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PUBLIC HEARING  
before  
JUDICIARY SUBCOMMITTEE ON JUVENILE JUSTICE

Held:  
August 28, 1979  
Freeholders Room  
Court House  
Jersey City, New Jersey

MEMBERS OF SUBCOMMITTEE PRESENT:

Assemblyman William E. Flynn (Chairman)  
Assemblyman Charles Mays

ALSO:

Burton D. Weltman, Research Assistant  
Office of Legislative Services  
Aide, Assembly Judiciary Committee

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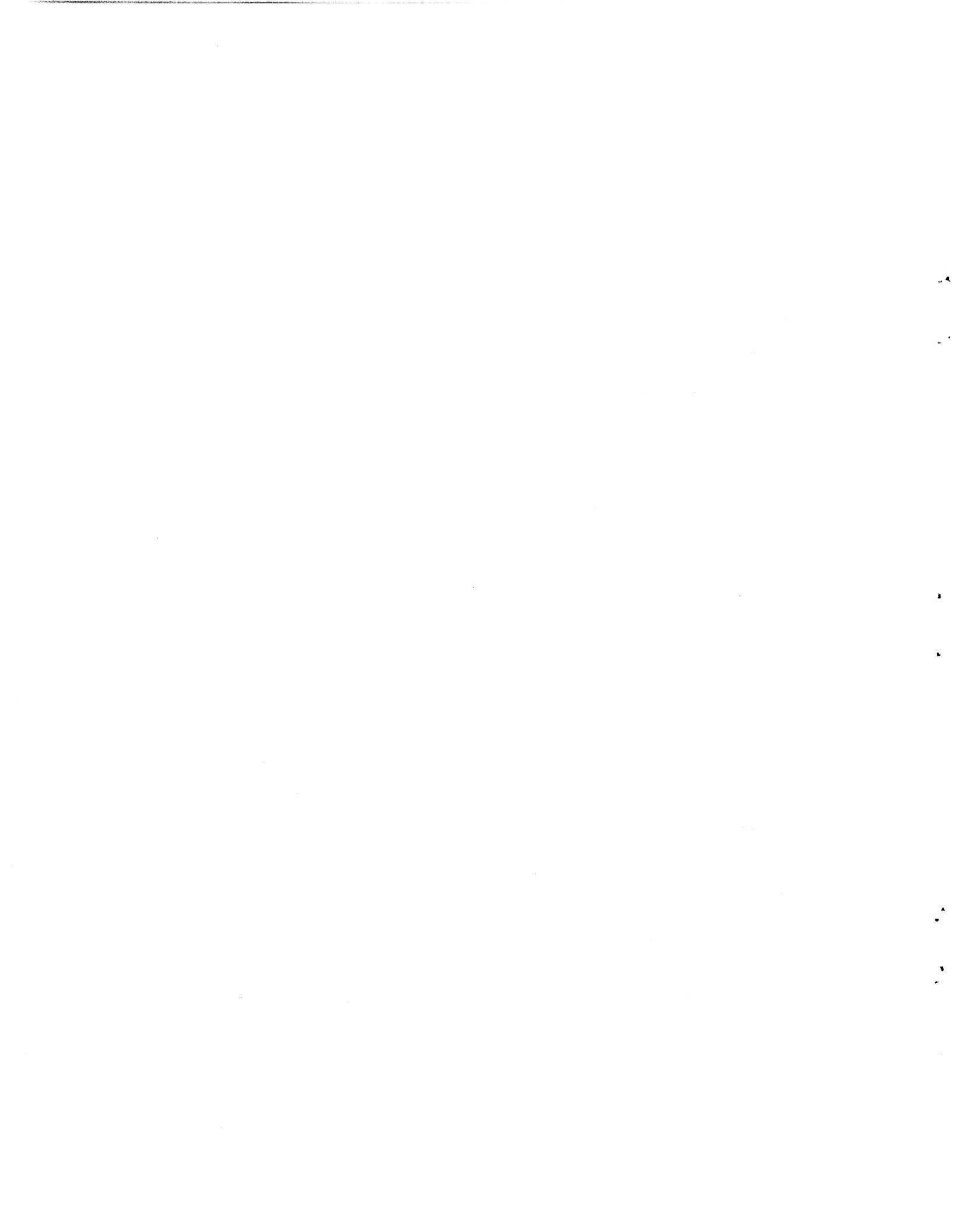
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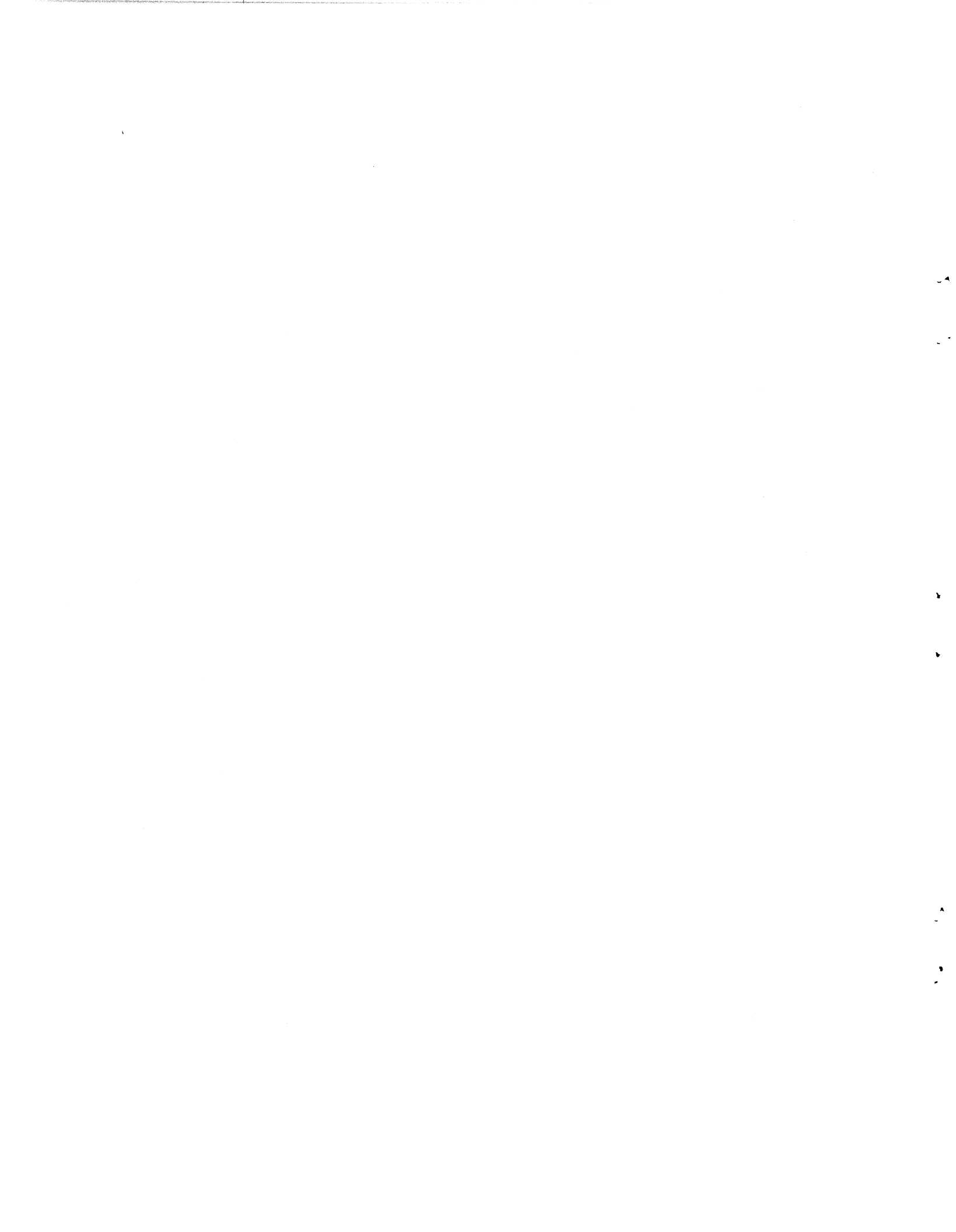
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ASSEMBLYMAN WILLIAM E. FLYNN (Chairman): Good evening, ladies and gentlemen. At this time, I would like you all to stand, so we can salute the flag. Assemblyman Charles Mays will lead us in the salute to the flag.

(Whereupon the Pledge of Allegiance was recited)

I would like to introduce those on the panel. Starting from my extreme left we have Harry Lorey, who certainly needs no introduction in Jersey City. He is Assemblyman Charles Mays' aide. And, of course, he was a standout in his younger days in the Jersey City area. To my direct left is Assemblyman Charles Mays, an Assemblyman from this area. To my right is Burt Weltman, the Staff Advisor to the Judiciary Committee. Circulating in the room is Gerry Van Horn, the Senior Researcher for the Judiciary Committee, and we expect Assemblyman Dowd, also a member of this Subcommittee, to be here in a short while.

Now, the purpose for which we are here tonight, and, of course, one of the most serious problems that our State faces, and a problem that is increasingly causing trouble throughout our country, is to discuss the problem of increasing juvenile crime. The mass media has been full of statistics showing the increase to be of startling proportions. Our purpose here tonight is not to find out we have a juvenile problem. We know we have a juvenile problem. So, I would like you to limit your remarks in terms of solutions. What we are looking for tonight are your comments on pending legislation with regard to any of the juvenile problems that exist. That, of course, would be juvenile crime in the schools, on the streets, wherever juvenile crime exists.

We have a lot of bills pending in the Legislature. After this Committee has put together its report, we expect the Judiciary Committee to report some of these bills for action by the full Legislature. We are also looking for input from you for a program or legislation that no one has even thought of yet, things that you may have kicking around in your minds which might help towards the solutions. If they are good ideas, myself and Mr. Mays, or some of the other Assembly people, may introduce such legislation. So, don't limit yourself only to legislation that is pending.

I am going to have no strict rules as to time, or as to the scope of your topic. I ask you merely to try to give us new ideas, or comment on existing bills. Don't tell us at your school, for example, you had 100 B & E's last year in the locker room, or you had 10. We know that exists, and we know the problems. What we are looking for are specific solutions. If anyone has a lengthy, prepared speech, I would ask that if you have an extra copy you give it to our staff advisor, so we can photostat it, and make it part of the record, and then synopsise the prepared speech rather than read a long speech. Because, I think it loses its impact when a lengthy speech is read. By lengthy I mean anything that would take more than five or ten minutes to actually read.

Now, with that, I have a list of people who have previous to tonight asked to testify, and in addition, the young lady who just stood up, Mrs. Van Horn, is going to take additional names of those who have not previously registered. We would like to have as many of you sign up with her as possible. Our only time constraint is that we have to leave here by twelve midnight. So, we will take no new speakers after quarter to twelve.

I don't believe Assemblywoman Totaro is here as of yet. We will take her when she comes. Also, before we start, we are privileged to have the Hudson

County Freeholder, Mr. Samuel Kaye.

S A M U E L K A Y E: First of all, I would like to welcome you to Hudson County. I know that you are asking for solutions to the problem, but it is very difficult to get solutions. I think one of the solutions is to keep dialogue between the public and the Legislature, so that we will all be familiar with problems that arise in this area. We know that you and Charlie Mays and the other Assemblywoman are working very diligently toward the solution of the problem, which we know is very difficult.

As long as we keep working at it, I am sure we will find an answer. Thank you very much.

ASSEMBLYMAN FLYNN: Thank you for your kindness in allowing us to use your quarters.

James Murphy, Superintendent, Bayonne Schools.

J A M E S M U R P H Y: Thank you, Assemblyman, for extending me the opportunity to come here this evening. I became aware of the hearing only a very short time ago while I was on vacation. They sent me the local newspaper, and I read the article in the paper, and had my secretary call in.

I do not have a prepared speech. My remarks tonight are my feelings concerning the situation as I see it based on my experience during the past fifteen years as a high school teacher in Bayonne, and as an elementary school principal in Bayonne, and now as the Superintendent of Schools for the past year. I have seen, over the period of fifteen years, a marked change in attitudes from the public and from parents and students. I think that the schools themselves are powerless to do very much unless we receive cooperation from parents, especially, and from various agencies. We feel that in talking to teachers--- We have these problems in Bayonne. We have had teachers - fortunately in only a few cases - who were hit by students. We have had students who have been arrested for drugs. And, we say this openly because we know this is a problem, not only in Bayonne, but in the communities across the State of New Jersey.

As far as the solutions are concerned, on one hand, the characteristics of these students seem to fall into some general categories. One thing which we find is that the home seems to be one of the determinant factors, as to the behavior of the child in school. Where you find an unhappy home, or a home in turmoil, we find that this is translated in the schools into disruptive behavior in students. Child abuse is another cause where we find that children who have been abused themselves become violent.

Our teachers, I feel, in the formal training that they have in college are not prepared in some cases to go into some of the situations which we asked them to. When I interview teachers, I ask them what preparation they have had in dealing with the disruptive student, or what they would do in a particular situation, and I find that many times they don't have an answer, and they say, "Well, I am sure I would learn." I know there is a State Commission on Teacher Preparation, and I do think that some attention should be given to in-service training for teachers while they are in college to prepare them to face some of these situations.

Once a teacher has a disruptive child, I feel in Bayonne, we have been successful, I believe, in working with our teachers, and training our teachers to cope with some of these problems. For example, tonight I know you are looking

for solutions. In Bayonne, we have a program which was funded as part of our desegregation program - in other words, our peer leadership program. Through this program we have been able to train teacher leaders in each school who, in some ways, become informal counselors with students. We have actually taken students in groups - seventh and eighth graders - and trained them as the leaders of the school, given them specialized training, by experts in this field. It is costly; it is being paid out of a federal grant in this particular case, due to the fact that Bayonne has an approved desegregation program, and we have been able to obtain a program such as this, because when we desegregated the schools in Bayonne, what happened was, it was thought that perhaps the children going from school to school, in some cases, wouldn't know each other, and it would be good to have human relations programs to help children get to know each other. This started it.

We found that it is viable in all the schools in the city and that it has a marked effect in decreasing vandalism in the schools where it is in effect, and the parents of the students seem very pleased, because what is happening is, if you can get to those upper elementary grade students, and you can teach them respect for authority, and if you can teach them to understand the feelings of other people, then they act differently. They then go down and work with the younger children, and it has the domino effect, as I call it, which has been very successful.

So, as far as solutions are concerned, one, the peer leadership program is one. I do not have a copy of the proposal. In fact, just recently, because I think it is very important, I sent it to the State Department of Education for their monthly newspaper-which goes to all the school districts in the State-"Interact" for consideration. And, I would be happy to send copies of it to you Assemblymen. It is the type of program which I can say is working in the schools. It is a positive approach. That is one thought.

The other thing is, I had a very difficult situation this year when I did have to deal in a disciplinary manner with disruptive students who were suspended from school. We did two things. Rather than suspend them from school, we kept them in school. We call it in-school suspension. Instead of releasing them to the streets where they get in more trouble during the day, and they are continually being brought in by the police, we keep them in school for a longer period of time than they ordinarily would be there, and we kept them up with their grades.

We had a couple of students that we felt we had to suspend from school, and one student in particular actually hit a teacher. It was very serious. Unfortunately, that student was out of school from December until Easter. We were at loggerheads, myself and the parents, because in looking at the record of the student, this student did not have a very bad record from a discipline standpoint until he reached the eighth grade. All of a sudden his marks took a nose dive, and from then on he was a failure. He failed the first three marking periods; he cut school twenty-five or thirty days; he was in all kinds of trouble. Honestly, we felt, to put the student back in school - and he was a fifteen year old - it would be very detrimental because of the fact that he had very little chance of finishing the year with a passing grade, and he seemed to be bent on getting in trouble. The parents of the child refused to let our child study team see the child. And, this is a problem which

I would like to bring to the attention of the Committee. Currently, if a parent does not want their child to be seen by the professional child study team in the school district, they can refuse. And, this can delay early help for a child. In a case of this child, a fifteen year old, we could see that putting him back into a regular classroom situation was not going to be the answer. The parents resisted. The school board by resolution suspended the child from school, which is their prerogative under law after thirty days, and for a period of three or four months we provided home instruction for the child.

Finally, when it became obvious that the parents were not going to allow the child to be seen, the board did agree to put the child back. The child wasn't in school more than two days, and then he was in trouble for the rest of the year every day. That child still hasn't received any help. I personally believe that the parents should have the final say as to where their child is placed. But, I do think it would be advantageous if there was some legislation that will at least compel the parent to allow the professional child study team employed by the school district to see that child, speak with the child, and try and find out what is troubling the child, and that recommendation, I think, would go a long way towards helping us in situations where you have a family. Some of these families, when they were growing up, if you said you were going to go and see the social worker and the psychologist, or the learning disability specialist it was considered a disgrace, and, therefore, they have been prejudiced against letting their child be seen by a child study team. The confidentiality of such testing naturally has to be assured. I believe the parents have to have the final say, but I do think that at least, being the child is in school, the parents should be compelled to allow the child to be seen by the child study team in the school district.

ASSEMBLYMAN FLYNN: Are you recommending that it be made compulsory, or that in the alternative the board could suspend the child until such time as the child study team would be given permission. Would you want to at least give the parents that option?

MR. MURPHY: In other words, the school board would suspend the child---

ASSEMBLYMAN FLYNN: You have the right to suspend, subject to the parents allowing the child study team to do their evaluation, rather than just compelling the child study team, because I think the parents should have the final say.

MR. MURPHY: I would go so far as to say that I told the parents of this child that the day they signed the papers saying they would allow their child to be seen I would allow the child to come back to school closely supervised while the testing was going forward, just to show that our main interest was seeing that this child got the best possible education. It is a situation which in many cases parents do cooperate, but it is unfortunate that some parents have this attitude, and therefore they do not realize they are preventing their child from receiving the help that they need.

ASSEMBLYMAN MAYS: In the days when violence is going up in the school system, you only had one incident of a student hitting a teacher?

MR. MURPHY: This year we had two instances in Bayonne. We have had a number of fights, and we have dealt with that through better security at the school, and we have also arrested a number of non-students trying to enter the school.

ASSEMBLYMAN MAYS: Do you think the student should be tried as a criminal for hitting a teacher?

MR. MURPHY: A fifteen year old tried as a criminal, no, I don't, not a fifteen year old. I think that a child of this nature who would go that far needs help, professional help, and I would take the positive effect and ask that the child first be seen by the child study team and given that type of help.

There is no magic age. You know, we say, "When you are fifteen, you can do this," and all of a sudden when you are sixteen, it is something magic. I think it has to be taken on an individual case basis. I wouldn't want to say at what age, but I think fifteen is too young. I think now that it is eighteen, as far as being an adult - I see no difference there. I think if you are seventeen or sixteen, that means that you are a junior, hopefully, in high school, and if you are a freshman, sophomore, or junior, I think they should be dealt with with a suspension, be seen by child study teams, but I do feel that they can be suspended from school, given home instruction, but prosecuting them as an adult is a different thing entirely.

ASSEMBLYMAN MAYS: You are saying suspension, and that should be uniform throughout the State; should it be a year's suspension; should the names be published in the paper, or what?

MR. MURPHY: I wouldn't publish the names in the paper. There are those who think that would be a deterrent. You understand my experience has been that the students and the families that you are dealing with, which are in turmoil to begin with, the fact that the youngest sibling's name is---

ASSEMBLYMAN MAYS: Is that true, that the family is in turmoil because they hit a teacher?

MR. MURPHY: No, not necessarily, but I find that many of the families that we have problems with the children in school, where there is destructive behavior, you will find at home a family in turmoil and other factors, divorce, separation, child abuse, and things of this nature, use of drugs.

ASSEMBLYMAN FLYNN: Staying with the question concerning assault in the school, there are actually two bills pending, one in the Senate and one in the Assembly which are strongly endorsed by the NJEA, and they would treat those youngsters who commit some kind of assaults in the school, on teachers, school personnel, or other students, as adult offenses. Basically, you are saying that you would not favor such a bill.

MR. MURPHY: I would favor compulsory suspension from school, compulsory professional help, that the child must be seen by appropriate child study team personnel. As far as prosecuting them as an adult eighteen, I don't think that in many cases a fifteen year old, a child who has emotional problems, or a socially mal-adjusted child, might not even be aware of what the severity is of what they are doing, especially if they come from an environment where violence is commonplace.

ASSEMBLYMAN FLYNN: All right, now you have mentioned two kinds of suspension, in-school suspension, and I suppose out-of-school suspension. Now, we have heard a lot of testimony both pro and con as to compulsory suspension. Those who feel it is good say you get the disruptive student out of school, and you have a better school and the rest of the student body is in good shape. Those who disagree say all you do is put the problem out on the streets and that

youngster then goes out and does something else, either to some senior citizen or goes and robs a store or does something else while he is out of school. So, basically the question is, what do you do with that youngster fifteen years old who is disruptive? Do we have some place within the system that we can handle this problem?

MR. MURPHY: I personally would do all I can to keep the student in school suspension. I can tell you our experience. It was the police department who originally came to us and asked us, please, you are releasing the students on to the street especially at a time when many families are at work and there is no one at home, and therefore two things are happening: They are congregating in the home of a parent without supervision, groups of students; they associate with students who already dropped out of school; and, thirdly, they have been caught breaking into homes that are vacant, and they are brought in and they say, "What are you doing, you are putting the students out on the street."

I have to protect my teachers, so they have a proper environment in which to teach, so our answer in Bayonne has been to institute what we call an in-school suspension program. The way that works is, every teacher has their regular teaching load, but volunteer teachers, usually, we hope are sensitive teachers, sensitive to the failings of students who are able to communicate in some ways with these students. We bring a new teacher in each period. We would never assign a teacher for a whole day with fifteen of these students. We never put more than fifteen students in the class. What we do for eight periods is bring in one teacher for each period, for eight periods, so every forty minutes, you might say, we bring in a new teacher. The students, though, immediately upon being assigned the Vice-Principal in their particular area of the high school, we have 2700 students in the high school, they send the work down, and the student is expected to follow out the work under close supervision. The teacher is responsible to make sure that the work is checked, and after serving the in-school suspension for a period of time, they are then sent back, after we have had a conference with the parent. The parent must come to school.

ASSEMBLYMAN FLYNN: All right, so that is your first line, more or less, of the rehabilitation. Failing that, then you put them out.

MR. MURPHY: Failing that, after having the conference with the parent, if they continually revert to their former mode of behavior, then at sixteen we have no choice but to sign them out, which we can do. And, at sixteen, they can drop out of school. So, at that point, we don't just let them go out, we might escort them over to the other office and try to convince them to go into our night school, so that they finish. Perhaps in that environment they can work during the day, and go to school at night.

ASSEMBLYMAN MAYS: What you are saying is you have a detention class for the kids that really act up in class?

MR. MURPHY: Well, it is a detention class in the sense that they are detained on their own for the entire day, but their assignments are sent to them by everyone of their teachers.

ASSEMBLYMAN MAYS: What about the teacher now? Let's take the role of the teacher, the teacher who gets hit by one of the students --- They will still be in school, not outside. Don't they feel threatened one way or another by the student in the school?

MR. MURPHY: The student never comes in contact with the other students or the teacher. First of all, they have to be brought to school a half hour before the rest of the students. That is part of the commitment the parent has to make in order for us to place the child in the in-school suspension. And, therefore they are in the building, in a room, and they stay there until noon time, and at noon time they are escorted in a small group to the cafeteria by the teacher where they sit and they eat and they return to the room for the rest of the day. I will tell you, it is not a very nice experience. It is not exactly a dungeon. It is a regular classroom, but what we are doing is, one, we are continuing the child's education. We are keeping him off the street, and they know what their classmates are doing, and most of the time the record has been that the majority of them do not want to go back there. They would much prefer to be suspended out of school, so happily most of these students are not repeat offenders. Those that are, unfortunately, we have to suspend out of school.

ASSEMBLYMAN FLYNN: We have also heard from many speakers throughout the state that in the academic high school setting we lose a lot of the youngsters who really don't have the academic background or academic goals. Are you geared in your system to have alternative educational curriculums for those youngsters who really are not motivated toward a college goal but more toward a vocational goal?

MR. MURPHY: Well, as you are aware, the legislation that has been passed is the gifted legislation, for example. That is for gifted children in the State of New Jersey. Every school should have that. We have taken that and gone a little further. We also have a criteria which we call "talented." And that might be a child that has a particular talent; it might be art; it might be music; it might be shop. And, what we do is we have these children placed, taken from the regular school, and they go into what we call our magnet school with the gifted students and now you are putting some potentially disruptive students who do not have an interest in regular school in the same school with very highly motivated students, and we find that they work very well together at certain times of the day, and at other times they go their separate ways.

Then, we take them from there and take them into Bayonne High School, but not as freshmen. Many of these students have not received their grammar school diploma, and they enter what is called the Bayonne Alternate School, and these are the students who have failed two or three years. They are more than two or three years behind in reading and math; they may be sixteen years old and they still might be in the sixth grade. Therefore, you can't leave them in the sixth grade when they are sixteen. At the same time, you can't put them in high school, because they don't have a grammar school diploma. So, our answer is, we have an alternate school program of about 80 students, and they are taken from all the schools in Bayonne into the high school. So, as a sixteen year old socially, they are going to the same building as the other sixteen year olds, but once they get there, they are under very strict supervision, very carefully selected teachers. In fact, several of them, including the director, happens to be our football coach, directs the program, and we find that they are able to get through to many of these students.

For example, this year of the 80 students, they were able to recommend I believe about 27 of them that had completed enough of their academic work to

recommend them to go to freshmen year at Bayonne High School, and once they become a freshman, they go right along in a carefully designed program. We are fortunate in Bayonne, as you may not be aware, we have our own vocational division of Bayonne High School, and we have over 700 students in the vocational division. So, we do have that thrust. In fact, under Chapter 74 we are expanding our vocational facilities, because in Bayonne only 42% of our students have gone on to college. That was two years ago, and therefore education being terminal for a majority of our students it is necessary that we expand our business department and our vocational division to find appropriate courses for these students, because it is terminal education for them.

ASSEMBLYMAN FLYNN: I want to thank you, Mr. Murphy. You have been very illuminating. Thanks for taking the time out to be here.

We have a large group here, I believe. Is that Reverend Soaries' group? Reverend, would you like to speak now? Our next speaker is the Reverend Buster Soaries from St. Paul's Church and the New Jersey Leadership Institute, and that is for Montclair and Essex County.

B U S T E R S O A R I E S: I would like to thank the Committee and the Chairman for allowing us to be heard tonight and for conducting this hearing in Jersey City. It has been brought to our attention that the hearings have been addressing juvenile justice around the State, and it certainly is a pleasure to have an opportunity to address a distinguished group such as this on such a critical matter in a city so critically affected by the question of juvenile crime and juvenile delinquency.

Furthermore, we would like to say that we have a number of young people with us, some of whom have had experiences; maybe you can listen to them. I think it is important that while we speak for the young, we should sometimes listen to young people. While we may discuss them in their absence, it is very important that we listen to them in their presence. There are a few young people here tonight who, I think, have had some experiences that would be very interesting to this Committee, which may document some of the philosophical and legislative and program concerns that we have as adults.

I would like to first call upon a young man who I am sure will not be embarrassed by my saying this, he is a young man that I met a few years ago when I was leaving my teens who stole a tape recorder from my office. As a result of his stealing the tape recorder from my office, we became very good friends. He has had a number of experiences since that time that I think he would like to tell you about as we begin to build a well-documented case for the position that we intend to take before the evening is over.

Mr. Thomas Underhill.

T H O M A S U N D E R H I L L: I would like to give you all a serious experience that I went through with Reverend Soaries, being a thief or a criminal at all. Like, one day I was on drugs, and this was in '73, and I wanted some drugs that day, so I didn't find no other way but to try to either get me some drugs by hurting somebody--- But, instead of me going like that, I went into his office, and I played a mind game with him, using the theory that I went there to get a job, but the only thing I went there for was to see if I could steal something. I found a tape in his office, so I took the tape. When I took the tape, nobody saw me or anything, but the next day, somebody told me that the

Reverend wanted to see me, so I went in to see him, and he asked me if I took his tape, and I was honest enough for some reason or another to tell him that I took the tape. So, from there, he found a way of maybe curing me from being on drugs right now, because I am no longer on any type of drugs. I have no use for them, and I have no feeling for wanting to have anything like that, because it was things that he said to me, and the way he went about trying to teach me how not to do certain things--- He didn't have to beat me, and he didn't have to whoop me, he just used words. He used examples of things that were effective to my mind to make me listen to him.

ASSEMBLYMAN FLYNN: How old are you now?

MR. UNDERHILL: Twenty-one.

ASSEMBLYMAN FLYNN: What kind of drugs were you on, hard drugs or marijuana?

MR. UNDERHILL: Narcotics. I was eleven when I started shooting drugs. I was sixteen when I got off.

ASSEMBLYMAN FLYNN: And through the Reverend's discussions with you you changed?

MR. UNDERHILL: Through my experience with him. For instance, he explained what he could, and what he could have done istell me he was going to get a job, and I could pay for the tape, and he was going to see that nothing happened to me, like getting locked up or anything. I straightened my act up because I figured, there is no place else to go but in the grave, being on drugs, you know.

ASSEMBLYMAN MAYS: He didn't talk down to you - he talked to you like a man, and that is why you respected him more?

MR. UNDERHILL: Well, everybody wouldn't do what he did. He has a certain format that he uses to do certain things, and they usually work.

ASSEMBLYMAN FLYNN: Do you have any suggestions to try to help others that are the same age you were when you were having that problem?

MR. UNDERHILL: Yes, sir.

ASSEMBLYMAN FLYNN: What could we do?

MR. UNDERHILL: Well, in the first place, locking them up is not going to get them anywhere. I would have to tell you, the way I have experienced things out here today, the only thing you could do to help them is not lock them up. You can give them a better experience than locking them up.

ASSEMBLYMAN FLYNN: Well, let's say you have a sixteen year old who takes somebody else's tape recorder, and you find out and you talk to him, and it doesn't work, and he takes somebody else's tape recorder a week later, and you talk to him again, and it doesn't work.

MR. UNDERHILL: You see, you have to show them that you are not playing either. You can't just tell them certain things. You have to make sure they are understanding this through their minds for real. You see, you can't really tell if a person is for real or not --- if he is on drugs or not. He couldn't really tell if I am for real or not. Just becuase I told him I stopped shooting drugs, that didn't mean nothing. I could have been snorting drugs.

ASSEMBLYMAN FLYNN: So, what you are saying is you need more effective people such as the Reverend to talk to youngsters.

MR. UNDERHILL: Yes, the data that he uses on people and the theory that he has is more format than putting the person in jail.

ASSEMBLYMAN MAYS: Tom, why did you tell him the truth the first time he asked you? You never sat down with him before, so why did you come out and say, "Yes, I did it." Was it a challenge, or what?

MR. UNDERHILL: It was this here, "I didn't want to tell him a lie."

ASSEMBLYMAN FLYNN: Tom, we want to thank you for coming here. I think it takes a lot of courage to come here and do what you did. (Applause)

REVEREND SOARIES: The next young man I would like to call upon is Howard Wilder. I think he will tell you some things about himself.

H O W A R D W I L D E R: Like Tom said, jail is like being out on the street. They play pool and games and everything else. They don't feel like they are locked up, because they can do everything you can do right here. They are going in there after they do something, and they say, it is not that bad, and they go out and do something else, and they are right back in there serving time.

They are not doing anything there that will help them straighten up, like giving them courses or things like that. They should have activities that will help them not want to go back. They think they are getting away with things through having activities. It is not as strict as being home--- Like, at home you get a beating, or something, so they won't keep coming back. Because, like, they think that what they are doing is funny, but it ain't funny. They have something wrong with them.

By knocking down some of that freedom inside the jails will help to knock out some of the crime on the street, with the little kids, you know, the juveniles.

ASSEMBLYMAN FLYNN: At what age do you think we should start these programs of prevention?

MR. WILDER: At the age of twelve. That is when most people go out and start stealing and everything else out on the street. They are like about eleven or twelve years old.

ASSEMBLYMAN FLYNN: Now, I take it that somewhere along the line you met the Reverend Soaries and you had rap sessions with him, and you more or less believe in him. Is that the way you straightened out?

MR. WILDER: Well, like, my father is a cop. He straightened me out a little bit after I went out and did things that I shouldn't have done.

ASSEMBLYMAN MAYS: What did you do, Howard?

MR. WILDER: I stole a car.

ASSEMBLYMAN MAYS: Well, facing the public out there now, with the high rate of juvenile crime going up, what would you suggest to the public? You said, "Don't put them in jail." And one said, "Take them out of school and put them in detention." And you are isolating these people, polarizing the good kids from the bad kids in school. How would you do this?

MR. WILDER: Well, you can restrict them, by taking all the games away that they can play on the street.

ASSEMBLYMAN FLYNN: In other words, you are saying jail is too easy; we should make jail a little harder.

MR. WILDER: They have everything in there that is out in the street, TV, pool, everything.

ASSEMBLYMAN FLYNN: So, it is not really something that anybody is afraid of; is that what you are saying?

MR. WILDER: Right.

ASSEMBLYMAN FLYNN: Now, there has been a lot of talk that we should have strong laws requiring the parents to pay a fine or a penalty if their youngster gets in trouble. How would you and your peer group relate to that? Would you be better if you knew that your actions would cost your parents money?

MR. WILDER: Most people wouldn't care, but, you know, I would. But, a lot of people out there are doing it because of their parents, because they can't sit down and talk to them and explain things.

ASSEMBLYMAN FLYNN: So, that would not be a deterrent to a large segment of the people that you know?

MR. WILDER: No, sir.

ASSEMBLYMAN MAYS: Howard, again, there are some bills in the hopper in the Assembly today saying that when a juvenile commits a crime, whatever age, his name should appear in the paper. Do you think this would increase the criminal rate or decrease the criminal rate?

MR. WILDER: I am not really sure about that, but, like most people who get their name in the paper--- Well, most of the colored folks' names are in the paper, but you don't see most other people's names in the paper. They just put most of the black people in the paper. They don't hardly put anybody else in there.

ASSEMBLYMAN MAYS: In other words, you are saying the media is attacking the blacks more so than the whites in the newspaper?

MR. WILDER: Yes.

ASSEMBLYMAN FLYNN: Is there anything else you would like to add, Howard, to what you told us?

MR. WILDER: No.

ASSEMBLYMAN FLYNN: Again, I want to congratulate you. It takes a lot of courage to come up and talk the way you have, and I appreciate it.  
(Applause)

REVEREND SOARIES: Now, for those who may be believers, I have not primed or tutored these young people, but I have simply given them the idea of the kind of discussion that has taken place and invited them to come along with me and speak for themselves. They have their own opinions and are taught to make their own conclusions based upon the presentation of facts. We do not brainwash. We try to brainstorm, but we don't brainwash. We try to even give them ideas which may not reflect our own, but which they need to know about to try to understand what kind of country or society we live in.

None of these statements have been rehearsed or prepared, and I have not heard this discussion ever before.

ASSEMBLYMAN FLYNN: Could you tell us a little bit about your program?

REVEREND SOARIES: Yes. I have two other speakers. There is a young lady here to speak, so we are not attacked by those sex enthusiasts, Lory Mitchell, who has also had some experiences she would like to tell you about. (Applause)

L O R Y M I T C H E L L: Good evening, ladies and gentlemen, I have never had the experience of being in a juvenile institution, or anything, but I have a younger brother who has been in an institution for stealing a car. Like, when he was in there he told me that all they did was play pool, play games, and sit in the cells and watch TV. I mean, if you are a juvenile, you have to have an

education. Everybody has the right to an education. I mean, if you have no education, then when they come out, what other choice do they have but to go back and steal something to make some money.

If they go to jail as a juvenile, and they come out and have no schooling, and they come out and they are eighteen years old, what are they going to do, nothing but steal and go to an institution for older people. Okay, in four years they will come out again, and they will have no other choice but to steal. If they go look for a job, they will look at their record, and they will see that it says they have been in a jail, and the first thing the man will say is, "I don't want him, because he has been to jail before. We don't want anybody causing any trouble or starting any problems."

ASSEMBLYMAN FLYNN: Without naming the place he was in, was it a State institution or county institution?

MS. MITCHELL: It was a county institution.

ASSEMBLYMAN FLYNN: And how long had he been there?

MS. MITCHELL: He was in there for five months.

ASSEMBLYMAN FLYNN: And that was after he had been found guilty? He wasn't there as a detention before trial, was he?

MS. MITCHELL: Yes, he was.

ASSEMBLYMAN FLYNN: He was there before, and then the five months was after or still before?

MS. MITCHELL: Well, he stayed there two weeks before his trial, and after that he was in for five months.

ASSEMBLYMAN FLYNN: And during that time, he did not get any formal education of any kind that you can recall?

MS. MITCHELL: Well, from what he told me, no, none at all besides playing pool. He knows how to play pool a little better, but he can't make any money playing pool, unless you are going to be a gambler or something and you can get killed like that, or you can get in a fight, and you will end up back in jail. Because, they think people like that start trouble any way.

ASSEMBLYMAN FLYNN: How old was he when he went into this institution?

MS. MITCHELL: Fifteen.

ASSEMBLYMAN FLYNN: How old is he now?

MS. MITCHELL: Sixteen.

ASSEMBLYMAN FLYNN: Has he changed any that you can determine in terms of working harder at school, or anything like that?

MS. MITCHELL: No, because he didn't have any hope when he was in there in the first place. He wouldn't have gone in there if someone would have listened to what he had to say, and what was on his mind, and what his problem was. He didn't steal the car because he wanted to go for a ride, because he don't know how to drive.

ASSEMBLYMAN FLYNN: Was that his first offense?

MS. MITCHELL: Yes, it was.

ASSEMBLYMAN MAYS: He was fifteen years of age. He never had any prior run-in with the law at all?

MS. MITCHELL: No, he didn't.

ASSEMBLYMAN MAYS: How was he in school?

MS. MITCHELL: I will say a "C" or "D." He is not too bright, but that

is because, well, he has problems. He has things on his mind. And, sometimes there is nobody to talk to.

I mean, you know, like, young people sometimes feel they can't talk to their parents.

ASSEMBLYMAN MAYS: What part of the State was this, which city, which county?

MS. MITCHELL: It is in Montclair.

ASSEMBLYMAN MAYS: And, he was not required to go to school while he was in the juvenile detention center?

MS. MITCHELL: No, he didn't go to school.

ASSEMBLYMAN MAYS: He was locked in a juvenile detention center?

MS. MITCHELL: Yes, he was.

ASSEMBLYMAN MAYS: And, he was not required to go to school?

MS. MITCHELL: No, he wasn't.

ASSEMBLYMAN MAYS: Don't you think there should be a bill requiring anybody committed to an institution to go to school?

MS. MITCHELL: Of course I think that should be, because of the fact that if someone locks you up and gives you no chance for any type of education, well, what do you expect? That is what other people would like to say, "Well, he is dumb. He is stupid. He is ignorant; that is where he belongs, in jail." Well, that is not right. If you give people equal opportunity for education, then they might do what they are supposed to do. And, if you give them some kind of help and listen to the problems they have---

But, they didn't listen to the problems he had. They asked him questions. If he didn't answer the questions---

ASSEMBLYMAN FLYNN: Who is "they"?

MS. MITCHELL: I don't know who he was talking to, you know, because like he told me he talked to a couple of different people and, like, they asked him questions like, "Why did he steal the car," or "Was it an emergency, or just for fun, or was it to make the other guys think he was big," I mean, those are not questions you are supposed to ask. Aren't you supposed to ask questions like, "Well, what is the problem," or "Do you have any difficulties at home or in school, or dealing with other people."

ASSEMBLYMAN MAYS: Can I ask you a question, was anybody hurt? Was the car damaged?

MS. MITCHELL: No, the car wasn't damaged.

ASSEMBLYMAN MAYS: There was no personal damage to anyone?

MS. MITCHELL: No, none whatsoever.

ASSEMBLYMAN MAYS: Were your parents called in by the police?

MS. MITCHELL: Yes, they were, after he was arrested and whatever. I mean, they put handcuffs on him, and it was like he had killed somebody or robbed a bank.

ASSEMBLYMAN MAYS: Thank you.

ASSEMBLYMAN FLYNN: I want to thank you for sharing your experience with us. (Applause)

REVEREND SOARIES: Our final speaker will be Mr. Willie Kerey.

W I L L I E K E R E Y: First of all, I would like to say I am not very good at public speaking, but I will do my best. There is one question I would like to

ask you. I heard you say a few minutes ago about the fining of a parent. Well, I believe that would be a double standard between rich and poor communities. I feel as though if a black youth is picked up and his bail is above the family's head, and a white youth is picked up on the same charge, and his family may be able to get him out, but the black youth will have to wait until his hearing or his trial. I don't believe that is right.

Also, I would like to say that in view of the fines, the fines may tend to be a little bit too high, especially for black youths and black families in black communities. I don't feel as though that is going to accomplish anything because institutions basically are just schools for corruption. A black youth will go in for maybe stealing something out of a candy store, but yet he meets murderers, or people in there for much more serious crimes. I don't believe that institutions help that at all, but just make things worse.

The fine part is--- It seems obsolete. It seems as though there is a double standard.

ASSEMBLYMAN FLYNN: All right, how about the idea of community service? In other words, there are different remedies which have been suggested, one is fines, and you do point out that a rich family would be able to meet the fine very easily and a poor family wouldn't. So, you have a good point there.

Another theory is, require the youngster to put in so many hours of community service. For example, they can do work around the school, or around the hospital, or around the roads, things like that, and that way both the rich youngster and the poor youngster have the same number of hours they have to do work. What do you think of that idea?

MR. KEREY: That idea sounds very nice, if it was implemented on a fair basis. But, it has to be that way.

ASSEMBLYMAN FLYNN: Do you know any youngsters, I guess you do, who have actually been to either the county institutions or the State jails?

MR. KEREY: Yes, I do. I know a couple.

ASSEMBLYMAN FLYNN: From their experiences, you are indicating to us that they came out worse than when they went in?

MR. KEREY: They came out a little bit worse, but with a little more knowledge.

ASSEMBLYMAN FLYNN: They came out a little bit smarter in terms of how to get away with something the second time, the same thing they got caught for first time.

MR. KEREY: Right.

ASSEMBLYMAN MAYS: Are we talking about a juvenile institution or are we talking about---

MR. KEREY: We are talking about juvenile institutions also. A point of fact, I know a brother who went in for a minor offense, such as disorderly conduct, all right. Disorderly conduct, and the parents were not willing to get him out. When he went in, he was passed through a couple of institutions and he came back out and he did something a little worse. Now he is in jail, period, because he is a little older now. But he is in jail now.

ASSEMBLYMAN MAYS: Why wouldn't his parents get him out?

MR. KEREY: Well, I guess they could not communicate. I guess they would not listen to him.

ASSEMBLYMAN MAYS: So, what you are saying is, if you lock him up, you can shut him up?

MR. KEREY: Most likely. They take for granted--- The press like to infer that a criminal is wrong, I mean wrong without looking at the immediate circumstances of what may provoke that crime.

ASSEMBLYMAN FLYNN: Do you think that drugs play a major role in juvenile crime today?

MR. KEREY: Yes, it is not the major role, but it is a major role.

ASSEMBLYMAN FLYNN: What other components do you think play a major role besides drugs?

MR. KEREY: Hunger, maybe.

ASSEMBLYMAN FLYNN: What do you mean by that?

MR. KEREY: Maybe they thirst to be a little better situated in the system than they are now.

ASSEMBLYMAN FLYNN: Well, when someone sees someone having some of the finer things, they want to have those finer things also.

MR. KEREY: Yes, and not having the education or the leeway or the connections to get to those finer things.

ASSEMBLYMAN FLYNN: What kind of drugs are a major or one of the components for juvenile crime? Is it marijuana or is it more serious drugs?

MR. KEREY: More serious drugs. Marijuana is not worth committing crimes over.

ASSEMBLYMAN FLYNN: And, is that because the price is lower?

MR. KEREY: And it is more readily available, and it is not physically addictive. Physically addictive drugs make you want to commit crime to keep you from being sick.

ASSEMBLYMAN MAYS: I heard all four of you speak, and you are all saying that juveniles should not go to institutions.

MR. KEREY: No, I am not saying they should not be in an institution; I am saying they should be in an institution that is productive, that is going to help them.

ASSEMBLYMAN MAYS: And you are saying that we should also draw up a bill attacking the institution and make them better in terms of when the person comes out, he is a much better person.

MR. KEREY: Make rehabilitation what it is supposed to be, yes.

ASSEMBLYMAN FLYNN: One last question. Now, all of you who have spoken, and probably numerous other youngsters who are here with the Reverend must have a great respect and love for the Reverend. If you can, maybe summarize his secret? (Laughter)

MR. KEREY: Well, if I was to summarize, his secret would be to listen and understand without drawing any conclusions before all the facts are in.

ASSEMBLYMAN FLYNN: In other words, communication, he can listen to you.

MR. KEREY: He can listen to me, and he can communicate to all people on all levels.

ASSEMBLYMAN FLYNN: What I am trying to find out is if we can emulate the Reverend and get a lot of people like this, we may have a solution. Thank you.

MR. KEREY: Thank you. (Applause)

ASSEMBLYMAN FLYNN: Reverend.

REVEREND SOARIES: You are asking questions which can only be answered by youth, so I will call on Reginald Blue. I can't cover these problems in my speech.

R E G I N A L D B L U E: I have not committed any crime, but I have been associated with people who do commit crimes. The Reverend doesn't try to influence you one way or another, just expose you and help you make a reasonable decision.

The things that I think would help is the schools should teach about civics, the constitution and specific laws about youth, rather than dealing with who the Presidents are. Like, they should teach you about your rights as a citizens. Like, they should tell you who you can go to if you have problems. The Reverend exposes you to what is going on in this society.

ASSEMBLYMAN MAYS: In your school, what is the number one problem, drinking or drugs?

MR. BLUE: I would say they go hand in hand.

ASSEMBLYMAN MAYS: How do you feel about the drinking age being raised to nineteen?

MR. BLUE: I feel that at eighteen--- I am not affected by it, but I feel you don't have to be nineteen to have it available. I can get drink from a nineteen year old. At the age of eighteen, you are considered to be a man in society; you should be able to make decisions. I also think that youth should have some kind of say as to what happens.

ASSEMBLYMAN MAYS: Are you saying that at eighteen you have the right to get married, start credit, and everything else; you can fight in a war for your country, but you can't drink.

MR. BLUE: Right.

ASSEMBLYMAN FLYNN: Thank you. We would like to hear from you, Reverend Soaries.

B U S T E R S O A R I E S: As you said in the introduction, I am the Pastor of the St. Paul's Seventh Day Christian Church, and I am the President of the New Jersey Leadership Institute. The New Jersey Leadership Institute is two years old, and has sponsored activities around the State of New Jersey primarily to expose young people to things that they may not be traditionally exposed to.

Secondly, it exists to train young people in areas that other institutions have never trained them in, areas like leadership development, areas like life skills.

Thirdly, we have been involved in activities which are advocacy activities speaking for our young people, particularly those who, because of their income and their race or their situation, are incapable of speaking for themselves.

I have never run a program. I have never been directly involved in a program that is "an anti-crime" program. I have never worked in a program that has been funded by LEAA. I have never been directly involved in an institutional way in any organized approach to deal with juvenile delinquency.

However, I graduated from high school in 1969, and since that time I have used my youthfulness and my exposure to the world to try to impart information to young people that would give them a chance to make decisions that they may not

have been in a position to make without that information. I travel around the country, and my primary vocation is during speaking engagements around the country, I have spoken in over 100 public schools around the country in the last eighteen months. And, so, as a result of that work, as a result of our thrust to help young people help themselves, and as a result of our advocacy role, and our training relationship to young people, it is mandatory that we at this time begin to focus on the question of juvenile delinquency, because that question cannot be segregated from the educational issues and the political issues, and economic issues that we have to face as a community or as a nation, and that I certainly have to face as a minister being concerned about the total man.

As I see it, based on my relationship with individuals that are called children and youth, I believe that juvenile crime is perhaps one of the most serious problems in our nation. And, it is a major problem because the major institutions which are responsible to design and shape the minds of young people are failing. The schools are failing to provide meaningful education. The family is failing to provide the cohesive feeling that it used to. The church is failing to provide the moral leadership and value training. The communications are failing to provide substantive images, and the economic institutions are failing to provide the economic means to survive.

And, as a result of that failure, we find young people trapped in those institutions with no options. A child cannot choose what family he belongs to. A child cannot choose what school he goes to. A child cannot choose what church he belongs to. A child cannot choose what is on television. So, we find young penetrable minds trapped in institutions over which they have no control, and from which they have no option. So, we find that juvenile crime is actually a response to the failure of those institutions, more than a statement of the fact that young people are unable to conform to the laws of society.

A crime as I learned it when I was a child means that you deviate from what society has deemed acceptable. The major question, I think, that we have come to raise tonight, and perhaps to offer some opinions about, is when we look at someone who deviates from the norm who is a criminal, he breaks the law, and the question is, is that person then written off as a person who is unwilling or unable to in fact subscribe and conform to society, and therefore, only fit for punishment, or, is that person a person who possesses possibility, and that possibility then becomes the basis for an attempt to address that person's deviation, thereby beginning a process of what we call rehabilitation or correction. But, of course, assuming that the individual had possibilities. Our young people are victims of failing institutions. And, therefore, we find the legislation that is now becoming very popular around this nation, to make young people adults at fourteen and fifteen, to fine young people money that if they had, they would have probably not committed the crimes in the first place.

To look at young people like these boys here and say, if you make a mistake then we have written you off from society, we see those as efforts to blame the victim for being the victim, as opposed to blaming the criminal for actually victimizing the victim. When I speak to young people in schools in closed settings, most of my time is spent discussing pride. Most of my time is spent discussing self-respect. Most of my time is spent trying to deter them from drugs and from sex, and from the other superficial types of activities that have

penetrated and become part of the youth culture - as much as I see young ladies thirteen and fourteen having babies, as much as I see young boys ten and eleven years old shooting drugs, as much as I see teenagers committing even acts of violence against themselves.

I refuse to get caught in the trap of blaming them, the victims, for being the criminals because they are not responsible totally for what they are. Sociologists say that the problem with raising children is that they insist on imitating adults. When we look at children we can see images of ourselves. There is inconsistency which some of our young people referred to when the Watergate criminals go to jail, they go to country clubs, compared to what young people go to for stealing candy in candy stores. There is an inconsistency and an incompatibility between the punishment that a child receives for doing something bad and the punishment that an adult receives for doing something criminal. So, we find in our community, particularly in the black community, 45% to 65% unemployment rates among teenagers.

How long can you tell a young person that in order to be somebody you have to dress a certain way? In order to be somebody you have to drive a certain kind of car, or in order to be somebody you have to have a certain kind of girlfriend that has hair at a certain length, smells a certain fragrance and deny that same person the means to gain substance to become that somebody. When the frustration level goes up, then people will steal before they will starve. We find in communities across this state many people are stealing rather than starving.

We also find that the large proportion of young people both black and white that are incarcerated cannot read. They are reading three and four and five grade levels below their normal level. When you cannot read, your options are reduced; when you cannot read, your ability to decide becomes cut off because you don't even have access to information that will make it necessary to decide. When you cannot read, people won't listen to you because you don't really have much to talk about. When a young person cannot read, it is not his fault..

If the young people in the State of New Jersey could read at a competent level, then we think the T & E concept would not be a familiar phrase to all of us.

So, they are the products of miseducation, but punished because they can't read and therefore get involved in other types of activity. Race certainly has a lot to do with the plight that we find ourselves in, because we are 10% of the population in New Jersey, and over 75% of the incarcerated population. Studies have shown that when the middle class young person in the suburbs of Essex County is arrested, oftentimes he never even gets to the police station, and if he does get to the police station, oftentimes he never gets to the judge, and if he does, oftentimes he never gets to the youth house. You show me an Essex County Youth House, and I will show you a population on the inside that reflects a very, very narrow geographical perimeter on the outside. Essex County is 30% black, and the Essex County Youth House is about 90% black, with the rest being Puerto Ricans and just a few whites.

White children from Short Hills, from Livingston, and even from Montclair where I live, are not sent to the youth house at the same rate that black children are, even after they are convicted of crimes. And, so what do we

tell black children? Do we tell them that you should do all of what the Constitution says you should do because you have all of the rights the Constitution says you have? We can't really do that. If we have to teach young people their responsibilities on one side, we also have to teach them their rights on the other side, and when a young person is locked up, refused bail, not given their rights, refused counsel, incarcerated, injected with drugs and beaten all before they go to court, then we realize that racism and that punishment and that cruel and unusual treatment is still rampant, not only in this nation but even in the town that I live in, Montclair, New Jersey, and that is why we have to come to people like yourselves who have the power and hopefully the sense to listen to reason and deal with it, acting on the future, and not reacting to what appeared to be the past.

A question is raised by perhaps some of you here, "Is it our fault that people are poor? Should we pay the price? Should we pay the price for children not getting a good education in Newark, and therefore, we are afraid to walk the streets?" That is usually the question that I am faced with when I travel around and speak. "Is it our fault that people are hungry? Is it our fault? Are we expected, as taxpayers in America, to bear the brunt of racism and slavery and capitalism and poverty and inflation and unemployment? But, if I attempt to raise that question, then I give credence to the question. The question is not, "Is it our fault," but the question is, "Is it our responsibility, and what are our options?"

As we look at the various options, one obviously is incarceration. Anyone who has had a proximity to jails knows that jails make criminals. You don't need studies; you don't need graphic pictures or charts. If you go to jail today, within a week to ten days, if you are a male, chances are, number one, you will come out a faggot; number two, you will come out an expert witness and a participant; and, number three, you will come out almost knowing when you will return. Trenton Prison, Annandale, Yardville, you name it, and jails produce crime, not reduce crime. And, that is the dilemma that we are facing around this country. So, for us to talk about incarceration, as we know it, is a joke.

When these young people stand up and say that sending them to jail is not the answer, they are saying, sending them to the existing facilities that are called jails is not the answer. Certainly, we are not going to condone people beating up on senior citizens, and just roaming the streets free to beat up more. We are not going to condone a society that is without rules, without structures, and without discipline. Certainly, we are also not going to condone a society that puts a sixteen year old boy in jail knowing that two years later the only thing he can be guaranteed is that a hardened professional criminal will be produced who doesn't care what happens to him after that. We can't condone that either.

So, we see incarceration as it is presently known as unacceptable. Can we kill them? Can we kill everybody? People may smirk and laugh, but there have been incidents historically around the world - and some of us have a closer sensitivity to it than others - where large groups of people become intolerable to those in power, and those in power make decisions that say, let's just get rid of them and commit genocide. That obviously is not a humane Judeo-Christian option. Certainly, restitution is something that should be considered, but restitution as it is presently known, again, is something that is a way for those

who understand there is restitution. If you don't know you have the option, then you certainly can't use it.

We say that rehabilitation is cheaper than incarceration, meaning structured, measureable, professional programs. How can you have professional programs when the way you get the job at the youth house is when your cousin is a county committeeman and he bought five tickets to the sheriff's ball, and the sheriff, because he likes your cousin likes you, and you got the job, not because of your sensitivity to young people, not because of your ability to relate to the problem, but you and I, Mr. Chairman, both know that the average institution designed to rehabilitate young people is possessed, and is incorporated with political appointees, and from top to bottom people get jobs not based on what they know, but who they know - and they could care less about the kids. As long as we have politically controlled and manipulated institutions, we will have functional morons working behind those desks called counselors, called social workers, called directors, called wardens, when in fact we know they are there as political plums to produce votes in the next election.

Incarceration is cheaper. Last year I believe we spent about \$8 million in this state for incarceration. We spend about \$3 million on JINS. JINS, I believe, is a step in the right direction in terms of having a humanistic approach to dealing with young people, because they are in fact people. This young man is not wrong; he is not educated, but his heart is a heart, and his lungs are lungs; his mind is a mind, which makes him a person. Who are we to become so arrogant that we reduce our children to less than people by treating them less than human.

Our procedures that we are using today are not only more expensive, but it costs more to send a person to jail than it does to Harvard. Which means, if we could invest about 50% of the money that it costs to send them to jail and send them to a program as profound as Harvard, then we can begin to discern their needs and develop their potential. The present juvenile justice system in New Jersey is barbaric, uncivilized, inhumane, and is contrary to the Judeo-Christian ethic. A young lady in New Jersey, according to Kenneth Wharton who wrote, "Weeping in the Playtime of Others," ran away from home, and she was retarded and she spent seven years in jail. I know someone who committed first degree murder and spent two and a half years in jail, an adult.

So, that brings me to the point, how can we say that the answer for the kids is to try them with the adults. That would make one assume that the panacea of justice is the adult justice system. The panacea for justice, obviously, is not the adult justice system, and so if the adult courts could not deal with adults fairly, then how can they deal with children fairly? Obviously, that is a reaction, and an emotional one, to a situation that people have not looked beyond the surface about. How can we say that fining young people is the answer when admitting that they have done what they have done to get money to get what they want?

We cannot become so emotional that we simply react to the problem. Non-rehabilitative punishment does not work. We are punishing people for what they have done, rather than rehabilitating them to becoming what they ought to be. When you send a fifteen year old to a youth house or to a Jamesburg, or to an Annandale, and give them doses of drugs everyday without parental knowledge or

consent. That is not rehabilitation, that is punishment. You are turning that child into an animal, and we will reap what we sow. When you don't provide a child with an education, what better setting is there to teach a young person how to read? You can take an average seventeen year old who hasn't even graduated from high school and send him to Fort Dix, and in eight weeks he can become an expert killer. He can take apart an M-16; he can fire five or six different kinds of handguns. I am saying if the Army and the Navy and the Marines can train mediocre students who are dropouts to become professional killers in eight weeks, then jails are to become centers of learning and teach our children how to read, write and count in eight months. (Applause)

There are no special services in jail, or in Jamesburg. There is a special room which is nothing more than solitary confinement, and they dress it up with glowing terms and make it look like they are receiving major psychiatric treatment. They make it look like it is a homespun type of remedy, the old home approach. When you look at the average Jamesburg or Annandale of this State, the children are drugged, intimidated, and basically are put there, and they become hardened criminals, and each time they come back on the street you can see it. They come back and they look harder. They come back six months later, and they look harder, and finally they come back and they write you a letter from Trenton State Prison saying, I need some letters. I would like to go straight, but it is too late then. We are building a society which basically we will inherit a few years from now. And I am saying, if you take this child and put him in jail, unless you kill this child in the electric chair by capital punishment, he is going to get out of jail one day. If he is sentenced to thirty years in jail, he will be thirty-nine when he gets out. If he is sentenced to fifty years in jail, he will probably be paroled in ten years, and he will hit the streets again, and at that time, the person that he really hurts then is not victimized by him, but is victimized by the jail that created him.

So, I think we know a lot about what we shouldn't do. There is a bill, A-667 that says transfer young people to adult courts. What does it matter what court you are in if you never see your lawyer until ten minutes before your trial? What does it matter? The average child does not see his lawyer until ten to twenty minutes before he sees the judge. What are his options, to plead guilty of what they accuse them of, or plead guilty of a lesser crime? He can't plead innocent because the judge can't prove it. He can't have any witnesses because he didn't know to bring them. He can't be out on the streets doing research and contacting eyewitnesses because children don't have bail. That law will, in some people's minds, get young criminals off the street, but what it will in fact do, especially for those of you who are here to advocate this, is speed up the process of training professional criminals, and it will reduce the number of years that you will have to wait before you have to come face to face potentially with someone who has been hardened at an earlier age by an atrocious institution. Parents should be charged for the crimes that their children commit. If the parents can afford the fine, they could have afforded to give their child the kind of attention, and love and the kind of options that child needed. There are some parents that just can't get along with their children. There are some parents that abuse their children, which means that we don't solve the problem by aggravating the problem. We solve the problem with an approach towards

counseling, towards community support, towards an integrated effort to deal with the family crisis. A judge cannot solve a family problem. A preacher cannot solve a family problem. A legislator cannot solve a family problem. A counselor cannot solve a family problem, and a school can't alone, but together the judge and the preacher and the counselor and the social agency together collectively perhaps can create a meaningful climate for family problems to be solved. How can we - when gas costs \$1 - ask people to give up money that they don't have anyhow to pay for something they didn't do, and if they don't pay it, then what happens to the parent, do we send them to jail too? If they can't afford the fine, can we send the parent to jail? If we send the child to jail, the little money we lose because we didn't get the fine, we have to spend because now how do we deal with the parent? If it is against the law not to pay the fine, we have to impose another law for them. What is the punishment for that? Do they go to jail? Do they get drugs? And, we begin to have an endless cycle, that if the parent refused to pay, and if the police refuse to prosecute, do we look for corruption?

The point is, we should not add to these factors, but we should cut through it. I say that charging parents for a mistake that young people have made, in facilities, I would rather bring parents and children together in a meaningful, structured approach towards self-help, towards self-respect, and towards basic academic skills, rather than charging the parents for the young person's stay in Annandale.

There is another bill, A-1239, which says parents should pay for the destruction caused by their children. What happens when parents can't pay again? Some children obviously come from parents who cannot afford to pay for certain things and we begin to create a climate of approval, because the young people know that all that will happen is the parents who can afford to pay will pay their little fee, and so we give tacit approval to the fine and we just aggravate the problem of urban crime.

What do we want, based on what we do? Again, we don't deal directly with the prisons. We are not funded to do it. We do as much as we can. We don't deal directly with the prisoners. What do we want? Number one, we want alternative programs to incarceration. This State is a peculiar State. It would rather ship young people out of the State than spend one-third of that money to fund programs in this State. We see it in education, and we see it in incarceration. New Jersey would rather ship kids to Philadelphia and Idaho and Hot Springs, Arkansas than to spend less money, but yet deal with their problems in this State. There is a program in Irvington right now about to die - one of the few programs that exist to deal with the average young person on the street, because the State is about to cut their funds.

So, as the Assembly Judiciary Committee, or a subcommittee of that committee, I think perhaps you may need to raise some questions that pertain to Community Affairs funding, that pertain to the Department of Education funding, that pertain to the facilitating of federal grants to State agencies so that operations can exist that deal with the day-to-day needs of the same young people that the reactionaries are afraid of. I think that restitution ought to be looked at, and there are times when restitution can be a meaningful experience as you have witnessed through some of my work.

But, who determines what kind of restitution is fair cannot simply be left to the courts, because if the courts had the answer we wouldn't be having these hearings. If anybody had already constructed an answer, we would not all be here tonight looking for the answer. And, since nobody has the answer, let's not give anybody the kind of power that would presuppose that they had the answer. If we give the judge and the courts the right to determine the acts of restitution, then we are presupposing that they have the contacts, and the resources, and the relationships, that, if they had them, we wouldn't be in the bind we are in right now.

Every facility that incarcerates young people in New Jersey ought to be temporarily closed down, as soon as your Committee can muster enough votes to do it. If educators, and ministers, and political leaders and parents and young people and others are to come together to construct programs that are meaningful and that can run the measureable results in those institutions--- I am funded right now for \$147,000 by the Department of Labor through the CETA program, and every now and then monitors come by to find out how I am doing, and they ask me questions like, "After your training, do the young people find jobs?" They want to know that. "After your training, are young people more capable of conducting interviews?" They want to know that. Every federal and state and local program that I have ever witnessed is subject to some kind of scrutiny and test. The question is, "Is recidivism, or the rate of recidivism an indication that young people are in fact not able to be rehabilitated, or is the rate of recidivism an "F" on the report card of every juvenile institution in this State? If we were to measure the success of the institutions that incarcerate our young people based on the rate of return, then every institution would fail because they come back as quick as they go out, which means that I along with others am prepared to call for an immediate suspension of the operations of every juvenile facility in this State and a total overhaul conducted by the Legislature to see to it that they are educational, psychiatric, psychological and health programs in each one of those facilities, so that a young person coming out of a Jamesburg can use it as a credential and not as a blackball.

Finally, we cannot continue mixing young people who are basically minor offenders with all the people who have been convicted of violent crimes, because the young people in that environment, number one, are abused, and, number two, they emulate all the people who are negative.

In conclusion I would like to say that in Newark we have a project called "Project Pride" with which I am affiliated, which is an anti-vandalism program in the public schools, and in New York City I have been involved with a project called "Respect Yourself," where we went to the public schools to make attempts to help the school system cut down on violence and vandalism. There are some colleagues of mine who work for operation "Push" that promotes the program "Push for Excellence," and I have worked with Jesse Jackson for three years traveling around the country encouraging young people to promote academic excellence, and we should continue collectively to construct prevention programs so that we can deal with the cause, and not the effect. I believe that most of the legislation that you are considering now and most of the proposals that community groups have structured are responding to a crisis in a reactionary fashion. But, don't you know that exposure to this experience tonight to fifty young people who would have never dreamt it was happening before has a tendency to regenerate and has a ripple effect

around the community, but every time you save one life, you save ten, because that one is able to save more. But, if we continue to wait until the senior citizen is mugged to deal with the question, then not only will we not help the child but obviously, we will not help the person who was mugged.

We are going to begin an effort to coalesce with other groups to get young people into a position to speak for themselves, because, I think, finally, most of us have missed the boat. Most Board of Education members have never spoken to students. Most judges who speak to young people from behind the bench have not talked to many beyond their own family - on the other side of the bench. I think, Mr. Flynn, and the other members of your Committee and the Assembly and the Senate and the Governor, you and I and others who are in a position to deliberate as adults over the future of young people should spend much more time talking to them, much more time listening to them, and they may not know what Roberts' Rules are, but you can believe and bet your bottom dollar that they know how jive jail is, and they can tell you as clearly as anybody with a Ph. D. in juvenile justice.

One of my staff people told me a story about a young man who was drowning in the river. A person was walking along, and he decided that he would jump in the river and save that boy. He saved the boy, and he came out, and they were drying off, and he spotted another young man drowning in the river. The same man jumped in and saved him, and then he saw two people drowning in the river. He jumped in and somebody else jumped in and saved the other person. And, before long, a crowd had gathered because by the time somebody was saved from the river, some more people would pop up, looking to be saved, and more people would come to save them, until there was a mass movement of people on the shore jumping in the river to save the people who were drowning. And, the original man who jumped in to save the original boy looked around to see who the players were, and he realized that the original boy he had saved was not participating in saving others. And he said to that boy, "How could you witness this, with the knowledge that the only reason you were saved is because I saved you, how could you not jump in and help some other people." And, the young boy started running down the street, and the people began looking at him mighty funny, and he said, "How is it that after you were saved, you are not willing to save these people. You see them popping up all the time. How could you not jump in and at least try to save somebody?" The young man looked back, and he was still running down the street, and he said, "While you people are jumping in the river to save the folks, I am going down to see who is pushing them off the boat." (Applause)

ASSEMBLYMAN FLYNN: I thank you, Reverend, you have been very articulate. Certainly, your message is a very strong one, and I only hope that we have the wherewithal to even approach some of your suggestions. As you know, money is a problem, and we will do the best we can to bring the message back that programs such as yours get to the root cause, rather than try to strike at the crime after it is committed.

I want to thank you for bringing your youngsters here. You are welcome to stay as long as you want to.

Our next speaker is Assemblywoman Rosemarie Totaro from Morris County.

R O S E M A R I E T O T A R O: Assemblyman Flynn, Assemblyman Mays, I am sorry I wasn't here at the beginning, but we had an energy tour today about the

recycling plants we have in New Jersey. I am a very compassionate person, and I care about our young people, but I also care about the crime problem we have in the State, and perhaps my bill is one of those harsh bills that have been introduced, but, quite truthfully, there has been such an escalation of juvenile crime in this State that it recalls something in the early 1970's, you know, that movie Clockwork Orange, it brought to the screen Anthony Burgess' version of the future. It was a nightmare. It was not a nightmare of nuclear disaster, environmental destruction, or even conventional warfare. It was a nightmare in which society was terrorized by its own youth, by a crime-oriented gang speaking their own language, fearing no one, not their parents nor other adults and not the law. And, sometimes it is easy for us to believe that we are headed for such a society.

The statistics involving juvenile crime are staggering. The facts are disturbing. Arrests of juveniles have risen 283% in this State since 1960. Juveniles commit from 40% to 50% of our crimes. Half of these crimes are committed by youngsters fourteen years old or younger. These figures must stir us to action, just as the President of the NJEA spoke and called for a moral crusade to halt crime in the schools. We need a moral crusade to halt the crime that exists in this State. I can't testify as an expert. I have asked Prosecutor Humphrey to come because I thought he has a better understanding of the laws throughout our country and perhaps what we can do to modify ours or to strengthen them. And, I will leave for the Committee the review of the piece of legislation A-3498, which I introduced. It is a modified version of the Washington State statute. It is a stronger measure, and I don't say we have to address it in total, but I think we have to look at some of the concepts. I think we went over them tonight. The bill does call for stricter punishment of juvenile criminals and holds youth accountable for their offenses against society.

The proposed bill would provide for immediate fingerprinting and photographing of serious --- That is something that is stipulated in the bill, that there are distinctions. There are crimes and then there are vicious attacks and serious offenses. It would also provide for transfer to the adult criminal courts for some cases, and again not all, and not all to be judged equally, but in certain instances, the viciousness of the crime does warrant a different treatment.

Punishment will be commensurate with the age, the crime and the criminal history of the juvenile offender. This will be a fundamental shift from the *parens patriae* doctrine, the one we talked about today where the parent is responsible, to one more consistent with the traditional criminal justice system. This law would also require the offender to make restitution to the victim for a property loss. Again, we discussed community service, but we do have crime victims. We cannot let that go without notice - or perhaps it will be for some type of expenses incurred for medical treatment or lost wages that results from the personal injury.

If the Judiciary Committee feels that this legislation is worthy or can be amended, I hope that it will be a step in the right direction. Otherwise, I did introduce an Assembly Joint Resolution 3014 which creates a Commission known as the Juvenile Justice Study Commission. It has ten members which include legislative representatives, citizens, the Attorney General or his designee, the

Chief Justice's designee, a representative from the Prosecutor's Association, and the Public Advocate. This team of talented people perhaps can spend a concentrated time on addressing our problems and looking at the present programs we have.

All I ask is that action be taken. Our procrastination means that every day a woman, a man, whether they are young or old, is being assaulted or robbed or living in fear. What also compounds the problem is the nature of the victims. Traditionally and tragically it has often been our senior citizens who fall prey to the crime of all crimes. Though they comprise only 15% of the State population, they are the victims of 22% of the armed robberies, and 25% of the purse snatchings.

If, as Legislators, we cannot provide a safe environment for the people of this State, we are failing. I hope that you will set this as a priority. I have, again, asked Prosecutor Humphrey if he will address some of the technical questions that you do have. I think our Watchdog Committee should perhaps look into our prison system, particularly the programs that we do have for our young people. This is definitely an action that can be taken by us, and within a very short time. I think we owe it to our children, too, to make sure that our educational system is perhaps instilling in them some values, values of what belongs to other people and what belongs to them, and that as many of us find, with a good education and motivated goals, you can attain it, that it is not necessary to harm someone else.

ASSEMBLYMAN MAYS: What would you describe by "serious crime?" You mentioned a serious crime for fingerprinting.

ASSEMBLYWOMAN TOTARO: It would be a very malicious assault.

ASSEMBLYMAN MAYS: Can you give me an example?

ASSEMBLYWOMAN TOTARO: A knifing.

ASSEMBLYMAN MAYS: A mugging?

ASSEMBLYWOMAN TOTARO: Depending upon the extent of the mugging.

ASSEMBLYMAN MAYS: Now, say the person is fourteen years of age. When he would reach the age of eighteen, should his record be expunged, or what?

ASSEMBLYWOMAN TOTARO: I guess it would depend upon the rehabilitation. The bill tends to --- If Prosecutor Humphrey is here, he can address that.

ASSEMBLYMAN FLYNN: Why don't you join her at the podium, Prosecutor, and then the two of you can answer questions.

ASSEMBLYWOMAN TOTARO: I think he could perhaps address it, because it was at the crime hearing that we had in December that this legislation was brought forward. Would you like to address the type of crimes, or anything like that, to answer, Assemblyman Mays?

MR. HUMPHREY: I believe the Washington statute does provide for limited fingerprinting but with a good deal of confidentiality involved, and where there are serious crimes, serious crimes are defined in the statute. I think you would probably agree with most of the definitions. I don't have them off the top of my head. But, they would certainly include the crimes of violence, breaking and entering of a dwelling house and so forth.

ASSEMBLYMAN FLYNN: Perhaps one or both of you could address the problem raised by the Reverend Soaries, a very cogent problem, and that is, wealthier people would be affected in one way by a fine or a restitution requirement than poor people. Would your bill have the ingredients so that the court could deal with the person before him in a meaningful way?

ASSEMBLYWOMAN TOTARO: I think it spells out in there that when they call for restitution they basically talked about the young person making restitution, perhaps to a community service, or some type of job assignment. I didn't see it as any type of monetary fine in the legislation. Perhaps I was remiss.

ASSEMBLYMAN FLYNN: I have one that would include restitution. They do require financial restitution, and they do require financial reimbursement, but the ones that I have seen limit it to the means of the person. So, that restitution for someone of limited means would not be the same as restitution for someone of more affluent means.

ASSEMBLYWOMAN TOTARO: I think they can be put to some gainful employment where actually the monies can be derived to give back restitution.

MR. HUMPHREY: We have established a community service program in Passaic County, and the rules of the Supreme Court were revised this year expressly give the courts the power to impose community service as part of the sentencing program.

ASSEMBLYMAN FLYNN: Has that been working well?

MR. HUMPHREY: Well, we just started them about six months ago.

ASSEMBLYMAN FLYNN: I see, so you haven't documented as yet the results.

MR. HUMPHREY: That is correct.

ASSEMBLYMAN FLYNN: We would be interested in knowing as soon as you have some documentation as to how it worked, what you did, and what the rate of recidivism was for those that went through this community service program.

ASSEMBLYMAN MAYS: Did you have any correspondence with law officials in the State of Washington on the subject of paying back people who have been harmed?

MR. HUMPHREY: I have had some correspondence over the last year or so with respect to the statute as a whole. The statute does far more than provide for restitution. It contains a major reform and reorganization of the whole juvenile approach.

ASSEMBLYMAN MAYS: Yes, but could you write on that, and get correspondence back on that so that we can make a judgement in our Committee? We would like to see how it has affected people in all segments of the population.

ASSEMBLYWOMAN TOTARO: What I am saying is I would like to see this legislation, add, address, modified to meet New Jersey's needs. It perhaps is a step that we need.

Thank you. I think Prosecutor Humphreys would like to make some additional comments.

B U R L I V E S H U M P H R E Y S: I have somewhat more of a balance, perhaps, in my background than many prosecutors. In the early sixties I was a Deputy Attorney General in charge of major criminal prosecutions. But, also in the fifties and the sixties, I was very active in civil rights work, civil liberties work, and I have been a member of the NAACP for twenty-five years, the Civil Liberties Union for twenty-five years, and I try to take a balanced approach.

My comments may seem somewhat harsh, because frankly I am disgusted with the juvenile justice system as it works in our State. I think it is important to point out that what I am primarily concerned with is the way the system works or the way it does not work with the hardened offender, the recidivist, the chronic offender.

I think it is also important that we bear in mind that when we are

talking about serious juvenile crime, muggings, repeated acts of violence, repeated acts of burglary of dwelling houses, not the minor offenses, the one or two times a youngster may get in trouble. We are talking about a serious offense and serious offenders. We are still, thank God, talking about a very, very small percentage of people, a very small percentage of juveniles.

One of the most famous studies ever done was by a series of sociologists in Philadelphia on 10,000 youngsters, and it was found that of those 10,000 youngsters by Professor Wolfgang, only some 6% committed five or more offenses before becoming eighteen years of age. But, of those 6% out of 10,000 they accounted for more than one-half of all of the recorded crime. So that 6% of the youngsters out of 10,000 were committing one-half of all the recorded crimes and two-thirds of all violent crime, and by the time they were thirty, that 6% had accounted for more than three-fourths of all the crimes committed by the whole 10,000.

With all that, the fact that we are dealing with a small group of people, we are not dealing with them very well at all. Crime has doubled and perhaps tripled in the last several decades. And, juvenile crime has more than kept pace. It is very difficult to get accurate figures on juvenile crime, because the whole juvenile justice system is shrouded in secrecy. But, we do know that almost 50% of all arrests in the State of New Jersey and throughout the United States are of juveniles. We also know that the peak age for violent crimes with respect to arrests, are 16 and 17, followed rapidly by 18 and 19.

And, we know, as we look around at unsafe homes, and unsafe streets, and unsafe parks, that we are not doing a very good job with respect to that hardened offender, recidivist offender, chronic offender. Why aren't we doing well? What has gone wrong? Where have we failed, and what should we be doing right?

Oliver Wendell Holmes, one of our greatest judges, once said that "To understand the law, a page of history is worth a pound of logic," and I think that is the same with every institution. So, let's begin with a little history lesson. In 1898 the first juvenile court was established in Cook County, Illinois. This was to be a court for children. It was based on the concept that there was no such thing as a juvenile criminal, that there was no such thing as a juvenile crime, that a youngster could not attain the minimal intent to be a criminal. And, we must separate the young person from the adult criminal.

Rehabilitation was to be the goal; punishment and deterrence, the things to be downgraded, and perhaps not even considered at all. The judge was to be a father figure. The doctrine of *parens patriae* was established, which is, the State becomes a substitute father and the judge takes on the position of a kindly, friendly person who attempts to guide the youngster, to help the youngster, to assist the youngster, and to hopefully rehabilitate the youngster. This spread all over the country, and soon juvenile courts were established everywhere in the United States.

The next major change occurred in the sixties. The case of *In Re: Gaul*, in the United States Supreme Court in which the United States Supreme Court took a look at the juvenile justice system and said, we don't like it because we don't think it is fair to the juvenile. We think the juvenile has lost some of his Constitutional rights, and he ought to have at least some of the constitutional

rights of an adult. Our late Chief Justice Weintraub was a severe critic of that decision, and he wrote in a very memorable opinion that this opinion gave the juvenile offender the best of both possible worlds. He was to be treated as a youngster and at the same time he was to have all the constitutional rights of an adult. And, Chief Justice Weintraub said, this is going to make a very, very, very big mess. He said, if you were a father, and you are supposed to be a father and your youngster appears before you and he is charged with some offense, what do you do? The first thing you do is find out whether he did hit. You find out the facts. You try to get the truth. But, under the theory of the Gaul decision, you are supposed to take the problem as if you are a judge in an adult court. You are supposed to say to the youngster who appears before you, the father now before you say anything you have the right to remain silent. You have a right to a lawyer. You have a right to take the Fifth Amendment and so forth and so on. Well, Chief Justice Weintraub was a very good prophet. It didn't work, and it hasn't worked, at least for the hardened, chronic recidivist offender.

Not only I say so, but many people who have had direct experience say so. One of the most penetrating analyses I have ever seen of the juvenile justice system was by Simeon Gollar. Simeon Gollar is a well-known black leader in this country. He is the former head of the New York Civil Rights Commission, an educator. He is a very intelligent man. He became a judge of the family court in the City of New York. A year or two ago he resigned, and he resigned, he said, because of utter frustration, absolute frustration. He said, "I cannot remain part of a system in which people come before me who commit the most abhorrent, the most hideous crimes, unspeakable crimes, and I know that very little is going to be done about it. Very little is going to be done about them, and ultimately and fairly soon those people are going to be let loose to do the same thing over and over again."

When I became Prosecutor in Passaic County four years ago, I took a look at our juvenile justice system in Passaic County, and I was appalled, just as Simeon Gollar was appalled. We had at that time one judge. We had one assistant prosecutor, and we had one public defender handling over 5,000 juvenile cases a year. Obviously, the result is pathetic. How could one judge, one assistant prosecutor, and one public defender handle over 5,000 juvenile cases a year?

There was a simple assembly line. People rarely went away, no matter what the offense was, and if they were, the average stay was three to four months at that time.

In fact, I think in the summer of '74 Chief Justice Hughes announced because of overcrowding in the juvenile institutions nobody should be sent away, no matter what the offense was with respect to a juvenile. Well, we have made quite a few improvements since then, I think, in our juvenile justice system in Passaic County. We now have two judges full time; we have every judge in the courthouse handling a portion of the juvenile calendar as an additional assignment. We have a current calendar in juvenile court. We have four assistant prosecutors, two investigators, a clerical staff, an office, and we think we are making some sense out of the system. When I took office, I found that everything went right to the court. The Prosecutor was a person who shouldn't get too close to the juvenile system - it wasn't for the prosecutor, it was for the social worker, the

case worker, and for the judge, but, stay away, Mr. Prosecutor. Our one assistant prosecutor got the file the morning of the trial. He had to go over and ask the clerk of the court for the file because they had the file, not our office. We have now established a system where we get the police report, and we give a copy to the court. We have the file, and we begin making decisions.

We have a juvenile intake system which takes about 45% of our juvenile cases - relatively minor cases - and sends them back into the community, into the juvenile justice conference committees and so forth. Our assistant prosecutors now review every one of those cases, and if we don't agree that that youngster ought to go back - if we think this is a chronic case, or a chronic individual, or a very serious offense, then we ask for a hearing, and we get it.

We have had situations where a youngster goes into the shelter and goes out of the shelter the next day, and goes back into the shelter and out of the shelter, and into the shelter, and out of the shelter. We had one youngster before he got to trial who committed sixteen separate offenses. We have taken care of that too. Now we have a program where every time a youngster is sent to the center, we have a hearing on that and our office appears, and if we think he ought to be sent there, we insist that he be sent there, and before he can be released there has to be a hearing and our office appears, and if we don't think he ought to be released, we appear and we object.

You might say, has this done any good? Have there been any results? Well, bear in mind that almost 50% of all arrests are of juveniles. Bear in mind the peak age for a violent crime is sixteen and seventeen. When I took office, Passaic County was second in crime among the seven major counties. Today we are last. In the last two years, we are the only county that I know of that has had a significant crime reduction. The others have stayed still or gone up. Our crime reduction has been 15% in two years. The city of Paterson, the third largest city in the State, and the city, I assure you, that has all of the urban problems of every other city, prejudice, decaying houses, high unemployment, ghettos, led all major cities, all 172 major cities, in crime reduction in the first six months of 1978. And, for the whole year they ended up fifth.

ASSEMBLYMAN MAYS: Why?

MR. HUMPHREYS: Just a minute. First you will hear the results and then I will give you the reasons why I think the results came about. Violent crime went down even further. We have had a violent crime reduction of close to 25% to 30% in the last two years. Our robbery rate, if it continues at the same pace, will be the lowest its been since the sixties. Our speaker's panel, when they go out among the people, and they do regularly, we are told, there are less muggings on our block and there are less B & E's on our block, and a little more safety and a little more tranquility. But, we have a long way to go. I don't want to give you the impression that there is no crime in Passaic County. We have a long, long, long way to go. But, we like the way we have been going, down, while everybody else seems to be going up.

Unofficial figures show that this year you will have a crime rate in this state which will be unprecedented. Some people estimate that the rate of increase will be close to 15% and others close to 20%. So far we are holding the line in Passaic County. Our increase, if any, is up 3% in crime overall and down about 3% or 4% in violent crime.

Now, you want to know why. Well, we have a crime reduction program. That itself, I think, is an achievement, because many people, sociologists, case workers, FBI, state police, prosecutors, everybody will be glad to tell you that there is very little that law enforcement can do about crime. They will tell you that crime consists of sociological conditions, and it results from poverty and from broken homes and results from violence on TV, and it results from drugs and it results from a million things, and, of course, the corollary to that is, we can't do anything about crime until we do anything about these million things.

But, I don't doubt that crime is caused in many respects by many of these factors, but I have never been one to think that one should sit by and watch and say you can't do anything. My father used to say the word "can't" is not in the English dictionary. I think you can do a great deal if you put your mind to it. So, we have come out bluntly and said, we have a crime reduction program, which means we will have egg all over our face if crime doesn't go down, but so far we have been successful. We have patterned it after what we like to call the three "c's." The three "c's" are capture, convict and confine. We had some studies made, and the studies in our county indicate the same thing that Professor Wolfgang found in Philadelphia back in 1945, that most crime is committed by the same person over and over and over and over again. If you can capture that person, and if you can convict that person, and if you can confine that person for a significant period of time, we are going to reduce the crime rate. So, we worked on the police departments to improve their operations. We had both our major police departments studied by the New Jersey Police Training Commission. Our office took an active role. I meet once a month with the heads of those police departments trying to activate them to get them moving. They have a lot of morale problems too. They say, we break our butts, find this guy, and we throw him in jail, and what happens, the next week we see him out again, so why should we do it again?

Our convict program is to try cases, to try twice as many cases. We try twice as many cases in proportion to our population than any other prosecutor's office. We have the second highest conviction rate in the State. We don't plea bargain out petty cases. We try them, and we go to trial and we try to convict. We also believe in incarceration for serious offenders and serious crimes. Here, the Reverend and I may disagree, but we do believe in incarceration. We do have, and I am not proud about this, more people in our State institutions from Passaic County than any other county proportionate to our population, both juvenile institutions and penal institutions. It has a great deal of a deterrent effect, incarceration. It doesn't give me any satisfaction to send a young man away, because I agree with the Reverend, when we sent that young man away, when he comes back he will be a better criminal. But, sometimes I sleep a little easier at night because I say to myself because we have a reputation in Passaic County in the last few years of sending muggers and purse snatchers away, maybe we have deterred a few other youngsters from becoming muggers and purse snatchers. Maybe we have.

Now, the juvenile program is obviously an important part of this entire capture, convict and confine program. The confine program, as we work hard with the parole board trying to keep the serious offender in - which is the most difficult and perhaps the most unsatisfying part of our program---

ASSEMBLYMAN FLYNN: You are talking about adults now, aren't you?

MR. HUMPHREYS: No, I am talking about juveniles, too. The State of Washington, as part of its Juvenile Justice Act which it passed several years ago, started a program called the Juvenile Chronic Offender Act, in which the chronic juvenile offender was targeted, so to speak, and he was prosecuted expeditiously, and he was incarcerated, and we tried the same thing a year and a half ago in our county. What we do is we encourage the police departments when they send in the police report, if they think that youngster is a chronic career-type youngster, they attach a pink slip, and on that pink slip they indicate why they think that youngster should be put in the Juvenile Chronic Offender Program. We review it, and we try to take a balanced approach. This sounds like a very harsh and unsympathetic program. I realize it sounds this way, but I try to administer some compassion and some sense of justice. The head of our juvenile section was the first assistant public offender in our county and the present head of our juvenile section was a leading attorney with the public offender's office for many years.

When we get that pink slip, we review it. If we think the police are correct, we check our criteria, and we have a certain criteria which is so many arrests or so many convictions for so many types of serious crimes. If the youngster fits in that, there is a special calendar, and his case is heard almost immediately. As soon as his defense counsel is ready to go, we are ready to go. Our conviction rate for those type of youngsters is about 95%, and the incarceration rate is about 80%.

ASSEMBLYMAN FLYNN: If all of the prosecutors followed your program, we wouldn't have enough room, would we?

MR. HUMPHREYS: I have long been an advocate for more jails, yes.

ASSEMBLYMAN FLYNN: So, what you are saying, then, is the legislature should get more jails.

MR. HUMPHREYS: I think we need more institutions. I don't mean necessarily more large Trenton State type prisons, perhaps, more medium security institutions.

ASSEMBLYMAN MAYS: More Trenton State prisons?

MR. HUMPHREYS: I said not necessarily more large penal type institutions, but medium, or less medium type security institutions.

ASSEMBLYMAN FLYNN: This would be both for adults as well as juveniles?

MR. HUMPHREYS: Yes. I quite agree with the Reverend in that Jamesburg and Annandale are very poor examples of rehabilitative institutions. They don't rehabilitate. Skillman does a pretty good job for twelve and under.

ASSEMBLYMAN MAYS: You heard the young kids testify a few moments ago. And, they hit on the racial problem with blacks. Are the statistics right when they say that in the State institutions and the juvenile homes we have 60% to 80% blacks in jail. Are we to say that the blacks are the ones committing 80% of the crimes?

MR. HUMPHREYS: In our county, I would say from my own observation probably 50% to 60% of the adults and juveniles that we see before us are black or Hispanic.

ASSEMBLYMAN MAYS: Doesn't that tell us something?

MR. HUMPHREYS: Well, sir, I am satisfied that in our county we don't

have unequal application of the laws. I also believe in jail for white collar criminals and I carry it out. I prosecuted more lawyers and accountants probably than any other prosecutor in the past four years, and professional people. I believe very strongly in equal justice.

I don't think you can take a young man who is a professional street mugger and put him away for years and have a lawyer or a doctor or an accountant who commits a serious crime and have him walk the street. I don't believe that. I think we have equal application of the laws in Passaic County. In the State as a whole, I am not sure, but I think if you will check in your black community you will find - black people I have talked to, and I speak quite often at the NAACP meetings - that there is a great deal of crime within the black community.

ASSEMBLYMAN MAYS: I am just saying, from the inmates I talked to in Trenton State and Rahway Prison, they feel that the judge and the prosecutors and the policemen are directly against them. They don't know their needs--- They treat them different from any other person who commits a crime. If a kid gets caught with a marijuana cigarette, and he is a black kid, he goes to jail. If it is a white kid in the suburbs, he is reprimanded and sent home to his parents.

MR. HUMPHREYS: That doesn't happen in Passaic County, sir. When I took office, we had no black assistant prosecutors, no women assistant prosecutors, and very few black investigators. And, now, we have black investigators, and I am in the affirmative action program, and I try very hard, and I think by and large our office succeeds in being colored-blind.

I approve many, many plea bargains, and I have never in four years asked the color of the person who is plea bargaining.

ASSEMBLYMAN MAYS: I am not doubting that. I am not questioning that. You said that your crime rate in Passaic County has not risen in the last two years---

MR. HUMPHREYS: In the last two years it has significantly dropped.

ASSEMBLYMAN MAYS: And yet you said before a lot of your people from Passaic County are in institutions because you have given them longer sentences. That is what you believe in.

MR. HUMPHREYS: Yes, sir, for the chronic, serious criminal.

ASSEMBLYMAN MAYS: And the repeater.

MR. HUMPHREYS: That is what I am talking about, the chronic, the repeater. I am not talking about the first time up. I am not talking about the youngster who can be rehabilitated. I am not talking about the minor offender or the minor offense. In fact, we de-emphasize minor offenses in our county. I have an official office policy - we are not interested in Friday night poker games, and we are not interested in the marijuana possession case. We are not interested in a couple of kids at a party who spread a few joints around. I am interested as a parent, and I am interested as a public official, because I don't think marijuana is any good, but I don't believe in sending youngsters to jail for that type of offense. I am interested in muggings; I am interested in serious B & E's over and over again, in dwelling houses; I am interested in murder and larceny. Those type of offenses by repeated chronic offenders must be dealt with harshly if we are able to somehow restore this country with a sense of tranquility and peace that it had in the fifties when you could walk the streets at night.

ASSEMBLYMAN MAYS: But with an equal hand.

MR. HUMPHREYS: Absolutely.

ASSEMBLYMAN FLYNN: Prosecutor, there are several bills pending in the Legislature which would treat juveniles committing certain types of offenses as adults and have them tried as adults. Do you have a position on that concept?

MR. HUMPHREYS: Well, we have a waiver statute in effect in New Jersey which permits a judge at the present time under present law to take any youngster fourteen years of age or over who had committed an extremely serious crime that the judge feels cannot be rehabilitated before the age of twenty-one, the judge after a hearing upon a review of all the facts, if the evidence is clear and convincing, he may remand that youngster and have him treated as an adult.

Now, I think the bills you refer to probably go to reducing, somewhat, the burden of proof and permitting this procedure to be used more often, because we do have this procedure.

ASSEMBLYMAN FLYNN: Also, one bill addresses the problem of chronic offenders who are not necessarily violent crime offenders. For example, if a person commits three or four B & E's, burglaries, that sort of thing, they don't come under the aegis of the violent crime definition.

MR. HUMPHREYS: I would like to see the particular bill in question before commenting on it. I am not too dissatisfied, frankly, with our present system. The only part I don't like is the judge must make a finding that the youngster cannot be rehabilitated before age twenty-one within the juvenile justice system. I think that is a mistake. It never got changed when the age went from twenty-one to eighteen. I don't know how I as the judge with a sixteen year old before me who has committed a whole series of heinous offenses, and the psychological report comes back that this person is a psychopathic personality and should certainly not be allowed out on the street, and I know if I treat him as a juvenile he will get out in eight months, which is the average term for an intermediate, eight months - in fact, it is really the maximum term; rarely does anybody spend more than eight months - and I as the juvenile judge know that that youngster should be away for longer than eight months, but that is all I can do in the juvenile system. I can't waive him as an adult unless I find he cannot be rehabilitated before age twenty-one, five years from now. I am not a magician. I can't prophesy that. I would like to have that changed.

But, the rest of the waiver statute, as we presently have it, I am reasonably satisfied with. It is a very serious matter to have a juvenile treated as an adult. He is thrown in with adult prisoners. He gets the adult treatment---

ASSEMBLYMAN FLYNN: Well, none of the bills would do that. They wouldn't put them in with adult prisoners.

MR. HUMPHREYS: Yes, but it happens. The youngsters that are waived up when they go down to Trenton State Prison and so forth, they try to keep them out, but it is not so easy as sometimes they are put in with adult prisoners, so, I would like to take a look at the particular bill and see how much it relaxes the present requirements.

ASSEMBLYMAN FLYNN: Reverend, did you have something to say?

REVEREND SOARIES: The Prosecutor made reference to something that in my opinion needs to be cleared up on the record.

ASSEMBLYMAN FLYNN: I will give you an opportunity to speak as soon as he is finished.

MR. HUMPHREYS: I am just about finished. If I can summarize---

ASSEMBLYMAN FLYNN: I have a question for you before you summarize. Your opening remark was that you are disgusted with the juvenile justice system in this state.

MR. HUMPHREYS: Yes.

ASSEMBLYMAN FLYNN: And yet you---

MR. HUMPHREYS: Well, let's put it this way: I think I said I was disgusted four years ago when I took office and I took a look at how it operated then. I think we have made some improvement since then.

ASSEMBLYMAN FLYNN: What I am trying to drive at is, it isn't the system so much as the people in charge of the system. When you apparently got into the system and made some changes you apparently have had some success working within that system, and what I would like to know is, are there any further changes that we as Legislators who create the system can do to make your job a better job and more productive?

MR. HUMPHREYS: Yes, I think there are at least three major things you can do. One is, I would like to see some version of the Washington Juvenile Justice Act become law in New Jersey. I think it is time for a major overhaul of juvenile justice in New Jersey. The Washington statute, for example, abolishes the *parens patriae* doctrine with respect to serious offenders. It contains language such as punishment, accountability, responsibility, and it provides for more serious treatment for serious offenders. At the present time all we have are indeterminate sentences. You have that youngster that I described that you know should not be out on the street. You have to give him an indeterminate sentence, and in eight months he is out.

You have another youngster who you think for some reason or another ought to go away, but it is not that serious, and it shouldn't be for that long a period of time, and you decide to put him away for a relatively minor offense. He also goes away for eight months, and he is also out in eight months. That is not fair to the youngster and that is not fair to the public. There ought to be, in certain cases, determinate sentences, rather than the present system of all indeterminate sentences, and the Washington statute provides that. The Washington statute lists some of the secrecy around the juvenile courts. I believe it provides for fingerprinting under limited circumstances, under careful controls; there should be some photography under limited circumstances, under certain controls; there should be some disclosure of names, and so forth.

I think the whole statute ought to be studied and it ought to be given priority attention. I don't know that it ought to be listed in full and just made a part of New Jersey law, because I know some of my fellow prosecutors object to that. They feel that the statute provides too many formal due process requirements and we will all get bogged down in just too much procedure. The statute ought to be studied. Assemblywoman Totaro has done a great public service, I think, in putting this bill in. I think it is up to the Legislature to move quickly on it. That is number one.

Number two, I would like to see a meaningful parental liability act in this State. Now I am not talking about fining parents, because I think that

would probably be unconstitutional. I am talking about a meaningful parental liability act. Ohio has such an act. Seven other states have such an act. And, in five of those states, I believe, the courts have upheld the constitutionality of the statute. The statute provides for the victim of a crime to be able to sue the parents of the offender and to obtain a judgement up to a certain amount - and in Ohio it is \$2,000 plus counsel fees and costs, and some of the other states are about \$3,000 - regardless of parental negligence.

Now, the problem with most of our prior parental liability statutes are you have to prove the parents are negligent. Who can prove the parents are negligent? But, under this bill, in Ohio and some of the other states, if there is an offense, if there is damage, and the juvenile committed it, then there is absolute liability on the parents up to a limited amount, and the constitutionality has been upheld because the purpose of the statute in Ohio and some of the other states has been held not only to give recompense to the victim, but to act as a deterrent to juvenile crime. I can give you the citations of those cases, if you are interested in them.

There are three or four bills in the Legislature at the present time, for parental liability, and all of them, frankly, I think have deficiencies. They all talk about negligence. Senator Graves from our county intends to submit a bill which we have helped him to design, and I think you will find that this bill will be much more effective if it is ever passed.

ASSEMBLYMAN FLYNN: Haven't the courts struck down in this State bills that did not define negligence and create some burden of proof on the parental party?

MR. HUMPHREYS: Yes, but the court struck those laws down. One that was struck down was an ordinance, not a statute and it was struck down because they felt that to provide for absolute liability for a victim just to compensate a victim alone was unconstitutional, because there were insufficient standards. But, the five or six decisions in other states upholding the other bills have upheld them against that argument on the grounds that in these other statutes it was stated expressly that one of the purposes is to deter juvenile crime, and the courts have held that it is within the public policy of the legislature to provide absolute liability, in a moderate amount, to deter crime - under the oleo margerine theory, under the environmental cases where you provide that a company may be fined, or something, up to \$1,000 or \$2,000 regardless of negligence for the purpose of deterring violation of the law.

So, I think it is constitutional.

ASSEMBLYMAN FLYNN: Well, we have heard some good arguments tonight, though, from some of the youngsters themselves that many of the youngsters who are getting in trouble are doing it despite their parents, rather than because they listen to their parents.

MR. HUMPHREYS: Parents are important. Let me give you an example. One of the most serious problems we have is truancy. Our juvenile judge once told me that in five years of being a juvenile judge he never saw a serious juvenile delinquent without also seeing a truant.

And, moreover, whenever he saw signs of truancy he saw an impending problem, and pretty soon he got that problem right in his lap. Now, how do you solve truancy? Well, our office tries to be somewhat innovative, and we get into

a lot of things. People say we get into things that are not any of our business, but we get into them anyway.

I have been trying to work with the schools in our county on the truancy. The City of Passaic is a City of typical urban problems like the City of Paterson, and we worked with them a year and a half, two years ago, because their truancy rate was getting close to 40% or 50% on any given day. And we devised a program which they put in, and they advised us that last year they knocked their truancy rate to half, and the truancy program has a number of factors. I don't want to take too long. One thing we do is, we have the police get in and help. Unmarked police cars help the truant officer pick the youngsters up. We have an alert system where the local merchants - if they see a youngster in a store - have a phone number to call, and they call that number and immediately the truant officer goes out and helps pick up the kid.

We have a lot of things, but we have one thing I would like to call the welfare connection. We have a system whereby if a youngster is truant for a significant period of time, you get in touch with the welfare department. The welfare department sends a case worker out, and the case worker talks to the parent, and points out that if this youngster continues to be a truant, there is a possibility the youngster might be taken away, put in a foster home, and the welfare check might be stopped or reduced, and we found that is very significant. Quite often the youngster appears in school the very next day.

ASSEMBLYMAN MAYS: Suppose they are not on welfare?

MR. HUMPHREYS: Well, we find that many of the truants are.

ASSEMBLYMAN MAYS: You know, when you sue the parents for liability--- Suppose it is a broken home and one parent lives in Georgia and one lives in Newark, what happens in that case? Who gets sued, both of them?

MR. HUMPHREYS: We are talking about a suit by the victim against the parent. As a practical matter, if the parent doesn't have any money, the victim is not going to sue. You are going to find that the parental liability statute is going to be most effective in Short Hills, where a youngster goes out and does a lot of vandalism, and the wealthy parents then get sued.

ASSEMBLYMAN MAYS: My question had to do with a youngster who comes from a broken home. They may not be poor or on welfare, but one lady is out there struggling, making \$5,000 a year, but her husband is rich - or a divorced husband is down in Georgia making a lot of money. Do you go to Georgia and sue them?

MR. HUMPHREYS: Well, the victim would probably sue in New Jersey, get a judgement and go down to Georgia and try to collect it. That is the normal civil procedure. But, I think you will find that the parental liability statute will have more effect against vandalism in the suburbs, because it will provide the wealthy parent who doesn't take care of their kids with a big, fat judgement against them.

ASSEMBLYMAN MAYS: The drinking age is nineteen now, if the Governor signs it into law. There are two kids, one seventeen and one eighteen who get caught with a bottle of liquor. One gets tried as a juvenile, and the eighteen year old gets tried as an adult. Now, it seems like an adult cannot drink. What is the situation there?

MR. HUMPHREYS: As a practical matter, I don't even think it is an indictable offense. I don't recall seeing any indictment for drinking for a

long, long while. I am talking about---

ASSEMBLYMAN FLYNN: It may not be an indictable offense, but it is a disorderly person. What was your third prong?

MR. HUMPHREYS: I think the Legislature ought to get more involved in the schools. Now, we worked with the City of Passaic and Paterson on a school program. I have to admit it is not original. There was a judge down in Florida who sentenced a sixteen year old boy to die in the electric chair about three years ago, and at the same time, I think he said, "I think the schools bear a heavy responsibility for the failure of our juvenile system." And, I was much struck by what he said. I started looking at our own school systems and I found that we really don't have any effective courses in our schools with respect to criminal justice. We have a few B. S. civics courses, and that is about it. You don't have any courses which teach responsibility to others, the importance of private property, and the importance of respecting others, and your own self respect as the Reverend mentioned. We need, it seems to me, a determined effort by our school system to start teaching basic courses in citizenship. I think, again, and this may be the prosecutor side of me coming out, that there ought to be a healthy amount of deterrence.

We put this to the Passaic Board of Education a couple of years ago and they agreed with us, and they assigned six teachers to come to our Prosecutor's Office, and last fall those six teachers all that fall stayed in our Prosecutor's Office, everyday, and they studied our system of juvenile justice, the adult system, and they then designed with the assistance of our office a program which is being put into effect this September in the City of Passaic Public Schools, a program based on ideas of deterrence. For example, as part of the program the youngsters will be brought to the courthouse - not to go into the Surrogate's Office to discuss wills and probate, but they are brought over on sentencing day. If you have ever been before a judge on sentencing day, and the wailing and the knocking of teeth, and the fainting and all the other problems that occur on sentencing day, I have an idea when those youngsters leave, maybe they will think it is not so smart to become a professional criminal after they see what happens on sentencing day.

We would like to bring those youngsters into the juvenile justice system and let them see sentencing day in the juvenile court, and have a trip down to Trenton State Prison, or go see the jails. I don't think it is really in any way bad or improper to bring home to a young person the consequences of his action. That is what we are talking about, the consequences of his actions.

We have mandatory legislation in this State requiring schools to teach a certain amount of patriotism and nationalism. Why can't we have some legislation requiring the school systems to have a mandatory course in good citizenship with a healthy dose of deterrence. (Applause)

ASSEMBLYMAN FLYNN: Are there any questions? I want to thank you for giving us your time. You have given us a lot of good ideas for thought. I am going to give the Reverend Soaries about two minutes to clarify a couple of points.

REVEREND SOARIES: First, I think the Prosecutor said things of great merit, and much of what he said I participate in. I have helped instruct courses in citizenship, et cetera. The reason I rise is because he made a statement

that we disagree because he believed in incarceration. I believe in incarceration. For the record, I believe in incarceration. I don't believe in incarceration as it presently exists in New Jersey. If you can guarantee me that eight months of incarceration will at least teach them how to read, then send them away. Or, if you can guarantee me that eight months of incarceration will teach a teacher how to teach, lock them up. There are a lot of folks that need to be locked up in order to learn how to do something productive in this society.

My problem with incarceration to date and the laws that simply say "Lock the children up," is that when we lock them up in the existing facilities we are asking people to be ready for even more brutal attacks than they were initially victimized by. In New York City in 1969, there was a study done on thirty-five children who had committed crimes, a fair representation of typical crimes committed by young people. Twenty of them went into the juvenile justice system; fifteen went back home, and the twenty that went into the juvenile justice system committed the same crimes again, and the fifteen that didn't, never returned. The point is, the system as we know it should be more thorough than what the prosecutor described.

I agree, I guess if I was a Kojak or a Columbo, I would like to see the three "C's" also, capture, convict and confine, but the fourth "C" is correct, because if you don't, you have to go right back to the first "C" again. If we simply capture and simply convict and simply confine, when that person gets out, if they are not corrected, we will have to capture again. That is all I am saying, it is a waste of money, and your three "C's" can be strengthened by the fourth "C", and I am here to advocate the fourth "C."

ASSEMBLYMAN FLYNN: I think what you are saying basically is you don't want to see warehousing of people which is basically what we are doing now.

REVEREND SOARIES: Absolutely. Now, if the parental liability occurs, then maybe we should start a new legislative move to capture the new wave of no-fault parental liability insurance companies, because we are sure to be a parent, you know. (Laughter)

ASSEMBLYMAN FLYNN: I don't want to put words in the Prosecutor's mouth, but I am sure he would agree with your fourth "C" correct, but as a Prosecutor his job is to do a certain thing and his three "C's" are his job, and, of course, in conjunction with you and your efforts and other people like yourself, I think the fourth "C" can and should be added.

REVEREND SOARIES: Just for the sake of the people. I don't think people should see our two opinions as being different. Assemblyman Mays asked one of the young men a question. He said, "Why did you admit that you stole the tape recorder?" Well, I was not a preacher then, you understand, and I had friends who could make him tell me whether he stole that tape recorder or not. I believed in pressure. I believe in young people accepting the responsibilities of their acts, and I also believe that what a man sows is what he reaps. If we continue to brutalize young people and call it rehabilitation, then we are asking to be brutalized when they come out on the streets again.

ASSEMBLYMAN FLYNN: Thank you. Our next speaker is Bruce MacNaul, Director of the South Jersey Council of Elected Officials.

B R U C E M A C N A U L: Thank you. By way of introduction, our Association is composed of delegates representing the 95 municipalities consisting of the three

counties of Camden, Gloucester, and Burlington. I think many people today have sensed that there are two entirely separate dimensions that are happening in the field of criminal and juvenile justice. One of them is a dimension or a web of laws concerned with sentencing and with procedure and another is an entirely different dimension that concerns itself with human behavior, with the needs and the motives. And, the Reverend Soaries is dealing in the one dimension with the self-esteem of the individuals involved attempting to correct them to rehabilitate, and the attorneys and judges are dealing in perhaps the second web of the law.

Why I am here is because we need to search for opportunities to bring these two dimensions together so that there is an opportunity for some effect to be made on human behavior by that dimension, or that web of law, and procedure and sentencing. The one legislative reform that we are here to advocate is the providing of an additional tool to our juvenile court judges, that additional tool being the ability to sentence - not merely to institutionalization, not merely to probation, but a third alternative, that being the restitution to the victim and to the society in the form of community service or service to the victims.

We suggest that, number one, this has the advantage of providing an alternative to a set of choices that is just inadequate. Secondly, it is desirable because it reflects some very strong principles in our Judeo-Christian ethics that the victim deserves to be compensated in some way by the perpetrator, not merely that there be punishment. And, the third is that the psychological level that Reverend Soaries deals with, we probably have more of a direct impact than any of the other sentences do, and that in the psychological level, a person that has been the offender is actually acting out his sentence, he is living it out in terms of paying his restitution, and he can feel at the conclusion of that he has paid his debt. So, basically, that is what we are here for, to advocate that whatever bill ultimately emerges from this Committee to be voted on by the Assembly, that it contain within it a clause that will firm up and clarify and codify the right of juvenile court judges to make the sentencing in the form of restitution through work programs. There exists a State Supreme Court decision allowing that form of sentencing, even though it isn't currently stated in the code, but many county judges have not used that tool because it hasn't been articulated in the sentencing codes.

Camden County is one of the counties that has used this over the years, and I believe now over 50% of all sentences issues in the juvenile court there includes some forms of community service restitution. We advocate that it be enacted in the legislation so that it may be availed by all the counties.

Thank you very much.

ASSEMBLYMAN FLYNN: Thank you very much for coming. Next we would like to take Reverend Edward Allen, Operation PUSH.

EDWARD ALLEN: Thank you. We want to first thank you for the opportunity to address this committee. We too share many of the same experiences that Reverend Buster Soaries has spoken to you about tonight. We are concerned with many of the issues that the whole issue of crime raises. It is important to us to consider first some of the things that we have heard said here tonight. One, we can't help but to some degree cringe at the thoughts that we are looking at this problem with a full attempt to again blame the victim. It is interesting

to us when we consider some of the problems that we are faced with that we are constantly approaching the victim. I think the Chief of Police of Atlanta, Georgia, said it well when he said that quality education and inadequate schools are a main source of the problem of juvenile delinquency. Schools in which teachers have no real interest in students and even worse yet are afraid of them, because they become breeding grounds of crime. Dr. Knapp is echoing the fact that in our school systems law and order does not prevail. We know first-hand, because in our dealings with operation PUSH we have begun to travel not only throughout our city schools but throughout the State and throughout the country, and we spent a week with approximately 70,000 youth in Ohio. And, we began to see some of the things that they had in common with the youth of Jersey City.

We can't help but come to the conclusion that the bottom line is discipline. We realized that our public school systems lack discipline. The teachers get there at eight o'clock, just a few minutes before classes are to start, and leave promptly at three o'clock. We have witnessed teachers leaving schools, even earlier than the students, and we realize that there is a problem when we can stand in front of our city schools and watch drugs change hands. This is not simply hearsay, but this is documented fact about Jersey City Public Schools. It is a fact that in the Jersey City public School System hard drugs can be bought openly. It is a fact that in the Jersey City Public School System - and we have documentation from teachers and from students and from employees of the public school system - that teachers in our school system are using and buying drugs from the children. This is a fact and we must do something about that breakdown of law and order in our schools, because the social ills of drugs take root in our children at an early age, even earlier than they did before, and we are concerned about that. We are concerned to the point that we have organized and immobilized across the country the PUSH-Excel concept. We heard here the ideals of the prosecutor. We have heard the things that Reverend Soaries has said about crime and delinquency. But I tell you that the gbase root of it all is education. We cannot change our children's attitudes until we first get their attention. The PUSH-Excel proposition first works on getting our children's attention, because once we get their attention, and we realize it, we will have an opportunity to have an impact on the atmosphere in which they learn and study. We understand the nature of the media. We understand what Marshall Mc Cullum was saying, that the media has an ability to deliver a message. The message comes over loud and clear to us. When we understand that our children by the age of sixteen have had an opportunity to look at 18,000 hours of violent crime, yet they have only been exposed to 11,000 hours of education, we realize that they are getting more crime than education. We realize that there is a problem there. That is why PUSH Excel advocates that TV's go off for three hours a night while our children get supervised study time. We are advocating that the radios go off while our children get supervised study time. We are advocating that the parents take time out to see about their children.

It is clear to us that if parents tdid not take time out to see about their children's education, then those same parents would have to take time out to see about their children in the Judicial systems all across our land. The PUSH-Excel concept is a peer --- 65,000 young folks turned out in the New Orleans Astrodome. We have had that ikind of response all across the country.

They have turned out in Los Angeles. They are turning out to support their own education. We realize that for many of us - and you ought to check the State Legislature's rules on education in the State prior to 1969, less than one-half of one percent of the children who attended college in the State of New Jersey were black and Hispanic, just less than half of one percent. Therefore, we must realize as a result of that, that we are for many of us, first generation college graduates. Many of us have no repertoire of experience about college. We have not the fortitude to understand the relationship, the correlation between learning and earning. I see it, as an educator in the City for the past ten years, as one who has had the opportunity to recruit low income students and offer them educational opportunities, that they are students that come ill-prepared for anything other than being delinquent. We have students who come ill-prepared for anything other than being delinquent. We have students who come ill-prepared for anything other than being robbers and muggers and our school system is the culprit. Our school system is the culprit. We listen to all the desires to have bills passed that will force our young people to be treated as adults. We realize that the Legislature has a tough job.

We understand how tough your job is. Because, of the 292,000 people in this country who are in jail, 140,000 of them are black. I repeat, of the 292,000 in jail, 140,000 of them are black. We must then go back to the point that the judicial system, though it seeks to give justice equally and fairly is not blind, because the rich buy their justice, while the poor serve their justice out working menial jobs and incarcerated. This is a social ill. It does not necessarily reflect the fact that blacks are more violent, or that blacks have a larger disregard for crime, but because we are less articulate, and because we are less influential we do not have the wherewithal to buy the lawyers needed to get us off in the plea bargains. This is real in this city. This is real in our country. The point is, we spend about \$1600 a year on the education for one youngster in the high schools of our country - while on the other hand, we realize that a four-year college education at any State university would cost less than \$20,000. We could go to any of the State schools in this State or in California or in New York City or New York State for less than \$20,000, yet we spend \$80,000 for the same four years of incarceration. We spend four times as much to keep one kid in jail than we do to put one kid through college. We spend almost twenty times as much on the incarceration of kids in this State in one year than we do on the education of a child in this State for one year. Something is wrong, and our priorities need to be shifted.

I must agree that if we were to shift the priority and begin to focus in on education and remember that discipline serves as the base of all learning as an experienced educator, I understand that discipline serves as the basis of learning, we could then redirect our young people in the City of Jersey City. We spent countless hours this year trying to get this City to reappropriate money for attendance officers. Not one prosecutor, not one judge, not one other educator addressed the problem in this City, but the Education Commission of Operation PUSH to have more attendance officers put back in the schools, not one person addressed the fact that this City - though it has near 30,000 students in its public school system - only appropriated \$10,000 out of a budget of \$81 million to fight drugs in the public school system. And that was after hours

of pushing and prodding them. On the other hand, in March Operation PUSH uncovered the fact that the Jersey City Public School System raised over \$1 million that they would admit to wasting - over \$1 million - on the school lunch program. But, only \$10,000 went for drugs. One million dollars is wasted on a school lunch program, and the food was being thrown out the window, and we had to beg the City's administration to put attendance officers back. We went to the police department and expressed the fact that drugs could be bought on the streets of Jersey City. Right now tonight, I am sure Assemblyman Mays and his aide could attest to the fact that in the black community drugs could be brought tonight. They are readily available. Our children are the prey for those drug dealers. We watched their cars come in from New York City. We can't get the police department to do anything about drugs in the black community or the white community, or any other community in this country. That is a problem that the State Legislature must address.

ASSEMBLYMAN FLYNN: Let me stop you right there. How can the State Legislature address a problem of lack of law enforcement within your city? Isn't that a local problem, and shouldn't you be--- You are at the wrong place to express that problem.

REVEREND ALLEN: I don't believe we are at the wrong place as taxpayers. I don't believe we are at the wrong place, because you are representatives of the judicial system in the state.

ASSEMBLYMAN FLYNN: We pass the laws.

REVEREND ALLEN: But, do you enforce them?

ASSEMBLYMAN FLYNN: We don't enforce them. That is not the job of the Legislature. That is up to the Judiciary. If they are arrested---

REVEREND ALLEN: Do you appropriate the monies from the State to local law enforcement agencies?

ASSEMBLYMAN FLYNN: We have specific grant programs, but we don't pay, for example, the salaries of Jersey City Police. If the Jersey City Police are not enforcing the law, then the forum for that is the Jersey City Council, at which you would express the problem, and you will express some of the facts you have---

REVEREND ALLEN: These problems have been expressed to the Jersey City City Council, as shortly as a week ago. I raise these very same problems. I raise these problems to you because they have a direct correlation between the drugs on the street and the drugs in the Jersey City Public School System that aid our children in becoming juvenile delinquents, that aid our children in becoming the victimizers of our community. Children do not import drugs. Children do not vote and appropriate monies under the LEAA, or under any other amendment that this State has. The Judicial System of this State does and we are saying to you that we believe that if you can create laws that in essence would approach the problems of crime on the citizenry of this State, then you must also take into consideration the laws that must go on in effect to approach crime in our public school system.

It is factual that our children can buy drugs in the public schools system. It is monies from the State of New Jersey, from the State, from the Federal Government that supports our local schools, therefore, you have a vested interest. Your money is being wasted if a child's potential power is dulled because of drugs. Your money is being wasted.

ASSEMBLYMAN FLYNN: There is no question that our money would be wasted, given that fact. But, what I am saying is, we do have a thing called home rule in

the State of New Jersey. The State can't go into each community and say, "Here is how you have to enforce your laws; here is how you have to make arrests."

REVEREND ALLEN: But you are telling me that the State can come into my house and tell me what will happen to me if my child gets in trouble. You see, there is the double standard in the American justice.

ASSEMBLYMAN FLYNN: Except it is still local people who are the ones to come to your house to see if you are not taking care of your child properly. The State makes the laws, but it is handled on the local level.

REVEREND ALLEN: I am sorry, but the State also has the Department of Education under its auspices; am I not right?

ASSEMBLYMAN FLYNN: Right--- But, again, you have your local---

REVEREND ALLEN: But the Department of Education has the county superintendent's office and therefore I tell you that you cannot waste your money, your investment, money and a system that is poorly run and is being mismanaged, and tell me that home rule is the reason why you don't approach that system, yet tell me that you will fine me if my child does not behave properly. I don't see how you can utter those things at the same time that you say you want to approach an answer.

ASSEMBLYMAN FLYNN: Well, let's bring it right down home. Let's say you have a drug sale on the corner of Journal Square, and there is a policeman standing right there. What can we as Legislators do if that policeman doesn't arrest that drug seller?

REVEREND ALLEN: I couldn't---

ASSEMBLYMAN FLYNN: There are laws in place now, so if that policeman doesn't make that arrest, his chief can bring him up on charges. In other words, the laws are in place. We are here to make laws and get your input on laws that will make things either better or simple or something like that, but we can't enforce your local laws. If your local laws are not being enforced--- And I don't mean to be disrespectful when I say you are in the wrong forum, but the forum for enforcing local laws is in your local council. Now, if they are so lackadaisical in enforcing that, that is what the elective process is all about. In other words, if they are not doing the job they are supposed to do, that is why we have an electorate.

REVEREND ALLEN: I appreciate that response. I just don't accept that fact that the State is powerless.

ASSEMBLYMAN FLYNN: I am not saying we are powerless, but it has to get to a point where, for example, a couple of years ago, Newark got to be so bad in their educational system that the State actually took them over for a while and started to administer them. Now, I think that most communities would scream to high heaven if the State came in and said, "We are going to run your schools."

REVEREND ALLEN: Well, the State should come---

ASSEMBLYMAN FLYNN: I don't know whether the State could do a better job. I am not saying they could.

REVEREND ALLEN: Statistical data indicates that our children are failing the ability to read and write and comprehend. The State should accomplish this. But, I tell you that if you are telling me that other laws should be put on the books, and yet you are not enforcing T & E, for instance, then I tell you something is wrong with the legislative process of this State.

The T & E concept sounds fine on paper. It has not worked throughout the State. We don't know, as citizens of the State, what T & E is supposed to bring, and I challenge the State's legislature to tell us what T & E is supposed to bring. But that is not totally germane to the point you have raised.

I wish to further speak about the point that drugs are in our schools and we must do something about that. We must do something about the causes of social diseases, and not wait until we have a perpetrator, and then decide how we are going to handle him. Let us cure the illness, therefore, it will not continue to spread. It is spreading with epidemic proportions. We are talking about the judicial process; we are talking about crime. I tell you that drugs in our schools and our community aid to the rising crime. I tell you the fact that Jersey City's children cannot read on its proper level - and we witness this time and time again, and most recent reports indicate that their levels have fallen so badly that less than 60% of them are reading anywhere near their achievement levels, and yet we are not approaching those things. Those would be cures, the way we get our children cured, so they do not appear before judges. We should make education the in thing, and not drugs. Right now education is not the in thing with our children.

I would like to give you some insight, because we know these things exist. We have begun to impact our children at Lincoln High School in Jersey City this past academic year. We have worked closely with the PUSH-Excel concept. We have begun to mobilize the students to bring about progress for themselves. We have begun to mobilize teachers and communities and we have begun to get the local community folks involved. Yet, if we don't understand the importance of that, as little as five or six or seven years ago, we were given the impression that the community should stay out of the schools. Hence, the community was pushed further and further away from the schools. Hence, the school system got worse and worse. The problem we are faced with is education is a twenty-four hour process. It is a seven day a week process. It is a three hundred and sixty-five day a year process. Our community must be involved, hence, PUSH for excellence involves community persons in the educational process.

The State appropriates money for distributive education programs. We know that students are not being placed properly, and they are not given qualified experiences, therefore, we need the community person, the businessman to provide opportunities for our students to train them in areas of non-traditional training.

ASSEMBLYMAN MAYS: Reverend Allen, if you were in our position as a State Legislator, what bill would you like to see introduced, so that we could stop all these evils going on in the schools, as you state them?

REVEREND ALLEN: I would first start with not only what I think the State called a compensatory education bill, because we know it is nothing more than a compensatory attendance bill right now. I would first put some real teeth in the Friedland act, and make educational systems responsible for the outcome of the student's progress, and stop blaming the student for his not learning how to read, and replace some incompetent administrators and incompetent teachers, so that those persons would feel directly responsible for the product they create.

That would be where I would start. I would not take the position that I would call a moratorium on sentencing youth, but I would rather immediately approach the corrective institutions and make them live up to their name, make

them correctional institutions. We know that there is very little correction being done. We hear our young folks telling us about the fact that they have done time. For them it is a badge of courage. For them it is something they realize they cannot overcome, so they brag about it and boast about it. What we would rather see happen is that those institutions begin compensatory education given to those students who break the law, a compensatory education, not a mandatory stay but a compensatory education. That would again be the vehicle for upward mobility for the persons involved in crime. Right now there are very few institutions in this country that have productive criminals. One of the few systems in the country is in Atlanta where the prisoners can actively help reduce the cost of their stay by producing a product, by producing a service. We must do something that, one, educates them for the sake of correction, and, two, changes their being in a dependent situation into an independent situation. We must make our prisoners understand that an infringement of the law is an infringement on their brothers and on their sisters and their mothers and fathers and we cannot tolerate that.

If you don't have a system that at all rehabilitates, it only incarcerates, and we are concerned that even in its incarceration, that that justice is meted out through the ability of those persons to pay for legal services. Moreover, we didn't just come to attack the system. But we have approached the Jersey City Public School Systems Board of Education, Superintendent of Schools, who for a year has examined how the PUSH-Excel program has benefitted students and parents and the community at Lincoln High School, and they are enthusiastic about the outcome. For the first time, this year several hundred parents were turning out to pick up their children's report cards, and that gave the parents an opportunity to meet the school administrator, to meet the guidance counselor and to meet the teacher, so that a one on one exchange could take place. For the first time, teachers were staying after the normal working hours to provide this opportunity. We too have engaged in a process of bringing competent respected persons from the community back to the schools. We have talked to and have engaged the college presidents in Jersey City. The President of Saint Peter's College, and the President of the Jersey City State College were engaged in a PUSH-Excel proposition. Therefore, they are going into the public school systems with PUSH-Excell persons. We have engaged teachers and parents and preachers and businessmen to go to the schools. We are engaging this year judges from Family Court and Juvenile court and from the judicial system in the City to go back to the schools with us to talk to their children to give them some insight on how our system works. We have engaged local educators to go back to the schools with us to give children the opportunity to work and talk with them. We are engaging persons from all over the community, doctors, lawyers, the entire community.

ASSEMBLYMAN FLYNN: Is PUSH Federally funded or State funded?

REVEREND ALLEN: At the present time, Operation PUSH has not one dollar of federal or state or local funding. The money it operates on in Jersey City is money that is raised by the parent organization, PUSH, Incorporated, and given to the Educational Division of PUSH, PUSH-Excel. So, the money comes from fund raisers.

ASSEMBLYMAN FLYNN: Would PUSH be looking to get some Federal grants or State grants?

REVEREND ALLEN: It is our hope that after meeting with the Superintendent of the Public Schools, and the President of the Board of Education, most recently we have taken our program to the County Superintendent who is arranging for us to see the Commissioner of Education, and who is endorsing the PUSH-Excel concept, because it is working in Jersey City, as it works in Los Angeles, and Kansas City, and Cleveland, and New Orleans, and is working throughout many other cities in our country. There is a hope that Federal money that has been appropriated to PUSH, Incorporated, for its PUSH-Excel component will be brought to Jersey City, and will be matched with some of that wasted million dollars from the school lunch program, and put into effect to regenerate the system and the motivational needs of our children and parents alike.

It is not a one-sided proposition, you see. It involves all of the facets of our community coming together. It involves them because the direct results of our getting student's attention and creating a better learning atmosphere conducive to education and generating a better attendance and better attitude will be achievement. And, we did not write about PUSH-Excel in Jersey City. The students who participated in it wrote about PUSH-Excel in Jersey City. We have, thus far, at the expense of PUSH, Incorporated, brought in persons from our actual PUSH-Excel Commission to address our students, at which time we had a full audience of high school students, and on occasion we had the audience of Snyder. But, this is being done locally.

Our hope is that the State and the City will begin to see the merit and see the importance of the community getting involved in education. It is clear to us that our children must be saved in this proposition. It is clear because we realize that if we do not save our children, then we are creating a larger audience from which to draw criminals, and we understand the negativisms as PUSH does, then our children will echo "Down with dope and up with hope." When we understand the importance of getting our children to read and write and communicate, then you will see other schools having the same results as Lincoln. "Let's stop smoking grass and plant it." We see the importance of not perpetrating crimes on one another, and we will then understand the importance of getting a good education, because there is a direct correlation between learning and earning. At Lincoln High School there are signs that appear that say, "Turn off the radio." It is a school where radios are--- We see our children going to school with radios so big they now have pull carts. These things must stop. There is not a need for those radios in our public school systems. We must stop that.

The legislature of this State can address those areas. It can address and mandate that local educational systems begin to investigate and involve community persons in the education of our children. It can also begin to get the police help it needs. When we approached the Jersey City Police Department, they tell us that they can't do anything about truancy. Certainly there is a lot that can be done about truancy. And, there is a lot that can be done about crime other than locking up kids. We realize that the Freidland bill that the Governor has is good but dangerous, because it again approaches a blame the victim syndrome. It says that if our children do not meet certain levels that they will get a second rate diploma. The fact of the matter is, what are we going to do about the educators that we spent millions of dollars paying who gave out a second-class education. We must do something about those things. They

are real. We have brought you the information about PUSH-Excel. We realize that the proposition once dealt with in its entirety is so positive that the State might want to look at it, and look at programs that it can incorporate across the State. We do know that something must be done, for we must save our children because nobody will save us from us for us but us. That is why we must excel. We must excel because it is necessary. Education must be the "in" thing. The only way to do this is to make it real - not just laws, but make it real. There are already laws that approach education, but they do very little about enforcing a quality education. And, when you go back to Trenton, I think these are areas you must impact before we start locking up bolts and writing them off.

We must make sure every attempt is made to give our kids a fair opportunity to excel.

ASSEMBLYMAN FLYNN: Thank you.

ASSEMBLYMAN MAYS: For the record, the bill you are talking about is not the Friedland bill but the Feldman bill.

REVEREND ALLEN: Okay, thank you.

ASSEMBLYMAN FLYNN: Frank Totten, President of the New Jersey Education Association.

F R A N K T O T T E N: Thank you very much. I find it somewhat difficult to speak after the eloquent addresses that you have had this evening, so I would like to go directly to the point of why I came, especially in the context of your charge, to look at things which will help and that can be done legislatively.

If we look at the panorama, we see a number of societal forces which are working upon us, and it does seem to me rather awkward for us to be in the position to spend public monies to counteract the things that people are doing in private industry and private business.

For example, many of our students are influenced by television advertising, as television advertising is designed to influence them, and we can't seem to do anything about that. We can't seem to do anything that would suggest to those students that the message that they get over and over and over again about sin, sex and sadism that comes through those commercials is not really to be believed, because as the gentleman just said, they get that message in much heavier and concentrated doses than we as teachers are ever able to give them in teaching arithmetic or in teaching reading.

And, I would like to make just one other observation with regard to that same point, I am not sure that the Legislature is able to control the programming which goes on television in any way. Students see acts of violence and are almost taught daily how to commit them. But it does seem that we have to spend public money to counteract those things while the people who create those conditions for us - and I have only enumerated two - go back to their nice suburban homes in the evening and relax on their money they get from the products they sell. Some of those products come from the head shops, too.

What I would like to see the Legislature address is the day care centers to start with. Day care centers, nursery schools, and pre-school education. I would like to see the Legislature appropriate funds so that any working mother has a place to leave her child where that child will not only be cared for lovingly, but will also have the opportunity to learn and have a variety of experiences so that child will feel competitive when he gets to school, and I

use the word "competitive" in a very special way. That is, that student will have the ability to work along with his peers, as opposed to not having any experiences and thus already be behind.

Project Head Start years ago was supposed to help correct that inequity in people's basic training when they come to school. Unfortunately, with project Head Start, the rich folks sent all their kids off to the nurseries anyway, and there was no difference, because Head Start didn't start down low enough. I think that is a basic thing.

I would also like to see the Legislature address the problem of training or education of teachers, prison employees, that is, those persons who work in the prisons as guards or any other way. The Newman Commission was supposed to study teacher education and it is doing some other things, I think, instead. I would like it to really study teacher education with an eye towards what is needed in that four years of college that a person studies in order to be able to teach in some of the areas in our schools, who provide excellent educations for other areas. But, in some of our inner cities, people go there somewhat unprepared.

At the same time, I would like to see addressed education. And this is more important, a study made of education for those young people who are sentenced to go to Jamesburg and those kinds of places, incarceration, you called it before, training schools. There are several different kinds of names, but it is all concerning having students in jail in some way. This would provide an excellent system of education and help there. Other people spoke about it as rehabilitation. That is fine with me, but people need to be trained to do that, and you need to have good training programs in your colleges and you must have sufficient numbers of people well trained to do those programs. Some people gave out a lot of statistics. I don't have a lot of statistics with me, but I would like to point out to you that the State of New Jersey spends more money on every commuter that goes to New York City, or wherever, per year than it does per child in the schools. And, just that little statistic says to me, why is it not possible then for us to order our priorities, cut down on some of the expense, and put it into training an additional personnel with an entirely new career going, and that is, to work with people so that they will - that is juveniles and their parents - so they will be able to succeed in this world, people with sympathy and people who are trained in those human relations types of skills to do that work. So, I think we need that in the rehabilitation centers, and I am entirely in agreement with those prior speakers on rehabilitation. At the same time, while we rworked towards a better rehabilitation program, we cannot let young people continue to strike out and injure others. I think, as you study this, I would suggest that you create, if you have not already thought of it, a blue ribbon study commission, or whatever you want to call it, of experts plus ordinary citizens from around the State to look at juvenile justice. I believe that the whole system needs to be revamped in light of today's conditions. It may have been a wonderful thing when it was introduced, but we are living in 1979 - not in the 1960's or 1950's or 1940's.

We have different things with which to contend. I would suggest that that group look at all the juvenile justice system and the things which feed into it with a microscope and come up with a fair way to deal with juvenile

justice. I think, for example, we cannot allow during the period of study, people to be attacked, physically attacked. I think the study commission has to differentiate between crimes of violence, such as physical assaults, and crimes such as snatching pocketbooks, or lesser crimes. I think they have to have a degree of privacy for the individual. That is, the young person who swipes a candy bar, is one thing, but the young person, whether or not that young person has ever had any kind of record, or activity, in crime before, the young person who strikes someone has to be dealt with differently and severely. He has to learn the consequences of his acts. It seems to me that the Commission, or the Committee ought to very carefully look through the whole situation there and see where the differentiation begins, plan rehabilitation programs for the different levels of activity that these young people engage in, in this way, and come up with a system which does its best to rehabilitate while these young people are at some kind of halfway house or school away from the environment which helps to create their problem away from the school where they make things worse, away from home, perhaps where they have - and I don't want to say a Jamesburg - a cottage type of life, but they have to work hard in their studies as well as have the group dynamics and other kinds of programs which may help them work out in their own minds what they are doing.

ASSEMBLYMAN FLYNN: Your organization has endorsed - and correct me if I am wrong - A-3308, which basically would treat a juvenile as an adult. That is, if he committed an assault and battery in the school on a teacher or school personnel representative, or another student; is that what you are talking about?

MR. TOTTEN: Yes, yes that is right. You see, it is not the opinion of the association that we just want to get the kids out of the school and forget them. I am trying to make it clear to you that we have to remove students from schools so they don't come back to those schools before the victim gets back, and are not a hero, and causes further problems. At the same time, that student should have - if he is a person who has not committed that serious an assault, they have recently taught rehabilitation. If, on the other hand, the student has entered the very serious category of offense which is an assault and so forth, he should be treated as an adult in the sense that he is tried, and it is public, and people know what happened, and he realizes the impact and the consequences of his act, and my basic philosophy on that issue is, the person who is hurt is hurt as seriously as if he were hit by an adult or a juvenile.

ASSEMBLYMAN MAYS: In other words, you disagree with James Murphy, the Superintendent of Schools who says he suspends the kid, but not out of school suspension, in-school suspension. He separates them from the class and the teacher, but he is not really actually kicked out of school; he is going to school at the same time. You disagree with that.

MR. TOTTEN: I disagree with that in part, but not totally. In some schools, in-school suspension has worked.

ASSEMBLYMAN MAYS: I mean for hitting a teacher now.

MR. TOTTEN: Oh, no indeed, for in-school suspension for some type of offenses where you can do some rehabilitation in the school, it is fine, if the school can find the money to have such programs. On the other hand, for a student who has struck a teacher, I don't think that is appropriate - or another student, or a school board member, or whoever the student strikes. That is not appropriate.

I think the schools have to be viewed as part of society, not separate from society, and it seems to me that a crime that takes place in the school, or an assault, would be the same as if that assault occurred on the steps of City Hall.

I also think that the juvenile needs to be treated as an adult in the sense that it is public, and there is a trial, so the student realizes the consequences of what happens.

ASSEMBLYMAN MAYS: Do you mean a jury?

MR. TOTTEN: I don't know, I have not thought that far along at this time. But it seems to me that young people should have the same rights under the law as adults do, but they also then should have the same responsibility for those serious crimes.

ASSEMBLYMAN MAYS: I would like to talk about a subject which you brought up before, the pre-school, and kindergarten, our school system in the State of New Jersey, it seems that in the sixth, seventh, and eighth grade we start to specialize in math, and science, and everything. Don't you think we are putting the cart before the horse? We should start specializing in reading, writing, and math in the first grade, because that is when the kids mind is really being developed?

MR. TOTTEN: I think the point was made well here tonight by several different speakers that we want the schools to do all things, and the school really can't do all things for all people unless the funds are provided. For example, you just asked the question, and you think I am going around it, but I am not. Students are instructed in the basic skills when they are in first, second, and third grade, and so forth. They began in kindergarten or below that.

ASSEMBLYMAN MAYS: I agree with you, but by the same teacher who is not a specialist. In fact, some of the teachers don't know math and might know English. I am saying this, because it destroys the kids somehow. They don't know the basics. Do you know what I mean?

MR. TOTTEN: You are talking about specialization, instruction by different teachers.

ASSEMBLYMAN MAYS: Right.

MR. TOTTEN: I would not agree with that in those low grades. I think that one or two adults that instruct students in kindergarten and first and second grades are persons who are still mother figures or father figures to the young person, and that person should be skillful enough to instruct equally in all the areas.

ASSEMBLYMAN MAYS: True, but you said, "should be." However, if you gave some teachers all a test, some would flunk math, but would maybe get a high mark in English, and another one might get a high mark in math and a low grade in English. That is more important, because the kids do not know the basics, why two and two equal four - you know, they know orange and apple, and that is a set. But, now they don't know sets, but they taught it back when I was in the first grade. What I am saying is, the kids don't know the basics in school now. They know how to deal with a formula, but they get lost after that. I think that should be taught in the first grade.

I send my kids to private school, and I had a problem with the teachers there because I have my master's in math, and I know they didn't teach them the basic math.

MR. TOTTEN: Well, I can't say that it doesn't happen, that some people--- I would think, though, that the majority would be able to do this quite well without a specialization. I would think that in any case where it was suspected that it was not being done well, that would be an immediate problem for the supervisor and the administrator to look at and see why not and correct that. I would like to see that done, if that is the case.

I don't think specialization is necessary. I think by the time you go through a preparation program, you ought to have the skills to do this. If, by some chance, the preparation program is deficient, that is something that I hope the Newman Commission would find out. That is a very important study that that Commission should be undertaking, and I would--if I could reiterate it--like to urge you to ask Assemblyman Newman to really concentrate on that to see if the colleges are in fact carrying out their mission properly.

ASSEMBLYMAN FLYNN: We have been talking tonight about courses in various things. I am beginning to wonder whether there would be enough time in the school day to do all the things we want the schools to do. For example, there is legislation pending that would mandate alcohol abuse curricula, and the legislation is planning to do the same thing with drug abuse. There is a regulation being proposed now that sex education be made mandatory. We have heard tonight that we should have more training in citizenship and in lifestyle. We have heard tonight we should have more vocational training. We have also heard tonight that we don't have enough of the 3R's. And, of course, you have all the other things like art, music, and driver ed. Do you think we can possibly cram all of these mandatory courses into the present school day?

MR. TOTTEN: No.

ASSEMBLYMAN FLYNN: Where do you draw the line or what resolution of that problem do you suggest?

MR. TOTTEN: I think society has to decide what it wants the schools to do and what it wants other institutions to do, and if the other institutions aren't going to do it, then the state has to provide the money for the schools to do those things twhich it decides that the school should do.

During the school day, which, for a student runs from eight-thirty to three-thirty, or whatever the exact time might be, during the actual instruction hours in school type subjects, that is, English and mathematics and so forth, we are supposed to incorporate all the additional things you said. Some of them can be done as part of the health course and so forth. But, it is really impossible to get all those things in. Therefore, some of those things which should have been done by the home don't get done.

The student spends a great deal of his time at home or on the streets, not in the other institutions, as the one gentleman mentioned, in the past ten or fifteen years has the church done as much as it might have to work with students after school hours in some of those things that you mentioned. The home has not. If they are to be put on the school, then the school is going to have to hire more people to work from four o'clock until midnight to supervise student activities and to work in some of those other areas, and as a matter of fact, I almost would be willing to advocate that, because I have a concern about young people.

But, at the same time, I wanted to say here, which is not something the Legislature can pass, but the gentleman who spoke about Operation PUSH-Excel,

is right, and I don't agree with everything he said, but he certainly is right when he says it is important for the community to work with the schools, and if we can provide any more leadership to do that, we certainly ought to do that.

ASSEMBLYMAN FLYNN: Will there be any resentment from the institutionalized school system at the present time if the community does get more involved? It used to be, this is our turf and this is your turf, and you stay out of our area and we will stay out of yours, has that changed any at the present time whereby the community can get more involved within the school framework?

MR. TOTTEN: I really don't think that there was ever a time when teachers, at least, didn't welcome the parents coming to school and talking over their children's---

ASSEMBLYMAN FLYNN: I am not talking about that. I am talking about the community involvement, not just one parent to one student type of thing, but where the community gets involved into the school process and in setting forth the curricula, getting involved in what goes on in the schools, not the one to one relationship.

MR. TOTTEN: No, well, I think there is certainly a place for parental involvement. I think that you hire people who supposedly have professional training to work out programs and so forth. And, I don't think you then want parents to do that. I think you want parents to work with them to advise on the programs as they see them, and to advise on some procedures and so forth, and I think that is welcome, indeed.

Can I make another point or two, and then I will quit, because---

ASSEMBLYMAN FLYNN: We have ten more speakers.

MR. TOTTEN: I would like to ask the Committee to look with me further down the line. I started out with the young people in pre-school activities. I have suggested that you may want to consider it for students who are unable to cope with life, a specialized training. I do think the Legislature ought to provide the money for students to have programs with which they can deal vocationally, I do think the Legislature ought to have some understanding that if it is going to insist on the three basic skills, reading, writing and arithmetic, that students all become proficient in that, at least to some degree, and it is known that some students have a very hard time learning that - and it takes some a longer time than others - the Legislature then provide funds for remedial help which will allow the students to remain in school a longer period of time to do that learning, and provide other types of programs for students to work with at the same time.

For example, a student who finds himself interested in some kind of physical activity and he can work in that physical activity at the same time might have a better attitude towards learning or in some cases, struggling with reading or arithmetic which is very difficult for that student.

And, at this point, some of our school districts are being certainly rendered unable to provide some of those additional programs because of the budget caps and the squeeze we are in with funding. So, I make a plea to you to take a look at that, and look at the funding for those kind of programs.

The next thing I would like to say to you is, in the area of juvenile justice, when you get to the student who has had a problem with the law, it seems to me he ought to be provided some kind of counseling. That is going to cost us a lot of money, but he ought to be provided some kind of counseling - and if

the school system could have those counselors who are already there do actual counseling, instead of bothering so much with state forms and local forms and other things they cget assigned to do, we would have much more time to counsel students, and that is one suggestion that you might think about.

And, in addition to that, students who are in a problem with the law need counseling, to my mind, and I would like to see the possibility of a program of counseling that is pretty well throughout the State. Some communities provide good counseling already, but those communities, a student moves into and moves out of, and it is unequal. We ought to have a good statewide program.

I would also like to ask you one question. You were talking with this gentleman who preceded me, and it just bothers me a bit. that we can mandate programs for schools, and then we can take away the State money if the schools don't do that. But, you give grants to the police departments and if, as the gentleman was saying, the police don't enforce the laws about the drugs, why don't you take the money back there?

ASSEMBLYMAN FLYNN: I suppose accountability is a tough thing, as somebody before that said, if a person goes to Jamesburg and comes out and comes back again, and they get an "F" also. We should take away the money from Jamesburg --- That is a very, very tough problem. How much do you hold a school teacher accountable because a student fails? I suppose in some instances it might be the teacher's fault, and in other instances it is the environment, but we just don't know. It becomes a very difficult thing.

ASSEMBLYMAN MAYS: The time is getting late, and there are other people waiting for their turn, but we have been on education a long time, and we have covered education in and out. I would like to hear about tsome of the other problems.

MR. TOTTEN: I would agree, and I would just like to conclude with the statement at that I notice Justice Hughes is interested in a complete study of this. He might be a person that you would be interested in speaking with. Thank you, gentlemen.

ASSEMBLYMAN FLYNN: Our next witness is Gerald Thiers.

GERARD THIERS : Mr. Chairman, members of the Subcommittee, I am Gerard Thiers, from the Department of Social Concerns of the New Jersey Catholic Conference. The New Jersey Catholic Conference commends you for your strong interest in Juvenile Justice issues as evidenced by the hearings conducted throughout the State. Our diocesan Catholic Charities agencies have studied the large number of Juvenile Justice bills introduced this session and would like to share their conclusions with you at this time.

We believe, given the wide range of problems in the Juvenile Justice system, that the specific changes proposed by a number of bills (such as A.667, A.782, A.1532 and A.1705) or the more strice overall approach proposed by A.3498 are not adequate for the task at hand. We recommend, rather, that a legislative commission or some designated group undertake a comprehensive revision of New Jersey's Juvenile Justice laws and policies. We would like to mention three areas from among the many issues that deserve further study.

First, a recent study by the Association for Children of New Jersey entitled "Children in Detention and Shelter Care: Surveying the System in New Jersey" suggests that many youths who commit less serious offenses receive the same treatment as those who commit more serious ones. The Association's study found that, while less than 3 percent of all juvenile arrests in 1977 were for violent offenses, there were 10,468 juveniles awaiting disposition in locked detention facilities out of a total of 16,163 admissions. We must ask whether the 10,000 and more juveniles in the locked facilities actually posed a threat to the community.

Second, the pro's and con's of determinate vs. indeterminate sentencing should be examined at greater length. We have heard that the present system of indeterminate sentences is most harsh on less serious offenders, as they are easier to manage in the juvenile facilities. On the other hand, determinate sentences may encourage judges to sentence more juveniles and possibly for a longer period of time. Clearly this issue needs careful examination.

Finally, we recommend an in-depth review of the basic premises and provisions of the Juveniles in Need of Supervision or JINS law. Earlier this legislative session, questions were raised about this law by bills that would create "secured shelter areas" in JINS facilities. I am speaking of A.1458 and A.1814. While the problem of runaways in the JINS shelters is a very real one, more fundamental issues concerning the effectiveness of the entire JINS statute need discussion. Data from the Association for Children's study indicates that many parents use the JINS law to avoid parental responsibility. The study found, based on a sample of youths in JINS shelters, that almost half were there because no appropriate adult custodian was present.

To conclude, we respectfully recommend that the Legislature either create a temporary commission to study Juvenile Justice issues, or designate a body such as the Governor's Commission on Children to look into this area. The Catholic Conference will assist the Legislature in any way possible.

Thank you.

ASSEMBLYMAN FLYNN: Thank you, Mr. Thiers.

As you can see, we have started to get somewhat repetitious. At this point, I would ask that you limit your comments to ideas, suggestions, that the Legislature can implement. We know the problems. We've heard the problems, I think, amply. We know the sociological problems. We cannot change society

overnight. What we can do is legislate, prepare laws, which might try to help the problem.

Bill O'Dea.

B I L L O ' D E A : I'd just like to say that I'm from the organization Citizens Against Crime, which represents approximately 80 civic groups in the Jersey City - Bayonne area. The importance, I think, in this area is that it was spearheaded by three 19-year-olds like myself who are very close to the "growing up" time. These are some of the ideas that were a result of ---

ASSEMBLYMAN MAYS: Mr. O'Dea, instead of reading the whole thing, you can submit it to the girl, and then you can summarize it.

ASSEMBLYMAN FLYNN: Please don't read a lengthy statement.

MR. O'DEA: It's only five minutes, I would say. I read fast.

ASSEMBLYMAN FLYNN: Well, we can read as well as you can, and probably better, because we read faster.

What I want to do is have him synopsize. I don't want to hear a speech being read.

MR. O'DEA: Some people synopsize five times over for an hour.

MEMBER OF AUDIENCE: I want to hear it all.

ASSEMBLYMAN FLYNN: Ma'am, it is my Committee, my hearing. I will determine how the Committee proceeds. What I want him to do is give us a synopsis. I can read. I have a lot of statements here. I am a good reader. What it takes him ten minutes to read, I can read in five minutes.

(Discussion off the record.)

Please synopsize, sir.

MR. O'DEA: Okay. Our group thinks that education is the key to the future of young people in America. Many people spoke on that. We think that a program should be adopted to teach children in the youngest grades in school the proper respect for the law. We understand the funding problems, and there are only so many hours in the day, you can't do anything. We think that through regular courses and guest speaking of representatives from the various law enforcement agencies, an effort should be made to teach students to respect the law.

Why? Because, as it stands now, the education a kid receives on the street is far more influential on him than what he receives in school and at home. The education in the schools is failing, and the family unit is failing. Unfortunately, as everybody says, maybe we are throwing the burden onto the schools. But we think somebody has to pick up the slack, teach some respect for the law, because if there is no respect, then there is no law.

A lot of people talk about how tough it is growing up and being poor and all. But when I was growing up, I knew you could beat the system. But I had an old man who would beat the hell out of me if I did. I knew I could beat the system and get away with it, and that I could rip off here and there and probably never go to jail and probably never see the inside of a courtroom. I think that's a heck of a motivating factor behind a lot of people breaking the law. Maybe not to people who might need to steal. But I can't see any reason why someone needs to beat someone up or mug them, except that in their mind they think they can get away with it.

I think that people have to be "scared straight" before they get involved in a gang, the gang on the street corner where you are peer-pressured into doing this

and doing that. I went through it not too long ago. I think literature campaigns and movie campaigns should be undertaken in New Jersey and throughout the country to show people this, to re-establish a sense of pride and self-respect in the law-enforcement system. There is an effort now to educate young people on the adverse effects of drugs. I think since a large percent of crime is drug-related, that this effort should be encouraged and expanded. My organization heartfully supports it.

Another important thing where the Legislature may be able to appropriate funds or help people out is an alternative to the street corner gang. They are sorely needed, especially in the urban areas. There are no longer candy stores for kids to hang out in, so they gather on corners and sometimes, with nothing better to do, get involved in mischief and mayhem and vandalism in the schools. Y.M.C.A.'s, C.Y.O.'s, and neighborhood Youth Centers offer a child an alternative to the gang. To the kid who doesn't have a family, here's an alternative, where he can be a peer with someone else without having to bust somebody up or stab somebody or rob a purse. Here's where he can be my peer by being as good in basketball, or pool, or any kind of activity. It doesn't have to be athletic. There's education, arts and crafts activities.

A child in the city has to be offered an alternative to hanging out on the street corner, or hanging out all day in the summertime with nothing to do, because he's probably going to get into mischief. I think the youth centers can offer to a young person a family, the kind of family many children no longer get at home, as sorry as that is to say. I think these facilities should be expanded, that community people should get involved with them. I think that as much funding as possible should be given to them, because I've worked closely with them. I'm on many local committees with them, and I see that where the money is used properly, they work. They detour and deter kids away from crime. That's important, because preventive medicine is cheaper. It's a lot cheaper than incarceration, rehabilitation, or court.

By the time the system catches up with the juvenile delinquent, it is usually too late. With preventive medicine, by putting money into these youth centers, these Y.M.C.A.'s and C.Y.O.'s, you are given a chance to save money in the long run, maybe five or ten years from now. I think that money that way is not wasted money, if you have the right people running the youth centers, who care about the kids, who come from the neighborhoods where they are, and who do something to help them out.

My organization is beginning an education crime seminar program this upcoming year at Saint Peter's Prep and a few other Catholic schools, because they think maybe that's the best place to start, it's the easiest to go over. We are doing without any funds from anyone or anything. We are doing it all on our own, getting the speakers in on our own, because we hope that maybe its success will spearhead perhaps a city-wide program in the public schools. We want to continue expansion and increase funding of youth center alternatives. We think the State Legislature should use education to rear respect.

When it comes to dealing with hardened juvenile delinquents who are repeat offenders and violent offenders, I think that the juvenile justice system must be less permissive, and give less slaps on the wrist. I also think it's wrong that certain people might be treated worse, and they don't have as fair a chance in

court. I think that's totally wrong, too. But I think to give out slaps on the wrist, and my organization agrees, slaps on the wrist for muggings and things like that is totally wrong. One thing that was neglected here tonight, I think, was the victim, the person who was beaten, the person that's mugged, for five dollars, ten dollars. No one recognizes, we have to feel sorry for this person. I don't care where they come from. To violently assault someone, you have to be dealt with harshly. It seems for every group I've spoken to, which is hard-core, in the community, no philosophers, all middle class, that is the way they think. I think that is something that should be brought out to you!

I think the judges have to toughen up and make examples of people who incite fear into teachers, senior citizens and others. To live in a city of fear is so ugly. People who commit violent activity, you can't excuse their actions because they're poor, or because they're whatever. Because to be violent against someone is inexcusable, and my group thinks so, too.

Our organization supports fines, restitution community service, short time and part time incarceration to combat juvenile delinquency. We think that those who are violent offenders must be dealt with harshly, no matter what their age. Time has proven that Positivism has failed, and a return to the classical view is needed.

In closing, to make progress in fighting juvenile delinquency, we must do two things. First, and most important, we have to deal with detouring and deterring potential criminals. Education, neighborhood youth centers which offer alternatives to the street gang pressure, and a media waged campaign to show that crime does not pay, what's going to happen to you when you get caught and when you go to jail, people talk to you about how you're going to become a hardened criminal. Let the kid understand that, when he is 7, 8, 9, 10, or whatever age when he can understand it. Then, give him an alternative to that, and maybe he won't be a criminal, maybe he won't turn to the muggings and ripping people off.

Secondly, repeat offenders have to be dealt with sternly, especially if they are violent ones, where there's muggings, or assaults, or beatings, or stabbings. You have to enact laws to lower ages at which a juvenile can be responsible for such violent crimes. I think the statutes have to be very definitive about what it is, not broad, like "a serious offense". I think a serious offense has to be very well defined, so people aren't getting railroaded and children aren't getting sent to jail for things.

Young people right now are under the impression that crime does pay. I think that's one statement that wasn't made here. I'm a pretty young person, myself. When I was in school, I thought crime does pay, you can get away with it, you're not going to get caught, and if you do get caught, you're not going to go to jail. Crime is a business-oriented economic activity, which is undertaken because the risks of breaking the law are small and the benefits great. We have to raise the price on crime, especially violent crime, even for juveniles. Breaking the law to gain money and to "get our kicks" is an inviting picture now. By stiffening the laws when it comes to juveniles, we can darken the crime picture.

By making visible alternatives to street gangs and drug scenes in New Jersey, we can further darken the crime picture for the potential juvenile offender.

But, of course, no matter how many laws are passed in Trenton and Washington, the final key to success in improving our youths' future lies with us.

I guess all of us here tonight cannot afford not to give a damn, and not to get involved.

Thank you very much.

ASSEMBLYMAN FLYNN: What is the perception, among the youth that you deal with, of the jails at the present time? How do they see those jails?

MR. O'DEA: Most of them never realize, never think they are ever going to get into it. So they have no perception of it. They look at movies, shows like "Scared Straight", and say, "It's never going to happen to me. I'm not going to go to jail, because I'm not going to get caught. I've committed ten breaking-and-enterings, I've mugged ten people, and I'm still out on the street. I was caught, and I was brought down to Number 5 School and roughed up, but I'm not -- " You know, the perception of going to jail just isn't there. Maybe they're too young, and don't realize. It's not a reality when you're that young. But really, most young people don't think they are ever going to go to jail.

ASSEMBLYMAN FLYNN: Do you think that if we had a mandatory program where someone arrested for Band E had to go to Rahway Prison or some place, the way "Scared Straight" does it, do you think that would be a help?

MR. O'DEA: It could be a help. But what I tried to say before is that you've got to get to the people ahead of time. (See page LX for Statement)

ASSEMBLYMAN MAYS: I agree with you one hundred percent. When the cities start cutting their budgets back in recreation and organized sports and organized activities, that's when the kids hang out on the streets. I agree with you.

I'm a product of a recreational program, when I was growing up. I agree with you that, no matter where you come from, broken homes or whatever, that can be overshadowed if you have a determination to seek a goal, and you have someone to care for you. I do agree with you.

ASSEMBLYMAN FLYNN: Thank you very much for your contribution.

Frank Falivena, Assistant Prosecutor, Essex County.

F R A N K F A L I V E N A : Good evening, Gentlemen, and thank you for this opportunity to appear here. I'll take your lead and try to be brief.

My real purpose in being here is to recommend that you, at your convenience -- not tonight, I am sure -- read the Juvenile Justice Strategy. You have it. If you need a copy, you can write to the Juvenile Justice Task Force, at the Division of Criminal Justice.

For your information, the Juvenile Justice Task Force is chaired by Ann Thompson, the Mercer County Prosecutor, and is composed of members of the Attorney General's office and all the supervising attorneys of the various prosecutors' Juvenile sections. We meet, except July and August, once a month to discuss various pieces of proposed legislation. We have had meetings at which one of the topics has been the Washington State Juvenile Justice Act. I wasn't at the last meeting, and don't recall whether we have issued, for our own purposes, any kind of analysis of it. But I am sure that if you write to the Juvenile Justice Task Force in Princeton, if we don't have it already, we can compose it for you.

There may be no track record on it, but it has some provisions that are very different from our State. During our meetings we have discussed the merits and demerits of it.

I have talked with many judges who have gone to various conferences. They

feel that New Jersey juvenile delinquents are rendered much more due process than in other states. I can't comment too much on the conditions within our penal institutions, whether for adults or juveniles. I have heard many allegations in Newark juvenile courts that the conditions are horrendous. When we are given specifics -- and we often urge people, as a prosecutor, to write a complaint against a Counsellor or someone who is in charge of the institution -- very often they'll back off. If they do that, we will investigate. We have to investigate, and we will.

I can say, from many times sitting next to juveniles who are going to be sentenced, the judge would say, "Unfortunately, I have to send you to the youth house." Or, "If you don't come back next time for the court date, or if you don't straighten yourself out, you're going to go to the youth house." And I'm told the youth house isn't a pleasant place. He hears these allegations, but very often they are not backed up or the complaints are unsigned. So they may not be the best places in the world.

ASSEMBLYMAN MAYS: They're not supposed to be a country club, are they?

MR. FALIVENA: That's right. In fact, some of the recommendations in this manual, as I recall, are the institution of determinate sentences, minimum determinate sentences for juveniles. It has been a topic of heated discussion that courts be allowed to sentence juveniles to thirty days. Thirty days in something that's equivalent to the youth house. As I understand the law now, they can't do that. They have to send them to Jamesburg or some other facility like that, or Yardville if they are serious offenders.

ASSEMBLYMAN FLYNN: The youth house has pre-disposition people, right?

MR. FALIVENA: Yes.

ASSEMBLYMAN FLYNN: Wouldn't you have a physical problem, where to put the convicted delinquents?

MR. FALIVENA: Exactly.

ASSEMBLYMAN FLYNN: We probably would need an intermediate facility in each county, or at least in each region.

MR. FALIVENA: Absolutely. I would urge that it be in each county, and perhaps the county would have to pay for it. I think that juveniles, as long as the they are treated like juveniles and not adults, having gone through the jurisdictional waiver hearing, should be close to their families. There is, even in many broken families, still a positive influence from the family. They shouldn't be in Yardville, Allendale, or someplace a hundred miles away. They should be in Newark, Jersey City, Patterson.

ASSEMBLYMAN FLYNN: I don't know whether or not you were here earlier, when someone commented that their relative had been incarcerated for five months on a first offense in Essex County for car theft. I found that hard to believe, for a first offense.

MR. FALIVENA: I find that hard to believe. He would have had to be, to my knowledge, pending trial, and that seems very unusual. Usually that would be, if it would happen, as a result of defense motions. Perhaps he was undergoing tests. I almost can't account for it, quite frankly. There is close scrutiny in Essex County, and, I am sure, in every other county, as to the length of stay of various individuals in the youth house.

ASSEMBLYMAN MAYS: Aren't they required to go to school, also?

MR. FALIVENA: Yes, there is a Youth House school. I don't know how good it is. It probably isn't very good.

ASSEMBLYMAN FLYNN: Do you favor the principles in the Washington Plan, of restitution, of community service, of things like that?

MR. FALIVENA: It has to be cautiously approached. There is a program that is funded by SLEPA, as I understand it, that two counties are the subject of. There is a police diversion program that's functioning in Atlantic County. It's still fairly new, I don't know what the track record on that is. Mercer County has started one now, I believe. Certain municipalities in Essex County have started them.

ASSEMBLYMAN FLYNN: Why do you say, approach it cautiously?

MR. FALIVENA: Well, again, restitution, who has the means to make restitution? If you allow a boy from Short Hills to pay his dues by making restitution, and the boy in Heshan Avenue in Newark, because he comes from a family that is, perhaps, destitute ---

ASSEMBLYMAN MAYS: But they do community service, they're both working it out.

MR. FALIVENA: Community service, yes, that might be the answer.

ASSEMBLYMAN FLYNN: The restitution does have some economic problems that you foresee in an unfair balance between the rich and the poor.

MR. FALIVENA: Yes, there is a possibility of that.

ASSEMBLYMAN MAYS: Only if you attack the parents, and the pocket there. But if you put them on work for the city or some kind of service in the city, I guarantee there would be no difference. They would both be working it off.

MR. FALIVENA: I would be in favor of that.

There are proposals in this strategy for a "youthful offender" status to be instituted by the Legislature. Only about one percent of juveniles are diverted to the adult courts, after a hearing, in which he is represented by a defense attorney, after which he is able to cross-examine witnesses against him and present his own witnesses. That's only one percent.

Perhaps thirty or forty percent of the juveniles involved in crime, or alleged crime, or what would amount to crime if they were adults, are diverted into JINS and other committee programs like that. We are left with perhaps forty, sixty percent that are juveniles that will be treated on a formal calendar, that will have a right to an attorney. A percentage of those are the ones, the juveniles, that we have to focus on. Every county that I am aware of has started programs. Many of them are basically the same. These programs are for identifying these chronic offenders that Prosecutor Humphreys has been talking about.

In Essex County, we don't seem to have that much of a difficulty. We walk into court, where they have the comprehensive file of the juvenile since he first entered the Juvenile Court process. We pick it up and we weigh it. Then we open it up. If they are all minor offenses, like shoplifting, we don't have to worry about that juvenile too much. He's not the main focus of our attention. But if he has a heavy file, and he has heavy charges -- breaking and entering into private homes, armed robbery -- something has to be done to those individuals.

Again, we may have to have these alternate means of incarceration, intermediate facilities.

ASSEMBLYMAN FLYNN: If you have them that heavy, you would need longer

than thirty days. Someone with a heavy file perhaps should go away for a determinate sentence of a substantial period of time.

MR. FALIVENA: Many of our cases, it turns out that many of our juveniles are alleged to have committed crimes at eleven or twelve o'clock at night. The question I pose is, who are they accountable to at eleven or twelve o'clock? I can see circumstances where the parent has to work the night shift, or maybe both parents are working. That might happen most often in Newark, in the ghetto, perhaps. There has to be someone who is accountable for that boy.

Once they hit the court system, there's only so much a prosecutor's office and the courts can do to aid that juvenile. Unfortunately, I don't think any of us like the idea of warehousing juveniles, but when they have committed -- it's not just three or four crimes. They seem to go on sprees and get three or four cases. They are adjudicated, they are rarely sent away on the first series of offenses. We don't have the room to send them away. We don't want to expose them to the criminal element that, I suspect, does exist in the various facilities.

So, you put him on probation for, perhaps, two years. He'll come back in six or seven months, he'll give a nice spiel to the judge, his defense attorney may be very articulate, he may or may not go away. It's usually after three rounds of coming before the judge that he's facing a real possibility of going away. That's sort of an unwritten, factual situation, at least in Essex County.

I don't think the judges have the facilities, the places, to put these juveniles. I really can't complain about what the judges are doing. They don't use a blanket approach, they try to treat the juvenile as an individual, and I might say the prosecutors do, also.

ASSEMBLYMAN FLYNN: Is late night crime a serious problem, or do most of these crimes occur earlier?

MR. FALIVENA: It happens from 8:30 in the morning, most of the school crimes, until eleven or twelve or one o'clock in the morning. Yes, a large percentage of breaking and entering and robberies do occur at night.

ASSEMBLYMAN FLYNN: I have been considering legislation to make as a presumption the parents' lack of supervision if a child of a certain age is caught doing something beyond a certain time. That would be a presumption. For example, age 14, after ten o'clock at night, there would be a presumption that that parent was guilty of negligence. Then the parental responsibility law would be implemented. Would that have any relevance?

MR. FALIVENA: I think it would.

I might just conclude that in my capacity I was asked to speak briefly at a meeting about two weeks ago, Action Response to Violence. It was held up at the Playboy Resort in Great Gorge. It was attended by about forty school administrators, and it lasted two days. I was amazed by what I learned. Briefly, it was that law enforcement can't expect school authorities to initiate programs for the curbing of crime in the school. Not because they don't want to. They are passionately devoted to it. They just didn't know how far they could go. They were answerable to a school board, or perhaps the parents of children that these programs might impact on. They were responsible to attorneys, or they had to get their advice from school board attorneys that, perhaps, may be very conversant with school board law, status of teachers, status of students, but really didn't know very much about the criminal law.

In Essex County, in response to that, we are starting a program -- there will be a press release, I believe, in about two weeks -- whereby, when a juvenile is alleged by the school authorities to have committed certain enumerated acts against society in the schools -- possession with intent to distribute, or distribution of certain types of drugs, certain types of violent activity -- the school authorities, once they perceive the child as meeting these criteria, will contact the police. Instead of calling up the Intake Officer, who will then decide whether or not the juvenile will go to the Youth House or go immediately before a judge, when these criteria are met, the police incarcerate the juvenile, unless the parents show right up and give the authorities some sort of enumerated guarantees that the child will be produced the very next day. The juvenile will immediately, that day or the next day, be brought before a judge. If the offense is so heinous, that juvenile will be incarcerated, pending disposition of the charges. It's something that is going on in a hit-or-miss fashion now in Essex County, and perhaps in many other counties. Essex County will be starting this shortly, with the cooperation of the County school administrators and with the cooperation of the various police departments, who will have to provide us with reports. And I can say, based on my meetings with the Juvenile Justice Task Force, other counties are instituting similar procedures.

I might say that I've only been in the juvenile system about eight months, but I've been an Assistant Prosecutor for six years, and the limelight is now, after many years, focusing on juvenile crime and on crime in the schools, largely as a result of the efforts of the Chief Justice and the Legislature and concerned citizens like the people who have been here all this evening.

Thank you.

ASSEMBLYMAN FLYNN: Thank you for your expertise and sharing it with us.

I'd like to call Steven Zamrin, from the Public Advocate's office.

S T E V E N   Z A M R I N : On behalf of Commissioner Van Ness, I welcome the opportunity to be here tonight. I will limit my speech to a very small period of time.

I just want to preface my statement, noting that it is ironic in this so-called "Year of the Child" that all of the legislation we see dealing with children is punitive in nature, and very little in the way of positive programs geared to preventing delinquency. All the bills being discussed tonight are an after-the-fact approach. Until we really gear ourselves toward preventing delinquency, getting a child before he becomes a delinquent, they are really not going to solve the problems that are before us.

I'd like to comment on some of the bills. We do not oppose any of the bills dealing with restitution and with community service. We do have several caveats, though, because we know there are no panaceas. Part of the problem, especially in towns like Middletown and Deptford Township, which are suburban communities for the most part, is that most of those children who commit the vandalism in those types of communities never get to court, period. You can't give dispositions for restitution and for community service, if they're not in court. The police divert something like 50,000 juveniles a year. Police diversion means they don't get to court, period.

The Public Defender's Office represents seventy to eighty percent of all juveniles at the counsel-mandatory hearings, which means that the vast majority of juveniles that have counsel-mandatory are from the poor. Even though we think that

community service is very valid, we do feel that there is a problem getting the sub-urban vandals into the court system. They will have the opportunity to be treated equally. All those who can make restitution will make restitution, and those that can't will do other types of service.

I would note specifically that the LEAA grant, which the Supreme Court has, as part of that they are actually attempting to get jobs, paying jobs for the kids, so they can help pay for the restitution. That's one area that the Legislature may be able to help out with. I know the grants are for sizable amounts of money, \$400,000, I believe. That probably won't go very far. It takes money to run these programs and get people to supervise the community work programs. You have to have the people, you have to have the staff.

In terms of the waiver bills, we think the present waiver bill is entirely sufficient. Our numbers are going up. The numbers of juveniles that we represent, who have been waived, are going up. We don't see any real problem in judges waiving those violent offenders up to the courts. I know Mr. Totten talked about the bill that would require automatic waiver for the student who assaults a teacher, school personnel, or another student. "Assault and battery" could be nothing more than a touch on the arm or a push. That's a simple assault and battery. We don't require an automatic waiver for a murder, for alleged homicide. So, I can't see any rationality to that bill, which makes it automatic waiver for assault and battery, which can be very serious but could also be extremely minor --- an automatic waiver to a system that no one has defended tonight, no one has said anything good about our adult system of justice. To put a juvenile into that system, which I don't think too many people feel works, doesn't really answer any of the problems within the juvenile justice system.

There has been some mention of the Washington bill. One facet of the Washington State bill, which hasn't been mentioned tonight, is that they have removed the JINS offender from the court system. They have very limited court contact with the JINS offender. Charles Silverman, in his book "Criminal Justice, Criminal Violence", also recommends that the status offender, the runaway, the truant, be removed from the court system. Our judges spend about half their time on status offenders. If we are really concerned about the violent juvenile offender and what we are going to do with that child, then our courts should be spending the time on those children.

The real difficult problems are with the JINS kids, with the broken families. How do you deal with that? The judges, who really don't have the resources to solve those types of problems, spend a great proportion of their time dealing with those kids. So I would also suggest, when you look at the Washington statute, look at that portion of the statute which takes most of the status offenders out of the court system and mandates that our social service agencies provide services. That's one of the problems in our State, which I'll get into a bit later, but I will be brief.

ASSEMBLYMAN FLYNN: You agree, then, with the Washington plan, the JINS. You agree with that portion of the Washington plan, taking the JINS out of the court system and putting it into the social agencies.

MR. ZAMRIN: Right. Well, there has to be some legislative guarantees that the social agencies provide the services that they are supposed to provide.

There are two myths that have been going around, about the juvenile justice

system. I'm not here to defend it, because we have been involved with it right from the start. We are one of the staunchest critics of the juvenile justice system. But there's one myth that no children are ever punished, that our system does not punish juveniles, and that rehabilitation has failed. Well, the fact of the matter is that we have over nine hundred juveniles in our correctional institutions today. That is not an insignificant amount of juveniles.

As was mentioned earlier, in the Association for Children's recent study, in the year 1977, and the same is true today, over ten thousand juveniles were for some period of time locked in our detention centers. And we heard the story about the juvenile who spent five months in the detention center. That's a common occurrence. Twenty five percent of those ten thousand kids spent more than thirty days in the detention centers, the reason being that there was no place for that child. That child was probably referred to the care of the Division of Youth and Family Services for some type of residential placement. It's a real problem. The juvenile was there for five months awaiting placement. We don't have the type of facilities in the State, the treatment centers for the children that need it. The judge did not want to send that child to the reformatory. For some reason, he felt that child could not go home.

So where do you send the child? We have a lack of foster homes, we don't have enough residential treatment centers. So, many juveniles spend long periods of time in our detention centers, awaiting, not a correctional placement, but treatment, which is unfortunately not there as often as we would like it to be.

The rehabilitation aspect, well, Prosecutor Humphreys talked about the *Parens Patriae* doctrine. Well, it's a doctrine that people have mouthed for years, but have never really followed. Prior to 1974, many juveniles would spend longer periods of time in our reformatories than adults would, for the same exact offense. That was *Parens Patriae*. We would confine them for longer periods of time than we would adults. After 1974, that problem ended, because our statute prohibits that. They can't serve any longer periods of time.

But a juvenile convicted of homicide may receive an indeterminate-to-life sentence to the reformatory. It's there, but it seems that no one knows that it exists. Juveniles do get sentenced indeterminate-to-life. It's not the fault of the judge, if that juvenile somehow is paroled at an early date. Most homicides do not get paroled in eight months. For the typical indeterminate-to-three-year sentence to the reformatory, you will see the eight-to-ten month, because they're getting crowded. We have the additional problem of the Penal Code coming into effect, more adults will be coming into the system, and they've actually taken away some slots from the juvenile area, Wharton Tract and Stokes Forest. If we start sending more juveniles away, we're not going to have the room for them.

And it's going to cost money. Assemblywoman Totaro's bill has no fiscal note to it. Believe me, if you start determinate sentencing, which we are close to, then you are going to have to have money to build facilities. We don't have the kind of facilities that we need. We do very little in the way of rehabilitation at Jamesburg, at Yardville, and at Annendale. There are a couple of good programs, but they're few and far between. Those kids there believe they're being punished. They don't think they're being slapped on the wrist. They can talk big when they come out, but I've been in court when they've been sentenced and seen them cry. I've been in the institutions and seen the way they've been treated. They are being punished, believe

me. So, we have to have meaningful programs that will provide rehabilitation.

The problem is, we haven't tried it yet, so we say something has failed. But we really haven't tried it. You give someone a probation and what do the probation officers do? They see the kid once a month, thirty minutes. We haven't given the courts the resources to do the job. I'm not always sure they would do the job anyway, even if given to them. But we have to have some kind of oversight.

We would support any kind of a resolution that would call for an in-depth study of the Juvenile Justice system. We would support Assemblywoman Totaro's call for a study commission, although we don't support that part of it which pre-assumes that it should be punitive in nature. We think it already is punitive.

ASSEMBLYMAN FLYNN: Haven't we already had several of those? There are at least two or three that I can think of right off the bat. The Juvenile Strategy, the School Board Association had a major study, Governor Byrne had a blue ribbon panel.

MR. ZAMRIN: There hasn't been anyone recently that has come out with a real, in-depth study of the juvenile delinquent in terms of proposing an actual change. I was on the Task Force on Violence and Vandalism in the Schools, and we had some recommendations. They called for a study commission. I'm on the Task Force on Alcoholism and Drug Abuse in the Schools, with the Department of Education. They will probably call for something similar to that.

In 1974, we developed the present Juvenile Code, which is considered by most people one of the most progressive in the country, and one of the best in the country, even though it doesn't fulfill all of the promises, in terms of corrections and in terms of rehabilitation. But since then, I don't think we really had an in-depth study. I mean, examine the facts; that's one of the things. What are the real facts? We do lock up a lot of kids. Whatever people think, the fact is that they are locked up. Maybe many more should be. But we can't escape the fact that over ten thousand, in one given year, were put in detention for some period of time. Detention is a polite euphemism for jail, and Jamesburg is a polite euphemism for prison.

So we have to look at both correction and rehabilitation. Even the former Chief Justice, whom I disagree with somewhat, will talk about both sides. We say "Yes, we have to get tough, but on the other hand, we have to make sure we are providing the kinds of services that these children need." Unfortunately, what we see is that most of this legislation goes to one end, and we see very little on the other. I can give you one specific piece of advice for that juvenile who spends five months awaiting a placement. That is, why don't we have some legislation that says, that when a juvenile is transferred to the Division of Youth and Family Services for care, and he's confined in a detention center, that they must come up with a placement within a certain period of time.

We've had juveniles actually sent to the reformatory, for no other reason than our social service agencies couldn't come up with a placement, where the judge has put it on the record, "I don't want to send this child away, but I have no other place to send him." But if he's already been in there for four or five months, what's he going to do? Jamesburg is probably somewhat better than being in a very small detention facility. But there are no easy answers. We don't have any solution to the entire problem. It has to be a multi-level approach in many different areas. Unfortunately, we feel, at least right now, that we're seeing one approach from one

side, and not seeing enough of the other.

ASSEMBLYMAN FLYNN: The approach that seems to be current is that there's a cancer existing, and the public wants to cut it out. What you are saying is, "Let's find out what foods the person ate, so they don't get cancer any more." But we've got the cancer now. What are we going to do about it?

MR. ZAMRIN: We definitely have to go from both ends. Many of the juveniles come from broken families, a lot of delinquents are abused and neglected, you see that in their records. They do have school problems. Almost everyone has some kind of educational handicap, emotionally disturbed, socially maladjusted, retarded, we get every type. There are very few of what I would call the psychopath. There's that career criminal type that some psychologists talk about. Most of the kids are not like that. We would be the last to say that kids don't have to be locked up. There are kids that have to be removed from the streets, and put into some kind of facility. The question is, what kind of facility, and how long is he going to be there?

ASSEMBLYMAN FLYNN: Do you agree that the prosecutors can target those that are likely to wind up as repeaters, and those we should take out of the system, and try to rehabilitate them?

MR. ZAMRIN: I don't know if taking them out of the system is going to do any good, if we're putting them into another system that doesn't work.

ASSEMBLYMAN FLYNN: All we are going to do is remove them, so they don't hit you over the head while you're walking down the street.

MR. ZAMRIN: I think you can remove them within the juvenile justice system, too. The fact that they're in the juvenile justice system doesn't necessarily mean that they are going to be removed from the streets. It is a fact that they are confined for shorter periods of time on the whole than adults, but part of that is due to the fact that there's not enough room.

ASSEMBLYMAN FLYNN: What they are saying, then, is true. The Passaic Prosecutor said it, and the Essex County Assistant Prosecutor said it. They get tired of these people.

MR. ZAMRIN: We've come across situations, we've been into those detention centers, and we've found children in their facilities that we don't think should be there, that are not the violent offenders, that are the minor offenders. They may disagree with us, but we've been in those facilities, and we've found children that we felt should not be there. Some minor offenders are in detention centers. We've seen shoplifters go into Jamesburg. We see it all the time, kids on very minor offenses going away.

ASSEMBLYMAN FLYNN: I suppose it depends on how many times they do it. If the kid does it a few times, we have to do something with him.

MR. ZAMRIN: Most adults who do shoplifting two, three, or more times don't get sent away, either. There's a common fallacy that every adult, as soon as he gets caught, is automatically put in prison. And that, of course, is not true, either.

ASSEMBLYMAN FLYNN: I don't know that anybody believes that.

MR. ZAMRIN: Well, they seem to feel that the juveniles have to be. Now, I think there are juveniles with very minor offenses at the reformatory, for offenses that adults would never get sent away for, probably for the reason that there are no programs for them.

ASSEMBLYMAN FLYNN: The Essex County Prosecutor said that it takes a third

round of activity before a juvenile goes away.

MR. ZAMRIN: That's probably true, because of the dynamics of Essex County. There are so many more types of violent activity committed in that county, the judge sees so much more, that he probably sends less away than some other counties. We had one month in which one of our rural counties had the highest amount of commitments in the State.

ASSEMBLYMAN FLYNN: For probably a lot less significant crime.

MR. ZAMRIN: It may be. It depends on the mood of the judge in a given time and in a given month. (See page 5X for statement)

ASSEMBLYMAN FLYNN: I want to thank you for helping. We will definitely go over your report and make it part of our record.

Ed Adamski, the Chief of Police of Bayonne.

E D A D A M S K I : I'm going to make a recommendation. In the future, will you please call us in alphabetical order?

On a serious note, I happened to be an elected official in 1976. As a matter of fact, I was seated right up here on the Freeholders' Board, here in Hudson County. When we had public hearings, we had a clock. We had standing room only. When our ten minutes were up, a little bell was rung and a person had about one minute to sum up. I only say this for the future. I can sympathize with you gentlemen up there, because I've been there. We do try to give the public an opportunity to express themselves, and that's the reason we're here tonight.

I'd just like to quickly summarize, because of the lateness of the hour, what types of problems our young people are getting into today. In answer to the young fellow who said that nobody speaks for the victims, I guess that's one of the reasons I am here tonight. As a Chief of Police, 29 years in law enforcement, I will speak for the victim. I have walked the beat, was in a radio car, I've been in investigations, I've seen young and old bleed and be hospitalized for months at a time because of vicious attacks.

I would like to commend you gentlemen on your bill raising the age from eighteen to at least nineteen. Five years ago, the New Jersey State Chief of Police Association had pleaded at the time not to change the legal age of drinking alcoholic beverages from twenty-one to eighteen. At the time, when the age was twenty-one, we in law enforcement were having problems with youngsters seventeen and sixteen years old. And, true to form, when it was dropped five or six years ago to eighteen, we now see youngsters thirteen and twelve years old, really getting bombed out with the booze. There are various devious ways in which they get their hands on this drug. After all, if you're fourteen or fifteen, the chances are that you have somebody who is eighteen years old who will hop in the car, go to a nearby liquor store, pick up a case of beer or vodka or wine, and hand it over to their younger friends.

I notice that marijuana was downgraded here this evening. But among juveniles, and that's what we're dealing with here tonight, it's a big thing. They're on those funny-looking cigarettes, they're on the grass. We read conflicting reports from medical authorities. Some say it's really not harmful, and yet others say that after a period of time, especially with young people, where their cells are constantly reproducing, more so than adults, it is harmful, especially to the brain cells and to their reproductive organs, et cetera, in later life. But it seems like more and more, throughout the nation, they tell us that there are literally anywhere from ten to twenty million young people using marijuana. But what are you going to do? You can't

put them all in jail.

On vandalism, Mr. Chairman, we were talking about restitution. Of course, it's a two-sided coin. Some families could easily pay for some types of vandalism, whether it's fifty or sixty or a hundred and fifty bucks. If there's good salaries coming in, perhaps both parents are gainfully employed, they're not going to feel it. On the other side of the coin, you get a family that is up against it, maybe a broken home, a mother trying to keep a family together, maybe she has to go out and try to earn a living, or perhaps because of small children, she can't go out, and must depend on public assistance. Surely we can't expect this person to pay for vandalism committed by one of her children. It just wouldn't be fair to that parent. But yet, what do we do for the victim?

I was a head of the Juvenile Bureau in the Bayonne Police Department for five years, from 1960 to 1965. I just want to give you one quick example. One of the merchants in the community just stuccoed his place of business. It cost him, even in those days, a lot of money. But, lo and behold, I don't think the cement was dry that night when a couple of girls -- and I know we're talking about boys, but, you know, girls do get involved in juvenile delinquency, and it's very much on the rise, incidentally, these last few years -- they took the spray cans and painted "Jimmy loves Mary" and, you know, a few other things of graffiti. When the poor merchant came in the following morning and saw this beautiful building that he just bled for, had just renovated, and saw all this graffiti on the side, he was nonplused.

After a little investigation -- and I would say we were fortunate -- we found out that the girls lived, actually, halfway up the block. The City of Bayonne is a very congested community, a mile long and about three miles wide. It's a city of about five thousand people. The homes are about twenty-five feet, a little alleyway, and then there's another home. These girls were fourteen and fifteen. We went to the parents, and they admitted that they had destroyed the decor of this businessman's place. With the permission of the parents, these girls went out with hot buckets of water and Ajax and scrubbing brushes. It took them two days. They went out there one day after school for two or three hours, and then the following day they were there again. As a matter of fact, some of their mothers and sisters came along and helped them scrub the side of that building. And after all was said and done, everybody kissed and made up and shook hands, and that was the end of it.

We are talking about perhaps getting the youngsters involved in some kind of community work. If, say, they vandalize a school, break into the school and turn on the faucets and do five thousand dollars worth of damage, certainly they should take up brooms or rakes and go around that schoolyard and pick up bottles and cans for a certain amount of time, whatever would be deemed necessary, so that they can see the evil of their ways and not repeat that act of vandalism. There is nothing wrong with that at all.

One of the biggies in juvenile crime is burglary, or breaking and entering. Places of business are broken into in the wee hours of the morning, one or two or three A.M. But a great many, especially those who are on the hook, or for some reason or another are not in school, they break into many homes during the daytime. Most of our home entries are done during the daytime. They will ring the doorbell and ask for Mary Smith or whoever, do they live there. No? Then they will go away and try another block. But if there's no answer, the chances are that the children are in school, the parents are out gainfully employed, and there is nobody at home. They

are going to break in, slip that lock or go around the back and smash a window and get in.

Nothing is more distressing to a person than to come home after a hard day's work to find the entire bedroom ransacked, everything tossed topsy-turvy, and whatever pieces of jewelry or a couple of bucks in cash or a portable TV stolen, put into a pillowcase, and out. I've interviewed these people many times, and perhaps and perhaps some of you gentlemen, I'm sure, have spoken to your constituents. It's heartbreaking for someone working all day long to come home only to find his home burglarized.

Auto theft, many young people are really into this scene of stealing autos. Arson, assault and battery, the girls have picked up in this area. I see pocketbook snatching was minimized here this evening and it is obvious to me that many of these people have not interviewed an elderly woman--I say elderly only because maybe their bones may be just a little bit more brittle than some of the people in the audience here tonight. When a pocketbook, whether it contains three or four bucks or thirty or forty, when it's viciously ripped and torn off the arm of this elderly lady and she is tossed violently to the ground, she invariably smashes her elbow or her knees and she might get a sock in the jaw and some teeth broken or her jaw fractured. I've seen them. I've interviewed these people on a hospital bed and it is very, very distressing and these people, they just, they continually repeat what's happening in our country today. We've had our churches closed, no more services at night, regardless of the denomination, Catholic, Protestant or Jew. Churches don't dare be open anymore during the night hours, because there are no attendants or they've closed down different social gatherings for senior citizens because the people would not attend. They're afraid. They're afraid to go out of their homes at night. This is not what America has meant to us these 203 years that we're in existence. People that have devoted their lives in helping to build this country, especially many who have come, perhaps, from the other side to seek a better life, they deserve something better in these United States and I would appeal to you gentlemen of the Legislature to help us with the vicious young criminal. I'm not talking about a young boy or girl, perhaps, who would be truant or some of the lighter crimes, shoplifting, these types of minor infractions of the law. I'm talking about the vicious young criminal. He could be 14 or 15. I'm sure, Charley, you've been in sports. I've seen 15 year old youngsters, they're six foot one and they weigh 210 lbs. at 15 and if these guys ever grab you in an alley, I'm telling you, they can do a number on you. This is what many of our people are confronted with. So, I think we have to take the entire spirit and give the streets and give the communities back to the people.

I've heard mentioned several times about using the names of juveniles. This is a very serious type situation, but in the same token, I do feel that, perhaps, after the third crime committed by this young boy or girl that, perhaps, the neighbors should know whether Bobby Jones or Eddie Smith or whatever is breaking into the homes of the people of the neighborhood. Is he the one that's stealing the automobiles, breaking into the automobiles at night, and if he is and he's picked up and the evidence is presented, perhaps, like the old ballgame, three strikes and you're out. Sure, give a kid a break the first time. After all, you can't put a 40 year old head on a 15 year old pair of shoulders. So, kids are going to make mistakes, certainly. I happened to be brought up during the Depression days. I came from a family of ten and my parents happened to come from Europe, but not one of us ever seen the inside of a courtroom because there was, besides love and affection in the home, there was also discipline.

This has been brought up many times tonight, but that is sorely lacking today, discipline. A lot of parents are not doing the job of parenting. Mama is too busy going out bowling or to Bingo and papa is too busy going out to the corner gin mill or somewhere and I'm not against having a glass of beer. I'm trying to cover it with a vest, as a matter of fact. But, this is the kind of situation that we find when we go to these homes. Even though there is enough salary coming into that home, the parents are too busy. Just like the advertisement that comes on at ten o'clock, channel five, "Do you know where your children are tonight?" Boy, could I ask hundreds of parents in my town that very same question and I do.

In conclusion, I've heard about the CCC, capture, convict and correct. In my time, CCC meant Civilian Conservation Corps and it was a good plan.

ASSEMBLYMAN FLYNN: Do you think we could use something like that today?

MR. ADAMSKI: That's the reason why I brought it up, Mr. Flynn, definitely. I'm not looking to put a young boy or girl behind a cage like a squirrel or a rodent, no. Young people, my God, they're like a flower. They should be allowed to grow and bloom and mature and have a good, happy and healthy and, hopefully, long life. But, in the same token, they shouldn't infringe upon the rights of others and if they want to take this tack and they want to get involved in a life of crime, even at an early age, then it behooves us in law enforcement and you in the Legislature, again, to do something to protect the public, these people. Let's give the streets and the communities back to the people. So, we can take this 15 or 16 year old who the parents can't control and the schools can't control and the police, all they can do is pick him up and have the judicial system take its natural course. There's nothing wrong with taking this young man and giving him a pick and a shovel somewhere around some State park and pick up the debris or put him behind a lawnmower or put a paintbrush in his hand or show him how to use a screwdriver or a wrench. I've seen this Civilian Conservation Corps work in the Depression days and there's no doubt in my mind that, perhaps, this might be the area that the Legislature might want to pursue rather than put up big monstrous prisons with bars. I'd rather see these young men out there getting the fresh air and with good instructors, getting involved, doing some work and then, getting involved with sports and help build a strong body and I'm extremely sorry for taking up so much of your time. Thank you.

ASSEMBLYMAN FLYNN: Thank you Chief. You had a lot of input. Paul Chandler?

P A U L C H A N D L E R: Thank you. I first wanted to mention that on the subject of printing the names in the paper, I think they've got a very good system which they use in England and some of her colonies, that a person's name is not published until after he's been convicted. The fact that a suspect has been brought in, already in the eyes of the paper, he's guilty and they should never publish the name of the victim. I think that's one reason a lot of crimes are not reported because of the fear of publicity.

I am presently a substitute teacher. I have taught at Catholic schools and public schools and I also do, in my own spare time, I tutor culturally deprived, emotionally disturbed high school dropouts, who want a crack at high school equivalency. I also take people to Rahway Prison for the Scared Straight Project. If I see a young person I'm dealing with with a belligerent attitude, I'll take time off from my teaching to take them out there because I strongly believe that project is doing a damn lot of good.

The first thing I will mention is that I teach social studies and from experience in the classroom and having been in some of the worst public schools, I see no difference in our times with the gangs and the trouble than they had, perhaps, in Germany in the early 1930's. It is a strange thing to say, but when you break it down, the street gangs are sort of a anarchistically organized storm trooper pack. You just have to go down Baldwin Avenue at certain times of the night and you will see what I mean. It's not the drug problem. Drugs are there, we all know that. Wherever there's a school, there are drugs, but in recent years, we've had a constant tidal wave of thug worship propaganda in the movies, on television. Even some of our good guys, some of the cops, they're tough guys. There are no Sherlock Holmeses among some of the police heroes you've got on television. They're all tough guys and you keep bombarding the kids and bombarding the kids with tough guys are right, might is right and you're going to start a young culture of thugs. The term that's used, you hear it many times, "hey teach". They've been doing that since "Up the Down Staircase" ten years ago. That's when they first started using that. "hey teach, man, hey teach." This is supposed to be hip and it just breaks down to a continuous bombardment of brainwashing. That's all it is. When I see a kid come up to me and you can tell by his posture and as soon as he says, "teach", I say, "this poor guy's been brainwashed." You don't have to be an Einstein to see that. It's just common sense and the sad thing, in some of our neighborhoods, some of the elderly and people who work nights are afraid. A little old lady in our neighborhood is afraid to go to the corner to get some milk or something. People are afraid to go out. It's like our neighborhoods are mini-dictatorships run by the gangs. It is government by the gangs and for the gangs in the neighborhoods. They determine when you will go out. They'll determine, if they don't think you're cool, they'll single you out and destroy your car, destroy your property or when new people move in, they want to check them out. You know, it's gotten like--you know, in our school, one instance that happened in one public school that I taught, I was writing on the blackboard an assignment and a kid came in the classroom in gang regalia, a bandanna symbolic of his rat pack, just walked around my room chewing gum, give me some skin, all this stuff and my instructions were, "leave him alone, don't do anything or else they'll really do a number on you." You know, it reminds you of the old movies they used to show that came up during World War II with the little people praying in church and the Gestapo guy would come in smoking his cigarette, looking at everybody praying. It's happening in another way in our own public schools.

ASSEMBLYMAN FLYNN: Mr. Chandler, if you were in our position, what would you do to change that?

MR. CHANDLER: Well, I strongly believe, and it's sad to say this, you have to fight fire with fire. There have to be tougher laws on violence, especially when kids assault teachers. A lot of kids today think teachers are a bunch of eccentric, scatterbrained people who are just there. They don't listen to us anymore. This is in a regular class where a kid will tell you to shut up or if you ask him to sit down, they might push you back. I've seen in one school where part of the student art on the walls the public school, and this is something that is shown to parents and PTA, are Nazi swastikas and Hell's Angels. This is supposed to be art. That just shows something of the culture being taught. I believe strongly that teachers should have some leeway to defend themselves besides just reasoning.

ASSEMBLYMAN MAYS: Defend themselves in what respect?

MR. CHANDLER: Well, the right of teachers to be able to use some form of forceable restraint when there is a serious confrontation in the classroom. There are certain laws. The term of hitting is a very general term and breaking it down to the

nitty gritty, it means, hands off. You know, you just have to talk. That the only weapon we have, our mouths. I think we do a very good job, as it is.

ASSEMBLYMAN FLYNN: You would be in favor of a bill, which Mr. Totten spoke about earlier, which would mandate adult status for juveniles who strike teachers?

MR. CHANDLER: I strongly believe in that. I do think if the child is brought up on charges of that type, I guess I have one little reservation because I've seen some of the dropouts who want to make, you know, they're trying to pull themselves together. I think before a child is brought up on adult charges, they should get a psychological and by this I mean to determine, well, if the kid is just basically a mean s.o.b., you know, or if there is just some emotional disorder there or some form of mental illness, because from my own experience, I've found that there are only two types of kids who will assault a teacher. One is just somebody with a general nasty attitude plus really into the garbage from the movies and all that and the other type is somebody who is emotionally disturbed.

ASSEMBLYMAN MAYS: What has changed since you and I have gone to school? Then, the teachers didn't have to hit you. They just told you what to do and I think the parents play a part today because they don't--

MR. CHANDLER: When I went to high school, we were right in the middle of the heyday of the anti-war years. I think, in my time, we were more idealistic. If we did any sort of rebelling and that could be anything from marching in a demonstration to organizing a rally in the auditorium. At least there was some idea for humanity involved at the basis of it.

ASSEMBLYMAN MAYS: Don't you think the boards of education in some cities don't back their teachers up?

MR. CHANDLER: I've seen some schools in Jersey City where the kids can tell the teachers anything and there is nothing the teachers can do. An incident happened to me once--

ASSEMBLYMAN FLYNN: We can't get into instances now. We've got three more people and not that much time. We thank you for giving us your input and certainly your position on strengthening the teachers' position. I think it's very well taken. Thank you.

MR. CHANDLER: Thank you, Mr. Chairman.

ASSEMBLYMAN FLYNN: Mr. Benjamin?

T H O M A S B E N J A M I N: Mr. Chairman, members of the Subcommittee, I would like to thank you for the opportunity to come before you. Myself and co-staffperson Sandy Lybeck came her for two purposes, one, to offer the services to you as legislators of the National Council on Crime and Delinquency, an organization that was established in 1907, and is probably America's leading research, policy making and citizen organizing agency in the country. You have our testimony here, so I'll just allow that to rest a second and say that the Citizen Advocacy Network, which is affiliated with the National Council on Crime and Delinquency, was funded for the purpose of organizing and involving citizens in many different activities, which include monitoring the juvenile justice system, looking for alternative ways of working with non-dangerous children. I mention monitoring because I think it's very important for citizens like those who came to this hearing tonight to get involved in looking at the total juvenile justice system. I think that is a multi-million dollar business, adolescence, psychological testing on the prison system and I don't think that it's pure in any sense. The Network will be involved in a number of different counties in the State of New Jersey. We'll be choosing counties based upon some of the information which was shared here tonight,

high commitment rates, long periods of time the children spend in detention and shelter care and also, something that very much concerns us or two things that very much concern us. One is the handling of children under 12 in the system. We believe, and I think there are statistics to back it up, there are very, very few children under the age of 12 that really pose a serious threat to the community. Yet, we do have facilities like Skillman, which was mentioned earlier as a model example of a program for children. We disagree with that. We think it's nothing more than a training ground, a very negative experience for young children. These children could probably be better served in community based programs and day treatment. The other concern, which Assemblyman Mays addressed several times tonight, is the disproportionate number of minority children and the poor which are in the juvenile justice system today. I want to point this out because it is not really a new thing. Today it is the Black and the Hispanic. I looked through any reports of the Department of Corrections going back almost to the 19th Century and, you know, in the different world wars, there were Irish, Czechoslovakia, people who immigrated to this country. It was their children in the various times, the people who were fighting to get into the mainstream of American society, their children were in those facilities. So, I think all we're talking about here is a population of children who represent groups of people who have not yet been recognized by the total American system and allowed access.

As I said earlier, we do want to offer our services. We are available to work not only with the citizens, but with legislators in terms of providing you with the most current information, statistics, research studies, in the area of crime and delinquency. The National Council on Crime and Delinquency, in addition to work in the area of monitoring the system, also has projects which involve victim assistance, crime prevention projects. You may have seen some of the commercials we're getting into, which talk about not opening doors, on the role that victims themselves play on being victimized. I'm not trying to blame the victim. I don't mean it to sound that way. I'm just saying that the person who leaves work on a Friday night with \$350.00 in his pocket and stays in a bar for five hours and then walks ten blocks home might be asking for it and there may be ways, through better security, more careful thinking, that people can make themselves less of a target for those children in the system that do commit certain kinds of crimes.

We also do not condone children, the few, in terms of percentage wise, that do commit dangerous offenses and we think they should be removed from society temporarily and treated humanely, given, maybe, some of the things that were brought up here tonight in terms of services, in hopes that they could be reintegrated into society. I come before you, I think, with some experience. I'm an exoffender. Not only that, I grew up in Bayonne, at least 13 years in that particular municipality and am probably one of the people that Mr. Adamski chased around in a squad car. At the same time, my mother was the victim of extreme violence and was almost murdered and so I can also talk about the very personal experience of my mother confronting the assailants and the role of victims. What's most important when we talk about disproportionate numbers of minorities in the system is that the victims, many times, for the most part, are also black, non-white and poor people. So, we're talking about a total approach, monitoring the complete system. I'm open for any questions that you might have. I know you're running late.

ASSEMBLYMAN FLYNN: I think the Committee is going to make good use of your group and your statistics because we've got a lot of potential bills that we're talking about and we're going to need statistics to back up some of things that we want to say. So, we're going to call upon you and we thank you for offering your services and your committee staff to this Committee. Thank you. Micheal Burke?  
(see page 16X for statement)

M I C H E A L B U R K E: Thank you very much for your time, gentlemen. I appreciate this opportunity, Mr. Chairman. I know Mr. Mays and Mr. Lorry have had easier times on the tennis court. At least after a set, you get a chance to get up and move around.

I am feeling rushed and I am feeling tired and I know I'm not the only one that's feeling that way. It's unfortunate, I think, that this is what has occurred. I think that better planning could avoid this from happening again.

ASSEMBLYMAN MAYS: Let me straighten something out. The union is pushing us to get out of here.

MR. BURKE: Okay. I understand that now. One of the problems, as you have seen here, is compliance and it is a problem which exists in school systems, in the classrooms and compliance also entails enforcement. When rules and regulations are not followed through or they're not enforced, what happens? I think you can see what is happening now.

I would like to briefly state that I have worked as an attendance officer, a teacher. I'm presently employed with the Jersey City Board of Education as a Human Relations Specialist and I took this opportunity to share with you something that I have been involved teachers, trying to get them to share their feelings. We have produced a ratiocinative world, a very logical world that deals with getting the task done and there's not too much emphasis placed upon how do you feel. So, if I had been in the classroom now, I would have tried to deal with the feelings that were in the audience, etc., or feelings that were going on because feelings are the motivators. We don't know what the logic is behind a child who, at a certain point, will stab somebody. We know there's some emotions there and perhaps we can deal with those.

I do have some recommendations and I'm pretty sure I'll be brief. I don't want to appear as a book salesman. The Assistant Prosecutor from Essex County provided you with a copy or acknowledgement of a book that's available and I have a number of books that you probably are aware of. However, I must take the time to insure that you know of them. The first, of course, is the Reducing Violence and Vandalism Disruption in the Schools, which was put out by the Task Force on Reducing Violence and Vandalism to the State Board of Education. The second is a volume printed by the National Institute of Education entitled, "School Crime and Disruption Prevention Models," that is, what to do with school crime. The third is a very unattractive book because it is so lengthy. However, it is a compilation of national statistics and the national statistics can be applied here to Jersey City as well as the State of New Jersey. Some of the schools spoken about are schools in New Jersey and this is the Violent School, Safe School Study Report to the Congress. There are three volumes. This one is perhaps the summary. The other two contain information about methodology. The reason that I am presenting this to you is because, as coordinator for the Violence Prevention Project, I have received funding from the Jersey City Education Association and a fellowship from the National Education Association in order to develop in Jersey City a program or a project which would reduce violence and vandalism in the school system. One of the ways that we're going to do that is by a knowledge base, finding out what has been done previously and what we can do now. The other is primarily to establish an awareness that something can be done. There is acknowledgement that there are costs, there are things that can be done that cost a great deal of money and that there are some things that can be done that are very simple in cost and do not or would not require a great amount of funding, even though I know that the legislator's primary job is to allot funding as well as laws.

ASSEMBLYMAN FLYNN: Are most of the recommendations in those several books the kind of recommendations that the School Board can implement or are they things that would require legislation by the State?

MR. BURKE: Most of them in these books, particularly this book, require funding. It requires \$2.5 million in funding.

ASSEMBLYMAN FLYNN: Is that Jersey City or Statewide?

MR. BURKE: This would be Statewide. This is for one year, which is a minimal amount considering the fact that there's \$2.3 million spent on glass alone, glass breakage and there's \$2.8 million spent for other property damage, etc. But, that's a minimal amount and I'm glad you mentioned that because that's one reason why I'm here, to emphasize to you as legislators that this book is available, that there are recommendations here that should be looked at and should be studied carefully. I would like to see the Legislature go beyond rehabilitation and into the area of prevention. Of course, that would require funding, perhaps, project such as this, projects that will get teachers together. Now, this project is funded by \$2,500. Because of the interest developed by the people and the people who are involved in it, such as my wife and the other people who are sitting here, it is a project that is going to work on \$2500. Now, that is not a lot of money and it means a lot of time that I had to give and the other people had to give and they're not getting paid for it.

As far as assault is concerned, I would like to see the youngster, depending upon the degree of assault, have, perhaps, a preliminary hearing defining how serious the assault was, but I would like to see the youngster tried as an adult. Also, in regards to that, there must be sufficient money put into rehabilitating the youngster and educating him. There's no sense, and it's been mentioned before so I won't go into detail, but there's no sense in trying to do the 3 C's without trying to do the fourth. Let me emphasize here that my position is to acknowledge the importance of a child or a youngster not getting away with hitting a teacher, knocking a teacher down the stairs or, for that matter, knocking another student down the stairs and that was something else that was not mentioned here very loudly and that is student to student violence, which occurs three to ten times more than students to teacher violence.

Reverend Soaries' story and the youngsters he had before him was an example of what can be done on a one to one basis, which, of course, requires money, a type of counseling. So, there has to be sufficient money to deal with that, to provide counseling for youngsters because, as was mentioned before, it costs more than \$12,000 to keep an inmate and there is less than \$2,000 spent on a student per year and I think that is where his money has to go, into education, rather than into the other institution.

I think there has to be some type of parent liability law, some recognition that a parent is liable. You, before, mentioned and I think that it takes into consideration a time factor, Mr. Flynn, regarding the ten o'clock appearance of a child in a house. If a child's not in the house by ten o'clock and the parent doesn't know, I think you can assume that the parent is not doing his or her duty, particularly if this happens a third or fourth time.

ASSEMBLYMAN FLYNN: Do you think that might be a good idea then?

MR. BURKE: I think that it's a much better definition of what I had proposed, which was parent liability. I think that, obviously, you've done more thinking about that than I have and it defines it better and the more definite we can be, the more exact we can be, the better off the youngsters are going to be and the better off the educational institutions will be.

ASSEMBLYMAN FLYNN: What do you think of the time of ten o'clock at age 14 and eleven o'clock at age, say, 16? What do you think of that?

MR. BURKE: That's where you run into problems, like defining 18 for not drinking and 19 for drinking.

ASSEMBLYMAN FLYNN: I have to be specific in legislation. Yet, I can't make it too early for the older juveniles and too late for the younger juveniles.

MR. BURKE: Well, I would define it, then, according to working papers. When is a youngster allowed to get working papers?

ASSEMBLYMAN FLYNN: 14.

MR. BURKE: Well, then, I would make it 13 and then, divide from 14 on up to 18 or whatever.

ASSEMBLYMAN MAYS: During school?

MR. BURKE: During school.

ASSEMBLYMAN FLYNN: What's the difference whether they're in school or not?

ASSEMBLYMAN MAYS: Well, I'm talking about in the summertime, it's hot and people can't stay in the house and people ain't got air conditioning, so you have to realize that.

MR. BURKE: I understand that, but I think that Mr. Flynn is making the point that if a youngster is brought before a juvenile court or is accused of something, and the parents didn't know where he was, then, the parents would be held liable for that, rather than, as you had stated, where the parents know where the child is. There is mentioned a \$520,000 project, juvenile restitution fails to get off ground. I don't know what happened to it.

ASSEMBLYMAN FLYNN: That article was a little overblown and we've looked into it in our Committee and the program had some delays in getting it started, like any other program, it is sometimes hard to get off the ground, but it has gotten off the ground now and you'll see more and more of it.

MR. BURKE: Okay, that's what I like to see. I think that in order to facilitate friendliness in the classroom there has to be smaller class sizes. In order to recognize the youngster as a total human being, you must be involved with him in a time allotment that, at this time, does not occur when you have thirty students in a classroom. Some of these youngsters need more than the 25 to 23 ratio. They need a one to one basis. Again, that requires money.

ASSEMBLYMAN MAYS: What size would you like to see?

MR. BURKE: I would like to see no more than 20, but at the same time, I would also like to see teachers trained to deal with 20 children.

ASSEMBLYMAN MAYS: Well, that's already been in the testimony.

MR. BURKE: I think that also has to be included. I think there has to be some, and there has been some by the Legislature, some recognition or some enforcement that school districts must recognize and deal with the violence and vandalism problem, such as the collection of data and the enforcement of information which must go to the State Department of Education.

ASSEMBLYMAN MAYS: What do you think about a teacher refresher course?

MR. BURKE: I think that it's a good idea. I think that other professionals do it, other professionals are forced to do it and I see no reason why educators can't do it. However, again, there is cost involved. The City of New York requires a Masters Degree for their teachers, however, the City of New York pays for that Masters Degree and they also pay for further education. I think there has to be legislation in the positive areas to develop programs that reward appropriate behavior, not just academic performance. We have a lot of youngsters who are quite capable and I couldn't help but think a story, and I can relate it to you Mr. Mays, because you were a runner,

and Mr. Lorry, who was also an athlete, each child comes to school with different talents and there's a story about trying to teach a turtle to run fast and the rabbit comes to school and they want him to climb trees and the fish comes to school and they want to see him fly. We have to spend more money and this probably would be related to the pre-school area, of finding out what talents children have, where they want to be developed.

ASSEMBLYMAN MAYS: In the field of vocation, are you saying that they might not have book knowledge, but they can fix a car better than you or I can, without book knowledge?

MR. BURKE: Yes, and not only that, they've seen their father do it and they really would like to do what their father has done. It's not a big deal, but youngsters, for the most part, don't want to beat out their father, because once you do that, you can't look up to him anymore, unless there's a close contact between the father and the son.

I'd like to see legislation regarding the providing of insurance, property insurance for vandalism by the State. In other words, if there's a policy for the City of Jersey City and they can't collect for one reason or another, there should be some insurance policy made so that the City of Jersey City can be insured at a reasonable rate for some of the building materials or whatever property damage might be done. So, I think that probably would also require some type of legislation or law.

Also, I would like to see initiated emergency loans available for victims. I would like to see surveys and further recognition of the importance of nutrition and its relation to learning disabilities and its relation to delinquency and I'm not talking about here a school lunch program. I'm talking about allergies. I'm talking about what are now coming forth as cerebral allergies, and that is reaction to foods, so called mental or behavioral or perceptual reactions to certain foods.

ASSEMBLYMAN MAYS: What's your reaction to outside groups coming in, like PUSH, asking for \$150,000 or \$200,000, coming in and taking away from things? What's your feelings on that?

MR. BURKE: Well, my feeling is that they belong there as much as we do. However, I'll fight them tooth and nail for every dollar that I can get, because they act as an organization which requires certain funding and certain money. I too require certain funding and money.

I think there has to be training programs for principals, teachers and students. Also, there must be a code of regulations devised by the public school district and also by each high school and public school itself. There should be a certain general code applied to the district, however, there should be allowance for individual codes coming from the principals, the teachers and the students, requiring the students to work with the teachers in establishing codes and guidelines for their own behavior. I think that something has to be done about TV. I don't know what to suggest except that it must, perhaps, be included, that is, talk about TV, what the child saw the night before on TV. One of the areas of the project that I'm working on is to help teachers deal with the problems of TV, to allow them to recognize a critical viewpoint on violence, particularly violence that occurs on TV. So that a youngster, particularly age 6 or 7, when he sees someone hit over the head on TV, he realizes that it hurts and this, more so, requires parental guidance and the allowance of parents to watch TV with children and interrupt TV and say, "Look, this is what's going on." The parent must relate his or her values to the child while the child is watching TV.

Unfortunately, TV is a medium that doesn't allow that. It is a medium that is continuous and, perhaps, the use of videotape and the widespread use of or widespread production of videotapes can be the best thing that ever happened to TV because it will allow for interruption and will allow for a little conversation between parents.

I think that there has to be some survey, some recognition or some search into what alternative suspension programs are available. It doesn't do any good to just put the kid out of school. School suspension programs work in some cases and in other cases they don't work at all.

I think that there has to be an awareness sent to the boards of education of the programs and money available from the Legislature, from organizations, from Federal organizations like the Law Enforcement Assistance Administration, and I hope I didn't skip it, but if I did, I would like to mention it now. There must be a recognition of alternative school programs. Alternative school programs have to be taken into consideration, dealing with, particularly, the youngster who is not capable or at least appears not capable, within a certain amount of time, of doing the regular mathematics or reading work.

ASSEMBLYMAN MAYS: How about the school and the working relationship with the police department?

MR. BURKE: Yes, I think there has to be promulgated interagency cooperation, not just the police department, but the juvenile court system as well as the Legislature. I think it has to involve those organizations, at least those organizations. That's not including the community organizations, which should also be involved.

ASSEMBLYMAN FLYNN: I think they're going to throw us out. Do you just want to summarize?

MR. BURKE: Yes, I will. I think that school districts have to be provided with consultants to help carry out the recommendations that might come from things like this or would come from the Legislature.

Finally, I just want to mention my own field, that there must be human relations and development training for principals, teachers and students. I want to thank you very much for the opportunity to speak here tonight.

ASSEMBLYMAN FLYNN: Thank you for a very well thought out set of proposals. It seems as though you spent a lot of time on that.

MR. BURKE: Yes, we have spent a lot of time on that and I thank you at this time. I would also like to be able to send you, in the mail, because I don't have anything written to present to you now, a copy of this as well as some other material, which I think will be useful to the Legislature in deciding what to do with delinquent youngsters.

ASSEMBLYMAN FLYNN: We would be very appreciative of it. Thank you very much Mr. Burke. Evelyn Burke?

EVELYN BURKE: Thank you. I will be extremely brief. I'm representing Phillip Feintuch for the Jersey City Education Association. He's legal counsel and he has given testimony to the New Jersey State Task Force on Reducing Violence and Vandalism. Mr. Feintuch mentioned a number of preventative approaches to school violence and abuse of student-teacher rights, the key components of which is the establishment, in the form of rules and regulations, of procedural policies for school building administrators to follow and to be accountable for. It is up to the school district to require, by law, that principals and assistant principals recognize the existence or potential existence of violence and vandalism in his or her assigned school and that each administrator deal with the problem by setting forth enforceable

rules following in a consistent manner, procedural policies, which enforce regulations and giving credence to teacher complaints and ruling infractions through such methods as suspension, expulsion, daily reports, parent contact, judicial complaints and detention or other appropriate and promulgated responses.

ASSEMBLYMAN FLYNN: Do you have a copy of that which you can leave with us?

MS. BURKE: We'll send it out to you.

ASSEMBLYMAN FLYNN: I want to thank you all and I want to thank the staff for being so patient with us.

(Hearing concluded)

OFFICE  
August 20, 1979

Education is the key to the future of young people in America. As it stands now, the education one receives on the streets has a more powerful influence on our youth, than the education he receives in school and at home. A child growing up is no longer taught proper respect for the law. The policeman is viewed as an enemy not a friend. The Courts and the Judges are viewed as wrist-slappers by juveniles in America. Respect for the law was something that was taught at home. Unfortunately, as the family unit has failed, so has the respect for the law. The time has come for our school system to take on the responsibility of teaching respect for our legal system. From grade on onward, through regular courses and guest speaking of representatives from the various law enforcement agencies, an effort must be made to teach students to respect the law, to show them the chances they take by breaking the law, and what will happen to them if and they are caught.

You have to educate, and "scare straight" the potential juvenile delinquent, before he gets caught up in the street gangs, petty crimes and peer pressure of growing up. Our schools have to be used as outlets of Superior pressure. I think a massive movie and literature campaign should be undertaken in the New Jersey School system to re-establish a sense of pride and respect in our law enforcement system. There is presently an obvious effort to educate young people on the adverse effects of drugs. Since such a large percent

of crime is drug related, this effort should be encouraged and expanded. My organization heartfully supports all energies that are aimed at drug prevention.

Alternatives to the street corner gangs are sorely needed in the urban areas. There are no-longer candy stores for kids to hang-out in, so they gather on corners and with nothing better to do, get involved in mischief and maygem, and in crime. Y.M.C.A.'s, C.Y.O.'s and neighborhood Youth Centers offer a child an alternative to the "gang". He can be with his peers in an enviroment of recreation and education. A young person growing up does not have to prove himself on the streets, he can prove himself on the basketball court, or pool table, or at any of the other Youth Facilities. Respect for the Center leader and for each other can be reared into children at these centers. The Youth Centers can offer to a young person, a "family"; the kind of family many children no-longer get at home. Expansion of such Youth facilities, and community involvement in them, is essential to their success, and to a reduction in Juvenile Delinquency in New Jersey.

Since rehabilitating the hardened Juvenile convict is so uncertain and expensive, deterring the potential criminal becomes so much more important. By the time the system catches up with the Juvenile Delinquent, it is usually too late. Preventive Medicine is much less expensive than the cost of Prison, and of the immeasurable cost to potential crime victims. My organization, Citizens Against Crime is

beginning an education Crime Seminar program this upcoming year at Saint Peter's Prep. We hope its success will spearhead a similar education programs adoption in the New Jersey Public School System. Continued expansion and increased funding of Youth Center Alternatives should also be encouraged by our State Legislators through education aimed at rearing respect, and after school alternatives to the corner street gang hang outs, ~~stout~~ potential Juvenile Delinquents can be deterred and detoured from a life of Crime.

When it comes to dealing with hardened Juvenile Delinquents who are repeat offenders, our Juvenile Justice System must be less permissive, and give less slaps on the wrist. The Judges must toughen up and make examples of these punks who incite fear into teachers, Senior Citizens and others. Those Youths who do choose Violent Criminal Activity must not be excused of their actions because of Socio-Economic Conditions. That is not Blind justice.

C.A.C. supports fines, restitution community service, short time and part time incarceration to combat juvenile delinquency (State Bill 14.55). Those who are Violent Offenders must be dealt with harshly, no-matter what their age. Time has proven that Positivism has failed, and a return to the Classical view in our Court System is called for.

In Closing, to make progress in fighting Juvenile Delinquency, we must do 2 things. First we have to deal with detouring and deterring potential Criminals. Education, neighborhood Youth Centers which offer alternatives to the Street Gang Pressure, and a media waged campaign showing that Crime does not Pay are just some suggestions to dealing with the potential criminal.

Second, Repeat Juvenile Offenders must be dealt with sternly. Laws must be enacted to lower the age at which a Juvenile can be responsible for his crimes, and stand trial as an adult. Young people are under the impression that CRIME DOES PAY. Crime is a business - oriented economic activity, undertaken because the risks of breaking the law are small and the benefits great. We have to raise the price on crime, especially for juveniles. Breaking the law to gain money and to "get our kicks" is an inviting picture now. By stiffening the laws when it comes to Juveniles, we can darken the crime picture.

By making visible alternatives to street gangs and drug scenes in New Jersey, we can further darken the crime picture for the Potential Juvenile Offender.

No matter how many laws are passed in Trenton and Washington the final key to success in improving our Youths future lies with us. We cannot afford not to give a damn, and get INVOLVED.



State of New Jersey

DEPARTMENT OF THE PUBLIC ADVOCATE  
OFFICE OF THE PUBLIC DEFENDER

CHILD ADVOCACY PROGRAM

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August 28, 1979

TESTIMONY OF THE PUBLIC ADVOCATE BEFORE  
THE JUVENILE JUSTICE SUB-COMMITTEE OF  
THE ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY  
AND DEFENSE COMMITTEE

It is ironic in this so-called "Year of the Child" that the great bulk of legislation affecting juveniles treat them in a punitive manner rather than establishing positive programs which would prevent delinquency. There is a climate of fear surrounding the issue of juvenile crime: a fear not supported by the facts.

Juvenile crime is a complex problem which allows no simple solutions. We have seen several bills in recent years touted as real deterrents to juvenile crime yet when enacted into law, publishing names and lowering the age of waiver has had no effect that we are aware of. Rather than rushing legislation into law, now is the time to sit back, look at the facts, and develop a comprehensive program that attacks the real causes of juvenile crime and offers real programs to benefit juveniles, but does remove the violent offender from the street. In this light, we support Assembly Joint Resolution 3014 calling for a Juvenile Justice Study Commission. We are however critical of that part of the resolution predetermining that any new proposals should be geared towards punishment. We

believe that any study will show that punishment is all too real under our present system.

There is no epidemic of juvenile crime. While juvenile crime has increased in the last five years, the figures as reported in the Uniform Crime Reports do not show the type of increases that should place people in a panic. In 1975 adults accounted for 64.2% of all arrests while juveniles accounted for 35.8%. In 1976 the figures for adult arrest were 63.5% while for juveniles it was 36.5%. In 1977, the percentage of adults to juveniles was 61.1% to 38.9%. The estimated figures for 1978 actually show a decrease in the projected percentage of juvenile arrests with adults estimated at 62.1% and juveniles at 37.9%. When looking at the figures it must be pointed out that approximately 9% of all juvenile arrests are for runaways and curfew violations which are not criminal offenses but JINS or status offenders. Excluding the figures for runaways and curfew violators lowers the overall juvenile percentage. Figures for 1977 show that adults constitute 80% of violent crime arrest while juveniles account for 55% of non-violent crime arrests. The Uniform Crime Reports are in basic agreement with our own statistics which also show slight increases but nothing approaching the "epidemic of juvenile crime" we have been hearing so much about.

We believe that this climate of fear arises partially because of New Jersey's location between the New York and Philadelphia media. We have heard much about New York State's heralded get tough approach on violent offenders in the media. At this time no one is really sure what effect, if any, the new approach has had as evidenced by recent articles in the New York Times.

There is a myth that juveniles are not punished but just slapped on the

wrist and let go. There is also another myth that rehabilitation does not work. Both myths are without foundation and unsupported by the facts. We don't know yet if rehabilitation works because we have not tried it. If anyone really believes that our training schools and reformatories make real attempts at rehabilitation, I would suggest they spend several months in one. Charles Silberman in his recent and much praised book, Criminal Violence, Criminal Justice, has an excellent chapter on Juvenile Justice. In regard to punishment and rehabilitation, he says:

.... The juvenile justice system metes out vastly more punishment than is generally acknowledged. It also provides far less "treatment" (or "help" to use a less invidious term) than its rhetoric suggests.

p.326

The figures on the amount of children who are committed to the reformatories refute any argument that juveniles are not punished. In 1977 over 1,000 juveniles were committed to our training schools and reformatories. As of July 30 of this year, figures from the Department of Corrections show that over 900 juveniles are presently housed in reformatories, training schools, and other correctional programs. During the past five months, an average of 42 juveniles have been committed to a Jamesburg with a high of 56 in March. These figures do not include commitments to Yardville. According to a recently published study of The Association for Children of N.J., over 10,000 juveniles were held in detention for some period of time in 1977. Approximately 25% of those held in detention were there for over 30 days. Of this 25%, some 9% spent more than 60 days in detention. We must face the reality that detention centers and training schools are nothing but polite euphamisms for jails and prisons for juveniles.

I don't know of any juveniles in detention or at Jamesburg who does not think he or she is being punished. The figures are not insignificant. We place many juveniles in locked facilities.

I must comment on some testimony given at the first hearing. The Monmouth County Prosecutor had stated that a juvenile had been sentenced to a nine month stay at the reformatory for a mugging. The fact of the matter is that the juvenile was paroled after nine months. The actual disposition was an indeterminate to three year commitment. If the offense had been a disorderly person's offense, it would have been an indeterminate to six month term. The adult maximum on a disorderly person's offense is six months. Many people are not aware that a juvenile convicted of homicide may receive an indeterminate to life sentence. The juvenile court has no control over when a juvenile is paroled. We must note that a juvenile's sense of time differs from adults. A nine or ten month commitment for a juvenile may seem like years.

We have no opposition to bills calling for restitution since the juvenile courts have been using it for years. Our Supreme Court in the case of D.G.W. 70 N.J. 488 (1976) formalized the procedure for determining the amount of restitution to be paid. Community service may be beneficial if it is administered properly and bears a reasonable relationship to the seriousness of the offense. We must bear in mind, however, that the Public Defender's Office represents over 70% of all counsel mandatory cases coming before the juvenile court. In reality, juvenile court is a poor person's court. For various reasons, the children who commit acts of vandalism in the suburbs rarely arrive in court. Parental responsibility and restitution legislation will have little effect if the vast majority of children subject to it are from the poor while the middle class juveniles rarely get to court.

We oppose any attempt to change the waiver law. One proposed bill would allow automatic waiver for a juvenile who has assaulted a teacher. An assault may be a very minor occurrence which would normally be a disorderly person's offense yet the person would be waived to stand trial as an adult. Furthermore, offenses that are more serious would not result in automatic waiver. The argument that it is difficult to waive juveniles is specious. We have lost every case we have taken to the Appellate Division and Supreme Court attacking what we perceived to be improper waivers. The message of these cases was very clear to us. The waiver hearings lost by the State probably deserve to be lost. Our figures show a significant increase in the number of juveniles waived to adult court. We cannot understand the increased pressure to waive juveniles. I don't know of anyone who considers our adult correctional system to be working. Substituting one bad system for another will do little to solve this serious problem.

Determinate sentencing has come in for a great deal of discussion lately. We do oppose it but since we believe that our present correctional system does not rehabilitate we understand the push for determinate sentencing. We must emphasize however that any determinate sentence must bear some relationship to the offense. It must also allow for some discretion to parole those juveniles whose behavior merits release before other juveniles. There is a hidden cost for determinate sentencing which does not appear in A-3498. Recently, the Department of Corrections decided to remove juveniles from the Wharton Tract and Stokes State Forest Unit to make room for an anticipated increase in adult offenders under the penal code. Determinate sentencing for juveniles will surely result in more juveniles spending more time in corrections. This will require more space and personnel. Someone must pay for this but A-3498 does not contain a fiscal note.

We are concerned that none of the proposed bills really deal with the underlying causes of juvenile crime. Hearings held by the legislature in the past several years have focused on the problems at Jamesburg, the inability of DYFS to effectively provide services to children, and the problems in the residential placement of children. It is the troubled child who we fail to deal with effectively at an early age who becomes our delinquent. In 1967 The President's Commission on Law Enforcement and Administration of Justice published the Challenge of Crime in a Free Society. In its chapter on juveniles, it came to the conclusion that juvenile crime is largely a product of poverty. Although arrest figures have risen in our suburban communities, the majority of juvenile crime still occurs in the poor urban areas of New Jersey. The majority of victims are the poor. The commission report recommended the following:

Efforts, both private and public, should be intensified to:

Reduce unemployment and devise methods of producing minimum family income.

Reexamine and revise welfare regulations so that they contribute to keeping the family together.

Improve on housing and recreation facilities.

Insure availability of family planning assistance.

Provide help in problems of domestic management and child care.

Make counseling and therapy easily obtainable.

Develop activities that involve the whole family together.

We believe that these recommendations are as valid and important today as they were 12 years ago. The Governor's Adult and Juvenile Justice Advisory Board in its first report wrote:

"Some prominent police executives have stated that until society improves the conditions of life, educational and employment opportunities, the moral education of youth and other factors, especially in the inner cities, the crime rate will not slow down."  
Standards and Goals for the New Jersey Criminal Justice System: First Report, Governor's Adult and Juvenile Advisory Board, (March, 1976) at p. 80.

If we are really serious about preventing juvenile crime then we must deal with the causes of delinquency, not the result.

One problem within the juvenile justice system in New Jersey that is discussed in Silberman's book concerns the failure of the courts to deal with violent offenders. He wrote:

After seventy-five years of talk about substituting rehabilitation for punishment, it is difficult to find the rehabilitation, and all too easy to find the punishment.\* One might be able to justify this imbalance if the punishment were directed against juveniles who commit violent crimes. But it is not: although such youngsters account for a significant proportion of the training school population, they represent only a small minority--no more than 10 percent--of those held in juvenile detention centers, and a slightly larger proportion of juveniles in adult jails. Most of the punishment meted out by juveniles courts is directed against youngsters who have committed petty crimes, such as vandalism, shoplifting, and other forms of theft, or offenses that would not be criminal if committed by adults.

p.335

Along with this, he criticized the courts for spending too much time on status offenders (JINS) which overloads the entire system. He said:

Far from reducing crime, the preoccupation with status offenses has encouraged criminal behavior in several ways. It has produced a heavy overload on the judicial process, leaving judges and probation officers too little time and too few resources to respond in appropriate ways to juveniles who commit criminal acts.

p. 347

We recognize that certain juveniles must be removed from the streets but the courts must have the time and resources to effectively deal with the violent offender.

Recognizing the courts' need to spend more time and energy dealing with juveniles who are accused of violent and other serious offenses raises the obvious question of how to make available those resources when the juvenile and domestic relations courts are already substantially over-burdened. One of the proposed solutions steadily gathering support throughout the United States, and which we feels commends itself for serious consideration by the New Jersey Legislature, is the removal of the courts' jurisdiction over juvenile status offenses. These offenses, here committed by "juveniles in need of supervision" (JINS), are not crimes but rather types of conduct which are disapproved for juveniles. Removing status offenders from the courts would reduce case loads by a large amount, and yet, such a change would not have to mean that the state has given up on helping children who need guidance and services.

In fact, removal of status offenders from court would have little practical affect on the availability of correctional and rehabilitative services. To the extent such services exist they are certainly not delivered by the juvenile judges personally, but rather by probation or the Division of Youth and Family Services or some other such helping agency. There is nothing to preclude providing whatever help is necessary on the basis of a request by the child or his or her family, or where warranted, on referral from law enforcement, school or social services personnel. The services would be available, the court would not be side tracked from dealing with serious societal problems

and, not insignificantly, the child would not be burdened with the unnecessary and often cruel burden of a record of having been involved with the juvenile justice system.

It is encouraging to note that this approach can work! The State of Washington earlier this year enacted a sweeping reform of juvenile law in Chapter 155 of the Laws of 1979. Among many other provisions was a new, basically non-judicial way for dealing with runaways and other status offenders. In the Washington system, the social services agency provides services to the family and the offending child, usually on a voluntary basis. If a law enforcement officer apprehends a juvenile who has been reported as a runaway or who, the officer believes, is in circumstances of danger, the juvenile may be taken into custody until return to the juvenile's home can be made with the juvenile's consent. Failing that, the officer can place the child with another responsible adult or in a "crisis residential center," similar to our JINS shelter. Within 72 hours the juvenile is returned home or voluntarily placed in an alternative residential placement. Absent agreement at this or any time, the social services department or the parent or the juvenile may bring the matter to the court to settle the issue of placement. It seems to us that this limited access to court is appropriate in these cases where the full power of a judge is much less important than those cases involving serious delinquency.

We believe that probation has failed as an effective disposition.

Silberman is critical about the present functioning of probation and says:

Probation is the most frequently used disposition; it is both a form of punishment--a restriction on a youngster's liberty and freedom of choice--and a means of delivery services to juveniles who need help. Most probation officers I have met prefer the helping role to "playing cop," but most lack the time (and many the expertise) to convert that preference into genuine assistance. In its

study of a national sample of juvenile courts, the National Assessment of Juvenile Corrections found that, on the average, probation officers contacted their probationers one and half times a month, with contracts lasting an average only thirty minutes. It is patently impossible to provide much help to a troubled youngster in forty-five minutes a month--especially when the forty-five minutes are largely devoted to checking on how youngsters are getting along at home, whether they are attending school (or, if not, whether they are working or looking for a job), whether they are drinking or using drugs, and other forms of surveillance and control. 26

p. 334, 335.

This discription adequately pictures the functioning of probation due to a lack of personnel and resources in New Jersey.

If our juvenile justice system begins to resemble our adult system, we may face the possibility of having to provide juveniles with all the rights of adults. The United States Supreme Court in McKeiver v. Pennsylvania, 403 U.S. 528 (1971), refused to grant juveniles jury trials because it did not want to abandon the rehabilitative goal of juvenile court. However, if the philosophy of juvenile court becomes punishment oriented, we may have to provide jury trials and bail for juveniles.

We are not here to defend the juvenile justice system as it may appear from our testimony. We have been among its staunchest critics over the years. We have been involved with it on a day to day basis. We are here to urge the legislature not to take hasty action which may not succeed. The juvenile justice system is not to blame, all of us are. The courts only become involved after the fact. We must undertake a comprehensive study of the juvenile justice system before we drastically change it. We must study the interrelationships between the school system, child welfare agencies, and other state agencies that deal with children and the environment they live in before any viable solution can be found. As former Chief Justice David Bazelon of the Washington D.C. Court

of Appeals has said:

"Courts cannot secure for children the "right" to be born wanted, the "right" to be born healthy, the "right" to a healthy environment, or the "right" to ethnic and racial pride and identity."

The same can be said for the pending legislation. Judge Bazelon also noted:

Our failures with children merely reflect the failure of social justice in America.



# CITIZEN ADVOCACY NETWORK/NEW JERSEY NATIONAL COUNCIL ON CRIME AND DELINQUENCY

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TESTIMONY BEFORE THE ASSEMBLY  
JUDICIARY LAW & PUBLIC SAFETY COMMITTEE  
SUB-COMMITTEE ON JUVENILE JUSTICE  
TUESDAY AUGUST 28, 1979

The reasons for our appearance before this Subcommittee are two-fold. First I would like to take this opportunity to explain the purpose of the Citizen Advocacy Network/New Jersey and secondly, state the Network's concerns regarding current practices within the Juvenile Justice system.

The Network was established by the National Council on Crime and Delinquency with a grant from the Office of Juvenile Justice and Delinquency Prevention. NCCD, created in 1907, is a nationwide, non-profit, citizen-led organization whose central purposes are reducing crime and delinquency, and making the criminal and juvenile justice systems more humane and economical.

The purpose of the Network is to build a constituency for implementation of the deinstitutionalization provision of the Juvenile Justice and Delinquency Prevention Act. Network staff are working at the local level to educate citizens regarding current practices within the Juvenile Justice system, laws and policies affecting children, and alternatives to the incarceration of children who do not pose a clear and present danger to society.

Also, at both the local and statewide levels, Network staff will be encouraging citizen involvement in monitoring all levels of the Juvenile Justice system to ensure that: children are not illegally and needlessly incarcerated; youngsters' rights are recognized and equality is present in the application of justice.

Specific counties are being identified for citizen staffed advocacy activities. The counties selected for Network focus will be those evidencing the highest rates of JINS Shelter and Detention Center admissions for children in general and children under the age of 12 in particular, consistent patterns of holding children for long periods of time in JINS Shelters and Detention Centers, and the highest rates of commitments to correctional facilities as documented by statistical data drawn

from two recently released reports; Juvenile Justice in New Jersey: An Assessment of the New Juvenile Code, New Jersey Department of Human Services, and Children In Detention and Shelter Care: Surveying The System In New Jersey, Association for Children of New Jersey.

A close analysis of current research studies on the New Jersey Juvenile Justice system tells the story of a fiscal and attitudinal conservatism which has left families, public and private child care agencies and the police and courts without adequate support to address the needs of our children. The absence of community-based and non-restrictive support services to children and their families, further complicated by America's unresolved dilemmas of racism and poverty, has resulted in the incarceration of grossly disproportionate numbers of non-white and impoverished children.

Instead of addressing the epidemic of youth unemployment, race and sex discrimination, inadequate housing and a failing educational system, we opt for what are perceived as the least expensive and most punitive measures--detainment of children to restrictive temporary facilities and commitment of children to correctional institutions. In reality, these options are costly, sometimes inhumane and most importantly, ineffective methods of addressing the root causes of delinquency.

We do not condone the acts of violence committed by a small percentage of children and recognize that the truly dangerous offender must be humanely and temporarily removed from society to protect the public. But the systematic incarceration of thousands of New Jersey children, especially those under twelve years of age, can only be looked upon as a destructive measure applied because we have neglected to take the time to develop effective alternatives. Respectively, we say to you, there are no easy or cheap answers to the problems of our children and their families.

We have reviewed recently proposed legislation, some of which this Subcommittee is hearing testimony on, and we support those provision such as restitution and community-based services which are alternatives to the restrictive practices of the Juvenile Justice system. But, at the same time, we are opposed to the passage of any legislation which serves to perpetuate the incarceration of children who do not pose any clear and present threat to society. We are equally opposed to treating children victimized by domestic discord as quasi-criminals--the "Status Offender" who has committed no crime--and subjecting them to Judicial interventions similiar to those applied for criminal offenders.

Many of the very problems cited in recent studies and reports—i.e. unnecessary/unlawful use of detention and shelter facilities and excessive lengths of stay—reflect the inability of the courts to remedy family problems. Public and private social service agencies and the community, not the courts, are better equipped to serve troubled children and their families. Additionally, any one dimensional approach to addressing the complex causes of delinquency, whether legislative or administrative, must be approached from a position of skepticism.

We respect the energy and vitality with which this Subcommittee has attempted to approach these issues, and ask that you and your peers equally address the factors which contribute to crime and delinquency.

In closing, let me say that we are not here solely to criticize, but to offer the assistance of America's oldest organization dedicated to resolving the problem of crime and delinquency. We offer our services to the citizens of this state and you, the individuals assigned the most difficult task of addressing the problems of our society.

PEARL ANTHONY -- 315 Sherman Av.  
Jersey City, N.J.  
August 28, 1979 659-6392

Cities are being emptied not because people want to leave them but because of the lawlessness that prevails which seems to worsen with time.

Violence, whether in schools or elsewhere, vandalism which tears down neighborhoods while raising the tax rate of the law abiding citizens, courts that allow on the street repeating offenders, and parents who feel they're not responsible for knowing where their children are and what they're doing, and a segment of youth who seems to have lost the brakes to stop destroying and who seem unable or unwilling to respect the property of others are concerns that must be faced.

To me what seems to be missing are appropriate role models such as police, teachers, doctors, parents, clergymen, family, politicians. That covers practically anyone in an authority figure role that could have a constructive affect on youth and each other.

Too often values seem to be based on how much money can be made, "me first" attitudes, and a personal indifference to the problems people may encounter in respect to their person and property. Children need authority figures that they can respect and emulate.

August 28, 1979

SCHOOL VIOLENCE:*In order of importance in my opinion*

1. Isolate offenders in special schools.
2. Make them do some heavy, constructive physical work that could use up this energy and benefit the community.
3. Dedicated teachers as role models -- also principals who will observe unannounced in classrooms as to teacher capability and behavior of students.
4. Newspaper cooperation: One feature story a week on public school with some constructive program to report.
5. Arrest offenders.
6. Expel.

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VANDALISM:*In order of importance in my opinion*

1. When caught be made to work to pay back amount vandalism cost. This work could be in geriatric hospitals, mental hospitals, child care centers, etc.. Perhaps a view of some of the suffering going on around them might prove enlightening and beneficial.
2. On third offence print name and address of perpetrator. This could alert neighborhood of problem if they were previously unaware.
3. As an extreme measure and because of lack of police protection the use of guard dogs for protection of schools.
4. If allowed use National Guard to protect schools and public buildings.

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PARENTAL RESPONSIBILITY LAWS:*In order of importance in my opinion*

1. Fine Parents -- If parents cannot pay fine have them work off their share of cost of damages which court could establish. If unable to pay have them work off in same manner as offender.
2. Have parents be responsible for hours children keep

and have parents supervise behavior and be fined if caught on streets after ten o'clock. (Unless otherwise supervised).

*children - all*

3. Have counselling available for parents who would take advantage of it and wanted it.

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JUVENILE JUSTICE SYSTEM:

*In order of importance in my opinion*

1. Enforce supervised work program -- if offender refuses, then if more than first offense - jail.
2. Curfew law -- unless participating in supervised activity off streets by ten P.M..
3. Chronic offenders should have names published as well as addresses and crimes committed. Public is also entitled to be protected.
4. Restricted movies and obscene magazines should be made unavailable to juveniles. Theatres and stores should be fined if juveniles are allowed to view magazines and movies.

# Jersey City Republican Club

533 CENTRAL AVENUE

JERSEY CITY, NEW JERSEY 07307



(Mrs) Derenda Markert  
49<sup>A</sup> South Street  
Jersey City, N. J.  
653-1986

FOR RELEASE: Tues., Aug. 28, 1979

On Sept. 21, 1975 the JERSEY JOURNAL carried a story which said that compared to 65 large metropolitan areas throughout the nation, Jersey City ranked last as "the worst large city in which to live." One of the norms is the crime rate. I am here to tell you, Members of the N. J. Legislature that if there has been any change in the last four years, things have gotten worse.

A few weeks ago, on Aug. 2nd, the press estimated that our city's population last year, 1978, stood at 228,000, down 32,000 from the 1970 figure of 260,000.

And why have people been leaving Jersey City? I believe it's because of crime and high taxes. Earlier this year U.S. NEWS & WORLD REPORT published a listing of property-tax burdens in 90 cities across the U.S. A. Would you believe that Jersey City is the second-highest? And that Trenton is No. 1? High taxes and crime are destroying our city.

Now who is responsible for these conditions? I'll answer that question by asking another. Who or what organization has had continuous and absolute control of Jersey City for the last 62 years? The Democratic Party of course, so that it must accept responsibility.

And I further maintain that the greatest share of the responsibility falls on our Mayor, Thomas F.X. Smith because when he was sworn in, he took a solemn oath to uphold and defend the U.S. Constitution— in the Preamble of which he swore "to insure domestic tranquility." That means peace and security on the streets of our city.

Members of the General Assembly, may I say to you with all due respect it is time that our Mayor began to carry out his oath of office— that he began to show more aggressive leadership on behalf of the law-abiding people of our city, that he serve notice on the lawless that their crimes will no longer be tolerated. Let Mayor Smith make a public declaration of war on the muggers. Let him walk our streets, appearing at different times of the day and night, checking on law-enforcement agencies and offering moral guidance and support to the nearly one-quarter of a million people who live here. Thank you for letting us remind him that "law and order" is one of the most important responsibilities of our city's Chief Magistrate.



ANTHONY M. DEFINO

August 23, 1979

Mr. Burton D. Weltman  
Aide to the Committee  
Assembly Judiciary, Law, Public  
Safety and Defense Committee  
State House, Room 219  
Trenton, NJ 08625

Dear Mr. Weltman:

I am in receipt of your letter of August 14, 1979, and have prepared the enclosed statement which I wish to have made known to the Committee at the time of the hearing.

As you had discussed with my Administrative Assistant, written testimony will be accepted and same is enclosed. I will also try to have representation at said hearing, but in the event it is not possible, I wish my sentiments to be heard.

Thank you for your time and consideration in this matter, and I wish you the best of success with said hearing.

Very truly yours,

Anthony M. Defino  
Mayor

pma



ANTHONY M. DE FINO

Dear Legislator:

I am certain that you are aware of the factor that, regardless of what statistics may show, our society is plagued by crimes. These crimes are not solely committed by adult offenders, but are becoming more increasingly committed by juveniles.

As we all are aware, an increased effort in one area, such as juvenile justice, will cost additional monies. Where are these monies to come from? Truly a program of increased juvenile justice is necessary, but with the already overburdening taxes and restrictions of CAP laws which our municipalities must face, the State must present sources of adequate funding in this realm.

There are certainly a large number of excellent programs, but also numbers where money has been wasted and no one has benefited. It is for this basic reason that I must state that a successful program should be developed and that increased monies be made available in the area of juvenile justice. In my estimation, if you want to lessen the incidences of crimes involving adults in the future, you must address the juvenile crime question.

In the following, I will try to attempt to show some of the areas which must be included in a juvenile justice program. First of all, our State should continue to look into types of programs, such as the Juvenile Justice Act of the State of Washington. Said Act puts forth such concepts as justice for the public, deterrents, accountability, and punishment. These are some good old-fashioned ideas, which I am fearful have begun to fall out of fashion.

The fate of our juvenile justice system lies in all of our hands. Communication lines must be open from all areas in this regard. Parents have a responsibility in their home, educators in our school systems and public officials in our decision making efforts.

If we, as a whole fail in our duty, we will continue to experience an increased amount of juvenile delinquency and an increased amount of vandalism, far beyond what we have experienced in the past, a new total disregard of public and private property.

(2)

We must begin to establish programs with the assistance of increased funding, such as:

1. HOME AND SCHOOL DELINQUENCY PREVENTION-This program would not only serve the youth, but also parents and educators.

2. VANDALISM AND SCHOOL VIOLENCE-Same has proven to be a success in my community and with films explaining that the cost of destruction is passed on to taxpayers, seems to place a damper on the incidences of vandalism.

3. INCREASED MONIES FOR JUVENILE AID BUREAUS-This is a necessity in that in our day and age, an increased professional civilian and police staff is necessary to handle offenders as well as a prevention measure.

4. INCREASED WORK PROGRAMS-By adding to our already available job programs, we would in effect keep our youth occupied and insure their having some money in their pocket which would in turn, I am certain, place a damper on the juvenile delinquency rate.

5. COMMUNITY SERVICE WORK AS REMUNERATION FOR CRIME-We must demand from our court systems a menial labor remuneration in order to demonstrate that a life of crime does not pay.

The cost of juvenile delinquency is too staggering to easily evaluate. Thousands of dollars have been expended in all sorts of grants, and some of the programs have been successful. What we are in need of now, however, is a comprehensive program of education, prevention, deterrants, accountability, and last but not least, punishment. We cannot continue to tell the people of our State that their property, if not their lives, are in danger because we do not have such a comprehensive program.

I am committed, and have always been, to the protection and guarantee of individual rights, but I am equally committed to the concept that a person, once found guilty of a crime, should be made to pay a debt to society.

How long will we abuse the patience of the citizens of this State? How long do we expect the many to subserviently accept the shackles that anti-social juveniles would place upon them? How long must the law-abiding citizen become the prey of anti-social individuals? How long must our parents, the senior citizens, be concerned with being mugged by juvenile delinquents? What does it take to motivate? Does it take vigilanteism? I think not.

I think our enlightened legislature is capable of addressing itself to this situation. I realize there are many important matters to be considered by the legislature in the area of criminal justice. However, juvenile justice in a comprehensive form, with increased funding, is a vital necessity.

(3)

Let the message ring forth, that the time has come for conscientious legislators to respond to the needs of obedient, law-abiding citizens, who demand a comprehensive juvenile justice program.

Very truly yours,



Anthony M. De Fino,  
Mayor

AMD:mc

# Association for Children of New Jersey

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Testimony before the Assembly  
Judiciary Law & Public Safety Committee  
Subcommittee on Juvenile Justice  
Tuesday, August 28, 1979

presented by  
LINDA J. WOOD  
Executive Director

I am here today on behalf of the Association for Children of New Jersey to express our views concerning the Juvenile Justice System in New Jersey. The Association is a statewide non-profit organization dedicated to improving programs and policies that affect children. As an advocacy organization, we have been active over the years in addressing problems related to child abuse and neglect, adoption, foster care, and the Juvenile Justice System. ACNJ recently completed the first phase of a two part study of detention and shelter care facilities in New Jersey which provide temporary care to youngsters pending adjudication as juvenile delinquents or Juveniles in Need of Supervision (JINS). Though these facilities comprise only one part of the Juvenile Justice System, many of the study's findings, particularly concerning the characteristics of these children, impact upon what we will be discussing here tonight. I have presented the committee with a copy of the study and will refer to it throughout my testimony.

I would like to begin by saying that we believe that any changes to be made in our current Juvenile Justice System should be equitable and comprehensive. By equitable I mean that we should not confuse accountability with unnecessary punishment. While we support the principle of holding juvenile delinquents accountable for their acts, we do not believe that policies advocating stricter handling of all juvenile delinquents is appropriate. There is already evidence which I will discuss later that our system often punishes youngsters who commit relatively minor acts as harsh as it does those juveniles who commit more serious crimes.

In advocating for changes that are comprehensive, I mean that any reform of the Juvenile Justice System must recognize that it is not enough to simply look at the laws and their effect on children. In our view, it is essential that there be a thorough examination of the various components of the Juvenile Justice System, such as the police, intake, the courts, and probation, as well as of other systems which impact on these youngsters, such as the child welfare placement system, to insure greater accountability to children, their families and the public. The problems facing our Juvenile Justice System are very complex and will not be solved in an easy or quick manner.

### Perspective Concerning Juvenile Crime

The public's belief that juvenile crime has dramatically increased appears to be a reaction more to the interest of mass media in crime generally rather than to any actual increase. Nationwide, statistics from the Federal Bureau of Investigation show that between 1976 and 1977 total arrests (juveniles and adults) made nationally for violent crimes increased by 14%, yet arrests for violent crimes of juveniles under 18 decreased slightly rather than increased.<sup>1</sup>

In New Jersey, a similar pattern emerges from the statistics. The Uniform Crime Reports of the State of New Jersey for 1977 (latest volume) shows that from 1973 to 1977, the number of juveniles arrested decreased in four of the five violent index offense categories: murder, manslaughter, forcible rape and robbery. The only violent crime which registered an increase was atrocious assault. The vast majority of juvenile arrests are for non-violent offenses. In 1977 only 2.6% of all juvenile arrests were for violent offenses. Preliminary figures for 1978 show an overall increase of only 2.3% in serious juvenile offenses.<sup>2</sup>

Yet, despite this small increase in violent crime, large numbers of juveniles are being processed through New Jersey's Juvenile Justice System. There are currently over 900 youngsters in state correctional facilities and over 500 in county detention facilities. During the first part of 1978, there was a 27% increase in admissions to correctional facilities.<sup>3</sup>

Further, it appears that some youngsters committing minor or non-delinquent acts are receiving as harsh treatment as those committing more serious offenses. For example, according to data collected by ACNJ in its study of detention and shelter care facilities, there were 16,163 admissions to these "temporary care" facilities which are used to hold youngsters prior to court disposition. Of these admissions, 10,468 were to locked detention facilities.<sup>4</sup> Under our law, detention is to be used only in cases where there is a strong likelihood that the youngster will not appear in court or where the juvenile poses a serious threat to the community. Our study raises serious questions as to whether this number (10,468) of juveniles posed such threat to the community that they must be detained in locked facilities.

Also, in analyzing overall length of stay patterns, we found that the proportion of youngsters remaining over 30 days was higher for the JINS and Children's Shelters than in detention. According to a final draft report by the Task Force on the Juvenile Code, it was consistently found that JINS youngsters were handled more severely than all except serious juvenile delinquent offenders at every decision point in the system: detention, adjudication and disposition.

The pattern that then emerges is that our system is failing in many ways to distinguish between youngsters whose conduct is harmful to society and those who commit less serious offenses. It is therefore essential in our view that any changes in our system recognize this current inequity and take steps to eliminate it.

#### Over-representation of Minority Youth

There is also another inequity in our system which is very disturbing. We have picked up a pattern that minority youth are more likely to be committed to a correctional facility than white youth. According to a final draft report by the Task Force on the Juvenile Code, Black and Hispanic youths comprised 70% of the population in the state correctional facilities. Similarly, our study found that in 1977 almost 60% of all admissions to detention facilities were of minority youth.

The reasons for such a large proportion of minority children in correctional and detention facilities is not clear, although it has been suggested that non-white youngsters have greater involvement in the most serious crimes. However, juvenile arrest data in New Jersey for 1977 does not substantiate this, since minority youngsters comprised only 37% of all arrests for serious offenses in that year.<sup>5</sup>

#### Some Factors Influencing Delinquency

It is also important to look at some of the factors contributing to delinquency in considering changes in our system. It appears that in many instances, children committing delinquent acts come from broken homes or homes where they are subjected to physical, emotional or sexual abuse.

The New York State Assembly Select Committee on Child Abuse released a report in 1978 which found a relationship between child abuse and neglect and juvenile delinquency and other antisocial acts. As many as 50% of the families reported for child abuse or neglect in the study had at least one child who was later taken to court as delinquent, which seems to indicate that families reported for child abuse and neglect account for a disproportionate number of delinquent children.<sup>6</sup>

In a recent article appearing in the Trenton Times the harsh effects of a broken home on two youngsters was vividly demonstrated. As stated in the article "The problem starts before kids become entangled in the juvenile justice system; in homes where there is too little love and too much conflict."<sup>7</sup>

It is obvious that the high rate of unemployment also contributes to delinquency. In a study of the relationship between economics and crime, it was found that there is a very strong correlation between unemployment and crime.<sup>8</sup> This is significant in light of New Jersey's unemployment statistics. Statewide, all juveniles between the ages of 16 and 17 have an unemployment rate of more than 20%. However, non-white male juveniles in that same age group have a rate of more than 60%.<sup>9</sup> Given these high rates of unemployment, particularly for minority youngsters, it is hardly surprising that some of them engage in delinquent behavior. In essence we have given them no stake in our system and in their own future.

What I am saying is that there will be no easy or quick solution to the problems of juvenile crime and delinquency and that any changes must come as a result of thorough analysis. Our response must address these underlying problems facing our youth, and not only the symptoms of these problems. And, it must address these problems in a manner consistent with due process and fair play. Justice requires that there be some relationship between the seriousness of the act and the disposition imposed as a sanction. We recognize that the community does need protection and that the concern of the legislature is legitimate. But we must be careful to insure that our system is a fair one. If we do not treat juveniles in an equitable fashion, disrespect for the law will grow.

#### Current Legislative Proposals

We are aware that Assembly Bill 3498 (Totaro, D-Morris, et-al), pending before this committee, would make substantial changes in our Juvenile Code based upon the Juvenile Code of Washington State, and includes proposals for determinate sentencing, diversion, restitution and community service. We have analyzed these proposed changes and while we support some of the concepts outlined in the bill, it does not deal with the underlying problems which bring youngsters into the court, does not provide an effective mechanism for diverting youths from the system and offering them appropriate services and does not provide a range of dispositional alternatives which differentiate between minor offenders and those involved in serious delinquent acts.

I would like to discuss some of these proposals.

#### Determinate Sentencing

We believe that our current system of indeterminate sentences often punishes youngsters committing less serious offenses the harshest. In a report outlining a proposal for determinate sentences for juveniles, the Community Service Society of New York accurately cites many of the faults of indeterminate sentencing.

"Often hailed as a liberal reform, this approach bases the release date of a juvenile upon an administrator's decision that a juvenile has been sufficiently rehabilitated. It overestimates the ability of the Juvenile Justice System to cure criminality or predict dangerousness. It encourages dispositions simultaneously too lenient and

too severe wherein release dates are often determined by such factors as age (the youngest stay the longest), how easy or difficult the youth is to manage (the youth least associated with violence stays longer), or by how many beds are necessary for new admissions. Poor, disadvantaged and unsophisticated juveniles may spend long periods in facilities, while wealthier, more sophisticated and violent ones may remain at liberty." 10

ACNJ does not think that this is fair or sensible. However, we cannot support the determinate sentencing proposal in A-3498 because it does not adequately distinguish between serious and minor offenders, and is likely to bring large numbers of youngsters who are currently diverted back into the court. Such an approach will be very costly in time and money and will hamper the ability of the court to handle serious offenders effectively. If a determinate sentencing system is set up, we believe it should be done after careful study and analysis to insure that it does not result in incarceration of more juveniles inappropriately and for longer periods of time.

There are various models for a determinate sentencing system, one of which has been developed over a seven year period by the Institute of Judicial Administration - American Bar Association (IJA-ABA) Joint Commission on Juvenile Justice Standards Project. These standards propose a scheme which would set up different types of sanctions for juveniles, based upon the type and severity of the offense and the juveniles' prior delinquent history. Under this system, the court may impose any of three sanctions: (A) Custodial, where a juvenile is confined in a secure or non-secure facility (B) Conditional, where a juvenile can be required to perform various differing conditions or (C) Nominal, where the juvenile is warned and unconditionally released. Offenses would be classified as class one (serious) through class five (minor) juvenile offenses, with the type of sanction utilized based upon the class of offense.

However, even comprehensive standards such as these, should not be wholly adopted, but rather, should be examined in an effort to develop a proposal geared specifically to our system in New Jersey.

#### Diversion

Currently, all 21 New Jersey counties have an Intake Unit as part of their juvenile court process. These Units are approved by the Supreme Court of New Jersey and operate under an Intake Manual released in 1977. The function of the Intake Units is to evaluate delinquency and JINS complaints for purposes of diverting appropriate cases from the formal court process. For the court year September 1977 through August 1978, 71,000 delinquency complaints were evaluated by these Units. Of these, 31,000 (44%) complaints were diverted to Juvenile Conference Committees (13,000) and Juvenile Intake Conferences (18,000). 11

A-3498 does not provide for diversion prior to court processing and adjudication, and by-passes the Intake component of our juvenile court. Diversion is allowed only after a probable cause hearing prior to disposition upon the recommendations of the prosecutor. The current in-

take system appears to be working well and we do not see the utility of introducing a more costly and time consuming process that will bring more minor offenders into the system.

### Restitution and Community Service

We believe that the concepts of restitution and community service can be useful ones, but that they should only be two of a range of options available to juvenile court judges. We do not believe that they should be required in every case or that they should be in addition to any other sentence imposed in every case.

Further, we believe that both should be very clearly defined and limited in scope and duration, for example, A-3498 says only that the court shall determine the amount, terms and conditions of restitution. We would support language similar to that contained in the IJA-ABA Standards which allow restitution as one option for the court and require that the restitution be directly related to the juvenile's offense, the actual harm caused, and the juvenile's ability to pay. The Standards also require that the means to carry out the restitution order should be made available, which makes sense given the particularly high rate of juvenile unemployment.

Similarly, we believe that the proposals for community service should be in conformity with child labor laws, require that the amount of work performed be related to the seriousness of the offense, and should be limited in duration.

We understand that Assemblywoman Totaro has introduced a joint resolution, AJR-3014, which would create a Juvenile Justice Study Commission. Also, S-455 (Scardino, D-Bergen) which establishes an executive commission on children's services, has passed both houses and is under review by the Governor. This executive commission should have funding available for staff, but will not be able to hold hearings. We believe that these two groups, working together and utilizing information obtained from this Assembly Committee, as well as other committees in both houses, could develop recommendations specifically geared toward improvement of New Jersey's system of juvenile justice.

## FOOTNOTES

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