

SENATE, No. 1208

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

SYNOPSIS

Requires law enforcement agencies to establish station house adjustment policy for certain first-time juvenile offenders.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning station house adjustments and supplementing
2 Title 2A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act, “station house adjustment” means an
8 immediate consequence imposed by a law enforcement officer at
9 the police station upon a first-time juvenile offender who has
10 committed a minor juvenile delinquency offense within the
11 jurisdiction, and shall include, but not be limited to, community
12 service or restitution.

13
14 2. Every State, county, and municipal law enforcement agency
15 with patrol jurisdiction shall establish a station house adjustment
16 policy in accordance with the provisions of this section.

17 a. A policy shall be implemented regardless of available
18 resources.

19 b. A law enforcement officer shall warn the juvenile of the
20 potential consequences of continued delinquent activity, including
21 but not limited to:

22 (1) fines;

23 (2) probation;

24 (3) loss of driver’s license;

25 (4) incarceration; and

26 (5) ramifications of a record of delinquency on future
27 employment and educational opportunities.

28 c. The juvenile’s parents or guardian shall be notified and the
29 parent or guardian, or a designee chosen by the parent or guardian,
30 shall attend the station house adjustment. If a parent or guardian
31 does not respond to the notification, a designee shall not be chosen
32 by the law enforcement agency or juvenile.

33 d. A known victim of the alleged offense shall be notified and
34 agree to the station house adjustment.

35 (1) If appropriate, a victim shall be informed of the efficiency
36 and expediency of locally resolving the juvenile matter through a
37 station house adjustment.

38 (2) The station house adjustment may proceed without the
39 victim’s participation.

40 (3) The station house adjustment shall not proceed over the
41 objection of a victim. A victim who objects to a station house
42 adjustment shall be permitted to sign a juvenile delinquency
43 complaint, unless the complaint is clearly frivolous or lacking in
44 probable cause, in which case, the police officer may refuse to
45 accept the complaint pursuant to subsection b. of N.J.S.2B:12-21.

46 e. The juvenile shall agree not to reoffend and the parent,
47 guardian, or designee shall be informed that a subsequent offense,

1 or the failure to comply with the terms of the station house
2 adjustment agreement, may result in the filing of a juvenile
3 delinquency complaint for the offense which has been the subject of
4 the station house adjustment.

5 f. The law enforcement officer shall complete a station house
6 adjustment form, as prescribed by the Attorney General, which shall
7 be signed by the juvenile and the parent, guardian, or designee.

8
9 3. A member of the law enforcement agency shall be
10 designated as a juvenile officer who shall perform station house
11 adjustments whenever possible. If the designated juvenile officer is
12 unavailable, another officer shall conduct the station house
13 adjustment.

14
15 4. Each law enforcement agency shall compile a list of referral
16 agencies, contacts, and telephone numbers to which officers may
17 refer juveniles. Referrals may be made in conjunction with a
18 station house adjustment, but are not limited to the station house
19 adjustment and may be provided immediately, before the process of
20 the station house adjustment is completed.

21
22 5. a. A juvenile offender shall be eligible for a station house
23 adjustment if the juvenile allegedly:

24 (1) violated a municipal ordinance;
25 (2) committed a petty disorderly persons offense or disorderly
26 persons offense; or

27 (3) committed a crime of the fourth degree if the juvenile has no
28 prior record known to the law enforcement agency.

29 b. The county prosecutor shall be required to approve a station
30 house adjustment if the juvenile allegedly committed any of the
31 following offenses:

32 (1) an offense involving the use or possession of a controlled
33 substance or drug paraphernalia pursuant to chapters 35 or 36 of
34 Title 2C of the New Jersey Statutes if the prosecutor concludes that
35 intervention by the Family Court is not necessary to address a drug
36 problem;

37 (2) bias offense;

38 (3) sexual offense;

39 (4) offense resulting in serious or significant bodily injury if the
40 prosecutor concludes that the juvenile offender's criminal intent is
41 in doubt and the injuries were unintended; and

42 (5) crime of the third degree.

43 c. A juvenile offender shall not be eligible for a station house
44 adjustment and a juvenile delinquency complaint shall be filed if
45 the:

46 (1) juvenile allegedly committed a crime of the first or second
47 degree;

1 (2) law enforcement agency knows that the juvenile has other
2 charges pending before the court; or

3 (3) juvenile currently is on probation, parole, home detention, or
4 other court ordered disposition.

5

6 6. A law enforcement officer shall consider the following
7 factors in determining whether a station house adjustment is
8 appropriate for an eligible juvenile pursuant to section 5 of this act:

9 a. the age of the juvenile offender;

10 b. any record of prior juvenile complaints or station house
11 adjustments and the seriousness of the alleged offenses;

12 c. the degree of cooperation and attitude of the juvenile
13 offender; the parent, guardian, or designee; and victim.

14

15 7. Each law enforcement agency shall submit a quarterly report
16 to the county prosecutor, or the Superintendent of State Police if
17 appropriate, describing the station house adjustments conducted by
18 the agency.

19 a. The report shall not contain any personal identifying
20 information.

21 b. For each station house adjustment, the quarterly report shall
22 contain:

23 (1) the juvenile's age at time of the offense;

24 (2) ethnicity as reported by the juvenile;

25 (3) gender;

26 (4) alleged offense; and

27 (5) reasons if a station house adjustment was not conducted.

28 c. The county prosecutor shall forward the quarterly reports to
29 the Attorney General.

30

31 8. The Attorney General annually shall submit a summary report
32 of the information received in the quarterly reports submitted by the
33 county prosecutors pursuant to section 7 of this act to the Legislature
34 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) and make the
35 summary report available to the public on the Department of Law and
36 Public Safety's Internet website.

37

38 9. The Attorney General shall issue guidelines governing the
39 conducting of station house adjustments pursuant to the provisions
40 of this act.

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42 10. This act shall take effect on the first day of the fourth month
43 next following enactment, but the Attorney General may take any
44 anticipatory action necessary to implement the provisions of this
45 act.

STATEMENT

This bill requires every State, county, and municipal law enforcement agency to adopt a policy establishing station house adjustments for certain juvenile offenders. The bill defines a “station house adjustment” as an immediate consequence imposed by a law enforcement officer at the police station upon a first-time juvenile offender who has committed a minor juvenile delinquency offense within the jurisdiction, and includes, but is not limited to, community service or restitution. The policy is to be implemented regardless of the agency’s available resources.

During the station house adjustment, the law enforcement officer is to warn the juvenile of the potential consequences of continued delinquent activity, such as fines, probation, loss of driver’s license, and incarceration, and the ramifications of a record of delinquency on future employment and educational opportunities. A parent or guardian is to be notified and attend the meeting. The victim of the juvenile’s alleged offense is required to agree to the meeting, but is not required to attend. A station house adjustment is not to be offered if the victim objects. The juvenile is to agree not to reoffend and the parent or guardian is to be advised that if the juvenile commits a subsequent offense or does not comply with the terms of the agreement, a juvenile delinquency complaint may be filed against the juvenile. The juvenile and parent or guardian are to sign a station house adjustment form.

The law enforcement agency is required to designate a specific juvenile officer to perform station house adjustments. Agencies also are to compile a list of referral agencies, contacts, and telephone numbers to which officers may refer juveniles.

Juveniles are eligible for a station house adjustment if they allegedly violated a municipal ordinance; committed a petty disorderly or disorderly persons offense; or committed a crime of the fourth degree, and the agency is not aware of the juvenile having a prior record. The county prosecutor is required to approve a station house adjustment if the juvenile allegedly committed a drug, bias, or sexual offense; an offense resulting in serious or significant bodily injury when the intent of the offender is in doubt and the injuries were unintended; or a crime of the third degree. Juvenile offenders are not eligible if they allegedly committed a crime of the first or second degree, the agency knows that the juvenile has other charges pending before the court, or the juvenile currently is on probation, parole, or home detention.

Factors to be considered by law enforcement officers in deciding if a station house adjustment is appropriate for an eligible offender include the age of the juvenile offender; a record of prior juvenile complaints or station house adjustments and the seriousness of

1 those offenses; and the degree of cooperation and attitude of the
2 juvenile offender; the parent, guardian, or designee; and victim.

3 The bill further requires law enforcement agencies to submit a
4 quarterly report to the county prosecutor describing the station
5 house adjustments conducted by the agency. These reports are to
6 include the juvenile's age, ethnicity, gender, alleged offense, and
7 any instances where a station house adjustment was not conducted;
8 they are not to contain any personal identifying information. The
9 Attorney General annually shall submit a summary report of the
10 information received from the county prosecutors in the quarterly
11 reports to the Legislature and make the summary report available to
12 the public on the Department of Law and Public Safety's Internet
13 website.

14 Finally, the bill requires the Attorney General to issue guidelines
15 governing the conduct of station house adjustments.

16 According to the sponsor, the purpose of a station house
17 adjustment is to impose immediate consequences on the juvenile
18 offender and provide to the victim a prompt and convenient
19 resolution, while simultaneously benefitting the juvenile by
20 avoiding the stigma of a formal juvenile delinquency record.