incredible testimony, thank you.

MR. BENSON: Thank you.

SENATOR GREENSTEIN: Can I just-- I think-- Did you have something specific, and then I was going to go back and forth.

UNIDENTIFIED SPEAKER: Go right ahead.

I'll go after you.

SENATOR HENRY: I'm good.

SENATOR MORIARTY: Oh, OK.

Dan, I don't-- What do you call an Executive, what's the proper title?

MR. BENSON: Just-- Yes.

Executive's fine, but Dan is always fine.

SENATOR MORIARTY: Former Assemblyman who used to sit next to me and tell me, actually, what was in the bills.

(laughter)

I respect you immensely. I checked, and I can stay at the Four Seasons in Philadelphia tonight for \$979. And, at the Ritz Carlton in New York for \$1,083, a little bit more than what you're paying per diem. I wanted to ask you, this per diem that can go up to 900 and something dollars, the receiving county, are they making money on this? Are they trying to make a profit?

MR. BENSON: No.

And, to be honest with you, I think some of that \$200-\$400 is probably, as you'll hear, is low. And, that \$900 is really attempting to, probably, just cover the cost that they have. Because, remember, there's transportation they have the further away it is. And, that per diem rate is for sending counties that are more than 50 miles away from the facility. But, because they have it-- That per diem is set by ordinance, as opposed to being set through a contract. It's probably one of the reasons why JJC is able to place at that location compared to others. Because, in no way is the JJC saying, "You have to take that youth," even though, again, we believe they had that ability. So, if there are other counties that probably could take -- maybe even closer to home -- that's not happening, and we're grateful for the county that is taking our youth. For us, our challenge is, it is a lot; it's very expensive; and it is cutting into other services.

SENATOR MORIARTY: And, at that price, as you've said, you've thought about--

MR. BENSON: Reopening, yes.

SENATOR MORIARTY: --maybe we should reopen.

Can you unilaterally make that decision.

MR. BENSON: JJC has to-- YJC would have to approve that.

SENATOR MORIARTY: So, YJC, who says they're facilitators; they actually are more than that.

MR. BENSON: Listen, from-- The statute, I think, is pretty clear.

SENATOR MORIARTY: She's shaking her head, in the back.

This is like when she was up here, and you were shaking your head, in the back.

MR. BENSON: So, read the court case.

The representatives of the State were not able to answer very -- what I would think be -- clear questions. The judge was very clear. Now, obviously, the State disagrees with the judge's ruling, that's why we have an appellate court.

I don't really care. I think the Legislature gave them the charge in the first place. The counties have a reading of that. My hope is when, as we work with the Legislature, they'll have an agreement on this that letting just, kind of, a free market system work as-- We agree with the YJC. If they think that they're not it, there's all there is; well that's not working. That has failed.

SENATOR MORIARTY: So, your position would be that, even if the per diem was \$1,500 and just made no economic sense, you're not allowed to reopen a facility to--

MR. BENSON: Without their approval, yes.

SENATOR MORIARTY: --take care of yourself.

OK. There's a--

MR. BENSON: Now, they're going to say-- What they will say is--

SENATOR MORIARTY: There's a disagreement on that, though.

MR. BENSON: --you have to apply.

There's a process, and we have not applied.

SENATOR MORIARTY: OK.

MR. BENSON: But, they will make-- Your question was, do they make the determination?

SENATOR MORIARTY: They still make the determination.

MR. BENSON: They still make the determination.

And, the other question, remember, they've made a statement-- And, again, that was a-- If they do take an opinion -- they made a statement earlier, if you recall -- they said they don't believe new facilities need to be opened, OK. So, let's take that statement--

SENATOR MORIARTY: So, you would think that they would deny your application. Well--

I got it.

MR. BENSON: I'm just trying to take it to the logical conclusion.

SENATOR MORIARTY: The Executive Director says numbers don't lie; we're at 69% capacity today; last year 1,700 admissions, 20 were problematic.

I remember reading a book a long time ago, it was called, “Lies, Damned Lies and Statistics.” I don’t know if that applies here, but, numbers can sometimes be misconstrued. What do you say to this rosier--

MR. BENSON: So, I--

SENATOR MORIARTY: This is a rosy picture that everything’s fine.

MR. BENSON: The reduction in detentions from 2008 on is a huge success.

And, again, it’s the Legislature, and working with the State, and working with advocates all across the State is what led to it; and, a lot of judges that were really keen to see this change. Everyone should take credit for that. But, we’re seeing something different right now. We are seeing a system that is not working. And, we’re not seeing the level of partnership that we need from the YJC, and the level of leadership. They’re saying that that’s not their role; we believe it should be. And, that’s why we’re coming to the Legislature, to try to discuss ways that that may work. There are going to be differences of opinion between those counties that have facilities and those that don’t. There are counties with facilities that would love to just get out of the business, as well, altogether. It is not something that is what any of us want to be in.

SENATOR MORIARTY: Your solution might be to take the recent judge’s opinion that’s being appealed, and to turn that into law.

MR. BENSON: Yes.

I think that’s something we should be discussing.

SENATOR MORIARTY: Very good.

Thank you for being here, it’s always good to see you.

MR. BENSON: Thank you so much.

Always.

SENATOR GREENSTEIN: Senator?

SENATOR HENRY: I'm good, thank you.

SENATOR GREENSTEIN: Oh, that's-- OK.

Good. Everyone's fine.

Again, thank you very much--

MR. BENSON: Thank you.

SENATOR GREENSTEIN: Former running mate.

(laughter)

And, continued good luck. OK.

The next person is Jim Sauro, Cumberland County Commissioner Director. Jim Sauro.

J A M E S S A U R O: I want to thank the Committee for allowing me to speak here today, because this is a very important issue.

I guess I could start off with saying "ditto" to almost everything the gentleman said for Mercer County. Also, the Senator took one of my lines, is that it's, "Lies, Damned Lies and Statistics." So, this actually might be shorter than you thought.

It still comes down to this: The system is broken. And, the gentleman from Mercer County made that statement. And, it is. It's broken. And, according to NJSA 2A:4A-37B, which is what the judge really based everything on, it's their responsibility for juvenile detention. Now, I truly believe that the YJC advocated its responsibility to the counties. *But*, want to control what the counties do. And, you heard that from the gentleman from Mercer County. This has to stop. I'm going to tell you a little story

that happened last year. And, that is, right before summer, there were two young ladies who were brought in; it was at 10 o'clock at night. They were scrambling to make phone calls, in fact, the former Director, Joe Sileo, was making phone calls 10 o'clock to one o'clock in the morning, trying to get these individuals into an area. They were putting them in the courthouse; taking them out of the courthouse. Into the courthouse; taking them out of the courthouse. Why? We didn't want to-- Their civil rights. We didn't abuse the civil rights they had. This went on; we finally got one of the individuals into a facility, but it was only for three days. We had to take them out. The phone calls continued all the next day. That's not how the system should work. It's not right for the children; and, they are children, that's why they're called juveniles. Back in 2022, we were paying somewhere in the vicinity of \$750,000 for our juveniles. Last year, we're over \$2 million and we're rushing towards \$3 million. That's on the citizens. That's taxpayer money. But, it also -- you realize -- it's again, it's the individuals who we're supposed to be protecting.

We go back to the system is broken. Our juvenile population at this point in time, 50-- Oh, not 50, that's not correct. *Almost* 50% are over the age of 18. Now, by most standards, that's an adult. So, how come we have almost 50% of our juveniles over 18 and they're in juvenile detention centers? Which is fascinating, because, juvenile detention officers, JDOs, are not trained to take care of adults. And, you have your COs, correction officers, that aren't trained to take care of juveniles. We have a problem. The system's broken. Right now, we were talking about stats, OK. Back in 2022, we had almost an 8% increase of juveniles over 2021. And, in 2023, we had a 63% increase over 2021. Or, 2022. It doesn't look like it's going

down. And, the other thing is that, what we're locking up, or detaining juveniles, is completely different than it was years ago. It's more violent. It's not that they stole candy or something, or smoked pot on the corner. What it is right now, it's starting to get very violent. But, I still truly believe one of the solutions is to get the adults out of the juvenile detention centers.

Now, it was very difficult just that one time that I mentioned, where we were making phone calls for almost two days. We got it done; but, you shouldn't have to do that. What kind of stress are you putting individuals under when they're already under stress as it is because they're being detained for doing something wrong. And, I don't think that's fair to them either. And, you just can't let them go because that's not fair to the community, especially with some of the reasons why we're bringing them in. Now, you as a Committee have the power, you really do, to make these changes. The counties need you to make these changes. The *children* need you to make these changes. And, the citizens of the state need that. So, we're asking you to help us out, and, you're going to hear from a lot more people who are much more learned in this area than I am. And, I really do believe-- I know you'll listen to them, but I'm just saying, please listen to them, because it's very important, good things they have to say.

Thank you so much. If you have any questions-- I don't know.

SENATOR GREENSTEIN: Could you just very briefly expand on some of the things that you'd like us to do, here in the Legislature?

Because, I'm sure we'd be willing to. What are-- What's the nature of the legislation?

MR. SAURO: Well, one of the first things I believe-- I think they say there's no stress on the system, but I believe that if you do take the adults out of the system, that will help.

I don't know exactly the percentage, and I know that one of the individuals that'll be coming up probably knows the percentage of how many adults are in the juvenile detention system. And, I do believe that's what you need to do, is take that out. If you're going to make a statement -- not you personally, but YJC -- if they're going to make the statement that we're leaving the responsibility up to the counties and that you're doing a good job, and for how many years this has been successful; well, then, you're going to have to let the counties make their own decision on certain things on how to make it right. Let's face it, home rule to a certain extent, is important because they know what's better for their-- You know, each county's different. The gentleman, again, I refer to him, he made that statement. Not every county's the same. So, you have to have a little bit of leeway as to how the county is going to operate. And, I don't see that at this point in time. And, I think if that happens, it's going to make a difference.

SENATOR GREENSTEIN: Thank you, thank you.

MR. SAURO: I appreciate it, again, thank you so much for allowing me to testify.

SENATOR GREENSTEIN: Thank you very much, thanks.

Do you have anything?

(indiscernible)

OK. Next I'm going to bring people up in panels of three. So, Joseph O'Donoghue, Atlantic County Sheriff; William Reynolds, Atlantic County Prosecutor; and, I guess that's just two of you.

(indiscernible)

Oh, yes, there is three. Holly Cass, Camden County, Deputy County Administrator.

Why don't we start with Joseph O'Donoghue, Atlantic County Sheriff.

SHERIFF JOSEPH O'DONOGHUE: Good morning, and I want to thank the Law and Public Safety Commission for hearing my testimony.

I think what I bring to the table will be unique, I believe, to 99% of you. Because, I am the poster child for the juvenile delinquents that we're talking about. Because, I spent my 13th birthday incarcerated. I share that with you because I was at Harborfields; I am the example of what can be done if we handle our youth properly, and if we give them the guidance, direction, and hope for the future. I share this openly with you and with the public because our youth need to know that there is a way, and there is opportunity with the right direction. I'm known to the public as Tokyo Joe. I am biracial; I grew up in a predominantly African-American and Hispanic community, which nurtured me, loved me, and, as poor as people were, they took their time and gave me what I needed.

I first want to speak to you -- and, I did not want to bore you with my story -- but, I spent my 13th birthday incarcerated; a year later, I was a father, and my life changed dramatically. That was the first of my 12 children. I can tell you that in -- elected to Sheriff shortly thereafter, I was called for mutual aid -- my agency was called into Harborfields -- for an actual riot that took place August 25 of 2024. In this riot, there were four of their officers, predominantly women, who were injured and hospitalized. There

was a child, and I say child, who lost the top portion of his finger in this riot, and it had to be reattached surgically. The officers who were injured, many of them didn't return to work, and this is not unusual in this field. The mental frustration that law enforcement has with the juvenile justice system goes far beyond your imagination. I would like to say to you that it didn't end with that riot. We waited for JJC at the time, which is now YJC, to respond for hours. And, ultimately, contact with the Atlantic County Prosecutor and myself, I decided to go into uncharted territories, which we are neither trained to do, had to surrender the tools of our trade, and our safety at stake, to go into an unknown environment. Fortunately, it was known to me, having been and always will be claiming to be one of those youths. They would not comply with any lawful orders given by uniformed police officers prior to my entry, and Undersheriff Suarez and I went in, and we got them to go back to their cells and be contained. This didn't end. I had to send my officers in, completely untrained in this, completely unaware, still waiting for a response from YJC. The Director of Harborfields didn't even live in this state. Where's the oversight? They had to come from Delaware. We didn't hear from them for hours. Those hours went to the following day, at a great cost to my budget and to the citizens of Atlantic County. I had to have an officer sit there; this went on for days. Soon as we left, they said the security was under control; they were staffed. We had a second incident, so severe, that the county SWAT team had to be called in because they held hostage employees -- again, predominantly women -- and a nurse. The nurse was assaulted, the Director of the facility was severely assaulted, and they refused to release people. Once the SWAT team arrived, we were able to take control of the facility again.

Now, we have to look at cause and effect. What do I believe caused that? First and foremost, Atlantic County is not afforded the opportunity to speak on these issues often, but we will now. And, the truth of it is what I'll speak to you about, the hard truth. Ninety-five percent of the juveniles incarcerated in that facility are first- or second-degree crimes, because we have no other options. Secondly, the programs -- or, many of them -- are in failure mode, to include the bracelet program. Most recently, we had youths put on a bracelet, released, and they cut the bracelets off, and went on a crime spree. But, I'll take you back to this facility again. Sheriff's officers, for weeks, had to go in there. The men and women of my agency -- untrained, unprepared -- willingly went in, because we knew public safety was at stake. The local Chief of Police was in complete panic, because they didn't have the officer power to help. Ultimately, State Police had to step in. Their union objected profusely because *they* were aware that they weren't trained; they weren't prepared; and they had to surrender the tools and the training of their trade to take this position.

We're going to take this a step further, folks. It's really unbelievable, the lack of response that we've received -- any assistance -- and, when I sit here and listen to the statistics-- I'm actually from a law-enforcement perspective, and from a youth who grew up to go into law enforcement, I'm appalled. Numbers, math; it's a true science. But, like any other science, it can be manipulated. When you talk about statistic decline in crime, it's not true. We just changed the name of the crime. We changed the number that the crime's listed at. And, ultimately, that's what justifies it. It doesn't justify what's going on in the streets of Atlantic County.

I will say this to you: Seventeen percent to 18% of the youths in our facility are of adult age. And, to no surprise to us, they were the ringleaders of all these incidents I talked to you about. Never, ever should youth be incarcerated with adults, who are seasoned veterans. That should never happen, because it encourages them to continue in that life. Localized incarceration of youth is important. And, I'll speak to you briefly on why I believe it's important. If you remove a child or a youth, however bad they are, whatever crimes they've committed, from an area where they have accessibility to family; friends; religious groups; educational facilities; and the ability to have local, understanding people to problem to address them -- you're putting them in an environment that they have no access to any help. You've taken their hope; you've removed that. You've taken everything they know, what little it may be. What saved me was a priest, a cop, and a school teacher, and actually a local politician who came to see me, and saw some glimmer of hope in what I could bring. If it were not for them and their continued help afterwards, I couldn't tell you where I'd be. Probably with everybody else I grew up with: dead or incarcerated.

As I told you before, I've given my life to this, 45 years of my life that's been given to public office. Five of my sons have been given to law enforcement. And, out of my 12 children, we were all involved in taking care of other people's kids who chose not to or refused to. I take great pride in the diversity -- culturally, ethically, and educationally -- in my family. I have children, from 56 years old to 24 years old. I can tell you, if you don't act on this now; we don't take a stance; the consequences will be so severe in the future, that if you think our society's in failure now, wait 'til you see the future of this country.

I thank the Prosecutor for his joint partnership. And, he took a stance that nobody believed that was wise, but we saw no option. I joined with the Prosecutor to help file this suit. I strongly encourage you to read Judge Blee's decision, and his process of thought that goes into that. It will give to you details on what we dealt with. Late nights to one o'clock in the morning trying to get facilities to take our kids; refusal of our children by other municipalities because of the severity of their crimes. Now, I'm taking somebody who's still savable, repairable, and putting them in an unknown environment, because somebody who committed a crime that's much more severe, such as homicide -- broad daylight I might add -- in front of people; endangering the public; multiple shots fired. And, we had to put them over somebody who still had an opportunity and wanted it.

I ask you, where are we? God puts us in these positions; God put me here, I believe that; and, without the help from the communities-- And, I will say to you, of all colors, all religions that helped me, I'm here to testify to you today and give you my story, however brief. That may be self-absorbing to some people, but, to me it's the fact. And, I'm thankful for what I have. And, I welcome any questions you may have.

SENATOR GREENSTEIN: Thank you very much for your moving testimony.

Let's have everybody talk, and then we'll see who's got any questions. So, whichever one of you wants to go next.

H O L L Y C A S S: Thank you, Chairwoman Greenstein, and the entire Senate Law and Public Safety Committee for the opportunity to--

SENATOR GREENSTEIN: Could we-- Could we have the Prosecutor go next?

MS. CASS: Sure.

WILLIAM REYNOLDS, Esq.: Sure.

SENATOR GREENSTEIN: Since he's from that same--

MR. REYNOLDS: Sure.

SENATOR GREENSTEIN: Thank you; sorry about that.

MR. REYNOLDS: It's still morning; 11:51, so, good morning, Committee, Chairwoman, Vice Chairman.

Thank you so much for the opportunity to come before you and articulate the struggles in the juvenile justice system that we've experienced since both the Sheriff and I have been in our positions in Atlantic County.

First and foremost, I am blessed to be in the position. Just like the Sheriff, I'm born and raised in Atlantic County; born in Atlantic City, raised in Brigantine. And, I have twin 15-year-old boys who I'm raising in Abescon in New Jersey, in Atlantic County. Blessed by Governor Murphy to be given this position, and supported by Senator Polistina; I'm an Independent; having support of both parties to do the job has been an amazing 33-month journey to come before you. And, when we identified this problem with the juvenile justice system in Atlantic County, my eyes were wide open because these kids are the same age as my children. And, I coach a lot of these kids; I've been a life-long youth sports coach in Atlantic County. With that being said, I want to give you a boots-on-the-ground perspective of facts that have occurred, and I'm only going to deal in facts. OK.

The Sheriff indicated 95%. The fact is 97% of the youth incarcerated in Atlantic County who were sent to other counties are charged with first- and second-degree crimes. The State Police has a system that they contracted with that I was briefed by, it's called BackTrace. BackTrace does

a score on the most violent offenders in the State of New Jersey. When I was briefed by the retired State Police, Atlantic County had three of the top nine most violent offenders who were juveniles in custody, in Atlantic County, in Harborfields. Corresponding, they were the ones who started the riot on August 25, 2024. With that being said, and it was one of the gentlemen who testified before me -- not Mr. Benson, but, Mr. Sauro -- he indicated, we cannot have adults in juvenile facilities. I think everyone would agree to that. The Legislature could step in and create a process for that never to happen again. That would be a solution that would be afforded to everybody, Number 1.

The second thing that I think is really important is the process that's established, everybody has a different viewpoint. When I was questioned as to bail reform upon my journey to become the Prosecutor, I gave the answer, "Bail reform is in the eyes of the person who's affected by it. The person who gets released and goes back into society and becomes a contributing member of the community, they love bail reform. The victim, who is a victim of a crime, when somebody's released, hates bail reform. So, juvenile justice, it's from the eyes of the beholder and how it independently affects each person. I can give you what I believe is the fact that it re-victimized these youth. I can tell you every single one of the children, youth, and now adults who we're talking about who are in Atlantic County, are all of color. Their civil rights and constitutional rights were violated every single time they were in custody more than six hours. I'm going to give you examples that I personally dealt with, because I have a relationship with all the police departments, all the chiefs of police, because I was a municipal prosecutor in Atlantic County for 10 years before becoming the County

Prosecutor, and I worked in almost every town and I was in the back room with all these police officers. I'm going to give you just facts.

In the period of time that we've dealt with, we had several -- several -- children, youth that were detained in a police department, handcuffed to a bench; handcuffed to a pole; handcuffed to a radiator in excess of six hours. I'm going to give you the stats. The first one, September 5, 60 hours -- six, zero. On September 11, 12 hours. On September 13, 13 hours. On September 17, 22 hours. On September 18, 18 hours. OK. That is the tip of the iceberg. That's not every case; they're the ones that I wanted to highlight for you. I can tell you, because I am a hands-on, boots-on-the-ground person, and I personally have been involved in all these cases. And, I'm going to give you a frame of reference. Everybody saw the two hockey players who got killed down in Salem County, the Gaudreau brothers. My kids play ice hockey. My kids skated with those two kids. Their father was my kids' first skating coach. I was at the ceremony at Hollydell Ice Rink for them. We had a youth get incarcerated with no space for that youth. I believe the Executive for Mercer said, "No space at the inn." What transpired that evening was, I got on the phone with the County Administrator, who's a lay person, and I used every favor I could between the Camden County Prosecutor, the Morris County Prosecutor, and the Middlesex County Prosecutor, and Yolanda Ciccone the Middlesex County Prosecutor, came through and put myself, herself, and our County Administrators on the phone. And, Middlesex, without a shared service agreement with Atlantic County, took that youth. I had to leave the ceremony for the Gaudreau brothers and handle this outside, and the Sheriff was one of the people who I was on the phone with. That is only an example of so many times where

my life, and the Sheriff's life, were impacted by youth not being properly placed in a detention facility that would actually be suitable for them.

When I learned what the conditions were in these police departments, my immediate concern was for the child. The child's been revictimized. They already probably don't like law enforcement; that they're being handcuffed. Handcuffed on a bench for 60 hours; how do you think their perception of law enforcement's going to be for the future? We are creating a powder keg by not treating them within their constitutional and civil rights. It is a byproduct of contracting of counties, of money. What about the personal side, and the human side of what's going on? I think we've all experienced that there's a clear problem what's going on. And, I agree, I think collaboration and coming to a solution, and working together and coming to the table is necessary. It is very unfortunate that it took Atlantic County to file litigation. The reason why it went to litigation is, you had law enforcement who were not picking up shooters because there was nowhere to put them, and they didn't want to have them sitting in a police department. And, one specific case was in Galloway, New Jersey, where they picked up a shooter; kept them for six hours; and then at six hours they cut him loose because they had nowhere to place that youth, which then jeopardizes the safety of the community.

So, I can tell you, on a personal note, I was on the phone on every single one of these instances. What I can also tell you -- and, I actually just wrote an article on an op-ed on this -- we need alternatives for detention, but, we need a jobs program for these kids; that when the children come out of being justice involved, or their case is being processed, you get them a job; you reward good behavior; you create a diversion program that if they

successfully complete their summer job and don't get in trouble, that you can actually dismiss their charges. So, it's double reinforcement: You give them money; you take up their time; you take them off the streets; and, you give them a reward. And, if they successfully complete it, they can move on. I think that is another solution. One of the things that I've learned as being the prosecutor in Atlantic County is, we have this very unique situation that if I leave the state for any reason, there's a designee. So, my First Assistant Prosecutor is Mr. Erik Bergman. Every single time I leave with my sons for hockey or a lacrosse tournament, I have to designate Mr. Bergman to be the Prosecutor while I'm out of state. I envision a structure which could be created by the Legislature, overseeing the Commission, a structure that is by legislation where we create a person from the Commission with a partner from the Attorney General's office so you have an attorney giving legal advice to the JJC, or YJC. You have the two at the top that only can be designated to their designees, so, if somebody leaves, you have a contact. And, then, you have the designee for each of the seven facilities that gets called if a youth needs to be placed. And, then, each county, one designee for each county, so you have 21 designees for the county; seven for the facilities; one for the Commission; and one for the Attorney General's office. And, it's a non-delegable duty, pursuant to legislation that if they're not available, they designate someone else to answer the phone. And, this way you don't run into people sitting on a bench for 60 hours, that somebody is responsible for that decision. And, by having lawyers involved from the Attorney General's office, these youths -- their constitutional civil rights will actually be addressed.

One of the last things I want to tell you, is that the stats that are put across the board, I'm going to give you a reality. The shootings in Atlantic County for the last two years -- we've had 42 non-fatal shootings -- 16 were juveniles. We've had a total of 16 homicides in '24; 12 homicides in '23; 14 homicides in '22; eight of those involved juveniles. We're talking about people who are shooting people at point-blank range; one of them was on January 5; I went to the scene. One juvenile shot another juvenile at point-blank range with five bullets. That juvenile was sentenced to 18 years; the judge reduced the sentence to 12 years, because he wanted the juvenile to have a life after. The 24 family members of the victim went absolutely berserk in the courtroom because 18 was reduced to 12. These are the challenges we're seeing every day.

I'm going to finish my testimony with this. We can give you the statistics that during COVID, and after COVID, the average length of stay in Atlantic County went from all the way to 300 days. We've put in different programs to reduce it; we're now down to 164 days. You ask, why is it so long? Because, these cases are really complex. It involves multiple defendants. It involves shootings, carjackings, and homicides. We're not talking about a bag of weed, we're not talking about a compact disc being stolen from Boscov's. We're talking about really horrific crimes. One of the things that I can tell you based upon my experience is that it's not getting better. Our cases have doubled in our juvenile court over the last three years -- doubled.

So, with that being said, I make myself available, when we're complete, for questions. I really appreciate your time and consideration, and

the opportunity to come before you to describe what's actually happening on the ground.

SENATOR GREENSTEIN: Thank you, thank you.

Ms. Cass.

MS. CASS: Thank you again, Chairwoman, and to the entire Senate Law and Public Safety Committee.

We really appreciate the opportunity to speak to you about -- particularly from my perspective -- a county that owns and operates its own juvenile detention center, and one of the few in southern New Jersey. Forgive me if I repeat what others have said much more eloquently, but I think it bears repeating, because of the gravity of this situation, for all of us. And, I can say Camden County is a facility that does have some physical capacity. But, I'll talk to you about the difference between operational and physical capacity, as well as the established rated capacity. But, first, I want to emphasize how our ability to supervise our -- to staff our facility -- impacts everything we're able to accomplish, particularly the safety of not only the youth, but the officers who are charged with supervising those young people. Staffing is critical for everyone, no doubt. We continue to experience vacancies of more than 30% of our budgeted positions for JDOs. But, you should know that among those filled positions, almost 50% are in their first year. That makes them much less qualified, surely more inexperienced in dealing with the youth in their care. We engage in very aggressive recruiting campaigns, but frankly, young people no longer aspire to positions, careers, in law enforcement, especially in corrections and juvenile justice.

During my career -- and I've been with county government for 31 years, and was very involved, and I am a major supporter of the Juvenile

Detention Alternative Initiative since its inception -- I was integrally involved in the implementation in Camden County, and I continue to fully support the mission to seek alternatives and detain only those high-risk offenders. Pre-JDAI, Camden had a facility built for 37 youth. Regularly, we held between 85 and 100, and, at one point, we had 100 -- this was on one day -- we had 130 juveniles in our care. Post-implementation, we're really thrilled with the fact that we no longer house low-level offenders; our average daily population is around 35. But, the youth in our care today have very serious charges and complex medical and mental health diagnoses. They are both high risk and high need; they require a level of treatment and supervision that strains our staff and our resources. Another important point that others have or will express, is that we are being asked to detain and supervise adults. For example, in 2021 and 2022, our youth detention center was required to detain adults of 20 and 21 years of age. They were charged with murder, and they were in our -- at least two of these but, we had many others, by the way, they were charged with murder and were in our detention center for between two and three years. Not only are these cases complex and difficult for the officers, but they really create inappropriate environments for the other juveniles who are in our custody. They, once again, create a strain on housing options within our facility.

Another point about capacity that I think is very important: The measure of our ability to supervise young offenders cannot be determined by a simply determined capacity. The rated capacity versus the functional capacity discussion is way too important a distinction. The established capacity does not in any way tell the story of our availability use. Our available space; the availability and appropriate supervision; the staff and

administrators to safely supervise the youth in our care-- It's simply a point in time that doesn't consider the needs of the juvenile; the severity of their charges; the emotional dynamics; or any other of the classification considerations. The number of juveniles who we can house varies from day to day, and possibly even hour to hour.

Finally, and, for me, critically, we feel strongly that investments made by Camden County taxpayers in our facility should not be overlooked by a somewhat arbitrary establishment of some per diem rate. Labor agreements; debt service from construction and repairs; programs implemented locally -- they all affect the actual cost to our taxpayers to operate that facility. We're charged between \$450 and \$490 per diem. But, when we calculate our actual cost, it is somewhere between \$750 and \$1,000. That is a burden on Camden County taxpayers to supervise and maintain juveniles from other counties. And, we need to protect our taxpayers, which is why we take a fairly staunch, but reasonable, condition-- Or, our position that our per diem rate and what we charge other counties must match what we charge to the counties.

I thank you for your attention; available, certainly, for questions. But, really appreciate your willingness to consider solutions to what we all perceive is an intractable problem.

SENATOR GREENSTEIN: Thank you, all.

Does anyone have any questions of these folks?

SENATOR McKNIGHT: Hi, thank you so much for your testimony.

Joseph-- County Sheriff, thank you.

SHERIFF O'DONOGHUE: Yes ma'am, thank you.

SENATOR McKNIGHT: Your story is touching, heartwarming; thank you for giving back to the community.

SHERIFF O'DONOGHUE: Yes, ma'am.

SENATOR McKNIGHT: Now, to the Prosecutor.

I have two questions for you. Is six hours enough time to properly place a youth? Or, should we change that?

MR. REYNOLDS: So, that is both a Federal and State mandate, and I think six hours is sufficient.

We've run into these problems when we've been -- when Atlantic County's -- been at capacity for months, and months, and months, sometimes more than a year straight. Our capacity is 20; we're carrying, presently, 25; we've been up to 35. The riot occurred when we had 24 in the building. The other ones are shipped out all over the state, and they're in Bergen; they're in Morris; they're in Middlesex; Camden; and Ocean. So, I believe, based upon past precedent, six hours is enough. You really just need decision-makers. You need decision-makers; you need access to the decision-makers. Because, I think everyone agreed there are times where people just refused to take a youth, and it's not because they don't have space, they may not have staff. Or, they may not have the ability-- Like, Essex doesn't have the ability for an education piece. Some people don't have the piece for security or youth workers. One of the conversations we had specifically at our County Prosecutors Association meeting, was what can we do to improve the situation? I think, improve the pay for the youth workers who are in the buildings would then increase the number of applicants; then increase the competency of those people. One of the things I've noticed, in my experience being the Prosecutor, is we've actually charged many youth workers for

official misconduct, because they're getting paid \$2,500 on the outside to bring a package into the facilities. The juvenile breaks open the package and sells everything inside the facility, and then breaks off a piece to the youth worker, and to the family member who paid the youth worker to bring the package into the facility. So, they're doing that because they're being paid such a low wage that \$2,500 changes their life. And, every single one of those youth workers and corrections officers that we've charged since I've been in; they're paid historically low, and they were doing it out of necessity to support their family.

SENATOR McKNIGHT: Gotcha, and I have one more question.

So, what happens-- Or, who's held accountable when we are keeping -- we are going against the law, the six hours -- when we are keeping youth after six hours? Who's held accountable?

MR. REYNOLDS: I am so happy you asked that question, because that's exactly why the litigation was filed.

Because, I said in a meeting with our county counsel, the Sheriff, and myself, "I envision myself standing at a podium and a microphone, answering questions, because we're all going to be held accountable when an atrocity happens." When a child is either injured, commits suicide, and then the officer's going to be held responsible, who are being placed in a position not their fault; and, the county is going to be held responsible. And, in fact, the county counsel responded saying, "I could envision us writing a very large check bill if something would happen." I said, "So, are we going to wait for an atrocity, or are we going to address this issue?" And, that's exactly why

the litigation was filed, because there was no accountability for anybody. It was like, “Yeah, that’s how the system works.”

SENATOR McKNIGHT: Thank you.

MR. REYNOLDS: Thank you.

SENATOR McKNIGHT: Thank you, Madam Chair.

SENATOR GREENSTEIN: Senator.

SENATOR HENRY: Thank you, everyone.

Excuse me. Anyone on the panel, but, I think, Ms. Cass you might have the answer since you mentioned it in your testimony about difficulty recruiting and retaining staff. We’ve acted legislatively when we saw staffing shortages with doctors, nurses, teachers. What action do you think that we could take, legislatively, to improve your situation? Well, throughout the entire state, obviously, not just Camden County.

MS. CASS: Well-- Surely.

One of the considerations for youth detention workers-- And, I will say, not everyone will agree with this, and I’ve been an advocate for youth detention workers to be considered in law enforcement. That would, in my mind, change the likelihood; and the recruitment; and retention that professionalizes the position. It provides a better pension system; a number of things. But, I still argue that young people today just don’t revere law enforcement the way they did many years ago, and that makes-- I am responsible for the Camden County Police Department, the Department of Corrections, and Juvenile Justice. And, I see those difficulties to recruit, and more importantly, retain, across the board in all of those areas.

SENATOR HENRY: So, I would ask, please submit that in writing to either me, or Madam Chair, that we could perhaps address some type of legislation that would assist you in recruiting.

My second question is, you testified that you are required, required, to maintain -- to keep adults after. Who requires you to do that?

MS. CASS: Honestly, it's under statute.

I believe-- I can't tell you. Maybe you could answer that question better about what the age of rehabilitation is and what the law considers.

MR. REYNOLDS: So, if a crime is committed while the child is under the age of 18, and either before they're sentenced -- or, if they're sentenced to the boys' school, which is the State facility -- depending on the sentence, they can remain in the county facility or go to the boys' reform school.

And, what transpires is, is one of the things that we've used to reduce our backlog is we've voluntarily waived cases to adult court, and then agreed to the prison sentence in the actual -- the boys' school. So, it is really a case-by-case basis. But, what I think really the bottom line is, if they commit the crime under the age of 18, they can remain in facility--

SENATOR HENRY: They're allowed to stay in the youth--

MR. REYNOLDS: Correct.

But, I think-- I'm not certain, but, I think the max might be like, 26. But, that's based on my limited knowledge of after they're adjudicated. My knowledge is before they're adjudicated.

MS. CASS: That's true about--

SENATOR HENRY: So, there's no protocol in place; I know the Sheriff had mentioned that the ringleaders -- and, in fact, you've mentioned it-- How do we get these adults out of these youth centers, and transition them into adult centers faster, or quicker I should -- automatically?

MR. REYNOLDS: So, I know John from the Association of Counties is going to talk about it; I didn't want to steal his thunder.

But, one of the things he's talking about is, in the interest of justice hearings, which could actually happen, and a waiver hearing as well, where in the interest of justice, if an adult is in a juvenile facility, to have a judge order them transferred. I'll give you an example of how I was able to successfully do that. The riot on August 25 of 2024, three of the persons involved in that riot were adults, even though they're in a juvenile facility. We charged them as adults, and moved to detain them. And, we were able to get them transferred out of the juvenile facility into the county facility, because they were then charged as adults.

SENATOR HENRY: So, I think we could take some type of action--

MR. REYNOLDS: Yes.

SENATOR HENRY: --here at the State level to make sure that doesn't happen.

Because, it seems it's common as more and more adults are in these youth facilities. Thank you for your testimony, all three of you, thank you so much. And, Sheriff, God bless you. Thank you.

SHERIFF O'DONOGHUE: God bless you, sir.

SENATOR MORIARTY: Senator Henry had the question I was going to ask, so, I'm good--

SENATOR HENRY: I'm sorry, Senator.

SENATOR MORIARTY: I want to thank you all for taking the time to be here today, that was very powerful and sobering testimony, and I appreciate you coming here today.

And, I appreciate what you do each and every day. Thank you very much.

MR. REYNOLDS: Thank you.

MS. CASS: Thank you.

SENATOR GREENSTEIN: I actually just had one question.

Many people who testified so far have talked about the fact that there are adults in the juvenile facilities, obviously taking up slots there. What are the reasons? Everyone has said it, but no one has really talked about the reasons why that's happening.

MS. CASS: I can say that-- And, I looked at all of our admissions.

And, the cases -- the most egregious cases for us -- those cases where youth were placed and had not yet been adjudicated for two and three years; those youth came into the facility just before their 18th birthday. But, their case processing took so long that they were 20, 21-- In one case, almost 22 years of age before the case was adjudicated. So, it is a case-processing issue, as well as when they are initially detained.

SENATOR GREENSTEIN: And, the reasons for the case-processing issue, why do you think that's happening?

MR. REYNOLDS: I can answer that.

So, specifically with reference to adults in juvenile facilities in Atlantic County, those three adults who I identified -- that BackTrace

identified three of the most nine violent criminals in the State of New Jersey -- they are involved with multiple shootings, one homicide, multiple carjackings, combined may have like, 46 cases. So, to actually prosecute those cases; get witness in; get victims in; and then, have all the social services-- Because, when you go to a juvenile court, and the defendant is in the courtroom, there's generally between 20 and 30 people who are involved in each particular case. And, then, each member who's involved in social services gets to stand up and say where they are in the process, let alone the waiver process which takes an extended period of time because if we are going to charge them as an adult it requires a hearing in front of the juvenile judge to see if we're abusing our discretion in trying to waive that juvenile up. And, if you look at the murder of the Newark police officer, we have a bright-line rule in New Jersey that if the juvenile is under the age of 15, we're not allowed to waive them up. So, anybody who commits a serious crime, over 15, we have to make an application to the court; there's a waiver hearing to see if we're abusing our discretion. And, because the courts are so busy and our stats are way up on the number of cases, it just gets delayed. I mean, it's a struggle because you're getting witnesses in and the judge has the schedule.

SENATOR GREENSTEIN: Thank you.

Thank you, that really helped to clarify. Thank you to the three of you as well, we really appreciate the testimony.

MS. CASS: Thank you.

MR. REYNOLDS: Thank you so much for your time and the opportunity.

Thank you.

SHERIFF O'DONOGHUE: Thank you as well, appreciate it.

SENATOR GREENSTEIN: Next we have David Mateen, Esq., Assistant County Counsel, Bergen County; and, Darice Toon, Hudson County, Director, Department of Health and Human Services.

And, then, we'll finish up with John Donnadio.

Mr. Mateen.

DAVID MATEEN, Esq.: Thank you, Madam Chairwoman.

Thank you to the Senate Committee for having this hearing today and inviting us to speak. I'm from the County of Bergen; I represent the County in numerous litigations; and I've been working on this juvenile justice issue since--

SENATOR GREENSTEIN: Can I ask you -- because, we've been here a couple of hours -- if you could keep it to about eight minutes apiece; hopefully that'll give you time to get through it.

Thanks.

MR. MATEEN: Absolutely.

I was under the understanding of 3-5 minutes, so.

SENATOR GREENSTEIN: Everybody's going above that; I didn't even know that was the understanding. I would've said something sooner.

(laughter)

OK.

MR. MATEEN: So, from our perspective in Bergen County -- Bergen County Executive -- he wants to keep juveniles in Bergen County. Bergen County juveniles have the first priority in Bergen. We invest heavily in our services that we provide in our juvenile detention center; we built a brand new facility in 2012; invested nearly \$30 million in the facility. Our

juvenile detention center falls under the Division of Family Guidance, because through the Division, they have a pipeline to so many services that maybe other counties wouldn't provide. So, we are so proud of what we can do for the juveniles in Bergen County. But, the reality is, they're not juveniles. They're adults, just like every other county is facing the same issue that operates the juvenile facilities. It's really juvenile/adult detention centers at this point. More than 60% of the juveniles in our facility are over the age of 18. And, we have youth detention officers who are trained to deal with youth, but, when they become adults they're smarter; they're stronger; and, the situations that arise in our facilities -- they're just not trained for that. So, some of the solutions could be, maybe putting the youth detention officers under the Sheriff's office so they have the proper training to deal with them. Or, as we heard before, the waiver and transferring the adult -- the juveniles who become adults -- to the State facilities, or the County correctional facilities. Right now, we're basically operating de facto regional facilities; there's only seven juvenile detention facilities in the state. And, the JJC -- the YJC -- approved those closures. So, maybe it made sense to approve some of those closures 10 years ago when there would be nine facilities, 10 facilities; but, as they keep approving closures, you're trying to fit a 5-pound potato -- a 5-pound potato in a 4-pound bag. It's just, the rubber's going to meet the road, and I think that's what happened with the Atlantic County litigation, and the bubble's finally going to burst and we have to talk about what are the solutions to move on from this situation.

So, one of the solutions you've heard multiple times today is the issue of adults in the juvenile detention center. If we could work on legislation to get them out of there, I think that would free up space all

throughout state. It would give the juveniles-- It's best for the juveniles; it's best for the adults; and it's best for the workers in the centers, as well. Another option would be if we could have more funding to retain our juvenile detention officers. A lot of juvenile detention officers get into the field so they can advance their career to go to the local police department; the sheriff's office; it's a good stepping stone into the career they want to be in. But, we're just not attracting as many people as we would like. We have fliers in all of our county buildings; job postings trying to recruit; we've increased the pay; we worked with civil service to increase their title -- to increase their pay and their specific titles under the civil service. So, we're doing everything we can in Bergen County. We have shared services agreements with eight counties. We do our best to abide by those agreements. Unfortunately, we don't meet our contractual obligations, like with Hudson County, who pays for five guaranteed beds. We don't meet that, and we're fortunate enough to have such a great relationship with them, that they're not pursuing us for not meeting the contractual obligations. We have a guaranteed bed with Mercer County, as well. And, while we have, and will accept shared service agreements with any county throughout the state, but, it really doesn't serve the juvenile any justice to go from Atlantic County to Bergen County. You want to keep juveniles in their communities where they're close to their family, where they're close to the community that they're going to be a part of for the long term. And, as you've heard before, these aren't juveniles who are doing petty crimes, these are first-degree; second-degree crimes. These are serious crimes. So, while it's just as important to invest in alternatives to detention, we still have to look at detaining those violent criminal offenders.

So, another solution, also, would be to look at, why is there an increase in juvenile crime -- juvenile violent crime -- in recent years? COVID seemed to have a lot to do with it, but, if the judiciary -- if the Legislature can look at why there's a rise in violent crime amongst youth, maybe that'll resolve some of the issues so that we could address it head on before something bad actually happens. Because, a lot of the times in certain communities, really, it's gang affiliations; they're using the youths to commit the crimes that they want to commit, but, they're using them because they'll go to the juvenile facility instead. And, it's much more better than going to the State facility, or correctional facility. So, we have to target why more juveniles are committing more violent crimes and get to that issue. But, that's probably more of a long-term solution. So, the short-term solution has to be getting the adults out of the juvenile detention centers; getting more funding so that we can retain more staff, and fully staff our centers. You heard a lot about rated capacity. Our biggest argument here is, there's rated capacity, then there's operational capacity. The rated capacity, under the statute and the regulations, that's based on the design of the facility. There are certain factors that are taken into consideration when you look at rated capacity. So, yes, while the JJ -- YJC -- did come to all the counties' operating centers back in October of 2024, we don't want to lower our rated capacity. We want to keep our juveniles here; we want to help the surrounding counties. But, if we don't have the staff to do so, we're not going to just lower our capacity just because of the situation. So, the operational capacity, that's really a fluid situation. Because, you might have three JDOs on call for Tuesday. Overnight, someone gets sick. Now you're down to two. By the regulations, it's eight to one, eight juveniles to every JDO. I think that's too small; I think

it should be four to one; six to one. But, eight to one is the requirement of how many detention officers you must have in a facility, based on how many juveniles are there.

So, somebody calls out sick, now you actually have to have the on-duty officer staying there, doing back-to-back shifts, sometimes multiple shifts in a row, until you have somebody to relieve them. So, you can have workers comp issues; you have liability issues; there's so much that goes into it that it just seems like the YJC is not accounting for. I think they're invested heavily in the JDAI and other initiatives, but when it comes to actual placement, it's just a number and a bed that they're looking at. And, that's not fair to the facilities -- the counties that are continuing to operate their facilities -- we want to continue to operate our facilities, but it's getting so much more difficult in today's day and age.

So, we're so grateful for the Legislature for hearing us today. When we had the oral argument before Atlantic County in November, I made the same statement. I said, "We appreciate Atlantic County for bringing this lawsuit, but it really isn't meant for the judiciary. This is for the Legislature to address with the key stakeholders; with the counties; the sheriffs; the prosecutors, because they know the community best and what direction we need to go in. So, thank you so much for this opportunity. We look forward to working with you. And, one thing I did not mention in my written testimony -- I know there is legislation pending -- that juveniles should be detained in the county where the crime was committed. That would be problematic, too, for Bergen County, where we have out-of-county juveniles committing crimes in Bergen County. Now, Bergen County will be responsible for housing those juveniles. In the past, it was to keep the

juveniles in the counties where they reside, and we want to continue that. But, this proposed legislation would be problematic for Bergen County.

So, thank you again for the opportunity.

SENATOR GREENSTEIN: Thank you very much.

Darice.

DARICE TOON: Good afternoon, Senators.

My name is Darice Toon, and I am the Director of the Hudson County Department of Health and Human Services. And, I am before you on behalf of my County Executive, Craig Guy. Thank you so much for this opportunity to speak with you about this very important issue.

In March 2015, Hudson County closed its juvenile detention center. And, this is due to a significant decline in the number of juveniles who are housed there. We went from housing 120 juveniles at its peak, to 25 juveniles. As a result of this, the county had no choice but to close -- or chose, I should say -- to close the facility. And, we had that reduction in the number of juveniles because we utilized different alternatives to detention, which is what the JDAI was all about, too. And, we were happy to have the reduction. Today, I'd like to just talk about the deeply concerning uncertainty surrounding placement options for counties, such as Hudson, who depend on other counties to house our juveniles. Now, when courts decide that a young person must be detained for their safety, and for the safety of the community, there is no guarantee that a safe and rehabilitation facility will be able to accommodate those juveniles. Juvenile detention centers have limited capacity. And, facilities like those that we depend on limit the number of juveniles that we're able to send to their facility. In other cases, or, in another case, they've severely narrowed the term of the

agreement -- the shared services agreement -- to like, one year. So, the county is constantly faced with this challenge about, what are we going to do and where are we going to place our juveniles?

The inability to place juveniles, we all know, may lead to situations where young people are held in inappropriate environments, and you've heard about that today. They may be transferred long distances to find an open bed, or an available space. Or, worse, they may be released prematurely, due to lack of space. Now, these outcomes are not only harmful to the youth, but they impact the family and the broader community. The uncertainty creates instability for the juveniles, and this, we all know, is not a good thing. Youth left without appropriate placement may lack access to mental health services, educational services, *and* basic supervision. This increases the risk of juveniles reoffending, or facing further trauma. Now, this issue, as you've heard from others today, is further exacerbated by the fact that juveniles under 18 are housed with older juveniles, those over the age of 18. Now, mixing younger and older juveniles poses several significant problems. Research has shown that younger juveniles are more vulnerable to physical, emotional, and psychological harm when housed alongside their older peers. Adolescents under 18 are at a *crucial* developmental stage. And, exposure to older, more mature detainees, who may exert influence or control can lead to increased trauma; negative behavior modeling; and hindered rehabilitation. Now, separating these age groups is not just a matter of safety. It is about effective rehabilitation of our juveniles.

Hudson County courts typically use detention as a last resort. Every effort is made to place our juveniles in -- or I shouldn't say the place -- but to have our juveniles take advantage of alternative to detention. And,

some of those alternatives in Hudson County that we utilize are station-house adjustment; an evening recording center; community based mentoring; and also -- station-house adjustment, if I didn't mention that. It is imperative that New Jersey, through the Legislature, and the Executive Branch, take a serious look at the juvenile justice system in our state. Reform is necessary for the issues that I have addressed, and also for the issues that you've heard about from other speakers who have come before you.

I can attest that most, if not all, counties will agree that these are serious concerns. And, I'm sure you agree with this, as well. We, in Hudson County, and others are looking forward to working out a solution that will provide for the most appropriate outcome for our juveniles who are involved in the justice system. So, Senators, I'd like to thank you for taking the time, and for your attention to this really important matter. We really appreciate it.

SENATOR GREENSTEIN: Thank you both very much.

Any questions? Questions?

SENATOR McKNIGHT: Just a comment.

SENATOR GREENSTEIN: Yes.

SENATOR McKNIGHT: I just want to give a shout-out to Ms. Darice Toon, she is from my district.

Thank you so much for all that you do, and the county does for -- helping our youth. And, thanks for being here today.

MS. TOON: Thank you, Senator.

SENATOR GREENSTEIN: Any questions?

Senator?

UNIDENTIFIED SPEAKER: I'm good, thank you.

SENATOR GREENSTEIN: OK.

Thank you very much.

MS. TOON: Thank you.

MR. MATEEN: Thank you.

SENATOR GREENSTEIN: And, we'll wrap up the hearing with John Donnadio from the Association of Counties.

Executive Director of the New Jersey Association of Counties.

JOHN G. DONNADIO, Esq.: Thank you, Madam Chairwoman, members of the Committee; John Donnadio with the New Jersey Association of Counties.

And, I'm very happy to have with me today -- to kick me under the table in case I say anything wrong -- and, for my counseling needs that I've had over the past couple of weeks in working on this issue, is Kasey Errico, who is the Director of Human Services for Morris County. So, I first want to thank you, Madam Chairwoman, I appreciate this -- your leadership on these issues, you have a great deal of -- along with all the Committee members -- for taking the time to hear our testimony today. I want to thank all of the county officials who took the time out of their public service duties to be here today, to talk about how important this issue is. And, I also do want thank the Attorney General's office and the JJC. And, to Senator McKnight's question earlier about whether or not we were meeting with the JJC -- we have been meeting through the Juvenile Justice Commission subcommittee on Juvenile Detention Facilities, through Lisa Macaluso, who, again, I'd like to thank her for her leadership on this important issue.

And, I think it was so critical for you to hear from our county officials -- you heard from counties-- And, we had a great cross section of

counties. You heard from counties that operate facilities; counties that don't operate facilities. You heard from the Atlantic County officials, which is a completely different scenario where the JJC operates the Atlantic County facility. You heard about the litigation, which, as the great County Executive encouraged you to read, I would also encourage you to do that. I think it provides an also compelling summary of the situation. And, I think what you heard from our county officials is that the system is not working. We have adults in juvenile detention facilities; we have inequitable, contractual type of arrangements; we have a shortage of staffing for juvenile detention facilities; a lacking of beds; a lacking of resources. And, NJAC did call a working group earlier last year to come up with solutions to present to the Legislature. And, I'll give you one of the long-term solutions -- because, I think you heard that counties kind of have a differing opinion on this -- is for the Legislature to be engaged, and establish a task force to determine what's the best-case scenario. What's the best system moving forward? Should we allow counties to expand on their existing facilities? Should we shrink the six facilities to three facilities to be more of a regional? Or, should the JJC take over managing; and operating; and paying for to have a more uniform type of system? I don't know we have-- I don't have those answers for you right now, because our folks have different opinions about that. And, I think that's why we wanted to engage the Legislature.

And, I can tell you, before I move to our short-term solutions, which, I think, buys us some time for the task force to come up with some solid long-term recommendations. This is the 20 years plus that I've been with the Association of Counties. This has been the most challenging, divisive issue that I've had to -- that I've encountered. Because, we've had--

It's been an emotionally charged issue, because I think everybody's intent is with our youth. They all want to do the right thing, and I think the system has really challenged that and made it very difficult for us to come to a common ground. But, I think we did. And, I think we did on housing adults in juvenile detention facilities. And, I think there's a solution where there is Federal precedent, that you establish -- as the good Prosecutor said -- what's called the interest of justice hearing. And, our recommendation is that when a juvenile turns 18-- And, if 18 is too young for some, we could even do it at 19 years old. There was an automatic hearing conducted by the courts where the court determines it's in the interest of justice for that juvenile to stay, pending adjudication, in the juvenile detention facility, or, await trial in an adult facility. And, whatever factors, whether it's aggravated assault, or a homicide, or more serious crimes, we can develop what factors would come into play. But, it should be up to the judiciary. And, it should be an automatic hearing at a date certain. And, then, I think you heard, who eloquently talked about the Prosecutor, and the Sheriff, and the other county officials about how we have 21-year-olds, 20-year-olds, in adult facilities with 15-, 16-year-old kids, and there's a significant difference in age difference. And, we want to make sure to protect the safety of those individuals who can be rehabilitated. And, I think that is a step in the right direction. I think we need legislation for that, as well. But, I think that what that does is, Number 1, it creates a more safe environment for our juvenile detention facilities. And, I think it will also create some additional bed space that could buy us additional time to come up with some long-term solutions for a more effective system.

So, I again thank you for your time and consideration today. This was, I hope, very helpful for you. And, I'm happy to answer any questions, if I can, or ask Kasey to answer them for me.

(laughter)

SENATOR GREENSTEIN: Anybody have questions? (no response)

Well, we certainly appreciate this. This was very helpful. And, I would say all of us would probably want to be on this legislation, so make sure you let us know so we can put in a couple of bills.

MR. DONNADIO: Thank you.

SENATOR GREENSTEIN: Let us know what you have in mind. Beyond the interest of justice here, thank you.

MR. DONNADIO: Thank you.

SENATOR GREENSTEIN: Thank you.

If nobody has anything else, I will end this hearing.

Thank you all.

(MEETING CONCLUDED)