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State of New Jersey

ASSEMBLY JUDICIARY, LAW, PUBLIC
SAFETY AND DEFENSE COMMITTEE

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FINAL

REPORT

OF

THE JUVENILE JUSTICE TASK FORCE ADVISORY COMMITTEE

ON "DATA COLLECTION"

TO

Assemblyman Martin A. Herman, Chairman
and Members of the Assembly Judiciary,
Law, Public Safety and Defense Committee

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January, 1981

Assemblyman Martin A. Herman
Members, Assembly Judiciary, Law
Public Safety and Defense Committee

Assemblymen:

The Advisory Committee on "Data Collection" of
the Juvenile Justice Task Force respectfully submits its
recommendations and findings to the Assembly Judiciary, Law
Public Safety and Defense Committee.

Respectfully submitted,

(s) Robert F. Fisler
Robert Fisler
Coordinator

(s) * Judith Colnaghi
Judith Colnaghi

(s) Carol Kasabach
Carol Kasabach

(s) Stan Repko
Stan Repko

(s) **Steven Yoslov
Steven Yoslov

(s) Budd Robertson
Budd Robertson

(s) Henry Watson
Henry Watson

(s) *** Wayne Conrad
Wayne Conrad

(s) Herbert Plump
Herbert Plump

- * Positions attached
- ** Positions attached
- *** Dissent forthcoming

JUVENILE JUSTICE TASK FORCE ADVISORY COMMITTEE ON

"DATA COLLECTION"

MEMBERS

Robert Fisler, Coordinator
N.J. Probation Association

Judith Colnaghi
Department of Human Services

Stan Repko
Department of Corrections

Budd Robertson
Department of the Public Advocate

Wayne Conrad
Department of Education

Carol Kasabach
National Council on Crime & Delinquency

Steven Yoslov
Administrative Office of the Courts

Henry Watson
Department of Health

Captain Herbert Plump
New Jersey State Police

Legislative Liaisons:

Assemblyman Eugene Thompson
Assemblyman William Gormley

Staff:

Peter P. Guzzo, Research Associate
Office of the Legislative Services

Virginia A. DiBianca, Research Assistant
Office of the Legislative Services

* Burton Weltman, Aide to Assembly Judiciary, Law,
* Public Safety and Defense Committee

* Presently with the Administrative Law Office

PURPOSE AND OBJECTIVES

The Advisory Committee on "Data Collection" was guided by the underlying principal that data on juveniles be collected for "honorable purposes".only. That is, in light of the fact that the juvenile court system is undergoing a revision with the expectation that it will be incorporated into a family court system, the need for monitoring and evaluating the new system and making it accountable to the Legislature and the public is critical to the (family) court's effectiveness and purpose. The Advisory Committee considered the degrees of privacy which should be upheld in a juvenile reporting system and addressed itself to issuing a clear set of procedures and reporting mechanisms which would allow for the tabulation of carefully documented information upon which rational and consistent decisions can be made regarding juveniles.

The Advisory Committee concentrated its efforts on the "juvenile justice" area of family court jurisdiction. As an auxilliary recommendation to the proposed statute, the Advisory Committee noted a projected need for a Uniform Statewide Data Collection system so that all agencies dealing with juveniles may have quick and systematic access to certain statistical information regarding juveniles. At present, court information systems in this state are not fully computerized. The Advisory Committee recognized the need for computerization of the juvenile court information system statewide. The Advisory Committee developed its recommendations to serve as both a prerequisite to a fully automated system and also as a viable reporting system for those jurisdictions that are not fully automated.

RECOMMENDATIONS AND FINDINGS

The Administrative Office of the Courts currently collects statistics concerning the operations of the Juvenile and Domestic Relations Courts. Statistics are collected on uniform reporting forms which are completed by the Juvenile and Domestic Relations Court clerks and other court employees at the county level. The reports are forwarded to the Administrative Office of the Courts on a monthly basis.

The statistics enable the Administrative Office of the Courts to determine the workload of each court and the relative success which the judges, intake officers and others have had in expeditiously disposing of cases. Many of these statistics are contained in the Annual Report of the Administrative Director of the Office of the Courts .

The authority for the Administrative Office of the Courts to collect statistical data is derived from N.J.S. 2A:12-4, which states:

"All judges, clerks, and stenographic reporters and their assistants and employees, shall comply with any and all requests made by the director for information and statistical data bearing on the state of the dockets of the courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the support of the courts and the officers connected therewith. All law enforcement officers shall comply with any and all requests made by the director for information and statistical data bearing on the operation of their offices."

The Committee recommended that Title 2A of the New Jersey Statutes should be supplemented by a comprehensive statute regulating the practices and policies of the family court with respect to the collection, retention, dissemination and use of

such information. The purposes of the statute shall be to:

- a. establish procedures that provide safeguards for a family court record against an invasion of personal privacy, security and confidentiality;
- b. assure that a family court record is created, maintained, and disseminated in a manner to insure the completeness, integrity, and accuracy of such record, and to protect individual privacy, security and confidentiality;
- c. assist the court in making decisions pertaining to persons before the court;
- d. enhance the delivery of services to juveniles appearing before the court;
- e. aid the management and evaluation of the process;
- f. provide access to data for approved research projects.

Juvenile and Domestic Relations Courts shall be required, for the first time, to submit to the Administrative Office statistical data concerning every Juvenile and Domestic Relations Court proceeding. Case -by-case data will enable the Administrative Office of the Courts to track individual cases and, by cross tabulating statistics, better monitor and evaluate the operations of the Juvenile and Domestic Relations Courts. *

* At present, the Administrative Office of the Courts has a new computer operation in place, the Judicial Management Information System. It is projected that this system can eventually process the juvenile system on a case by case basis.

Court Rule 5:10-5 requires the clerk of every Juvenile and Domestic Relations Court to maintain a calendar of matters to be heard at every court session, e.g., case number, names of parties, offenses, and complaint data and dispositions and a court docket in the form prescribed by the Administrative Director of the Courts. The Committee recommended the adoption of legislation to establish standards regarding the quality of the information which the Juvenile and Domestic Relations Court and law enforcement agencies maintain. The record subject must be informed of the types of records relating to him that may be created, the purposes for which they may be used, who will have access to the records, and the rights of the subject and the public with respect to the records.

Currently, section 24 a. of P.L. 1973, c. 306 (C.2A:4-65a.) provides that court records and law enforcement agency records pertaining to juveniles charged under P.L.1973, c. 306 (the so-called "Juvenile Justice Code") shall be made available only to:

1. Any court or probation department;
2. The Attorney General or county prosecutor;
3. The parents or guardian and to the attorney of the juvenile;
4. The Division of Youth and Family Services, if providing care or custody of the juvenile;
5. Any institution to which the juvenile is currently committed;

6. Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown; and

7. Any law enforcement agency when such records are necessary in connection with the investigation of particular acts of delinquency or crime, or when such records are necessary to assist in the protection, apprehension or location of a particular juvenile. [cf. R. 5:10-7(c)]

The Committee recommended different criteria for access depending on whether the record was a family, criminal, social or law enforcement record. One of the advantages of this recommendations is that it will make clear that the court staff may have access to court records without the necessity of securing a court order. Section 26 of P.L. 1973, c. 306 (C.2A:4-67) provides a mechanism for the sealing of court and law enforcement agency records with respect to juveniles charged under the "juvenile justice code." The statute states that the court may order the sealing of records if certain specified conditions are satisfied. The statute also states that after a sealing order has been entered inspection of the subject records "may thereafter be permitted by the court only upon the motion and only to those persons named in the motion" Section 26 also directs that sealed records may be maintained for purposes of prior offender status and that an adjudication of delinquency or in need of supervision or a conviction of a crime after sealing "shall have the effect of nullifying the sealing order." The statute does not provide for the destruction of sealed records.

Finally, the Committee recommended (1) the sealing of juvenile court records in those instances where a case is dismissed as a result of participation in a diversion process; (2) the destruction or sealing of juvenile court records if certain specified conditions are satisfied (to be worked out in the legislation); or (3) that the physical destruction of all sealed records may be permitted ten years after the sealing order. **

ACTIVITIES

The Advisory Committee on "Data Collection" consisted of a cross-section of professionals in fields related to the juvenile justice system. The members held varying points of view on the issues discussed and made decisions by consensus rather than majority/minority opinion. The Committee focused its attention on developing a reporting system for juveniles as part of the larger Juvenile Justice Task Force effort of developing a Family Part of the present court structure. The reporting system was developed to be operative for all courts having jurisdiction over juveniles, regardless of computer development level, although statewide computerization of court data was an objective expressed by the Committee.

This proposal concentrates on juveniles as they are involved in the family court process. The Advisory Committee did not make recommendations on the reporting of data as it relates to other jurisdictions of the family part (such as divorce, support, or custody records). The following documents were used as resources for the Advisory Committee

** See attached Dissent to this Recommendation by Steven Yoslov

in the development of their recommendations:

National Center for Juvenile Justice, "Model Law on the Creation, Dissemination, and Disposition of Juvenile and Family Court Records"

"Juvenile Justice Information Systems- A Transfer Into the '80's", Lawrence A. Boxerman.

Resources made available through the National Council on Crime and Delinquency

Institute of Judicial Administration/American Bar Association, draft on "Juvenile Records and Information Systems"

"New Jersey Code of Criminal Justice" (Title 2C of the New Jersey Statutes"

* Judith Colnaghi, Division of Youth and Family Services

* I appreciate the opportunity to have been able to participate on the Committee as a technical advisor from the Division of Youth and Family Services. In this capacity, I have no comment to add to the draft recommendations.

Through routine channels and procedures, the Department of Human Services will formally respond to the Legislation when it is introduced. The Department's response will speak to the entire Legislation and provide relevant comment from the Division of Youth and Family Services and other concerned Divisions under its jurisdiction.

** DISSENT

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ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY



HERBERT D. LIPSCHER
ADMINISTRATIVE DIRECTOR OF THE COURTS
WIN H. STERN
ASSISTANT DIRECTOR

STATE HOUSE ANNEX
CN-037
TRENTON, NEW JERSEY 08625

November 20, 1980

Ms. Virginia DiBianca
Research Assistant
Assembly Judiciary, Law, Public
Safety and Defense Committee
State House
Trenton, N.J. 08625

Dear Ms. DiBianca:

Pursuant to your request I have reviewed a draft copy of the report of the committee on data collection. I join in the report, except that I would oppose the destruction or expungement of juvenile court records and would recommend that the present sealing statute be retained. (That statute contains provisions permitting the nullification of a sealing order if the juvenile is adjudicated a delinquent, etc., the maintenance of sealed records for purposes of determining prior offender status and the inspection of sealed records pursuant to Court order.)

I look forward to receiving the proposed statute referred to in the report.

Very truly yours,

A handwritten signature in cursive script that reads "Steven Yoslov".

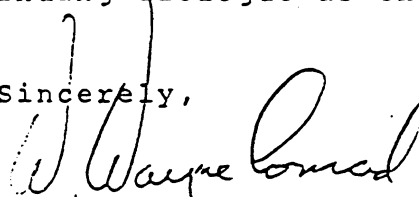
Steven Yoslov, Esq.
Chief, J&DR Court Services

/mls

it is critical that some appropriate professional in a local school system--e.g. the professionally-trained chairperson of the child study team--be notified quickly of the types of charges and the dispositions rendered when youths still served by the school, are involved in proceedings within the juvenile justice system.

Again thank you for a copy of the report. I recognize the amount of work that was involved in the preparation. We will look forward to continuing dialogue as this important work continues.

Sincerely,



W. Wayne Conrad
Office of Planning
and Development

WWC:vm

cc: Evelyn Ogden
Rita Carney
Robert Swissler



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DEPARTMENT OF EDUCATION
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DIVISION OF RESEARCH, PLANNING AND EVALUATION

December 12, 1980

Ms. Virginia DiBianca
Research Assistant
Assembly Judicial, Law, Public
Safety and Defense Committee
State House
Trenton, New Jersey 08625

Dear Ms. DiBianca:

Thank you for passing on a review copy of the Final Report of the Juvenile Justice Task Force Advisory Committee on Data Collection.

Pursuant to your request for myself, or the Department of Education, formally to endorse the report, we find it difficult to provide a blanket endorsement. This is because of the tentative nature of the report and the lack of definition in the report's recommendations.

We, therefore, would like to endorse the process of study and discussion, which underlies the report, but request that our Office of Legislative Liaison Services be given opportunity for review and response to the substance and language of any proposed statutes.

With regard to the current set of recommendations, I note that the report calls for the development of new criteria for governing which persons will be given access to juveniles records. The Department of Education feels