

[First Reprint]

SENATE, No. 2924

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

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SYNOPSIS

Creates two-year “Restorative and Transformative Justice for Youths and Communities Pilot Program” in Juvenile Justice Commission; appropriates \$4.2 million in FY 2022 and FY 2023.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 17, 2021, with amendments.

(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT creating a two-year restorative and transformative justice
 2 pilot program focused on reducing initial and repeat youth
 3 involvement with the youth justice system, and making an
 4 appropriation.

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

8
 9 1. The Legislature finds and declares that:

10 a. Currently, New Jersey's youth justice system has staggering
 11 racial justice disparities, high recidivism rates, and grossly
 12 underfunded community-based services;

13 b. New Jersey has the highest Black to white youth
 14 incarceration racial disparity rate in the country with a Black youth
 15 twenty-one times more likely to be detained or committed than a
 16 white youth, even though research shows that Black and white
 17 youth commit most offenses at similar rates;

18 c. New Jersey also has the fourth highest Latina-Latino to
 19 white youth incarceration disparity rate in the country;

20 d. The recidivism rates in New Jersey are devastating as well.
 21 Of the ¹~~377~~ 336¹ youth released from State juvenile facilities in
 22 ¹~~2014~~, 76.9 had a subsequent arrest or court filing, 58.9 percent
 23 had a subsequent adjudication or conviction, and almost one-fourth,
 24 ~~23.9~~ 2015, over one quarter (28¹ percent¹)¹, were recommitted to
 25 a facility within three years of release;

26 e. Yet, despite these failures, New Jersey continues to finance
 27 its youth incarceration system at exorbitant cost. In ¹~~calendar~~
 28 fiscal¹ year ¹~~2020~~ 2021¹, New Jersey ¹~~plans to~~ will¹ spend
 29 ¹~~\$300,000~~ \$445,504¹ to incarcerate each youth in a State secure
 30 juvenile facility managed and operated by the Juvenile Justice
 31 Commission ¹~~,~~ and projects the same expenditure in calendar year
 32 2021¹;

33 f. While the State currently spends approximately ¹~~\$56~~ \$53¹
 34 million a year to operate its three secure juvenile facilities, it only
 35 allocates around \$16 million to provide counties with funding for
 36 community-based youth programs;

37 g. The current public health crisis resulting from the
 38 Coronavirus disease 2019 pandemic, also referred to as the COVID-
 39 19 pandemic, has further illustrated the failures of our youth justice
 40 system by detrimentally harming our impacted youth. As of
 41 ¹~~August 20~~ March 18¹, ¹~~2020~~ 2021¹, according to the
 42 Juvenile Justice Commission, ¹~~29~~ 92¹ youth and ¹~~56~~ 221¹ staff
 43 in juvenile facilities have tested positive for the virus SARS-CoV-2
 44 which causes COVID-19; ¹~~21~~ 54¹ of the ¹~~29~~ 92¹ youth cases

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 17, 2021.

1 occurred at the New Jersey Training School, also known as
2 Jamesburg, the State's largest secure facility for youthful males;

3 h. The Juvenile Justice Commission has taken several measures
4 to mitigate the spread of the virus, including releasing
5 approximately ¹~~38~~ ⁹⁰ incarcerated youth from its facilities ¹as
6 of November 4, 2020¹. ¹~~Should Senate Bill No. 2519, passed by~~
7 ~~the Senate on August 27, 2020, or its counterpart bill, Assembly~~
8 ~~Bill No. 4235, become law~~ Since the enactment of P.L.2020,
9 c.111¹, more incarcerated youths ¹~~would~~ will¹ be released in an
10 expedited fashion because their terms of incarceration ¹~~would~~
11 will¹ be reduced based on awards of credits during the current
12 declared public health emergency concerning the COVID-19
13 pandemic;

14 i. As young people are released from facilities in response to
15 the current pandemic, it is clear that the State must actively engage
16 communities and properly fund services to reintegrate these youth
17 back into their communities successfully;

18 j. The Juvenile Justice Commission and community
19 stakeholders should also work together to create community-based
20 public safety systems that ¹support all young people as they return
21 home from juvenile facilities and¹ divert young people away from
22 the youth justice system in the first place;

23 k. Thus, the confluence of the COVID-19 pandemic with the
24 on-going, fervent call for racial equality demands a fresh and
25 immediate need to transform New Jersey's youth justice system. As
26 an alternative to an overreliance on punishment, New Jersey needs a
27 community-based system that embraces restorative and
28 transformative justice practices and emphasizes physical,
29 psychological and emotional safety and healing for youth, their
30 families and communities;

31 l. Nationally, restorative justice and transformative justice
32 programs and practices have been recognized as best practices in
33 keeping young people out of the youth justice system and
34 successfully reintegrating them into their home communities after
35 being released from out-of-home placements;

36 m. Restorative justice is a system that brings victims,
37 community members, and youth who have committed harm together
38 to discuss the harm that was done and explore solutions to address
39 the root cause of that harm. This system presents an alternate
40 avenue for addressing harm and encourages active participation in
41 the restorative process to facilitate stronger community
42 relationships and community-driven public safety;

43 n. Transformative justice addresses conflicts and harms at the
44 individual level, community level, and within broader social
45 structures. Transformative justice works to build alternatives to our
46 current systems and transform the conditions which help create acts
47 of violence or make them possible;

1 o. Restorative justice and transformative justice offer two
2 different perspectives of justice aimed at interpersonal and
3 consensual resolutions, with transformative justice also
4 incorporating systems-level change;

5 p. To sufficiently support young people being released from
6 juvenile facilities in response to the current public health crisis, and
7 to provide adequate resources ¹for all youth released from
8 incarceration and¹ to prevent young people in New Jersey from
9 entering the youth justice system in the first instance, New Jersey
10 should explore, through a pilot program, the development of a
11 comprehensive youth continuum of care based on restorative and
12 transformative justice practices.

13

14 ¹2. As used in this act:

15 “Community conferencing” is a practice which addresses
16 conflicts through a collective group session, consensual resolution,
17 and decision-making processes to heal and repair harms.
18 Community conferencing works for multiple types of conflicts
19 involving the community, station house adjustments, juvenile court
20 diversion, and reentry from youth incarceration.

21 “Peace circles” refer to a technique used to facilitate restorative
22 conversations, conflict resolution strategies, and healing practices
23 between youth, families, and community stakeholders.

24 “Restorative justice hubs” are physical spaces within the
25 community where youth and families can heal, reconnect, and build
26 healthy relationships in the community. The purpose of restorative
27 justice hubs is to resolve local conflicts through dialogue instead of
28 punitive measures. Restorative justice hubs shall provide services
29 that: include peace circles and community conferencing; connect
30 youth and families to the services and programs provided for in
31 paragraphs (1) through (9) of subsection b. of section 3 of P.L. ,
32 c. (C.) (pending before the Legislature as this bill); and
33 coordinate service delivery across the community, and by doing so,
34 create and maintain equitable relationships and collaborations
35 between the Juvenile Justice Commission, county youth services
36 commissions, courts, public defenders, prosecutors, law
37 enforcement, and any other appropriate entities or persons.¹

38

39 ¹**[2.] 3.**¹ There is established in the Juvenile Justice
40 Commission, created by section 2 of P.L.1995, c.284 (C.52:17B-
41 170), a two-year pilot program, titled the “Restorative and
42 Transformative Justice for Youths and Communities Pilot
43 Program.” The purpose of the pilot program is to develop
44 innovative restorative and transformative justice continuums of care
45 in four target cities that include two components: ¹restorative
46 justice hubs and¹ community-based enhanced reentry wraparound
47 services ¹**[and restorative justice hubs]**¹. The pilot program shall be

1 established in the municipalities of Camden, Newark, Paterson, and
2 Trenton.

3 a. The first ¹component of the pilot program shall include
4 restorative justice hubs. Each of the four pilot program
5 municipalities shall have one restorative justice hub.

6 b. The second¹ component of the pilot program shall include
7 community-based enhanced reentry wraparound services ¹to be
8 provided within each restorative justice hub¹. These services shall
9 be designed as an emergency response for those young people being
10 released from juvenile facilities due to the COVID-19 pandemic,
11 and may also serve as a long-term program for all young people
12 released from a facility. Community-based enhanced reentry
13 wraparound services shall include, but not be limited to, the
14 following services and supports:

- 15 (1) Mental health services;
- 16 (2) Substance use disorders treatment and recovery;
- 17 (3) Education support;
- 18 (4) Employment services;
- 19 (5) Housing support;
- 20 (6) Financial literacy and debt support services;
- 21 (7) Life skills support services; ¹**[and]**¹
- 22 (8) Social support services ¹; and
- 23 (9) Preventative mentoring services¹.

24 ¹**[b.** The second component of the pilot program shall include
25 restorative justice hubs, which are physical spaces within the
26 community where youth and families can heal, reconnect and build
27 healthy relationships in the community. The purpose of restorative
28 justice hubs is to resolve local conflicts through dialogue instead of
29 punitive measures, connect youth and families to a variety of
30 services and programs, and coordinate service delivery across the
31 community, and by doing so create and maintain equitable
32 relationships between the Juvenile Justice Commission, county
33 youth services commissions, courts, State and municipal public
34 defenders, prosecutors and law enforcement, and additionally,
35 collaboration on public safety initiatives. **]**¹

36 c. The goals of the pilot program shall be:

- 37 (1) To increase participation in education, vocational
38 programming, and employment. Youth participants in the pilot
39 program shall receive academic support, depending on personal
40 development goals, and shall be connected to secondary schools,
41 alternative schools, vocational schools, apprenticeship programs
42 and colleges and universities. The program shall collaborate with
43 local community college's admissions and academic support
44 programs, and offer workshops that include financial aid planning.
45 Participants seeking employment shall be linked to vocational or
46 job readiness training. The selected partner-providers participating
47 in the pilot program shall be trained in and utilize evidence-based

1 and evidence-informed practices with respect to the provision of
2 their respective services;

3 (2) To increase participation in mental health and well-being
4 programming. The program shall employ trauma-informed
5 practices and connect youth to licensed outpatient mental health
6 care facilities and professionals. The program shall create safe,
7 caring environments to address physical health, mental health and
8 substance use disorder conditions and facilitate healing for youth,
9 families, and communities.

10 (3) To decrease incidents of harmful and unlawful behavior.
11 The program shall work with youth to comply with their probation
12 or parole plan, as applicable. Moreover, the program shall employ
13 trauma-informed practices, violence reduction, and peacemaking
14 supports and tools to address harmful and unlawful behavior;

15 (4) ¹To have restorative justice hubs establish working
16 relationships with local law enforcement agencies, courts,
17 prosecutors, and defense attorneys to support the diversion of youth
18 away from arrests and prosecution and towards participation in
19 restorative justice services provided in the hubs;

20 (5)¹ To improve the socioemotional and behavioral responses of
21 youth within communities through the use of more appropriate, and
22 less punitive, interventions, thereby establishing more restorative
23 interventions; and

24 ¹~~[(5)]~~ ~~(6)~~¹ To increase program participation rates in other
25 restorative and transformative justice programs in the municipalities
26 in which the pilot program is established.

27

28 ¹~~[(3.)~~ ~~4.]~~¹ a. (1) The county youth services commissions for
29 the counties in which the municipalities participating in the pilot
30 program are located shall implement their existing request for
31 proposal process in order to select service providers to develop and
32 implement the program.

33 (2) ¹~~[(Persons and organizations)]~~ A restorative justice hub may
34 have a single service provider or multiple service providers within
35 one lead service provider.

36 (3) An individual organization¹ interested in ¹[(developing and
37 implementing aspects of the program in a participating
38 municipality)] becoming a service provider at a restorative justice
39 hub¹ shall submit a proposal using the existing request for proposal
40 process to the appropriate youth services commission.

41 ¹(4) A lead organization partnering with other organizations
42 which are interested in becoming service providers at a restorative
43 justice hub shall submit a joint proposal using the existing request
44 for proposal process to the appropriate youth services commission.
45 If selected, they shall jointly provide services at the restorative
46 justice hub.¹

1 b. All proposals shall include concrete measurements for
2 success to assess the impact of the program and include outcomes
3 related to positive youth development, reduction in harmful
4 behavior, and community engagement.

5 c. In addition to the pilot program requirements set forth in
6 subsections a. and b. of section ¹~~2~~ of this act ³ of P.L. , c.
7 (C.) (pending before the Legislature as this bill)¹, concerning
8 mandatory components of ¹restorative justice hubs¹ enhanced
9 reentry wraparound services ¹~~and restorative justice hubs~~¹, a
10 proposal may also include, and a youth services commission may
11 consider and accept for the program, additional services and
12 training that support the development and implementation of
13 restorative justice and transformative justice practices in the
14 participating municipalities.

15 d. Persons and organizations selected as service providers shall
16 collaborate with the service providers of any education pilot
17 programs operating in the participating municipalities during the
18 time the pilot program established by this act is operating, in order
19 to incorporate restorative justice and transformative justice
20 practices within that education pilot program.

21 e. Person and organizations selected as service providers may
22 seek additional monies from any public or private source to further
23 advance the goals of the pilot program.

24 ¹f. Each service provider participating in the pilot program
25 shall be required to undergo intensive training in restorative and
26 transformative justice practices. A service provider may be exempt
27 from this training requirement upon a satisfactory showing of proof
28 of prior training in these practices which may include certificates of
29 completion of training courses provided by trainers in restorative
30 and transformative justice practices approved by the Juvenile
31 Justice Commission. Service providers may use the monies
32 awarded from the pilot program to finance this training.¹

33
34 ¹~~4.~~ ^{5.}¹ There is established within the General Fund a
35 separate, temporary dedicated fund to be known as the “Restorative
36 and Transformative Justice for Youths and Communities Pilot
37 Program Fund,” to be held separate and apart from all other funds
38 of the State. This fund shall be administered and the monies in the
39 fund distributed by the Juvenile Justice Commission. From the
40 monies appropriated under the category of juvenile ¹~~services~~
41 grants-in-aid¹ for the Department of Law and Public Safety in State
42 fiscal year ¹~~2021~~ 2022¹ and State fiscal year ¹~~2022~~ 2023¹,
43 ¹~~8,400,000~~ 4,200,000¹ in each fiscal year shall be credited to
44 this fund ¹for a total of \$8,400,000¹, and these monies, and any
45 interest or other income earned thereon, shall only be used for
46 purposes associated with the pilot program established by this act.

1 a. (1) Notwithstanding the provisions of the “Administrative
2 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
3 contrary, the Juvenile Justice Commission, ¹**【shall,】** immediately
4 upon filing with the Office of Administrative Law and¹ within
5 ¹**【30】** 120¹ days of the effective date of this act, ¹**【file proper notice**
6 **with the Office of Administrative Law, and thereafter immediately】**
7 shall¹ adopt ¹such¹ rules and regulations ¹**【prepared by】** as¹ the
8 commission ¹deems¹ necessary or proper to ¹implement the
9 provisions of this act including, but not limited to,¹ setting the
10 terms and conditions of applying for grants paid for by monies in
11 the fund, the distribution of those monies, and for publishing these
12 terms and conditions on its official website. ¹**【Following the**
13 **adoption of the rules and regulations, the commission shall also**
14 **schedule at least one public meeting in the north, central, and**
15 **southern regions of the State】** The rules and regulations shall be
16 effective during any interim period and may thereafter be amended,
17 adopted, or readopted by the commission in accordance with the
18 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
19 1 et seq.). The Juvenile Justice Commission also shall require: the
20 Passaic County Youth Services Commission to schedule one public
21 meeting in Paterson; the Essex County Youth Services Commission
22 to schedule one public meeting in Newark; the Mercer County
23 Youth Services Commission to schedule one public meeting in
24 Trenton; and the Camden County Youth Services Commission to
25 schedule one public meeting in Camden. These public meetings
26 shall be held¹ to announce the pilot program, and inform the public
27 of the adopted rules and regulations for grant applications and
28 distributions.

29 (2) The initial rules and regulations adopted pursuant to
30 paragraph (1) of this subsection shall be in effect for the duration of
31 the two-year pilot program, unless the commission determines it is
32 necessary to amend or repeal any initial rule or regulation, which it
33 may do on an expedited basis immediately upon filing proper notice
34 with the Office of Administrative Law, notwithstanding the
35 provisions of the “Administrative Procedure Act,” P.L.1968, c.410
36 (C.52:14B-1 et seq.), to the contrary.

37 b. The fund shall be used to provide grants to participating
38 service providers selected by the county youth services
39 commissions ¹through a competitive process¹ pursuant to section
40 ¹**【3 of this act】** 4 of P.L. , c. (C.) (pending before the
41 Legislature as this bill)¹ to develop and implement the pilot
42 program established by this act. Priority in distributing monies in
43 the fund shall be given to service providers located in ¹**【or**
44 **intending to work with youth from those municipalities**
45 **participating in the pilot program with a higher rate of youth**
46 **committed to a secure juvenile facility】** the four pilot municipalities

1 and to service providers whose employees are representative of the
2 communities to be served by the pilot program. Monies in the fund
3 used to provide grants to develop and implement the pilot program
4 shall be allocated equally among the four county youth services
5 commissions and distributed in accordance with rules and
6 regulations adopted by the Juvenile Justice Commission¹ .

7 c. No more than ¹~~10~~ eight¹ percent of the monies in the fund
8 shall be used ¹by the Juvenile Justice Commission¹ for
9 administrative purposes ¹and no more than 15 percent of the monies
10 in the fund shall be used by the county youth services commissions
11 for administrative purposes¹ .

12 d. Monies in the fund administered and distributed by the
13 Juvenile Justice Commission shall not replace any other funds
14 administered and distributed by the commission, including those
15 administered and distributed through the State/Community
16 Partnership Grant Program established pursuant to P.L.1995, c.283
17 (C.52:17B-179 et al.).

18 e. ¹The pilot program shall operate for a period of two years,
19 exclusive of the time required to implement the grant application
20 and award process, and to initiate the pilot program. To the extent
21 necessary, funding distributed to the pilot program shall be carried
22 forward and used for its purposes regardless of whether the funds
23 are expended in the same fiscal year in which the funds were
24 initially distributed.¹ At the conclusion of the two-year pilot
25 program, any monies remaining in the fund shall be transferred to
26 the Juvenile Justice Commission for use in administering the
27 State/Community Partnership Grant Program established pursuant
28 to P.L.1995, c.283 (C.52:17B-179 et al.), and funding grants
29 distributed through that program.

30
31 ¹~~5.~~ 6.¹ The Juvenile Justice Commission shall submit a
32 report to the Governor and, pursuant to section 2 of P.L.1991, c.164
33 (C.52:14-19.1), to the Legislature at the conclusion of the two-year
34 pilot program, containing information on the development and
35 implementation of the pilot program and the feasibility of
36 expanding the program to other municipalities in the State. The
37 report shall also include copies of any reports by service providers
38 selected to develop and implement the pilot program by the county
39 youth services commissions for the counties in which the
40 municipalities participating in the pilot program are located
41 pursuant to section 3 of this act.

42
43 ¹~~6.~~ 7.¹ This act shall take effect immediately, and shall
44 expire 30 days following the Juvenile Justice Commission's
45 submission of the report to the Governor and Legislature as
46 required by section 5 of this act.