
Public Hearing

SENATE JUDICIARY COMMITTEE

“The Committee will take testimony from invited guests and members of the public on concerns related to youth involvement in certain crimes including auto theft and burglary, and what the State should be doing to address the issue”

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

DATE: June 13, 2024
2:50 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Brian P. Stack, Chair
Senator Nellie Pou, Vice Chair
Senator Vin Gopal
Senator Joseph A. Lagana
Senator Paul A. Sarlo
Senator Troy Singleton
Senator Bob Smith
Senator Jon M. Bramnick
Senator Anthony M. Bucco
Senator Kristin M. Corrado
Senator Michael L. Testa, Jr.



ALSO PRESENT:

David J. Lorette
*Office of Legislative Services
Committee Aide*

Abbey Harris
Matthew Peterson
*Senate Majority
Committee Aides*

Sarah Fletcher
Michael Molimock
*Senate Republican
Committee Aides*

***Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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Brian P. Stack
Chair

Nellie Pou
Vice-Chair

Vin Gopal
Joseph A. Lagana
Paul A. Sarlo
Troy Singleton
Bob Smith
Jon M. Bramnick
Anthony M. Bucco
Kristin M. Corrado
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NEW JERSEY STATE LEGISLATURE

SENATE JUDICIARY COMMITTEE

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**COMMITTEE NOTICE
&
PUBLIC HEARING NOTICE**

TO: MEMBERS OF THE SENATE JUDICIARY COMMITTEE
FROM: SENATOR BRIAN P. STACK, CHAIRMAN
SUBJECT: COMMITTEE MEETING - JUNE 13, 2024

The public may address comments and questions to David J. Lorette, Committee Aide, or make bill status and scheduling inquiries to Nina Riccardi, Secretary, at (609)847-3901, fax (609)292-6510, or e-mail: OLSAideSJU@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. This does not apply to information or remarks concerning the character or qualifications of any person nominated by the Governor which are brought to the attention of the committee considering the nomination. However, oral remarks delivered in a public meeting concerning a nominee are available to the public if recorded or transcribed.

The Senate Judiciary Committee will meet on Thursday, June 13, 2024 at 10:00 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

Please note that the committee meeting will be held first, starting at 10:00 AM.

The public hearing will begin no earlier than 1:00 PM, following the committee meeting.

The following nomination(s) will be interviewed:

TO BE THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION:

Francis O'Connor, of Freehold Township, to replace Diane Gutierrez-Scaccetti, for the term prescribed by law, serving during the term of office of the appointing Governor.

(OVER)

TO BE REAPPOINTED AS A JUDGE OF THE SUPERIOR COURT:

Honorable Gregory L. Acquaviva, J.S.C., of Freehold, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Stanley L. Bergman, Jr., J.S.C., of Linwood, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

Honorable John J. Burke, III, J.S.C., of Annandale, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Mark K. Chase, J.S.C., of Cherry Hill, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Pamela D'Arcy, J.S.C., of Galloway, to succeed herself, for the term prescribed by law, until reaching the age of 70 years.

Honorable John C. Eastlack, Jr., J.S.C., of Wenonah, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Deborah Hanlon-Schron, J.S.C., of Toms River, to succeed herself, for the term prescribed by law, until reaching the age of 70 years.

Honorable LaToyia K. Jenkins, J.S.C., of North Haledon, to succeed herself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Marc C. Lemieux, A.J.S.C., of Sea Girt, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Valter H. Must, J.S.C., of Toms River, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

Honorable M. Susan Sheppard, P.J.Ch., of Ocean City, to succeed herself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Michael J. Silvanio, P.J.Cr., of Sewell, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Christine Smith, J.S.C., of Marmora, to succeed herself, for the term prescribed by law, until reaching the age of 70 years.

Honorable Robert M. Vinci, J.S.C., of Mendham, to succeed himself, for the term prescribed by law, until reaching the age of 70 years.

TO BE A JUDGE OF THE SUPERIOR COURT:

Charles F. Kenny, of Matawan, to succeed Martha Lynes, following her retirement, for the term prescribed by law, ending 7 years from the date of appointment.

TO BE A MEMBER OF THE STATE BOARD OF EDUCATION:

Dr. Claudine Keenan, of Galloway, to replace Andrew Mulvihill, for the term prescribed by law, currently set to expire on June 30, 2027.

The following nomination(s) will be considered:

TO BE A MEMBER OF THE RUTGERS UNIVERSITY - BOARD OF TRUSTEES:

Jonathan Boguchwal, of Westfield, to succeed himself, for the term prescribed by law, currently set to expire June 30, 2028.

TO BE A MEMBER OF THE NEW JERSEY CITY UNIVERSITY - BOARD OF TRUSTEES:

Natalie Brathwaite, of Jersey City, to succeed Steven Chang, for the term prescribed by law, currently set to expire June 30, 2026.

TO BE A MEMBER OF THE NEW JERSEY CITY UNIVERSITY - BOARD OF TRUSTEES:

Jenny Davis Toth, of Mountainside, to replace Owen Ryan, for the term prescribed by law, currently set to expire June 30, 2029.

TO BE A MEMBER OF THE NEW JERSEY STATE BOARD OF COSMETOLOGY AND HAIRSTYLING:

Crystal Lewis, of Pennsauken, to replace Maria Fontana, for the term prescribed by law, currently set to expire December 4, 2025.

TO BE A MEMBER OF THE STOCKTON UNIVERSITY - BOARD OF TRUSTEES:

Mary Maples, of Lincroft, to replace Nancy Davis, for the term prescribed by law, currently set to expire June 30, 2025.

The following bill(s) will be considered:

S301 Stack/Gopal	Establishes "Pretrial Partnership for Community Support and Services Pilot Program" for certain defendants.
S1385 Singleton	Establishes four-year pilot program in Ocean County for electronic monitoring of certain domestic violence offenders; designated as "Lisa's Law"; appropriates \$2.5 million.
S1887 Amato	Creates offense of financial exploitation of the elderly.
S2051 Gopal	Requires law enforcement officer to conduct danger assessment of domestic violence victims and provide assistance to high-risk victims.

FOR DISCUSSION ONLY:

S729 Steinhardt/Singleton	Establishes tianeptine as Schedule II controlled dangerous substance.
S2050 Gopal	"Stephanie's Law"; Requires AOC to establish publicly-accessible domestic violence registry; requires law enforcement officer to search State's domestic violence registries when conducting arrest.

The Senate Judiciary Committee will hold a public hearing on Thursday, June 13, 2024 beginning no earlier than 1:00 PM, following the committee meeting in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The committee will take testimony from invited guests and members of the public on concerns related to youth involvement in certain crimes including auto theft and burglary, and what the State should be doing to address the issue.

Issued 6/10/24

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SENATOR BRIAN P. STACK (Chair): Thank you for waiting and staying with us. We appreciate it very much.

Today, the Senate Judiciary Committee will take testimony from invited guests and members of the public on recent issues surrounding juvenile crime. In recent months, the Legislature has heard from concerned mayors, law enforcement, and constituents, and seen news reports of carjackings, burglaries, and auto thefts involving minors. Additionally, unruly behavior by teens along the Jersey Shore this past Memorial Day weekend heightened the safety concerns as we get deeper into the busy summer season. In some instances, these crimes carried out by minors have occurred in broad daylight; have been violent; and have resulted in serious bodily injury to the victims.

Crimes committed by minors -- especially those that involve violence -- are particularly concerning and demand our immediate attention. While this is a public safety issue, it is also about preventing our youth from making rash decisions that could severely impact their future.

This hearing will essentially serve as a continuation of hearings we've been having on auto theft and criminal justice reform. This Committee will take testimony on the severity of the issue; how and why juveniles are committing these crimes; and what the State should be doing to prevent it. In considering possible solutions, our top priority is ensuring public safety as well as fairness to both victims and youth.

We will hear testimony from a diverse range of voices including representatives of law enforcement, local government, prosecutors, the public defender, academia, and social justice organizations. We intend to use these

informed perspectives to bolster public safety and prevent our children from engaging in harmful, illegal behavior.

With that, I would like to call our first panel.

David.

SENATOR BRAMNICK: Chairman, Mr. Chairman.

SENATOR STACK: Yes, Senator Bramnick.

SENATOR BRAMNICK: I want to thank you for calling attention to this issue and scheduling this hearing.

Historically, juvenile offenses have been viewed through one lens, and that's rehabilitation. But, things have changed over the last decade, and now it's time to look at deterrents and punishment as well as rehabilitation. And, I think the atmosphere has changed; the environment has changed; and now the Legislature has to make changes.

Thank you for doing it.

SENATOR STACK: And, Senator Bramnick, thank you for you bringing criminal justice reform to light when we spoke about it a *long* time ago.

And, also, Senator Testa and Senator Sarlo and many members of the Committee.

And, this is something I would like to continue using the Committee for, on topics such as this -- especially public safety -- to continue this, even over the summer.

Thank you.

MR. LORETTE: Our first panel is just a panel of one.

Representing the mayors, Sam Joshi, the Mayor of Edison Township.

SENATOR STACK: Mayor, thank you again for waiting, I appreciate that. I know you have a busy schedule.

You're good to go, Mayor.

SAM JOSHI: Thank you, Senator.

Good afternoon, Senators, and thank you for having me here today.

I am Sam Joshi, the Mayor and lifelong resident of Edison Township -- the sixth largest municipality in the state, with over 32 square miles and 108,000 residents.

I would much rather be in Edison than Trenton today, but I am here because my community is being directly impacted by rising crime. We've seen a surge of home invasions and burglaries -- not always tied to auto thefts. It is alarming that the people committing these crimes are being let off the hook solely because they are juveniles.

While I personally and fundamentally believe and understand the need to curtail the root of the problem at a socio-economic level, it does not change the fact that we need stricter consequences in place to serve as a deterrence to crime itself. These two things are not mutually exclusive.

I thank my Legislative colleagues, especially Senator Vin Gopal, for taking attention to this issue and introducing S3204, which would reclassify residential burglaries and home invasions to have more severe penalties. The purpose of this bill is to implicate those who deliberately terrorize our communities and our homes.

It is hard to think of things that are more terrifying than someone breaking into your home in the middle of the night and, more recently, we have even seen these occurring in broad daylight as well. A home is meant

to be a place of security and safety for you and your family. For individuals to shatter a doorway or a window and invade a family's home is both frightening and traumatic. In one incident, the only individual awake at the time of a home invasion was a teenager who had no choice but to wake up his family and alert them to call the police. This child may never feel safe again in their own home.

Again, not all thefts are the same. A juvenile stealing bubblegum from a corner store cannot be compared to a coordinated effort to break into a home and commit theft. We must create a level of accountability for these heinous acts so that criminal organizations can no longer recruit and incentivize juveniles to commit these crimes without lack of consequences.

Those who come from a disadvantaged background are being offered thousands of dollars in cash to steal high-end luxury vehicles through any means necessary -- which includes home invasions and terrorizing where you live. There is little risk for the juveniles involved, and a high potential for a reward -- especially monetarily. However, the opposite is true for our police officers and innocent residents. When these crimes are committed, our police officers -- and, in some cases, our residents -- must put themselves in harm's way to intercept the perpetrators or stolen vehicles of these crimes, which puts them and our surrounding citizens at great risk.

Juveniles know that our police in New Jersey will not shoot them. They also target areas like Edison with an especially high Asian American population, as they are historically non-violent and less likely to own a gun. Officers are risking their lives to combat the rising crime levels, yet the courts release juvenile perpetrators, often within days or even hours of their arrest. In multiple incidents, our officers have arrested a juvenile who committed a

home invasion, for them to just say, “I’ll see you tomorrow, Boss,” and I quote, “I’ll see you tomorrow, Boss, I’ll be back in your town doing the same thing.” And they do. These individuals target particular homes, streets, and neighborhoods, and will not stop their attempts until they are successful in attaining a vehicle, no matter what it takes.

From January to May of this year, we are expected to outpace last year’s figures. In 2023 -- all of last year -- the total number of burglaries was a staggering 500. In the first five months of 2024 alone, we have already reached 232 burglaries. In 2022, 2021, and 2020, the numbers are 368, 318, and 296, respectively. The trend is increasing every single year. This data shows that the total number of burglaries has *doubled* in the last five years alone.

The reason these incidents have not increased more drastically in the past year is due to the collaboration of my administration and the Edison Police Department to implement measures to prevent crime from taking place in our community. Our police force is now at a total of 196 police officers -- the highest levels in 15 years. Two new police substations have been established in addition to expanding our Street Crimes Unit, which has a particular focus on burglaries and home invasions. Strategically placing emergency vehicles around the town for increased police presence; an officer on loan to the New Jersey Auto Theft Taskforce -- commonly known as ATTF -- and nearly 100 automated license plate readers through all of the township’s main corridors.

All of these initiatives have allowed for the township to perform more interceptions to prevent crime from occurring; deter criminals from entering our community; and allow us to better investigate -- to increase

arrests. However, this practice is not sustainable long-term. Our overtime costs are very high; our morale in the police department has decreased due to long working hours with little benefit due to the process that the State Legislature has put in place -- especially regarding the lack of juvenile sentencing.

The Legislature must take action to properly address and curtail these crimes statewide. These incidents are straining our law enforcement resources thin, and still leave the community feeling uneasy and unsafe.

I encourage you all to not only look at statewide levels of crime, but specifically look at Middlesex, Monmouth, and Bergen County in particular. All of these counties have seen a sharp increase in juvenile crime, especially home invasions and burglaries. And, it is no coincidence that these counties have especially high Asian American populations. This is not a problem that's specific to Edison; it is hurting communities throughout our state, some of whom you Senators represent.

Before I end, I ask you to turn your attention and look towards this chart right here. This map is an aerial map of Edison Township. All of the black dots represent the auto thefts, auto burglaries, and home burglaries or invasions. In a one-year span, every single corner of Edison Township has been impacted by a burglary, home invasion, or an auto theft. There is not a single area in my town -- the sixth largest in the state -- that feels safe right now. Myself, along with the command staff that's sitting behind me -- the chief, the captains, the deputies -- we have spoken to these victims. We've spoken to them street after street, and nearly every single week -- sometimes twice a week -- we are in neighborhoods assuring the residents that we are doing everything they possibly -- *we* possibly can. But, it doesn't change the

fact that those words, when juveniles said, “I will be back,” still apply, because they do come back.

Senators, I urge you to take action and advance S3204. Moving this bill forward is necessary to help our communities as soon as possible and protect our innocent families from being targeted from these deplorable acts.

Thank you for this opportunity to testify in front of you today. I am open to accepting any questions on this matter.

Thank you again.

SENATOR STACK: Mayor, I would just like to thank you again for your testimony. Thank you for how vocal you’ve been on the issue. I followed it in the media, and I just thank you for bringing this to light and coming here today and testifying.

You are very much on the ground in Edison; I appreciate the work that you’re doing and coming here bringing this to our attention.

Any members have any questions?

Senator Bucco.

SENATOR BUCCO: Thank you, Mayor.

Do you know -- of the numbers that you have on the chart next to you -- how many of those crimes were perpetrated by juveniles?

MAYOR JOSHI: Yes.

So, I have a chart here, I can send it. I can provide it to each of you as well.

In this last year -- and, keep in mind, we only know based off of the ones who have been caught--

SENATOR BUCCO: Caught, right?

MAYOR JOSHI: Out of this chart right here, 28 were juveniles, all of which were let off the hook. And, I have each case number, each incident, whether it be carjackings, robberies, or burglaries.

SENATOR BUCCO: Well, that's disturbing to me, because this very Committee entertained the bill that is now law, that former Senator and Governor Codey and I sponsored, and within that bill it would have imposed six months' probation on a juvenile that was apprehended stealing a motor vehicle, and on a second offense it would have imposed six months' detention.

And, I argued *vehemently* against having those two provisions taken out of that bill. This Committee will remember. And, I said at that time, that it was not about locking up juveniles; it was about giving our prosecutors and our police the ability to get to these juveniles before they turned to a life of crime.

Just like in the early days with the drug dealership that we had in our schools. The dealers knew that if they gave the drugs to the young kids and sent them into the schools, the kids would get away with it. They wouldn't serve the penalty or the time that the actual dealers would have received if they were caught.

And, this Committee stripped those two provisions out of that bill. And, I said it then it was a mistake, and I'll say it today it was a mistake. We should re-impose those two provisions in that legislation, because if there is no deterrent, there is no consequence, there will be no change in behavior.

And, if we-- And, it's not about locking these kids up. It's about trying to get them off the street and rehabilitating them until it -- before it's too late for them. That's what it is about. And, I think that the same bill on

home invasions and burglaries-- Chairman, you and I have that bill. We need to get that bill through as well. And, we need to have a penalty in there for juveniles that imposes probation -- a short period of probation -- on a first offense, and a short period of detention on the second offense. And, if we don't, we will continue to have this revolving door and we will continue to have these juveniles just continuing to run rampant through our streets.

So, I've asked that those bills be prepared, and Chairman, I'll work with you to get them out--

SENATOR STACK: Please, absolutely--

SENATOR BUCCO: --and get them done. Because, I think--

SENATOR STACK: I'll be with you on a bill.

SENATOR BUCCO: --I think we made a mistake back then and I think it needs to be corrected--

SENATOR STACK: Absolutely.

SENATOR BUCCO: --in both areas, in terms of the car theft and in terms of burglary and home invasion.

So, thank you.

SENATOR STACK: Absolutely.

Senator Testa.

SENATOR TESTA: Mayor, I really appreciate your testimony.

Thank you for being here and being so patient with us.

Senator Bucco asked you a question about how many juveniles were caught. Obviously, that means there were a lot of individuals -- whether they were juveniles or adults -- who were not caught.

Out of the juveniles who were caught, do you know how many of them may have been, for lack of a better term, employed by adults who

were maybe part of a car-theft ring, or part of a home-invasion ring? Do you have any idea about that?

MAYOR JOSHI: We can provide the information that we do know. It wouldn't be 100% because some may not have implicated the people who employed them. So, that number may inaccurately be reflected.

SENATOR TESTA: Be under-represented?

MAYOR JOSHI: Yes, under-represented.

SENATOR TESTA: Because that's something that I think this Legislative body really wants to tackle when there are older individuals -- whether it's part of an organized known gang such as the Blood or the Crips or just a local neighborhood -- what I call disorganized crime. But, where it's the adults who are purposely employing minors to do their bidding because they know that they aren't going to suffer the real penalties as an adult would.

So, if you could get us that information through the Chair, that would be really helpful.

SENATOR BUCCO: It's already in the legislation.

SENATOR TESTA: Right, it is in the legislation, but I think people really need to see the data on this, because the folks who are against bills such as this, as Senator Bucco referenced -- his bill -- they're saying, "This doesn't really happen very often," and, "You're throwing the baby out with the bathwater," when we're looking at data that says we are *not* throwing the baby out with the bathwater. We are actually attacking a very real issue that we know exists where juveniles are being employed by adults to do their bidding because they know they are going to suffer much less penalties than the adult.

So, if you could get us that, that would be extremely helpful, I think, to all of us. Because it is in the bill, as Senator Bucco said, but again, I get accused of being political at times. This isn't about political, this is about having just a safe neighborhood, safe town, and making sure that justice is served. Nobody wants to leave a young person who commits a minor offense with a permanent record, but, if they're going to continue to do things and engage in behavior such as home invasions or auto theft-- And, I know that sort of the evolved version of this is now, "Hey, don't leave your key fob anywhere near your windows where someone can see in, where people are breaking into the home to grab the key fobs and things of that nature."

I mean, our founders believed that we're supposed to be secure in our property; property rights were paramount to forming our Constitution, our right to life, liberty, the pursuit of happiness.

So, if you could provide that, I'd greatly appreciate it.

MAYOR JOSHI: Thank you. I certainly can, and I assure you there's nothing political about the black dots that are on this. And, I appreciate everything you just said.

The current system right now is-- If you just look at this data that I'll provide to each of you, there's more sympathy towards the perpetrators rather than justice for the victims.

SENATOR TESTA: You just said a mouthful.

We've all said this when we've had members who have come up, typically from the ACLU, who are constantly referencing sympathy for the individuals who are the perpetrators of the crimes continuously, over and over again, when I'm asking, "Hey, what about the victims who don't -- no longer feel secure in their home; who no longer feel secure in their driveway;

no longer feel secure just on their property; looking over their shoulders because they're afraid that someone is just going to come onto their property?" Or leaving their garage door open while they're mowing their lawn? I've heard that as well.

So, these are the types of things we need to put a stop to and we need to have a deterrent; there needs to be that heavy hammer, especially for those multiple-time offenders.

Thank you.

SENATOR STACK: Thank you, Senator.

Senator Bramnick.

SENATOR BRAMNICK: Mr. Chairman, we know that the youth who get involved in these crimes -- they know exactly the consequences, right? This is a business decision by people who are 16 or 17 years of age.

So, what would we do here to change their business decision about stealing a car? Well, I'm sure the first thing the adult tells them -- or their friend tells them -- is, "Listen, you're not gonna have a record."

So, the first thing we have to do is determine whether this Legislature wants to give somebody who is 17 years of age, or 16, a record. I've got to tell you, surely, maybe -- maybe you get one, maybe you get one pass. But, the second time, absolutely you need a record.

Second, and most important: There's got to be some immediate consequences. If there's no consequences, as my colleagues have said, it is going to continue.

So, these are questions of public policy for this Legislature. Either there's going to be some harsh results that we'll call, "tough love," or this is going to expand.

So, I don't think we have to walk too gently on this issue. We're going to have to make it tough on kids until this crime wave stops. Simple as that.

Thank you.

SENATOR NELLIE POU (Vice Chair): Thank you, Senator.
Senator Corrado.

SENATOR CORRADO: Thank you, Chairwoman.

Mayor, I just want to thank you for your testimony for coming here today.

I want to thank you, also, for starting out your conversation talking about the victims. As Senator Testa said, they're often lost in the conversation, and when you're a victim of a crime it changes your life forever. You never get back that feeling of being safe in your home. It's life-altering.

And, so, I do appreciate that you acknowledge and put the emphasis on that. In fact, when you were talking, I actually texted my staff and said, "He's using my talking points," because it's something I feel I say over and over again because they have been lost in the conversation. So, I really appreciate you being here and acknowledging that.

Thank you.

SENATOR POU: Thank you so very much, Senator Corrado.

Mayor, if-- First of all, thank you very much for your testimony.

I just wanted to ask you about the chart that you have there. It's too far for me to see, so I'm going to actually try to strain my eyes to understand, to read it. So, it says, "auto theft." That's the first category?

MAYOR JOSHI: Yes.

SENATOR POU: Am I reading -- OK. And, what's-- That's 179, or 174, right? The number of incidents, or-- If you could explain the categories, rather than my asking.

So, the category, the auto theft, the total number you have of number of, what, arrests? Is that number of arrests or convictions or indictments? What are they?

MAYOR JOSHI: No, these are incidents.

SENATOR POU: Incidents.

MAYOR JOSHI: Because not all of them are solved, it's just the amount of times that it has happened.

SENATOR POU: So, of those incidents, what-- What was the next step? What happened? How many of those incidents-- And, you have 174 in the first category, right?

MAYOR JOSHI: Correct.

SENATOR POU: OK, of those incidents, how -- what -- how many were caught? How many were brought to the court system, like indicted? How many were convicted? Do you have any kind of breakdown on each of those categories?

MAYOR JOSHI: Yes, so I have data in a different -- in quite a few formats.

It's also important to note that the term, "home invasions," is not a real classification under--

SENATOR POU: I was actually going to get to that, but, yes.

MAYOR JOSHI: So, that's part of the problem here, that when you look at this data you say, "Is this a burglary, is it a home invasion?" Because in New Jersey State, law does not have two different classifications for each. So, when it goes into the Attorney General's database, which we all supply our information to -- whom I've also spoken to on this issue--

SENATOR POU: Right--

MAYOR JOSHI: --it doesn't factor in that difference.

So, some of these numbers may -- *some* -- may be classified differently depending on who is looking at it. But, it doesn't change the fact, in broad terms, a burglary occurred.

SENATOR POU: Sure, so, that-- Those are very broad, because under each category, you would have different statutes, some may be-- There are violent crimes, there are-- Some of them are misdemeanors; there are different categories.

So, in the total of these incidents you're not able to break it down in terms of the types of classification just because of what you've just indicated, you don't have that, is that right?

MAYOR JOSHI: So, particular to juveniles--

SENATOR POU: Through the Chair--

MAYOR JOSHI: --I can, I have it right here.

SENATOR POU: OK--

MAYOR JOSHI: I have the line item breakdown for all 28.

SENATOR POU: All 28 of--

MAYOR JOSHI: So, out of the crimes that were committed here, there's 28 juveniles involved. And, for those, we have the breakdown

for each one. And, also, what happened afterwards. And, every scenario is different.

SENATOR POU: For each of those categories.

MAYOR JOSHI: Correct.

SENATOR POU: And, are you able to share that information with us?

MAYOR JOSHI: Yes.

SENATOR POU: Did we get-- It's OK, if that's the only copy that you have. I don't want your copy.

If you would kindly, please, then, submit it through the Chair. If you could forward it to the Chair, the Chair will then forward to all of us, that way-- That way all of our members are able to see what you're looking at.

MAYOR JOSHI: OK.

SENATOR POU: That would be helpful.

So, through the Chair, it would appear as though the number-- What's the bottom number, Mayor?

MAYOR JOSHI: Home burglaries, the amount of time some -- I, again--

SENATOR POU: What's that number, underneath, it says what?

MAYOR JOSHI: So, the last one is reflective of homes--

SENATOR POU: Three-thirty?

SENATOR TESTA: Three-thirty; three hundred thirty.

SENATOR POU: Thank you.

MAYOR JOSHI: The last one is reflective of homes. And, again, there's no classification between invasions or burglary, which, the difference is whether someone was inside of the home or not. But, I look at it for all intents and purposes of the last one, it's 330 times someone had physically entered a doorway inside of a home--

SENATOR POU: Sure--

MAYOR JOSHI: --irrespective of whether someone was there or not.

SENATOR POU: Sure.

MAYOR JOSHI: And, to me, it makes no difference.

SENATOR POU: OK, what do you mean by that?

SENATOR TESTA: Madam Vice Chair, I think I can put a finer point on that, actually.

SENATOR POU: OK, great, thank you.

SENATOR TESTA: It makes no difference because the perpetrator doesn't know if anybody is actually home or not.

MAYOR JOSHI: Exactly.

SENATOR POU: No, no, I certainly-- I will agree with you, Senator Testa, with regards to that.

I just didn't-- When you said it didn't make any difference, I wasn't sure what you were referring to.

OK, if you could provide that to us--

MAYOR JOSHI: Sure--

SENATOR POU: --that would be helpful.

Thank you.

MAYOR JOSHI: Thank you.

SENATOR STACK: Any other questions for Mayor Joshi?
Mayor, thank you very much again for being here with us.

MAYOR JOSHI: Thank you.

SENATOR STACK: Thank you.

MR. LORETTE: The second panel -- this represents law enforcement.

We have Pete Andreyev, the State President of the New Jersey State Police Benevolent Association; Michael Freeman, Executive Vice President, New Jersey State Police Benevolent Association; and, finally, Chief John Russo, the Chief of the Rutherford Police Department and President Elect of the New Jersey State Association of Chiefs of Police.

SENATOR STACK: Thank you very much once again for your patience.

P E T E R A N D R E Y E V: Thank you very much, Sir.

Chairman Stack, members of the Committee, thank you very much for being here today and allowing us to have this discussion.

My name is Peter Andreyev; I am the President of the New Jersey State PBA.

And, with me to my right is our Executive Vice President Michael Freeman.

We are glad that you guys are having this hearing today because New Jersey can no longer ignore that we have an ongoing problem with juvenile crime. The use of juveniles by criminal gangs to do their dirty work, and a growing mentality among minors that they are untouchable when they break the law.

Before I discuss some underlying problems relating to juveniles, car thefts, burglaries, and other problems, I want to be very clear on our position. I believe there is great value not only for public safety but morally as well to do what we can to keep minors out of the criminal justice system. Some teens are forced into crime; some find it through a lack of opportunity in life; and some simply make mistakes. None of us want to see someone spend a lifetime in jail starting at a young age if we can help it.

Deferring juveniles from a prison is a worthy goal, but it should not be policy that fails to address the risks posed by not considering punishment equal to the crime. Unfortunately, the State of New Jersey has gone too far in one direction in the criminal justice system, and policy over the past decade that we are seeing criminal organizations take great advantage of it.

Some serious crimes like car theft, burglaries, and other crimes of opportunity take place. If a car is running left unlocked-- Some people leave their fobs in the cars overnight; houses left unsecured; valuables may be left on the table in a store. Those are crimes of opportunity; and those crimes happen every day.

But, what we are seeing statewide is a criminal -- excuse me -- is a coordinated use of minors by criminal organizations, and our criminal justice policies do little to aid law enforcement in fighting back. The vast majority of car thefts that occur in New Jersey are committed by members of criminal organizations. These groups use juveniles for scouting neighborhoods and to steal the vehicles, because there is virtually no chance of the tension when they are caught by the police, and everyone involved is keenly aware of this fact.

And, this is where our State policy becomes an impediment to us. Without the threat of detention, we can't effectively build a case against the ring leaders, who are adults, who pay these juveniles for each car that they steal. The juvenile may be caught, but they are right back into the neighborhoods looking for more cars to steal. And, since juvenile crimes are not part of the bill reform scheme, when that same individual is caught over 18, the entire process starts from scratch if they had no criminal record.

And, for those who doubt that our hands are tied in this fight, I point to you to the Attorney General's directive 2020-12. This policy essentially mandates the issuance of a complaint summons versus a complaint warrant before a juvenile is immediately released into the custody of a parent, guardian, or custodian. Crimes like residential burglary, vehicle theft, eluding, are not graded sufficiently for presumption of detention unless there is a firearm present or there is death or serious bodily injury. The juvenile employee who is caught will therefore be released in a matter of hours to return to work, causing very little disruption to the car theft business.

The social ills that may produce the mindset that car theft is more of a viable job opportunity are beyond our scope. But, criminal investigations often require cooperating witnesses who are interested in self-preservation by providing information about their accomplices to avoid or minimize the consequences they serve. It is universally known that there are no consequences for a juvenile taken into custody that would incentivize them to inform, since they must be released within six hours in almost all cases under the Attorney General's guidelines.

I also don't need to remind any of you that in the last few years, we have seen an explosion of disruptions, from pop-up parties to underage

drinking; from underage individuals consuming cannabis and creating mass hysteria on our boardwalks and parks around the state. This is also a direct result of changes made to the adjudication of minors who are drinking and using cannabis. As many of you know, we did not oppose the legalization of cannabis for adults, but, since the enabling law was passed, we have been told time and time again that nothing stops a police officer from using their many tools to deal with drunk or rowdy minors. I must tell you, honestly, that whatever tools you think we have, the law has simply tied our hands and, as a result, it is there for all -- for everyone to see.

I have been a police officer for 30 years in Point Pleasant Beach, New Jersey, in Ocean County. It's a resort community. I have walked the boardwalk; I have supervised officers on the boardwalk, our seasonal officers. And, what's happening today is not a reflection -- is not normal. What we did in the past, we could have (indiscernible) adjustments with meaningful outcome, but, again, today, it's just not the case. What is happening now is a direct result of changes in the criminal justice policy of the State of New Jersey.

And, I'll give you one example of what I mean. When cannabis was legalized, the law established written warnings for minors in possession of it. Yet, the law does not require a minor to show identification to an officer to write that warning. So, how do we enforce a law the same way if we can't enforce it because those juveniles aren't giving us the identification that we need to write the warning? This is also confirmed by an Attorney General FAQ that was updated on March 8 of 2021. And, on this subject, it says, and I quote, "Simply refusing to provide identifying information is not considered obstruction." Since that same law says we can't search a minor;

can't detain a minor; can't arrest a minor for public use of alcohol or cannabis; what exactly are the tools our officers are supposed to use to address the situation? Do you think a minor cares about getting a written warning their parents aren't required to see, assuming, that is, they provide law enforcement with the identification to write that warning?

These organized groups of kids are not dumb. They know the law says we can't do anything to them so they gather; drink; things get wild; and then all chaos ensues. The public deserves to not wait until after things have gotten out of control for the police to be able to make arrests or bring minors down to the station to call their parents.

Finally, we need to take a serious look at bail reform. The Legislature can pass any law -- any law that they want after this, but under the current bail reform rules none of them will matter. We hear constantly that bail reform is a success. Well, if the measurement of that success is releasing dangerous people back into society and back into neighborhoods to recommit crimes, then I guess that would be considered a success. In my limited time before you, we cannot discuss everything in detail of the many areas of bail reform that needs to be addressed, but I think there are two things to consider.

First, the Criminal Sentencing Commission needs to have representation from rank-and-file police officers recommended by the State PBA. Our members are the ones dealing with crimes before they ever get to the prosecutors, the public defenders, the judges, or anybody else. And, yet, we are excluded from talking about the real-world impact of their recommendations without a seat at the table.

Secondly, you must seriously consider reviewing the process by which the AOC has developed the algorithm that created the Public Safety Assessment used by judges during pre-trial detention review. This algorithm was not developed by police, prosecutors, or judges but was instead farmed out to The Arnold Foundation, a nonprofit whose anti-cop rhetoric can be found right on their website. When their approach is centered on comments such as, “Police too often rely on punitive enforcement and unnecessary force,” and then, “Jails are full because the law enforcement agencies arrest more people for minor offenses and over-police communities of color.”

So, again, I ask you, if they’re doing that, what do you think their system to recommend detention or release is going to say? Justice should be blind. Those positions are hardly impartial, and the process needs to change as a result.

I can assure you our members are sworn to protect and serve, and they’ll do that day in, day out, to the best of their ability. But, we can’t protect the public when the law and policy of this state is designed to keep us from doing that. As you well know, the New Jersey State PBA is a resource to all of you, and we will gladly engage in meaningful discussion and analysis to support any legislative efforts at any time.

Thank you for allowing me to provide these comments. I appreciate you having us today.

And, again, thank you for your time.

SENATOR STACK: And, President Pete, I appreciate your testimony.

And, I commit to you, on the recommendations you just made, I’ll get together with at least one other member on the Committee. Whoever

would like to do that with me, I will introduce pieces of legislation on those two recommendations.

I agree with you, and I represent Union City also as the Mayor and I see it every day. We're arresting the same people, whether it's juveniles or people on bail reform that you mentioned over and over and over again, and it's the same actors. You have my commitment we will do that.

Senator Testa.

SENATOR TESTA: Chairman Stack, I'll volunteer if my leader doesn't volunteer in that regard.

Mr. President, I'm glad-- You brought up a lot of things; you said a mouthful. And, I appreciate how each point you were able to hit.

Yesterday, I hosted a forum to address what happened in our shore towns over Memorial Day weekend. We had a stabbing in Ocean City; we had a situation that was handled by two officers in the City of Wildwood that could have gotten out of hand *really* quickly. I've seen the video of that incident. There were two officers surrounded by approximately, what I would say, 200 young people who were, in my opinion, more concerned with videoing the situation and getting likes and follows -- followers on their social media -- rather than seeing the situation squashed.

You talked about that warning system. I made a somewhat joke about this here before that you could give a youngster a warning, the next thing they're going to do with that warning is roll their next joint with the warning that you handed them. There's also no tracking system -- if I'm correct -- of the warning system, not only within the department itself, but if you went from, let's say, Wildwood to North Wildwood. Am I correct in that, Mr. President?

MR. ANDREYEV: I believe you are, Sir.

SENATOR TESTA: Yes, so, the warnings are absolutely meaningless. And, I've seen countless body cam video of-- There's a delineation I would make between juveniles and young adults, and I think it's very hard for any police officer -- especially when there's approximately 250,000 people in the City of Wildwood who are mostly on the boardwalk in any given weekend -- at a time, by the way -- to be able to delineate between someone who is 16 and someone who is maybe 18. You have a very difficult job; your officers have a very difficult job.

So, when there's people up here who come testify and lob allegations that we're out to punish juveniles and leave them with permanent records, it's just completely false and it's illogical what they say. We've seen these incidents. The body cam I just referenced, it's an absolute culture of disrespect for law enforcement who are merely trying to do their jobs. We also had the Attorney General, by the way, who somewhat blamed the City of Wildwood who had 30 additional officers on the boardwalk during that incident -- which, I found those comments to be reprehensible -- that were made because the City of Wildwood was doing everything they can each and every year.

Look, you're from a beach town. By the way, if you ever want to meet me at Spano's, I'm there, OK. It's fantastic.

MR. ANDREYEV: I think I can arrange that, Sir.

SENATOR TESTA: Thank you, it's a fantastic place.

But, you know, I was a lifeguard in the City of Wildwood, that was my first job. I took that very seriously. But, each summer back then,

there would be 50 -- as you often refer to them as -- SLEOs, special law enforcement officers. Class twos, as they're known. Now, they have nine.

There's been a culture -- and, I'm going to ask you about that culture of somewhat of the demonization of police departments -- the demonization of law enforcement, because of things like the Arnold Foundation, that there's a bias not against officers, not that they're there to protect and serve their communities and the citizens and visitors to those communities, but that there's been a demonization of law enforcement. Would you agree with that?

MR. ANDREYEV: Yes, I would. And, I believe that is probably the Number 1 reason why we have a recruiting problem and a retention problem.

Our officers-- Look, I work for Point Pleasant Beach Police. We are a 25-man police department in the wintertime, and in the summertime we swell over to 100 people because we need those seasonal officers to, effectively, police the boardwalk and all of the surrounding resort areas. Our boardwalk is a little bit smaller than Ocean City and Wildwood, but we do tend to draw those similar-type crowds with various events that go on, whether a radio station is going to come in and do a Memorial Day kickoff, or, just recently, Fox News was up broadcasting (indiscernible) at one of our boardwalk restaurants.

We have people from all walks of life who come to enjoy our boardwalk. And, we want those people to come down and spend money, pump up the local economy, and do good things that most people, family and vacations, will do. Unfortunately, we are now-- We've just experienced a pop-up party over this past weekend in our municipality where it was all

hands on deck and you can never plan-- You can never have enough officers for these types of events that occur when thousands upon thousands of people can ascend onto a 1 square mile town, and then basically take up-- There won't be a patch of sand to be seen when they're on the beach. And, then, we have, in our case, 25 or 30 officers just on the boardwalk by itself. Clearly they're outnumbered and just can't handle all of the calls for service at that point.

SENATOR TESTA: I'm glad you brought the pop-up situation. We had a horrible pop-up party situation in Wildwood where two people lost their lives, other people were injured. It was, really, an unauthorized car show.

And, there was discussion yesterday-- And, I'm going to divert for one second. Is any of your testimony here today political? Because, I mean, I've been accused of being political, even so early as today. Is any of your testimony here political, or is it just 100% factual?

MR. ANDREYEV: Sir, it's 100% factual. Again, referencing the recruitment and retention and all the things that our officers have seen over the past couple of years, we have firsthand accounts of those things and it is what it is at this point.

We don't intend to play politics with these types of things. We're law enforcement -- you all make the laws, we go in and enforce it. So, whatever it is that we can help you to make it easier for us to -- and, also, for the public and society in general -- to make that public safety a priority, we will definitely be there. That's probably the only politics we'll play, is to try to make everybody safe and sound and secure, like you said earlier, in their homes and their property and all the things that they own.

So, that's the only time we'll ever play politics, Sir.

SENATOR TESTA: And, thank you, Mr. President. I really appreciate that. Because that pop-up party that occurred in the City of Wildwood, two people lost their lives. And, there were hundreds of cars that assembled in the City of Wildwood. And, due to social media -- which we later found out, Snapchat, Instagram -- they were able to then mobilize out of the City of Wildwood and into a neighboring municipality.

Are you experiencing similar things like that? And, it's really hard to identify who the organizers of these pop-ups are. And, social media companies aren't necessarily willing to help you identify who those organizers are due to their regulations of their social media accounts.

MR. ANDREYEV: That is correct. I spoke to our detectives who constantly monitor social media for these types of events, and, again, when they try to ascertain who a particular handle was on an Instagram account, or whatever -- social media account -- we kind of ran into brick walls there. Then they had to, obviously, apply for warrants and things like that, which is a cumbersome -- cumbersome procedure to do. Especially when, in the instance of social media where in a push of a button it gets disseminated to thousands upon thousands of people. And, for us to go out and try to mitigate that with the heavy burden of probable cause, all the policy that has to go into trying to get a search warrant for those types of things, that it does make it burdensome.

SENATOR TESTA: A couple more things.

To deal with the cost of this-- And, yesterday during those hearings that I had -- that I held -- the Director of Public Safety from Long Branch really gave some great ideas and he indicated that just one restaurant,

due to a pop-up party, lost about \$17,000 in revenue in one day -- \$17,000. In addition, the amount of manpower that was associated with that incident was an additional \$49,000. No department can really plan for that, can they?

MR. ANDREYEV: No, Sir, not at all.

Again, we just want to see people come down to our shore area, especially enjoying the beach, the boardwalk, and all the bars and restaurants. And, again, pumping money into the local economy so that these mom-and-pop business owners can survive and have their own quality of life.

Again, as far as budgeting-- Again, there are never going to be enough officers to try and police a large group of that nature, (indiscernible) that we've had the experience in the past.

SENATOR TESTA: And, again, this gentleman was great. His last name was Broughton, who was the Director of Public Safety from Long Branch. He indicated that Long Branch knew this pop-up party was more than likely going to be happening since February. But, again, due to the nature of the difficulty of finding out who the actual organizers are and how quickly this gets disseminated and posted on various social media sites, it was extremely difficult to find out who the true organizer was.

Have you experienced anything like that?

MR. ANDREYEV: I would say that our officers have. Me personally, I have not, but I would say that I know that when our officers were dealing with some of the pop-up parties in years past -- in summers past -- I know that they were trying to identify the partygoers and also the organizers. And, again, we had some difficulty doing that, yes, Sir.

SENATOR TESTA: Your point about the algorithm -- that's a point that's well taken.

I'm befuddled, because we sit on the Judiciary Committee here, and we go through a painstaking process to select judges. And, when we go through that painstaking process, in my opinion, we want to select the very best legal minds to wear the robe; to ascend to the bench; to become a judge; and give them discretion to make decisions.

In my opinion, that algorithm has erased so much of the discretion of a judge who is sitting there, and, really, the judge's hands are tied despite the fact that they may have some evidence in front of them that says, "Hey, I really probably shouldn't let this person out." Unless the County Prosecutor's Office has filed a motion to detain, they're really, they're left with no other choice under criminal justice reform. Have you seen that as well?

MR. ANDREYEV: Again, I personally have not seen it, but I know that we have experienced some of that with our membership.

I can tell you that there is a lot of frustration on the part of our officers when they have a mountain of paperwork to complete and file and in a timely manner, that it is just frustrating that within -- before the ink is dry -- that these perpetrators and suspects are released. And, it's just the frustrating part there because the officer did a good job; they did their job the right way; nobody was hurt; there was no-- Nothing happened to anybody. So, before they can even file their reports, these, unfortunately, these subjects are walking out the door.

And, yes, I agree with you, Sir, that the judges are being handcuffed, if you will, with their -- with their assessment on what to do and how to adjudicate the offenders.

SENATOR TESTA: You're going to have to educate me a little bit on Point Pleasant Beach.

MR. ANDREYEV: We can go to Spano's today, if you want to go.

SENATOR TESTA: I would go there with you today if I could, but I can't. But, trust me, maybe myself, Senator Stack, and you can really sink our teeth into this type of legislation at Spano's, I wouldn't object to that one bit.

MR. ANDREYEV: Absolutely.

SENATOR TESTA: But, you're going to have to educate me. Does Point Pleasant Beach have, like, a senior week or things like that, where a lot of young people who are graduating high school, do they attend and stay down there for the week, their senior week?

MR. ANDREYEV: So, we've experienced in the past with prom parties. Schools from around the state will ascend down to Point Pleasant Beach, they'll get a summer rental for the weekend or for the week, and, again, chaos ensues. There's underage drinking; there's underage use of cannabis; things like that. And, when they get there-- Again, these kids are not dumb; they know not to answer the door; and there's nothing we can do.

So, then, I know our governing body had then created ordinances for -- specifically for these types of things for the homeowners or the property owners to -- try not to rent to these juveniles.

SENATOR TESTA: The reason I ask that is because, again, it goes to the culture -- the cultural shift that has occurred, many of the motel owners, hotel owners, have indicated to me that when there's property damage done to their facilities, and many times there's been a youngster who

is detained by officers who then call the parents and the parents then say, "Hey, what are you bothering me for, it's senior week? This is for little Johnny or Susie to have a great time and blow off some steam."

Have you heard any stories like that? Because we heard stories about that yesterday during that hearing that we had.

MR. ANDREYEV: Well, I can tell you firsthand, when I was on patrol many years ago, we were responding to a home -- a rental home -- where there was a prom party going on and we-- They were outside so we ended up getting -- seeing all the beer and all the stuff that was out there. We got the kids together, brought them down to police headquarters.

And, I remember speaking to this one parent from North Jersey, and they were like, "All right, well, I'm not coming down." I said, "Your son is 17, you've got to come down to get him, I can't release him," whatever. He goes, "Well, we'll send somebody else down, but we're not coming down at all." So, it was a discussion on the phone. Finally, he says, "Well," he goes, "Isn't there a timeframe that you can hold him until, and then you have to release him?" I go, "Yes, is that what you're telling me that you want to do?" "Absolutely." So, we noted it in the report, and then we waited, he sat there on a bench and he was let go after that timeframe.

So, again, I've seen it personally. Again, that was almost 20 years ago now, but it has happened.

SENATOR TESTA: Chairman, I don't have anything else.

Thanks.

SENATOR STACK: Thank you, Senator.

Senator Pou.

SENATOR POU: Thank you, thank you so very much.

First of all, let me just, once again -- because I think oftentimes it's -- when I ask questions or make a statement, it's perceived as if I don't take any real care or understanding or sensitivity to the kind of work.

First of all, I think it's very important that I put on the record that no one-- I certainly, for one, do not encourage and support or advocate for any acceptance of home invasion, robberies, auto theft, of any kind -- auto burglary, whatever it may be. So, I just want to point that out.

Let me just say -- because I know it was earlier stated that there appears to be a rise in certain crimes that are committed, and many times it's attributed to -- I think it was one of our senators on the other side who talked about how it's generally using the juveniles, mostly in these -- the commitment of this crime.

There is a uniform crime report -- statistical report -- that has to be put out every-- Is it every year?

MR. ANDREYEV: Yes, it's every year.

SENATOR POU: What was the last time that-- My records indicate that the last time a report that, in the total robust of its entirety -- like all of the completed information -- the last time -- please correct me, this is a question; I'm not making a statement -- the last time that that was done was in 2017. Is that correct? A robust, uniform crime report; that was the last time it was submitted.

And, I understand that the Attorney General's Office is responsible for putting this out and making the request to the State Police who, in fact -- I see you're consulting -- who in fact would be responsible, the State Police would be responsible, to submit and complete that report. And,

all of that information is gathered by the various different municipal police departments, right -- is that correct?

MICHAEL FREEMAN: That's correct.

SENATOR POU: OK, so--

MR. FREEMAN: The last one--

SENATOR POU: So, the last time that it was submitted was when?

MR. FREEMAN: The last one that I'm aware of is 2021.

SENATOR POU: Is that-- And, where-- Where would we find that? Because the last time that I saw the absolute total complete one was in 2017.

MR. FREEMAN: It's on the Attorney General's website under--

SENATOR POU: I'm sorry?

MR. FREEMAN: It's on the Attorney General's website under "uniform crime reporting."

SENATOR POU: No, that's where we're looking for, that's what we are looking at.

So, I'll just make sure to confirm that, and I appreciate that response.

The reason why I'm saying that is because according to-- And, the data is not complete. I will point that out.

So, we looked at-- We received some data from the State Police, and it said this is the arrestee summary report that was given to us in preparation of today's meeting. And, it looked-- It used the year December 31, 2018; then it goes to December 31, 2019; continued to '21, to '22 -- those four years, OK.

I'm looking at the four categories -- robbery; burglary; motor vehicle theft; stolen property, buying and receiving and processing -- to the point of what was said earlier before, there's no such thing as home invasion, so it's broken down in that category. And, these are reports that are categorized and indicated and filled in by information submitted by the State Police. At the very beginning, depending on each of the category, it varies, but there appears to be -- and, it's broken down, just so that -- just to make it clear for those who are not looking at what I'm looking at -- it makes clear, are they female or -- male or female; under the age of 10; 10-12; 13-14; 15; 16; 17; and total.

And, when you look at each of those years it's clear, according to this report that was submitted by the State Police, it's clear that some of those statistics-- I'll take one, for example. It's the first one, so I'll just pick that one. That's the one that talks about robbery. The total on that one for 2018 total was 423. The total for 2019 was 409. The total for '21 was 197. The total for -- then it spiked up a little bit in '22 to 207. So, the numbers-- I'm just trying to understand some of the feedback and conversation back and forth, and I'm only going by data that I look at. I listen to every word you said, I'm just trying to see where is it-- What is it that we're missing?

Help us to understand. So, perhaps, maybe, if we're able to understand some of these datas it will be very helpful to us. One is too many; there's no question about it. So, no one is disputing the importance of making sure that we do everything in our power to make sure that every resident in this state, in the State of New Jersey, feels safe at every point in their lives, regardless of where they're at; where they're going; what's

happening; whether they're home; in the store; in the grocery; at school in church -- wherever it may be. That is important to all of us.

So-- But, we can only do that based upon the information that we have. So, some of what I'm hearing and what I'm seeing and reading and reviewing and looking at data that is provided by the various units within our government -- that being the Attorney General's Office through the State Police uniform crime report and so forth, does not tell the same story. We're trying to match it up. Help to educate us on that.

MR. FREEMAN: If I'm correct, the data that you're seeing from the UCR does not include juvenile crime, *per se*, only the incidents and the commissions. I'm not sure if it includes the actual adjudications of the delinquency.

SENATOR POU: So, your uniform crime report does not provide any juvenile information? Statistics?

MR. FREEMAN: The juvenile would; however, not the-- I don't think it's on the UCR as an incident. It's there as an incident, but I don't think if a juvenile is adjudicated as a delinquent for it, I don't think that's going to show up as an arrest for those purposes. I can't-- I'm not sure, but I believe it doesn't happen that way.

SENATOR POU: So, how do you arrive at that, those -- what was stated before, that most of the crimes that are being, I think, the representation or the comment was that it was really done through these organized organizations. They're utilizing the juveniles.

And, by the way, I believe that that's certainly happening. I'm just trying to understand the degree and the numbers that you're talking

about. So, how are you arriving at that -- those statements -- if you're not collecting that data that way?

J O H N R U S S O: Senator, I'll just jump in real quickly.

Because, unfortunately, right now, to rely on UCR data alone is a bit misleading because the State is transitioning from UCR to NIBRS, which is National Incident-Based Reporting System.

SENATOR POU: OK.

CHIEF RUSSO: So, the agency -- most agencies -- are supposed to be transitioned already, but, as you know, so many in this state, it's just a difficult lift.

So, I no longer report UCR crimes, but UCR, for the specific agency, the seventh of every month your report was due. So, each agency is reporting monthly the compiled UCR reports, which were done on the state level, were put out once all that data was received. And, unfortunate -- unfortunately, every year you would have certain agencies that were delinquent there--

SENATOR POU: Sure--

CHIEF RUSSO: --which would hold up the report.

So, that was one issue. But now, like I said, with that transition, some agencies are still on the UCR system; some are reporting NIBRS. So, until we get complete compliance with NIBRS, those yearly reports, I believe, are going to be a bit skewed. We need to rely more on local reporting, our prosecutors' offices--

SENATOR POU: Sure--

CHIEF RUSSO: --and our State Police monthly reports or our core set groups.

SENATOR POU: But-- First of all, thank you for that clarification.

Two -- two questions. One is, NIBRS, that must mean something, and that's an acronym, so tell me what it means so it's clear on the record.

CHIEF RUSSO: It's NIBRS, and it's the FBI reporting system. It's National Incident-Based Reporting System.

SENATOR POU: OK.

CHIEF RUSSO: I believe. I'm pretty sure.

SENATOR POU: OK, so, I can -- I or any one of us can -- go on their website and be able to see a culmination of what that information that's been gathered in the State of New Jersey for those particular crime reports. Will that provide us with that information?

CHIEF RUSSO: Unfortunately, I cannot give you a yes or no answer to that. I haven't seen it, and I haven't looked for it. All I know is that I'm reporting my numbers to it.

SENATOR POU: So, are you reporting them for the State of New Jersey?

CHIEF RUSSO: No, ma'am, just for my agency. Rutherford Police Department.

SENATOR POU: From where? I'm sorry.

CHIEF RUSSO: Rutherford Police Department.

SENATOR POU: OK, thank you. Thank you very much for that.

So, how do we get-- I don't know who can answer this question. How do we-- How are we able to get a statewide crime report statistic-- What?

SENATOR STACK: I think, Senator, we'd have to get that from the Attorney General's Office.

SENATOR POU: No, but, they're saying it's not available. What they're saying is -- I don't want to -- I thought I heard you said that it's not available; it's outdated; it's moving onto a different statistical report; they don't -- it doesn't exist, and they're not reporting it, and it's not a cumulative number on a statewide level. That's what a month--

SENATOR STACK: But, Chief, you send in your numbers every year also, right?

CHIEF RUSSO: I send my numbers through NIBRS right now. But, I know certainly agencies--

SENATOR STACK: Right--

SENATOR POU: Not to -- not to the State--

CHIEF RUSSO: --are still reporting through UCR.

So, I can't speak on behalf of the Attorney General how they are compiling their yearly reports right now. I don't know if they are compiling both numbers from two separate databases and putting that information out. I can't speak for that.

SENATOR POU: Which is why--

SENATOR STACK: What we can do is, through the Committee, we can request that, which we will.

SENATOR POU: Mr. Chairman, that's why I pointed out that there doesn't appear to be -- and, I think it might be this, I don't know, I'm

not implying that -- one of the reasons why we don't have a full report since 2017 -- just my statement from what I've heard -- and, in light of what -- I'm sorry, Sir, I didn't catch your name, from our New Brunswick, right -- New Brunswick, did you say?

CHIEF RUSSO: Rutherford. John -- Chief John Russo.

SENATOR POU: Rutherford -- oh my God, oh my God.

Yes, yes, yes. Yes, Chief, from Rutherford. You're right close to mine -- my district.

But, based on the statement that where your reporting is going, it's obviously not going to the AG's office, it's going to this Federal uniform -- I'm saying uniform -- but this Federal report that-- So, we do not have those kind of statistical or -- yes, statistical information that will help to identify how these crimes are being reported, indicted, convicted, and so forth.

So, I'm just wondering where you're getting all the numbers from.

SENATOR STACK: Thank you.

Chief, are you going to be now testifying?

Great, OK.

CHIEF RUSSO: Yes, sir.

Chairman Stack, esteemed Committee members, my name is John Russo. I am Chief of Police of the Rutherford Police Department. I am also the incoming President of the New Jersey State Association of Chiefs of Police.

I again would like to thank you for the opportunity to speak to you on behalf of the over 500 law enforcement executives who make up our membership -- this time to discuss youth involvement in certain crimes.

Similar to what I mentioned a few months back when you heard testimony about Criminal Justice Reform, we do not believe that our juvenile justice system is completely broken. However, it is in desperate need of some significant enhancements; common-sense enhancements that will ensure fair and impartial consequences for those in need of such punishment, while maintaining the foundation of Attorney General law enforcement directive 2022-12, which based -- which was based on diversion from the court procedures.

And, as President Andreyev mentioned earlier, we believe that that directive was too vested in the diversion and, subsequently, tied the hands of our law enforcement officers. And, now, three and a half years later, we are seeing what happens when our officers' hands are tied.

Diversion from formal courts, without a doubt, has had its benefits for youth who are first-time and one-time offenders. However, statistics show that lack of consequences for criminal behavior and diversion practices that cannot be tracked by charging officers or taken into consideration for subsequent sentencing are what we feel is at the epicenter of the problems our departments and jurisdictions are seeing.

The State Chiefs are requesting amendments to previous juvenile justice reform that will help us do our job and enhance public safety. These issues are not police staffing issues. The amendments will ensure certain juvenile offenders are kept from the formal court procedures, while establishing effective consequences for those youth whose actions necessitate

something more than diversion. For this to come to fruition, we first need to be able to see previous interactions and diversions at the line level.

Currently, when an officer deals with a disorderly youth, we do not have a system in place that would indicate previous law enforcement interactions; station house adjustments; curbside warnings; or even charges that have been dismissed as a result of successful diversion. Law enforcement officers should have the capabilities to see the history of certain youth they are dealing with in certain situations. This will provide enhanced officer and juvenile safety, and prevent recidivism.

The Juvenile Central Registry in New Jersey courts provides minimal information, and that information only shows that a charge was transferred out of county if the juvenile being inquired about resides in a different county. Our juvenile system utilizes a risk-screening tool, which is similar to the Public Safety Assessment -- or PSA -- used for adults. The Risk Screening Tool -- or RST -- only takes into consideration prior adjudications and the seriousness of the current crime. Pending charges are not taken into consideration. The RSC -- the RST -- should be able to take into consideration successful diversions or, at a minimum, multiple successful diversions. Because the whole premise of diversion is to prevent future occurrences and, in these cases, the previous diversion obviously was not successful.

We would like-- Next, we would like to see consideration to add burglary to an occupied dwelling; auto theft; and possession of stolen motor vehicle; to the list of waiver-eligible offenses. With the discretion to waive these offenses to adult charges, we will -- we believe we will see a drop in

recidivism and curtail the surge in home invasions and auto theft that is a concern for most of our jurisdictions.

In some of these cases, detention *should* be required. Yet, statistics show juvenile detention is rarely administered.

Finally -- and, just as important as our other requests -- we would like to see juvenile offenses that are subject to court proceedings be heard in the county where the offense occurs. Currently, a juvenile complaint is heard in the county where the juvenile resides, which creates a significant disconnect between the offending juvenile and their victims. The importance of this request can be seen with the events that have occurred in our shore towns these last few years, and more frequently as of late. The offense location county has a better idea of the offense -- has a better idea of what the offense had -- the impact the offense had within that specific town, and should be able to provide more input into whether formal complaints are heard or the juvenile is diverted and what that diversion should be.

In closing, I would like to bring to your attention -- as I did during the Criminal Justice Reform testimony -- that this is the collective sentiment of the chiefs across the state. We deal with these issues on a daily basis, and we understand the processes in place. We understand the importance of diverting juveniles from the formal court proceeding, but, at the same time, we are sensitive to the crime trends and common factors seen within those trends. I believe that our recommendations, along with those of my colleagues in the State PBA and the Prosecutor's Office, can assist with curtailing some of the juvenile concerns we are now seeing.

Chairman Stack, Senators, thank you for allowing me, again, to share law enforcement's perspective, expertise, and experience with you. I

will obviously stay available for questions, and I can provide some eye-opening statistics if you would like.

Thank you.

SENATOR STACK: If you could provide some of the statistics that you have with you today, Chief, I would appreciate that. Senator Lagana had mentioned that to us, that you might have some statistics that you'd like to share with us.

That would be very helpful, and I will definitely work with my colleagues on some of the suggestions that you just mentioned, also.

CHIEF RUSSO: Thank you, Senator.

So, with statistics, as you know, we can go down a rabbit hole with these and become very inundated and boring.

So, I just looked back, pertaining to juvenile arrests from June 1 of this month -- 13 days. And, I'm looking at arrests of juveniles for motor vehicle theft, or arrest of juveniles that have had previous motor vehicle theft arrests. In these past 13 days, we had 15 juveniles arrested, and they represent 56 arrest histories -- separate arrests. So, that bolsters the recidivism that we're concerned with. Several of those juveniles have had eight arrests. And, unfortunately, only three of those 15 were first-time arrestees. So, what we're doing is not deterring these serious offenders.

What's not included in those statistics is an arrest from last night, which the State Police Task Force was involved in. It was a 17-year-old juvenile, and last night was his 11th arrest. His previous arrests included two separate incidents with aggravated assault on a law enforcement officer; several burglary charges; weapons offenses; possession of a high-capacity magazine; and participation in an auto-theft ring. Those were his previous

arrests. Last night's charges involve 26 separate stolen motor vehicle and burglary of a stolen motor vehicle -- burglary of motor vehicle charges from counties from Bergen County all the way down to our southern counties. So, this juvenile was terrorizing us.

I think we need more detention on certain -- certain crimes. And, I don't want to lose sight of what I mentioned earlier, that diversion is important for a majority of our juvenile offenders. Most of them are one-and-done. However, the statistics that we can see and the databases that we have, it's very similar to gun crime, and how the State Police were able to curtail that last year. The databases show that a small percentage of individuals were responsible for a large percentage of the crimes, and we believe that's true with our juvenile offenses as well.

However, the difference was with the adults and the firearms offenses last year. The State Police, the courts, got on the same page and were able to get these people off the street. Right now, that's not happening with these serious juvenile offenders, and we believe that's what needs to happen.

SENATOR STACK: Thank you very much.

Thank you, Chief.

Sir -- please. (no response)

Any other members have any other questions at this point?

Yes, Senator Corrado.

SENATOR CORRADO: Just very briefly.

I want to thank you gentlemen for your testimony today.

Unfortunately, some of it we've heard before. We speak to our chiefs and our police departments, we hear the same thing over and over again about their hands being tied.

And, I just want to point out that some of the things that you mentioned that are specifically tying your hands, whether it's juvenile summons versus warrant; six-hour release; not providing info; not being considered obstruction. Those are guidelines; those are all based on the AG guidelines. Those are not laws that were made by this body. And, so, we find ourselves in the position of now that we are realizing what's going on, we are going to have to implement laws to overturn the AG's guidelines, and that just makes your jobs harder to do.

So, we appreciate what you do. We hear you and look forward to working with all of you to make this better.

We understand the difference between diversion and deterrence, and I think we're at the point where we're hearing it from everybody that some type of detention is warranted, especially for the more serious crimes.

And, it's ironic and unfortunate that not only are we hearing it from law enforcement, but we're hearing it from our judges as well that their hands are tied. So, we're here to work with them as well.

So, thank you gentlemen.

SENATOR STACK: Thank you, Senator.

Senator Pou.

SENATOR POU: I just want to, first of all, thank you, as well.

Thank you for your testimony. Thank you for responding to the -- all the questions.

You've made a couple of suggestions that I think throughout the entire time that you've been providing testimony from the three of you. If you could please provide us, through the Chair, a copy of your testimony, that would be helpful.

I believe we have yours, from the State -- I'm sorry, the State PBA, we do have yours.

Chief, if you could, because you had some suggestions in your remarks, that would be helpful for us -- for me, personally -- to take a look at.

CHIEF RUSSO: No problem, I'll do that right away.

SENATOR POU: Thank you so very much.

CHIEF RUSSO: Thank you.

SENATOR POU: I really appreciate that.

SENATOR STACK: Thank you for your testimony; thank you very much.

MR. ANDREYEV: Thank you.

CHIEF RUSSO: Thank you.

MR. LORETTE: Next is panel Number 3, another panel of one, representing prosecutors.

Mark Musella, the Bergen County Prosecutor, as well as the President of the County Prosecutor's Association of New Jersey.

MARK MUSELLA, J.D.: Good afternoon, Senators.

SENATOR STACK: Good afternoon.

First, I would like to just apologize for how long it's been, and your patience waiting for this hearing.

I truly appreciate all that it (indiscernible) to testify today.

MR. MUSELLA: No worries.

SENATOR STACK: Thank you very much.

MR. MUSELLA: Senator Stack, if I may, I also have with me today is Prosecutor Stephens from Essex County. He's asked if he could also testify.

SENATOR STACK: Absolutely.

MR. MUSELLA: And, I have with him, I believe his first--

SENATOR STACK: If we could just -- Mr. Prosecutor, if you could just hit the button, just so that the red light comes on, that would be great.

Perfect; thank you.

Thank you for the three of you being here.

MR. MUSELLA: Thank you.

Senator Stack and members of the Committee, thank you for inviting me here today to testify.

My name is Mark Musella; I am the Bergen County Prosecutor. I am also President of the County Prosecutor's Association of New Jersey. I have been the Bergen County Prosecutor for the last five years. I've been recently appointed -- reappointed by this Committee -- to a new five-year term.

I am here today with Prosecutor Stephens from Essex County, and I believe the gentleman to his right is--

T H E O D O R E N . S T E P H E N S , I I , J . D . : That's Deputy Chief Assistant Prosecutor Anthony Higgins, who heads our juvenile unit in Essex County.

MR. MUSELLA: In preparation for today's Hearing, I did converse with my Chief of my Juvenile Unit. His name is Seth Victor. He

could not be here today; however, Seth Victor and myself prepared these remarks, which address the talking points that this Committee is interested in -- interested in.

With regard to auto thefts in Bergen County, we have seen an increase in high-end auto thefts across the county, but particularly in the wealthier towns -- the northern towns -- where expensive cars are more likely to be found.

Regarding juvenile justice, there is a noticeable increase in youth in either committing the thefts or being stopped by police in a stolen car. This is affecting adult cases as well, wherein young adults between the ages of 18 to 22 are committing similar offenses. We know this after I spoke with the Assistant Prosecutor Findley, who was Chief of my Intake Unit. He has noted a significant increase in these types of offenses over the last 24 to 36 months, and, as a result, we've moved for detention in adult cases more often in these types of crimes in order to deter these types of crimes.

We believe, as with adult crimes, what we're seeing in Bergen County is the majority of juveniles committing these offenses are from out of county. And, that is the same with adults. In Bergen County, we see more often youth from Essex County and Passaic County -- specifically Newark and Paterson -- and we know that from the addresses that they give at the time of the encounter or the arrest. And, this is not to imply that these are the only cities from which juveniles are coming into Bergen County, but -- and, also, it is not to imply that the residents youth of Bergen County are not committing crimes as well. But, we do see the biggest spike in where these juveniles are domiciled, and it is from those cities.

The working theory among many police officers in Bergen County is that someone is behind the scenes employing these youth as part of a larger ring; someone who is wise enough to distance themselves from the actual offense, and to stay in the shadows, so to speak. Nearly -- it is nearly impossible to prove this, but it is suspected by our many police officers in Bergen County. And, that was the similar testimony that was given by Chief Russo and the Chief of the New Jersey PBA.

We have also seen an increase in second-degree eluding offenses, where it creates a heightened risk of injury or death to civilians and/or to the juveniles themselves.

I will indicate, I have some specific examples that I will get into later that I will -- from Bergen and from other counties. Also, as part of my responsibility as President of the Prosecutor's Association, I asked for input in instances -- specific instances of arrest -- from Hudson County Prosecutor Esther Suarez, who provided me with some information; from Angelo Onofri, the prosecutor from Mercer County, who provided me with some information; and from Bill Reynolds, who is the Prosecutor of Atlantic County, also provided me with some information that I will respectfully read to you at the end of my comments.

Regarding burglaries in Bergen County, burglary covers a wide range of offenses, some of which have been stable and some of which are increasing. Car door burglaries, or what we refer to as car door burglaries, where individuals -- juveniles -- enter cars for loose change, etc. There has been no significant change in those types of burglaries, but they are always steady. Home burglaries, we are seeing more cases with juveniles entering homes to take the car keys and the key fobs in order to boost the cars. Of

course, there's always the ever-present concern in these types of cases that this is dangerous because of a residential entry while people are home; it can create the possibility of an assault.

What can we do to combat these crimes of car thefts and burglaries? To some extent, there's not much we can do, as was testified by the Prosecutor's Offices; as was testified to earlier; and, as I discussed with Ted, there is an AG directive 2022-12, which intentionally recommends diversionary programs for youth in an emphasis to avoid detention and juvenile justice commitment.

We've also seen, and we believe -- and, again, this is anecdotally -- as a result of the pandemic, it increased social behavior and isolation among juveniles. Many juveniles who were isolated in 2020 and 2021 are now teens. We have a psychologist on staff in Bergen County from Family Guidance who has indicated and has confirmed that the pandemic exacerbated risk-taking and anti-social behavior that was already present in teen populations by now may be continuing -- contributing -- to the rise in certain offenses and violent crime in particular.

Many are concerned that while the purpose of the 2020 reform is well-intentioned and do indeed create a net-positive effect on most youth, that they are being diverted from the system and they are not graduating to adult systems. We are, however, seeing the repeat offenders. And, again, that was testified to by Chief Russo.

The population of what we call "professional youth offenders" have-- They have learned that it takes several offenses, or high-end level offenses, to face meaningful consequences. We have to bear in mind that Juvenile Court, via the Family Division, is intended to be rehabilitative with

punitive measures as a last resort. As such, when asked about how to decrease instances of theft and burglary, a more draconian system of crime and punishment via longer detention would be feasible, but it is not the direction that New Jersey or the country has been going in.

New Jersey is very proud to be the first state to implement statewide alternatives to detention, and we are a model state for juvenile detention alternatives. However, again, as Chief Russo testified, I do believe -- as is the case in criminal justice reform -- that there needs to be some tweaks to the system. Both potential legislative changes that we -- myself and my Juvenile Chief -- have discussed are amending NJSA 2C20-10, which is a joyriding statute. We often rely on this joyriding statute to prosecute youth in stolen cars who are the non-drivers. Many times there's two or three youth in the car. However, the *mens rea* is knowing that the motor vehicle has been stolen or has been taken. Adding the language that knowing the motor vehicle has been stolen or taken -- or a reasonable person should know has been stolen or taken -- would help in the prosecution of youth who are likely a part of the theft enterprise, but hide behind the veil that they were merely passengers.

More funding is also needed in Bergen. We are blessed with a robust county programming, and there are often additional grants we seek, but this is not true for all counties. And, while money is often a sticking point with any legislation, the more funding for alternative programming that has supervision will really push change if we are going to have successful subvert -- diversions. We need more programming and more supervision.

We need to allow police to police. The most common complaint in Bergen County among the police officer departments is that the officers

are afraid to put their hands on youth or even have interactions with the youth. In an age with cellphone recordings, and body-worn cameras -- which, while we welcome accountability and we believe it is important -- many officers fear losing their job because of mishandling an encounter with a youth. The revision of the deprivation of civil rights to now require an officer to have acted with prejudicial intent was a step in the right direction, but officers are still concerned. Officers feel they need to be able to seize marijuana from youth and enforce the prohibition better in public cases.

Again, it is unclear what best steps we can do that would take us in the right direction, but in light of the recent legislation, youth seem to feel empowered and they can -- that they can no longer face significant consequences. And, this is having a trickle-down effect for other types of crimes, such as burglary and theft and, specifically, violent crimes. The youth feel empowered with a sense of impunity. All of these are complicated issues, and I do not have a single solution, but these are the trends and the concerns that have been voiced in many conversations with police officers in Bergen County over the last several months.

I just want to give you a couple specific crimes that have occurred in Bergen County by juveniles in the last several months. And, as you can see, there has been an uptick in violent crime committed by juveniles as well. And, these are the specific crimes. In Bergen County, in the last several months, we've had a high school student in Hackensack take a knife to the high school and stab a fellow student -- not mortally -- but stabbed him over a girl. In Bergenfield, a middle school child brought a knife to school and stabbed a fellow student two times in the leg. He was the victim of bullying

but, again, he brought a knife to school and stabbed this individual with that knife.

We saw an individual come in from out of county with a handgun. He went to an establishment called Urban Air, and he had-- He was 12 years old; he had the gun; they went into a photo booth within the establishment, and the pistol went off. No one was injured, but he was-- He had a handgun, a loaded handgun, at 12 years old in Bergen County.

We saw a 14-to-17 years of age-- Oh, we're seeing, in Bergen County, undocumented migrants, 14 years of age to 17 years of age, coming into Bergen County. They're migrant groups of shoplifters, organized shoplifters. They're coming from-- We know this because they give their address as migrant hotels in New York City. They usually give the name of an undocumented individual as a guardian, and they are released to this guardian. And, again, we are seeing that these shoplifting groups of young juveniles between these ages -- four and five juveniles -- are coming into Bergen County and this has been an uptick and something that we're seeing more often.

We saw an individual with a machete. He was an undocumented juvenile. He was detained on a bracelet, but he is a Teaneck juvenile and he hit someone with a machete, or slashed him with a machete. He recently turned 18 and he is now being held in an adult shelter.

We had an individual -- an individual recently who is being detained in Bergen County. It was his third handgun offense; he had two previous handgun arrests in Paterson. He had-- This last arrest was in Garfield. He is being held in the Bergen County Juvenile Justice Juvenile

Detention Center at the present time. And, so, those are some examples of crimes that we've seen recently in Bergen County committed by juveniles.

Esther Suarez prepared a short statement for me today; she's the Prosecutor of Hudson County. She indicated motor vehicle thefts and carjackings have increased in Hudson County in the past year. She believes kids are doing this based on social media challenges. She had a 13-year-old who was charged with 14 separate incidents of breaking into cars and/or stealing them. Most of the time, the cars are found around the same area, so it appears that the cars are being taken just for fun. Possession of weapons and shootings are happening on a regular basis in Hudson County. She believes that-- She has noticed that juveniles do not care about the time or day or who was around. One specific incident she points to happened on May 24, 2024 at 6:30 p.m. There was a shooting in Berry Lane Park in Jersey City, and it was very crowded with people and kids present at the time of the shooting.

We had a shooting in Bergen County recently, in Glen Rock. The suspect is an adult; however, there was a large group of juveniles present -- and adults present -- somewhere between 50 and 100 individuals. We believe approximately 30 were juveniles, and those individuals came from out of county. It was sort of a basketball game, but not a basketball game, and violence erupted because the two sides were-- There was some suspected gang activity on the two sides. And, that was around 7 o'clock at night, in a crowded park, in Glen Rock, where a Little League game -- 10-year-old Little League game -- was being played adjacent to that basketball court.

The Atlantic County Prosecutor, Bill Reynolds, has also written me a short presentation of what they are seeing in Atlantic County. And, I

stand corrected, it's Bill Reynolds from Atlantic County. He indicated to me recently there was a murder on Atlantic Avenue in Atlantic City on Friday night -- this past Friday night. A 16-year-old shot and killed a 14-year-old. A 15-year-old in Atlantic -- a 15-year-old Atlantic County resident committed a stabbing recently on the boardwalk in Ocean City. In Atlantic City this past weekend as well, four juvenile females, aged 12, 12, 13, and 14, assaulted a police officer who was attempting to break up a fight that they were not involved in.

He indicates that with the news of pop-up parties and mass gatherings of juveniles shutting down community events, there's an issue that needs to be addressed, and he would like to make it clear that he's not talking about juvenile cases of juveniles drinking alcohol or smoking marijuana, but he is concerned about the violent offenders with real victims, and indicates that we need to protect the public and the only way to do so is by detaining these juveniles who commit these violent offenses.

Lastly, I just want to -- if you give me one second, please, I want to point out what Angelo Onofri has been seeing in Mercer County. He indicates that on 11/24, juveniles stole a Hyundai, alluded police, smashed the rear of an off-duty officer's truck, totaling the stolen car. On 12/31/23 in a stolen car, before police could turn on the lights and sirens, the juvenile side-swiped two cars and then crashed into another car before fleeing on foot. As a side note, there were four additional open complaints for that juvenile at the time for stolen motor vehicles. On 1/22/24, in a stolen Kia, before police could turn on the lights and sirens, the car lost control, crashed into a church. Patrol cars surrounded the stolen car and as the officer was getting out of the patrol car, the juvenile threw the car into reverse, nearly striking

the officer. The juvenile then drove forward, striking another patrol vehicle before exiting the vehicle and fleeing on foot.

On February 19, 2024, in a stolen vehicle, a juvenile alluded police at excessive speeds up Route 29; lost control of the vehicle; and then circled and crashed into another vehicle, causing injury to four occupants of the other vehicle. On 2/21/24, in a stolen Hyundai, a juvenile alluded police, ran through an intersection, and t-boned another vehicle, causing serious bodily injury to the driver of that car as well as injuries to three additional juveniles in the stolen car. He also has a case where the juvenile stole a car that was later used in a shooting, and another juvenile stole a car that was later used in a homicide. And, he notes that, in the last two years, they have had five carjackings that involved juvenile actors.

So, this is just kind of a snapshot of what is going on in Bergen County, Hudson County, Atlantic County, and Mercer County regarding juvenile crime. As you can see, with regard to stolen cars and burglaries, there is certainly an uptick, but we also believe there's an uptick in violent crime that's being committed by juveniles. The overwhelming sentiment among police officers and prosecutors is that there's just no-- The juveniles are emboldened because they know that there are no consequences for their actions.

And, I just-- I agree with the past panelists' testimony, and I agree with most of the comments of the Senators here today. I think something needs to be done with regard to detaining juveniles. And, we're talking about the repeat offenders, and I'm not talking about one or two or even three repeat offenders -- I'm talking about repeat offenders who are committing nine and 10 and 11 and 12 offenses. These are the most

dangerous individuals who, respectfully, I believe, are not rehabilitative or can be rehabilitated.

Also, what needs to be addressed -- and, I would like to just, if the Committee could bear with me for one second -- we are also seeing a problem, prosecutors -- and, Jennifer Webb-McRae have a letter, and I will supply it to you, but she is in Cumberland County and we're seeing a problem in counties that do not have juvenile detention centers that have shared service agreements with counties that do have detention centers. But, the detention centers in the other counties are not taking their juveniles for many reasons, and the most significant reason being understaffing. Sometimes, in many of these cases, juveniles are sent to counties that are almost 100 miles away. In Bergen County, we do have a juvenile detention center. We have 24 beds right now; we have 16 individuals detained in that juvenile detention center.

We have a shared-services agreement with Hudson and Passaic County, so some of those individuals are from Hudson and Passaic County. But, I recently had a-- I had a matter with Ted about a month ago or two months ago where Ted called in the middle of the night. There was an individual, I believe it was a juvenile -- he could speak to this with more certainty -- but I believe he stabbed an individual. He could not be held in the juvenile detention center in Essex because I believe the victim was there as well, so they tried to move him to Bergen, but Bergen would not take him because we did not have a contract with Essex County, and he was turned away and he had to go and stay in the county jail -- the adult county jail -- for the night.

Jennifer Webb-McRae indicated at the prosecutor meeting -- she was not there, but she sent this letter on Tuesday -- and indicated that she

had a female juvenile who stabbed another female juvenile, and the juvenile victim's lung was collapsed. She tried to send that juvenile to a neighboring shared-services detention center, and the-- They did not have the proper services or staffing to take that juvenile. They turned that juvenile back to her county; she had to house that juvenile in an adult facility overnight with 24-hour oversight by a jail guard, and then the juvenile had to be released because there was no place to detain that juvenile on bracelet to a guardian.

So, we are seeing across the state; and, I'll provide this letter to the Senators. Also, Bill Reynolds indicated the same thing, but basically the problem that we're seeing as prosecutors with regard to these juvenile detention centers -- and, again, it's really not an issue of the prosecutors or it's not really an issue for the Senators, but it's really a county council issue because as a result of juvenile justice reform, there's only, I believe -- and, Jen Webb-McRae indicates in her letter -- there's only seven counties out of 21 that now have juvenile detention centers. So, those seven counties contract with the other counties for shared services. But, those other counties are at the mercy of those seven counties, because there are limited beds and they're understaffed and they're under-resourced and they're under-programmed, so at any given time they're at the mercy of those counties, and juveniles are either shipped hundreds of miles away from their home county or they're returned. Basically they arrive there and are turned away and sent back to their home county, and then the home county has to either release them or find alternative detention for them in the adult jail.

So, I believe -- and, as Bill Reynolds indicates in his letter -- he had meetings with his Juvenile Justice Committee and asked for them to either expand or build a new facility, and it was met with resistance and

denied. So, the problem is, I think in response to juvenile justice reform, juvenile detention facilities were closed and were eliminated and downsized, and now we don't have enough facilities to detain juveniles. And, again, if we do, they're woefully understaffed and woefully under-programmed and under-resourced and underfunded.

SENATOR STACK: Thank you, Mr. Prosecutor.

And, you have our commitment. Your remarks, along with everyone else, will be transcribed for all the members so they can read it.

And, also, I am going to work with Matt and the staff to get legislation on the recommendations that you also gave today.

Do any members have any questions or any comments at this time?

Senator Testa.

SENATOR TESTA: Mr. Prosecutor, I really appreciate the fact that you referenced my home county prosecutor, Jennifer Webb-McRae.

There has been this trend, we were supposed to build in Cumberland County a very large regional jail, but it was said by prior administrations that due to criminal justice reform, that jail was not built. Also, we have a real problem, as you said, with county commissioners now being left when there is a very serious crime that is committed by someone who is a juvenile. They don't necessarily have a place, quickly, to put them. I can tell you in Cumberland County, our adult offenders are being shipped from Cumberland County to Hudson County, which is just an untenable position.

I see-- Again, when I know I'm doing a good job, people nod their head. I see the public defender, there's actually a lawsuit about that.

As a criminal defense attorney who's represented people who used to be housed in the county jail -- which isn't necessarily as true anymore -- that would make it a very difficult position for me as private counsel to drive from Vineland, New Jersey, to Hudson County to have any serious time.

And, then, obviously, with our juvenile offenders, when they commit a serious offense, they used to be held in juvenile detention. That doesn't happen anymore -- or as often -- and, that's not necessarily a bad thing. But, when they do commit an offense, and are certainly convicted of a serious offense as a juvenile, where do they go?

I think this body is committed -- as I said earlier, that the pendulum swung too far in one direction; that we have to get centered and take a very real, hard look. Because these young individuals know that there aren't that many consequences, and they have to understand that there are consequences to when they behave badly; when they disturb the peace; or they break the law.

And, I don't know if you heard earlier. I've seen body cam footage now for the past three summers. We've only just started '24, but for '22 and '23, that's horrific. I mean, I've seen just saying God-awful things to law enforcement, saying, "I don't have to give you my name; there's nothing you can do," spitting at police. I mean just really offensive behavior when an officer is just trying to make sure that the shore communities that I represent -- and, again, this applies to everywhere, including Senator Stack's city, this isn't just a shore problem. I remember there were people from the ACLU who said this was only -- I'm only concerned about the Jersey Shore, that I wasn't concerned about all of our cities. I'm from Vineland. I'm concerned

about all of our cities. I represent our shore communities in Cape May County.

But, there has to be a cultural shift, that there's more respect given to law enforcement and the job that they do each and every day.

So, I thank you for your testimony, and I know that Chairman Senator Stack is committed to restoring law and order all over the place and making sure that juveniles, in fact, understand that they have to respect the rule of law.

Thank you.

MR. MUSELLA: And, Senator, just to be clear. The testimony I gave with regard to the detention centers, or detaining. We're dealing with the county facilities that are really just detention and holding. I'm not commenting on after convicted and juvenile detentions in state facilities that are sentences. I'm talking about detaining prior to the court case.

So, we don't-- But, that's where I was addressing. We really don't have that ability, or the ability now is being challenged because we don't have the facilities, the detention centers. So, I just want to be clear on that.

SENATOR TESTA: I fully understand. In Cumberland we no longer have that either. It's-- It's a real problem, again, because there was a shift to not detain juveniles and things of that nature.

But, again, now, they figured out the system just like they can figure out our phones far better than we can, as well. They have figured out the system that, hey, look, there's really not that much of a consequence unless I'm committing a first- or second-degree crime. Where I'm subject to a waiver, right? So--

MR. MUSELLA: Right.

And, I believe that that-- That really goes to, or underscores the fact that these are the individuals who are repeat offenders. So, those are the most dangerous ones, because who have figured that out. I believe the first-time offender -- the juvenile who gets in trouble once in his life -- is not that juvenile that we're talking about. We're talking about these juveniles who have really -- are really involved in criminal enterprises, as a cost of doing business or as a career.

SENATOR STACK: Thank you very much, Mr. Prosecutor.

Does anyone else have anything they would like to add to this?

Sure; please go right ahead.

MR. STEPHENS: Thank you, Chairman Stack--

SENATOR STACK: Sure--

MR. STEPHENS: --and, thank you to this (indiscernible) body for allowing me to come to back up our President who did a tremendous job, I think, giving a very comprehensive rendition of how the prosecutors around the State of New Jersey feel.

My name is Ted Stephens, and I first came to you several months ago as the acting Essex County Prosecutor. And, because of your very kind vote, I am now the Essex County Prosecutor, where I am able to continue doing what I've been doing for the last five and a half years.

And, I have with me the Deputy Chief Assistant Prosecutor, Anthony Higgins, who is-- First, he runs our juvenile unit in Essex, and he is a key member of a network of statewide juvenile prosecutors.

And, with your kind indulgence, I would like you to hear from him as well.

Just, quickly -- because, again, Mark has done such a great job, I think, being comprehensive with this. I've been a loud and a long proponent of safeguarding -- having individuals safeguard their own personal property by doing things like taking key fobs and not leaving it in the car, and a thing like that, in order to avoid an unforced error which happens -- a tennis term, if you will -- that happens by leaving that fob there and allowing somebody to come by and steal the car. They see the windows -- the mirrors, rather -- sticking out; they know the car is open, and that becomes an easy target.

However, it is sad to say that the car theft has morphed into what it is today, far beyond the fobs, and has created a situation which is dangerous in terms of home burglaries. Dangerous to the individuals in the home, but also potentially dangerous to these youth who perpetrate that. It's amazing to me that there haven't been as many injuries, if not fatalities, to youth who are bold enough to go into a home in order to try and steal the car.

I believe the issue of juvenile justice may be one of the most important issues of our time, just as because today's youth, of course they're going to be tomorrow's adults. Much like the environmental issues will certainly yield future issues, so as we handle our juvenile justice system, create the same sort of a situation. Especially our urban youth, who often have fewer opportunities and often are led to a life of crime, if you will, because of that perception of fewer opportunities.

However, the current state of morphing into these burglaries and whatnot can't be sustained. We've got to do something to try to stem that time right now, and, certainly, it puts a tremendous demand on you and the Legislature, but also on prosecutors, as Prosecutor Musella has indicated, and law enforcement as well. It's a community safety issue. Safety is what we're

all about, and that seems to be-- Certainly, we agree that that must be dealt with.

One of the things that I'd like to talk about and for you to consider is to have juveniles, who are adjudicated in their county -- in the county where the offense occurred. Having juveniles adjudicated in the county where the offense occurred. We get quite a few juveniles who happened to emanate from Essex and they are brought back to Essex for adjudication. And, part of what we're dealing with here, I think in terms of the car theft issue and the burglary issue, is a perception of community safety and community involvement. And, if in fact those offenses are dealt with in that particular community, I believe that's going to give the individuals who reside there a greater feeling that they have some control over what is going on and that the matter is going to be handled by individuals with whom they have confidence and who they know will handle the issues in the way that they feel should be handled.

Also, we need to address, as Mark indicated, the appropriate treatment for repeat offenders, especially if they're released and already on some kind of a home monitoring system, if you will, and yet they continue to get involved in criminal or delinquent behavior. We have to give some special attention to individuals as such.

Also, with regard to the waiver issue -- which also has been talked about -- we believe that there should be a presumption for detention by the Judiciary. A presumption of detention for certain very serious offenses -- certain serious offenses.

Mr. Higgins I think would like to speak on that, with regard to what that might entail.

And, also, while we're talking about monitoring, we need to have -- look at enhanced funding for -- in order to monitor properly. In many cases, remote monitoring is a very effective tool, but without the funds necessary to properly staff the detention centers and those responsible for monitoring them, then we really don't have the solution I think that we're really looking for here.

Before I pass it over to Mr. Higgins, let me just say that -- just remind everyone that rehabilitation and accountability are both tenets of the New Jersey Juvenile Justice system. Accountability *must* be taken into consideration, and I am sure that based on what I'm hearing from the comments of the Committee, that we're going to look at that and have both of those tenets equally balanced because they're extremely important -- both of them -- for our -- the future of our youth.

With that, I would like to introduce Mr. Higgins.

ANTHONY R. HIGGINS, J.D.: Thank you, Prosecutor; Chairman; Senators.

One of the things that I had the opportunity to speak to the Prosecutor about before I came down, and I believe one of the reasons that he spoke to me and had me become the Deputy Chief of the Juvenile Justice Unit for the Essex County Prosecutor's Office, is because I am a father who loves his children.

And, when I look at the cases that come in -- and, as a Deputy Chief, you may be surprised, but I read every single complaint that comes into my unit. I am surprised by the explosion of juveniles involved with auto theft. I think we've heard enough law enforcement officials explain to you that this is a result of others -- adults -- who are employing juveniles. And,

they're employing juveniles because, currently, it is very efficient to do that. When I say that, let me explain.

A juvenile who is charged with stealing an automobile or receiving a stolen automobile, once they are contacted by law enforcement and taken into custody, law enforcement has the opportunity to summons them out, or to seek to have that juvenile detained overnight for a hearing. You've heard of (indiscernible); you've heard of juvenile detention alternatives. You should be aware that there's a risk-screening tool that's very similar to the adult PSA. That juvenile, when they do that offense, will not score for detention. That means that the officer will be advised if he calls the local intake officer to release the juvenile to their parents, perhaps on an alternative release condition -- usually home detention.

The unfortunate reality is when the juvenile returns a day, a week, two weeks later, and commits the exact same offense, that tool -- the risk-screening tool -- will again score that juvenile for release, or at least alternative detention. Unfortunately, the third, fourth, fifth, and sixth -- and, we can go on -- the juvenile risk-screening tool is not a cumulative tool. The juvenile who has multiple outstanding complaints, not adjudications, will score for release if they break into your house, and that is it. It will score for release if they steal a high-end automobile, and that is it. It still score for release if they have burglary tools and break into your car. We are hearing that you have the ability to stop that, and we ask that you do that.

The Prosecutor is also correct -- we need to have funding to be able to give programs to the juveniles who come before us -- the first-time offenders, of course. But, we also need to have funding to allow those who may be second- or third-time offenders be in situations, programs, perhaps

secure -- perhaps not secure -- where they are learning that this life of crime that they're imparting upon will not lead anywhere good. We are employing *you* to be able to give us that opportunity by funding those programs, whether it's auto theft programs, or if it's programs regarding violence.

This is imperative, because it affects everyone. The juvenile is now a mobile individual -- more so than ever before. It is very easy to get in a car and, within hours, be in Cape May. It's very easy to get in a car and, within hours, to be in Sussex County and Ramapo. We need to make sure that you understand for the most serious juveniles, the community in which they commit their crime should be looking at them and considering what's the best way to handle them.

As the Deputy Chief of the Essex County Prosecutor's Office Juvenile Unit, please be aware the juveniles from Essex County who go into your counties, most of the time, are coming back to me. And, I think you would trust my judgment, but for the most serious juveniles, perhaps you would feel better if your judges dealt with them. Perhaps you would feel better if your community knew that your local individuals, who are unfortunately victims, do not have to travel 50, 60, 75 miles to Newark to assist in adjudicating those juveniles to return and return for hearings or meetings with our Victim Witness Advocates.

There are *many* things that I think you're able to do, and this is a *much* longer issue than I can address in the limited time that I have been given.

Finally, it is true. We are also asking you to consider programs *after* adjudication. After adjudication. We need to have more programs for

juveniles after they have been adjudicated so that we can ensure that they won't become adult recidivists. This is critical.

While we talk about juvenile detention centers, I will end very shortly by letting you know the Essex County Juvenile Detention Center houses, on average, 10 counties. May I repeat that for you? We house juveniles from 10 counties, as well as Federal detainees. You may not be aware of that. You should be aware that, on average, our census of Essex County juveniles is anywhere from 32 to 30%. The majority of the juveniles in the Essex County Detention Center are not Essex County juveniles.

When I talk about adjudication and programs, it is very, very serious to us. When I meet with the Juvenile Leadership Network, we are able to reach out to the JJC and find out that the training school is at, right now, 28% census. Other programs are at very low census. It's not that we want to warehouse kids -- please don't ever think that. Never. However, for our most serious offenders -- who are a very small percentage of individuals who we deal with -- we need the ability to make sure, when they commit serious offenses, wherever they are, that they're held accountable. That's one of the goals of the code of juvenile justice.

I want to thank you for this opportunity, and if you have any questions, I am willing to answer them.

SENATOR POU: Deputy Chief, before I open it up to the other members of our Committee, who I have -- I only am able to see Senator Corrado right this very second -- but, Deputy Chief Higgins, you mentioned something about 28 census. What do you mean by that?

MR. HIGGINS: Oh, (indiscernible).

When we talk about, let's say, one of the locations, which is the training school for boys, that is a location where, after a juvenile has been adjudicated for a very serious offense--

SENATOR POU: OK--

MR. HIGGINS: That that may be the sentence; that's an incarceration sentence. That--

SENATOR POU: Are you saying "sentence" or "census?"

MR. HIGGINS: Sentence. But, it's census, meaning the population--

SENATOR POU: OK--

MR. HIGGINS: It's not at 100% population; it's not at 50% population. It's at 28% population.

SENATOR POU: Ah, OK.

MR. HIGGINS: Other post-adjudication facilities are also at very low populations.

But, I am going to make a prediction. I think my colleague -- a public defender I know who is in the audience -- will also agree that we need more programs for those juveniles who are accused and then adjudicated. We don't have enough programs to make sure that they are receiving education, receiving training; and given opportunities. They are not going to be there forever. They're coming back home, and we will make sure that they are prepared to lead a law-abiding life when they come back home.

SENATOR POU: I cannot agree with you more.

MR. HIGGINS: Thank you.

SENATOR POU: Senator Corrado, did you have a question?

SENATOR CORRADO: Thank you.

And, I think you made a really valid point, Deputy Chief Prosecutor.

We talk about re-entry with the adult criminal, but we don't talk as much about the juvenile and making sure that there are services that, when they do serve their sentence, they come out and make sure that those services are there. So, I agree with my colleague as well.

I just want to ask you, in your experience, have you seen -- or, what is the difference in the types of crimes that are being committed by juveniles, maybe even five years ago versus now? Are you seeing a difference in the type of crime?

MR. HIGGINS: I will be very honest with you. I had the opportunity to assist the prosecutor in doing a presentation for the Attorney General. And, one of the most striking changes we've seen is the change from juveniles being involved in the distribution of CDS to juveniles being involved in the theft of motor vehicles.

Our data seems to clearly suggest that those juveniles who are going to engage in criminal activity for profit have moved from drugs to cars.

SENATOR CORRADO: I spoke with a family court judge prior to today's hearing, and I told her that we were going to have a hearing on juvenile crime, and she asked me what crimes are we talking about. And, I said auto thefts and home invasions. And, she actually brought up to me guns, because she said she's seeing younger people coming before her in the court system with assault weapons.

And, she also talked about -- this was talked about a little bit before in the prior panel -- that they're not willing to talk about who they're involved with or where they got the weapons from or where they got the drugs

from. And, that is a problem, I think that's inherent in what we're experiencing right now.

MR. HIGGINS: If you're asking me, Senator, I think it's going to be very clear that those juveniles who are involved in that type of activity are not willing to express, describe, or in any way involve colleagues. Some of them are going to be afraid to do so, especially if they're involved in gang activity.

The explosion of guns, I think, has been all over the papers. I apologize if I took it as an assumption that you realize there was an explosion of guns in our community with respect to juveniles. The type of guns have also been amazing in terms of their change. We're seeing high-capacity guns -- and, when I say high capacity, not the laws that you've passed. We're talking about 25, 30, 100-round barrels; we have seen juveniles have those. But, we've also seen the decrease of privately manufactured firearms -- what you refer to as ghost guns -- in the hands of juveniles.

So, we are very, very concerned about those individuals, because it only takes a very short moment from the position of the weapon to becoming a tragic, tragic event.

SENATOR CORRADO: That's a frightening thought.

One of the things that was talked about was -- by the police officers who were here before -- about their inability to see when they're arresting someone what the prior offenses were, and how it makes it hard on a recommendation or the algorithm with detention.

Do you -- and, I apologize, because I probably should know this answer -- do you have that same difficulty? Or, you know how many times

they've been arrested, how many times they've been in the system when they're coming back to you--

MR. HIGGINS: Can I speak to the Prosecutor for a moment?

Thank you, Senator. I wanted to talk to the Prosecutor because there's some intelligence things there we're going to keep confidential.

The difficulty for your officer on the street is when they get a juvenile into custody, most of them are going to be trained professionals. But, that training has been predominantly focused on adults. So, your average officer, when they encounter an individual; they have arrested that individual; depending on the crime type, they're going to fingerprint that individual. They're going to make sure they know the identity of that individual, and they're going to rely what's known as a Criminal Case History -- CCH; you've heard of that before.

Well, you also are aware that for juveniles of certain ages, they can't be fingerprinted. In addition, there is not a requirement that juveniles who are joyriding, to the President's point, or juveniles who are necessarily receiving a stolen car but has not stolen it, to the PBA President's point, be fingerprinted.

So, the average officer, if they're relying on a juvenile's CCH, will not necessarily see the entirety of their history. So, that requires a different database that's maintained, that is not connected to the State CCH database. So, for example, to give you just one bit of anecdotal information, Essex County had a very serious juvenile who had over 20 juvenile complaints; was released -- and, I'm not complaining about the release -- but encountered an out-of-county law enforcement agency. They looked at the juvenile, wasn't that serious, summonsed the juvenile out.

Unfortunately, the juvenile's warrant didn't show up on CCH, and the juvenile warrant was for a shooting, and they did not realize this juvenile had 20 different complaints -- seven of which were still pending. So, I don't want to say that law enforcement is necessarily trying to do its best with its hands tied behind its back, but we understand the confidentiality of juvenile proceedings. It's very difficult to make sure that you know everything that's in a juvenile's history without taking additional steps. Some of that will require that officer reaching out to juvenile intake. But, the way the law is, depending on certain crime types, they may not do that. We elevated the crime type of a residential burglary; we elevated the crime type of stealing a motor vehicle. Officers are going to be incentivized to take all those additional steps.

SENATOR CORRADO: And, last question.

In your experience, are you seeing younger kids come into the system before you-- That's what we're hearing as well. Whereas maybe there was a time when they were 16, 17, 18, and now we're seeing 11-, 12-, 13-year-olds.

MR. HIGGINS: We're seeing younger offenders, yes, Senator. I wouldn't say 11 -- I don't want to talk about anybody in particular, and it's always an aggregated individual case. However, the age of those juveniles who are coming to are younger than what it used to be.

SENATOR CORRADO: Thank you.

MR. STEPHENS: And, Senator, if I can just add to that point, that oftentimes, nobody wants to charge a very, very young individual with an offense. But, the way the system is set up, sometimes the only way to get services for this individual is to get them into the system and *that* is probably

the greatest indictment in terms of what we're dealing with here from a juvenile justice point of view.

So, I point that out because, clearly, as (indiscernible) indicated, there is really no artificial age you could put to some and say that below this age, you can't -- you shouldn't be involved, because people *are* involved. It's just where things are right now. But, as we see that, we understand that this is the greatest opportunity to have somebody rehabilitated. The only way to get them involved is to perhaps start a trial.

SENATOR STACK: And, I couldn't agree more. You need the tools, and police need the tools to be able to do their job. We've spoken about it. I speak a lot about it with Senator Testa, and if you don't have those tools, what good is it?

I mean, I even see -- when you talk about a juvenile, even in truancy right now, truancy in schools-- The kids that are not going to high school and going to school are usually also involved in other things that are going on. We've found that-- I know in Union City, it might be in petty crime, might be in different types of crime.

And, even with the truancy, if they don't come to court, they do it by Zoom in municipal court, which is crazy. The kid's not showing up in school, and we're doing it by Zoom. Which is-- It's a crazy system. And, even if they don't show up and they don't come on to Zoom, they're just issued a new court date again and it doesn't get resolved. I've spoken about the Superintendent of Schools with this in Union City just last week.

There's got to be consequences on these types of crimes that we're talking about here. If there's no consequence, putting teeth into it and

raising the degree of the crime, all we're doing is breeding a worse criminal as they get older and older. We're not going to expect any different.

And, give them the social program; give them the programs that they need. But, if we don't take these steps, we're just kidding ourselves here, and we're not going to make a difference in what's taken place. And, it just makes your job that much harder as the prosecutors and as the police department. They're frustrated. What the Police Chief said before is very, very true. It's some of the same individuals over and over again. What the Rutherford Chief said: How many are responsible for the same crimes over and over again?

And, I hear it. I hear it at community meetings. The Chief and I in Union City do two a night Monday through Thursday, and I'm hearing the same thing over and over again. People whose cars were broken into, and then there's another crime on the block and they're saying to me, "Brian, we're seeing the same people out on the street immediately." Not even the next day; within hours, these people are back out on the street again.

And, it's just very, very frustrating. We had a machete -- he didn't get to use the machete -- but he pulled a machete out. He wasn't a student in Union City. We had the high school letting out, and Union City is one of the most densely populated communities in America. And, the high school was letting out, the STEM Academy was letting out. In that one area of Union City between -- and, Mike, Senator Testa, you'll appreciate this -- between 26th and Summit Avenue and 16th and Summit Avenue, between Kennedy and West Street, it's a very small area. It's about five blocks by the length of what I just mentioned. You have 6,000 kids getting out of school

at the same time, and this kid takes a machete out of a bag. He wasn't from Union City. And, he chases one of our high school students.

If there's no repercussion to that, if there's no consequence to that, I mean, what kind of a message are we sending? And, I know I'm preaching to the choir here, but it's just very, very frustrating.

And, I appreciate your testimony and the work that you do.

Senator, do you have anything you would like to say?

SENATOR TESTA: No; thank you.

SENATOR STACK: I'm shocked.

SENATOR TESTA: (laughter)

It happens every now and again.

MR. MUSELLA: Senator, if I can just address one thing to the panel--

SENATOR STACK: Sure--

MR. MUSELLA: Because it's-- Before I leave, I just want to say it. And, it goes to what Senator Corrado mentioned, and what Prosecutor Higgins spoke about.

With regard to the juveniles, and I guess it goes back to John Russo when he testified, that the juveniles do not cooperate or they'll not really talk about who is employing them with the rings that they work for. And, I think it goes back again, I believe what Prosecutor Higgins said was true. A lot of times it may be gang-related, and they may fear retribution and violence, and they're afraid.

But, the other thing as well is there's no stick, and there's no consequences.

SENATOR STACK: Absolutely.

MR. MUSELLA: So, if they know they're going to be released in an hour or two, why are they going to give any information with regard to the ring that they're working for?

SENATOR STACK: That's right.

MR. MUSELLA: I'm a prosecutor for 15 years of my career; I was a criminal defense attorney for 25 years. The only time my clients would want to cooperate was when they were looking at long prison terms--

SENATOR STACK: Exactly--

MR. MUSELLA: --first- or second-degree offenses. They would come to me and say, "I have information; I don't want to go to jail; I want to cooperate; I want to offer this information."

That is the only time you're going to get juveniles who are involved in a criminal enterprise to flip or turn or cooperate or testify against these enterprises.

So, really, the people who are getting away are the adults who are running these rings--

SENATOR STACK: Right--

MR. MUSELLA: --because they're employing juveniles, especially younger and first-time offenders. Because they know these individuals are going to be released and they're not going to give them up and they're not going to cooperate.

You're probably going to have that same problem with the more -- the individuals who are repeat offenders, the individuals who have been doing this a long time. But, the first- or second-time offender may be -- have the fear that they're going to be detained, and may cooperate or may give information with regard to who they're working for.

So, I just want to throw that out there, again: Without consequences, you're never going to get to the root of a problem.

SENATOR STACK: Absolutely.

MR. MUSELLA: You're never going to get to the individual who the juvenile knows they're going to be released, so they're going to keep their mouth shut and say nothing.

SENATOR STACK: Absolutely.

Thank you very much, and thank you to all of you for your testimony. Much appreciated.

MR. STEPHENS: Thank you.

SENATOR STACK: Thank you very much, and thank you again for your patience.

MR. LORETTE: The next panel, panel Number 4, is going to be representatives with Rutgers University and concerning social justice.

We have Professor Alejandro Gimenez-Santana, Ph.D., Assistant Professor of Professional Practices, Rutgers School of Criminal Justice; as well as Adriana Santos, Program Manager with the Newark Public Safety Collaborative, Rutgers University.

A L E J A N D R O G I M E N E Z - S A N T A N A, Ph.D.: Hello, everyone.

Thank you so much for having us here.

I am here today with Adriana Santos.

I am Alejandro Santana; I am the Professor of Practice at Rutgers. My area of expertise is geospatial analysis and community responses to crime.

So, a lot of the work that we do is to try to understand the distribution of crime. We know that crime is not randomly distributed; we

know it happens in some places more than others. And, what we've done is we tried to put together this research and this data with a new approach to crime prevention.

First, I want to give you a little background before I explain what we do, because maybe it helps understand our approach and how it connects to youth. We are based at Rutgers -- Rutgers School of Criminal Justice. This initiative, that I am Co-Executive Director of, was first launched by the cooperation between the Chancellor's Office and the School of Criminal Justice. And, the role was to-- We called this program Data-Informed Community Engagement. And, the role was to amplify the access to data and analytics, democratizing access to data and analytics so that not just the police -- which we heard a lot about -- but also community organizations can be co-producers of community safety.

And, here, the key is that it's not about replacing, it's about complimenting. We know that the police cannot do it all alone, and I've heard that from a lot of officers, and leadership at the police department, that sometimes there are situations they face as first responders that they are not equipped -- well-equipped -- to deal with, and that's where the community are better equipped to deal with these situations.

And, when I talk about community, I am going to be a little more specific. I am talking about nonprofits and community organizations. So, professionals that offer different types of services that can be connected to these individuals.

So, the three prongs of our approach are democratizing access to data. We believe in data; we think that data and evidence-based methods are useful in addressing crime problems.

Mobilizing community resources to deal with some of these problems in the community. What is a community resource? Nonprofits offer all sorts of programs and activities. How can you be more-- How can you be that informed and more targeted in the way you deliver those services so that you can be tapping in those who need those services the most.

And, the third and most important is the idea of co-production in community safety. Co-production is-- We like to think about it as an enhancement of the idea of community policing. Community policing is not a new term; it's existed since the '70s, and it really has to do with the idea of connecting the police to the community. The problem is that this model has been very police-centric, in the sense that the police control the data, control the logistics of those meetings, and, in the end, it was a one-way conversation where the police will talk to the community and say, "Crime is up," or, "This is happening," and that was it. It was just a conversation.

What we did is we created a-- We leveled the playing field between nonprofits and other stakeholders so that they could talk about problems in the community together with the police, but in an environment that is -- that doesn't create a hierarchy between them. So, there's-- The police are not above the community; the community is not above the police. How can we have a conversation about all these partners?

And, this takes me to the actual program that we developed about connecting youth as co-producers of safety, and some of the statistics that we found when we implemented this program. I want to also say that this is one of the programs that we implemented. We also have programs with domestic violence; issues near gas stations and bodegas that have also become a magnet to certain types of crime. And, what we've done is to try

to think out of the box and apply solutions that are not necessarily just the criminal legal system. In other words, not just a tool of arrest, but also tools of trying to understand what are some of the dynamics that are bringing crimes to these areas of the city. And, as we know, certain areas of the city account for a disproportionate number of all crime. So, we know where these crimes are concentrated, and then you can have a more targeted intervention in those places.

So, what we did is we connected this data; we connected some of the nonprofits' work; and in the areas where most auto thefts -- and, I am going to specifically speak about auto thefts -- were concentrated. And, these nonprofits -- one of which was particularly powerful -- was My Brother's Keeper, part of the Newark Opportunity Youth Network, allowed us to have these data-informed conversations with youth. And, interestingly, youth were very connected. They said, "No one has ever come to ask me why this is happening, why this is a problem, why--" And they knew people who had done it, and they knew where it was happening, but no one had asked them why it's happening and what would they do to change this situation.

And, they connected these problems to things like peer pressure; they connected it to (indiscernible) showing off. They said that, sometimes, they're just trying to show that they can also do it. All those are doing it and they're getting away with it. I'm going to do it, too.

The problem is that as we -- part of the conversation we had with them -- that this is not a victimless crime. We connected it to some of the consequences of carjacking, etc., and they came out with some preventive measures. What we did is a two-prong approach with auto theft connected to youth.

First, we look at the main hotspot of auto theft in Newark, and that's -- if you have the slides, if you have access, it's one of the maps on slide Number 4, and it shows that a residential area near a high school was one of the main hotspots of auto thefts in the city. This allowed us to connect with the school that was near that hotspot, so we were able to connect with the principal, connect with some of those students attending this school. And, we did two things: First, we created a flyer, along with our partners, that talks about how to protect yourself if you own a Kia or Hyundai. And, I'm going to connect to a particular problem, and that's why I would like to drill down the situation into specific problems with auto theft. Auto theft, was driven last year, particularly in connection with youth, because of the vulnerability in Kias and Hyundais. This is a manufacturer's problem that was viralized on a TikTok video, where they show how easy it was to steal Kias and Hyundais using just a USB key. And, that video made a lot of -- opened the door to these vulnerabilities.

What we did with the flyer was to have nonprofits talk to neighbors and tell them about ways they can protect themselves. And, these ways included contacting Hyundai and Kia to upgrade their cars, and it also included getting a wheel immobilizer at the local precinct. And, the local police and the police department also (indiscernible) access to stickers that we could give to potential -- to people who own Kias and Hyundais to prevent them from being victimized.

And, what we found -- and, these are the results from this strategy -- is that as soon as these programs started, we found a decrease in the number of successful auto thefts and an increase in the number of failed auto thefts. Meaning that people were breaking into cars but no longer were

able to steal the cars, because now people had upgraded their cars. Now the vulnerability was no longer there, and that drove the numbers down.

We also made youth to think about ways to bring positive role models that will change those narratives and change the idea that it is a cool thing to steal a car because it's easy, to the idea of that just shouldn't happen. And, again, we found that these -- that through community engagement, and through the use of alternative methods to just -- the criminal legal system -- we were able to see a decrease in one neighborhood of Newark of 90%, and, in the last slide of the presentation that I shared with the Chairman, you can see that overall, in the City of Newark, we saw the number of auto thefts going down to previous levels before the Kia and Hyundai TikTok challenge.

So, this is just an example of how I think that -- thinking out of traditional systems, and thinking out of -- thinking of a way from the use of arrest or the criminal legal system as the only tool that can be used to deal with the problem can be effective. Our initiative now, as the recipient of the Re-Imagining Justice Grant from the Department of Justice, and the lessons that we are learning and the evaluations that we are doing in Newark, are being used and replicated in other places. And, the idea, again, is to find sustainable solutions to the problem -- not just short-term solutions. So, we believe in more long-term, sustainable solutions that can deal with some of -- I'm not going to call it necessary root problems, root of the problem, but more of the situational context and other factors, both socio-economic, but also environmental that could be bringing problems to certain places. How can we target both the people who are most at risk; help them connect with services where needed most; but, also work in reducing risk and finding ways to make the crime-prevention efforts more sustainable in the long term?

And, with that, I'm happy to answer any questions.

SENATOR STACK: Senator Testa.

SENATOR TESTA: You know, I appreciate you coming here, but I heard your testimony about the Hyundai and Kia. As if it almost takes some of the burden off the person who was stealing the car because Hyundais and Kias are easier to steal. And, I just don't agree with that.

I mean, you can show me all the data you want from the not-for-profit. This isn't an invitation for individuals to steal a car. Again, I've said this before, I'm somewhat of an originalist when it comes to the Constitution. People are supposed to be secure in their property. And, if they leave their car in their driveway and they take their key fob in and their car is locked, they should expect that they could go out to the driveway the next morning and if their car is still going to be there when they have their key fob in their hand.

And, I've heard this before from other groups who come up here and say, "Well, this is part of the reason why cars were stolen." Well, it's still a crime. And, even if it's a juvenile -- and, I get it that they're adjudicated; not convicted. I get the difference in nomenclature; I understand that completely. But, the fact of the matter remains is that there is a culture of lawlessness; that there's people who want to just steal cars. And, there's been an uptick in it, and the reason is -- I don't think it's because it's a Hyundai or a Kia -- it's because, guess what, they know, "I'm a juvenile and there's not really that much that can happen to me. And, maybe I'm part of an organized gang that steals cars."

I've just -- I've heard this before about the Hyundai and Kia thing. And, look, do Hyundais and Kias need to be better at their protection?

Sure. But, you know what needs to be even better? Our communities, and giving law enforcement tools so that they can do their job; giving judges the ability to handle a juvenile so that they're not going to do it. That doesn't mean that the non-for-profits that you referenced, and community organizations that want to get involved to give better role models, shouldn't exist -- they absolutely should. We all need to be working in tandem and pulling in the same direction.

But, when I hear that Hyundai, Kia -- it sounds like you're blaming the car manufacturers for car thefts, and that just doesn't -- that doesn't ring true to me and doesn't sit well with me.

DR. SANTANA: So, just to follow on what you said -- no, I agree with you. I mean, crime is a crime, and I agree with it.

I was just giving context to the vulnerability and how these are a crime of opportunity, not that it's not a crime. We all understand that it's a crime.

Our approach, though, has been alternative to the use of the criminal legal system, that's the only thing. We still have at the table the police; the police follow the law and they will do what needs to be done.

What we wanted to share with the Committee is our -- the lesson we learned of why this particular problem was so connected to youth. And, I think separating the impact of social media and how social media impacted these -- helped identify this vulnerability by youth, and how it helped to magnify the effect of these vulnerabilities, I think it is important to share it now that this is the approach that we are following. We know there's other approaches; I just wanted to bring another angle to the table.

SENATOR STACK: Thank you very much for your testimony.

MR. LORETTE: The next panel, representing the Public Defender and Public Defender's Office. We have Jennifer Sellitti, who is the New Jersey Public Defender, as well as Michelle Callari, the Office's Statewide Director of Youth Defense.

SENATOR STACK: Thank you once again; thank you for your patience.

JENNIFER N. SELLITTI, J.D.: And, I think we have some binders for all of you somewhere back there.

Ah, perfect; thank you.

Good afternoon.

We made the binders for two reasons: One is because this is a discussion, and hopefully the *beginning* of a discussion, about what we can do regarding youth and youth crime to give you some resources that we thought might be important and that we'll be referencing. But, also, because it's late, and we knew that we were going to kind of be in this position. So, we figure, it's better to give you everything in there so that you have it and can take it and maybe we can point you to some pictures a little bit as we're giving our testimony.

I wanted to introduce the Committee to Michelle Callari. Michelle is our state -- newly appointed Statewide Director of Youth Defense. It is a new position that we have not yet had in the organization, and a way of consolidating and ensuring the best practice for delivery of youth defense services across the state, which I'll talk a little bit more about later.

The testimony-- And, our written testimony is about 14 pages long. I am really going to hit the highlights about things that we've discussed and try to keep this as short as possible and still be meaningful. But, the

testimony that we've placed in writing is kind of based into three parts. The first is kind of realities; things that we have to acknowledge about youth and acknowledge about juveniles as we craft policy to address problems. The second are some of the existing proposals that we've heard -- and, I'm going to have Michelle talk about those -- things like venue, where a venue is laid for juvenile offenses, as well as this sort of misperception that kids are no longer being waived. And, then, we have a couple specific recommendations from the Office of the Public Defender; projects that we would like to engage in that we think will move the needle, particularly in this area of kids who are released and re-offend and come back.

So, just briefly, by way of talking about realities. If you look at tab B, there is a photograph of -- or, a chart -- of kids' brains; a chart that looks at adolescent brain development. One of the things that we know about children is that the pre-frontal cortex of the brain is still developing. And, that is the part that controls reason; the part that controls impulses; the part that navigates long-term consequences. The part that, in a person, will allow you to kind of look at the long-term consequences of your actions. In children, that part of the brain is still developing, and it makes it much more difficult for children to resist impulses; to resist peer pressure; and to resist the kinds of things that often result in the types of criminal activity that we're talking about.

Our Supreme Court and this Legislature has recognized adolescent brain development. You've done so in making a mitigating factor for crimes committed by people who are adults but still under the age of 25. And, our Supreme Court has recognized it in a series of cases that allow us to revisit criminal sentences for people who committed crimes as juveniles and

were sentenced at that time to a life in prison. The science is real -- it comes to us from functional MRIs -- and it tells us that kids are just more vulnerable to pressure and to impulses than adults are.

And, that's not to say that that's an excuse for crime. The reason that I bring it up is when we talk about things like enhancing penalties or letting kids know that they'll be waived, or letting kids know this or that, we act as if those kids are thinking about any of that when they go out of the house; when they leave. And, they aren't. So, I think we have to sort of level set and think about what is going on in a kid's head and what a kid is going to understand if we think that raising penalties is going to cause a deterrence, because the studies show that -- a deterrent effect -- because the studies show it won't.

The other thing that I want to bring up before I turn it to Michelle to talk about kind of the specific proposals we've heard about today is, I want to talk about victims. Senator Corrado, I know when I come here, you always ask me that question. And, I will tell you that one of the benefits of coming here and talking to you all is it makes *me* start to think about things in different ways. And, I-- I ask myself that question more from some of our interactions, and I was expecting to hear that question from you today. And, I want you to know that I do care about victims of crime. I might not always agree with you and some of the other members about the way that we satisfy the needs of victims, or that we confront crime, but I think about that. And, we are trying to weave focusing on that into our practice, and to provide more education to our lawyers, and provide services that help not just our clients, but the people who are victims of crime.

And, I say that because, when it comes to kids, it gets messy. Because, very often, children who commit crime are victims of crimes themselves. And, in *Miller v. Alabama* -- which is the United States Supreme Court case that gave juvenile -- people who -- adults who committed crimes as juveniles an opportunity for a sentence review. One of the factors that they mentioned is this inability for juveniles to extricate themselves from their home life. So, unlike an adult who can say, "This home life is not right. I'm going to move out," or, "I'm going to get a job," or, "I'm going to go get services for my mental health problems," kids can't always do that.

So, another thing that we do have to consider is the environment in which a child is living and whether or not that child has also been the victim of crime. If you look at, say, the report -- and, I'm not going to read from these reports right now -- but, in Section C -- and, this was created by the National Center for the Victims of Crime -- the statistics are really staggering. More than 90% of youth entering the criminal legal system has experienced abuse and neglect at home. Seventy-nine percent of children sentenced to life without parole witnessed violence in their home. And, one of the most shocking statistics to me was a person -- a kid who is a victim of a violent crime within 12 months is much more likely to commit -- two times more likely to commit a violent crime.

So, it's something else that we need to think about, and I think we've acknowledged that a little bit in discussions of services. There's a lot more in there about adolescent brain development; about the Miller factors; about the things that we need to consider. I'm not going to go through them; you have the binder. Because, I want to turn it over to Michelle.

Before I do, I have to tell you that Michelle is a veteran of youth defense. And, I know very often at these hearings, we're thanking prosecutors; we're thanking the police for the hard and difficult job you do. There is almost no more difficult job in our agency than representing children who are coming from the environments that I just talked about and who are accused of committing crime. And, Michelle is just a master at it. And, I want her to talk just a little bit. We did create this position of Statewide Youth Defense Director because, up until now, we've been representing kids -- we've had like one youth defender in Cumberland County; one youth defender, a couple of youth defenders in our larger counties like Passaic County. And, they weren't talking to each other; they weren't working together; they weren't sharing best practices.

So, Michelle's job -- newly promoted -- is to make sure those services are working across the state. So, I'm going to turn it over to her to talk about those things.

MICHELLE CALLARI, Esq.: Thank you; and, thank you to the Chairman and to the Senators.

My name is Michelle Callari; I am the Statewide Director of Youth Defense for the Office of the Public Defender. And, as the Public Defender has mentioned, I have been a career Youth Defender. I started 18 years ago in Essex County, and now I am still sitting there overseeing now Statewide Youth Defense.

So, understandably, there may be some concerns about not prosecuting juvenile delinquency offenses in the counties in which they occur, because it's natural for counties to want to have control over situations that happened within their borders. However, there are legitimate reasons for why

delinquency cases are heard in the county where the child resides. Above all, children are routinely referred for mental and behavioral health services, and can be considered for detention alternatives -- all of which are county-based. These service providers have a unique understanding of environmental influences and local customs which vary from county to county. We've included additional information on why these services are county-based in our written testimony if you'd like more information on how that came to be.

In addition to pre-trial services, there may be post-disposition requirements, like juvenile probation or a continuation of already imposed services, which, if not based in the child's county, would create a logistical nightmare for compliance. It is an expectation in the system that our court-ordered services should be easily accessible in both time and distance to support families instead of creating barriers.

In addition, the idea that youth charged with serious crimes in New Jersey are not held accountable for their actions is just dead wrong. If a child is 15 years or older at the time he is alleged to have committed a waiver-able offense, the child can be transferred to adult court and face serious penalties, which sometimes amount to longer than they have been alive. In several counties, we have seen an increase in waiver filings in recent years. For example, in Atlantic County, for calendar year 2022, six waivers were filed; as compared to calendar year 2023, with 31 filings. As of today, there are 18 waivers filed, and we expect the year-end total to surpass last year's 31.

Even if the case is not waived, it does not mean that children are not facing punishment. As of June 7, there were 359 children in the custody

of the JJC, with most children sentenced from Essex County. The idea that youth from Essex County are getting slaps on the wrist is a myth that the data does not support. This is true across the state. All serious offenses -- especially those eligible for waiver -- are scrutinized by prosecutors to ensure public safety and rehabilitation is always at the forefront of the resolution. It's our job as defenders to highlight the strengths of our clients and ensure fair dispositions that will result in future success.

I'd also like to take a moment to just discuss some of the things that you have heard, that I've heard previously talked about -- in particular, diversion. I think diversion is a very important tool, and you'll see in some of the materials that we provided that children who enter into a diversionary program are 45% likely to not reoffend. Diversion can be more powerful than probation for low-level offenders. I think it's important to follow the data and to understand as many as my -- the people who spoke before me mentioned diversion is very important. It's something that we like to utilize, and it's something that, unfortunately, since the pandemic has happened, we've seen some less options.

And, some of those diversions that have gone away were actually even specific to auto thefts. For example, in Essex County, we had the Juvenile Auto Theft Prevention Program, which was a special diversionary program that was not a one-time meeting; it was over the course of several weeks where children were informed of the dangers, the consequences, and the effect on the community. There are also other programs like -- that related to drug use, that we've seen have been eliminated or, basically, haven't been brought back since the start of the pandemic. So, I do think it's really important that we focus on creating more diversionary options for our youth,

and that we recognize that, for low-level offenders, it is the best way to resolve their case.

In reference to the risk-screening tool, I have heard a lot of discussions in regard to the fact that there's not a lot of discretion and that judges are bound by this tool. I understand that there may be some flaws in the tool, but I also think it's important to note that there is a lot of discretion. There's something that judges have, it's called "the override." And, so, essentially, a judge can say to their probation department, if a child who -- "I just adjudicated a delinquent," because I know that this is something that happens in Essex County, "comes back with a new charge, I want to know about it before you release them. Call me whatever time it is, let me know, and I want to know about it." And, that judge can then make the decision based upon the circumstances to either remand the child and have the child heard the next morning, or let -- or, if the child does, in fact, score for release, have that child released.

But, it gives some power to the judges to make sure that children are not just coming in and coming out of the system without any oversight.

In reference to detention centers and--

SENATOR STACK: Is it-- Just (indiscernible), is it your belief that the system right now is working?

MS. CALLARI: So, I think that there's always room for improvement, and I think that, in reference to the risk-screening tool, there may be a hole that needs to be patched. But, overall, I do believe that the risk-screening tool is working and has worked.

SENATOR STACK: But, what about-- What about the increase that we're seeing, and the amount of juveniles committing crime in New Jersey, and the types of crimes that they're committing now?

MS. CALLARI: I think that we are seeing-- I don't know that necessarily the data is showing that we're seeing an uptick in overall crime. If you look in our binder, you can see that New Jersey is actually still lower than the actual -- than the average across the country.

And, so, I do understand that there is an increase in receiving stolen properties and in auto thefts, and that that does need to be addressed. I will not sit here and say that that's not an issue that the Juvenile Justice System is facing. Because it is; there is an increase, and we are seeing those cases. But, I do think that we have some resolutions and we have some ideas in order to make it better. And, it is difficult to deal with kids, because as Public Defender Sellitti indicated, the way they think and the way that we would like them to think isn't necessarily what actually happens.

And, so, it can be difficult to try to deter children from engaging in risk-taking behavior. I think everyone knows that, if either you're a parent, or, if you're not a parent, at one point you were a child; you were a teen. And, you can think back to the things that you did and the risk-taking that you did, and how you've grown from that experience.

There's also indications in our binder for the pathways to desistance, which is a long-term study that shows that most children, after their brains are mature, tend to stop engaging in criminal behavior. And, so, it's important knowing what interventions actually work.

I understand there is some concern about detention. I do think that there were some comments made that we might not have enough

detention beds. I don't think that the amount -- that we don't have enough beds. I do think that there is an issue in regards to the amount of the distance between some centers. There is-- Detention is not the answer. We also do have in our binder a poster about the harms of detention, and those are real facts. And, our length of stays across the state -- and, I'm not talking about length of stays for children who are adjudicated delinquent and then sentenced to our Juvenile Justice Commission -- I'm talking about length of stays for a child who may commit a receiving stolen property, or may have a robbery charge. Just the average length of stay is about 70 days across all sites at this time.

In some sites, we've seen an extreme increase. I believe in Atlantic County, the increase for length -- average length of stay -- is up 648%. And, I understand that there's always the issue of public safety. But, in regards to our detention centers -- and, I think it's important to note this, because it relates back to venue -- one of our biggest issues with holding children out of county is that it is very difficult for the families to get to see the children, which, we don't want to. I think we can all agree that kids who are detained, we don't want to remove them from their family and have them get deeper into whatever issues or emotions are happening with them. But, the reality is that if you live in Atlantic County and you're detained in Essex, it's unlikely that your family is going to be able to see you on visiting days on Wednesday. And, that's the same for Cumberland; it's the same for Gloucester; it's the same for Salem. Those counties are all utilizing the Essex County Detention Center.

In addition, those children who *are* in detention *do* need services. If they are detained, they are higher risk, they need to be able to implement

services, and service providers -- county providers -- are not going to be able to easily access those children.

SENATOR STACK: You don't think, though-- I'm just, I'm interested in what you're saying. You don't think though, being that a lot of these juveniles don't see a major consequence, that there's no -- they don't see a consequence so they just feel you could basically -- I mean, you heard what the Chief said. I don't know if you were here for the Chief's testimony from Rutherford, and what the Bergen County Prosecutor said. You don't think that having a consequence there, of what they're doing, that they're being released once after the other-- I understand there's a lot of other things that go into this; the breakdown of a family; it could be a lot of different issues going on in the home why this juvenile was acting out and committing the crime. I realize that there's a whole component to all of that.

But, you don't think without having a consequence-- I mean, because the consequences really aren't there right now.

MS. CALLARI: I think there *are* consequences, though. I don't think -- I think that kids who steal -- at least in my experience, what I've seen, children who are stealing cars are not just being diverted and then if they come back-- I mean, if it's one, maybe, if you're a passenger in a stolen car, you might have a referral on a first offense. But, if you're coming back, each prosecutors, judges, have broad discretion, and the maximum penalty on a receiving stolen property, if it's just a straight third-degree charge, is two years in a training school for boys.

We also, in New Jersey, have the ability to have consecutive sentences. So, it's not like if a child who commits -- who steals four or five different vehicles and then had contacts with the Juvenile Justice System,

comes -- and, it's time for sentencing -- that they have to only potentially have a two-year term. I mean, I think that there are children who are in our Juvenile Justice Commission for long periods of time, and there are children who are there for stolen cars. I can tell you that because I plead them last month to it. And, we did so because of -- because of the proofs; because of their contacts; and it was an appropriate decision.

I will say, though--

SENATOR STACK: But, I see people who will go out and commit serious crime -- maybe not juveniles, that will be adults go out and commit a serious crime -- and, the prosecutors in those counties must go to court to keep them in. And, even going in, sex offenders and everything -- second, third time. During COVID, who did they let out? Sex offenders got out and everything else.

And, I realize I'm going off juvenile justice, but, just to give you an idea, these are serious crimes. They're back out on the street.

MS. CALLARI: I understand.

For children who are released, I also think that it should be important to note that the risk-screening tool doesn't just release children back into the community with no oversight. If a child scores-- It's based on 1-16. If the child scores a number of 16 -- I'm not going to get into all the minute details -- but I will say that there are levels.

So, there are times, depending on what the charge is and the accompanying charge is, that children are placed on a home detention. And, those are county-based programs, so there are going to be different release conditions for children that are available for children in Hudson County than there are in Union County, than there are in Essex County. Most all sites,

all sites, have a GPS electronic monitoring, and that is the -- that's part of the most supervised release condition. Because a child could then also, in addition to the GPS, have additional, like, an evening reporting center, or a day reporting center, or additional compliance that they must deal with in order to remain in the community.

So, children -- and these are all, again, pre-adjudication -- they are -- if they are going home, they are, basically, children are generally allowed to go to school -- attend school -- and then attend any court-ordered programs. But, they're not just going home and they shouldn't just necessarily be free to roam the streets. It's going to obviously depend on what charges they come in with. But, I think it's important to recognize that the risk-screening tool is placing children on detention alternatives.

SENATOR STACK: Any members have any questions at this time?

Senator Pou.

SENATOR POU: No; thank you, Mr. Chairman.

I'm not sure that I have any questions. I'm very interested-- Just like the Chairman said, I mean, some of the information that you've provided really gives a better clarity, if you will, or understanding in terms of what is -- what are some of the processes. It's not as simple as you're in today -- you're arrested and then four hours later, however number of hours, however long it is, you're back in the street.

And, certainly, there are -- those particular incidents where juveniles are recommitting some of these crimes, and we recognize that. And, for those crimes that are being committed in that manner, certainly, we would

all, I believe, want to make sure to prevent that from happening. And, there are many different ways on how that can be done.

I, for one, don't only believe in -- and, have never believed -- that a punitive action is the answer to everything. I think that there are many different sorts of processes that will allow various different actions that would prevent and prepare that young person to re-enter the -- re-enter society and be able to find their way. But, there are many different resources that are needed.

I think it's been said here by many of the -- by many of the other speakers, including the Deputy Chief Prosecutor who spoke earlier from the county -- Essex County -- who talked about the importance of ensuring that there are resources available post-adjudication. So, there are a number of things that will help to do that. My first impression is not-- Let's not lock them up and throw away the key. That's just not the way I think we ought to be looking at this.

But, I thank you both for your testimony, and for the (laughter) the volume of information that you've provided us for us to take a look at. Obviously, you've provided some statistical data. We talked about the data collection earlier, so it's interesting to see how any and all of this is being able to be matched so that we can get a good understanding.

The Chairman talked about wanting to move some -- some of the suggestions that's been proposed by various different speakers. And, I think that's a good thing for all of us to engage in that conversation and review and look at what that may be. But, we also need to do that with real, hard data that really clearly defines and identifies and provides that kind of information.

We also heard earlier that some of that information is somewhat not available, or not available in every single source, or it's not consistent, or it's not standardized. By the way, that's just my description of what I heard; not that they said it in those terms. I think it's important that we make sure that we find our way of making -- that whatever is reported in Passaic County is the same to be true for Essex; for Hudson; for all the others, so that when information is provided as requested, that the Chairman talked about, we then all have an opportunity to review it from-- and, review it in its entirety, but it's clear. It's clear that we can compare apples to apples, rather than being all over the place.

But, I thank you for your comments.

Thank you, Mr. Chairman.

MS. SELLITTI: Thank you.

And, there is one program I just wanted to flag -- and, I swear, I can describe it to you in two minutes.

One of the programs that Michelle and I have talked about implementing is what we're calling an "impact project," which is picking a few counties and taking one juvenile defender who is very experienced and giving them a reduced caseload of high-risk youth. So, this would be people who have already come back once. So, they've gotten out, they have come back, and meet other criteria that are described in our binder, and have them on a focused caseload, partnered with not only an attorney, but an advocate with lived experience to sort of act as a mentor and a link to services.

We think that that small intervention by having a lawyer who is really tightly involved in the child's life, as well as an advocate who's really integrated in what's going on with the child from pre-disposition to post-

disposition, can really move the needle on those higher-risk repeat offense cases.

So, that is something that we would like to implement if we can. Or, we might need some help implementing that, I'll say that. But, I think it can make a big difference, and we would be keeping the data to see if those kids are in fact coming back and whether that program is -- if it's a successful model to keep those high-risk youth from reoffending.

SENATOR STACK: Senator Corrado.

SENATOR CORRADO: Thank you, Chairman.

Thank you for mentioning the victims; I appreciate that, and for taking them into consideration.

And, just a suggestion. If you can give us a list, a write-up, a report, on the diversion programs that you think, in your experience, work? And, maybe we can talk about funding those programs in the future.

So, we'd be happy to work with you on that.

MS. CALLARI: Great.

SENATOR CORRADO: And, we all think incarceration is the last option. It's not what we want, either.

So, maybe this is something we can work on together.

MS. CALLARI: Thank you.

SENATOR STACK: Very good idea, thank you, Senator.

Senator Testa, do you have anything further?

MS. SELLITTI: And, Senator Testa, I did listen to your whole program, yesterday.

SENATOR TESTA: Oh, thank you.

MS. SELLITTI: (laughter)

You're welcome.

SENATOR STACK: Thank you very much.

Thank you both for your testimony, and for being patient--

SENATOR TESTA: I'll ask one question: Did you think it was political in nature?

MS. SELLITTI: I turned my mic off already.

(laughter)

SENATOR STACK: Thank you both; thank you very much.

MR. LORETTE: We're down to-- We have two panels remaining, one consisting of two invited witnesses, and one panel that's going to consist of two members of the public who signed up to testify.

So, panel Number 6, concerning social justice issues, we have Jim Sullivan, the Deputy Policy Director of ACLU of New Jersey; as well as Alexander Shalom, Partner and Chair of the Lowenstein Center for the Public Interest.

JIM SULLIVAN: Good afternoon.

My name is Jim Sullivan, and I am the Deputy Policy Director for the ACLU of New Jersey.

Thank you for the opportunity to testify at this important hearing on youth crime.

I am a formerly incarcerated person myself. Although I was only briefly in the juvenile system, I hope that my experience as a young person in the criminal legal system can help inform this conversation.

Today, I would like to talk about how damaging and counter-productive incarcerating juveniles can be; what alternatives could be effective

at stopping youth crimes, like auto theft and burglary; enclosed with a plea for data-informed solutions to public safety.

First, let's talk about the negative effects of juvenile incarceration. After decades of research, it is well-established that mass incarceration doesn't work. If it did, we would be the safest country in the world, considering the U.S. is the world leader in incarceration. And, incarceration is even more damaging and counter-productive for juveniles.

As we just heard, in childhood and through adolescence -- generally considered a time of learning and experimentation -- the parts of the brain that govern good judgment and impulse control are still developing. Children sometimes behave in ways that can be interpreted as criminal. Rather than prosecuting these children for these behaviors, New Jersey should enhance the systems of support for them if we really want to stop auto thefts.

Secondly, spending time in juvenile detention increases the odds that young people will be arrested and incarcerated in adulthood. The 2022 report in Michigan found that confinement in juvenile detention centers as a youth resulted in a 39% increase in adulthood arrest for violent offenses, and a 40% increase in adult arrests for all felony offenses.

This research lines up with my personal experience with the criminal legal system when I was in my teens and early 20s. I was incarcerated several times during this period, and instead of helping me, it made things worse. I left with trauma at the violence and mistreatments I was exposed to, instead of resources to succeed. I am still dealing with these effects almost 20 years later, and don't think any youth deserves that for making a mistake.

And, that doesn't mean that we don't address the public safety concerns being raised here today. Rather, I'm suggesting that we do the hard work to prevent youth crimes before they happen and look at every alternative to incarceration before we make life-changing decisions for youth with their whole lives in front of them.

And, I want to talk about alternatives to juvenile incarceration -- of which there's many, but, in the interest of time, I would like to highlight three right now.

First, as we heard before, I believe that we can expand the use of diversion. Our State should expand programs and tools that divert children from the criminal and juvenile legal -- justice systems in every opportunity we can.

Second, more funding for advocate and mentor programs that assign trained community residents to work intensively with young people and their families, providing support to the families and helping young people avoid delinquency altogether.

Third, restorative justice interventions targeting youth accused of serious offenses provide an alternative to traditional court. These programs typically involve victims, and they culminate in a conference where victims, accused youth, and caring adults in their lives meet to discuss the harm caused by the offense and craft plans for the youth to make them right, and to avoid subsequent offending and achieve success.

A pilot program was passed in 2021 by this Legislature to establish restorative and transformative justice for youth in communities' pilot program in four target cities that include two components: Restorative justice hubs, and community-based enhanced re-entry wraparound services.

The pilot program will be established in the municipalities of Camden, Newark, Paterson, and Trenton.

Each hub is expected to assist justice-involved young people by using trauma-informed methods in violence reduction supports to decrease incidents of harmful and unlawful behavior; increasing participation and educational programs, vocational programs, and employment-readiness training; encouraging participation in the mental health and well-being programs; establishing relationships with local law enforcement agencies, courts, prosecutors, and defense attorneys to support the diversion of youth away from arrest and prosecution; and towards participation in restorative justice services; and, improving the socio-emotional and behavioral response of youth within the community. Evaluating and learning from the impact of this program -- pilot program -- should guide statewide discussion about juvenile involvement in crime.

Lastly, like others, I would like to make a plea that any decisions that we make on youth crime be data-informed. Over the last few years, we have seen too many bills that increased penalties for crimes without any hard, publicly available data showing the need or effectiveness of increased penalties. I was happy to hear today that many people did come to the table with data to support their arguments. And, I would just ask that we all -- I think that we would be in a better place if we were all operating from the same set of data, statewide data, that is uniform and that we can all take from instead of one-off in the counties there. So, I would just like to make that point.

And, lastly, we all want to improve public safety, but, I strongly urge this Committee to consider the negative effects of juvenile incarceration,

the non-carceral alternatives available, and put the time and resources into collecting meaningful data on these type of crimes statewide before we make any sweeping changes.

Thank you for the opportunity to testify, and I am happy to answer any questions.

SENATOR STACK: Thank you very much for your testimony.

Please begin.

ALEXANDER SHALOM, Esq.: My name is Alexander Shalom, and I am the Chair of the Lowenstein Center for the Public Interest.

I did not anticipate starting my comments by saying, “Good evening,” but, good evening.

And, in light of that, I will be exceedingly brief, and I’ll pick up right where Jim left off on data -- and, in fact, the exact point he was making about the need for apples-to-apples comparisons.

Because, I’ve heard Mayor Joshi, and he was talking about the number of arrests. And, that’s obviously an important metric. But, it doesn’t tell us the number of kids committing crimes, those are-- We can actually isolate it more carefully, and we must. And, this is a role that the Legislature has played before in demanding uniform statewide data.

So, for example, there is now -- because of laws passed by this body -- the Office of Justice Data, through the Attorney General, puts out the criminal justice data dashboard. And, I wanted to highlight two things that we now know statewide.

So, when we’re looking -- I limited it to 2022, ’23, and the first quarter of ’24, which is the most recent data we have -- and I looked at

burglary and theft, because that was what I was asked to come in and talk about. And, so, here are a couple things that jumped off the page at me.

On burglary, there were-- In that period, there have been more charges dismissed than cases that wound up in a guilty outcome. So, that suggests something problematic if more cases are getting dismissed than people being found guilty or pleading guilty.

SENATOR STACK: What do you attribute that to?

MR. SHALOM: I'm sorry?

SENATOR STACK: What do you attribute that to, that they're being dismissed?

MR. SHALOM: That sometimes wrong people get arrested. So, it's good faith -- it's no bad faith on anyone's part. But, sometimes, we don't get the right person.

So, all that to say an arrest is not the same as a conviction. And, obviously, that's a pretty elemental point--

SENATOR STACK: Sure--

MR. SHALOM: --and no one on this Committee disagrees with it, but those numbers were stark to me, that it was actually more often, rather than some rare event where they get the wrong person.

But, here's another one, and one that I think should cause some concern. For burglary, there are more than four times as many pending cases in that time period than there are guilty outcomes. And, we know the cause of that as well, and I was here this morning as you confirmed many, many, many judges, and that's terrific. But, we need to do something to address the backlog in our courts, because if we're talking about, how do we associate consequences with bad behavior, part of that is the speed and certitude of

being convicted if you did something wrong -- or adjudicated if you did something wrong, in the children's case. And, when justice is slow, we lose a lot of that deterrent value that I know this body is -- wants.

I won't bore you, but for theft -- same thing, more than twice as many cases dismissed as a result in a guilty outcome.

And, let me say one other thing, which is there is something called the clearance rate. And, so, the clearance rate is a crime happens -- we know how many crimes happen, how many cars get stolen -- but a clearance rate is how often is someone arrested for that crime. And, the statewide clearance rate for auto theft is 8%. Eight percent. That means in 92% of cases, no arrest is made. So, that's not even saying they arrested the right person, or all the people, but *anyone*. And, for burglary, the clearance rate is in the teens.

So, we can talk -- and we should talk -- about whether punishments are properly calibrated to the culpability someone has. But, the first problem is people are getting away with it because they're not getting arrested in the first place, or the right person isn't getting arrested. And, so, it should bear on this body's thinking.

I had lots to say -- and I won't, I promise -- about the need to-- Let me just say it this way: It's not-- These things aren't mutually exclusive, that we either care about outcomes for kids or we care about public safety. We should care about outcomes for kids, because they ultimately help in public safety. So, incarcerating more kids, pushing more kids into the juvenile justice system, is a failed public-safety strategy, and we know it because we've seen this movie before. We saw it in the '90s where we increased punishment; we increased kids in the Criminal Justice System

rather than the Juvenile Justice System; and crime was at an all-time high then, and it's at an all-time low now.

So, even, Chairman Stack, as we talk about raising rates of both burglary and car theft in the last couple years, that's from a historic low that they have been at. So-- Anyways, we should be mindful of that.

And, then, just last-- Small point that I want the Committee to be wary of is we can't say that there are no consequences because detention isn't available. Detention -- like Senator Testa, I kind of grew up doing criminal defense -- and, so, in the criminal context, that would be the pre-trial detention, not the prison afterwards. And, you can't have pre-trial detention until someone has been found guilty -- if you want it to be punishment. If you want it to be a consequence, you first need to find the person guilty.

And, so, we should be focusing on that and building cases. And, if we want to get to the adults who are responsible for these sophisticated rings, let's build cases. But, it's not about the pre-trial detention, it's at the end -- end of the road.

That's all I've got. I assume there will be no questions given the lateness of the hour, but I am grateful to your thoughtful -- for your thoughtful consideration.

SENATOR STACK: But, you don't think-- You don't think a lot of these cases are just being downgraded to get rid of them, where they're pleading to a lesser charge?

MR. SHALOM: Well, the data doesn't--

SENATOR STACK: I don't know that for a fact; I'm asking you. I really don't know.

MR. SHALOM: Right, right. And, it's been a long time since I've been like, a lying public defender, where I could answer that from my day-to-day experience.

But, the data don't support it. Because, this criminal justice data dashboard talks about dismissals, downgrades, and guilty verdicts. And, it doesn't-- It doesn't mean it never happens; of course it happens. But, there's still these thousands of cases that are either pending or resulted in a dismissal.

And, so-- But, all of that also bears on busyness. If cases are getting downgraded, it happens more often when prosecutors' officers are busier; when judges don't have the ability to hear cases. So, more judges does alleviate some of that pressure about what you're concerned, Chairman.

SENATOR STACK: Senator Corrado.

SENATOR CORRADO: No; just listening.

SENATOR STACK: Senator Pou.

SENATOR POU: No, I think--

SENATOR STACK: Senator Testa.

SENATOR TESTA: Nothing; no.

MR. SHALOM: Thank you all for your time.

SENATOR STACK: Thank you very much.

Thank you for your testimony, and thank you for your patience.

Thank you.

SENATOR POU: Even though it took so long, it was a great meeting, Chairman.

MR. LORETTE: And, as I mentioned earlier, our final panelist, it's-- They're going to be two individuals who signed up to testify.

We have Austin Edwards, representing Salvation and Social Justice; as well as Yannick Wood, who also provided written testimony that is available to the members of the Committee.

Thank you, gentlemen.

YANNICK WOOD, Esq.: Good evening, everyone.

My name is Yannick Wood; Director of the Criminal Justice Reform Program at the New Jersey Institute for Social Justice.

SENATOR STACK: Just, before you begin, just, thank you very much for your patience and for waiting. We really appreciate it.

MR. WOOD: (laughter) Likewise.

I would like to thank my colleagues, Ashanti Jones and Emily Schwartz (phonetic spelling) for their assistance in preparing this testimony.

Recent incidents involving young people in shorefront communities have garnered media attention, potentially influencing reactionary Legislative policies rather than data-driven decisions. New Jersey, with its stark racial disparities in youth incarceration rates, where Black youth are 29 times more likely to be incarcerated than white youth, despite similar offense rates, must avoid unjust policies that criminalize young people for the following reasons:

One, New Jersey's crime rates *have* decreased. It's the nation's fifth-safest state, despite challenges like surging car theft during COVID-19. But A.G. Plotkin and the State Police have highlighted progress, with the A.G. citing a decline in auto thefts below the five-year average thanks to effective collaboration between the State Task Force and local police.

I am aware of an incident in Wildwood a couple weeks ago, which sparked concerns about revising youth alcohol laws. And, A.G. Plotkin

attributed these issues to inadequate police presence rather than advocating for stricter policies. And, then, Governor Murphy clarified that, despite some reports, the shore did not experience a chaotic weekend. So, it is clear that New Jersey's top officials -- or, at least in the Executive Branch -- do not support rolling back certain types of measures for young people.

Number 2: Harsher penalties have limited effectiveness in deterring crime. And, we've heard many testimony about this, but that's a view shared by New Jersey's highest court, especially regarding youth. It's been very concerning hearing testimony about -- insinuating that youth need harsher penalties, including detention, to cause them to flip on adults. This sounds like some of the tough-on-crime rhetoric we've heard from the 1990s, so, I hope that this Legislature does not actually follow through on those types of requests.

Incarceration subjects youth to a-- Or, enhanced penalties subject youth to a racially disparate system. Incarceration exposes them to abuse; worsens mental health; interrupts education; limits future opportunities; and leads to recidivism, which does not help public safety. Even fines and fees harm youth. Thankfully, the Legislature, led by Senator Pou -- thank you for that -- has recognized this, and has passed bills to eliminate fines and fees for youth.

Number 3: Law enforcement in New Jersey already has effective tools to address youth misconduct, including curbside warnings, stationhouse adjustments, and then there was that bill last year that was passed in December 2023 about alcohol -- youth alcohol -- where law enforcement can issue warnings; notify parents; confiscate alcohol; and facilitate access to

social services. That's a bill that we actually opposed for a few reasons, but it is in the toolbox for young people.

And, lastly, I just want to finish with this: New Jersey should instead adopt proactive policies that protect rather than criminalize youth. Firstly, it's crucial to treat youth in a developmentally appropriate manner, considering the challenges in impulse control, long-term thinking. We heard the science -- the brain science -- about how the prefrontal cortex of young people is not fully formed, and we all remember how we were as youth.

In that vein, the institute supports S1319 that -- Senator Pou, you are sponsoring that -- that sets a minimum age of 14 for juvenile delinquency, aiming to reduce entry into New Jersey's racially disparate youth incarceration system.

So, we just want to thank you for your support with this.

Secondly-- And, we heard some talk about "youth waiver," but that's something that we oppose. And, we need to stop the practice of prosecuting young people as adults. We have a juvenile justice system, so that is a system that we should be using. Although it's imperfect, that is a system that we should be using for prosecuting young people to the extent that they should be prosecuted.

And, then, we believe the State should significantly invest in community-based youth programs, including prevention and diversion initiatives. We've heard a lot of talk about that this evening.

And, then, lastly, whatever course this Committee and Legislature takes, New Jersey should -- the Legislators should use racial and ethnic impact assessments for all proposed criminal justice bills to ensure that

new legislation -- particularly concerning youth -- does not worsen racial inequities.

So, thank you so much for your time and considering my testimony.

SENATOR STACK: Members have any questions of this witness?

Senator Testa.

SENATOR TESTA: Did you watch any of the video of what happened in Wildwood?

MR. WOOD: Yes, I have seen that, yes. But-- I'll let you answer the question. I'll let you ask the question.

SENATOR TESTA: So, you saw how there were two officers trying to quell a situation that involved hundreds of individuals, and you saw all the youth who were filming it rather than trying to maybe either help out or get out of the way? Instead, they surrounded those two officers. Did you see that?

MR. WOOD: I did watch the video, but what I would say is that the State's top law enforcement officials have, presumably, seen that, are more aware of the situation than I am.

And, they believe that it was a matter of staffing and they believe that the current law is effective enough to address the concerns people have with young people and they are better equipped to answer this question than I am. That's the opinion than they have.

SENATOR TESTA: Well, I'll tell you that the Attorney General called me personally and said his comments were taken out of context. I'm not exactly sure how they were, but he called me personally to tell me that.

And, just for your information, the City of Wildwood takes great umbrage with that, because they had 30 additional officers on the boardwalk that evening.

And, just so you're aware, I'm a PBA lawyer -- I'm also a criminal defense lawyer -- but any time there are interactions with officers, there's-- When there's one officer on the scene, that means there is at least one gun on a scene; if there are two, that means there are at least two guns on the scene. And, those two officers who were trying to squash a situation had to wrestle with unruly young people. And, again, they don't know whether they're juveniles; they don't know if they're 19 or 20 years old; they just know that there's very unruly young people there.

Also, there was a stabbing in Ocean City -- same weekend, did you hear about that?

MR. WOOD: Yes.

SENATOR TESTA: OK.

I don't think people want to hear about someone's under-formed or under-developed prefrontal cortex when someone is getting stabbed. They want justice for the person who is the perpetrator of that. And, to say that what happened, or we're going to stiffen penalties as a knee-jerk reaction -- this is a multi-year response to a very soft-on-crime policy that is bipartisan in nature.

I mean, the Chairman of this very Committee, Senator Stack -- who is not the mayor of a shore town, he's the mayor of a very urban center that I've been to; it's a great city. But, even he and I have discussed, it becomes really difficult to bring people -- oh, I just heard something -- to bring people to your city, and it's also difficult to bring people to your

boardwalks, beaches, when they have to walk through clouds of marijuana smoke. People don't want to bring their children out.

It has nothing to do with race; it has everything to do with clean communities. It has everything to do with people who are willing to abide by the law and respect the rule of law. And, to come over here and say, "The top law enforcement agency--" Guess what, the people of Wildwood, who need their boardwalks and beaches to be the lifeblood of the economy for the summer and shoulder months don't want to hear an explanation from the top law enforcement officer; they don't want crime there.

If they're telling us -- and, I rely on them and their Chief of Police, Chief Murphy, who has been a police officer there for his entire career, saying, "You know what, there's been an increase in the way people treat us when we just have an interaction with them. They spit at us." And, I have multiple bodycam videos of how young people are interacting with our officers with absolute zero respect. When they say, "Hey, listen, I need to get your name," "I don't need to give you my effing name." That's -- that's a response. That's not how a society is supposed to be; that's not how a civilized society operates.

And, then when they-- Like, Senator Bucco, who is not here right now, he pointed out the disparate treatment. And, I remember Senator Stack and I were talking about it that, if there were five individuals who were drinking alcohol at one point, with the old law, they'd get busted, but the five individuals who were smoking marijuana, there was really nothing law enforcement could do.

You can't come up here and say this is all racially charged. It's not racially charged at all. We want a society that respects law and order.

And, just to hide behind the statements that you make that are blanket statements, that this is a knee-jerk reaction and it's racially disparate, is just really disingenuous -- intellectually disingenuous at best.

MR. WOOD: Oh, yes, I actually didn't use the word knee-jerk reaction.

But, also, it does become racially charged. Because -- I wasn't going to bring this up -- but the Mayor of Woodbridge (*sic*), earlier today, he insinuated that youth -- presumably of other races -- are targeting Asian residents because Asians are nonviolent. So, such language -- it's like a dog whistle language that I hear, about youth coming from one county committing crimes in other counties, and, "We need to detain youth." And, that's what it is.

And, in a state that has the worst racial disparities in -- for incarcerated young people -- also for adults as well -- it's inseparable from a racial justice issue. So, any time you talk about stiffening penalties, and the possibility of detention, it's going to be detaining disproportionately Black and brown youth. And, it's just -- it's just a reality of the Criminal Justice System that we have in New Jersey.

And, not -- nobody might be saying -- there probably isn't anybody saying it in explicit terms, but it becomes that, and that's what I'm trying to address.

SENATOR TESTA: So, to be clear, you -- is it your testimony and your accusation that the fact that Senator Stack and myself -- and, I'll just speak for me -- my comments are racially charged?

MR. WOOD: No. I'm not talking about your comments. I'm talking about -- well, I'm not making a comment about whether those are

racially charged. I'm saying that the consequence of supporting policies that are going to increase detention -- that is not in a vacuum. It happens in this system. And, in this system, we have -- as I mentioned -- we incarcerate Black youth 20 times that of white youth, even though both Black and white youth commit most offenses at similar rates.

So, the result of a policy that's going to result in increased incarceration means that we're going to add to this racially disparate system.

SENATOR TESTA: I can assure you, the bodycam footage that I see from my shore towns has zero -- zero -- to do with anything that is racially charged, and any type of policies that the police officers, mayors of the town, and this Legislature want to enact.

But, that's your narrative.

SENATOR STACK: Sir, did you have comments that you wanted to add also?

A U S T I N J. E D W A R D S, Esq.: All right, good evening, members of the Legislature.

Austin Edwards; Senior Policy Counsel, Salvation and Social Justice.

I'll keep my remarks brief. I know the hour is drawing late.

Two points I wanted to highlight, just with our organization, that we're a Black, faith-rooted nonprofit, and we specifically wanted to highlight some of the work that we've been able to accomplish that actually really do deter youth from committing crimes in the first place.

And, one of the key pieces of legislation that you all passed last year was the Seabrooks-Washington Bill. And, that specifically gave more supports to community organizations that go into schools; that work with

families; that reduce the likelihood of crime occurring for youth in the first place.

I serve on the Trenton School Board out here, and we have the street teams locally coming into the schools and mentoring and counseling kids. And, that alone -- I'm waiting for the stats from this year, but, over the course of the two years that we've had them in there, we've seen reductions of violence across the board, about halved; drug use, same thing; relatability to gangs -- everything is dropping across the board, and it's literally because we have people from the community who are trained up; mental health counselors; people who these youth identify with, providing a positive message of what they can do with their lives.

And, the second point I'll make and let you guys all go, I highlighted it before. With any -- with any bill, especially as it relates to our youth, we're specifically asking to maintain that any bill that comes through OLS has a racial impact statement in it. I know that this is a specific mandate that we have mentioned before, that it may be one of those unfunded mandates, which everybody loves, but hopefully we can rely on some of our research partners or universities to help fund some of this and find the information we need to help draft great legislation.

Thank you.

SENATOR STACK: I agree with you, and one of the things that we try to do -- I mean, I can speak on behalf of Union City -- is that we try to always keep the relationship going between law enforcement, public officials, and the community. It's why we do a lot of outreach, a lot of public safety meetings in the community, to make people realize, even when there's new officers, we bring them to the meetings.

But, having said that, there also has to be law and order. And, believe me when I tell you, I don't have a bigoted bone in my body. I'm the type of person I believe everybody is equal; (indiscernible) but equal. But, I also think when you have a situation where what took place at the Jersey Shore -- and, I saw -- I didn't see body camera footage, but I saw what was on the news. I mean, you just can't have that.

I'm not sure any number of police officers, when you're on the boardwalk -- I mean, I don't experience that because obviously I'm in Union City; we don't have anything like a boardwalk, it's an urban community. But, if you have that many people there, the only thing I can compare to that is I have "Night Out Against Crime" every year in the community, and we block off 10 blocks, and I get out like 7,000 people.

I might have at that event -- and, the Chief would be able to better answer -- maybe 65 officers at that event. Maybe a little more than that, because we usually have about 40 working in any given shift, and we're working on increasing that right now in the community. I'm not sure if anything happened at that, that that would be enough without calling in reinforcements from neighboring communities to come into Union City.

And, when you're bringing neighboring communities, although it's an urban center, there's always a difference in policing from community to community and with the relationship with the community. It's a difference when a Union City police officer arrives on a Union City incident. I would hope so, because they know the community probably better than another neighboring community would know that community, and vice versa; and we go into their community.

But, I'm not sure the number of police officers in the shore incident -- I'm not sure what number you could say. I mean, Senator Testa there were 38 police officers, right?

SENATOR TESTA: Thirty additional.

SENATOR STACK: Thirty additional officers -- I mean, that's a lot of officers to have on the boardwalk.

I just think, also, I think there's got to be a message to the youth also, that -- to anyone -- that there's a consequence for those types of actions. Because, you have a lot of innocent people. Plus, they're youth; their whole future is affected. They get arrested; their whole future is affected by that. I think there's got to be some type of common ground of coming together, sending the message out there, "Hey, look, there's a consequence for what you're doing," you know, obviously.

I don't know if you want to add anything to that, or--

MR. EDWARDS: If I could, just briefly.

SENATOR STACK: Sure.

MR. EDWARDS: Bringing up that point of consequences to action. One of the things that -- going back to the street teams -- one of the things that we pride ourselves in are having these restorative justice hubs, where we have people who are victims of crimes in the same room with those who perpetrated against them.

And, a lot of times, what we've seen across the board is that a lot of these victims don't specifically say, "Hey, I want to lock this kid up," or, "I'm going to lock this person up." It's usually a conversation of, "What did you do this for?" And, the humanizing aspect of it, of seeing people to people.

And, frankly, the person doesn't go off scot-free. We've had multiple instances where there's this one kid who was an artist and through the course of conversation we found that out. The person -- the victim, frankly -- was just like, "You know what would make me whole again? If you gave me a floor-to-ceiling portrait of myself." So, having this person-- This kid came in multiple weekends, like literally did the whole portrait thing. So, dedicated their time and energy to getting this person whole.

So, there are a lot of -- especially in these hubs -- the opportunity of getting a just result, even if it's not the same, exact traditional sense that we've seen.

SENATOR STACK: Thank you very much.

Did you want to add anything?

MR. WOOD: No, I agree with the restorative justice hubs, and that's something that we're very pleased to see.

We all want public safety. So, I don't want to, like, misconstrue anything that anybody said from the advocacy community. That's not-- We want public safety; it's just a matter of, is that something that is achieved through having harsher penalties, or detaining youth?

And, I would say, no. I think that there's more proactive solutions, and we heard about prevention programs, even the restorative justice wraparound re-entry programs, and that's what data supports actually influences youth behavior. On the other hand, harsher penalties is not supported by data that actually impacts youth behavior. They're not thinking about that when they're engaging in harmful conduct.

But, I understand it's a natural tendency to think that harsher penalties will lead to that, but it doesn't necessarily lead to that.

So, yes, I'll just leave it like that.

Thank you.

SENATOR STACK: Anyone else have any further comment?

(no response)

No.

Thank you very much, and thank you again for your patience; we appreciate it.

And, thank you for your testimony; thank you both.

MR. WOOD: Thank you.

SENATOR STACK: I think that concludes our hearing, right?

David? (no response)

Thank you to all the senators; special thank you to Senator Testa; thank you Senator Corrado; Senator Pou, for staying for the whole hearing. I appreciate it.

Sorry it ran very late.

Thank you to the staff.

Thank you, David; thank you, Matt, for your great work.

Thank you.

Meeting is adjourned.

(MEETING CONCLUDED)