

PUBLIC HEARING

before

ASSEMBLY JUDICIARY SUBCOMMITTEE ON JUVENILE JUSTICE

Held:
July 31, 1979
Middletown Town Hall
Middletown, New Jersey

MEMBERS OF SUBCOMMITTEE PRESENT:

Assemblyman William E. Flynn (Chairman)
Assemblyman Charles Mays
Assemblyman William F. Dowd

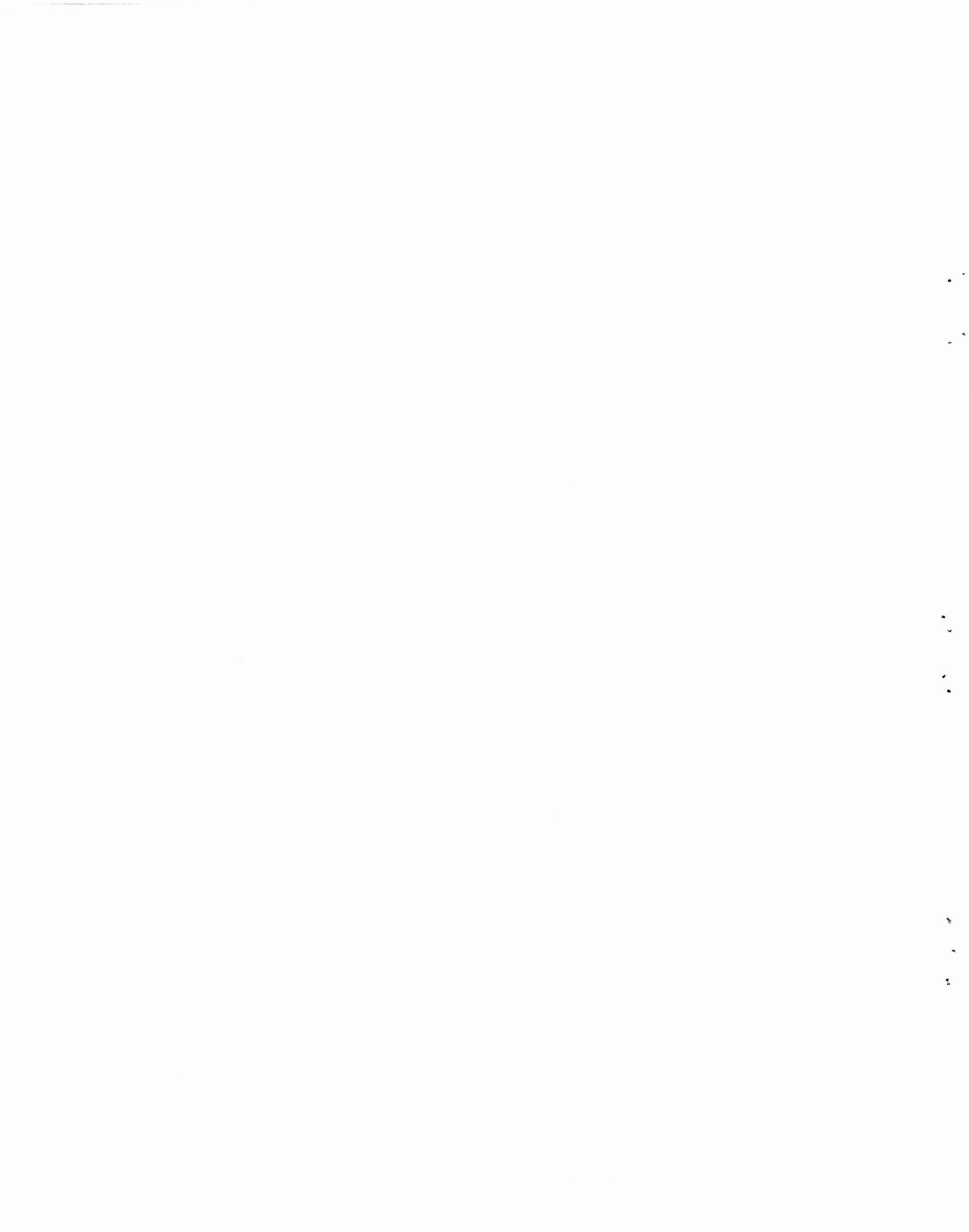
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ASSEMBLYMAN WILLIAM E. FLYNN (CHAIRMAN): As most of you know, this is a Subcommittee of the Judiciary Committee of the New Jersey State Assembly. I am Assemblyman William Flynn. My district covers Monmouth County and Middlesex County. At my left is Assemblyman Charles Mays, Hudson County. We expect one more Assemblyman to be present tonight who is also on the Committee, and as soon as he comes in we will introduce him.

One of the more serious problems in both this state and, of course, in our nation is the problem of the increasing juvenile delinquency rate. We've all seen the statistics; we've read the mass media. The high crime rate, both in the suburban and the urban areas, is not confined to one particular area, and it's skyrocketing. Everybody knows what the problem is, so we don't propose tonight to go into examples of the problem. We all know the vandalism in the schools, we know of the terror in the shopping centers, we know of the muggings that are going on, the breaking and entering, and the more serious crimes. Never before have we had so many violent crimes emanating from our youngsters.

This will be the first of three statewide meetings. The second will be in West Deptford, covering South Jersey, and the third will be at the end of August in Hudson County, to cover North Jersey. This is considered to be the Central Jersey meeting. Our focus will be two-fold: First, to receive input from those people in the community who are interested, on any proposed legislation they can think of, any ideas which the State Legislature can act upon to give the community and those involved more tools to work with, because we are convinced that we don't have enough tools or else the problem wouldn't be increasing. The second focus of this particular hearing will be for comment upon the pending legislation, because there are a number of bills pending which would attempt to resolve some of the problems of juvenile justice; so we will want to learn your ideas concerning pending legislation.

Now, there are no ground rules, I haven't set any strict time limits. I do have one request, and that is, if you have a lengthy statement, rather than read a lengthy statement, give us a synopsis of it, and give us a copy of your statement. By a lengthy statement, I mean that if you propose to read something that took you five minutes or more to read, I think that rather than have that kind of statement read into the record, we ought to have that appended to the record and get your comments. What we want, basically, is an interaction between yourselves, as members of the community, and the Committee. This particular hearing is being transcribed and recorded. Every member of the Legislature will be entitled to get a copy of this, and hopefully, everyone will read it. Your comments will not be going just to these Assemblypeople that are here.

With that, we are going to start. There are a few people that have a few commitments, and I have indicated to them that I would give them some deference and get them out as soon as possible.

While I was speaking, Assemblyman Dowd from Monmouth County has also arrived, and he is the third member of the Subcommittee. I neglected to introduce Burton Weltman, who is our Committee Aide, and Geraldine Van Horn, who is also a Legislative Staff Assistant. They have assisted in preparing this evening's program and getting some of the material for the Assemblymen.

The first witness I would like to call on will be the Honorable Roger Kane, the Mayor of Freehold Borough.

R O G E R K A N E : My name is Roger Kane, and I am the Mayor of the Borough of Freehold.

Assemblyman Flynn, Members of the Committee, I'd like to take this opportunity to thank you for allowing me to address this Committee on a subject that has become a major concern to the media, school administrators, and ordinary citizens. The problem at hand is juvenile delinquency. While I make no claim of expertise in the field, it is an area of concern that I have personally dealt with as Mayor of the Borough, a community of 11,000 with more than 2,500 students in elementary and secondary schools.

It has become all too apparent to the people of my community and Monmouth County in general that the notion that juvenile delinquency is essentially an urban problem is a myth. Indeed, statistics compiled by the two most comprehensive studies of the problem, the Vera Institute of Justice Report to the Ford Foundation and the National Institute of Education Report of 1975, point to the fact that the problems of vandalism, theft and violence among our young people is growing at a faster rate in the suburban areas of this State than the urban areas. I know this to be true from personal experience, and I believe that this reality should play a considerable role in your deliberations.

The statistics concerning juvenile delinquency are frightening. Incidents of theft in the schools are up 141% from 1960 to 1975, and juvenile arrests are up more than 293% on a national level during the same period of time. It is shocking and tragic to realize that 26% of all arrests in 1975 involved young people from the ages of 7 to 18.

Why? Why is it that the number of young people involved in crime is growing at a faster rate than the number of crimes involving adults? There is no question that both the school and the parent shoulder the major burden of responsibility insuring that the child does not become the senseless victim of a life of heartbreak and despair.

I am aware of current proposals that will place a greater burden on the parents of children who commit acts of vandalism and violence in our schools and our communities. I support these measures. Parents, above all else, are ultimately responsible for their children and their patterns of behavior.

There is a growing sense of frustration on the part of the citizens of this area over those students who continually destroy property at the taxpayers' expense and disrupt the school atmosphere of learning, again at our expense and the expense of their fellow students. The time has come for parents to assume greater responsibility. It is impractical, and, at this point, painfully obvious that the courts cannot in most cases assume the full role of the parent. Legislation enabling the courts to confront the parent with the reality of his role is the key to our efforts to stem the growing problem of delinquency. There is no doubt in my mind that greater parental responsibility will lead to greater parental control and fewer cases of juvenile delinquency.

In addition, there are those instances where the nature and violence of certain juvenile crimes leave the courts with little alternative other than incarceration of the offender. We all agree that this is unfortunate and that such cases inevitably point to failure on some segment of the system that has dealt with the individual before the offense was committed. Nevertheless, in these cases, society must protect itself.

At present there is, in too many instances, a lack of coordination between local agencies that are in contact with delinquents. Often the municipal

police deal with the individual without informing school authorities or other agencies on the local level.

In Freehold Borough and many communities in Monmouth County, Youth Guidance Committees are formed, consisting of the Mayor as an ex-officio member, representatives of the Borough Council, representatives of the schools, and interested citizens. It is the goal of these organizations to achieve what I am sure is the quest of every individual in this room -- that the first offense of a young person be his last.

I am not offering this system as a panacea for the problem of juvenile crime. The question of classification of Juveniles in Need of Supervision, the work of the Division of Youth and Family Services, and other agencies are all areas that should be reviewed and analyzed. Nevertheless, the presence of a recognizable body on the local level that would serve to identify the problem at its inception and coordinate efforts with all local agencies is a step in the right direction.

I feel there is a definite trend among many young people that the "in" thing is to destroy property that is owned by the establishment, whether it's school property, municipal playgrounds, or just municipal equipment. This problem is like a disease, going unchecked, and unless effective legislation is passed right now, the situation, which is now intolerable, could in a few years be of epidemic proportions.

The problem of juvenile delinquency will not go away overnight. I thank the Committee for its time and interest in this problem and its decision to hold a hearing in our area. I look forward to the legislation that will be proposed in the coming sessions of the Legislature and assure you of my continuing support of your efforts.

Thank you very much.

ASSEMBLYMAN FLYNN: Does the Committee have any questions? Thank you, Mayor Kane.

The second witness is Paul W. Bennett, the Secretary of the Middletown Township Board of Education.

P A U L W . B E N N E T T : Honorable Legislators, I appreciate this opportunity of participation in this public hearing of the Subcommittee with reference to legislation aimed at improving the system of juvenile justice currently operating in the State of New Jersey. I believe most of you have received my typewritten presentation. Therefore, I will try to abide by the Chairman's wishes to synopsisize.

Basically, it is unfortunate that the President of the United States has to publicly take to television to preach a sermon regarding the moral degeneration of our society. In August of 1978 I became so incensed over reading a Superior Court decision handed down with reference to parents not being responsible for their children's acts of vandalism that I wrote an open letter to the editors of various newspapers. Copies of that open letter I have attached to my letter to you legislators. (Mr. Bennett's letter and enclosure can be found beginning on p.1X.)

It appears to me that it is ludicrous that people can be held responsible for damage that their cats and dogs do, but that their kids can wander the streets and they are totally without responsibility.

I would like to cite at least three experiences which I have had as a School Business Administrator, with reference to juvenile justice.

Case Number 1 -- in 1976, I had two juveniles who broke into our Thompson Junior High School. They absconded with approximately \$1,000 worth of

musical instruments. These were owned both by the school district and by individual parents. Both youths were later apprehended, but the school district was unable to obtain any type of information from the probation department as to their names or addresses, to enable a method of restitution to be worked out between the juveniles involved and the school district. Finally, the probation department made arrangements with the two juveniles to pay ten dollars a week until the full amount was paid.

One juvenile left the State immediately, and thereafter, no payments have been made, and no effort has been made by the probation department to pursue the matter further. In December of 1976, I was able to obtain the name of the other youth and wrote to the parents requesting a meeting for method of restitution. I am quoting the letter received from the mother of the youth involved. "Dear Mr. Bennett: I am sorry about the delay in restitution, but as I explained, it would have been paid but the court decided to handle it otherwise. Enclosed find a check for one-half of the one thousand dollars in which the court decided was restitution for failure to return the instruments. The agreement for the other half will be paid by his accomplice." And then she writes some very sad words. "It is difficult for us to express our sorrow for the hardship that the families must have experienced, my prayers are that somehow my son will have learned through this experience."

I think we have a parent here who realizes that these situations should be learning experiences for young people, and that they should not try to be overly protective to the point that they have learned no lesson from their wrongdoing. The ironic ending of this case is that the mother was perfectly willing to make restitution, but the courts deterred her from doing so. I have that letter on file.

Case Number 2 -- In May of 1977, the rear entrance of our Fairview Elementary School was deliberately set on fire with gasoline bombs, and the school was prevented from going up in flames by the alarm system. A total damage cost of approximately \$1600.00 was incurred. Again, through unofficial channels, I was able to finally obtain the names of the three youths involved and contacted the three parents. Two did not even give the courtesy of a reply. The third parent responded and I set up a meeting in my office with the father of one of the youths, whereby we discussed an arrangement whereby the youth would be willing to work off his share of the damage. We had a gentlemen's agreement that when school was out I would give the youth certain assignments which he was able to do, such as clearing off weeds in wooded areas adjacent to school property. This arrangement seemed amicable to the parents and to the child, and we agreed to make this matter a method of his restitution.

Then, in December 1977, the three youths appeared in the Domestic Relations Court for a hearing, and none of the three youths would admit to being the one that struck the match. As a result, the court refused to pursue the matter any further, and the total thing was dropped. The father immediately went to a sharp lawyer, who persuaded him not to honor his gentlemen's agreement with my office and wrote a letter absolving the parents of any further responsibility. The youth was set free, with no lessons learned other than if you get a sharp lawyer you can get out of being responsible for any actions of vandalism.

Case Number 3 -- This one is a little nicer, I think. In June 1975,

three youths were apprehended after doing approximately \$5,000 worth of damage in our Thorne Junior High School. Both the parents and the young men were brought into my office and we discussed a method of restitution. It was agreed that two of the youths work under the supervision of our painting supervisor during the summer months and paint eleven of the classrooms in a new high school that we were going to open. I assured them that if they satisfactorily performed, I would write a letter on their behalf to the probation department commending them for their work. The total work that they accomplished would have cost the Board of Education approximately \$12,500. I merely will state that they performed extremely well. At the end of the summer, I had two young men walk into my office and thank me for the opportunity of making an honest restitution for damage they had done. I feel those young men learned a lesson which was a lesson well learned.

We feel that this method provided the youth with the satisfaction of willingly making restitution and feel lessons learned will provide them with greater depth of character.

I have cited the above three cases in order to elaborate on what I feel present and future legislation must address if true justice is to be served. I would like to make four recommendations for this Committee to consider. One, parents must be held responsible for the actions of their children. Two, the need for social restraint and for the condemnation of society on juvenile offenders should not be disregarded. The rash of juvenile delinquency can be directly correlated with the fact that young people are being overly protected. Some years back it was considered a social disgrace for a young person to be caught in the act of vandalism, and the neighborhood was incensed by such actions. Today, it is easily covered over under the overprotection of non-publication of juvenile names.

Three, grieved parties, whether it be individuals or institutions, should be involved in the actual proceedings against the delinquents. Inability of school districts to obtain names and/or to be involved with working out the mutually acceptable method of restitution, takes away the onus of the wrong act done and also eliminates the ability for the matter of self-satisfaction on the part of our young people to work out their own restitution. It is far too easy to pay for damages done than it is to be truly remorseful and attempt to make restitution by working off the damages.

Four, closer cooperation between the courts, the probation department, the police department, and local school districts is absolutely necessary if proper administration of juvenile justice is to become a reality.

In summation, I would just like to say that it is my firm conviction that the injustices meted out by our courts and probation system in this State have caused an injustice to the juvenile defenders protected by these agencies. Unless this nation can once again hold high those social values which have made this nation a God-fearing nation and one where the dignity of justice and honesty are revered, I feel we will have further decline in the moral fiber of our total social structure. Thank you, gentlemen. (Applause)

ASSEMBLYMAN FLYNN: Will you stay a few minutes. I know there are going to be some questions. I have a few and maybe the rest of the Committee have some.

MR. BENNETT: Surely.

ASSEMBLYMAN FLYNN: Are there any questions by the Committee?

ASSEMBLYMAN MAYS: I have one question. Do you believe that the names of all juveniles who commit a crime should be released to the general public?

MR. BENNETT: I wouldn't make that wholesale, no. I am thinking back when I was a young person. If my name ever appeared in the paper, my mother would be highly embarrassed and totally upset over the fact of any offense. I believe that the repeated offenders should have their names so published, so that they can't hold their heads up high and say that they got away with something.

ASSEMBLYMAN MAYS: You mean give them a free ride the first time and the second time publish their names?

MR. BENNETT: I think there would have to be careful legislation, yes. I wouldn't want to abuse the situation where a kid made one mistake and then was totally ostracized by society, no. I think the extent of the offense would have something to do with it.

ASSEMBLYMAN FLYNN: Assemblyman Dowd.

ASSEMBLYMAN DOWD: No questions.

ASSEMBLY FLYNN: Dr. Bennett, there are a few bills pending which might address some of the concerns and I want to get your comments on some of the pending bills. One bill would give a School Board the right to set up a reward for information leading to the apprehension and conviction of people who would be charged with vandalism or other offenses around the school buildings. The bill itself, the one that is pending at least, sets forth a \$200 maximum. Basically, it is enabling legislation. It wouldn't say the School Board would have to do it, but it would enable them to do it if they wanted. Perhaps you could comment on that?

MR. BENNETT: My personal opinion is that it is an impractical piece of legislation, only because I think that we must realistically own up to the fact that there are a lot of peer pressures when young people are concerned. When we are talking about real serious juvenile delinquents, there is a lot of striking back on anyone who would attempt in any manner, shape or form to turn them in or to be a pigeon. I really think what would happen would be that everyone would be brought to the point where they would be afraid to do that, simply for the fact that they are liable to have four hundred dollars worth of property damage done to their house in order to get the \$200 for turning them in.

ASSEMBLYMAN FLYNN: You don't think it would be a viable remedy.

MR. BENNETT: I really don't.

ASSEMBLYMAN FLYNN: Another piece of legislation concerning the schools - and I am basically addressing questions about the schools because I know you have some expertise in the area - would create a situation whereby if someone assaults either a teacher or someone in the administration or even a fellow student and it is assault and battery, they would be treated as an adult offender rather than in the juvenile system. It is a bill which is supposed to get tough with the school offenses. I would like your comments on that?

MR. BENNETT: I feel that there should be no leniency when it comes to personal bodily assault.

ASSEMBLYMAN FLYNN: I am not talking about leniency now. What I am saying is that this legislation would treat those offenders who commit an offense of assault and battery or what not in the school system as adults, under the adult remedies and the adult procedures, as opposed to the juvenile procedures. In other words, not necessarily more lenient or more severe, but it would treat

them as adults.

MR. BENNETT: I believe so.

ASSEMBLYMAN FLYNN: You think that would be a good idea.

MR. BENNETT: I would support that. I may be a little radical, but I think they need to be treated as adults.

ASSEMBLYMAN FLYNN: Another area of concern with a number of people is the increase in the drug scene among our youngsters. Do you have any positive suggestion whereby we can somewhat curtail this increase of drugs? By drugs, I include the so-called soft drugs, such as marijuana, which not everybody thinks should be considered criminal, but at least right now they are criminal. What do you think we can do to sort of curb that? Middletown has even had a problem ---

MR. BENNETT: We have made national headlines.

ASSEMBLYMAN FLYNN: (Continuing) --- which surprised a lot of people. I suppose those on the outside were surprised. Maybe those on the inside knew it was coming and didn't know what to do about it.

MR. BENNETT: We worked very cooperatively with the Police Department in that matter. We feel that the important thing when it comes to drugs is that we want to protect the innocent. There are parents who are frightened to send their children to public schools today, simply because of the fact that they are going to be rubbing shoulders with pushers and everyone else. I have been in the past associated with different drug rehabilitation programs, in regard to your reference to marijuana, and I will guarantee you that 99 percent of our young people that are on hard drugs today started out with marijuana. I have very strong reservations. That is my personal opinion now and not the School District's opinion.

ASSEMBLYMAN FLYNN: You have strong reservations about what, decriminalizing marijuana?

MR. BENNETT: I think the tougher the law is on marijuana the better it is. I think we are finding out a lot of information now - I have been reading it and you have too - of the side effects of marijuana. We cannot play down that you are placing a harmful drug in your system that was never meant to be there, no more than you let a splinter stay there because it isn't meant to be there.

ASSEMBLYMAN FLYNN: One last question that I have concerns the area of alcohol abuse. As you know, we have just in the Assembly passed a law changing the drinking age to some degree. There are those, of course, who would like it to go to 21, and you may be one of those.

MR. BENNETT: You sound like I do.

ASSEMBLYMAN FLYNN: What is your view with regard to changing the law as it is now from 18 to some higher age?

MR. BENNETT: My personal opinion is that the general consensus of the public is that there has definitely been a problem that has developed since the drinking age was dropped.

ASSEMBLYMAN FLYNN: Would you be in favor of raising it all the way to 21 or do you have some mid position?

MR. BENNETT: No, that is the reason I don't run for the Legislature or anything like that.

ASSEMBLYMAN FLYNN: I don't want to put you on the spot.

MR. BENNETT: I understand. I honestly wish the Legislature had been a little more courageous and had taken the bull by the horns and taken

the consequences, personally. I feel that it was a watered down situation. I think they could have put out a trial balloon, say, of 19 or 20, and then after the dust had cleared, gone to 21.

ASSEMBLYMAN FLYNN: What has been your experience with regard to offenses that are drinking related here in Middletown? Are a number of these vandalism activities, break-ins and things like that related to drinking?

MR. BENNETT: As a matter of fact, in the one case that I cited, we are very pleased with the way the restitution came out on that. I have stayed in contact with both boys. We respect each other very much. They had done that while they were drunk, bashed right out.

ASSEMBLYMAN DOWD: How old were they, Mr. Bennett?

MR. BENNETT: They were sixteen and seventeen.

ASSEMBLYMAN DOWD: And do you think raising the drinking age to 21 would have had any impact on them? Do you think on that evening if the drinking age had been 21, they might not have gotten drunk?

MR. BENNETT: I think you would find a difference in the manner in which we could prosecute those who served the drinks.

ASSEMBLYMAN DOWD: How?

MR. BENNETT: There is a big difference in telling whether a kid is 18 when he walks into a bar from when he is 21.

ASSEMBLYMAN DOWD: Did you ever serve as a bartender?

MR. BENNETT: No, I must admit I haven't.

ASSEMBLYMAN FLYNN: One thing, Mr. Bennett, it has been suggested to me that legislation should be enacted that would make it an offense to possess alcoholic beverages on school grounds, the mere act of possessing it. Do you have any rules now, a School Board rule or something like that, as to what happens if they bring alcohol on the school grounds?

MR. BENNETT: No. I feel we have reasonably good control as far as our system is concerned. That is not to say that we do not have alcohol coming onto the school grounds when you have mass meetings. However, I think the bigger problem is the home situation. I can't get away from that. We can have problems and not allow any drinking at the prom. Then they leave at ten o'clock and go out and party at the home of some parent that is providing it. There is where we come into the problem of inconsistencies for young people.

ASSEMBLYMAN DOWD: Mr. Bennett, are you familiar with the statistics that indicate that the home is, in fact, the primary source of alcohol for teenagers?

MR. BENNETT: No question at all.

ASSEMBLYMAN MAYS: How many students in your school system have been caught drinking alcohol or having alcohol in their possession?

MR. BENNETT: I can't give you that statistic. I would say --- We have 13,000 students in our school system. We are running around 3,000 in the two high schools. We have just put through a rather rigid discipline and attendance policy which has proved reasonably effective in curtailing some of this. We have enforced a no-smoking situation which has been quite a problem. I would say, getting back to your question, about 5 percent of the student population has had some sort of expulsion.

ASSEMBLYMAN MAYS: You are talking about 150 people.

MR. BENNETT: Yes.

ASSEMBLYMAN MAYS: Now what happens to them? Do they get expelled?

MR. BENNETT: They have a suspension, an automatic suspension.

ASSEMBLYMAN MAYS: They are brought to the nurse and then the principal, and then he suspends them.

MR. BENNETT: The principal handles that, that's correct, under our policy.

ASSEMBLYMAN FLYNN: Thank you, Dr. Bennett. You have certainly been very helpful and we will contact you some more if we have additional questions.

MR. BENNETT: Okay, at any time. Thanks for the opportunity of speaking.

ASSEMBLYMAN FLYNN: I would like to call Florence R. Peskoe from the Office of the Administrative Director of the Courts.

F L O R E N C E R. P E S K O E: I am very happy to be here, Mr. Chairman and members of the Committee. This is a rather special occasion for me. As, of course, you know, you invited the Chief Justice; and this is probably the last opportunity I will have to represent Chief Justice Hughes because he retires next week. So it is an honor for me to be here representing him. He would have been here without fail, by the way, but for the fact that one of his daughters had some surgery and he did think he ought to be with her. He has asked me to respond to your questions, if you have any, and to particularly comment on the items that your staff representative told us you would be most interested in.

ASSEMBLYMAN FLYNN: Then perhaps you can lead off with some of the items that the staff felt were important.

MS. PESKOE: I will do that. I wanted to call your attention to one thing that the Chief Justice also was very interested in having you know about. It isn't directly related to your legislation. But there are two bills, A 1548 and A 1457, which incorporate in some of their provisions some things that are related to the project I want to tell you about and that is why I am mentioning it. This is our new juvenile restitution project that will be getting underway at the very beginning of the next court year. It involves an anticipated expenditure of just over \$500,000 statewide and will involve an attempt to experiment with the use of three different kinds of restitution. I am speaking specifically about restitution to be made by juveniles who are found to be delinquent and who would be subject to the supervision of the Probation Department, so that these would be, in effect, conditions of probation. I thought you might be interested in knowing that not only is the traditional kind of restitution, that of monetary, to be involved, but also the provision of direct services where both the victim and the offender agree that it should be done that way and where the direct services to be provided are by the offender to the victim. The third kind of restitution relates to community service and that can be a variety of things. There, if by any chance there were to be any monetary proceeds, those proceeds would be conveyed to the victim by the Probation Department.

So it is a rather broad-scale kind of experiment and obviously your Committee is interested in the question of restitution. And I thought you might like to know about that.

ASSEMBLYMAN FLYNN: Before you go on, I noted in the paper three or four weeks ago that that particular program came under some fire. Apparently, there was some thought that the program had been already implemented quite some time ago. Perhaps you could comment on what is holding the program up.

MS. PESKOE: Well, there were several things that were holding it up. It is true that it was approved to begin some months ago, but there have been some delays in staffing. There were some delays initially in our meeting

certain rather technical requirements of the federal authorities involved. And, at the very latest stage, one that perhaps the Legislature could have helped us out with, but was unable to do so for one reason or another, was with respect to the matching funds that were to be provided. Of course, this is primarily financed by the federal government.

ASSEMBLYMAN FLYNN: The federal government is putting up \$500,000?

MS. PESKOE: Just under. Five hundred and twenty is the total amount.

ASSEMBLYMAN FLYNN: The federal government is putting up just under \$500,000 and the State Legislature the balance, to make a total of \$520,000?

MS. PESKOE: Well, let's say, that just over \$50,000 is coming out of State funds. Part of it had already been allocated in the Judiciary budget and the remainder, about \$32,000, is in one of the bills that is still pending for supplementary appropriation. We did discuss with the Budget people what we could do about it. Based on the number of assurances that have been given, we have transferred the balance of the matching fund that we were required to provide from one item to another item in our own appropriations so that we could commence the program right away.

ASSEMBLYMAN FLYNN: You mention two bills. I think it is 1598. You said 1548.

MS. PESKOE: Did I have the wrong number? I'm sorry. 1598 is right.

ASSEMBLYMAN FLYNN: A 1598 and the other is 1457. Is it your view that you don't need the additional legislation to go ahead with this pilot program ---

MS. PESKOE: That is correct.

ASSEMBLYMAN FLYNN: (Continuing) --- but you feel that you have inherent or implied in the existing law the right to restitution?

MS. PESKOE: I would not go so far as to say you have it inherently. I would say that, as has happened in many other cases, there is a right to experiment with various methods of dealing with offenders who have been placed on probation. This is part of a federally favored approach, of course, in the experimental area - experimental approach.

Let me say that a very good example of a similar kind of thing is the pre-trial intervention programs, which were begun on an experimental basis in this State in two counties as early as 1970, and which are now statewide. But having proven to be successful experimentally, they then became the subject of broad-scale programs.

ASSEMBLYMAN FLYNN: Would you say that we should continue then with the passage of one or both of those bills on restitution so that it would have statewide implication.

MS. PESKOE: I would certainly say there would be no harm done whatsoever if you passed one. I believe that the theory of restitution is one that the court obviously endorses, the Chief Justice obviously endorses, and there could be no problem with respect to the theory.

The precise language of the provisions, I did not wish to address at this point. There might be some aspects of the provisions in the two bills that would not be precisely consistent with the program. I don't think that would interfere with the program as such.

ASSEMBLYMAN MAYES: What crimes would fall in this category that you are talking about?

MS. PESKOE: It isn't a question of categories of crimes. It is a question of whether the offender has been found to be delinquent. In other words, we are

not talking about Juveniles in Need of Supervision coming within this program, because they will not be adjudicated delinquent. It can be a variety of offenses. The program is not, as far as I know, addressed specifically. Steven Yoslov, who is a member of our staff specializing in juvenile matters, is here, and I'll just check that with him.

ASSEMBLYMAN MAYS: In a gangland fight, some kid gets killed, how are you going to pay for his life?

MS. PESKOE: I can't address myself to a particular thing like that, because there are many questions of circumstances that might be involved; it would have to be a matter for the court at the particular time. The court would decide whether the appropriate sentence was one of probation. The restitution matters would be a condition of probation. If the juvenile appropriately were to be incarcerated, then probation wouldn't enter into it at that point.

ASSEMBLYMAN MAYS: Everything lies with the court.

MS. PESKOE: Well, that's normal. That's the judge's discretion as to sentencing.

ASSEMBLYMAN MAYS: You don't think there should be a panel?

MS. PESKOE: We do have juvenile panels in all the areas of this State. However, the panels operate primarily with cases that are not subject to adjudication as delinquent, where the court is, in effect, deferring or almost dismissing charges that might otherwise lead to adjudication of delinquency. The juvenile panels are a diversion program.

ASSEMBLYMAN MAYS: The reason I ask that is, the same judge that the kids are going in front of now, and they are getting off scot-free.

MS. PESKOE: Yes, but they weren't allowed to impose this kind of condition before. There is no specific enabling legislation, and an ordinary trial judge can't on his own decide, I will give this kid this or that. For example, fines. There was, just a couple of years ago, a Supreme Court decision which held that there was no power, because there had been no statute in the past or any other program enabling it, for a judge to impose a fine on a juvenile. Given the discretion, he can do it.

ASSEMBLYMAN FLYNN: A-1598 as an additional remedy, besides restitution, also sets forth the right of a fine. Is it the Chief Justice's view that that should be an additional potential remedy in the juvenile statute?

MS. PESKOE: We haven't addressed that in a formal way; I can't really answer that question for him. But I think that the broad answer would be that the court would like to see the Legislature offer broad opportunities with relation to the administration of justice, and that would be another alternative. But I cannot speak for the Chief Justice, I'm sorry.

ASSEMBLYMAN FLYNN: Another idea that I have discussed with people is the power of the Court to require the parents to have counselling or therapy, in addition to the youngster.

MS. PESKOE: That appears in another of your bills, yes.

ASSEMBLYMAN FLYNN: What would be your view? Number one, is it constitutional? Could we require the parents, since obviously the parents haven't committed the crime; would we have that power to adjudicate them liable to go for therapy and counselling?

ASSEMBLYMAN DOWD: Ms. Peskoe, before you answer that, is there not a prohibition against the court giving the Legislature advisory constitutional

opinions?

MS. PESKOE: I was about to say that, thank you very much. It would be presumptuous for me to comment on the constitutionality of that particular proposal. There could certainly be the possibility that there might be consent obtained from the parent, and then there would be no question.

But I really think that if the Legislature in its wisdom feels it would be a good thing to try, that would be up to the Legislature to decide.

ASSEMBLYMAN FLYNN: And let the court decide it later. I sort of side-tracked you.

MS. PESKOE: I have a few other things, but obviously, I want to respond to the things that interest you most.

As I mentioned a little bit earlier, I had been told by your staff, there were three areas you were particularly concerned about. One of them was school problems, which were alluded to by the speaker that preceded me. It seemed to me that it would be somewhat inappropriate for me to comment on them. They are really not directly the concern of the courts, unless it's a matter brought to the court. They have no impact, as such, in terms of special problems for the court. So, I would prefer not to address that subject.

The other two subjects, one of which we have already discussed a little bit, are parental responsibility and Juvenile Court jurisdiction. I understood you wanted to hear something from us about those.

ASSEMBLYMAN FLYNN: Of course, the obvious question is: Can we come up with a parental responsibility statute that would pass constitutional muster? So far, we haven't been able to do it, and even the ones that have been coming down the pike have had questions raised about them.

MS. PESKOE: Well, you have one pending that I reviewed today, which requires two findings: one, the finding of malicious, willful conduct on the part of the juvenile, and the other, that there had been an omission, a neglect, on the part of the parent.

Now, it seems to me, if there can be such a finding made, if evidence with regard to both aspects of the case can be put before the court, if you give the Juvenile Court that jurisdiction to make the finding both with respect to the juvenile and with respect to the parent, that ought to be a way to deal with it. It was a little difficult for me to comment any further than that, but I don't think there is the obvious problem, for example, that did appear in the earlier Trenton ordinance, which was dealt with by a Supreme Court opinion, where there was a presumption stated that if a child misbehaved or was a vandal, that the parent was automatically neglectful. So long as you require a finding to be made, certainly you have avoided that problem.

ASSEMBLYMAN FLYNN: Senate Bill 650, sponsored by Senator Russo, has already passed the Senate, and the Assembly passed it last week. Now, I don't know if this is the one you are talking about, because there are two or three that go to the same two issues. This one does go to the same two issues. Let me go over this with you. In Senator Russo's bill, he sets forth the first threshold finding, that the person under eighteen years of age acted willfully, maliciously, or unlawfully. The second finding is that the parent failed or neglected to exercise reasonable supervision and control of the conduct of the infant. That's the approach you were talking about.

My question to you is: Isn't that already the law? If a court or a

jury found that a parent had acted in that fashion, failed and neglected to exercise reasonable supervision and control, you can sue the parents civilly now, if you make that finding.

MS. PESKOE: I don't think that was in reference to a civil suit, though. As I recalled it, that was in reference to a five hundred dollar fine that could be imposed.

ASSEMBLYMAN FLYNN: This bill is a civil action with damages up to two thousand dollars.

MS. PESKOE: I was not referring to that one. I was referring to another one where I thought I recalled the figure of five hundred dollars.

ASSEMBLYMAN FLYNN: That is basically a criminal type of legislation.

MS. PESKOE: That's what I was referring to, not the civil one. I agree that there is presently a way to obtain civil damages by civil suit.

ASSEMBLYMAN FLYNN: Civil remedies already exist, if you make that finding of neglect and lack of parental supervision.

MS. PESKOE: Neglect, or -- negligence is what you are talking about.

ASSEMBLYMAN FLYNN: In other words, the language of this particular bill, it seems to me, requires such a burden of proof that it can only be met under the present standards, which have not proved satisfactory. Now, you are commenting basically on the criminal, then.

MS. PESKOE: Yes, I was not addressing myself to the civil matter.

ASSEMBLYMAN FLYNN: And, of course, in the criminal, there would be a five hundred dollar penalty in this particular legislation, to be paid by the parent. But again, you've got the very difficult burden of showing that neglect or lack of supervision.

MS. PESKOE: That involves giving the Juvenile - Domestic Relations Court a kind of jurisdiction it does not have. I don't know whether you would call it quasi-criminal, or what you would call it. But you would be giving an additional kind of jurisdiction to that court over the adult.

ASSEMBLYMAN FLYNN: Exactly.

One last topic I would like you to briefly comment on, that is, the waiver statute. At the present time, of course, we have a number of provisions whereby the Juvenile Court can waive to the adult court, under certain prescribed situations. Now, more and more, we're getting legislation to increase the number of waiver-type crimes and waiver-type situations.

My first question to you is: Is waiver doing any good? Will the youngster who is waived to the adult court be any differently treated, in terms of the ultimate result, or are we more or less passing the buck and saying, "Adult court, take care of this youngster, we can't handle him," but we don't really know if the adult court is going to do any different?

MS. PESKOE: The waiver bills that were pending, to my knowledge, that I reviewed recently, didn't deal with criminal matters, as such. They dealt with disorderlies, and they dealt with motor vehicle matters, and similar kinds of offenses, which then would come within the jurisdiction of Municipal Court, rather than the adult criminal court. So, what I understood to be under your consideration at this point is something quite different from the waiver to the adult criminal procedures, is that correct?

ASSEMBLYMAN FLYNN: No. We have several pending that would handle some disorderly-type matters in the Municipal court, that's true. But we

also have a number of bills --- for example, there is a bill, as indicated earlier, that would treat assault and battery in the school system as a waiver-type crime.

MS. PESKOE: Yes, you are right.

ASSEMBLYMAN FLYNN: That would be waived to the adult court.

MS. PESKOE: Yes.

ASSEMBLYMAN FLYNN: I, personally, have a bill which would waive to the adult court a repeat juvenile offender who committed offenses that wouldn't necessarily be of the violent crime type offenses which now can be waived, but would be repeat offenses. After two of these repeat offenses, he could be waived. Before I get into passing such legislation, I want to know from you if you think such waivers would have any effect. Are they any good?

MS. PESKOE: It is very difficult for me to address the question of the effect on the juvenile or the effect on society and I assume those are the two effects you are addressing.

ASSEMBLYMAN FLYNN: Right - the effect on the juvenile, I suppose, basically.

MS. PESKOE: One needs to have certain kinds of expertise that I don't have. I am basically a lawyer, not a social scientist. But there has not been a great deal of experience with the waiver technique in this State. It hasn't been used in large volume. It does make possible, of course, a more severe punishment than is available under the juvenile jurisdiction. If a proceeding is conducted in an adult court in the criminal area, it also changes the way the proceeding is conducted. It is open. It is public. It is perhaps with a trial by jury, depending on the nature of the offense charged. It is subject to certain constitutional protections which do not apply at all in the juvenile court, which might be something that would give you some pause. I don't know how seriously people in general take those things anymore. But the question of constitutional provisions, of unacceptability, for example, of a confession that is not shown to be given voluntarily and with certain protections, and various such things, does not enter into juvenile proceedings as such now. It would enter into proceedings involving a juvenile in adult court because he would be treated like an adult. Those are things you should think about. I am not saying they are right or they are wrong. I really can't give you that answer from my own point of view. I don't know and I can't speak for the court because to my knowledge that question has not been addressed.

I would say this, that we have a very, very active and able Supreme Court Committee on the Juvenile Domestic Relations Court. I would be very interested in seeing their comments. They are for the most part rather experienced with juvenile matters, being attorneys, probation officers and judges who deal with juveniles. They might be in a position to make a comment along these lines that would interest you. I can't say for sure. They might also say, this is a policy matter and we shouldn't get into it - it is for the Legislature. So I really find it very difficult to give you any more answer. There would be a certain impact on the courts if there were a large scale waiver in terms of the volume involved. But I don't think it would be so great that it would be very disruptive or anything like that. So I don't think you need have pause on that score.

But I am somewhat concerned about the bills that I did review that involved waiver to municipal courts for some practical reasons and for some other reasons, practical in the sense that you would be impacting on the municipal courts

to a very considerable degree, I assume. We don't have a precise count. Incidentally, I tried to find out from our statistics unit whether we could identify anything like at least a ball-park figure of juveniles involved in alcoholic beverage offenses. We don't have those counted. They fall into the other category. So I just don't know what they would be. And the same thing would be true of the motorized bicycle kinds of offenses. So I can't tell you what the volume has been, which I hoped to be able to do. But there is an impact that would be had on the municipal courts in a couple of ways. Expense is one. Another is, with juveniles, we normally felt that you should have very prompt hearings. And, of course, the courts require prompt detention hearings if there is any question of detention.

Most municipal courts are part-time courts. Most of them have evening sessions. Once a week or so is quite a common pattern. What you would be talking about, I believe, is requiring the municipal courts to have more frequent sessions so that they could hear detention matters promptly, and day-time sessions because ordinarily night-time sessions wouldn't be appropriate for juveniles. This would be an expense that the municipal courts would not have anticipated and we all know about the cap laws and how vigorously additional expenses are resisted. It might also mean that the normal municipal court judges would not be available since they are usually part time and might have other obligations during the day. So as a practical matter, it creates a problem.

There is a more serious problem in my view and, that is, the question of having the same kind of offense heard in two different courts with very different kinds of options before them, both as to the kinds of proceedings and as to the kinds of treatment that can result. We all have heard many complaints about disparity of sentences, for example; and that is sort of what you are asking for when you are saying there is jurisdiction in more than one kind of court to hear a certain kind of matter. There is, of course, no confidentiality available in the municipal court. That may be precisely what you are interested in. But you also have the possibility of much more serious sentences out of municipal court under certain circumstances, or at least different sentences. Different standards apply. Different proceedings would be followed.

ASSEMBLYMAN FLYNN: Suppose you have the legislation set out the same remedies available to the municipal court judge as would be available to the juvenile judge.

MS. PESKOE: So he would literally be holding two different kinds of courts. Well, we have full-time judges doing that too.

ASSEMBLYMAN FLYNN: They do it all the time. Motor vehicle has one sort of penalties and you have your disorderly person laws.

MS. PESKOE: But their proceedings are pretty much the same. Yes, you could require that. It would be a way to handle it if you wanted to do that. There would also be some benefit perhaps from that because one of the other problems is with the kind of things that the speaker preceding me mentioned where he talked about the multiple kinds of conduct that arose with one of the incidents he recounted where juveniles were both drunk and had performed some acts of vandalism, etc. The act of vandalism, as I read these bills, would not be cognizable in municipal court. So you would have one night's escapade the subject of proceedings in two courts if you wanted to bring charges as to both. That strikes me as ridiculous.

ASSEMBLYMAN FLYNN: You have that now if somebody is charged

with drunk driving and then, say, with an indictable offense.

MS. PESKOE: No.

ASSEMBLYMAN FLYNN: It is merged?

MS. PESKOE: No, it is not merged; but we have joinder now. Even if it is downgraded, the non-indictable would be heard in the single proceedings, which is desirable. It is cheaper. It is more efficient. You don't want to have two proceedings out of the same incident.

ASSEMBLYMAN DOWD: Permitting the handling of juveniles in alcohol-related cases in a municipal court, particularly motor vehicle cases, which is the one bill which I think has already passed the Assembly, would create the same situation, wouldn't it?

MS. PESKOE: No, not if there were an act of vandalism and some other things involved, unless you specifically give the municipal court jurisdiction over those things as well because he is under 18.

ASSEMBLYMAN DOWD: But what would be the harm?

MS. PESKOE: I said the harm that would result would be if the two kinds of conduct would have to be heard in two different courts. If you put them all together in one kind of court, I have no problem with that in terms of the impact. But the bills that I was referring to were more limited and they said only with respect to the alcohol beverage offenses. They didn't say associated acts or any such thing.

ASSEMBLYMAN DOWD: Suppose they reflect the policy judgment on the part of the Legislature that that is exactly what we want. We don't want joinder. We don't want the lesser charges dropped. We want the municipal court dealing with ---

MS. PESKOE: That is fine. I was hardly suggesting dropping them. I was saying you would have two proceedings because both would be cognizable, but in different courts. I am not attempting to second guess your judgment if you want them both heard. I am not saying that is wrong. I am assuming you want them both heard. I am simply saying that it would be better to have them all heard in one court in one proceeding.

ASSEMBLYMAN DOWD: That is your opinion and there undoubtedly is some merit in it. But the public is, I think ----

MS. PESKOE: --- in terms of less expense.

ASSEMBLYMAN DOWD: But the public is rightly outraged when people in the course of one evening commit a number of offenses. They wind up either being found guilty or pleading usually to one of the middle-range offenses and the more serious ones get dropped and the less serious ones get dropped.

MS. PESKOE: Well, that is a different matter. The plea is normally between the defendant and the prosecutor. I really don't think I should be getting into that.

ASSEMBLYMAN FLYNN: We have the prosecutor here for that one.

MS. PESKOE: Okay. He'll handle that. I was simply suggesting that if you want to transfer jurisdiction as to some kinds of juvenile conduct, the bills ought to consider the whole of the conduct so that all things would be dealt with.

ASSEMBLYMAN DOWD: The bills do provide that the juvenile court on its own motion can take the matter out of municipal court.

MS. PESKOE: I will be glad to also point out the fact that the juvenile court would have no way of knowing what is pending before the municipal court

unless a mechanism is established to inform them.

ASSEMBLYMAN DOWD: Say there are several offenses committed in one evening.

MS. PESKOE: If there are.

ASSEMBLYMAN DOWD: The notion was that we don't want the juvenile court involved if it is simply a motor vehicular offense.

MS. PESKOE: But that is not what it says. The bill as presently drafted deals, as I understand it and I certainly can be corrected, only with the motor vehicle offenses and says that the Juvenile and Domestic Relations Court may request a transfer.

ASSEMBLYMAN DOWD: That's right.

MS. PESKOE: But if it is a case where there are multiple offenses ---

ASSEMBLYMAN DOWD: Then the juvenile court knows about those other offenses.

MS. PESKOE: That is possible. But if it is not a case where there are juvenile multiple offenses, then the solution you have suggested doesn't apply because only the municipal court should have it.

ASSEMBLYMAN DOWD: There is no problem. There is no need for a solution. There are no other offenses we want the municipal court to deal with.

ASSEMBLYMAN FLYNN: Assemblyman, I believe, if there is a problem - and possibly there might be a problem - the Supreme Court by rule could require the municipal court to notify the juvenile court of all such offenses. I believe they do it with drunk driving cases. After they go beyond a certain time, they have a reporting procedure.

MS. PESKOE: My suggestion was going to be that you might want to consider having the municipal court have the discretion to waive because they have the direct knowledge. That is the only reason I brought that up.

ASSEMBLYMAN DOWD: We did - and we rejected that because too many magistrates would waive them off.

MS. PESKOE: Oh, really. I thought it would be simpler.

ASSEMBLYMAN FLYNN: The way it is drafted now is good and the Supreme Court, I assume, would promulgate such a rule, that notification would go to the juvenile court. Perhaps the youngster who is involved at the municipal court level has had two or three other matters at the juvenile court level and maybe the juvenile judge has had him before him and he wants to have him again so he can come up with a better remedy than the fine that the municipal court judge may mete out. So, under those circumstances, I think the juvenile court would want jurisdiction and should be notified that Johnny Jones whom we have had three other times has also done it again and now let Johnny Jones meet the full panoply of juvenile court remedies rather than just go into municipal court as the first time he has been there, that sort of thing.

MS. PESKOE: I agree with you that the juvenile court should under those circumstances have the chance to exercise the jurisdiction. I would think that if the legislation were to be passed in its present form, the court would undertake to develop the mechanism. I merely suggest that it would become another layer in the proceedings and a little bit more cumbersome than some of the more simple, direct referrals to the Juvenile and Domestic Relations Court might be.

ASSEMBLYMAN FLYNN: Thank you.

MS. PESKOE: Is there anything else?

ASSEMBLYMAN FLYNN: I think you have touched on most of the topics that involve the courts. One of the speakers who is coming up very shortly - I don't

want to prejudge what he might say --- Are you going to go on to that restitution topic?

MEMBER OF AUDIENCE: I would be happy to.

ASSEMBLYMAN FLYNN: The reason I am asking you is that Mrs. Peskoe may want to stay, listen to you and make comment if you are going to get on that topic. If you are going to talk on other topics and not touch that, then I would suggest that she can go.

MS. PESKOE: I will stay for awhile.

ASSEMBLYMAN FLYNN: Would you stay for about ten minutes?

MS. PESKOE: Surely.

ASSEMBLYMAN FLYNN: Our next witness is Assemblyman Villane.

A S S E M B L Y M A N A N T H O N Y M. V I L L A N E, J R.: Mr. Chairman, Assemblyman Mays and Assemblyman William Dowd, thank you very much for allowing me to testify tonight and I appreciate your putting me on an hour after you got started because I have to be somewhere else.

When you are around four lawyers and you get to hearing testimony back and forth from the Supreme Court and the Legislature, it gets kind of confusing to the lay people in the room. I would like to express what I feel the public feels about what is happening about delinquency and vandalism. They feel that the children are delinquent, the courts are delinquent, the Legislature is delinquent, and everybody is fouling up in this whole matter. People want restitution. They want parents to be responsible for their kids. They want somebody responsible for a kid being out one and two o'clock in the morning and causing damage. When they find 30 windshields broken in their neighborhood, they want to know who the kids are and why. They feel that the courts are overprotective. They feel this juvenile restitution program which was financed in September of 1978 and has been in the planning stages 11 months has done nothing yet.

While the Supreme Court is trying to find out how to spend the \$520,000 to establish juvenile restitution within each of the 21 counties in the State of New Jersey in eleven months, two counties in the State have applied for federal funds individually and have received more than half of that entire grant given to the State of New Jersey. Camden County and Cumberland County have \$270 thousand, \$240 thousand of which comes from the federal government, the other \$30 thousand coming from their own counties. They have in progress right now juvenile restitution programs. When a juvenile vandalizes a school building, he erases the graffiti he sprayed on with paint. When a juvenile breaks a window, he earns enough money to replace that window. When they tear up your front lawn, they seed that lawn and cut it until it grows properly. Those are the kind of things that the people in the State of New Jersey want. And you in the Legislature are sitting on important bills that have been in your committee for over a year and not addressed the problem.

There are bills in your committee that talk about parental liability and address the problem of constitutionality as a result of the Supreme Court decision that knocked down the Trenton law.

ASSEMBLYMAN MAYS: Excuse me. We are not sitting on the bills. He is not the Chairman of the committee.

ASSEMBLYMAN VILLANE: I understand.

ASSEMBLYMAN FLYNN: The whole purpose of this hearing is to get these bills moving.

ASSEMBLYMAN VILLANE: I appreciate the opportunity. I have asked

your committee chairman for a year and a half now to talk to you people about the bill. I am happy that you have allowed me to do this. You have several bills and I have several bills addressing the problem. I have four bills dealing with juvenile delinquency, but two of the important bills --- One is A 588, filed February 9, 1978. It has to do with fining a parent of a juvenile delinquent who has been convicted more than once within one year in the State of New Jersey. It says directly that it is the responsibility of a municipality to bring charges against the parent who does not give the proper direction or take proper parental responsibility for his child, who doesn't bring him up right, doesn't know where he is at three o'clock in the morning, and that those people would be subject to a fine. They do need that. People don't give a damn where their kids are or what they are doing. They don't care because nothing happens to them if they don't take care of their kids.

The second bill which you and I have talked about several times, Assemblyman Flynn, is a parental liability bill. This bill was written by our legislative staff in Trenton, bearing in mind the Supreme Court decision that knocked down the Trenton law. They wrote the bill around the court decision. And they wrote the bill so that a parent, regardless of what his kid did, was assumed guilty. Now that is not the case. In this bill, in cases where the parent of a delinquent child who has caused damage is responsible for that behavior because of lack of direction, that parent is subject to restitution to the person that was offended in the crime for up to \$1500.

I think a hearing such as this, which is being held around the State, is an excellent way to find out how people feel. Mr. Chairman, I can tell you people are disgusted with the way the courts have handled these things. I feel a little bit slighted by the fact that an Assembly committee - you are members of a body of 80 people that represents 8 million people - has to ask the courts what they are going to allow us to pass. You are the lawmakers in the State of New Jersey. You better than anybody else have your feet in the trenches. You know how your people in Essex County feel and you know how they feel in Monmouth County. And they are damn disgusted with the way we treat juveniles. It is a laugh. A kid commits a crime, a policeman picks him up, takes him to police headquarters, and he is paroled or let out of the system under the care of his parents. That is the worst thing in the world you could possibly do because those parents didn't give a damn where he was in the first place. The kids go back and laugh at the cops. And do you know what the cops are doing? All over the State of New Jersey and in Monmouth County, they are turning their heads at crime because they don't want to spend a day in court with a judge who mollycoddles juveniles who stick their fingers up at a cop as soon as they get out of jail. That is the state of the art in the State of New Jersey. And we had better do something about it pretty soon.

I very respectfully, Mr. Chairman, would ask you and your committee to look at those two bills very carefully. They are A 1668 - and I think you are a sponsor on both my bills, Mr. Chairman - and A 588. Those bills would at least be a start.

ASSEMBLYMAN FLYNN: Is 1668 the \$1500 civil liability bill?

ASSEMBLYMAN VILLANE: Yes.

ASSEMBLYMAN FLYNN: Is that similar to S 650 which passed last week, except for the amount of money?

ASSEMBLYMAN VILLANE: Yes. That went up to \$2,000. I wanted to raise it,

but one of the things the court says is that we cannot assume that the parent would be liable for an extraordinary amount of money that would be beyond their capability to pay. So we tried to find something that would be meaningful in there that the parent would be responsible for, but not so overbearing that it might take food out of the mouths of the children that they were attempting to raise. All that the Russo Bill did in this particular area was raise it from \$1500 to \$2000. But they didn't in that bill provide the things that would make the bill digestible by the courts. I think if you look at this you will see it really takes into consideration the decision of the court in turning down the Trenton law.

ASSEMBLYMAN FLYNN: You are talking about 1668.

ASSEMBLYMAN VILLANE: Yes.

ASSEMBLYMAN FLYNN: Do you feel 1668 is more likely to pass the constitutional muster than is S 650?

ASSEMBLYMAN VILLANE: Yes. If I can direct you to the statement, Mr. Chairman, it says: "In May of 1978, a law providing for the liability of parents for damage done to school property by their children was ruled unconstitutional by a Superior Court Judge. That decision cited several laws from other states providing for parental liability which have been tested in court and upheld. This bill was modeled after some of those laws. The principle from which this bill arises is that along with the right to raise children, comes the obligation to raise them properly, so that other persons' rights are not adversely affected. Other parental liability laws have been declared invalid for two principal reasons." I think the number one reason was because they imposed unlimited liability on the parent. And we have just discussed that, Chairman Flynn. Number two, the other reason it was struck down was because the liability was imposed regardless of the fault. This bill meets both of those objections by establishing, first, a \$1500 maximum or ceiling on liability and by requiring the finding that the child's destructive action was directly related to the parent's negligence or lack of control. Those are the two important parts of the bill.

ASSEMBLYMAN FLYNN: You have touched on the very reason why we do have to try to discuss, if we can, with the courts what would pass constitutional muster. It is not that we feel that they are better than we are. It is just that if we pass a law and the court says it is unconstitutional, we have no law. Rather than have no law, let's get some law. That is the reason I am very solicitous of opinions of people like Florence Peskoe who does have great expertise in the area of constitutionality.

ASSEMBLYMAN VILLANE: I understand. There is one other thing that I would recommend to the committee. I don't happen to have a bill on it this session. We did have a bill on it last year. I think your bill, my bill and Scanlon's bill were merged into one and that had to do with juvenile disclosure of juveniles involved in serious crime.

ASSEMBLYMAN FLYNN: What is your present view on that?

ASSEMBLYMAN VILLANE: My present view on that is that we should expand that further. I don't say that we have to publish the name of any juvenile that is caught anywhere doing something the first time - never. But when a repeat offender, a child that is guilty of breaking and entry into a domicile, goes in and destroys your home, robs your wife's jewelry or your furniture or television -- when a boy or a girl does that, the name of that kid belongs in the public eye

when he or she is convicted, because I have seen right here in Monmouth County where kids have committed 15 robberies and their next-door neighbor didn't know a thing about it. That is because we protect them and we are overprotecting them, Mr. Chairman.

ASSEMBLYMAN MAYS: Would you do that on the first offense?

ASSEMBLYMAN VILLANE: Of course, as the previous speaker said, it depends on the crime. We held that in serious crimes, even if it is a first offense, if a mugging results or it is an atrocious assault or there is an injury and that kid is convicted, his name should be in the paper. However, if a kid gets in a bad gang and he is convicted of breaking some windows at a school, he may be salvaged through the proper cooperation of the courts and the juvenile officers. Now this juvenile restitution program, if it ever is put into effect, will be an excellent way of saying to a juvenile, "Hey, juvenile, you are going up there before your peers. They are going to see you wash a wall with turpentine to get the paint off." And the kid is going to say, "I am embarrassed to do that." That is going to be publishing his name within his own community. That is why this program that the Supreme Court has is so important.

ASSEMBLYMAN FLYNN: Thank you, Doctor, for your great interest. Incidentally, the three people who preceded you all called me today and told me they had to be other places. If you had called me, you would have been one of those three.

ASSEMBLYMAN VILLANE: Thank you very much.

ASSEMBLYMAN FLYNN: Next I would like to call Assemblyman Van Wagner.

Mrs. Peskoe, I don't know that there was anything said that you have to rebut. So you can leave any time you feel free.

Assemblyman Van Wagner is from the 12th District.

A S S E M B L Y M A N R I C H A R D V A N W A G N E R: Thank you, Mr. Chairman.

I will not take a great deal of time. I know there are a number of people here who wish to testify who probably would not ordinarily have the opportunity to testify before a committee such as this. I would like to thank you for having this committee hearing here in Monmouth County and, particularly, in Middletown.

I don't pretend to be an expert on the question of how we should go about reforming the juvenile justice system in our State. I think, however, if I can recount to you some of my recent observations - in particular, I recently telecast a series on Channel 13 which addressed itself to the question of how we process younger people under the age of 16 through the present system - it perhaps sets in motion the process by which we might approach coming to some conclusions. I heard Mrs. Peskoe address some of those areas.

I think in my own mind at least - and I might add in my own untrained mind because I don't have a legal background - it would seem to me there are two basic ambiguities that we must deal with in trying to create a legislative process for dealing with these situations. I think Assemblyman Villane has addressed himself to the area of restitution and certainly that is already an area that has been well discussed and gone over.

Basing some of my remarks on the Channel 13 series, it was indicated that on one hand the system by which young people were processed, either through incarceration or other types of institutionalization, served only to educate them to the greater potential of crime that existed beyond that in which they had already been involved. In fact, in some cases, through a series of counselling

sessions that were observed, it was indicated by many of the younger people there that they actually began to develop a certain kind of peer-group status relative to the crimes that they had committed. On the other hand - and this I think is part of the ambiguity that you have to deal with - it was indicated that many of the young people were very cognizant of the fact that up until a certain age they almost had a freedom of movement, a certain mobility within the system, to commit certain kinds of crimes. Many indicated that it was almost common knowledge as to the sentencing techniques or the lack of uniformity in sentencing. As young as they were, they were well aware of it.

I think that in addressing the problem - and I don't like to present a problem and then walk away from it - we could do it in two areas and probably both areas will be covered by people with more expertise than I. The first comes perhaps from my background as an educator and that is the area of early intervention and, if you will, crisis intervention within other kinds of structures in our society and communities. I realize there have been criticisms of certain programs. But, on the other hand, there have been some successful programs. I think, in terms of establishing a process, we might begin to explore it at this level, particularly for younger offenders.

The other area is the course that I believe the Chairman is attempting to pursue and which some other members of the Legislature have indicated that they would like to pursue and that would be in the uniformity of sentencing. I have spoken to Assemblyman Villane who pointed out some areas of concern and I think you or Mr. Dowd, if I am not mistaken, pointed out some areas of your concern in terms of the lesser sentences being given juvenile offenders. As was reported in the Channel 13 series and other places this seemed to lead to an attitude on the part of the juvenile offender that somehow or other they had sort of an open season up to a certain age and then they had to be careful. I realize we in the New Jersey Legislature and in other legislatures have somewhat changed that in cases of violent crimes.

I present these to you as perhaps two approaches that we might look at in attempting to draw legislation. In so doing, I would like to thank you, Mr. Chairman, and the Committee and everyone here for bearing with me. I offer my assistance in any way that I can to the Committee or the Subcommittee in developing any legislation that you might feel is necessary to address some of these problems.

I don't know whether you have any questions to ask me.

ASSEMBLYMAN FLYNN: Thank you, Assemblyman. Are there any questions? (No questions.) Thank you very much for taking your time to come here. We know you are very busy.

Next I would like to call on Rev. Stephen Duffy, an Instructor at CBA. Is that Christian Brothers Academy?

R E V. S T E P H E N F. D U F F Y: Yes, at Lincroft.

Thank you, Assemblyman. Good evening.

I, too, appreciate the opportunity to speak to you about this problem of juvenile justice. It concerns all of us.

If I could make a brief introductory statement, human experience has taught us over the years that the serious difficulties of youth almost always give birth to adult problems. I think, therefore, sincere efforts to remedy, if not prevent, juvenile crime is an investment in the future that society is always trying to shape and insure for itself. The means society has to accomplish this end and goal

certainly is government and government's ability to legislate practical, workable programs that embody the legitimate aims of society.

In our attempts to address the problem of juvenile justice, I wonder if we really listen to and hear what young people have to say on the subject. I would like to just briefly review for you an article that appeared in the Shore Regional Newsletter for July of this year. The students in the fall and spring semester Governmental Law Courses attended the Monmouth College Government Institute on March 30th. The purpose of the annual seminar is to encourage the study of Political Science and, in general, stimulate interest in the workings of government. Young people from all over New Jersey as well as parts of New York and Pennsylvania participated in the program. The topic for this year's conference was: Should juveniles when accused of crime be treated as adults? Activities included guest speakers, discussions and a student poll. The questions and results of the students' poll are as follows: The first question asked was should juveniles when accused of a crime be treated as adults and 79 percent of 250 said yes. The next question was: Do you believe in capital punishment? And 60 percent of 247 said yes. Should the names of juvenile offenders be made public? And 61 percent of 246 said yes. Should parents be held financially responsible for the crimes committed by their children? Fifty-three percent of 235 said yes. Should President Carter have commuted Patty Hurst's sentence? And 62 percent of 241 said no.

I can't agree with all of the conclusions. There are a couple there with which I would take some exception. But when you study the statistics and the questions, and so on, certain important indications emerge. I think, first of all, young people would like to be considered as persons. So many times our society looks at children and treats them in an infantile way. One of the reasons they are doing the things they are is that they are crying out - without getting involved in sociology --- they are crying out, "I am a person. I am a human being. I am somebody." Then I think of the constitutional guarantee that every person in this country has to a speedy and fair trial. I think of the young people I have counselled in prison, holding tanks, and what have you, who were kept for months before they see the inside of a courtroom, before their real problem is addressed. I don't think young people should be dealt with in a condescending way, that you are young and, therefore, you are not only childish, but you are to be treated in that way. I know that turns them completely off. I think, as persons, they have to be treated with respect and given all the rights and guarantees of a person under the Constitution.

One of the things about young people that we notice is that young people have a different appreciation of time than we do as older people. A month to a young person is a long, long time. I am sure we are all wondering what happened to the 31 days of July. They went by so quickly. For a young child or a teenager that can be a very, very long period of time. In my dealings with court-appointed municipal youth committees - each municipality has a committee; Judge Weinstein appoints committees and there is a local committee in Seabright and Monmouth Beach - sometimes a crime that is committed in December doesn't reach them until six months later. Half a year in a young person's life is a tremendous amount of time for them; not for us, but for them it is. The passage of time, I think, tends to introduce a whole lot of things in the mind of the young person that mitigates against what we are trying to do on their behalf.

The slow process whereby we go about the programs that are already in place, I think is very, very detrimental, if not even destructive.

Children because of their lack of experience - and that is not their fault; they just haven't lived long enough yet - are not capable of making the qualifications we can make. With children, things are either right or wrong, they are black or white, they are one thing or the other. They haven't introduced all that gray area that we have developed because of our sophistication, background and so forth, all the things that we use to cushion the harshness of the system. Children cannot appreciate that. Young people don't. I think it is really essential to address the fact of the workload on the courts, and the process whereby their cases are handled. I think there has to be a much greater commitment - and, as I said in my opening remarks, it is an investment in the future - to handle these cases more expeditiously and to handle them when they are still important, fresh and immediate in the mind of the young person who for whatever reason may have perpetrated the crime for which he is accused. If it were handled in that fashion, I think it would make a great contribution to the problem with which we are trying to cope.

I have heard a lot tonight about parenting. We have witnessed a remarkable development in our own society, especially in the last few years. Society in its attempts to provide for those in need has created a system whereby parenting doesn't have to take place. We find that a society like our own with a long history used to provide for family support and support the family as a unit, as the cornerstone. That is no longer the case. Many of our public assistance programs seem to close their eyes to that which preceded and built and made society strong initially. Now you find not so much parenting going on, but siring of children. There is a difference. Giving birth to a child is a biological process. Parenting a child is a 20-year undertaking, whereby another human being devotes all of his or her resources - material, social, spiritual, psychological and mental - and shares that with another human being who needs those things. In a society such as our own where these values don't seem to have the same emphasis any longer --- but that is another whole program. I didn't mean to get involved in a sociological discussion. It gets very frustrating in trying to deal with young people and their problems to realize that sometimes they are far beyond anybody's range because of conditions that not only are allowed to prevail but in many instances are promoted by society which in trying to correct one problem creates another whole set of problems.

I thank you for your time. I don't know whether anybody has any questions.

ASSEMBLYMAN FLYNN: Thank you Reverend Duffy. Any questions?

ASSEMBLYMAN MAYS: You have me confused. On the one hand, you said listen to the children; and, on the other hand, you said the parents are not strong enough. It is rather confusing because I find that the children want their parents to take hold of them. The parents do listen to them, but I think they listen to them too much. That is where the problem lies. They are ruling the parents instead of the parents ruling them. I think a line should be drawn and a child should be put in his place because today's child is not the same child we saw when I was growing up.

I think the parent should really put his foot down on the child and be strong when he should be strong. That is the proper way to do it. However, I think things have reversed and the child is ruling the parent.

RE. DUFFY: In our society and in our country today that often is the case. I have heard parents make the statement, "I want to give my child everything

that I never had." And I have said, "Did it ever occur to you that perhaps the things you never had made you into the person you are today? What you sacrificed and what you did without may have helped mold and shape your character." This doesn't even enter into the consciousness or awareness of the individual. We are a society that tends at times to go overboard on behalf of our children. I know many parents who are so fearful of a loss of their children's affection that they will do anything to hold on to what they think they have when they really haven't got it at all. That is an observable thing. I know what you are saying there and I have seen it in many instances.

ASSEMBLYMAN FLYNN: Of course, we are getting far beyond the scope of what we can do. We can't legislate parenthood or morality. And we can't put authority figures in their minds. All we can do are the kinds of things that we have pending and hear additional ideas with regard to legislation. We have to leave the moralizing to the parents and to our clergy - of course, I am sure you are doing your job - and to those institutions that can do something about that.

REV. DUFFY: I thought it was interesting in the statistics that I quoted that only 53 percent of those polled thought parents should be penalized for their children's vandalism. It was considerably lower than every other category. The young people felt that they should be responsible for their own actions to a greater degree than in other areas when they were responding to those questions.

It is my own personal belief that young people do get involved in vandalism or anti-social activity to get attention. They are crying out to their parents for attention. We had a child in Seabright who stole a car. Seabright is not a large place, as you know. He stole a car and rode it around in the town for three hours until it ran out of gas. I said to him, "You wanted to get caught. You didn't want to steal the car and get away with anything." What he was really doing was crying out, "Hey, look at me. Listen to me." As it turned out, there was a family problem that he was caught up in intimately and this was his way of getting attention when he couldn't get it any other way.

ASSEMBLYMAN FLYNN: So you are saying that is the other side of the parental-responsibility-law coin.

REV. DUFFY: Yes.

ASSEMBLYMAN FLYNN: You may in effect be playing into the hands of the youngster who wants to get either their attention or to get back at them. That is the delicate balance we have to strike when we pass a parental responsibility law.

I want to thank you again, Reverend Duffy, and I am sure that you will make yourself available if we have further questions.

REV. DUFFY: Yes, and thank you.

ASSEMBLYMAN FLYNN: Our next witness will be Alexander Lehrer, the Monmouth County Prosecutor.

A L E X A N D E R L E H R E R: Thank you, Assemblyman Flynn. I have a few brief comments. Most of the things that I wanted to cover have been previously covered. You raised an interesting issue just prior to your calling on me and that was that the Legislature can't legislate being good parents. In essence, you can't do that; but in some ways you can.

As a law enforcement officer, I am not here to address early intervention or crisis intervention because that is for the experts to address. However, I am a strong advocate of that. I would like to see the Legislature pass a series of programs which would make it unnecessary in my job as chief law enforcement of

the county to prosecute any juvenile offenses; in other words, have no juvenile crime. I think people who are here on behalf of those kinds of agencies can better address that.

I think we have a two-pronged problem. Basically, when my office gets cases, in most instances it is too late to rehabilitate that juvenile, especially in serious kinds of crimes. The people who will address you after me have programs where they try and handle the problem before it reaches the courts and consequently reach the young person and make him a good citizen.

As I indicated to you, it is my feeling from my experience both as a defense lawyer and now as the County Prosecutor for one year that when these cases reach the criminal court, by and large - in serious offenses, of course - it is too late for that juvenile.

I must take issue with Assemblyman Villane when he indicated in part of his speech that the police officers even in Monmouth County are turning their backs to juvenile crime. When I took office one year ago, I set the highest priority of my office the combating of juvenile crime. Right after my taking office, I was privileged to be invited to attend the Metropolitan District Attorneys' Conference in Washington, D. C., where all the District Attorneys having jurisdictions over 500,000 were invited to attend. There were approximately 70 of us locked up for a conference and the one thing that came out of this conference was that the major problem throughout the State of New Jersey and throughout the country is that of juvenile justice. The statistics that I am aware of are that 50 percent of the violent crime in this country is being committed by juvenile offenders and 50 percent of the serious crime is being committed by juvenile offenders.

With that in mind, I am presenting to you my feeling of what I consider to be the law enforcement point of view for legislation. I am not addressing the other issues which I am leaving to other people.

As far as the parental responsibility bill is concerned, I am a strong advocate of that for the various reasons cited by Mr. Bennett and all the other people. I don't think we need to go into that.

As far as waiver is concerned, I am a strong advocate of waiver, but I do not feel it should be under the same system that it is now. I would ask you to look at the Washington State law and the New York State law for what I believe to be models of what should be in the juvenile justice system in New Jersey.

Basically, I am an advocate, in cases of serious crime, which I would define as violent crime and serious property crime, that the young person committing that crime be presumed to be an adult and presumed to be handled in the adult court; and if he chooses the privilege of being in a juvenile court, he has the burden of proving that to the court. Currently, under New Jersey law, there is a provision to transfer juveniles who are charged with serious crimes if two criteria are met: number one, it is a serious crime; and, number two, all kinds of rehabilitation have been accorded that individual and he has not responded.

You can imagine what kind of burden the prosecution has, to prove that to a court. We have been very successful, contrary to Ms. Peskoe's testimony, in the County of Monmouth under my administration in using the waiver technique. And I believe the waiver technique is extremely effective to set examples to other individuals who may be contemplating a similar kind of action and serves as a deterrent.

I can cite you one example. In the early days of my being the Prosecutor, a young gentleman was charged with committing 32 muggings of older people in the City of Asbury Park over a 6-month period. Ken Keller, who is the Director of my Juvenile Division and who is here tonight to answer your questions, and I handled the transfer motion and that young gentleman eventually pled guilty to an accusation and was sentenced to 15 years in jail and he was 15 years of age. Now that seems like a very harsh result and it was a very harsh result, but I will tell you that his crimes were crimes that had he been an adult, he would have served probably the rest of his life for. The result of this, if you should ask the Asbury Park Police Department, was a new spirit among juvenile officers who had been floundering, but also the word got out in the street that the law enforcement community in Monmouth County was now going to get tough in those areas and, if they wanted to commit crimes as adults, they had to pay the price as adults. My experience has shown it to be a very successful technique and we have done it on many, many occasions.

ASSEMBLYMAN FLYNN: Before you get to another topic, I want to ask you a question on that. Under the present setup, if he had been tried as a juvenile, in this example you gave, what would have been the most he could have gotten by way of sentence?

MR. LEHRER: Probably an indeterminate term to Yardville.

ASSEMBLYMAN FLYNN: That would be how long?

MR. LEHRER: Under current procedures?

ASSEMBLYMAN FLYNN: Under current procedures.

MR. LEHRER: About 9 months.

ASSEMBLYMAN FLYNN: Whereas, he got 15 years.

MR. LEHRER: I don't want to mislead you. That was to Yardville, but it was a 15-year maximum. So his eligibility for release would be later than the 9-month figure. How the Parole Board or the Board of Commissioners of Yardville figures out its release date sometimes is beyond me.

ASSEMBLYMAN FLYNN: Would he have to serve as least something approximating one-third of the 15 years?

MR. LEHRER: I don't think so. It is up to when they feel he is rehabilitated.

ASSEMBLYMAN MAYS: He can get 18 months and get out.

MR. LEHRER: But the point is, if he is not rehabilitated - and this young gentleman, whose background I don't want to go into, has some very serious problems - at least the Board of Commissioners has the discretion of keeping him up there for 15 years.

ASSEMBLYMAN MAYS: Is he on the street now?

MR. LEHRER: No, he is not.

ASSEMBLYMAN FLYNN: So, basically, the waiver technique enables longer sentences to be meted out?

MR. LEHRER: Yes. But one important thing, the waiver technique also allows publicity, names being printed in the paper, a criminal record and a record for police agencies to be able to trace that person because he is no longer sheltered by the juvenile law. All the rights and privileges and the disabilities of an adult conviction attach to that person even if he is 15 years of age.

I wanted to get into those issues in a minute, but if I may digress for a moment, when I took office I realized the importance of the juvenile crime problem in this county and in this country. I revised the office to create a department called the Juvenile Division in the Monmouth County Prosecutor's

Office. I appointed one of my most experienced attorneys, Ken Keller, as head of that division and assigned to him one of the brightest young people that we have in the office to work full time on the juvenile justice problems. I am expanding that division next year to include additional prosecutors and additional clerks so that the problems addressed previously as to waiting time and lag time and lack of calendar control within the courts can be remedied.

The courts are not the only ones to blame. The people who work within the criminal justice system are to blame and I include the prosecutors in that. By devoting your resources and devoting your energies and thinking to those problems, all those problems can be and will be eliminated. I think we have made great strides in a year, but I am not here to brag about what we have done.

ASSEMBLYMAN MAYS: The kid that did the 32 muggings, was that the first time he was caught?

MR. LEHRER: It is hard to say. He got caught after a number of muggings, but eventually the number was up to 32. I know what you are getting at, Assemblyman. You want to know, was he caught, released and did another one. The answer is yes. He was caught, released, did another one; caught, released, did another one; caught, released, did another one. That is not the prosecutor's fault nor is it the Probation Department's fault nor is it the court system's fault. That is the fault of the legislation which says that only under very limited circumstances can you hold a kid in a detention center. It also is a problem of money because the detention center is overcrowded.

We can get into those philosophical discussions about parole and early release. Do we build more prisons, or what do we do with them? Those are philosophical discussions that go on forever. Did I address your question?

ASSEMBLYMAN MAYS: Yes.

MR. LEHRER: The second thing that I would advocate is, if there is a presumption of adult behavior in serious cases, that would allow many of the techniques of supervision in adult court short of incarceration to be afforded to the prosecutor and the Probation Department with more strict ties. For example, there could be developed in the less serious cases that would be treated as adults a PTI program for juveniles. That PTI program could monitor restitution, could monitor community service, could legitimately be the subject of all of those things and legitimately, without further enabling legislation, allow all the tools of rehabilitation to be afforded to that person without the guise of the Juvenile Justice Act.

I am a strong advocate of public attendance at juvenile hearings. I can only look back at my childhood when I grew up and I knew that if I committed any acts of indiscretion that my father would not advise me of my rights and tell me I could have a lawyer. He plain and simply beat the hell out of me. And he did that on a number of occasions. We can't pass a bill which says that a parent can beat the hell out of his child. However, we can make the criminal process hurt the juvenile - I don't mean hurt in a bad sense - and make him pay some price.

I have read some very interesting articles recently by people who are very concerned with the rehabilitation of juveniles. They interestingly point out that the only person who hurts throughout the process is the middle-class taxpayer because the juvenile by and large will not be detained for any period of time for whatever crime he allegedly commits. He will be afforded a free lawyer by the court. The middle-class American taxpayer pays for that lawyer, pays for

the court, pays for the prosecutor; and, by and large, the juvenile in those types of cases will be put on some kind of probation, which is again paid for by the middle-class American taxpayer. Where does this juvenile pay any kind of price in the whole criminal justice system? Very rarely does he. Now I love kids. But I am saying in order to understand what the process is all about there has to be some penalty or some price that someone pays for doing wrong. As it exists now, there is none, or very rarely is there one.

So I feel that the public has an absolute right to attend trials of juvenile cases - or I should say that I think the Legislature should feel that the public has the absolute right to attend juvenile cases and find out what is going on in the court system. By and large, I am very, very proud of the juvenile justice system in Monmouth County - the courts, the Probation Department and my office. But one thing is interesting: the public doesn't know what is going on because they are not permitted to attend that court. Now when the public doesn't know what is going on in the court, right away they are suspicious - and I don't blame them - because they just don't know what is happening in the court. I can see no reason whatsoever to prohibit the public from going to court.

Now, under my prosecutorial discretion, I am not going to make a formal case out of a kid breaking one window for his first time. Those things are better handled at the local level through the community groups that are functioning in this county. I am talking about the serious crimes, as I defined them before. If they are tried as formal cases, there is no reason why the public should not be aware of them. There is no reason why the press shouldn't cover the trials. And there is no reason why their names shouldn't be released after conviction.

ASSEMBLYMAN DOWD: Stop there for a second. How do you have a public trial and conceal the name until after conviction?

MR. LEHRER: I don't advocate that. If you go along with my waiver concept - these are all pyramiding kinds of concepts -- if you go along with my concept that in a serious crime - and I define serious crime as a violent crime or a serious property crime - you presume those people to be adults.

ASSEMBLYMAN DOWD: Those are the cases where you would advocate public trial?

MR. LEHRER: Absolutely.

ASSEMBLYMAN DOWD: And you are not worried that the name is disclosed whether or not they are found guilty?

MR. LEHRER: Absolutely not. The prosecutors through the use of their discretion and the courts through the use of other tools which would be available could prohibit the first offenders from going into that system, which they would. I am not interested in making a formal case out of a kid who commits one minor indiscretion.

ASSEMBLYMAN MAYS: What is a serious property crime?

MR. LEHRER: A serious property crime would be vandalism or destruction of property.

ASSEMBLYMAN MAYS: What price?

MR. LEHRER: There has to be an arbitrary figure set - \$1,000, \$1,500 or \$2,000. With inflation, it could be \$10,000 next week. I think we would have to look at statistics to see what they are. There could also be serious property crimes where a dollar doesn't mean anything for someone who goes throughout a school and sprays paint all over.

ASSEMBLYMAN MAYS: A dollar figure can be placed on that.

MR. LEHRER: It is not really because if you want to look at it as removing the paint, it means hours of removing it, and those kinds of things. There would have to be an arbitrary figure set. I could discuss it with you.

ASSEMBLYMAN MAYS: If a bill is drawn up, you have to have a figure in it.

MR. LEHRER: I understand that, Assemblyman. I will leave that to your wisdom as a legislator.

ASSEMBLYMAN FLYNN: You are talking in terms of the price they would be paying would be their reputations and their names.

MR. LEHRER: Absolutely. If I do something wrong as the County Prosecutor, it is reported on the front page of the paper; I pay a price. If you do something wrong in your law practice or as an Assemblyman, or if people criticize you, it gets reported and people know it. You pay a price. We pay a price for everything we do in the real world, whether it be a financial price or a reputation price, or whatever it is. Why are juveniles exempt from that? That is one of the problems that is causing what everybody is talking about, the erosion of respect for the law, respect for the courts, respect for the family, etc., because juveniles are not made to be responsible for their acts.

As I said in the preface to my remarks, I am talking about instances where I receive the cases. In my opinion, when I receive the cases, by and large, it is too late for these kids to be rehabilitated through the kinds of groups which I advocate and who will speak after me.

The last thing I would talk about is the absolute need by law enforcement to have records of juveniles disseminated to other agencies, and be disseminated on a countywide, statewide and national level. In order for law enforcement to effectively carry out its function, we need intelligence information. By and large, certain kinds of crimes are committed in certain municipalities countywide. When you get all this intelligence information together, many, many times you can put together that information to find out who is doing it. Right now, law enforcement is at a complete loss with respect to juveniles because of the juvenile prohibition as far as records are concerned.

To maintain whatever integrity you would like for the protection of the juveniles, there could be statutes drawn much the same as conditional discharge statutes have been drawn or drug record statutes have been drawn on a need-to-know basis, agency to agency, and prohibitions for letting it out. But there is an absolute need for maintaining records of juveniles who have committed all types of offenses because there may be juveniles who have committed offenses that were handled by station-house adjustments or that were handled through conference committees that, if you traced the pattern, you could put it all together and see that they have, in fact, committed the major crime which you are trying to solve. There has to be some kind of inter-law enforcement agency communication of those kinds of problems, not to hurt the juvenile, not to report on a job application that he has a prior record, but to aid law enforcement agencies in solving crimes.

Those are basically the types of things that I wish to address. It was indicated that Ken Keller was going to speak. I don't think he really wanted to speak on his own. But he is here as the head of the Juvenile Division in the Monmouth County Prosecutor's Office to answer your questions.

ASSEMBLYMAN FLYNN: Very, very quickly, I would like your views on the inclusion in the Juvenile Justice Act of the right by a court to fine a juvenile, to require him to make restitution or to require him to perform community services as alternatives to incarceration.

MR. KENNETH P. KELLER: Assemblyman, I am not so sure what the effect of

a fine would be. I think that some sort of punishment is required, anywhere from incarceration down to restitution or community service. I think at the very least, in most cases, community service of some type should be required. In most cases that I have seen, in terms of property damage or where there is assault, there is some sort of monetary value that can be placed on the crime, either with regard to damages or doctors' bills, or something like that. I think that, as it relates directly to the offense, is much better than the system which would allow a fine to be imposed.

ASSEMBLYMAN FLYNN: This, of course, would be in keeping with the idea expressed by the Prosecutor that they should pay some price and the price may be their service or, at least, reimburse someone to whom they may have caused harm, so that they wouldn't get away without paying a price.

MR. KELLER: Absolutely, because both juveniles and the public believe that that is what happens - and it does happen.

ASSEMBLYMAN FLYNN: Another area on which I wanted to get your comments - there is a trend being discussed among the legislators to send more and more of the lesser crimes to the municipal courts rather than through the county system. Do you have any reaction to that? For example, drinking by minors will be processed through the municipal court system, and there are other bills pending to do the same things for other kinds of offenses. What is your reaction to that?

MR. KELLER: I have some serious questions about that. I think, if that sort of thing is to be done, a minimum of 17 should be required because on many minor offenses, such as disorderly persons offenses, which are the type that you are referring to municipal courts, they are not handled in court at this time anyway. They are diverted from courts, depending on the prior record, of course, of the juvenile -- but they are diverted to juvenile conference committees in the towns or else to pre-judicial conferences or in-take hearings, which are held at the court house.

MR. LEHRER: Or station-house adjustments, if I may add that.

MR. KELLER: Right. I think the municipal courts would be totally overwhelmed. I don't think anybody has any idea what that would mean because in my brief experience as the Director of the Juvenile Division in the county, the one thing that has amazed me is the volume of offenses. Most of the offenses are of the supposedly "petty" nature, which would go to the municipal court.

ASSEMBLYMAN FLYNN: Let's say you have a 15-year old youngster found with a six-pack down in the woods somewhere. Under the present setup, he goes to the juvenile court system. Is that correct?

MR. KELLER: Not necessarily, depending on his record.

ASSEMBLYMAN FLYNN: Unless he gets diverted.

MR. LEHRER: In this county, he would definitely be diverted.

ASSEMBLYMAN FLYNN: All right, he would be diverted to a conference committee or youth adjustment board.

MR. LEHRER: Absolutely, or probably even a station-house adjustment. I can tell you point blank in public I am not here to spend taxpayers' dollars to make a 15-year-old kid with a six-pack go through the court system. I would encourage - and I know that Kenny is encouraging and I know that the Probation Department is encouraging - that those matters be sent back to the local government, to the local conference committees. I am a strong advocate of that because I feel that the peer pressure of the local community in situations like that is going to do a heck of a lot more for that kid than putting him

through the juvenile justice system and making a mockery of the juvenile justice system for handling the case of a 15-year-old kid with a six-pack.

ASSEMBLYMAN FLYNN: Do any members of the Committee have questions of either of these gentlemen?

ASSEMBLYMAN MAYS: How speedily does a juvenile get a trial?

MR. LEHRER: If he is placed in the detention center, he is brought to trial within 30 days. Is that correct?

MR. KELLER: Within 30 days or shortly thereafter.

ASSEMBLYMAN MAYS: The reason I ask that is that I see as of June 1st, 1979, you had 1215 cases pending.

MR. LEHRER: Who is that?

ASSEMBLYMAN MAYS: In monmouth County. You had 870 a year ago.

MR. LEHRER: Can I explain something to you? Those statistics are very interesting. If you will check the statistics in the upper court from May to June, you will see a radical change in those statistics. Let me address that. The reason is the lack of uniformity in reporting throughout the State and the lack of emphasis of prior prosecutors to get rid of cases that have been hanging around for administrative reasons only. Those statistics - and I don't know whether they are accurate or not -- but I would look at them with a jaundiced eye.

Kenny, can you give him an estimate of how many cases we have pending?

MR. KELLER: I can't say how many we have pending. But I know that in the last six to eight months, that cases that come up that we are trying are usually in the range of two to two and one-half months old, most of them. If they are older than that, it is for the same reason that adult cases become older than that, because witnesses are missing or because the juvenile, himself, is missing.

ASSEMBLYMAN FLYNN: Is that a non-detention type case?

MR. KELLER: Yes, non-detention.

MR. LEHRER: Detention cases are given our highest priority and we move them quickly.

ASSEMBLYMAN FLYNN: There are several bills pending to grant courts the power, after conviction as a delinquent, to send the juvenile to a detention center - one bill has it for 30 days; another bill has it for 90 days - as a place in lieu of Jamesburg or in lieu of one of the other actual jail facilities.

MR. LEHRER: I don't like to answer a question with a question, but where are we going to put them?

ASSEMBLYMAN FLYNN: That was my question. Do we in Monmouth County have such a detention center facility where they could keep convicted delinquents after the trial?

MR. LEHRER: Absolutely not.

ASSEMBLYMAN FLYNN: We don't have such a facility. So any bill that would address that issue would also have to address the issue of where they are going to put them and where they would get the money to do it.

MR. LEHRER: That is correct. In addition to the question, where are they going to put them - there may be the money - but what community wants that facility in their community? That is the next issue.

ASSEMBLYMAN FLYNN: Suppose you had such a facility. Suppose there was money for it and a place for it. What would be your reaction to the concept of sending a convicted delinquent to such a facility in lieu of Jamesburg or Yardville?

MR. LEHRER: If the facility was designed to help that individual and rehabilitate that individual, I would welcome it.

ASSEMBLYMAN FLYNN: We all recognize the problem now. The judge has a tough task. He doesn't want to send them to Jamesburg because very few people come out of Jamesburg better than when they went in. In fact, it seems to be harmful to them. He is reluctant to send them there.

MR. LEHRER: I am a strong advocate of split sentencing. Some people only need two days behind bars to realize that they never want to do that again. Now if that is the purpose of it, I am a strong advocate of it.

ASSEMBLYMAN MAYS: Others need something like 20 years.

MR. LEHRER: Sometimes they need 20 years.

ASSEMBLYMAN FLYNN: Do you need legislation on that or do you have enough on split sentencing now to do it, if the judge is so inclined?

MR. LEHRER: I don't know whether the legislation exists, but it is being done very creatively in Monmouth County - off the record. It has been working very fine in the adult court. I don't know whether there is split sentencing in the juvenile court.

MR. KELLER: There is really no such thing because you either commit someone to Jamesburg or Yardville, or a younger kid goes to Skillman or one of the other schools, or else you put them on probation. There is no in-between. What some judges will do - I know because I see this at disposition hearings with sentencing -- a judge will want to do something that will impress a juvenile more than probation, more than restitution, but he is faced with sending him to an institution that he doesn't feel will do him any good for a time which could go anywhere from six months to nine months. He would like - I know in this county, at least - to put him someplace for a short time and get his attention, and then take him out. What they do here and in other counties in some cases is commit a youth to one of these institutions and then recall him. That is a pretty cumbersome procedure and that is not what the institutions were created for.

ASSEMBLYMAN MAYS: If it wasn't for a lack of money, there would be more juveniles in jail. Is that correct?

MR. KELLER: I think that is true.

MR. LEHRER: Let me just say this: It is my philosophy as the County Prosecutor that if I see everyone come through my system once, then I have done my job. By that I mean that whatever tools are available in the criminal justice system, if they deter that person from again committing a criminal offense, then we have done our jobs because everybody can make mistakes. If the juvenile detention center provides a deterrent to ever coming back into the criminal justice system again, yes, I am a strong advocate of it. If it is probation for that individual, yes, I am a strong advocate of it. If it is 20 years in jail because you know you are never going to be able to rehabilitate that individual, then so be it.

The sentencing function of the criminal justice system is so creative --- and one of the things that everybody argues about is that there is disparity of sentencing. I am not at all against disparity of sentencing because a sentencing judge has the toughest function in the world. He has to look at that human being in front of him - and the prosecutor also has to help him - and determine how he can best use the criminal justice tools to make sure that he never comes back again. Take the person who steals for one motivation as against the person who steals for another motivation - two different results may be perfectly consistent with that goal.

ASSEMBLYMAN MAYS: If you have a smooth talking lawyer, you get a lesser sentence.

MR. LEHRER: There are a lot of smooth-talking public defenders and there is nobody unrepresented even in the juvenile court for what we call formal cases where the juvenile is in danger of incarceration. In fact, there is one smooth-talking lawyer who got a juvenile off on this panel, whose name I won't mention.

ASSEMBLYMAN DOWD: Not yet.

ASSEMBLYMAN FLYNN: Do you think there is a need for some intermediate detention facility for the convicted delinquents in either this county or throughout the State?

MR. LEHRER: Could you define intermediate?

ASSEMBLYMAN FLYNN: Intermediate would be something less than Jamesburg but something more than what we have now.

MR. LEHRER: I would like to have Kenny's opinion on that.

MR. KELLER: I still don't think I understand. I don't think so.

ASSEMBLYMAN FLYNN: The thrust of these pending bills is: Let's keep the kid local. Let's keep him in Monmouth County. Let's send him to a detention-type facility. But we don't want to send him to Jamesburg or Yardville where all kinds of horrible things happen to the youngster there. That is the kind of intermediate facility that these bills seem to be dealing with.

MR. KELLER: You are assuming that no horrible thing could happen because he is in his own county. I don't know whether that is necessarily true.

ASSEMBLYMAN MAYS: Let me ask one question. After a criminal has committed a crime, has the victim ever been asked, "What do you want us to do with this juvenile"?

MR. KELLER: No. A victim is not asked, "What do you want us to do with this individual," but routinely the Probation Department conducts pre-sentence investigations and the victims are interviewed. The victim's comments are usually somewhere in that pre-sentence investigation report. I see most of the pre-sentence investigation reports and they don't usually contain a statement where the victim says, "Furthermore, I want to see him locked up." It is usually just a recitation of the facts in the case.

MR. LEHRER: Our office has instituted a policy where we are present at all these dispositions. Our office has spoken to the victims. And I am sure if the victim has made known something very strenuously, we would make that available to the court. Correct?

MR. KELLER: We are present and we put forth those views at sentencing; that's true.

MR. LEHRER: So the victim through us is really represented.

ASSEMBLYMAN FLYNN: I want to thank you both for being well prepared. Please feel free if you have ideas for specific legislation to contact any member of the Committee because we would be happy to sit down and talk to you.

MR. LEHRER: You will be deluged with mail.

ASSEMBLYMAN FLYNN: Fine. That is what we are here for.

MR. LEHRER: Thank you very much. We appreciate it.

ASSEMBLYMAN FLYNN: I would editorialize at this point and say that Monmouth County is well blessed by having a Prosecutor who does care and who does concern himself with this problem.

The next witness is Ellen Nathanson from the Neptune Family Youth Service Center.

E L L E N N A T H A N S O N: The Neptune Family Youth Service Center is a non-profit organization. It is community based. We are a counselling and recreation center. We serve Neptune Township, Neptune City and Bradley Beach. We receive minimal funds from those three communities, along with the Monmouth County Board of Drug Abuse Services and the State Law Enforcement Planning Agency.

I, along with the people here tonight from other youth service bureaus, are what Mr. Lehrer referred to as early intervention programs. Youth service bureaus serve a very definite purpose in dealing with youth in the community and support services within the community. We don't dispute the fact that there are some youths who do indeed need residential placement. What we are talking about here tonight is about the youths who are potential offenders and minor first offenders, and dealing with them in the community with local services.

The SLEPA grant that Neptune and other community services receive is for prevention and diversive use from the juvenile justice system. We receive referrals from police, schools, self-referrals, talk-ins, juvenile conference committees, juvenile in-take, probation. We work with these youth in counselling and recreation - individual, family and group counselling.

What I would like to do tonight is mention some of the important aspects of youth service, some aspects of ours, in particular, and other people will elaborate on their own.

In Neptune, we offer community-based prevention. An example of this is our dropout program. During the '78-'79 school year, we got a list from the high school of 60 dropouts. That was three grades: sophomore, junior and senior. Of those 60, 85 percent were brought into counselling at the youth center and put into appropriate secondary school programs, alternate programs, or employment. This is grass-roots prevention. We are working with these kids. We are getting them off the streets. We are getting them out of trouble and putting them into programs where they are doing something constructive for themselves and, hopefully, later on for their communities.

We work very closely, as you can see, with the schools and with the police to do these things.

During the most recent quarterly report we made at our center, of the 24 clients referred to us by the police with no prior involvement in the juvenile justice system, after counselling and a six-month follow-up, only 6 of those youths became reinvolved. That is about 20 percent and that is the highest we have had since we have been operating under this grant. And that is fairly low.

Another very important aspect of our Youth Service Bureau in which we serve a definite purpose is that we are an alternative to community mental health centers and we are an alternative to private practitioners. Many people feel stigmatized about going to a community mental health center. They have immediate problems that need to be dealt with and they can't wait until they are reached on a three-week waiting list. They don't have the funds to go to private practitioners. I would venture a guess that 85 to 90 percent of the people I and my staff serve in Neptune - and that is a staff of 11 - are low-income families. So we serve a very definite need for these youths and their families.

To be as brief as possible, what I and other youth service bureau people are doing here tonight is to tell you that our dilemma is funding. We get small amounts of money from our communities, but our primary funding is from the State Law Enforcement Planning Agency. That is decreasing funding. We have that for

six years. After six years, we have no money coming from them at all.

ASSEMBLYMAN FLYNN: You got a six-year grant, but it decreases each year.

MS. NATHANSON: It decreases every year.

ASSEMBLYMAN FLYNN: The thought being that the community, if it sees the value of the program, will supplement the decrease; is that the way it works now?

MS. NATHANSON: That is how it started out. I don't think it is that the communities don't see the values of the programs any longer.

ASSEMBLYMAN FLYNN: It is a matter of priorities of money?

MS. NATHANSON: They don't have the funds to pick up the costs of our programs any longer.

ASSEMBLYMAN FLYNN: The extra money that has to be brought into play by the municipalities for these programs, do they get encompassed within the caps or are they outside the caps?

MS. NATHANSON: No.

ASSEMBLYMAN FLYNN: They are in the caps?

MS. NATHANSON: They are in the caps.

ASSEMBLYMAN FLYNN: Would the communities be willing to spend the extra money if it was outside the caps? Or is it just that they would rather not spend the money at all?

MS. NATHANSON: I don't know. I can't speak for every community. I think some communities would be more than willing if it was in the caps.

ASSEMBLYMAN FLYNN: I am thinking in terms of legislation. In other words, we could possibly have some kind of legislation to exempt the cap for the municipality's portion of a decreased grant if the municipality said to us, "We would be happy to spend the money if we were allowed to." But maybe they don't have the money at all to spend in the first instance.

MS. NATHANSON: Our program and I think a few of the others that will be speaking were started originally by community people. The Neptune Community Council started our program in 1972 and they fully support us. So I think, if they had the funds, they would be more than willing to spend them. What we are saying here tonight is that it is time for the State to invest in the youth.

ASSEMBLYMAN FLYNN: The State originally invested in you and that is the reason you are in business. The State invested.

MS. NATHANSON: In other ways.

ASSEMBLYMAN FLYNN: How much money was the original grant the first year?

MS. NATHANSON: In Neptune?

ASSEMBLYMAN FLYNN: Yes.

MS. NATHANSON: I think fifty-six.

ASSEMBLYMAN FLYNN: Fifty-six thousand.

MS. NATHANSON: Yes.

ASSEMBLYMAN FLYNN: And what year are you in now in the program?

MS. NATHANSON: Going into our third year.

ASSEMBLYMAN FLYNN: And how much is the State putting in the third year?

MS. NATHANSON: Forty.

ASSEMBLYMAN FLYNN: It decreases five or six thousand each year?

MS. NATHANSON: What happened was that we were lucky in our second year to be able to add an additional staff person. You have to also realize that in the first year we had to spend money for equipment, office desks and things. A lot of

money was used for those things. Then we were able to add another position. Now this year, we have had to cut a position and consolidate because we have been cut so much. Of course, we are doing that rather than cut programs. But the next thing that comes after cutting staff is cutting programs.

ASSEMBLYMAN MAYS: What is the lowest amount you are going to go to in the six years?

MS. NATHANSON: I couldn't answer that. Who knows what the dollar is going to be worth?

ASSEMBLYMAN FLYNN: Any other questions? (No questions.) Thank you very much. We are going to pass along your comments and, even more important than your comments, are the statistics that you have given us, indicating that such a program does work.

MS. NATHANSON: They do. Thank you.

ASSEMBLYMAN FLYNN: Joyce Primost. And you are from Ocean Township Youth Services?

J O Y C E P R I M O S T: Youth Services, yes. I am also addressing the same issue as Ellen Nathanson and that which Prosecutor Lehrer referred to as the community-based programs.

I am Joyce Primost and I am acting as Associate Director of Ocean Township Youth Services. I have been serving there as a Family Therapist for three years.

Our agency was created in 1974 by the community of Ocean Township to deal with the problem of drug abuse among youth in our community. We are particularly proud of the fact that we are primarily municipally funded. I will get into that later.

First, I would like to tell you a little about our program and about two particular programs that we feel are innovative and extremely helpful as preventative measures. In the five years that we have been working with juveniles, we have seen a tremendous increase in what I call the three D's - divorce, drugs and depression - that are causes of juvenile problems. We believe primarily in prevention - that is what we are here for - and in catching kids before they develop serious problems and enter into the juvenile justice system.

Two of our programs we are particularly pleased with. The first one I would like to speak about is the rap groups we have for adolescents, coming from separated and divorced homes. This has been successful beyond our original expectations. The kids have benefited from sharing their feelings of loneliness, rejection and insecurity. They have talked about the initial hopelessness they felt in trying to reunite their parents. I would like to quote from one of the kids who said: "I know my life can't change. But I know how I feel about it now and how to deal with it better." Then one of our school administrators said to me personally, "I had to bend over backwards to make certain a kid didn't have detention, or whatever. Those kids just lived for that group meeting."

Our other program that we just started this year is the one that everybody has been referring to tonight. That is our restitution and retribution program. We started that in October and we have had about 22 kids go through this program. Now this is prevention because these kids have not gone through the formal justice system. They are coming to us from the schools, from the police referrals, and from the juvenile conference committee. And they are working off their offenses under the supervision of a youth worker in our office.

These are just two of our programs. We feel that the strongest feature

of our whole Youth Services Agency is the fact that it is a locally home-based program that we are intimately involved with in our community. We work out of an office adjacent to the pizza shop and the kids are not afraid to drop in there. There is no stigma attached. They could be going into the pizza shop. The families know us. The community knows us. We work as a liaison with the larger agencies in the area, as most youth services do. We feel we are particularly effective in that.

Our Director is a department head within the municipal government. So he is on the same level as the police and other people in the community.

I am going to refer to what you mentioned before. It is exactly what I was going to address. It is our major problem. That is that 64 percent of our funding comes from our municipality. The rest of our funding comes from a grant from the Monmouth County Board of Drug Abuse Services. Our biggest problem has been the budget caps. Our community would definitely be willing to invest more in our program and in expansion if they were not prevented from doing so by budget caps. Our Director has a well deserved increase coming to him and I am afraid we are going to lose him. I think he will be looking for work elsewhere. The program has expanded and he certainly deserves a raise in view of the expansion of the program. Let me just explain the structure. We have one full-time person - that is our Director - and a full-time Secretary, and there are three of us who are part-time staff, as well as two CETA employees. Right now, our youth retribution and restitution program is using one of our CETA employees and that is due to be cut off in December. We are trying to get him put on as a full-time staff member and don't know where our money is going to come from for that. So we are really struggling with the budget caps. And, yes, if you could pass legislation to exempt us and our agencies and our preventive services from budget caps, we would really bless you.

ASSEMBLYMAN DOWD: I just might comment that the Legislature can pass law's exempting a lot of valuable programs from the caps. But the current posture of the Executive Branch is to veto all such legislation. So I think those who are especially concerned about juvenile problems and some financial relief in that area very soon are going to have to be bombarding the Executive Branch with that very point of view.

MS. PRIMOST: I was going to say that. Everyone asks to be exempted. But if you would exempt us, we would bombard him. First, we have to have the legislation.

ASSEMBLYMAN FLYNN: Thank you very much. It sounds like you also are doing a very fine job.

Our next speaker is a distinguished former Police Chief from Middletown, Joseph McCarthy.

J O S E P H M C C A R T H Y: Thank you, Mr. Flynn. I am still the Chief of Police.

ASSEMBLYMAN FLYNN: I thought you retired.

CHIEF MC CARTHY: Not yet. I haven't left yet.

ASSEMBLYMAN FLYNN: I am sorry.

CHIEF MC CARTHY: I sort of agree with most of the things that our Prosecutor of Monmouth County said. There has been a great improvement in the juvenile justice system since he took over. We are very proud of that. He did discuss station-house justice. I would like to go back a few years - we still have juvenile officers - when we had a strong juvenile officer system.

You talked about the kid with the six-pack of beer. We worked very closely with the County Probation Department. We would take our complaints and once a week meet with the County Probation Officer for this immediate area. We would go through those complaints. He would say, "Okay, we will handle this in the juvenile aid bureau." The Juvenile Officer would go to the home and go to the school and resolve it at that level. We wouldn't backlog our juvenile court system with these minor complaints.

Since that time, we have become much more involved with statistics. So every time somebody is picked up with a six-pack of beer, we have to make out twenty forms. If they pick up two or three people, that is sixty forms, sixty pieces of paper. We are so involved with statistics and paperwork that it interferes with our effectiveness in coping with the juvenile delinquency problem and the vandalism problem. This is a basic problem.

If we could go back to a strong juvenile officer system like we had many years ago where we could have a youth who is involved in a minor offense handled at the Juvenile Aid Bureau --- It may be repairing a house where the windows were broken. Have them repair the windows. Have them repaint the house which they sprayed paint on. Have them cut the grass in the parks. Make them work. Have work programs for them. This is what we have to do. This is what I did when I was in the Juvenile Aid Bureau, and it worked. Only one or two kids that I tangled with have turned out bad over the course of almost 26 years.

ASSEMBLYMAN FLYNN: Is there some kind of legislation we can draft?

CHIEF MC CARTHY: This is what I am saying.

ASSEMBLYMAN FLYNN: Or is this something that we can't do anything about?

CHIEF MC CARTHY: We had that years ago. I think we are over-legislated in many different areas. We are trying to solve a problem that can be solved locally in the community. I think that is the whole answer.

ASSEMBLYMAN FLYNN: How could we go back to that system today?

CHIEF MC CARTHY: That is up to you people who are legislators. I am not a lawyer. But I know the law could be strengthened with a Juvenile Aid Bureau. There should be selected persons, not just anyone thrown in there, who can get along good with kids, work with kids, know if they have a home problem, which many times we know they have. We have to have the right to go into the home and see if the home is clean. We have to have the right to talk to the priest or the clergyman. We used to be able to resolve a lot of our juvenile complaints at a lower level, with the approval of the County Probation Department, with which we worked very closely. That was a good system - it worked. I can tell you, as a street cop and one who worked with Juvenile Aid for many years, it worked. It was one thing that worked.

Now a serious offense is something different. I don't think they should be tampered with. I think they should be going to the juvenile court. What we are doing now is sending everything to court. Some are bounced back to the juvenile conference committee to clean them up and get rid of them.

The Prosecutor talked about the station-house program. Well, this is sort of the same thing: make the complaint, then throw it over to the juvenile aid bureau, in cooperation with the County Probation Department. This is the way it used to be - it worked. But the whole plan was changed and it got to be worse. We were going to make it better and curb juvenile delinquency. Then Police Officers couldn't talk to other Police Officers in another town about a juvenile because they would be subject to a fine of \$500 and six months in jail, with which you

all are familiar.

So instead of getting better, things are getting worse. Vandalism is getting worse. We are not helping the child. We are not helping the juvenile. I am talking practicality. I am not talking politics. The cop can do more with the County Probation Department than all your lawyers and everybody put together. They know the situation.

ASSEMBLYMAN FLYNN: Suppose we had some legislation which would enable the Juvenile Bureau to set up their own diversionary mechanism. If the juvenile agreed to it, he would go through that program. If he didn't want to do it, then he would go on to the court system. Would that kind of system be the thing you are talking about?

CHIEF MC CARTHY: Yes. Currently today you will find a lot of Police Officers if they find a kid with a six-pack of beer and the kid doesn't give them any abuse, will give him a boot and chase him. If they catch him the second time, they will bring him in. So they are really running their own little system on the side because they know they have to go to headquarters and fill out those 40 pieces of paper.

We have gotten involved with federal funds to build up statistics to find out what is going on and we have lost sight of the fact that the majority of our children today are no different than you or me. The majority of the kids are good. But the small percentage that are bad are tearing up the whole place.

We just had a little fracas down at St. Mary's School the other night. There was five or six thousand dollars worth of vandalism. Now vandalism is probably one of the worse things that we have - B&E and vandalism. If they have committed vandalism and go to court, they should be sent back to pay for it by doing some kind of work at that school, or wherever it may be.

Senior citizens are more troubled and harmed by juveniles than anyone else. They are scared to death. If you go to senior citizens' houses, they have locks up and down the doors. We had a little woman who had 46 broken windows. She had a nervous breakdown. She just got out of the hospital. Fortunately, I had a young officer who staked it out on his own and made an apprehension. The kids were 9 and 10 years of age. We have very good cooperation with the parents. I like to see that because that is something you seldom get.

Last year, we had the big fracas in Maplewood with the alleged brutality of police officers. That brutality bit just went on forever. It ended up with them all being found guilty. We laid the law down in the neighborhood and cleaned it up. Today it is a nice neighborhood once again and everyone is happy.

So a lot can be done by police. You can't legislate everything. The police need a good juvenile aid bureau and a little more broad authority to work with the County Probation Department. We have always worked very well with the Monmouth County Probation Department. We have had a good relationship with them.

As to the work program, I worked on that many years ago. I had four or five kids for speeding and vandalism. I had them paint the First Aid Building at Fort Monmouth. One of those kids turned out to be a high official. The rest have done very well for themselves. They didn't like me at the time. Today, they say to me, "Why don't you do to other kids what you did to me?" We can't do it because the laws do not permit us to do it. All we are doing is paperwork. It really gets to be too much.

As to the names in the paper - and I have heard Assemblyman Mays discuss this

before - I just happened to dig out an article from the newspaper that appeared December 27, 1967, mentioning my name and listing the names of ten juveniles. We had had a rash during the holidays of ripping and tearing Christmas decorations and other kinds of vandalism. After those ten names were printed in the paper, we didn't have any vandalism at all for a year after that - not one. The parents came up here and wanted me fired at the time. When the people found out, about 300 people - I don't know who they were - they came out of the woodwork and said, "We are glad to have something done. Put their names in the paper. We want to know who these trouble-makers are."

Maybe I was a little strong. Maybe we should wait to do that until the second time. I am just giving you the views of a police officer who has been involved in juvenile delinquency and involved in law enforcement for a long time.

I think I have covered everything. I just wanted to let you know that the policeman on the street is very unhappy with the juvenile statutes. We look to you for some kind of guidance and stability. The public is looking to you. The public is crying for something to be done about vandalism. There are just a few that are continually getting away with it and running rampant. Most of the kids are good. Let's get that through our heads. Let's get the few who do these things. Let's think about giving the county probation officers and the juvenile aid bureau in the municipalities more authority to handle the petty things themselves without building up a big bunch of statistics for the county, state and federal government. Thank you very much, gentlemen, for the opportunity to speak before you.

ASSEMBLYMAN FLYNN: Thank you.

Next I would like to call the Mayor of Union Beach, Vincent L. Farley.

V I N C E N T L. F A R L E Y: Assemblyman Flynn and members of the Committee, I would like to take this opportunity to thank you for letting me get up and speak.

There has been something that has irked me for awhile and this is about the only opportunity I would have to speak on the subject. Recently, the Supreme Court knocked the Parent Responsibility Law which I think was a very bad thing on their part because this was an effective tool that the police had in order to control some of the juvenile delinquency that we have. To use a hypothetical situation, if a juvenile is caught or charged with a complaint, the first thing that is done is it is referred to either the local juvenile conference committee or to Freehold. At that point, it goes into the hands of the court or the juvenile conference committee and the child remains anonymous. This means his name or any aspect of his case is not discussed. You can't discuss it because you don't want to hurt the reputation of the child.

I think this is a bad situation because, if you have a juvenile that is living next door to you that is a habitual offender, I, as a homeowner and also as a parent, would like to know what type of child is living next to me. As it is, you cannot tell who the child is, what his offense was, or what kind of verdict he received.

A case in point is a child who played with matches. He later graduated to a cigarette lighter and started fires. His latest offense now is as a sex offender. Now, in most cases, you cannot find out what the child's name is. You cannot find out what crimes he has committed, even though he may be your next-door neighbor. If they did publish his name and the type of crime he committed, I believe it would be beneficial.

If a child is referred to a juvenile conference committee to be passed on to Freehold, in most cases the child has counselling. I feel that the parents should have some sort of counselling because if a child is bad, it often is as a result of the home. Take a person who habitually has driving offenses. He is made to go to a couple of classes and then he may reapply for his license. There are some people who just can't be parents. No matter how many children they have, they just don't provide the proper guidance for raising a child in today's times.

Another thing, if a juvenile commits an offense and the parents are not held liable for it, the person against whom the offense is committed has to go through the process of hiring his own lawyer in bringing civil action against the juvenile with his parents, in order to receive the monetary value of what was destroyed. I feel there should be some process whereby the parents should be made responsible for their children up to a certain amount. This can be determined by an insurance company.

Also, I would like to see more power given to the municipal court or to the juvenile conference committee in handling some of the cases brought before them.

I feel we are letting an opportunity slip by, by not following through on some of these items that we should put into effect.

In summary, I would strongly urge the legislators to do everything that they can to implement some sort of Parent Responsibility Law. Also the names of juveniles should be published. And some process should be set up to give counselling to the child and the parent. This seems to be what is done when you are dealing with drug offenses, etc. You sit down and you have a rap session. This is a good idea and should be implemented.

As to civil responsibility, if someone has to bring a law suit against a juvenile for the offenses he has committed, there should be a fund set aside for this purpose or it should be part of the penalty against the juvenile.

These are my suggestions of how you might deal with this problem. I know you have asked for some input and these are some of the things that have been milling around in my mind for awhile. I thank you for the opportunity to be able to express them.

ASSEMBLYMAN FLYNN: Thank you. Are there any questions? (No questions.)
William DiMaio, Juvenile Conference Committee Chairman of Union Beach.

W I L L I A M D i M A I O: Mr. Chairman and gentlemen, thank you for giving me the opportunity to appear before you. I am the Secretary of the Juvenile Conference Committee of Union Beach and also the Superintendent of Schools.

Let me commend you for the tremendous undertaking that your committee has begun. Now, that you have had all the answers given to you, I am sure you are going to come up with some good legislation.

I feel the problem that we all face - it is a societal problem, not just one that is in Monmouth County or New Jersey or any other state, but it is nationwide - is a problem that can only be solved by taking some cooperative steps in local communities. By that I mean there is going to have to be some cooperation between parents, school officials, citizens, the governing bodies of those communities, the police, social services, and religious groups. For instance, there are many organizations in town that don't know what the other organizations are doing. The Bay Shore Youth Service Bureau is an excellent organization and has

helped us with our program in Union Beach and has helped us with some of our juvenile problems. But I doubt very much if many of the citizens in the community or even some of the members of the police department know too much about the Bay Shore Youth Service Bureau. And there are other organizations, such as the juvenile conference committee.

When we have a parent and a child appear before us, one of the questions that we ask is: Do you know anything about the juvenile conference committee? They say, no, that this was the first time they have heard about it.

I read recently where some educators had travelled to China and were greatly impressed with the fact that in the classroom there was no delinquency and no discipline problem. I had the privilege of listening to a speaker about a year ago who had travelled to China. One of the reasons he gave for that occurring was that any discipline problem is handled immediately and it is handled publicly. That student is immediately assigned to appear before a group of citizens, with his parents, and apparently the problem is resolved at that point in front of the entire community.

I don't know if that is the way we should go. But I know things are handled much better when they are handled out in the open, above board, and on the table.

One of the things that I would hope that you would consider in developing legislation is to hold parents accountable for acts of delinquency of their children, but also afford them an opportunity to receive some help. We have many single-parent families today who work, and it is practically impossible for them to give the proper guidance and supervision to their children. We can get a lot of philosophical discussions going about whether this should or shouldn't have occurred. The point is that it is happening and these parents need help. For instance, we have a program, I understand, that if a person loses his license, he has to go to a retraining program. Maybe we should have a program in parental responsibility. There are organizations that could conduct those programs. I wish you would consider something in that realm.

As a member of the Juvenile Conference Committee, we become very frustrated at times because we do not have the real authority to administer corrective means and restitution. I think we could save the court some time if we were given that authority. We can ask the parents to cooperate, but if the parents refuse, there isn't much we can do about it, except maybe refer that case to the courts in Freehold, which is going to be more expensive and time-consuming.

By the way, I am an advocate of a higher drinking age. I have seen too many children become involved in drinking at the elementary school level. I think it is because it is not uncommon for 14- or 15-year-old children to be involved with an 18-year-old student. But it is uncommon for a 21-year-old person to be involved with a 14- or 15-year-old student. It is also fairly uncommon for a 21-year-old to be involved with a 17- or 18-year-old. But it is not uncommon for the 18-year-old to be involved with a 17- or 16-year-old high school student. I think there has been an increase in the number of students drinking since the 18-year-old law has been implemented. If you check statistics, I think you will find that in many traffic violations, serious accidents and deaths where drinking was a factor, those involved were 18 years of age and under 21.

Maybe we can consider a task force - we seem to create task forces and committees when we have problems - and this is a serious problem - of dynamic individuals who can come out of Trenton and into the community that is having a problem

and begin to work with that community until the community is well on the way to handling the problem itself.

I would like to see good judges appointed and kept in the juvenile courts. Usually, it is a training ground for judges and, as they become proficient, there is a tendency to move them up into the higher courts.

Those are basically the recommendations and programs that I would hope you would consider. I will be glad to answer any questions you may have.

ASSEMBLYMAN FLYNN: Are there any questions?

Under your present scope, you don't feel that you have enough authority at the present time to do the job as well as you would like to. What additional authority do you feel you need to do a better job?

MR. DI MAIO: As a Juvenile Conference Committee member?

ASSEMBLYMAN FLYNN: Yes.

MR. DI MAIO: To be able to enforce a restitution policy or a corrective policy.

ASSEMBLYMAN FLYNN: Do you fear that if you should do something like that that you might be sued, if a child got hurt or something like that?

MR. DI MAIO: Not to that extent. We just feel we don't have any real legal authority to enforce anything. Let's say we assign a student to come to the school, which we have done. With the consent of the parent, we have assigned a student to come to the school to work off some time in regard to restitution. Let's say they agree to it at that point and then decide not to show up. We really don't have any authority to force them to come if they don't show up. We can refer them back to Freehold, but that creates another cumbersome situation.

ASSEMBLYMAN MAYS: I would ask you the same question, but as the Superintendent of Schools.

MR. DI MAIO: Should we have the authority to be able to ---

ASSEMBLYMAN MAYS: He asked a question and you answered it as a conference member. Now I am asking you the same question, but I would like you to answer it as the Superintendent of Schools. Aren't you the Superintendent of Schools?

MR. DI MAIO: Yes.

ASSEMBLYMAN MAYS: What powers would you like as the Superintendent of Schools that you don't have?

MR. DI MAIO: Really, I don't want any further power as the Superintendent of Schools than I already have in regard to discipline. I think we have quite a good amount of power with regard to implementing our rules and regulations in the school system. Maybe with respect to search and seizure - now we are in a different field - I think we ought to have the power to be able to go into a student's locker when it is suspected that he may have marijuana or any other type of drug in that locker. Right now, it is a very tenuous situation as to whether we have that authority or not. I just read recently where the Supreme Court of the United States said we don't have that kind of power, without giving notice to the student and the parents of the student if he is under 18 years of age. I would like to see that kind of authority because I think we are put at a disadvantage when we have to give that prior notice. After all, that is school property and we should have the authority to go into school property.

ASSEMBLYMAN MAYS: Why is that under 18 years of age and you just said you want the drinking age up to 21?

MR. DI MAIO: Right.

ASSEMBLYMAN MAYS: And there are some 19 years old in school.

MR. DI MAIO: Well, because I can't recall in previous years when the age was 21 that we had such a drinking problem at the elementary school level. Now we have a drinking problem at the elementary school level. Every school system does. I attribute a lot of that to the fact that 15-, 16-, 17- and even 14-year-olds do at times associate with the 18-year-olds. An 18-year-old has accessibility to purchase liquor. He is going to play big shot and pass out the liquor to the minors. Maybe he will hole up in some abandoned home and they are going to be able to get in there and not get caught.

ASSEMBLYMAN MAYS: But it doesn't happen in the schools.

MR. DI MAIO: But it does happen at lunch time. It happens before school and after school. And they do come into school under the influence of alcohol.

ASSEMBLYMAN MAYS: But it doesn't happen in school.

MR. DI MAIO: You are right; it doesn't.

ASSEMBLYMAN MAYS: It happens in the homes before they get there or in the car or bus going to school, but not in the school, itself.

MR. DI MAIO: That is why I am an advocate of the 21-year-old law.

ASSEMBLYMAN FLYNN: What is your feeling about the cop in the school program which some communities have where there is an actual uniformed officer or non-uniformed officer in the school?

MR. DI MAIO: My feeling, basically, is that I would like to see the police officers in all communities become more involved in the school system, not on the basis of patrolling but on the basis of coming into that school system regularly in order that they can become known to the students as police officers who are friendly and not to be feared when they come into schools. Right now when a police officer comes into a school, all the children think: Who is he after now? Or, who has done something wrong?

I would like to see a regular policy established of familiarizing them with the students and making their appearance known. Maybe as a part of their tours as they cruise around town, they could stop in at lunch time, come into the cafeteria, mingle with the students and get to know the students.

ASSEMBLYMAN FLYNN: Now something like that can be implemented right at your community level by a discussion among your Police Chief, your Mayor and yourself. You won't need us for that.

MR. DI MAIO: That's right. That is a community problem.

ASSEMBLYMAN FLYNN: I know some communities now have active programs such as that. My own community does and I am sure some other communities do also.

MR. DI MAIO: I don't want to see police officers patrolling the schools.

ASSEMBLYMAN FLYNN: You don't want to see an actual cop in a school. Some places have cops in the schools.

ASSEMBLYMAN MAYS: We do.

ASSEMBLYMAN FLYNN: I suppose they would do that in a school system where they have more of a violent crime problem as opposed to lesser crimes.

MR. DI MAIO: If the situation mandates it, then certainly it has to be implemented.

ASSEMBLYMAN FLYNN: Thank you, Mr. DiMaio.

The next witness is Liz Sadowski, New Jersey Majority Women's Organization.

L I Z S A D O W S K I: Mr. Chairman and distinguished members of this Committee, it certainly reinforces the democratic process having you come here and hold this hearing. I appreciate that you came here, especially Charles Mays who came quite a distance.

I have had opportunities obviously to address your Committee, but I would like to add a few words. I will try to be brief and I will try not to be repetitious.

We have heard testimony here tonight on the juvenile justice system as it relates to drugs, alcohol, vandalism, and assault and battery. I want to add a new category and it is kind of a popular category, unlike the previous ones, and that is the category of sex. Of course, I refer to the day of infamy in the New Jersey Legislature when the New Jersey Legislature lowered the age of consent to 14. Perhaps it may be news to many people in this room that in the process of trying to do something about this very serious situation which created a brouhaha among the citizens of this State that the age of consent between the ages of 13 and 16 has been placed under the juvenile justice system as an adjudication process.

As you may recall, in some of the Judiciary Committee meetings that we had, the idea was promoted that this series of meetings could be used to examine more closely what the implications would be for having that under the juvenile justice system.

I would like to read from a letter that was sent to me - and I think copies might have been given to you - from Stephen Paul who is the President of the New Jersey JINS Association. Steve provided me with this letter also. He makes two very good points. First, he says that the complainant in a JINS case is the offender's parent, guardian, law enforcement officer or child support agency responsible for the youth, for instance, the school or DYFS. He says, "I know of no legal precedent wherein the parent of one youth files a JINS complaint against another youth not living within that household. If such were the case, a JINS youth would by necessity be entitled to full due process of the law in an adversary court hearing, of course, at a considerable cost to State and county. Second, in matters of adjudication of JINS complaints, a juvenile judge has all the alternatives available to him in sentencing as he would in delinquency matters, except the alternative of incarceration."

I would hope in this series of hearings we can more closely examine this. I have not heard testimony as to what this may mean from perhaps Mrs. Peskoe who has a very good view of how the courts work.

Bill, I am surprised to hear that you had a bill to waive procedure to a higher court after two offenses.

ASSEMBLYMAN FLYNN: Two or more.

MS. SADOWSKI: Perhaps you may consider amending that bill to handle this aspect also, if it is not there already. I haven't seen the bill.

ASSEMBLYMAN FLYNN: You mean sex?

MS. SADOWSKI: Consensual sex, yes.

ASSEMBLYMAN FLYNN: You want it waived to the adult court?

MS. SADOWSKI: After two offenses. I don't know if it is possible, but I would hope you would consider it. I think that was one of the points that was brought up at the Judiciary Committee meeting in terms of a multiple offender. I hope it will never get to a point --- for instance, Bill, you were quoted in the paper as saying if two teenagers were caught in a car, they could say to the parents, "You can't do a thing to us. We're not doing anything wrong," and that an aggrieved parent should have some form of redress. Obviously, under JINS, as I read this, there is no mechanism for an adversary court proceeding and an

aggrieved parent could not initiate a proceeding themselves.

ASSEMBLYMAN DOWD: I don't know that that is accurate.

ASSEMBLYMAN FLYNN: It is a good point and if it is even ambiguous, it should be clarified. It well may be that an interpretation of that particular section would lead itself to a prosecution under JINS. But possibly it is ambiguous. Maybe two judges would read it two different ways and in one county you may have a prosecution and in another you may not. That being the case, I think it should be amended to reflect the concern of the Committee that it would be treated as a JINS offense. I don't know if you have any language, but you probably could think of some language, to make sure that that problem is plugged in.

ASSEMBLYMAN MAYS: Is that where they are both the same age and it brings up the question which one is the victim and which one is the defendant?

MS. SADOWSKI: I think Senator Russo called it the lovebird syndrome.

ASSEMBLYMAN FLYNN: They both have to be charged.

MS. SADOWSKI: That again, I have no way of knowing ---

ASSEMBLYMAN FLYNN: The boy's parent would have a right to charge the girl and vice versa.

MS. SADOWSKI: Whoever felt aggrieved, I would imagine.

ASSEMBLYMAN FLYNN: Who is the aggrieved party? In some instances, some young ladies are more aggressive than some young men. It could well be that the lady is the actual moving party. But if it is going to be considered a JINS offense, then both parties would have to be brought, I would think, before the juvenile court.

MS. SADOWSKI: Let's not forget that there was quite a problem created when the age of consent was lowered to 13. And, at this point in time, between the ages of 13 and 16, you still have lowered the age of consent, but the age gap is lower, obviously. I don't know if people realize that. I think maybe if they realized it, they may get a little upset about it and we don't need any more aggrieved parents over legislation.

ASSEMBLYMAN DOWD: Do you have any recommended penalties for consensual sexual activity among teenagers?

MS. SADOWSKI: I was interested in what Mrs. Peskoe said about fines. Did she say the Supreme Court upheld ---

ASSEMBLYMAN FLYNN: Right now, you can't have fines.

MS. SADOWSKI: You can't have fines.

ASSEMBLYMAN FLYNN: No, you can't.

MS. SADOWSKI: Well, that was my suggestion.

ASSEMBLYMAN FLYNN: But I have a bill to create that right in the courts, to have fines.

MS. SADOWSKI: I would like to see a sliding scale of fines, according to the age groups involved, or, again, with your bill, after two offenses, if it would be waived to a higher court so that there could be a penalty appropriately in that particular manner.

ASSEMBLYMAN FLYNN: Right now, my bill does not touch this area. My bill deals with more than two offenses which would be considered crimes if they were adults.

MS. SADOWSKI: If they are adults.

ASSEMBLYMAN FLYNN: --- if they are adults. So it would be a completely different bill from the topic you are addressing because this consensual sex would

not be a crime if they were adults. That is why it has to be covered under the JINS offenses.

MS. SADOWSKI: What is the number of that bill?

ASSEMBLYMAN FLYNN: I will give it to you. It is A 1532 - repeat offenders.

MS. SADOWSKI: Could I have a commitment or a promise or whatever is necessary from your subcommittee that when you go on this circuit - and you are going to South Jersey next ---

ASSEMBLYMAN FLYNN: South Jersey next and then North Jersey.

MS. SADOWSKI: You had some really terrific people testifying here that could answer some of these questions. I was almost tempted to raise my hand and say, "Hey, what about if we had this or that?" I hope you will initiate --- again, we had drugs, alcohol, vandalism, assault and battery, and now this is going to definitely going to be a part of it. I think the Senate has to act on the omnibus bill now. You passed it in the Assembly.

ASSEMBLYMAN FLYNN: I would appreciate possibly receiving from you some suggested language on that JINS Act - maybe you could contact that gentleman who wrote the letter - to give us the kind of language that could be added to make sure that the intent of the committee is honored. And the intent is that it would be treated as a JINS offense and brought before the appropriate authorities.

MS. SADOWSKI: Fine. Thank you very much.

ASSEMBLYMAN FLYNN: Thank you for your testimony.

Our next witness is someone from the Bay Shore Youth Service Bureau. I think they were mentioned as doing good work earlier. He is Robert Parker.

R O B E R T P A R K E R: Assemblyman Flynn and members of the Committee, my name is Robert Parker. I am actually the Director of Northeast Morris County Youth Service Bureau. I am here at the request of James Murray who is the Director of the Bay Shore Youth Services Bureau, which is where I worked for four years when I first started in the field. I also am a member of Governor Byrne's Advisory Committee on Juvenile Justice and Delinquency Prevention, which works out of the State Law Enforcement Planning Agency. Needless to say, I am here to speak on behalf of Youth Service Bureaus.

There have been two people here from Ocean Township - that is a Youth Service program and Neptune, which is a Youth Service Bureau - and they spoke to those specific programs. I am going to speak a little bit broader than that. I will be as brief as I can be.

Youth Service Bureaus were first established in the State of New Jersey back in 1972, Middletown being one of the first. The assumption of costs by the decreasing SLEPA dollars has been an issue with Youth Service Bureaus since 1972. There are 25 Youth Service Bureaus in the State of New Jersey and, according to statistics provided to me by the State Association for Youth Services, there are 20,000 kids that our Youth Service Bureaus are involved with. According to those same statistics, our residivism rate across the board is very low. The quote that I have in front of me is between 5 and 11 percent residivism. Residivism, of course, is a debatable topic. I am not going to hold tight to those figures. But I do believe that they are stronger than probation, which Probation Officers I know have confessed to me to be as high as 50, 60, 70, 80 percent residivism.

Youth Service Bureaus work very closely with Probation. We work very closely with the local police departments. Earlier this evening we spoke about an in-between the station-house release to the parents and going to Yardville from the

court. I think the Youth Service Bureau is an in-between community alternative. Yes, a police officer can do a station-house release to the parents. However, the Youth Service Bureau can provide an additional service, that being that we can get involved immediately with that child, see that family immediately, and provide the needed services for that kid to do that early intervention. I am sure the committee is well aware of the work that Youth Service Bureaus are doing, especially you, Assemblyman Mays, in Essex County, which is a well covered county of Youth Service Bureaus.

ASSEMBLYMAN MAYS: Just to get the record straight, I'm from Hudson County.

MR. PARKER: Hudson County has a lot of Youth Service Bureaus as well.

I guess the statement that I wish to make is again that the assumption of costs is a problem for all Youth Service Bureaus. I am sure you are well aware of that. The cap is an issue. I don't think that is the only problem, as was well pointed out by, I think, each member of the committee, that there are many different programs in a community, including firemen's and policemen's raises, that would like to be exempt from the cap. I don't think it is realistic for us to stand here and say that that is going to happen. I think it is a dream and it would be nice to have accomplished.

I would like to urge - and I agree with you, Assemblyman Flynn, that the State initiated Youth Service Bureaus by accepting the federal dollars through SLEPA to fund the projects initially --- I guess I would like to challenge, if I may, the State to continue that responsibility by perhaps funding the Office of Youth Services in the Department of Community Affairs and by providing them with a pot of money that the Youth Service Bureaus could again apply for that would be State money at a continual level to keep these agencies open. My point is that if the local communities cannot pick up these Youth Services, what is going to happen to the kids we are working with? What is going to happen when our local juvenile officer says, "We used to have a Youth Service Bureau here, Mrs. Jones, that we could send you to for the kind of help you are asking me to give. I already have a full caseload. I am working 50, 60 or 70 hours a week. I can't help you. We used to have a Youth Service Bureau. Our government couldn't pick it up. I am sorry. You will have to go to someone private, which I know you can't afford or you have to go to your local mental health center which scares your kid"?

I really feel that it is very, very important - and I am sure you would be willing to do this - to consider some method - and I would be more than happy to spend my time with you - to have the State in some department, whether it be the Department of Health, Institutions and Agencies or Community Affairs, given a pot of money, at least initially, to see how it works, to help, not to be the catch-all end-all for us. We feel it is a responsibility of the community to pick up the cost if it could be a matching kind of thing, a 60-40 match or 70-30, to help us. We need the help. Every Youth Service Bureau nickles and dimes it, which is fine. We accept that responsibility. But we are really looking to the State to help us a little bit further. Thank you.

ASSEMBLYMAN FLYNN: I assume you make this similar kind of plea before local municipal bodies at budget time.

MR. PARKER: Yes, we do.

ASSEMBLYMAN FLYNN: What is their response to you?

MR. PARKER: Generally very favorable. Bay Shore, for example, receives a very large amount of money from the local communities. If you are talking about

communities such as Union Beach and Keyport, which I am sure you know do not have the highest standard of living, the responses have been very favorable. These communities are kicking in. They are kicking in above the match that is required by the State Law Enforcement Planning Agency. They are doing their share. They provide office space for us. They provide police protection of various pieces of equipment. They do a lot of in-kind services, as well as help in the financial end. So we do have that kind of support. But it is not enough because we had a SLEPA grant in Neptune - I can't speak for them - but it was around \$40 or \$50 thousand. Bay Shore started around \$90 to \$100 thousand. And I presently run a Youth Service Bureau that is at \$100 thousand. That is a lot of money. I am sure you appreciate our dilemma. We on staff, of course, want to keep our jobs. But more than that, we have kids that we feel, without our intervention at the local level, will suffer when the Police Officer says, "Yes, Mrs. Jones. I understand your problem. I know your kid hasn't come home for curfew. I know that he is not going to school. But there is nothing I can do." True, Youth Service Bureaus do not cover every municipality in the State of New Jersey. There is very limited funding in SLEPA and that is a consideration. There is limited funding because it is continued for six years on a diminishing basis. That is another consideration. Judge Leahy, who serves as Vice Chairman of the Advisory Committee I sit on, from Somerset County, is a big advocate of Youth Service Bureaus and local assumptions of costs.

Thank you, for the kids.

ASSEMBLYMAN FLYNN: Thank you.

ASSEMBLYMAN FLYNN: Our next speaker is Noreen Fisher from the Multi Services Association.

N O R E E N F I S H E R: I'd like to say that I am here also for Bay Shore Youth Service Bureau. I'm director of a program over at the bureau. I am kind of representing two different associations right now. In terms of the Multi Services Association of which I'm President, we are an association of nineteen different human service agencies of Monmouth County. We are very concerned with the problem of vandalism and we are planning a conference on November 1st, inviting legislators and having Alexander Lehrer as our keynote speaker. We are very interested and hoping very much to get different solutions to problems but again we are very into prevention and early intervention in youth problems.

Speaking for Bay Shore Youth Services, we have a variety of different programs. We provide, as most youth service bureaus do, clinical services to youths and their families who really can't afford to go elsewhere. We are a community agency. We serve Keyport, Union Beach, Hazlet, Aberdeen, and Matawan and we don't charge for our services. Kids can walk in off the street and talk to any of the youth workers that they want to. This is a service which is very valuable in the community--that they can come and just talk to anyone. What we have right now since the problem of vandalism has increased so much is an anti-vandalism grant which we applied to CETA for. We have already hired one person and we will hire two more to be street workers to be out on the street with the youth--the kids who are really unreachable and who we can't get into our office. There are many of these kids who are hanging out on the street corners who just don't know about us; they don't know about the services available; they don't know where to go for jobs, or where to go to get their GED, or where to go for schooling or something like that. We feel that we really have to reach these types of kids. We provide a lot of different programs. We have outreach programs. We go into the communities. You have heard testimony about our agency, most of it has been good. We do a lot of work in the community. In 1978, we worked with 684 youths and their families. This year, so far, we have worked with over 503 youths--a lot of crisis intervention calls. As Mr. Parker was saying, we are available to go into police stations. If a juvenile officer calls and says that he has a kid that ran away, we go out at eleven o'clock at night, two in the morning, to talk and to try to get the family together or to decide what we should actually do with them. We provide many different programs to the community. We provide parent education programs in which we try to teach parents more effective ways of parenting. We provide communication workshops. We provide a job training program to help youths who are out of school either get their GED or get some vocational training. Right now, out of the five towns we serve, we have four of our staff people on Juvenile Conference Committees as consultants. In the last year, over 40% of our referrals came from the Juvenile Justice System--courts, Probation, Juvenile Conference Committees. We feel there is a real need again for continuation of funding. Basically, that is what I wanted to say. Bay Shore firmly believes in youth taking responsibility for themselves. And through the programs that we provide, we try to teach youth responsibility. We do drug awareness programs in our school districts in which we have serviced over 150 youths so far. We give the kids information about drugs but more than that we teach them how to make responsible decisions and their consequences and alternatives. We feel there is a real need for continuing the funding of a project like ours.

ASSEMBLYMAN FLYNN: Any questions from the Committee? Thank you very much. Next Mayor Robert Eckert of Middletown.

MAYOR ECKERT: Mr. Chairman, with your permission I'd like to yield my position to Lynn Foster from the Milltown Youth Service. I would like an opportunity to address the Committee before the conclusion of this hearing.

L Y N N F O S T E R: I'm Lynn Foster, Assistant Director, Middletown Youth Services Bureau. We are one of the luckier youth services. Middletown Township picked up our total funding five years ago.

What I'd like to address tonight is the restitution legislation. About two years ago, Middletown Youth Services began what we call the Respect and Restitution Program. We accept referrals directly from the police department, from Juvenile Conference Committees and from the Pre-judicial Conference of the Monmouth County Probation Department. The children who are involved in vandalism, possession of small amounts of marijuana, shoplifting, other small offenses, are supervised in a work program cleaning senior citizens' homes, cleaning up the parks in the township, providing anything that needs to be done within the township. We do not have the children go into the homes of the people whom they have vandalized. We have run about 150 children through this program. I think the recidivism rate--these are all first offenders--has been about 10%. We just had one girl finish the program who had 40 hours to work off. She was picked up for having a small amount of marijuana. She was back after finishing her 40 hours and said, "I love it. Can I volunteer here?" We are going to put her to work. So as far as we are concerned, rather than a parental responsibility law having a restitution program wherein the children are actually responsible for making their own restitution is more feasible.

ASSEMBLYMAN FLYNN: How does it work mechanically? After the youngster is arrested are they then referred to your bureau in lieu of going to court? Is that the way it works?

MS. FOSTER: Usually what would happen is that a child is apprehended. Sometimes the referral would come directly from the police station; sometimes it would go to the Monmouth County Probation Department and the Pre-judicial Conference would refer it to Middletown Youth Services rather than refer it to the judge. The same thing happens with Juvenile Conference Committee in Middletown. Depending on the offense--usually as I said vandalism, possession of marijuana, shoplifting--if they feel it is appropriate, they will refer with their recommendation of how many hours they feel that child should work off.

ASSEMBLYMAN FLYNN: Now the child consents to this at some point in the stage of the proceedings?

MS. FOSTER: Yes.

ASSEMBLYMAN FLYNN: He consents to going through this. If he doesn't want to do this then he goes on through the usual judicial process?

MS. FOSTER: Yes.

ASSEMBLYMAN FLYNN: I see. And from your records, it looks as if it is working very well. A 10% recidivism rate is very excellent.

MS. FOSTER: Yes, it seems to be. Then again we have a very excellent working relationship with the police department and the Monmouth County Probation Department.

ASSEMBLYMAN FLYNN: What kind of a budget do you have?

MS. FOSTER: Middletown Township funds us about \$105,000 a year. We receive \$8,000 from United Way and \$5,000 from Monmouth County per year.

ASSEMBLYMAN FLYNN: What do you do about insurance problems? In other words, suppose a youngster is sent out on a task which causes him to get hurt. Are you covered for that?

MS. FOSTER: Yes. This, again, is one of the advantages. What we do is we sign the child up to be a member of the Middletown Boys Club which we are--we are Middletown Youth Services Bureau and Middletown Boys Club. They are automatically covered under the insurance of the Township of Middletown when they sign up as members. So, for whatever reason, they are there and covered just by signing up.

ASSEMBLYMAN MAYS: What age do you start them at?

MS. FOSTER: We service children ages seven to eighteen.

ASSEMBLYMAN MAYS: If you put them to work, do they need working papers?

MS. FOSTER: Not for this program.

ASSEMBLYMAN MAYS: Why?

ASSEMBLYMAN FLYNN: They are not paid. You're not paying them any money are you?

MS. FOSTER: Oh, no, no, no. We don't pay them any money.

ASSEMBLYMAN FLYNN: They have to work off so many hours for certain offenses. In other words, each offense generates a number of hours like possession of marijuana maybe you'll get ten hours, vandalism maybe twenty hours. Something like that.

MS. FOSTER: Yes. We also have the only adolescent alcoholism outpatient treatment program in the State of New Jersey which has been funded for the past two years by CETA. Again, we are really pleased with this program. We treat only adolescents on an outpatient basis. If they need detoxification, we refer them to detox facilities. Then we will see them after they have been cared for. There again, I think a community based program such as ours is really a workable way rather than something piecemeal through the State or other agencies. We also have the only adolescent Alcoholics Anonymous Group in the State of New Jersey which is for fifteen to eighteen year olds. You would be amazed. We have four children in Detox--two are fourteen, one is fifteen, and I think one is seventeen. He is back. They are very young--very, very young.

ASSEMBLYMAN MAYS: How do they get their liquor? How do they get their drinks?

MS. FOSTER: Most of the people that we work with either get it at home--- In Middletown their is a very high drinking rate among adults. Many of the children have older brothers and sisters who are eighteen. We have worked before with the Middletown Police Department when we have found that some of our youngsters are drinking in bars under age. They are served at the bars; they are served in liquor stores.

ASSEMBLYMAN DOWD: How many bars in Middletown have been shut down in the last couple of years for serving people under age? Do you know?

MS. FOSTER: I don't know if any have been really shut--- Well, yes I do. Joey Miles, which is in Atlantic Highlands where a lot of Middletown kids were drinking was closed for awhile. I think Junction Liquors in Belford where we work, was fined and closed for thirty days. But, the police are always very willing to work with us. But, the kids are getting the alcohol and the marijuana. I would also like to say that we did read your piece in the Asbury Press yesterday and you will be receiving a letter from Middletown Youth Services endorsing your proposed legislation. We think it is excellent.

ASSEMBLYMAN DOWD: Thank you.

MS. FOSTER: We also run drug awareness and education programs in the junior high schools of Middletown.

ASSEMBLYMAN FLYNN: Thank you for telling us about your program. It sounds

like the kind of thing that we all ought to be shooting for.

MS. FOSTER: Thank you.

ASSEMBLYMAN FLYNN: I have two Middletown policemen here so we will stay with the Middletown police for a moment.

L T. W I L L I A M H A L L I D A Y: Mr. Flynn, and members of the Assembly Judiciary Committee, I'll be very brief. There are two areas that I want to address for your Committee. The first area is the revolving door system in our juvenile court. The juvenile that is arrested is taken out there. He is back in our police system before the police officer gets back and files his reports. What is needed, very briefly, is short-term sentencing. It works in adult court; it will certainly work in juvenile court.

ASSEMBLYMAN FLYNN: Do you mean pre-conviction or post-conviction?

LT. HALLIDAY: Post-conviction, post-conviction short-term sentencing.

When we have trouble with an adult--a young adult 18, 19, 20, 21--what stops this young adult is coming in to municipal court and having a local judge say that he has ten days in the county jail. Ten days in the county jail means a lot. For our local kids who are pretty intelligent, they know that when they have committed an offense they will go to juvenile court once, and get probation. He knows that if he goes again, he will get an added probation. He will go a third time and get an added probation. By the fourth, fifth, or sixth time, he knows he might go to Jamesburg. They know this. This is increasing the crime in our community. We had a recent group of six young kids who were burglarizing homes. They were smart enough to know that only one of their group would commit a series of burglaries until that one is caught. When that one person in their group was caught, that one person would not be involved in another burglary. Number two in the gang would start committing burglaries so that number one only has that one offense. Then number two commits the burglaries. The money came back to the group. They were using it to buy marijuana. When we finally caught number two; number three started. They were driving us crazy. Finally, we figured out what they were doing. But they told us that it was a free shot the first time--you're only going to get a short probation. What is needed in juvenile court is that five-day or ten-day rap somewhere, where you take them from the beach and sentence them to five or ten days somewhere.

ASSEMBLYMAN FLYNN: O.K. that's a good question--somewhere. I think you were here earlier. I was asking the Prosecutor if we have a need for some intermediate facility and they weren't so sure that we did. But from what you are saying, I think we do need one.

LT. HALLIDAY: We've got to have them.

ASSEMBLYMAN FLYNN: I don't think you would want to send them to Jamesburg for five days.

LT. HALLIDAY: You can't send them to Jamesburg for less than twenty days.

ASSEMBLYMAN DOWD: How many cells do you have right here in Middletown? Six? Four?

LT. HALLIDAY: We have six cells.

ASSEMBLYMAN DOWD: Since you are only talking about five days, what would your personal reaction be to a proposal that said that in the appropriate case a kid has to spend the next three weekends in the cooler in there or four or five days?

LT. HALLIDAY: That wouldn't work because we fill our cooler up on the weekends. What would work is some other type of system with our Middletown Youth

Services. Perhaps we could work out something with that. But, instead of going in and out of our juvenile court, give them a sentence of five or ten days and it will really help.

ASSEMBLYMAN DOWD: But if there weren't a multi-million dollar facility or facilities to handle this kind of thing, what is your reaction to the possible use of--admittedly inadequate and designed for overnight kinds of things--municipal jails for weekend punishments, purely punitive? You are not talking about any supportive services. You give them three squares but a purely punitive retention for a series of weekends in the appropriate case.

LT. HALLIDAY: I don't care for that. Because in most municipalities--and I'm familiar with their jail systems--adults are in and out and it is a busy place. I would like the county jail to have a small juvenile facility somewhere to keep them in for two or three days. This is what would stop these young kids. Right now, they laugh at the present system.

ASSEMBLYMAN MAYS: Do I hear you right that you don't want to give them a free ride?

LT. HALLIDAY: No free ride.

ASSEMBLYMAN MAYS: Do you believe in putting their names in the paper at any age?

LT. HALLIDAY: I'm for giving the police officer or the juvenile aide, or what ever you want to call him in different communities, a little leeway concerning that. I would not put juveniles' names in the paper as a blanket decision but in some cases I would put them in. In most cases, I would not. I would certainly tell who I had to call today, Mr. Johnson instead of, "Mr. Johnson, we solved your burglary. I can't tell you who did it. Mr. Johnson, I can't get your property back." I know who did it but I can't tell him it was the kid three or four doors down. I think Mr. Johnson ought to know who broke into his house. And I think these kids--in certain circumstances--ought to have their names in the paper. Now who are you going to give the authority to do that? Do you have enough trust and confidence in me as a police officer to do that? I don't know. I don't think so. I think police officers have to be regraded into an area where we can make some of these decisions. I don't care who you give it to but put some of these names in the paper. This will help. Five-day sentencing will help.

I want to talk about one other area, the Child Neglect Statute. We have one now under 2A. For me as a police officer to prove parents or guardians guilty of child neglect is tough. I have to prove that they didn't provide adequate food or shelter or clothing for that child. But what about parents who are home intoxicated at three o'clock in the morning and I find their three-year old wandering the streets? I bring the three-year old home and I raise hell with those people but it doesn't do any good. If we had a disorderly persons child neglect statute where I could give those parents a summons for that type of violation and he could walk into court and the judge could fine him \$50 or \$100, that person might think to get a babysitter the next time he goes out drinking. You could stretch that further into child neglect where a parent allows a fourteen or fifteen year old out until four o'clock in the morning roaming the streets. If I had a child neglect statute, disorderly person, it would help because I cannot take that kind of a statute into a county court system. I'll never get a conviction. I think in this area--- It's not in our new 2C.

ASSEMBLYMAN FLYNN: Have you given some thought as to how you would crystallize the language--the actual threshold of what would be required for conviction?

LT. HALLIDAY: Well, the language should be very simple, perhaps one or two lines and I'll let the judiciary handle it from there on.

ASSEMBLYMAN FLYNN: It's not that easy.

LT. HALLIDAY: There would be many cases, one right after another to hit the courts and then the judges would eventually decide how much proof you need concerning disorderly person, child neglect.

ASSEMBLYMAN FLYNN: The concept is a good one if we can find an appropriate language to actually get convictions that would stand up. That's a frustrating thing.

ASSEMBLYMAN DOWD: There isn't any doubt in anyone's mind in this room that a parent who allows a three-year old out unattended--particularly that extreme case you gave--it is an open and shut case.

LT. HALLIDAY: That may be Mr. Dowd, but I'll never get a conviction in a county court.

ASSEMBLYMAN DOWD: I realize that. That is why I'm saying that it is a frustrating thing for us to realize that and to have to grapple with coming up with a statute that the court won't strike down as unconstitutional.

ASSEMBLYMAN FLYNN: Because it has to cover all instances. It can't just cover the extreme cases, it has to cover the ones that aren't quite as extreme. I'd be interested in discussing that further with you and I'm sure the rest of the Committee would too. If you have some ideas as to how it would read, I'd like to see them so we can kick it around and come up with something like that.

LT. HALLIDAY: O.K. I'll work on that.

ASSEMBLYMAN FLYNN: Any questions from the Committee?

I have a few questions. What's your feeling on handling some of the lesser offenses by juveniles at the municipal court instead of the county court?

LT. HALLIDAY: I think that would be great. It would be handled within a week. It would be handled quickly and with my knowledge of local judges, they are pretty tolerant and pretty great with children. It would simplify the system.

ASSEMBLYMAN FLYNN: What is your lag time now when you arrest a youngster on an average crime--not the kind of crime where they put the detention on--but the average crime from the time you arrest him until he actually comes to his formal hearing.

LT. HALLIDAY: Three to six months.

ASSEMBLYMAN FLYNN: O.K. So if you had him in municipal court you would probably get him into court in say three to six weeks or less.

LT. HALLIDAY: Sure.

ASSEMBLYMAN FLYNN: So you would have the swiftness of justice plus local justice.

LT. HALLIDAY: I have to disagree with Mr. Lehrer. I think there is time in the municipal system to handle it. One of our problems with the county juvenile system is the caseload that the judge has. He just can't handle it. Police officers are subpoenaed there eight o'clock in the morning--and I'm paying a detective overtime to sit out there--and he comes back at six o'clock at night and his case wasn't heard. I don't think that would happen in a municipal system.

ASSEMBLYMAN FLYNN: Plus, of course, you wouldn't have to send a man out of town. A police officer could stay in town right on the road until such time as he is needed.

LT. HALLIDAY: There would certainly be built-in appeals if a parent or a

juvenile's attorney didn't care for the municipal system. He could appeal it to the county juvenile court.

ASSEMBLYMAN FLYNN: Now it has been discussed that the Juvenile Aid Bureau in the past had greater powers of diversion than they do at the present time. Would you be in favor of going back to such a system or do you feel that the present system of diversion is satisfactory?

LT. HALLIDAY: No, I think the present system is satisfactory. We handle the-- as was said before--the six pack right in the police headquarters. Parents are called down and told, "Your son had this six pack." Fine. No problems. Any other case, anything above that in nature we are glad to send out to the county probation and the county juvenile court. They look at it and they say, "Well, the juvenile doesn't have a record. Let's send it back and hand it to the Juvenile Conference Committee or the Middletown Youth Service or right back into the Detective Bureau. That's fine to let someone look at this case and send it back to us. I agree with that.

ASSEMBLYMAN FLYNN: Do you find that the lack of ability to communicate the names to other law enforcement agencies is hindering your ability to enforce the laws?

LT. HALLIDAY: Sir, that is a joke. I just had a case of a--- Middletown is bordered by Hazlet. There was a young juvenile who was committing sex acts along that area. Some of them were in Middletown and some of them were in Hazlet. The apprehension was in Middletown. Hazlet called and asked, "Did you make a juvenile arrest?" I'm not allowed to tell them that I had arrested a juvenile for indecent exposure on my side of Palmer Avenue.

ASSEMBLYMAN FLYNN: If you did that you would be in violation of the law?

LT. HALLIDAY: Of the State statute, certainly.

ASSEMBLYMAN FLYNN: Even of the fact of the arrest or just the name?

LT. HALLIDAY: I can't give him the name. Oh, I can tell him we made an arrest. He can go through the system. But that's not the way it should work. That's making double, triple work. It's making a joke out of the system.

ASSEMBLYMAN DOWD: Of course a truly efficient system would probably involve-- I don't know, I'm asking really--a sophisticated computerized information network.

LT. HALLIDAY: That's not necessary. I don't think we have to take juveniles' names and put them in a computer and what they were convicted of.

ASSEMBLYMAN DOWD: I think Al Lehrer was driving in that direction though. He was talking about at least the fifty two towns in this county and cross county and that probably, I think, take that kind of---

LT. HALLIDAY: Well, that's not the type of--I'm a detective I've been in this eighteen years; I know what we need--setup we need. We need a group of detectives in this Bay Shore area to sit down and say, "Hey now, we have a juvenile sex offender. Who has a suspect?" Well, maybe a detective from Union Beach has a suspect. He gives me the name and description that fits mine. Then we can do something. We can take some action. But, if we are not allowed to tell each other what juveniles we have picked up for such and such a crime, it is a serious detriment to our solving crimes.

ASSEMBLYMAN FLYNN: Thank you, Lieutenant. It was very enlightening. Now we have another Middletown policeman, Patrolman Estock. Patrolman, you are the President of the P.B.A.?

J O H N E S T O C K: Yes, I'm President of the P.B.A. I'm also Vice President of the Middletown Boys Club.

I think the main problem with juvenile delinquency and vandalism is that it

starts at home. A juvenile doesn't go out and get taught by the community to be a delinquent. He picks it up at home. He is not properly trained at home. He is not taught discipline at home. You can see it when they come into the station. You can see the way they talk to their parents. If they don't respect their parents, they are not going to respect other people. I learned that when I was a child. We have to get through to the parents in some way. I'm tired of hearing, "What is the community doing about juvenile delinquency?" "What is the police department doing about juvenile delinquency?" "What's the church doing about it; what's the Boys Club doing about it; what's the Legislature doing about it; what is the State doing about it?" What are the parents doing about it? It is their children who are out there doing it. They are not our children; they are their children. We have a responsibility to the community to protect these juveniles but not to babysit them.

When I picked up a twelve-year old child at three o'clock in the morning and called his parents in, they turned around and told me that it is my fault. The police aren't doing their job since their child was out at three o'clock in the morning. They won't accept their own responsibility. They won't accept the fact that it is their fault. They are always looking to blame someone else.

ASSEMBLYMAN FLYNN: Would you be thinking then in terms of some of these parental responsibility laws that have been discussed where--as the Lieutenant said--they would be fined \$500 if they were convicted?

MR. ESTOCK: Absolutely.

ASSEMBLYMAN FLYNN: And you think that might be effective in making them realize their responsibilities?

MR. ESTOCK: Yes. We have a beautiful community here in Middletown Township. We have thirty some parks. We have thousands of kids enrolled in Little League. We have Pop Warners. The P.B.A. sponsors a boxing program. We have a hundred and some boys enrolled in that. We sponsor an explorer post. We sponsor a Pop Warner team. We sponsor a Little League team. They have roller hockey. They have field hockey. You name it; they have it here for the children. But vandalism, juvenile delinquency is one of the biggest problems we have in this community. We average five to six B and E's a day in Middletown Township.

ASSEMBLYMAN FLYNN: That's very distressing in terms of Middletown Township's having so much by way of activities and youth groups and things like that and still the problem exists here. What can we do?

MR. ESTOCK: We are programming ourselves to death. You didn't have all these programs years ago and you didn't have all the problems you have now. Every time something gets out of hand, if it is bogging down the courts, they make it legal. This solves the problem a little now the courts will legalize it.

ASSEMBLYMAN FLYNN: Or decriminalize it.

MR. ESTOCK: Or we decriminalize it. The courts are getting bogged down because nineteen and twenty-year olds are being brought in because of alcohol? We'll lower the age. That solves the problem. It didn't solve the problem because now it's fourteen, fifteen, and sixteens are being brought in. I can bring kids in here from eighteen to fifteen and line them up for you and you would have trouble telling their ages. I can bring a fifteen-year old in who will look eighteen and I can bring an eighteen-year old in who will look fifteen. These kids are walking into bars and drinking. If they are not old enough to get it, the seventeen-year old will have an eighteen-year old friend get it for him.

ASSEMBLYMAN FLYNN: The photo on the I.D. will help the first problem but

not the second problem. It will help the identification but it won't stop the older kid from buying for the younger kid.

MR. ESTOCK: When you had a 21-year-old drinking law, the kids were drinking at about nineteen.

ASSEMBLYMAN DOWD: I have to interrupt you, officer. We all thought--a lot of us on the Committee and a lot of the members of the public --assumed that what you are saying is true. But, the evidence seemed overwhelming--at least to me and I think to others on the Committee--from very careful study, not from professors in ivory towers, the evidence was overwhelming that the increase in the last five to ten years in teenage drinking is a nationwide phenomenon unrelated--absolutely unrelated--to the drinking age of the given states. In fact, some of the worst statistics came from states that never changed their drinking laws. I just have to point that out and get it on the record because I have been listening to this all night. There is a very, very serious dispute, as you know, among people who are well intentioned as to what the proper attitude ought to be toward the drinking age. And we are very much afraid, some of us, that by raising it up again, we are going to drive kids to the worst kind of drinking, namely in their cars and going up to Staten Island which we had before we lowered it. So, it is a little more complicated than that.

MR. ESTOCK: I have been here for twelve years. I have been on the street for twelve years. I knew who drank twelve years ago and I know who is drinking now. I know that there are six packs and beer bottles all over the street now that I didn't see three or four years ago. There are cases of it just thrown out in the street. You didn't have that when adults were drinking because they drank at home or they drank at a bar. They weren't out in the cars and in the streets.

ASSEMBLYMAN DOWD: All I'm saying is that if you can talk to some of your brother officers from states that never lowered their drinking age, they will tell you the same thing.

MR. ESTOCK: I'm talking about Middletown. I'm talking about New Jersey. I don't give a damn what's happening in California.

ASSEMBLYMAN DOWD: Well we do. If we're going to---

MR. ESTOCK: We're talking about legislating New Jersey.

ASSEMBLYMAN DOWD: We're talking about the drinking age and we want to do the right thing. If the drinking age is not the cause or a cause, then we are not going to raise it.

MR. ESTOCK: That is just one of the points I am trying to bring out. There was a reason for lowering that drinking law.

ASSEMBLYMAN DOWD: No, sir. There were many reasons. One of the reasons was that five years ago this State made all citizens full-fledged adults at the age of eighteen. They could vote, buy property, get married, sue, and be sued, and enter into contracts and they could drink. So it is not as simple as just having the majority of adults decide whether they are going to deprive some adults of one right because we have experienced the same problem that all the other forty nine states have experienced over the last several years in terms of teenage drinking. I don't mean to get into an argument with you but please don't let us all assume that by raising the drinking age you are going to make a dent in the teenage drinking problem.

MR. ESTOCK: Lowering it certainly didn't help.

ASSEMBLYMAN DOWD: It didn't have any impact on it.

MR. ESTOCK: It didn't? And legalizing marijuana will probably help too.

ASSEMBLYMAN DOWD: I don't know anyone in this room who is in favor of legalizing marijuana.

MR. ESTOCK: You are going to have to come up with some tough legislation and stand behind it. I can go to juvenile court with the same child in front of the same judge, the same police officer, with a case of B and E. The judge will say, "Son, I'm giving you six months probation. But don't ever let me see you in my court again." A year later with the same child, same problem, same judge, he will say, "Son, I'm giving you six months probation. Don't ever let me see you in my court again." When this kid walks out of court, he is laughing at me. I can go back for a third time and have the judge say the same thing.

ASSEMBLYMAN FLYNN: Within another six months or a year's span?

MR. ESTOCK: Sure. There is always a reason for it like, "Our facility isn't big enough to hold the kids so we can't put them away."

ASSEMBLYMAN FLYNN: Do you subscribe to the thought that short but certain sentences might be a remedy?

MR. ESTOCK: We need something because it is getting to be a joke now. These kids know it. These kids are operating in groups. We have it in certain areas like Campbell's Junction. We've always had problems there. It's a group of fifteen kids. There is always a leader and there are his followers. If this leader gets in trouble he can go out to court and come back and tell the kids that he didn't get anything out of it. So they are going to do it too. The police are getting very frustrated. They don't even want to bring the kids in anymore because they feel it is a waste of time. They are bogged down with paper work for juveniles; they have to worry about a suit; they get abused by the parents; then they go to court and the juvenile doesn't get anything out of it. Then the juveniles are out looking for where the cop lives to get him. We have one right now in River Plaza. They attempted to burn a police officer's house; they want to get his wife; they want to get his children. These are juveniles, kids. We have police officers put in the hospital by children--13 and 14 year old kids. Of course, they are on the football team and they are little tigers.

ASSEMBLYMAN FLYNN: You do want tougher punishment then?

MR. ESTOCK: Not necessarily tougher punishment but a punishment.

ASSEMBLYMAN FLYNN: Some punishment.

MR. ESTOCK: Some type of punishment. I don't care if it is telling a kid to go out and cut grass for a weekend or something, but some type of punishment.

ASSEMBLYMAN FLYNN: How about this program? We heard that Middletown has a good program along those lines. Is that too limited in scope?

MR. ESTOCK: That works with a kid who is a first offender, a kid who isn't that bad yet that you can work with.

ASSEMBLYMAN FLYNN: I'm talking about the bad kids. As Lieutenant Haliday said, a lot of these kids never get to Freehold.

ASSEMBLYMAN MAYS: I've been hearing this all night. Are you talking about doing something after the first, second, or third time a kid is arrested?

MR. ESTOCK: Or the seriousness of the offense, the attitude of the child, and the attitude of the parents--- They never ask the police officer in court, "What were the parents like the night you picked him up? What do you think will happen with this kid?"

ASSEMBLYMAN MAYS: Who judges the seriousness of the offense? Is it the judge who says, "I don't want to see you in my court again"? Does the judge decide this or should we make a law? Should a kid's name be in the paper for a first offense or should it not be in the paper?

MR. ESTOCK: I don't care about whether a kid's name is in the paper or not.

ASSEMBLYMAN MAYS: But I think that's the whole gist of the matter. If he is publicized in the paper, at least the community knows. Then the second time he does something he has a record already and the judge has to do something about it.

MR. ESTOCK: He still doesn't have to do anything about it.

ASSEMBLYMAN DOWD: Are you saying that when the probation officer does his report and talks to people he is supposed to talk to, he commonly ignores the arresting officer?

MR. ESTOCK: Yes, often on a serious case. You talk to the prosecutor five minutes before you go to court for five minutes. Half of the time that you go out there they tell you, "O.K. here is what we are going to do." He doesn't want to talk to you about the case. He already knows what the case is going to be. "We're going to let him skate on this. He's going to cop out to this." And that's it. You don't even get a say in it.

ASSEMBLYMAN FLYNN: Is that a reflection of the work load in the courts?

MR. ESTOCK: Sure. It is the workload; it is that there isn't room in the prisons; or there isn't room in the juvenile detentions. There are a lot of things that are involved in it. What I'm saying is we have to do something about it. Making more programs is not going to solve your problems. Inner cities have had programs for years, yet their programs didn't do them any good. We are just starting now in suburbia with these programs that the cities had years ago.

ASSEMBLYMAN FLYNN: You have two different kinds of kids, right? You have the kid that you think you can help with programs and then you have--what you categorized as--the bad kid.

MR. ESTOCK: Right. You can tell the kid that you can help by his attitude when you arrest him. Is he fearful at all? Is he worried about what he did? Is he scared to have his parents find out about it? He is liable to ask us not to tell his parents. Then when the parents come in you can often tell by the attitude that they have what kind of a future the kid has. If they say, "What did the cops do to you son? Don't worry about it; we'll get you a lawyer. Don't say anything to these cops." Well, you know, this kid is heading for trouble.

ASSEMBLYMAN MAYS: I think they are all headed for trouble if you don't stop it. They are street wise out on the street today. They know more than you or I. So, I think we need something. That's what I'm trying to get out of you.

MR. ESTOCK: Our juvenile laws, I think, were geared for kids years ago. There is no way that at age fifteen, I was as smart as a kid today. I didn't have the knowledge that they have today.

ASSEMBLYMAN MAYS: Should we change the juvenile delinquency age to 14?

MR. ESTOCK: You could probably lower it to somewhere around 15 or 16.

ASSEMBLYMAN DOWD: That's a very interesting suggestion.

MR. ESTOCK: You get a young man today who is a junior in high school and this kid has all his faculties, this kid knows what is happening and he knows right from wrong. He is pretty well grown up at that age. I can show you kids here in Middletown 17 years old running their own businesses. These are not the kids of 30 or 50 years ago.

ASSEMBLYMAN MAYS: What do you mean, "running their own businesses" illegally?

MR. ESTOCK: No, legally, legally running their own business.

ASSEMBLYMAN FLYNN: What specific changes do you think we could make now to remedy some of these situations?

MR. ESTOCK: I say that a punishment should be given out to these kids that it is not always probation, probation, probation.

ASSEMBLYMAN FLYNN: Some kind of work restitution at least would be--for the first offenders--some punishment. Would you agree to that?

MR. ESTOCK: Yes.

ASSEMBLYMAN FLYNN: And then when you have the multiple offenders, treat them as adults possibly, with the presumptions that are set forth by the prosecutor, so that we can then treat them as adults and sentence them as adults and maybe that would be a good step for the multiple offenders.

MR. ESTOCK: Absolutely.

ASSEMBLYMAN FLYNN: Any other questions? Thank you.

The next witness is another police officer from Old Bridge Township, Detective William Lynch who is, I believe, on the Juvenile Bureau in Old Bridge Township

W I L L I A M L Y N C H: Mr. Chairman, Committee members, I don't want to take up too much of your time right now. Everything I had to say was already touched upon by many different testifiers here. However, I would like to say that working as a juvenile officer I have been involved with juvenile courts. There are 21 counties in the State of New Jersey and each county handles its juvenile justice system differently. I can speak for my county, Middlesex County. As I see it, the system today is a joke. The kids laugh at you. They know it's a revolving door; they know they are only going to get a slap on the wrist. This is one of the areas I think must be changed. I think the judges must have a more forceful hand in dealing with juveniles. We can't use that same method of, "Johnny don't do it again." Because Johnny already knows this before he goes to court what is going to happen to him. I think we have to get the message out to the juveniles that the court system is no longer going to be tolerant of their actions out there in the streets. I think what we have to do is to mandate the judges today to be a more forceful unit dealing with these violent juveniles, these habitual offenders. I'm not talking about the one-time offender. I'm talking about cases where we have had juveniles put away for from three to six months in Jamesburg. Jamesburg and Yardville are like country clubs to these kids. They are not forced to work out there. All they are doing out there is having their own little bull session telling each other what they have done and how they did it. Each kid picks up a little something from the other kid.

ASSEMBLYMAN FLYNN: Isn't that going to be true wherever you put offenders together to one degree or another?

MR. LYNCH: That's true to a degree. But I think that once you are put away, I think they should be forced to work in some manner where they are going to be tired, they are going to have their backs broken, and they are going to want to hit those sheets. They shouldn't want to go back there. This is the whole concept. When they are put away they should be treated in such a way that when they get out, they don't want to go back. You see, I've had a kid who committed fifteen to twenty B and E's put away for three months. He came back out and that same day that he was let out, he committed two more B and E's. So the system doesn't teach him anything.

ASSEMBLYMAN MAYS: Where do you want him to go?

MR. LYNCH: I want him to go to some correctional institution---

ASSEMBLYMAN MAYS: Rahway Prison?

MR. LYNCH: I'm not talking about Rahway Prison. I'm talking about a

correctional institution for juveniles where they will be forced to do a community service, where they are going to be forced to do a job, where they are going to be forced to go to school. If you put them out on the streets, they don't go to school.

ASSEMBLYMAN MAYS: Isn't this done in Jamesburg?

MR. LYNCH: As far as I hear--I've never been down to Jamesburg but--from what I get from the kids who have been down there, it is fun and games there. They don't learn anything.

ASSEMBLYMAN MAYS: But they are still forced to go to school.

MR. LYNCH: They are forced to be there but are they learning anything? To come out on the streets and commit another B and E tells me that they want to go right back there. They don't care about going right back there.

ASSEMBLYMAN FLYNN: Why are the judges so afraid to send them to Jamesburg? I've had judges tell me that they don't want to send little Johnny to Jamesburg because it is so bad there. Little Johnny is going to get raped and whatever. And yet you are giving me a completely different picture of Jamesburg from what the judges give me.

MR. LYNCH: Well, this is what I get back from the juveniles that I deal with now from Middlesex County. I'm just dealing with Old Bridge juveniles. But they tell me it is just like a country club--they have fun and games. They learn more about the criminal system than when they went in there.

ASSEMBLYMAN FLYNN: Well, that I'm sure happens but it is a horror house.

MR. LYNCH: But for them to come back out and to go right back into their criminal activities, tells me they haven't learned a lesson from being in there. So someone inside that institution may have to take a more forceful role in controlling these juveniles that are in there.

ASSEMBLYMAN FLYNN: Do you think that we need some intermediate detention facility that doesn't exist now in order to take care of the revolving door type youngster?

MR. LYNCH: Yes, I think we do. I think we need a facility where we are going to have constructive people inside that will force these kids to sit down and learn in a classroom style.

ASSEMBLYMAN MAYS: If you have never been up to Jamesburg, you can't talk about it. I went to these prisons and I saw them. I know they teach kids. I know they make them work. So, maybe some kids can't be trained or maybe they want to be criminals.

MR. LYNCH: Then I would say that maybe they do need a Rahway Prison style for those types of offenders.

ASSEMBLYMAN DOWD: I think there are some problems that have no solution.

MR. LYNCH: Definitely. You are always going to find your hard core criminals.

ASSEMBLYMAN DOWD: No matter what we do there are going to be kids who will not benefit from prison sent to prison and kids who should be sent are not going to be and there is nothing we can do about that no matter what laws we write. It is going to go on for as long as history goes on. We are going to have to adjust ourselves to it and just do the best we can.

MR. LYNCH: Mr. Dowd, what we are always going to have is repeat offenders.

ASSEMBLYMAN DOWD: We are always going to have the problem. Whether we can minimize it or not we are always going to have significant problems of recidivism and a juvenile problem no matter what outstanding proposals come out of these hearings.

A lot depends on not only having good judges but having that judge in the right frame of mind and always making wise decisions. And no matter how good he is, he is going to make mistakes.

MR. LYNCH: At the present time and knowing the system as it stands, it isn't working. So we must try something else regardless of what it is. We must try something else to see if it will work. We don't know if anything is going to work until we try it.

ASSEMBLYMAN MAYS: That's why we're here now.

MR. LYNCH: Exactly. You have been given a lot of credit by several people, very well spoken people. The parent responsibility law, I think, is something that we need. However, I think we need it in conjunction with a community work program so that the parents aren't always the ones being stuck by the juveniles. There are juveniles out there that may commit a crime just to get back at their parents because they know that they are going to be responsible. So it is going to have to be a touch and go situation--a check and balance situation--where this juvenile isn't doing this simply to get back at his parents. But we do need a responsibility law and a community work program. I think Passaic County has something in that area and it is supposedly working very well. I spoke to one of the detectives up there and he feels that his program is working very well.

ASSEMBLYMAN FLYNN: How do you feel about disclosing names of juveniles? Do you think that might help any?

MR. LYNCH: Yes, I do. I think that the embarrassment that would fall upon them and their family could do some world of good. But, I'm talking about repeated offenders; I'm not talking about little Johnny Jones who goes out and breaks one window. We are talking about these B and E boys, the larceny boys, the kids that commit the habitual offenses.

ASSEMBLYMAN FLYNN: Do you find that it hampers you and your investigation techniques to not be able to communicate with other police departments concerning juveniles--the names of juveniles?

MR. LYNCH: Mr. Chairman, I believe that we do have that right to communicate with other police departments as far as juveniles go.

ASSEMBLYMAN FLYNN: As far as their names?

MR. LYNCH: Yes, sir, we do. We can. We can communicate with other police departments. As a matter of fact also we can give the victim of the offense the name of the juvenile who committed that offense providing that juvenile is guilty. We can give that name to the victim because, as everybody knows, the victim has the right to civilly sue a juvenile.

ASSEMBLYMAN FLYNN: You were probably here earlier when it was mentioned that some police departments don't think they have the right now. Perhaps it is a matter of their not being aware---

MR. LYNCH: I believe that was struck down. I believe that we were given the power to communicate with other police departments. Mr. Di Maio from the Union Beach School system said that they need more powers to search the juveniles. Well, they have that. They are regarded as a parental supervisor during school hours.

ASSEMBLYMAN DOWD: I didn't want to interrupt that fellow but I was sure he was all wet on the Supreme Court decision on that subject.

MR. LYNCH: They can search a juvenile providing they have reasonable cause to do so. That's all they really need.

ASSEMBLYMAN FLYNN: For the benefit of the press and the public, I have a copy of a statute 2A:4-65 which states in subsection seven, "Any law enforcement agency when such records are necessary in connection with the investigation of particular acts of delinquency or crime or when such records are necessary to assist in the protection, apprehension, or location of a particular juvenile..." So you do have that right. You are right. Perhaps, Mayor, you can disseminate this information to your police department that 2A:4-65 gives them the right to confer with other departments for investigative purposes.

ASSEMBLYMAN DOWD: I just whispered over to Bert there that nobody knows as we sit here tonight whether that statute has been interpreted by a court. Maybe what has happened and we may be unaware of it is that some court, whether it is an appellate court or not, has struck that section and it may or may not be in the case notes there.

ASSEMBLYMAN FLYNN: I certainly would suggest those in the audience take back to their own local police departments that the statute exists. They should have their municipal attorney challenge it to see if it has been in any way modified or appealed. There is such legislation now. So I'm glad you pointed that out to us Officer Lynch.

MR. LYNCH: I also think that LEEP funds from the federal government should be made more available to police officers, the patrol officers--not only detectives--but the patrol officer trained in the handling of juveniles. The handling of the juvenile is almost as important--or as important as--handling a domestic dispute. You never run into a domestic dispute head over heels because you come out with your tail between your legs. It is the same thing with handling a juvenile--there are a thousand and one different juvenile cases out there, they are not all the same--and you have to be very aware and very up on the juvenile system today. You have to be up on juveniles themselves. I have worked with juveniles for some thirteen years through Little Leagues and Pop Warner Football Leagues and I know them. All you have to be able to do is talk to them. You talk to them like human beings. They are human beings. You just don't drive by them and call them dirty names and leave them alone. That is why I think our police officers in our State and in the entire country should be trained in handling such juveniles.

ASSEMBLYMAN MAYS: What age do you think is juvenile? You said Little League and Pop Warner and that only comes up to fourteen years of age.

MR. LYNCH: I have worked with them from six years old, seven years old on up.

ASSEMBLYMAN MAYS: I mean to what age? What is the maximum age? 18? 19?

MR. LYNCH: Eighteen years old. Through the Big Leagues which is 16 to 18.

I agree with your bill's handling juveniles in adult court. If they commit an adult crime, let them be tried as an adult. Also, is the judge going to have any powers in order to have a forceful hand on these juveniles?

Detective Sergeant Joe Cavaasin from the Old Bridge Police Department will answer any questions that the Committee might have.

ASSEMBLYMAN FLYNN: I have a question. It has been suggested that some of the lesser offenses be treated in the municipal courts instead of in the juvenile court. What would be your reaction to that?

J O S E P H C A V A S I N: I think it would be good. It would lessen the load of the juvenile court which gets something like three hundred cases in a month. A lot of those they channel down to the Juvenile Conference Committee which takes more of

the lesser offenses. You get a lot of cases like alcohol where a kid is close to being eighteen, why not hear him in the municipal court? I think if you hurt the kid more in the pocketbook where he has to pay a fine, he will realize more what he is doing instead of just going up before the judge for ten or fifteen minutes, getting chewed out, and walk out and laugh. That's just what is happening.

ASSEMBLYMAN FLYNN: At the present time, the law does not permit fines. There is a bill pending, my bill 1598, which would permit the fining or community service, or restitution.

MR. CAVASIN: There are fines as far as motor vehicles are concerned.

ASSEMBLYMAN FLYNN: Yes, motor vehicles but I'm talking about crimes.

MR. LYNCH: One thing we don't want to overlook as far as fining a juvenile-- again this is where the community work program comes in--if we fine a juvenile money, it is either his parents who are going to pay for it or he is going to go out and commit a crime to get that money to pay that fine. This is a possibility.

ASSEMBLYMAN MAYS: How about his parents paying court fees? The taxpayer is paying every time he is going in and out this door. How about their paying the court fees?

MR. LYNCH: I don't want to take it completely away from them but give that juvenile something to pay too.

ASSEMBLYMAN FLYNN: You are saying that the first line of attack would be community service--make them work. In that way nobody else does the paying and---

MR. LYNCH: In other words, if he is fined \$10 and \$5 cost of court--as you said--the parent pays the \$5 cost of court, and the juvenile works off the \$10 fine.

ASSEMBLYMAN DOWD: One thing we have already done--the Assembly has--in the part of the package of bills that relate to the increase in the drinking age--which must be enacted before any drinking age increase is enacted--is to provide for--and this bill is now in the Senate--the suspension of the driver's license even though the offense may not be a motor vehicle offense. Can we do that? I know that if Mrs. Peskoe were here she would stand up and say that if she were asked--or maybe she would avoid the subject but--we were told that the court is going to strike that down because there are all kinds of fancy theories dating back to the common law about how it is a motor vehicle--- But we have done it because once a kid is seventeen--with the exception of the kids in the inner city--and has a car, the most important thing they have is the right to drive. You can fine them and their parents will pay the fine. That's true and that's a problem. But if you take that license away for six months or a year, even though the offense had nothing to do with driving, that is a real penalty. We all felt very strongly about that.

MR. LYNCH: I have heard of a judge in juvenile court suspending the right of a juvenile to apply for a license until he was seventeen and a half years old.

ASSEMBLYMAN DOWD: If it was a motor vehicle offense.

MR. LYNCH: No, this was anything.

ASSEMBLYMAN DOWD: Well, he's been doing that without statutory authority.

MR. CAVASIN: The Juvenile Conference Committee uses that as their biggest crutch. There is not too much they can do as far as penalizing a kid. So, that is their biggest crutch--holding back his license until he is seventeen and a half or eighteen. They can go as far as two years.

ASSEMBLYMAN DOWD: They can't do it.

MR. LYNCH: Each county operates differently. This is what is happening in our county.

ASSEMBLYMAN FLYNN: They consent to it because that is in lieu of going further in judiciary. When they go to the Conference Committee they subject themselves to the Committee jurisdiction because they don't want to go to the courts. That's the way it works.

MR. CAVASIN: A smart kid, whether he's got a lawyer or not, if he stopped and thought about it, would then opt for the juvenile system knowing he would get probation.

ASSEMBLYMAN DOWD: O.K. that's where he waives his rights under the juvenile statute to go before the Conference Committee.

MR. LYNCH: That's the same thing as now making the juvenile pay restitution to the family whose property he has damaged. If a smart lawyer went into court, he could fight that, appeal that, and win it because you cannot make a juvenile pay restitution today. It's a law. Again, as Chief McCarthy said, "We're hung up on statistics." And that is what we are--hung up on statistics. How many arrests do you make? How many crimes do you have? We are tied up with paper work. We should be tied up with dealing physically with the subjects themselves.

ASSEMBLYMAN FLYNN: Detective Cavasin, how long have you been in the juvenile bureau?

MR. CAVASIN: Almost nine years.

ASSEMBLYMAN FLYNN: Do you notice an increase in drinking among youngsters through that nine years?

MR. CAVASIN: Yes.

ASSEMBLYMAN FLYNN: Do you also notice an increase in crime among the youngsters?

MR. CAVASIN: Definitely. We went from a few years back of 600 to 800 to this year having 1340. We are about forty down from what we had last year. We are going through this new system now where we handle and release a lot of cases.

ASSEMBLYMAN FLYNN: Would your statistics that show an increase have anything to do with better record keeping? Somebody said that at one time station house justice prevailed where a kid got a boot in the tail and was sent home after he was arrested. Now, he becomes a statistic. Could that account for the great increase?

MR. CAVASIN: As you know, we are federally funded now with SLEPA and have a grant. We have someone to account to; we have a secretary. It gives us a little more time to get away from the paper work which is still a great amount.

ASSEMBLYMAN FLYNN: What I'm driving at is, is there an actual quantitative increase in the juvenile crime or is it a paper increase?

MR. CAVASIN: It's a greater amount of crime. It is a known fact that there are more crimes committed by juveniles than by adults.

ASSEMBLYMAN FLYNN: O.K.

MR. CAVASIN: It is time people started to realize that there is a definite need for more juvenile officers in the State of New Jersey. Where years ago it used to be one or two guys in the juvenile bureau shunted off to the side because that was all they needed, now we need more juvenile officers.

ASSEMBLYMAN FLYNN: And they have to be selected more carefully than in the past?

MR. CAVASIN: Schooling, the whole bit.

ASSEMBLYMAN MAYS: He asked you whether the drinking among juveniles was up and you said yes. Is the drinking among adults up also?

MR. CAVASIN: I don't know. We arrest more juveniles than adults because

adults are allowed to drink. Adults have to be drunk but juveniles who have one drink are subject to arrest.

MR. LYNCH: In our town how we handle it with adults drinking in public, we have a loitering law and one against drinking in public. We hand out summonses, just like a motor vehicle summons, to an adult. So we don't keep statistics or records on that. If it is a juvenile, we have to arrest. We have to make out an arrest sheet on them. The alcohol is too readily accessible to the juveniles.

ASSEMBLYMAN MAYS: You have to take statistics on juveniles because you have to bring them in and arrest them---

MR. CAVASIN: It is a category---

ASSEMBLYMAN DOWD: If it is a B and E or a fight, you may or may not also have a separate alcohol offense. So a lot of offenses would be alcoholically related but not necessarily show up that way.

MR. LYNCH: Exactly.

ASSEMBLYMAN FLYNN: I want to thank you both for coming. I think you have added a lot of light to the situation.

Next we have Councilman Russell Azzarello from Old Bridge Township. For the benefit of those in the audience, I have at least three more witnesses all of whom are involved in the educational system. Is there anyone else besides those three educators? Of course, the mayor of Middletown is going to say goodbye to us.

R U S S E L L A Z Z A R E L L O: At the risk of being redundant, I'm going to have to hitchhike on a number of things that were said earlier this evening, specifically about the parental responsibilities. I think I'd like to reiterate a few points. On parental responsibilities one comment was made and I have it down here as "retrain." It is something that might compare with "dummy school" in Driver Education--going back to school to learn to drive. This may be something we might be able to enforce in the way of this parental responsibility on certain guidance days or through particular counseling that is required, if it is mandated by counselors available in the judicial system to see that parents are not neglecting their responsibilities in total--not only the responsibility of making good restitution for the acts of their children but the requirements of being a good parent. I think that even might be more important. It appears, based on a number of statistics from a study we did in Old Bridge Township, that the problems appear to lie--and I think we'll get a yes from everyone--with the parents. That, again, is in the majority of the cases. We realize that we have certain cases of hard core criminals that the experts claim are inborn. But I think what we have, from the standpoint of parental exposure if you will, is the possibility of embarrassment. We are all subject to being judged by our peers and that judgment comes in a number of ways. It comes from seeing our names in the paper; it comes from seeing our children's names in the paper. And I applaud those actions that are being taken to see that possibly children of certain ages, or committing of certain crimes, or the number of offenses be tried as adults. I'd like to state that at fourteen years of age, a child can apply for working papers. Those working papers might entitle that child to perform duties that are tantamount to the duties of an adult. He might also be paid at the minimum wage that an adult may be paid at. You can carry that logic forward and say that if a child of fourteen years of age can be treated and given those privileges, maybe he should also live up to the responsibilities of the laws of the states that we live in. I think that you can consider that the curve--at least shown by our statistics--shows that the age--- It is not a bell that says between 13 and 18 that the height is here but it kind of steadily increases from 13 up to 18

and obviously then drops off. So it is a continual climb from ages 14, 15, and 16. And, again I refer to some statistics that we have from a recent survey that we did.

When we talk about the court system there is no doubt that everyone has stated that we need more stringent court actions. Again, I will refer back to the working papers analogy, if you will. I will refer back to the facts that there are a number of privileges afforded to our youth and possibly we should also enforce the responsibilities of our youth. If we can hinge upon the parental responsibilities again of not only restitution on the part of the parents--and I realize there are constitutional discrepancies to that comment--but there are the exposures, the embarrassments, call it the "inconvenience" if you want. That might be where we can really start hitting home. You will lose a day's pay; you'll have to come down and testify; you'll have to come down and show cause; you'll have to come down and be a part of the system; you'll have to come down to wherever the department might be--town halls, police departments, courts.

The comment made about municipal court brings again that possible embarrassment. Maybe the press should be allowed to state which cases are going to be heard in the local area. And in a municipal township such as we live in, Middletown, Old Bridge, Manalapan, small towns, it is amazing how when you see someone's name in the paper you remember it. If you were to see someone's name in the paper because he must appear in court to accompany his child for malicious mischief or a vandalism crime, it is pretty heavy on the part of the individual to be saddled with that peer pressure. I think we can affect that if we were to allow the parents--not only the child--to be somewhat exposed to the guilts of the crime. A good example of that--and I'm not a lawyer--but I would think that someone would possibly suffer some concern of mentioning--I'll use the standard Johnny Jones--Johnny Jones, son of William Jones, Vice President of XYZ Company. You can't do this in every case. There are certain cases where I think the police officer in providing certain information either to the press or to the courts or to someone that says, "That parent is really going to think twice before he neglects his trial and possibly allows a second offense, a third offense or whatever." Now, if the parent doesn't care then obviously the system should be geared to approach that problem. I think therein lies the duties of the professionals whether they be in the courts, whether they be in the counseling as provided by State agencies--I would think it would be DYFS or what have you that these people would be presented to. They should be aware of a parent that doesn't care.

The public protection law--call it, if you will--is the right of the police officer to be able to do--and that was so noted in that statute--- One of the things that we tried to pass in Old Bridge Township was that the police department receive a list from the Board of Education as to absentees, especially in the middle to the high school area. What you are doing is you are saying, "I know known offenders, repetitive offenders, are truant or absent on a continual basis, and I do know that I might want to be aware of the fact that that kid is on the street right now." We had a 9% absentee rate in the township of Old Bridge and a 2.3% truancy rate. Now, it might show a pattern if the same Johnny Jones is missing fifty two days of school and there is a rash of breaking and entries. We have had our problems just as many other towns have had their problems but it always appeared that the victims were a man and woman who were working, the house empty during the day. I think the police should have the right to call up the local school system and ask whether so-and-so is on the absentee list. It is all public to public. I'm not saying that the police should have the right to investigate all private matters--matters of confidentiality. But

public to public records, something of that nature, might be something that we can look for in the way of legislation.

I have hitchhiked on things that have already been stated and I am trying to be as brief as possible. I'd just like to say that I thank you for having us and hearing testimony tonight. I'm sure the efforts of all the people who were here tonight and your efforts will bring some sort of improvements.

ASSEMBLYMAN FLYNN: Thank you Councilman for taking your time on it.

Nina Halikas.

N I N A H A L I K A S: Mr. Chairman, Committee members, I'm going to try to make believe that it is not eleven thirty and I am still bright and alert. I am a juvenile counselor, I am the station house adjustment that everybody is talking about. That's me. Our office sees the kid with the six pack, with the small amount of marijuana, the truant, the runaway. Those kinds of offenses are handled in our station house by me and another counselor. I'm not going to go over everything I heard tonight for four hours. It is all true and it is all right and it is all right on.

I want to touch on something that hasn't been brought out. I would say that the pervasive unifying force in most of the kids that I see is poverty. All the reasons that you heard are all there but through them all, you've got poverty. These are poor people who end up in the police station. I have talked to these kids, they are 13, 14, 15, some of them are even 17 already, and I have said, "What are you going to do? O.K. school is rough and you are not doing well in it, you are failing in most everything, but eventually you are going to get out of it one way or another and what are you going to do with the rest of your life?" And they really don't know. The father is not going to help because he is just making it. And the mother works in a factory somewhere on the midnight shift so that she can stay home and watch the younger kids. These are people who are just making it in life--barely hanging on. When I see kids and they tell me that they failed their English and they failed their math--I'm an academician. I have enough college for a couple of people--but I know these kids shouldn't be there. They should be learning something that would make them realize the American dream for their kids--that will make them important people for their kids so they don't take it out on their kids because they never made it. What I'm really talking for is more vocational schools, better technical schools. Let's teach these kids to be citizens, taxpayers, responsible people. A kid who is walking around in the street with no money, can't hold his head up high. A man who is walking around in the street with no trade can't do it either. I could talk about everything else that was talked about here--parental training, work restitution and it is all terrific. It is all part and parcel of the program. But I can't turn around and tell a kid, "You be responsible for yourself. All right, your father is an alcoholic and your mother is not home and she deserted you five years ago. Your big brother has nothing good to say to you. In the last analysis you are you. You are sixteen and life has dealt you a really lousy deck of cards but you are you." I can't say that to a kid who isn't training himself for anything. What is he going to be?

ASSEMBLYMAN FLYNN: Do these kids want to be trained?

MS. HALIKAS: I don't know if by the time I get them they want to be trained. I really couldn't tell you, Mr. Chairman, if they want to be trained. I think, if they have it available to them at thirteen, fourteen, twelve, and they get involved in a program like that, they are well on their way. Our own vocational technical high

school in East Brunswick is turning away applications at a three to one rate.

ASSEMBLYMAN FLYNN: I have had problems getting people in there because their standards are as high, or higher, than your academic high school. Therefore, they don't want to be a dumping ground for the losers.

MS. HALIKAS: Exactly.

ASSEMBLYMAN FLYNN: So are you suggesting then that we should set up a whole new superstructure of education that would accommodate these less fortunate youngsters?

MS. HALIKAS: Well, they take them when they are thirteen or fourteen in high school. The thirteen year-old loser is going to cost you \$17,000 a year when he is eighteen years old to incarcerate him. Then maybe you will try to make a machinist out of him.

ASSEMBLYMAN MAYS: When you said "thirteen year-old loser" you are talking about book knowledge. But he might have the hand skill of someone in auto body work or carpentry if he is given that chance.

MS. HALIKAS: It isn't even that. They won't take them if their attendance record is poor. They won't take them if they can't pass a basic skills test.

ASSEMBLYMAN MAYS: This is what counselors get paid for in school. Why is his attendance poor, because he can't get the books?

MS. HALIKAS: Vo-Tech is not interested in that.

ASSEMBLYMAN MAYS: But he is working down at the gas station tuning up cars---

MS. HALIKAS: Or he is going to be a terrific burglar. But it is going to cost us \$17,000 a year to feed and clothe him, to house him and teach him. It doesn't make sense.

ASSEMBLYMAN MAYS: A lot of these kids with the juvenile problems I find out are smarter than the average kid with the book knowledge. But they are not given the push or the chance or attitude to get there. They never get as far as the junior or senior year in high school.

MS. HALIKAS: Wise is what you mean, they are streetwise, they are out-in-the-world wise. I have seen them in my office enough times and you are absolutely right.

ASSEMBLYMAN FLYNN: What you are saying is that we should spend some money on them early, maybe one-tenth of what it would cost ultimately to incarcerate them. Is that what you are suggesting?

MS. HALIKAS: To make them into citizens, taxpaying, hold-your-head-up-high-I-can-pay-my-way-in-this-world citizens and to teach their children that they may have in the future that this is a way of life.

ASSEMBLYMAN FLYNN: Not long ago, I had an idea along those lines--to use Fort Dix, if they were going to phase Fort Dix out, as a regional center for vocational education. Of course, right now Fort Dix is still being talked about as being a viable military base so maybe we can't use it yet. Would you be thinking in terms of a regional vocational concept or just one that is community based?

MS. HALIKAS: I'd like to see a lot of community-based ones because I think that always works out better. But in terms of nothing or regional, sure I would go with the regional. As far as what really works with kids, keeping them in their own community with the people they have grown up with and in familiar surroundings, I think, is effective. But in a choice of having them do nothing or having them really learn something that is going to earn them money--- I can't impress the kids that

I see enough. That's my spiel: teach yourself something that somebody is going to pay you for and then you have it made in life.

ASSEMBLYMAN FLYNN: Is it impossible to get this kind of training in the local school system?

MS. HALIKAS: I would say yes.

ASSEMBLYMAN FLYNN: And why is that?

MS. HALIKAS: I think by virtue of the fact that the shop courses, the vocational courses are second class citizens in our senior high schools.

ASSEMBLYMAN FLYNN: Well, our next few speakers are going to be from the education area so we are going to get into that a little bit.

ASSEMBLYMAN MAYS: Are you just dealing with Monmouth County or this county here?

MS. HALIKAS: Middlesex, I'm in Middlesex County.

ASSEMBLYMAN MAYS: Because in Hudson County, I know, they are going through this. They are testing all the kids to see where they want to go. Because everyone doesn't want to go to college these days especially with the price of college going up.

MS. HALIKAS: There are college graduates walking around looking for jobs.

ASSEMBLYMAN MAYS: That's right. Boards of Education statewide are looking at vocational schools very heavily now.

MS. HALIKAS: As I said, monetarily it makes sense. Sometimes I want to say to the kid standing before me--I know how much it is going to cost to incarcerate him--I'd like to say, "Keep you mouth clean; go to school; listen to your parents; and I'll give you \$10,000 a year." I have just saved the State \$7,000 by doing that. We are just not spending our money wisely. We are spending a lot of it but we are not spending it wisely, looking to the future. We want to get people off our institutional rolls and have them contribute to our tax rolls.

ASSEMBLYMAN FLYNN: Exactly, prisoners pay no taxes.

MS. HALIKAS: No, absolutely.

ASSEMBLYMAN FLYNN: I want to thank you for in the end of a five-hour session giving us a whole new area to delve into.

MS. HALIKAS: You are very welcome.

ASSEMBLYMAN FLYNN: We next have a representative from the State Department of Education, I think. No? It is the State Board of Education. Marcia Dietz, you can further explain your title and whatever else.

M A R C I A D I E T Z: My name is Marcia Dietz. Presently I am a member of the Monmouth County Vocational School Board. We just started a topic that really floored me. That is part of my presentation. I am also President of the Monmouth County School Boards Association. I have been four chairmen of the New Jersey School Boards Association Committees to study violence and vandalism. And I'm a former member of the New Jersey's State Department of Education's Task Force to study violence and vandalism in the schools.

I just want to make this very clear. Tonight, I represent no one but Marcia Dietz, interested citizen. For the past six years, I have been involved in the studying and research and ultimately the putting together of the recommendations of several reports dealing with violence and vandalism in the schools. The one positive change I have seen take effect during that period of time has been the increased awareness of both the governmental agencies and the citizenry. However, I must profess that I am astounded on how little has been done to change the situations that do exist. Governmental agencies have done very little to change existing laws

or create new ones that have a positive effect because, unfortunately, in many cases, of the unwillingness to fund the necessary programs. I am the first to admit that money is not the only answer. Being realistic, the implementation of many new approaches and programs need seed money. Therefore, the responsibility of the legislative bodies toward funding is critical. I appreciate the tax situation and the capping and all the other situations we are in. But, as was just stated, we are putting our money in the wrong areas, we should use it for prevention rather than for maintenance later on. The recommendations of both the New Jersey School Boards committees and the Task Force involve education of not just the students of New Jersey but of the school personnel. We need to give the school building--the physical plant--back to the school personnel who work in and administer to the needs of our children. The control, atmosphere, tone of the building is set by the principal. His or her ability to take a leadership role is of the utmost importance. The NIE Study stated that the school principal was the most important person in the building. The New Jersey School Boards Association's Study found that 80% of the school principals who responded had not received any training dealing with problems associated with violence or vandalism. One of the most strongly recommended actions of the Task Force To Study Violence was the training of school personnel to deal with and recognize the many problems that are associated with violence. This need can be addressed immediately with all the information we do know. But, nothing is being done to develop a program or to seek outside professional aid to effect immediate response to this critical issue. I hope you realize--and I feel very frustrated and angry with governmental bureaucracy and the apathy it creates--I decided to take it upon myself to do something since no other group or agency chose to do anything. I consulted with several professionals and have put together a workshop that runs the spectrum of immediate to preventative solutions. This is an entirely new approach in dealing with violence involving how-to, practical applications. In understanding human nature and dealing with all facets of relationships, we enlisted the aid of a psychologist, sociologist, and human relations specialist. In recognizing dysfunctions, perceptual and conceptual, nutrition, emotional problems, child abuse, physical as well as psychological, we have an optometrist and a specialist from DYFS. Programming specialist, lawyers, and several school administrators round out the training program. I invite this panel to attend. For, I truly believe you can learn from each of these experts what can be done not what has to be done.

In summary, the following areas need to be addressed by changing the existing laws or creating new legislation: (1) Our colleges and universities need to add programming that is directly related to violence and vandalism, conflict resolution, early identification, recognition of social maladies, sensitivity for students who wish to go into the teaching profession, (2) our present staff of teachers and administrators must have training regardless of their present day needs--you never know when something will occur for them to need these programs, (3) the restructuring of the juvenile justice system to force the working together of judges with the schools, (4) the need to remove the incorrigible students from the classroom and place them in a setting which would benefit them and other students so that they all may learn, developing alternative programs such as work camps and vocational training centers for students who don't function in the traditional setting, (6) early identification programs so that children can be helped in their formative years--K to 3; financing such programs would cost far less than the \$17,000 we just heard about. (7) read the recommendations of the task force that studied violence for the State Department of Education. We have forty seven

recommendations for you. Read the recommendations of the New Jersey School Boards Association reports. I have them with me for you.

There is no one answer to this complex issue but we must start somewhere. Education is the key to our children's future; education can also be the key to turning this problem around. I want to thank you for your time.

If you wouldn't mind, I have several comments. (1) Drinking does occur in the schools. I wanted to answer that issue. I have pictures for you of bottles of liquor and wine that was taken out of the ceiling of the bathrooms of the high school. That is where it occurs, by the way.

We neglect the facility for children who run away. They are put into jails in many instances; they are put into institutions. These are children without problems and I think we create problems by doing that.

You talked about a facility to put a child away for five days or whatever. There are ways, I think, that these things can be combined so that especially for a first offender, by having these facilities available we would be able to use them for multiple use.

I question the validity of not allowing police departments to give schools information about children who have problems or who have been arrested. The schools cannot work with the police department or with the child if they don't know that there is a problem. I think we have to do something about that. I think we have to cooperate more closely, not because there isn't the cooperation in the town which we have tried to encourage in our reports, but because of the laws as they are structured. I think we have to examine those issues. The schools do not know if a seventh grader or an eighth grader has a problem--if they have been arrested. They have to be able to deal with those emotional problems rather than just have some other agencies deal with them. I think they have to know this too.

I agree with everything that was said about respect and sensitivity. I think we have to place more importance on that and begin to appreciate that not only in the laws that we create, but in the actions that we show to other people as well as to the children. If you have any questions, I would be glad to answer them.

ASSEMBLYMAN FLYNN: About you work camp idea, is that something that is pie in the sky or is it actually being discussed?

MS. DIETZ: I think that is something that could be very feasible. I think that any approach we take can be taken as pie in the sky because I'm sure we all want the best in every thing.

ASSEMBLYMAN FLYNN: Something like a CCC?

MS. DIETZ: Yes. We had that in Kilmer. There was an approach taken in Kilmer. I don't know what happened or why that has dissipated.

ASSEMBLYMAN FLYNN: Was it the Job Core?

MS. DIETZ: That was the Job Core. We need so much more vocational education around. Monmouth County is not supplying the needs of the children. We only supply a two-year program; we do not supply a four-year program. We are not meeting the needs of kids who cannot function in the every-day society or the typical surrounding of school. It doesn't mean that the bright child can't go for vocational training. We have terribly mixed-up concepts of what vocational training should be. Not every child has to go to college. I don't care how bright they are or how slow they are. Not every child must go to college in order to be recognized as somebody who should be able to work or function in society.

ASSEMBLYMAN FLYNN: The problem is money, I take it. The county vocational

system is funded by the county.

MS. DIETZ: Unfortunately, this one is totally funded by the county at this point.

ASSEMBLYMAN FLYNN: And they have a finite sum of money and they have to spend it as best they can.

MS. DIETZ: We are trying to expand that program. But it is not a matter of that. Later on, as you say, you get hit with the bill one way or the other.

ASSEMBLYMAN FLYNN: You pay the cost in numerous other ways.

MS. DIETZ: Absolutely.

ASSEMBLYMAN FLYNN: We do have a copy of the report that you mentioned and some of us had a chance to look at it. I'm sure by the time we are through with our three sets of hearings, we will have digested it thoroughly. Thank you for giving a very, very fine presentation.

We have two more witnesses. Both are members of school boards. And we have fourteen minutes so I'm going to give them each seven minutes. Mayor, how much time do you need? You will have two minutes at the end. Each of our school board members can have six minutes.

Mr. Kidzus and then Mr. Salerno and we wrap up. Michael Kidzus from the Matawan Regional School System.

M I C H A E L K I D Z U S: We sort of got the letter from you at our meeting Monday night so I'm not too well prepared. But, this is my third term on the board and I am Chairman of Facilities. Vandalism is part of my committee. I started keeping records October 3, 1974 on vandalism. From 1974 to 1975 we had over \$23,000 worth of vandalism. From 1975 to 1976 we had \$26,000 plus vandalism. For 1977, we had \$30,000 plus vandalism. For 1978, I couldn't find my records. But, as of January this year until June 21st, so far we have \$11,431.00 in vandalism. Over the July 4th weekend, we almost had our high school burned down. I have a photograph here of an office trailer. Now we don't know if they were kids or adults or what so far; we haven't gotten the report from the police. But they must have used cocktails or something to create a fire like this. If it hadn't been reported early, probably the school would have been next--that's how close it was to the school.

People who do this are sick whether they are kids or adults. There is something wrong with them. They are either frustrated or something. Because when something happens in the school, sometimes a kid will go out and break a window.

After the Fourth of July fire, I called a special meeting with the borough police, the township police, a few of the administrators, and so on. The purpose of the meeting was to discuss vandalism as exemplified by the burning of the office trailers at the high school and the damage to school buses occurring on the same day. We had six buses, one bus' windows were completely damaged and five buses were partially damaged. I asked for comments from the police representatives. Captain Cunneen explained police response to acts of vandalism noting that it was not limited to schools but prevailed throughout the township. He discussed the difficulties encountered by his department including shortages of staff and equipment. He also said the cap limited him in a lot of these things. He noted problems on obtaining convictions especially for juvenile offenders. A general discussion on means of preventing school vandalism which included school patrols, individual school's security personnel, alarm systems, rewards for information. Something was brought up at the last meeting about school boards posting a reward--maybe a \$1,000 reward. Maybe this will stop some vandalism. But we were told we couldn't use taxpayers' money for that purpose.

ASSEMBLYMAN FLYNN: Good point. There is a bill pending now--I brought this up earlier with a Middletown Township Board of Education representative--A-293 would give you the enabling legislation to have up to \$200 in rewards. The representative from Middletown felt that it would be not too effective because of the informer syndrome--not only the informer syndrome but the fear syndrome also for the one who would report it because he might be harassed. So, he didn't think it would be effective. But there is legislation pending to cover that point but only up to \$200.

MR. KIDZUS: We also gave \$8,000 to the high school students' Student Council Fund. For every dollar of vandalism that occurred at the high school, it would be subtracted from the fund. It is now about even stevens. So it hasn't helped.

ASSEMBLYMAN FLYNN: The problem is that the sick kids don't care about the rest of the kids.

MR. KIDZUS: It is a small percentage. We figured it to be about one and a half to two percent of the high school population is doing this.

Now, I feel that if we stop smoking in the school--including the staff--we might be able to start something. We might get rid of this marijuana and a few other things. I notice a heck of a lot of smoking in the school. I know all this because once a week--Thursday is known as K day in the school system--I visit all the schools. This is my day off and I get to know more about things that are going on at the schools. I want to see for myself. I also feel that if we have a dress code in our school system, like the parochial schools, they might have a little more pride and morality. If you saw the kids now the way they come to school--they dress like hippies. They don't care how they dress. I'm ashamed. I know when I went to school fifty some odd years ago, kids were different. We were dressed. We respected the teacher. I also feel that if you spare the rod, you spoil the child.

ASSEMBLYMAN MAYS: School teachers dressed differently also.

MR. KIDZUS: We have had quite a few expulsions in our school system and I feel the public should have been invited to see these expulsions. Names should be published. Maybe the kids wouldn't do what they are doing. The parents would be ashamed at having their names in the papers. But we have to keep everything secret. We don't dare mention names; they all have numbers.

Also, I think something should be done about TV. There is too much violence. These kids learn a heck of a lot of things. They know how to open doors; they know how to open safes; they know how to make cocktails. Where do they get this information? They are a lot smarter than some of our teachers when it comes to vandalism. They already know that a certain pressure will push out a plexiglass window. They know if they use cigarettes they can burn holes in a plexiglass window that we are using now to replace the glass. They are always one step ahead of us.

I have also been keeping records and I think if every school did the same we would be better off. We would know then just how much vandalism is happening in the State of New Jersey. We have a monthly report that is sent from every school with a list of the damages, the materials, the labor, the larceny, and then the totals. They also tell us when it was done--during school hours or after school hours. This is one way in which I know how much money is spent for vandalism in a year. Somehow, I would like to see the State replace that money for us because we have to take it out of programs to take care of these things. Right now, during the summer months, we get hit with a lot of vandalism. So we don't repair the windows. We put plywood

in place of the windows so people actually can see how many windows are broken. Then when it gets close to school time, we take the plywood down and replace the windows. We feel that if we replace the windows now there would be more windows broken. I also feel that the State should get after the school system to not make big windows--make small windows--to cut down the vandalism. Right now, I don't know why the law says we have to have great big windows. When these windows are broken they cost a couple hundred dollars a piece. I noticed that when they were building the vocational school in our area that they put all the windows up high and they were small windows. But then, when you put in small windows that means you have to put in air conditioning and things like that. But, I feel that if windows were small, the vandalism would be cut down.

I think that's about it. I just want to say that around Halloween is a bad time for vandalism so we alert our custodians and we have sort of a night patrol around the schools. It would help us a lot if we could get walkie talkies and if the State would allow us some extra money to have guards at night--maybe under the CETA program or something like that because a lot of it happens at two o'clock or three o'clock in the morning. It would cost us too much money for the school to hire people say at \$10,000 or \$8,000 a year. We have eight schools and if we spent \$10,000 a school, it would cost us \$80,000. We don't have that kind of money.

ASSEMBLYMAN FLYNN: It would cost you more than the vandalism. It would be a losing proposition.

MR. KIDZUS: That's right.

ASSEMBLYMAN FLYNN: All right, you have given us some good suggestions. There are certainly no easy solutions but something we have to work on.

MR. KIDZUS: If you could come up with something good, we would appreciate it. Because we have been trying. We brought our problems to the State in Atlantic City when they had the convention and workshops there. One of the biggest committees there was on vandalism and we all discussed these things. So far, none of us has come up with a solution. We have ideas but nothing concrete. But I still think, "Spare the rod and spoil the child." That's what is doing it.

ASSEMBLYMAN FLYNN: Do you think we ought to have corporal punishment returned?

MR. KIDZUS: Well, I know the parents would be up in arms about it but there must be a better way. In fact, I visited one school where one teacher grabbed a kid by the ear and pulled him into his class. I said, "Gee, don't ever do that in front of me being a board member." This kid isn't going to talk.

ASSEMBLYMAN FLYNN: Thank you. Next we have Patrick Salerno from Old Bridge, a member of the Old Bridge School Board. Also a former policeman, right?

P A T R I C K S A L E R N O: Right.

ASSEMBLYMAN FLYNN: You are wearing two hats tonight.

MR. SALERNO: I received the information late tonight, at five o'clock, that you were having your meeting tonight. So, I did not come too prepared with large statistics. But it is my intention to describe the situation during the three years I have served on the Board of Education, specifically 1976 through 1979. It is estimated that the total cost of vandalism during this period is approximately \$300,000. We have experienced all types of vandalism such as broken windows, doors, theft of various types of school property, and the destruction of equipment. Our district continues to seek possible solutions or at least ways to cut down on vandalism. We have installed alarm systems in some schools and hired weekend guards. Both of these actions have helped to a certain extent. Evening work schedules for custodians also have helped. It is my

belief that a number of reasons contribute to the degree of vandalism attacks upon the school: (1) availability of drugs and alcohol, (2) the increase in the number of broken homes and the high divorce rate, (3) inflation and a number of mothers forced to supplement family income, (4) lack of jobs for young people, (5) extent of violence in TV programming, (6) lack of community interest in young people and their needs. As a concerned senior citizen, I was elected by the community of Old Bridge Township to the Board of Education. I have been able to witness during my life time the swing of the pendulum from strict law enforcement to something less than that. I have also witnessed the increase in the cost of education and the replacement of the stolen and damaged school equipment. The elected officials of both the school and the township are deeply interested in this problem and support your effort to find and recommend solutions. This burden is, in my opinion, too much to ask the taxpayer to bear. With this in mind, ladies and gentlemen, I wish to read the following resolution adopted by the Old Bridge Township Council on January 15, 1979, by the Old Bridge Township Board of Education on January 16, 1979, and the the Old Bridge Education Association on February 1, 1979, and by the Fraternal Order of Police Lodge 4, Jersey City: Statement - The Board of Education, from 1976 to date, has been the victim of a high rate of vandalism and arson at a cost of over \$300,000 paid by taxpayers.

At the last fire on Wednesday, December 20, 1978 at the Brunswick Gardens School building the vandals not only destroyed several thousand dollars worth of equipment but they also destroyed vital school records. Our police department should be commended for their investigation and the apprehension of the offenders; however, past history indicates that the court with its leniency has resulted in increased brazenness on the part of the offenders.

In an effort to stop vandalism and arson, we request the help and support of all school districts in the State of New Jersey, the New Jersey State Board Association and all public associations on the following resolution:

Resolution - To all New Jersey State legislators to introduce a bill for a juvenile to be tried in adult court without his consent for the protection of the public at large on all acts of major vandalism and arson.

Be it enacted by the Senate and General Assembly of the State of New Jersey that juveniles apprehended for acts of vandalism with the cost over \$1,000 or acts of arson be tried as adults.

Vandalism - Any person who willfully or maliciously damages school buildings, public buildings, church/temple buildings or any dwelling where the damage of property is over \$1,000.

Arson - Any person who willfully or maliciously burns or sets fire with the intent to burn school buildings, public buildings, church/temple buildings, apartment buildings or private dwellings.

The person apprehended for the above crimes is to be tried for a high misdemeanor in an adult court.

I'd like to add one little addendum to that. I believe that any vandalism under \$1,000 should be tried in the municipal court and work restitution be performed by the juvenile that committed the act of vandalism. And that Title 39 be invoked in all schools where the police department does not need to be called by the principal or the superintendent of schools to patrol the grounds which would save the local taxpayers some money at the same time. I wish to thank this Committee.

ASSEMBLYMAN FLYNN: We thank you for taking the time and presenting that. I have one question which is really not part of your topic. It was stated that we don't really do enough for these youngsters in the vocational area in our local school systems. Is there anything that you can think of that we can do for a better vocational program?

MR. SALERNO: In Old Bridge we have seventeen schools, two high, two mid, and thirteen elementary. Since there is no industry it would be a large burden on the taxpayers to set up a vocational school. I would like to see a vocational school put up at the NIKE site with federal funds. It would help because not everyone is geared for college. If they are not geared for college it is good to get a vocational training in automobile mechanics, plumbing, masonry, etc.

ASSEMBLYMAN FLYNN: Thank you very much.

Mayor of Middletown, Robert Eckert, for the prayer. (Laughter)

R O B E R T J. E C K E R T: I am Robert J. Eckert, Mayor of Middletown Township. Mr. Chairman, distinguished panelists, members of the Committee, it is a real privilege to have you come to Middletown Township. We are certainly honored. I'm sure that many of the comments that were made tonight you will bring together to give us some worthwhile legislation that we may fight these problems with juvenile delinquency.

I just might add that I am also the Chairman of the Bay Shore Conference of Mayors and at a June meeting we had all the police chiefs and the mayors and also Prosecutor Lehrer. The Bay Shore Conference encompasses eleven communities in northern Monmouth County and they all agree that the number one problem in all towns is juvenile delinquency. Therefore, I'm sure you are aware of the problem you do have and the amount of problems it will create trying to establish the proper legislation. While I'm not standing here saying that I have the answers you want to hear, I do have opinions. I have heard many times tonight about the parent responsibility law. I am in favor of a parent responsibility law. We passed one in Middletown. We modeled it after the Trenton ordinance which, at the time, was supposed to be the one that had been tested in court. We found out shortly thereafter that it could no longer apply in the court system. We do have a curfew in Middletown Township, not so much to bust the kids just at will, but more or less to have some kind of response to some children walking the streets at twelve, one, and two o'clock in the morning. Prior to that, a policeman could stop the children and say, "Where are you going? What have you been doing?" They had no real procedure through which they could bring them into police headquarters. Now they bring them into police headquarters, call the parents and have the parents pick them up.

ASSEMBLYMAN FLYNN: What time does the curfew start?

MAYOR ECKERT: During the week it is eleven o'clock and on Friday and Saturday nights, it is twelve.

ASSEMBLYMAN FLYNN: At what age?

MAYOR ECKERT: Under seventeen.

ASSEMBLYMAN DOWD: So they are non-drivers.

MAYOR ECKERT: Non-drivers, right. The intent, really, is not to harass anyone, it is to give the police department a tool if they find some children roaming the streets. I have been in police headquarters at this late hour and later and they have picked up children roaming the streets. Their parents had no idea that they were out. They were supposed to be at someone else's house.

We talked about letting out names to the press. I'm in favor of it. I'm

in favor of naming the juvenile in the press if they are involved in the act of violence or breaking and entering. As Assemblyman Mays said before, "Suppose a person who is a first offender threw a rock through somebody's window?" Yes, I think their name should be in the paper, not so much as a punishment but probably as a corrective measure. I think that child who threw the first rock and broke the first window, if allowed to just slide like so many juveniles have done, they would break two windows, five windows. The first thing you know, they would be into breaking and entering.

ASSEMBLYMAN DOWD: If you wait until he kills somebody or burns a building down and then put his name in the paper, he is already pretty hardened.

MAYOR ECKERT: The first time they are involved in vandalism, I think their name should be in the paper. I think it is not only beneficial and helpful to that child--which may straighten him out and the family--but also to members of the community that child may be involved with. We all know that kids nowadays are pretty tight--they don't squeal on one another. In police headquarters they are very reluctant to say whom they were involved with. They could be in a group of five or ten and they will never say whom they were with. Therefore, they would not go home and tell their parents, "John, who was in the house here with me last week was charged with breaking five windows at the school." But if the parent sees the name in the paper, he can straighten those kids out. I don't believe the parents have lost all control over children. They may have in a very, very few cases. I think still the rule belongs at home and I think the home rule is in effect. I think children respect parental guidance as they do respect laws. I think it is unfortunate that we are here tonight taking all this time to talk about those very few. In the case of Middletown it is five to ten percent of our juveniles. I think that we, as elected officials, may have some responsibility and maybe we have fallen down on the job as far as corrective measures for juveniles. Recently--and this is directed to the press--we had a problem in one of our local schools. It made the front page in all the papers. It was in the New York News; it was on TV--a marijuana bust in a junior high school, front page stuff. Presently in Middletown, we have a group of girls competing for a national championship in a drill team. We have a girls' softball team and a boys' baseball team that are the New Jersey state champions. You never hear of them. They don't put that on the front page. We don't get involved as we should with those kids that have had an achievement. I think we are respected citizens--we may not think so when you get into politics--but we are respected citizens and I think we should lend ourselves more to recognizing the achievements of some of these young kids. We should go to presentations that they are making; be present at a ballgame when they are going for a championship. I think all of those things are important. I think if the rest of the children feel the importance that we have taken time out, they would become more involved in the good things. Kids--it might sound corny--respect elected officials. I was at a ballgame recently. I had made a presentation of the Mayor's Trophy Cup for the championship. I went to an adjacent ball field just to watch the kids. They were sixteen, seventeen, eighteen year old children. This kid got up and he hit a ball, ran down to first base and fell down. The next day I saw one of the boys that were playing with him and he said, "Do you know why he fell down? Because he heard that the mayor was here." We don't think that they do, but kids respect our positions. I think that we could be involved with children more, be around them more, give them more recognition for their achievements. I think you will bring more kids that might be borderline into doing the better things and not going--those borderline kids--into the kids that make the front page of the paper

because they were engaged in a drug bust. I do think that if you put the name of the offenders of breaking and entering, vandalism in the paper, I think you straighten the biggest majority of them out. You're not going to cure them all. Obviously, that's why we have jails and penal institutions for hard-core criminals. But, hopefully, we can prevent that before they get to that position. I want to thank you gentlemen for coming down. I know that Assemblyman Mays has a long drive tonight and we certainly appreciate your being here and giving the people in this area an opportunity to be heard.

ASSEMBLYMAN FLYNN: Thank you for your hospitality, Mayor.



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Secretary-Business Administrator

August T. Miner
Assistant Secretary

July 31st, 1979

General Assembly of New Jersey
Assembly Judiciary Committee
Subcommittee on Juvenile Justice
Trenton, New Jersey

Attention: William E. Flynn, Assemblyman, District 12

Gentlemen:

I appreciate the opportunity for participation in the Public Hearing of the subcommittee with reference to legislation aimed at improving the system of juvenile justice currently operating in the State of New Jersey.

It is truly unfortunate when the President of the United States, on public television, must preach a sermon regarding the moral degeneration of our society and in so doing bring focus to bear on the fact that there must be something wrong with the way we are administering justice.

In August 1978, I became so incensed over reading a Superior Court decision handed down with reference to parents not being responsible for their childrens' acts of vandalism, that I wrote an open letter to the editor. Copy of that open letter was published and is attached herewith. It appears to me to be ludicrous that people can be held responsible for the damage done by their cats and dogs, but that their kids can wander the streets and they are held totally without responsibility.

I would like to cite you at least three experiences which I have had as a School Business Administrator, with reference to juvenile justice.

Case No. 1. In 1976, two juveniles broke into our Thompson Junior High School and absconded with approximately \$1,000.00 worth of musical instruments. These were owned both by the school district and private individuals. Both youth were later apprehended but the school district was unable to obtain any type of information from the probation department as to their names or addresses, to enable a method of restitution to be worked out between the juveniles involved and the school district. Finally, the probation department made arrangements with the two juveniles to pay ten dollars a week until the full amount was paid.

One juvenile left the State immediately thereafter and made no payment, and no effort was made by the probation department to pursue the matter further. In December of 1976, I was able to obtain the name of the other youth and wrote to the parents requesting a meeting for method of restitution. I am quoting the letter received from the mother of the youth involved, "Dear Mr. Bennett: I am sorry about the delay in restitution, but as I explained it would have been paid but the court decided to handle it otherwise. Enclosed find a check for one-half of the one thousand dollars in which the court decided was restitution for failure to return the instruments. The agreement for the other half to be paid by his accomplice. It is difficult for us to express our sorrow for the hardship that the families must have experienced, my prayers are that some how my son will have learned through this experience."

The ironic ending of this case is that the mother was willing to make restitution by the courts deterred her from doing so.

Case No. 2. In May of 1977, the rear entrance of our Fairview Elementary School was deliberately set on fire with gasoline bombs and the school was prevented from going up in flames by the alarm system. A total damage cost of approximately \$1600.00 was incurred. Again, through unofficial channels, I was able to finally obtain the names of the three youths involved and contacted the three parents. The parents responded and I set up a meeting in my office with the father of one of the youth, whereby we discussed an arrangement whereby the youth would be willing to work off his share of the damage. We had a gentlemen's agreement that when school was out that I would give the youth certain assignments which he was able to do, such as clearing off weeds in wooded areas adjacent to school property. This arrangement seemed amicable in the fact that the parents were not financially able to make any restitution otherwise.

Then, on December 1977, the three youths appeared in the Domestic Relations Court for a hearing and neither of the three youths would admit to being the one that struck the match, as a result the court refused to pursue the matter any further, and the father in question obtained a sharp lawyer who persuaded him not to honor the gentlemen's agreement with my office and wrote a letter absolving the parents, and thereby hangs the tale - the youth was let go free, with no lesson learned other than if you get a sharp lawyer you can get out of being responsible for any actions of vandalism.

Case No. 3. In June 1975, three youths were apprehended after doing approximately \$5,000.00 worth of damage in our Thorne Junior High School, both the parents and the young men were brought to my office and we discussed a method of restitution. It was agreed that two of the youths work under the supervision of our painting supervisor, and that eleven classroom areas in our newly constructed Middletown High School South would be painted during the summer months with the understanding that if their performance was satisfactory, we would write a letter on their behalf to the probation department. Both boys functioned extremely well and saved the school district a total of \$12,500.00. At the end of the summer a letter was written and the matter was resolved with the probation department on their behalf.

We feel that this method provided the youth with the satisfaction of willingly making restitution and feel lessons learned will provide them with greater depth of character.

I have cited the above three cases in order to elaborate on what I feel present, and future, legislation must address if true justice is to be served.

1. Parents must be held responsible for the actions of their children.
2. The need for social restraint and for the condemnation of society on juvenile offenders should not be disregarded. The rash of juvenile delinquency can be directly correlated with the fact that young people are overly protected. Some years back it was considered a social disgrace for a young person to be caught in the act of vandalism and the neighborhood was incensed by such actions. Today, it is easily covered over under the overprotection of non-publication of juvenile names.
3. Greived parties, whether it be individuals or institutions, should be involved in the actual proceedings against the delinquents. Inability of school districts to obtain names and/or to be involved with working out the mutually acceptable method of restitution, takes away the onus of the wrong act done and also eliminates the ability for the matter of self-satisfaction on the part of young people to work out their own restitution. It is far too easy to pay for damages done than it is to be truly remorseful and attempt to make restitution by working off the damages.
4. Closer cooperation between the courts, probation department, police department and local school districts, is absolutely necessary if proper administration of juvenile justice is to be a reality.

It is the firm conviction of this office that the injustices meted out by our courts and probation systems, in this State, has also caused an injustice to the juvenile offenders protected by these agencies. Unless this nation can find once again those social values which made this nation a God-fearing nation, and one where the dignity of justice and honesty were revered, I feel that we will have further declines in the moral fiber of our total social structure.

Thank you.

Very truly yours,



Paul W. Bennett, R.S.B.A.

3X Secretary-School Business Administrator

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August T. Miner
Assistant Secretary

August 10th, 1978

OPEN LETTER TO THE EDITOR:

Dear Editor:

I just finished reading a Superior Court decision handed down with reference to the responsibility of parents for vandalism done by their children to private and public property. It leaves me with grave concern that the harm fostered on innocent citizens by irresponsible vandals should be of no concern to their parents. The decision, in effect, makes a law holding the parent responsible for their children's actions, unconstitutional.

It is hard for any sound-thinking individual to accept the fact that a person can be held responsible for damages done by his cat and dog, but that his "kid" can wander the streets beating up little old ladies, damaging cars, stealing stereos out of private homes, and openly destroying public property, and the parents are to be absolutely absolved from any responsibility for these actions.

It is about time that someone went to the defense of the harmed individuals or institutions, and that the scales of justice be properly brought into balance. It is time that the public become aroused by the asinine decisions handed down by courts who are either enamoured by their own position of importance, or reach the age of senility and can not make rash decisions. The current trend toward liberal decisions by our courts must be reversed or local law enforcement officers and public officials are going to just throw up their hands in disgust and we are going to be living in a world of anarchy in which little, if any, laws are respected.

I trust that the call for action will be heeded.

Very truly yours,



Paul. W. Bennett

