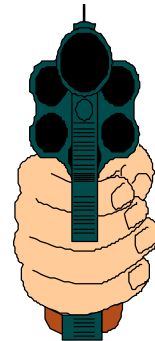
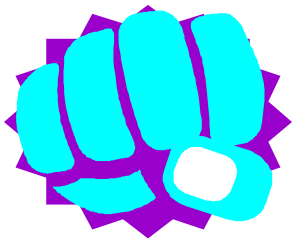


ASSEMBLY TASK FORCE ON ADOLESCENT VIOLENCE



FINDINGS AND RECOMMENDATIONS JUNE 7, 1999



Assembly Majority Leader Paul DiGaetano
Chairman

Assemblyman Tom Smith
Vice-Chairman

ASSEMBLY TASK FORCE ON ADOLESCENT VIOLENCE

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ASSEMBLY TASK FORCE ON ADOLESCENT VIOLENCE

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New Jersey State Legislature
**ASSEMBLY TASK FORCE ON ADOLESCENT
VIOLENCE**
STATE HOUSE ANNEX
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June 7, 1999

Dear Mr. Speaker:

Pursuant to **AR 95**, the *Assembly Task Force on Adolescent Violence* hereby submits its report of findings and recommendations concerning the trends, causes and prevention of violence among the State's youth.

The resolution creating the Task Force called upon this body to study and make recommendations regarding random acts of adolescent violence. Thus, our study looked at the various institutional aspects of this problem. We studied the structure and process of the State Juvenile Justice Commission (JJC) serving at-risk youth and juvenile offenders, the impact of community-based non-profits, the role of the clergy and the faith community, the media, film and the television industry's influence on youth behavior etc. We reviewed an array of private and public national, state and local programs in the educational, faith, law enforcement and juvenile justice sectors.

There has been a trend towards more violent behavior at younger and younger ages. The most recent shootings in Littleton, Colorado which resulted in 15 fatalities illustrate that youth violence has no geographic or socio-economic boundaries. Much of the existing juvenile violence problem stems from the breakup of the family and the absence of values. An increased number of single parent families and the absence of extended family members also erode the available support systems for children growing up in today's world.

We found that no single agency or single program can hope to solve a problem of the magnitude of youth violence but a truly meaningful "**non-violence promotion campaign**" will necessarily require a change in the existing culture. Embracing a new philosophy such as "restorative justice" and initiating a new strategy based on community-wide problem solving with the involvement of many layers of society holds promise for reducing youth violence in our communities across the State. A report published by the Office of Juvenile Justice and Delinquency Prevention (U.S. Department of Justice) makes an interesting observation:

"Safety strategies based solely on the juvenile justice system limit the options for a variety of responses, are less cost effective, and fail to maximize opportunities to reconnect youth to the community. Additionally, measures that rely solely on the juvenile justice system perpetuate the cycle of community dependence on the system to solve problems separately from the community, which weakens the community's own problem-solving capability."

Adults must lead the way in this campaign against violence since "modeling" of adult behavior significantly impacts on youth behavioral patterns. Institutionally supported violence based on vengeance only exacerbates the modeling images that youths witness. Initiating youth mentor programs across jurisdictions (i.e. teachers, the business community, the clergy etc.) and involving peers to work with troubled youth in communities across the State are important components of a comprehensive plan.

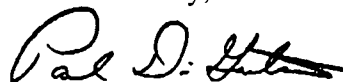
We must not be afraid and we must not underestimate the importance of spiritual values and religion in the fight against youth delinquency and violence. Too often, for fear of being "politically incorrect," we push these issues to the sidelines. The JJC's outreach to the faith community evidences the strength and invaluable assistance that exists in this sector to change our deteriorating culture. We must not be afraid to educate our youth about the non-violent philosophy propagated by twentieth century leaders such as Gandhi, Martin Luther King, Jr. and Mother Theresa of Calcutta.

We have reached out to the Administrative Office of the Courts by requesting its response to a set of questions that relate to the purpose of our study. Their cooperation allowed us to reach certain conclusions in this arena.

We must reallocate our resources in the Family Court and our juvenile justice system to help juveniles who demonstrate early problem behavior but who are not yet violent. We must ensure that those youth classified as juvenile offenders receive a spectrum of services that reduce the degree of anti-social and violent behavior. We must ensure that those on probation receive appropriate supervision and care. We must increase the number of residential treatment facilities by engaging in more public-private partnerships. Last but not least, we must offer appropriate counseling and other rehabilitative services to today's at-risk youth and juvenile offenders so they can become law-abiding and productive citizens of tomorrow.

This report covers many topics and issues. I trust that it will serve as a comprehensive plan-of-action to remediate and substantially reduce violence among the State's youth.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. DiGaetano".

Paul DiGaetano
Assembly Majority Leader

EXECUTIVE SUMMARY OF FINDINGS AND RECOMMENDATIONS

FINDINGS:

Overview/ Various Social Influences:

1. No single agency or single program can hope to solve a problem of the magnitude of youth violence; it requires a comprehensive approach and a change in existing culture.
2. The violent behavior of young persons can be influenced by their peers, their psychological state of mind, their immediate family and home environment, the school environment, conditions in the community where they live, the lack of spiritual and moral values and other important factors.
3. At-risk youth exhibit behavioral warning signs which include low self-esteem, isolation, physical aggression, verbal threats, substance or alcohol abuse, changes in behavior, disturbing writings, difficulty in forming peer and adult relationships.
4. Experts consistently link gang presence, hate-motivated behavior and drug use with violence in schools.

School Related Violence:

5. The school environment, including the size of a school, can impact on student behavior. Some studies indicate that larger school settings prevent personalized attention and sensitivity to student behavior and performance. Smaller schools are putatively less vulnerable to these problems and foster teamwork, esprit de corps and greater focus.
6. Adolescent violence, which frequently occurs in schools, may involve the use of guns. The New Jersey “Zero Tolerance for Guns Act” requires the removal of pupils who possess a firearm or commit assaults with other weapons.
7. Programs that promote gun accident prevention for children, such as The Eddie Eagle Gun Safety Program, teach children some important lessons on safe behavior. The legislatures of 19 states enacted resolutions recommending the use of such a program.

8. New Jersey firearm statutes are among the strictest of any state in the nation. Current law prohibits a person from knowingly selling or transferring a firearm to a person under 18 and a violation of this law makes it a crime of the third degree. This law and similar laws will not necessarily prevent such a transfer to an adolescent who is determined to possess a firearm. Increasing the penalty for instances in which the firearm is used in a crime may have a deterrent effect. Heightening enforcement efforts at gun shows might curtail the illegal transfer of firearms, although federal laws and law enforcement are more likely to be effective in this instance than individual state efforts.
9. Several bills are pending in the New Jersey Legislature that would require that, in three years, handguns sold in the State be “child-proof,” using technology that would allow the gun to be fired only by an authorized or recognized user. During the three year period, handguns that are not child-proof would have to be sold with a trigger lock. Other state legislation would provide rebates for the purchase of trigger locks, raise the age for handgun purchase from 18 to 21, and authorize a police officer to conduct a weapons search of the home of a student who brings a gun to school.
10. In the wake of the recent school violence, President Clinton proposed several federal measures to control the distribution of weapons to juveniles and others who may use them irresponsibly. These include requiring Brady background checks on purchasers of all firearms at gun shows; permanently prohibiting violent juvenile offenders from acquiring firearms; raising the age for purchase of a handgun to 21; requiring child safety locks on guns; increasing penalties for the transfer of guns to juveniles, and holding adults responsible for child access to firearms.
11. State regulations prohibit participation of licensed firearms dealers at gun shows in New Jersey. This restriction appears to discourage the holding of gun shows in this State.
12. Children who possess or use firearms at school must be immediately removed and placed in alternative education programs. The school principal is required to notify the appropriate law enforcement agency of any such violations of law. While the N.J. Department of Education maintains information on those violations of law, no additional data is available regarding follow-up by the juvenile justice system in these instances.
13. Current law requires teachers to report acts of violence and vandalism to the principal. Oftentimes, however, principals hesitate to report such acts of violence to the district superintendent due to the stigma that it attaches to the school and the fact that schools with a high rate of violence may not receive certain grants. Also, teachers who report acts of violence and vandalism may receive negative evaluations.

14. Teachers and youth service providers do not receive substantial or consistent training in conflict resolution or mediation and, therefore, may not appropriately intervene in violent episodes.
15. The federal Individuals with Disabilities Education Act (IDEA) and State special education regulations create a dual standard of discipline among students.
16. A child study team is not permitted to evaluate a child that exhibits signs of dangerous behavior without parental consent. Thus, an emergency situation may arise before the school can petition the court for permission to evaluate the child.
17. Sometimes schools are not informed, to the extent allowed by the law, about the offenses committed by students who are returned to school by the courts. Without this information, school districts cannot meet the special needs of these youth.
18. Both the Juvenile Committee of the Conference of Family Division Presiding Judges and the Juvenile Committee of the Conference of Family Division Managers have recently discussed issues pertaining to increased access and interaction with schools notwithstanding confidentiality laws.
19. The Department of Education implemented a “Safe Schools” initiative responding to increased school violence. The program incorporates such elements as a code of conduct disseminated to school districts statewide, the Zero Tolerance for Guns Act and alternative education programs.
20. Many school districts have initiated violence prevention and intervention programs including working closely with local police, parenting workshops, anger management, conflict resolution and training for teachers, students and the community.
21. In an effort to protect students, some school boards have authorized the installation of metal detectors, security devices and cameras.
22. Many nationally renowned programs implemented in schools across the country deal with adolescent violence, juvenile justice and delinquency, gun use and drug and alcohol control.

Juvenile Justice System:

23. According to the State Juvenile Justice Commission (JJC), violent juvenile crimes steadily declined in 1995 in New Jersey. Between 1996 and 1997, such crimes dropped by 11 percent and overall youth crime decreased by five percent.

24. According to the JJC, a larger share of juvenile arrests occur in select counties and urban areas. Serious and violent crime is largely (although not uniquely) an urban phenomenon.
25. According to 1997 data, juveniles in Family Court are predominantly male and the most common age group is 15 to 16 year olds. More than half of the juveniles entering court were minorities including African American, Hispanic, Asian and other.
26. In 1997, the New Jersey Family Court handled 68,513 cases of new delinquency complaints involving 43,543 juveniles charged with 116,252 offenses. Some juveniles come before the court on more than one occasion for more than one offense.
27. A total of 22.4 percent of the cases entering court involve a violent offense (i.e., simple assault, aggravated sexual assault and murder); about half of the cases docketed involve such offenses as shoplifting, simple assault, criminal mischief, possession of illegal drugs, alcohol consumption in public, burglary, harassment, aggravated assault etc.; about 20 percent of other cases involve offenses against public order as well as weapons charges.
28. According to testimony received from the State Juvenile Justice Commission, severe punishment is not a deterrent to juvenile delinquency. Harsh penalties and extended sentencing may remove dysfunctional youth from the streets temporarily. Early detection of behavioral anomalies reduces and prevents youth delinquency and violence. The real goal focuses on rehabilitation to prevent future adult criminal activity.
29. Juvenile delinquency complaints are forwarded to the Family Division of the Superior Court for screening. A screening officer has several choices including diversion from court.
30. The Family Crisis Intervention Units are designed for juveniles who experience problems such as family conflict or truancy. Approximately 307 Juvenile Conference Committees are in operation statewide, acting as arms of the court, to resolve minor juvenile offenses without formal court action.
31. The concept of “graduated sanctions” is being proposed at all levels of the juvenile and adult justice systems.
32. Community service is a commonly used disposition at all levels of the juvenile and adult justice systems. Liability presents non-profit community service organizations with some concerns.
33. In certain counties, juveniles charged with delinquent acts must wait two or more months before the matter is placed on the Family Court docket.

34. Twenty-one community-based residential programs offer an alternative to incarceration for juveniles and provides them with counseling, education, vocational and community service opportunities.
35. Currently, 198 probation officers handle about 17,000 juveniles under probation supervision in the State. The FY 2000 budget recommends \$1 million for 25 new juvenile probation officer positions. This will reduce the case load from 85 juvenile cases to 76 cases per probation officer.
36. According to the Administrative Office of the Courts, the Family Division staffing ratio survey indicates that 20% of all Family Division judiciary staff in the vicinages are devoted to the juvenile delinquency docket. About 18 percent of all judge time is allocated to juvenile cases. This represents about 20 full-time equivalent judges statewide and about 250 staff.
37. According to the AOC, juvenile sex offense cases that are filed present significant problems for the court and to service providers. As of December 31,1998, Probation Divisions reported that there were approximately 511 juvenile sex offenders on supervised probation.
38. While overall juvenile arrests declined nine percent from 1995 to 1997, the number of juveniles arrested for sex offenses remained stable during that period. Funding for juvenile sex offender treatment programs has not increased. The only facility operated solely for sex offenders is Pinelands with a capacity of 18 beds.
39. Juvenile courts lack the support systems necessary for mental health interventions.
40. Long waiting lists often frustrate the decision-makers and make attempts at meaningful intervention or rehabilitation difficult.
41. Some counties have developed chronic-offender programs. The AOC and JJC have opened dialogue about chronic-offender characteristics and intervention strategies. Risk factor screening is designed to identify juvenile chronic and violent offenders as early as possible.
42. Peer based campaigns against youth violence have proven effective. Many states have instituted “youth courts” whereby fellow peers act as jurors and “community service” is a tool in allowing at-risk youth and offenders to redeem themselves in the community and improve their quality of life.
43. The deployment of specially trained police officers can assist in deterring drug use and

- gang membership among youth.
44. Insufficient law enforcement records are maintained regarding those juveniles who engage in or who are suspected of minor offenses but who have no contact with the juvenile justice system other than interaction with a police officer responding to such delinquent acts.
 45. Currently, law enforcement officers depend on their own local record keeping system or contact with other departments to determine if a juvenile has had prior contact with the police and the nature of these contacts.

Restorative Justice Philosophy:

46. The Restorative Justice Project implemented by the Juvenile Justice Commission incorporates conflict resolution, educational reform, community school partnerships, neighborhood based policing strategies and clergy participation.
47. In some limited instances, New Jersey Family Courts have experience with restorative justice concepts. Family Court personnel and juvenile volunteers have performed peer mediation prior to a situation erupting into a more serious crisis.
48. Many states have embraced “restorative justice” approaches in handling juvenile offenders. The approach holds offenders accountable to victims through victim-offender mediation and rehabilitates offenders with community service and other community participation.
49. The Task Force surveyed 12 states that have adopted or considered a “restorative justice” model. The respondents indicated the importance of: training at the judicial and community levels and the availability of a plan, training guide and curriculum; the involvement of judges in the early stages of the process and the existence of citizen panels or justice boards to oversee the programs; the availability of victims services prior to implementation of victim-offender mediation; and the education of the public about the process and philosophy of restorative justice.
50. Victim-offender mediation, employed as a diversion from prosecution in certain cases, allows the victim and offender to mutually agree to actions an offender may undertake to allow for reconciliation and restitution.
51. Restorative justice concepts have been employed by other countries (i.e., New Zealand, South Africa etc.) to create dialogue and negotiation among victims, victimized communities and offenders.

Role of Clergy / Impact of Spirituality:*Academic and Other Observations*

52. According to a Brigham Young University (BYU) study, family and religious influences may strongly deter delinquent behavior. The study found that those youth for whom religion was an important internal aspect of their lives resisted peer pressure and avoided delinquency to a greater extent than those youth who had not internalized gospel teachings. **“Contrary to previous research, religion made a significant contribution to predicting delinquency even in competition with peer and family influences.”** (Chadwick, Bruce A. and Top, Brent L., “Religiosity and Delinquency Among LDS Adolescents,” Journal for the Scientific Study of Religion. Vol. 32, p. 86, 1993.)
53. Some leading religion scholars indicate that the U.S. Supreme Court rulings in the 1960s caused some educators to believe that “curriculum cannot include religion.” However, these scholars argue that exclusion of religious views from the curriculum places students at “a deep disadvantage in thinking critically about society’s truths.”
54. Historically, non-violence philosophy has resulted in great social strides. Teaching youth about the philosophy of non-violence and those leaders who emulated this philosophy might help to deter adolescent violence.

Findings

55. Faith based institutions and clergy have responded to youth violence by establishing youth, community development and outreach programs. Some of those testifying before the Task Force strongly support ‘restorative justice’ concepts in the juvenile justice system.
56. New Jersey law does not allow homeless and runaway youth to seek shelter on their own without first obtaining the consent of a parent, guardian or judge.
57. Some Task Force witnesses attested to the institutionalized violence of our times -- whether it is in government, its laws or the media -- and how adult behavior and sanctioned violence influences youth delinquent behavior.
58. Some clergy members who testified before the Assembly Task Force underscored that many youth grow up without parents or with one or both parents either in prison, suffering substance or alcohol addiction or other deadly ailment like AIDS. The physical conditions in which they live are substandard and depressing. They lack the necessary social support systems or the benefits of an extended family. In many circumstances,

these youth are forced to make grown-up decisions. Sometimes their frustration and grief may result in anger, violent and anti-social behavior.

News Media, Film, and Television:

59. A variety of studies have indicated that the long-term effects of viewing violence include: increased aggressive and anti-social behavior, increased desensitization to violence and its victims and increased appetite for violence in entertainment and in real life.
60. An alarming amount of violence is viewed by children. By age five a child will witness over 200 hours of violent images on television; by age 14 he or she will see over 13,000 separate killings; by age 18 the average American will have watched 200,000 violent acts and 40,000 murders.
61. Voluntary movie and television rating systems and technology have provided assistance and options for parents to monitor or assert some control over their children's viewing habits.
62. Technology, like the V-chip, has assisted parents with locking-out certain channels to which they may not want their children to have access.

RECOMMENDATIONS:

School Related Violence:

1. Promote and fund smaller schools (i.e., neighborhood schools or specialized divisions) to ensure that students receive personalized attention and do not get lost in the crowd, consequently resulting in alienation of that student.
2. Encourage local school districts to provide curriculum for pre-Kindergarten through sixth grade that educates students about gun accident prevention. Programs such as The Eddie Eagle Gun Safety Program can promote safe behavior.
3. Enact legislation that will limit access to firearms by juveniles, while remaining mindful that certain measures aimed at limiting the proliferation of weapons and unlawful use of weapons can be successfully implemented only if they are national in scope.
4. Enact a law, similar in nature to Washington state, to immediately arrest and detain as well as complete a mental health assessment of a juvenile who is found in possession of a firearm at school or in the community.

5. The Commissioner of Education should promulgate rules requiring schools to collect and report to the department information concerning the disposition by law enforcement authorities of students removed from school under the “Zero Tolerance for Guns Act,” P.L. 1995, c. 127. This information could thus be included in the Commissioner’s annual report to the Legislature on school violence and vandalism.
6. Prohibit a juvenile who is adjudicated delinquent of an offense involving use or possession of a firearm, which if committed by an adult would constitute a crime, from obtaining a handgun or firearms as an adult.
7. Empower teachers to identify children who display behavior patterns that may lead to violence and refer them for evaluation without parental consent to ensure they receive appropriate treatment as early as possible.
8. Require school administrators to conduct routine assessments of the violence that occurs in schools and accurately report their findings.
9. Provide incentives to schools that truthfully report violent incidents and initiate intervention programs aimed at reducing such occurrences at school.
10. Teachers who report incidents of violence should not be reprimanded or subject to negative evaluations.
11. Allow the decision to remove a violent or disruptive student from the classroom to rest with the teacher rather than the principal or superintendent, pending evaluation by the principal and other appropriate school personnel.
12. Develop and make available a curriculum that acquaints students with the non-violence philosophy and teachings of leaders who have advanced the cause of non-violence such as Mahatma Gandhi, Martin Luther King, Jr. and Mother Theresa of Calcutta. The Legislature enacted laws that discourage use of tobacco, drugs, alcohol and anabolic steroids and mandated Holocaust education. The teaching of non-violence and the moral values that underlie this philosophy is no less important.
13. Require statewide teacher training in “conflict resolution” and methods to identify violent youth.
14. Promote violence prevention training for students as part of their required education curriculum.

15. Ensure that all schools have immediate psychological counseling available for adolescent victims and witnesses of assault.
16. Encourage schools to inform students about community service including neighborhood-based and after-school programs that allow youth to contribute to their communities.
17. While the State Department of Education has established a statewide protocol for reporting school violence, schools should be encouraged to adopt guidelines for their community with direct input from parents, teachers and community residents.
18. School districts with a higher incidence of student violence should solicit volunteers from local non-profit organizations with appropriate credentials to help assess and assist at-risk youth. Proper coordination among the schools within a school district or within a region would prevent duplicative counseling services and maximize efficient allocation of resources.
19. Review current school policy of administering discipline to special education students pursuant to the federal Individuals with Disabilities Education Act (IDEA) and review the impact of such provisions in order to prevent tipping the scales of justice in favor of the juvenile offender.
20. Establish juvenile violence intervention programs and tailor them to meet the needs of specific at-risk groups.
21. Establish a teacher-mentor matchmaker program to ensure that troubled youth receive the kind of support, guidance and tutoring that will help them succeed.
22. Adopt a statewide memorandum of understanding between school districts and the family courts regarding the notification of principals before the court ordered reinstatement of juvenile offenders.
23. Encourage regular meetings between county principal associations and Family Court judges to ensure proper communication and information sharing.
24. Take steps to ensure that a law enforcement or prosecuting agency contacts school principals concerning a juvenile charge, adjudication, or disposition prior to the return of a child to school.
25. Allow probation officers to use school facilities to meet with youth who are under their supervision to impress upon students that delinquent acts result in real consequences.
26. Establish a school safety committee at each school to develop and implement a long-term action plan for violence intervention and crisis management with input from parents,

school personnel and students.

27. Review the existing procedures and due process requirements to determine how violent and disruptive students may be more expeditiously placed in alternative education programs.
28. Encourage school districts to adopt a crisis management plan for each school to specify procedures to be followed in the event of a school shooting or other violent crisis.
29. Encourage local authorities and institutions (i.e. school boards, schools, court system) to impose an immediate consequence (i.e. community service) for deviant acts committed by juveniles within schools and the community.
30. State funding of violence prevention programs should consider the program effectiveness in fostering partnerships among local institutions, organizations and individuals most closely involved with young persons.

Juvenile Justice System:

31. Invest in independent living programs and transitional living facilities to provide support for youth who cannot return to their family.
32. Establish local and regional youth advisory panels to actively provide youth input concerning the planning, implementation, operation and assessment of programs for juveniles at-risk at schools and in communities.
33. Reallocate Family Court resources and funding to target early and first-time juvenile offenders. Early prevention efforts and placement into appropriate programs can reap longterm benefits by reducing recidivism.
34. Provide additional resources for programs to identify and divert a portion of the chronic offenders from further involvement with the court system.
35. Appropriate monies to the Family Court Division for the purpose of automating on-line information so that judges and decision-makers can immediately identify appropriate services at the time of disposition.
36. Increase staffing for juvenile delinquency cases including probation officers by appropriating \$4.7 million in addition to the \$1 million increase recommended for FY 2000. This would reduce the case load to 50 juveniles per officer, considered to be the optimal case load according to the Administrative Office of the Courts.

37. Additional funding should be considered for residential youth centers, sex offenders treatment at Juvenile Justice Commission secure facilities and local treatment programs.
38. Increase access to medical residential treatment for juvenile offenders with psychological problems so that Family Court judges can appropriately place and treat a child who demonstrates self-destructive or potentially violent behavior.
39. Reduce the docketing time for juvenile matters so that young offenders can experience the immediate consequence of their delinquent acts.
40. Grant protection from liability to private non-profit organizations that use community service workers to ease the concerns of some agencies and expand the number of sites available for community service.
41. Consider mandatory counseling as an alternative to incarceration under certain circumstances.
42. Increase resources for after-care programs to ensure that youth returning to socially and economically depressed living environments or dysfunctional family situations do not return to delinquent behavior.
43. Implement pilot programs such as the Paterson Village Initiative that foster direct communication between the Juvenile Justice Commission, law enforcement, and communities to maximize efficiency and coordination in the delivery of social service support systems.
44. The Administrative Office of the Courts in consultation with the Juvenile Justice Commission should evaluate existing programs and interventions directed toward at-risk and violent youth and expand those services which are successful.
45. Explore the feasibility of establishing a pilot program similar in nature to “*Youth Force’s*” Community Justice Center *Youth Court Program* to allow peers to act as jurors concerning the disposition of cases involving juvenile offenders.
46. Provide additional funding for local law enforcement activities directed toward youth in schools and in communities.
47. Establish a police liaison program whereby a single police officer serves as a liaison to each school to foster stronger relationships with the students as well as the faculty.
48. Encourage law enforcement to employ fuller record keeping concerning juvenile offenders in the early stages of delinquent behavior who may not go through the juvenile justice system.

49. The Judiciary should investigate the viability of modifying its information system to incorporate a “juvenile screen” or “registry” modeled on the Domestic Violence registry that is being successfully implemented statewide. The law enforcement community could benefit from access to juvenile delinquency records for a variety of investigative reasons including the decision to “adjust” a complaint at the station house level rather than file a complaint.
50. Consider providing fiscal or other tax incentives for companies which train and hire at-risk or rehabilitated youth.

Restorative Justice Philosophy:

51. Study the viability of amending the State confidentiality statutes to allow victims’ access to certain information relating to the crimes perpetrated against them.
52. Establish statewide victim offender mediation programs to which judges, prosecutors, probation officers, law enforcement and community groups can refer certain minor juvenile offenders.
53. Expand the Juvenile Justice Commission’s (JJC) current efforts at implementing restorative justice principles throughout New Jersey’s juvenile justice system. The JJC, in cooperation with the Administrative Office of the Courts (AOC), should work to maximize “restorative justice” and “community dispute resolution” techniques in juvenile offense cases. The AOC should make a special effort to have Family Court judges, probation officers and prosecutors refer juvenile intake cases to restorative justice projects such as victim-offender mediation.
54. Establish a coordinating council with representation from the Juvenile Justice Commission, Administrative Office of the Courts, Department of Human Services, Department of Law and Public Safety, Department of Education and other appropriate public members to assess the most successful faith-based and non-profit programs for youth and act as the catalyst to replicate these model programs.
55. Provide additional State funding for grants to organizations which operate the most successful youth violence prevention, non-violence promotion, rehabilitation and restorative justice programs identified by the coordinating council.
56. The coordinating council (as per Recommendation # 54) should establish a Corporate-Business Youth Mentor Program statewide so that the local business community can

mentor at-risk youth.

57. The Department of Law and Public Safety, in coordination with the Juvenile Justice Commission, should make a concerted effort to identify federal monies for programs rated effective by the coordinating council.
58. Encourage the creation of partnerships among religious leaders and clergy operating youth violence prevention programs and business leaders in their communities to facilitate the training and employment of youth to the greatest extent feasible.
59. The New Jersey Commerce and Economic Growth Commission, in coordination with the State Department of Labor, should work with its federal counterpart agencies in identifying potential funding sources that may exist for youth summer and after-school employment programs.
60. The Juvenile Justice Commission, in coordination with the New Jersey Commerce and Economic Growth Commission, the State Department of Education, religious leaders and the business community should take the lead in establishing a partnership to place youth into paid internships during the school year or summer jobs.
61. The coordinating council (as per Recommendation #54) should organize an annual statewide conference or regional conferences to institutionalize inter-relationships among groups and experts in various disciplines.

Role of Clergy / Impact of Spirituality:

62. Amend the current State statute to permit young people to access sheltered services for a limited period of time without parental consent. Legislation should also provide for a collaborative process whereby those groups serving runaway youth work with the Division of Youth and Family Services (DYFS) and the Family Crisis Intervention Unit to facilitate more permanent arrangements for such youth so that they can be productive and self-sufficient.
63. The Legislature and Executive Branch (i.e., the Department of Human Services) should work together to identify a funding source to expand the number of beds for homeless and runaway youth and to assist organizations that provide quality outreach programs for youth.
64. Establish more private juvenile residential facilities across the State by working with clergy, specialized non-profit groups, community and business leaders to access the necessary monetary and in-kind contributions to establish such a network of facilities.

Media, Film, and Television:

65. School boards and communities should consider the viability of establishing educational media literacy pilot programs in elementary and secondary schools to de-mystify violent images and teach media literacy.
66. State government should work with private groups, community-based organizations, the film and television industry and the media to foster the creation and airing of public service ads and announcements on radio and television that would elucidate the distinction between much fictionalized violence and real violence.
67. Promote caution in news reporting by encouraging newspaper editors and radio and television news producers to exercise special caution when using banner headlines or leading new broadcasts with sensationalized stories that are particularly prone to the phenomenon of copycatting.
68. The Department of Education should convene a Statewide Educational Conference on Media Violence including educators, parent groups, journalists, youth agency heads, religious leaders, and representatives of the television and film industry. Such an event would sensitize adults to exercise more individual oversight and corporate responsibility in how violence can be reduced and mediated.

REPORT OF FINDINGS AND RECOMMENDATIONS

I. CHARGE OF THE ASSEMBLY TASK FORCE

Assembly Resolution No. 95 of 1998-1999, sponsored by Assemblyman Paul DiGaetano and Assemblyman Tom Smith, created the *Assembly Task Force on Adolescent Violence*. The Assembly Resolution required the Task Force to examine incidents of random adolescent violence and the factors influencing the behavior of persons who commit such violent acts and to recommend protective measures that may be taken, legislatively or otherwise, to deter these acts and to ameliorate their impact. The resolution refers to the violent incidents at schools around the nation since 1996 including Washington, Alaska, Kentucky, Arkansas and Pennsylvania in which youth killed fellow students, teachers or school administrators.

The recent violent incident at Columbine High School in Littleton, Colorado (a middle class suburb of Denver) in which 15 people died illustrates again that school violence is not confined to the inner cities. This incident is but the latest in a recent series of random and unfathomable acts of violence by adolescents in our society. The personalities and problems, social and psychological, of the perpetrators of these horrible crimes figured large in each case. But these incidents may also signal significant problems within American society. They certainly raise questions about family values, the basic philosophy which governs American institutions and whether respect for human life from cradle to grave has been diminished in our society. It is these issues, personal and societal, on which the Assembly Task Force on Adolescent Violence focused during its deliberations.

The Task Force consists of seven members of the General Assembly appointed by the Assembly Speaker, with not more than five members representing the same party. Pursuant to its enabling resolution, the Task Force is required to report its findings, conclusions and recommendations within 180 days after its organization and will expire 30 days thereafter.

II. FOCUS OF PUBLIC HEARINGS AND FIELD VISITS

The Task Force, under the guidance of the chairman and vice-chairman, developed a plan-of-action to provide for a comprehensive study of topics relating to youth violence. The Task Force held four hearings which focused on the juvenile justice system, violence in the schools, the role of non-profit organizations and the clergy in violence prevention and the promotion of non-violence, and the impact of television, movies and the news media on youth value systems and their behavior. The Task Force also visited facilities operated by the Juvenile Justice Commission, including the Juvenile Medium-Security Center and Valentine Hall unit for

girls in Bordentown and the high school at St. Joseph's Residential Group Center in Trenton. The Task Force members had the opportunity to participate in a discussion with youth who are in the process of being rehabilitated. The chairman also reached out to individuals with expertise in the Family Court system to ascertain their perspective on these matters.

The Task Force formulated its report on the basis of testimony taken from an array of individuals and groups as well as outside research and field visits. The Task Force took testimony from academic experts, teachers, principals and school administrators; professionals working inside the juvenile justice system; law enforcement officers; members of the clergy and other religious activists; and representatives of non-profit groups with expertise in counseling, rehabilitation, and violence prevention. In addition, the State's Administrative Office of the Courts was asked to provide additional information about its Family Court Division, which services juvenile offenders.

III. EXTERNAL FACTORS THAT INFLUENCE YOUTH VIOLENCE TENDENCIES

Numerous factors induce adolescents to adopt self-destructive and dangerous lifestyles. The violent behavior of young persons can be influenced by their peers, their own psychological characteristics, their immediate family and home environment, conditions in the community where they live, their school environment, the lack of moral and spiritual values and other important factors.

"I think we've embraced violence...The Pope calls us a culture of death and I think we have degraded human life systematically in our movies and our laws. There's just a disrespect for human life that can only be resurrected through a rebirth of spiritual values."(Congressman Christopher Smith, Trentonian, April 21, 1999)

Understanding the roots of youth violence, including the use of firearms, requires an understanding of the influence of the wider culture on youth behavior. Various institutions (i.e. the media, public education system, religious organizations and families) play an important role in shaping the attitudes of young people toward violence. Providing youth with the capacity for hope, and not despair, requires the meshing of education, employment, housing, community-based assistance and spirituality into a comprehensive system of support for at-risk youth and juvenile offenders. A vital ingredient of this system is the use of innovative programs for violence prevention and rehabilitation, such as programs embracing "restorative justice" concepts.

IV. SCHOOL RELATED VIOLENCE

JUVENILE VIOLENCE AT SCHOOLS AND IN COMMUNITIES COULD BE AVOIDED BY APPROPRIATELY RECOGNIZING THE WARNING SIGNS OF TROUBLED YOUTH

Findings:

- At-risk youth exhibit behavioral warning signs such as low self esteem, loss of interest in school and learning, isolation, withdrawal, substance abuse, difficulty in forming peer and adult relationships, bullying, physical aggression, verbal threats, substance abuse, changes in behavior, disturbing writings, an inability to pay attention. Youth exhibiting such behaviors are crying out for help. (*SEE ATTACHMENT I*) Tragic consequences may result when responsible adults fail to respond.

“As a result of our blind neglect, we have created a generation of depressed and angry children who have numbed themselves to the world...In alarming numbers they are cutting and carving themselves, piercing and tattooing their bodies, attempting suicide, taking drugs and drinking alcohol, and perpetuating violence against others either just to feel something or to continue their numbness so as not to feel the pain of neglect and abuse. Many of our children feel disconnected from their families, their schools, and their communities. It is time that we take responsibility to reconnect our youth.” -- Kathleen Gebhardt (Clinical Social Worker and Mental Health Specialist, Bloomfield School District)

- School officials are not always informed, to the degree permitted by law, regarding the offenses committed by the juvenile. Also, existing and proposed federal and State special education regulations pursuant to the federal Individuals with Disabilities Education Act and State Special Education laws may shield classified students from adhering to a uniform standard of behavior.
- Special education regulations create a dual standard of discipline among students.

“...A separate standard exists for discipline of classified youngsters, and that has got to change...since out in the real world there is no separate standard. A police officer, when you commit a crime, doesn’t say, ‘well, are you special ed or classified?’ He treats you in the same manner as he treats everyone else out there in the real world...I believe we have a duty to teach them that there is one standard of conduct in this State....” -- Jack DeTalvo, EdD., (Superintendent of Schools in Perth Amboy)

- Based on years of experience providing outreach to at-risk youth, a non-profit group called Substance Abuse Resources identified some disturbing trends among teens: Teens
 - view violence as a normal part of life;

- perceive aggression as the natural means of solving conflicts with peers and adults;
- view fights as entertainment without regard to consequences;
- fight when challenged due to fear of verbal and/or physical humiliation;
- retaliate with physical aggression to verbal insults;
- fail to respond to traditional discipline as a deterrent to future acts of violence; and
- lack the competence and/or the willingness to find and utilize alternative methods of conflict resolution.

“It is the pattern of behavior and not the single incident that is the warning sign. But there are no educational, social service, or juvenile justice groups that systematically address the need for schools and communities to profile and prevent major problems.” -- Jeannette Haviland-Jones, Ph.D. (Professor of Adolescent Development, Rutgers University)

- Experts consistently link gang presence, hate-motivated behavior, and drug use with violence in schools.
- Harassment, bullying, date rape, and other forms of victimization of girls have increased. Homophobia also generates hostility and violence among juveniles in society.
- Factors that contribute to youth violence include: physical abuse or exposure to abuse, poverty, use of drugs and alcohol by children or their parents; the availability of guns and weapons; lack of adult role models, sex and violence in the media, television, and video games; lack or absence of parental supervision; failure to recognize early warning signs of at-risk behaviors in children; inconsistent accountability in the court systems for juvenile offenders and lack of resources and appropriate community after-care programs; and lack of effective teaching strategies and classroom management techniques that meet the needs of students.

“Adolescence is sometimes too late. By the time a child becomes an adolescent, their sense of the fairness or unfairness of the world is pretty well formed. If a child has learned that those around him feel justified and entitled to hurt others, if they themselves are hurt or if their exploration of the world is met with a smack in the head or worse yet, no response at all, it becomes very difficult to convince such a child that their existence matters.”
-- Nicci Spinazzola, Ed.D (Director of the ALLIES Adolescent and Family Services Department of the Richard Hall Community Health Mental Health Center, Somerset County)

- In contrast to traditional thinking, some research indicates that the size of a school can affect, not only a child’s ability to learn, but also a student’s behavior.

“A critique of the comprehensive high school... suggests that high schools have become too large. Modern high schools often find it impractical to monitor individual student needs very sensitively. Teachers really do not come to understand the problem of hundreds of students who file in and out of their classes each year. Students are prone to drift through large high schools without attention or direction unless they stray egregiously off course. Many students are beneath their level of ability... Smaller schools are putatively less vulnerable to these problems. They may also be better able to foster the teamwork, esprit de

corps, and focus of effective schools.” -- *John Chubb and Terry M. Moe, Politics, Markets and America’s Schools (Brookings Institution,, Washington, D.C.) June 1990, p. 104.*

“While larger districts in lower income areas may access greater resources than do small districts, the higher incidence of ‘exceptional problems’ (i.e. delinquency, drug abuse, learning disabilities) in such contexts introduces constraints and contributes to reduced organizational performance.” -- *Anthony Bryk, Valerie Lee, and Julia Smith, “High School Organization and its Effects on Teachers and Students: An Interpretative Summary of the Research, Invitational Conference on “Choice and Control in American Education.” revised November 1, 1989, p. 10-11.*

Recommendations:

1. **Promote and fund smaller schools (i.e. community schools or specialized divisions) to ensure that students receive personalized attention and support. Smaller schools are more able to tailor education to the individual student thereby preventing that student from slipping through the cracks or getting lost in the crowd and consequently resulting in alienation of that student.**

“Schools or ‘schools within schools’ with about 500 students have greater educational and extra-curricular participation from all students. They get more positive feedback about the school and about schooling in general, and they have less violence. In these settings, students take more responsibility that exercise their mature abilities and educators are more democratic...The larger the school, the more students, parents, and teachers are alienated and the more problems occur. In spite of this, we do not have any more schools in the United States than we had in 1950. We have consolidated and made larger and larger schools. This is a mistake from the point of view of preventing hostile behavior or promoting self-control and positive behavior. Adolescents, and particularly mature adolescents, are very vulnerable to the more authoritarian context of the larger schools and easily alienated, fall through the cracks....” -- *Jeannette Haviland-Jones, Ph.D.(Professor of Psychology, Rutgers, The State University)*

- The Task Force visited St. Joseph’s Residential Group Center in Trenton, which is an alternative to traditional incarceration for young men and women 15 to 18 years old. Youth at this facility discussed their sentiments about how the traditional public school system failed them. In contrast, the smaller setting of St. Joseph’s enhances open communication through peer groups, makes learning fun, gives students a sense of worth and purpose and makes them aware of the destructive effects of drug and alcohol use.

“Now I feel like a big man. I feel like I’m worth something here. It feels like I matter.”
-- *Student Vice President, (St. Joseph’s Student Government, Trenton, Assembly Task Force field trip, March 22, 1999)*

STATE GUIDELINES CONCERNING STUDENTS' GUN USE IN SCHOOLS**Findings:**

- P.L. 1995, c.127, the “Zero Tolerance for Guns Act” requires the removal of pupils who possess a firearm or commit assaults with weapons other than firearms from the regular education program and their placement in an alternative education program, pending a district board of education hearing.
 - The federal Gun-Free Schools Act (GFSA) requires states to make and send an annual report about the implementation of firearms policy to the U.S. Secretary of Education. The report should specify the type of firearm, grade level of the student, the total number of student removals from the regular education program and the number which were modified, as well as the number of modified cases for students without disabilities, and the number of students who were referred to other schools.

NATIONAL AND STATE TRENDS: YOUTH VIOLENCE INCLUDING USE OF FIREARMS**Findings:**

- At a recent White House conference, the U.S. Secretary of Education released a report indicating that 90 percent of schools report no serious violent crimes such as robbery and weapon attacks despite the widely reported string of shootings across the nation that led to tightening of security at schools. While that conference released national figures that indicate school crime and juvenile crime has declined, gang activities appear to have risen and more children are afraid of violence at school.
- According to the annual reports of the New Jersey Commissioner of Education, from 1995-1996 to 1997-1998 total incidents of violence increased from 11,907 to 14,147. Weapons offenses increased from 1,275 to 1,589 during that same period. (***SEE ATTACHMENT II***) However, a recent Trenton Times article indicates substantial under-reporting of such incidents by local school districts.
- Total incidents of substance abuse by students in New Jersey was 3,761 for the 1995-1996 academic year and increased to 4,214 for 1997-1998. (***SEE ATTACHMENT II***)

- According to a U.S. Department of Education “*Report on State Implementation of the Gun-Free Schools Act (School Year 1996-1997)*,” an estimated total of 6,093 students were removed nationally for the academic year of 1996-1997 for firearms possession. These students ranged from 5 to 17 years of age.
 - Fifty-six percent of those removed were high school students, 34 percent were junior high students, and nine percent were elementary students. Fifty-eight percent were removed for bringing handguns to schools, seven percent were for bringing shotguns or rifles, 35 percent were for other types of weapons like bombs, grenades, or starter pistols.
- New Jersey removed fewer students for bringing firearms to schools than certain other states.
 - New Jersey removed a total of 57 students for firearms violations in the 1996-1997 academic year compared to 62 expulsions in Arkansas, 723 in California, 475 in Colorado, 202 in Florida, 250 in Illinois, 109 in Indiana, 88 in Louisiana, 318 in Missouri, 128 in New York, 937 in Ohio, 200 in Pennsylvania, and 80 in Utah. (***SEE ATTACHMENT III***)
 - Seven elementary, 23 junior high, and 27 senior high school students in New Jersey were removed for bringing some kind of firearm to school in the 1996-1997 academic year. Twenty of those removals were modified to under one year.
- Students who said they brought a gun to school or engage in some type of violent act in school are most likely to live with only one parent, be in trouble with the police, join gangs, be involved with some sort of substance abuse, and not make good grades. (*Source: MSNBC News, Miguel Lianos, “Fewer Kids Say They Took Guns to Class,” June 18, 1998*)

ADOLESCENT ACCESS TO FIREARMS

Findings:

Gun Safety Education

- Since its inception in 1988, The Eddie Eagle Gun Safety Program has reached 12 million children through thousands of law enforcement agencies, school systems and numerous civic groups in all 50 states, Canada and Puerto Rico.
- This program promotes gun accident prevention for children in pre-Kindergarten through sixth grade by teaching a simple safety message so they know what to do should they come upon an unsecured firearm. The program teaches children that guns are not toys and promotes safe behavior.

- The legislatures of 19 states enacted resolutions recommending the use of this program.

State and Federal Laws/Legislation

- Tragedies such as the recent killing of 15 persons at Columbine High School in Littleton, Colorado point up the ready accessibility of firearms to adolescents who wish to carry out violent acts. In Littleton, the firearms with which two youths devastated their high school and killed themselves were apparently purchased through legal and illegal means. Other violent incidents have been perpetrated by youths who secured the firearms from their homes, without the permission or knowledge of parents.
- In Littleton, the youths involved were both under age 18. Under state law, they were too young to purchase long guns but permitted to own them. The two shotguns and a 9-mm carbine which the youths used in their rampage were purchased by a friend who was 18 years old. It was uncertain how the pair obtained the TEC-DC9, a rapid fire assault pistol, which they were not legally permitted to purchase or possess. The initial investigation suggested they purchased this weapon from a private individual who obtained it at a gun show.

"...nearly 200 children in America 14 and under are killed unintentionally by gunfire every year. Four times as many are hospitalized. There are about 1,400 firearms suicide deaths per year of children and teens 19 and under. The names Springfield, Pearl, Edinboro, Paducah and Jonesboro remind us what can happen when disturbed adolescents and children get their hands on firearms...The technology exists now to design and manufacture what we call child-proof handguns. These handguns...are designed and manufactured so they can only be operated by an adult authorized user or users." -- Bryan Miller, (Ceasefire New Jersey)

- New Jersey firearms statutes are among the strictest of any state in the nation. In New Jersey, a person who knowingly sells or transfers a firearm to a person under 18 is guilty of a crime of the third degree. However, this law and similar laws will not necessarily prevent such a transfer to an adolescent who is determined to possess a firearm. Increasing this penalty for instances in which the firearm is used in a crime may have a deterrent effect. Heightening enforcement efforts at gun shows might also curtail the illegal transfer of firearms, although federal laws and law enforcement are more likely to be effective in this instance than individual state efforts.
- Bills have been introduced in the New Jersey Legislature that would require that, in three years, handguns sold in the State be "child-proof," i.e. embody technology which allows the gun to be fired only by an authorized or recognized user. During the three year period, handguns that are not child-proof would have to be sold with a trigger lock. Other State legislation would provide rebates for the purchase of trigger locks, raise the age for handgun purchase from 18 to 21, and authorize a police officer to conduct a weapons search at the home of a student who brings a gun to school.

- In the wake of recent school violence, President Clinton proposed several federal initiatives to control the distribution of weapons to juveniles and others who may use them irresponsibly. These include requiring Brady background checks on the purchasers of all firearms at gun shows; permanently prohibiting violent juvenile offenders from acquiring firearms; raising the age for purchase of a handgun to 21; requiring child safety locks on guns; increasing penalties for the transfer of guns to juveniles, and holding adults responsible for child access to firearms.
- State regulations prohibit participation of licensed firearms dealers at gun shows in New Jersey. This restriction appears to discourage the holding of gun shows in this State. However, participation in such shows by private collectors, who are not licensed dealers, is not prohibited. Under New Jersey law, firearms sales by individuals are subject to the same background check requirements as sales by licensed dealers. Pending federal legislation would make firearms purchasers at gun shows subject to “Brady” instant background checks.
- Children who possess or use firearms at schools must be immediately removed and placed in an alternative education program for a period not less than one calendar year, pursuant to P.L. 1995, c. 127. The law further requires the school principal to notify the appropriate law enforcement agency of a possible violation of law. However, prosecution for such violations may be more the exception than the rule. An inquiry made to the N.J. School Boards Association and the N.J. Department of Education indicated that no data appeared to be available regarding follow-up by the juvenile justice system in these instances.

Recommendations:

2. **Encourage local school districts to provide curriculum for pre-K through sixth grade that educates students about gun accident prevention. Programs such as the Eddie Eagle Gun Safety Program can promote safe behavior.**
3. **Enact legislation that will limit access to firearms by juveniles, while remaining mindful that certain measures aimed at limiting the proliferation of weapons and unlawful use of weapons can be successfully implemented only if they are national in scope.**
4. **Immediately arrest and detain as well as complete a mental health assessment of a juvenile who is found in possession of a firearm at school or in the community. Washington state has recently enacted a law of this nature and New Jersey should consider enacting such a law.**

5. The Commissioner of Education should promulgate rules requiring schools to collect and report to the department information on the disposition by law enforcement authorities of students removed from school under the “Zero Tolerance for Guns Act,” P.L. 1995, c. 127. The department should compile this information and include it in the Commissioner’s annual report to the Legislature on school violence and vandalism, pursuant to section 3 of P.L. 1982, c. 163 (NJSA 18A: 17-48)
6. Prohibit a juvenile who is adjudicated delinquent of an offense involving use or possession of a firearm, which if committed by an adult would constitute a crime, from obtaining a handgun or firearms as an adult.

SOME EXAMPLES OF VIOLENCE IN NEW JERSEY SCHOOLS

Findings:

- New Jersey experienced a barrage of school violence incidents during 1998.

“A seventh grade boy, 13 years old, was suspended from school last June for about ten days for compiling a hit list of 18 students and three teachers entitled, “People to Get and Kill.” I personally questioned this student regarding what he meant by people to get and kill. I was convinced at that time, and continue to be convinced that he intended no harm.” -- *Harvey N. Altman (Principal of Memorial Junior School in Hanover Township)*

 - At New Providence High School a 15-year-old boy threatened one of his teachers by pointing his hand at her in a gun-like manner and threatening bring back a gun.
 - In Morris County, a Memorial Junior School student was suspended for having compiled a list of 21 students and teachers he wanted to hurt.
 - A similar incident also occurred in Parsippany when a seventh-grader compiled a list of 50 students and teachers he wanted “gone.”
 - In Plainfield, an elementary student of Emerson School was suspended for threatening to return to school with a gun after a fight.
 - In reference to the Jonesboro, Arkansas incident, an anonymous message warning of a false fire alarm to ambush students was left at Matawan Avenue Middle School in Aberdeen.
 - A teenager of North Hunterdon High School was arrested for possession of a knife.
 - In Secaucus, a 13 year old boy held a gun to his friend’s head to impress a female classmate.
 - In Middletown Township, an 18 year old attending High School North, shouted “you’re dead” to one of his teachers and was not allowed to graduate with his class.
 - In Piscataway, a boy was beaten badly by another student while waiting at his school bus stop.
 - In North Brunswick, an 8 year old boy was arrested for stabbing a 7 year old girl.

- A fifth-grader from Woodbridge was suspended for telling a crossing guard that he was going to come back to school with a handgun.
- A 9 year old girl from Hazlet was suspended for threatening to kill a classmate. She threatened her because she was asking too many questions in class.
- A teenager from Plainsboro was arrested and tried as an adult for allegedly kicking a boy at a school bus stop and permanently damaging his pancreas.

ACTION TAKEN BY SCHOOL ADMINISTRATORS AND THE EDUCATIONAL COMMUNITY TO STEM VIOLENCE IN THE SCHOOLS

Findings:

- On a national level, 95 percent of adolescent violence occurs outside of schools. However, most schools lack sufficient resources to implement violence prevention programs.
- Ninety-nine percent of school violence incidents occur during students' entrance into school, exit from school, lunch periods, and change of classes due to a lack of supervision when large numbers of students interact.
- Many teachers and youth-service providers do not receive substantial or consistent training in conflict resolution or mediation and, therefore, cannot identify potentially violent youth or appropriately intervene during violent episodes.
- The New Jersey Principals and Supervisors Association supports strong enforcement of the existing State statute that requires school principals to report incidents of school violence and assaults on staff members (N.J.S.A. 18A:37- 2.1).
- Teachers may be reluctant to report acts of violence and vandalism to the principal for fear that this may indicate a lack of classroom management skills which will be reflected in their evaluations.
- Oftentimes, principals hesitate to report acts of violence to the district superintendent due to the stigma that it attaches to the school. Schools with high incidents of violence may not receive certain grants.
- New Jersey's "Zero Tolerance for Guns Act" (P.L.1995, c.127) holds a principal responsible for removing from school any pupil found in possession of a firearm, but allows the school superintendent to modify this removal on a case-by-case basis.

- According to testimony received, many laws and regulations regarding student disruption and disorder are not properly enforced by school administrators due to the sentiment that suspension or expulsion from school is not a beneficial consequence. However, when students witness the consistent enforcement of such rules they realize that certain disorderly conduct warrants prompt disciplinary action and develop a sense of responsibility for the safety and well being of others.
- The federal Individuals with Disabilities Education Act (IDEA) and State special education regulations create a dual standard of discipline among students.

“...A separate standard exists for discipline of classified youngsters, and that has got to change....since out in the real world there is no separate standard. A police officer, when you commit a crime, doesn’t say, ‘well, are you special ed or classified?’ He treats you in the same manner as he treats everyone else out there in the real world...I believe we have a duty to teach them that there is one standard of conduct in this State....” -- *Jack DeTalvo, EdD., (Superintendent of Schools in Perth Amboy)*

- The Department of Education currently requires only one alternative education school per county, regardless of the county’s population or student enrollment.
- A child study team is not permitted to evaluate a child who exhibits signs of dangerous behavior without parental consent. Presently, an emergency situation must arise before the school can petition the court for permission to evaluate the child without parental consent.

“The child study team should have the right, under the law, to evaluate that child and give the report to the parent only. It could be held strictly confidential. It’s just like if we’re in school and I tell you your child is doing poor in math, and you say, ‘No he’s not.’ If I don’t have a test to back it up, I can’t prove it to you. Maybe this will awaken parents...If a child has this propensity towards violence and we can catch it early and get them the psychological help they need...these children can be saved and so can our children.”
-- *Robert Crystal (Private Citizen, Barnegat Township Board of Education)*

Recommendations:

- 7. Empower teachers to identify children who display behavior patterns that may lead to violence and to refer those youth for evaluation without parental consent. Gatekeepers such as teachers, counselors, and administrators should refer such youth to the appropriate treatment programs as early as possible.**

- The Department of Education designed an intervention and referral services project to assist schools in identifying students with learning and behavioral problems.

8. Require school administrators to conduct routine assessments of the violence and victimization that occur in schools and to accurately report their findings. Such reports serve as a mechanism to measure the scope of the problem and to generate solutions for reducing the risk of perpetration and further victimization among youth in the school setting.
9. Provide incentives to schools that truthfully report violent incidents and actually initiate intervention programs aimed at reducing the incidents of violence at their schools.
10. Teachers who report incidents of violence should not be reprimanded or subject to negative evaluations.
11. Allow the decision to remove a violent or disruptive student from the classroom to rest with the teacher rather than the principal or superintendent. Such students should be removed from the classroom, pending evaluation by the principal, security staff, psychologist or child study team to ensure that other students in the class may learn in a setting without such distractions.
12. Develop and make available a curriculum that acquaints students with the non-violence philosophy and teachings of those leaders who have advanced the cause of non-violence such as Ghandi, Martin Luther King, Jr. and Mother Theresa of Calcutta. The Legislature enacted laws that discourage the use of tobacco, drugs, alcohol and anabolic steroids and mandated Holocaust education. The teaching of non-violence and the moral values that underlie this philosophy is no less important. These courses should be required for all students. (Also see Section VII of this report, p. 50-51)

“The aftermath of non-violence is the creation of the beloved community, while the aftermath of violence is tragic bitterness.” (*A Testament of Hope: the essential writings and speeches of Martin Luther King, Jr.*, edited by James M. Washington, Harpers Collins Publishers, 1986, p. 87)

13. Require statewide teacher training in conflict resolution and methods to identify potentially violent youth. Such training should extend to other professionals interacting with youth (i.e. administrators, support staff, bus drivers, custodians, and security guards) to ensure that volatile youth and their families receive the necessary assistance when the circumstances warrant.

- The Department of Education through UMDNJ provides teacher and administrator training in “conflict resolution,” but on a small scale.

14. Promote violence prevention training for students as part of their required education curriculum.
15. Ensure that all schools have made provision to provide or obtain immediate psychological counseling for adolescent victims and witnesses of assault. The aftermath of violence can traumatize those youth who witness violence and firearm assaults.
16. Encourage schools to inform students about community services, including high-quality neighborhood-based, after-school programs that provide opportunities for adolescents to pursue their interests and effectively contribute to their communities.
17. While the State Department of Education has established a statewide protocol for reporting school violence, schools should be encouraged to adopt guidelines for reporting school violence appropriately to their communities with direct input from parents, teachers and community residents.
18. In those school districts with a higher incidence of student violence, the district should solicit volunteers from non-profit organizations with appropriate professional credentials who can help assess and assist at-risk youth. Coordination among the schools within a school district or within a region would prevent duplicative counseling services and maximize efficient allocation of resources. Such a support system can help respond immediately to students exhibiting violent tendencies. Violence and trauma teams could also work with families and the community as a whole.

“The violence and trauma team would assist children who have a risky profile, would assist children who have been suspended for risky behaviors, and would assist communities when there has been a trauma.” -- *Jeannette Haviland-Jones, Ph.D. (Rutgers, The State University)*

19. Review current school policy of administering discipline to special education students pursuant to the federal Individuals with Disabilities Education Act (IDEA). Collect data on the impact of such provisions in preparation for re-authorization of the act. In certain cases, such special education regulations can tip the scales of justice in favor of the juvenile offender despite the severity of the offense committed.

“For example, we deal with...a very big issue in dealing with student discipline. That is the issue of special education students. The Federal IDEA has set out very strict requirements for how we have to handle special students. Facing that, we have given you a summary of how we deal with them, but in fact, it causes us a lot of problems....” -- *Debbie Bradley, Esq. (Director of Government Relations, New Jersey Principals and Supervisors Association)*

20. Establish juvenile violence intervention programs that enhance student self-esteem and respect for others, and to teach effective strategies to constructively deal with conflict. These programs should be tailored to meet the needs of specific at-risk groups.
21. Establish a teacher-mentor matchmaker program whereby an at-risk student is paired with a teacher-mentor team to provide that juvenile with support, guidance, and tutoring. Such a program would foster on-going communication between at-risk students and teachers. The program would also allow for individualized monitoring of a child's progress.

**GREATER COMMUNICATION SHOULD BE FOSTERED BETWEEN SCHOOLS AND
THE JUDICIAL SYSTEM CONCERNING YOUTH OFFENDERS AND AT-RISK
YOUTH**

Findings:

- According to testimony received, a lack of communication exists between the court system and the schools. No clear guidelines exist for sharing information between the schools and courts in dealing with delinquent students. Such strategies would foster a better understanding of the roles and constraints of the two systems.

“Basically speaking, we believe as you do, that we need better communication not only with law enforcement, but with the court systems. I think there is a lack of understanding between the respective spheres involved about the roles and responsibilities of each sector, as well as what constraints are on all of us.” -- Debbie Bradley, Esq. (N.J. Principals and Supervisors Association.)
- Due to overcrowding within the juvenile justice system, juvenile offenders may be returned to school due to a lack of an appropriate alternative placement. Schools may thus become holding tanks for delinquents who have spilled out of the Juvenile Justice system.
- Sometimes schools are not informed, to the extent allowed by the law, about the offenses committed by students who are returned to school by the courts. Lacking this information, school districts cannot meet the special needs of these youth.
- Both the Juvenile Committee of the Conference of Family Division Presiding Judges and the Juvenile Committee of the Conference of Family Division of Managers have recently discussed issues pertaining to increased access and interaction with schools, notwithstanding confidentiality laws.

“While there are several informal opportunities which exist statewide for linkages and communication among schools, the community and the court system (i.e., Multi-Disciplinary

Teams; Case Assessment Resource Teams; and Youth Service Commissions), it would be fair to say that these relationships could be substantially improved...Typically, the court feels that despite frequent invitations to school officials and requests for school representation on its various committees, commissions and task forces, there often is little or no response and no apparent interest in serving. Similarly, school administrators have come to feel that their effort to receive information about children charged with delinquency offenses have been thwarted in the name of confidentiality.” -- *F. Lee Forrester, (Presiding Judge Family, Mercer Vicinage, on behalf of The Conference of Family Division Presiding Judges)*

Recommendations:

22. Adopt a statewide memorandum of understanding between school districts and the family courts regarding the notification of principals before the court ordered reinstatement of juvenile offenders. This could be based on a protocol presently followed by some presiding court judges.

- Current law provides that the adjudication and disposition of a juvenile offense, shall upon request, be confidentially disclosed to the school principal where the juvenile is enrolled.

23. Encourage regular meetings between county principal associations and Family Court judges to ensure proper communication and information sharing so that the school and courts can better implement reporting procedures, necessary counseling and preventive measures for student safety.

“We need to be very clear on the message we send when we have a student who is picked up with an imitation firearm in the building, caught selling drugs, involved in a violent incident and marches back into my school within the space of a couple of weeks waving an order from a judge in his hands. We have now expanded the circle of kids who believe it is safe to push the edge of the envelope because, ‘what the heck, nothing happened to him.’”
-- *Frank W. Palatucci, Jr.(Principal, Highland Regional High School, Camden County)*

“The Judiciary would like to open lines of communication throughout the Juvenile Justice System.” -- *Administration Office of the Courts, Family Division, (Answers to Questions submitted by the Task Force on Adolescent Violence)*

24. Take steps to ensure that a law enforcement or prosecuting agency contacts school principals concerning a juvenile charge, adjudication or disposition prior to the return of a child to school, to the extent permitted by the law, whether or not the school or district is directly involved with the adjudication or disposition, thereby ensuring that school personnel can better handle situations that may arise.

- Current law requires a law enforcement or prosecuting agency to advise school principals concerning a juvenile charge, adjudication or disposition.

“I had another student arrive in my building with a court-appointed guardian with the same

letter instructing that he be enrolled and begin classes immediately, and no other information was given to me. Upon investigating, I learned that this student had not been in school since the previous May, nearly a year; that he had been removed from his previous school for calling in a bomb threat from the school's cafeteria; had been in court answering a series of assault charges, one of which involved the principal of the previous school; he had a weapons and a shoplifting charge on him...within an hour...I had faxed to me, by another judge not directly involved with this case, an order...that this student be enrolled immediately under threat of criminal contempt on my part." -- *Frank W. Palatucci, Jr. (Principal, Highland Regional High School, Camden County)*

- 25. Allow probation officers to use school facilities to meet with youth who are under their supervision. The visible interaction between the juvenile and probation officer can sensitize other school youth to the real consequences of delinquent acts. Some counties currently implement this policy on an informal basis.**

"Nationally, much success has been achieved via school-based probation programs. In addition to stationing probation officers in the schools (which enhances the level of supervision for the probationer), these programs generally provide the additional benefit of facilitating the exchange of information between the court and law enforcement, on the one hand, and the school system on the other." -- *F. Lee Forrester, (Presiding Judge Family, on behalf of The Conference of Family Division Presiding Judges)*

THE NEW JERSEY DEPARTMENT OF EDUCATION PROGRAMS DEALING WITH SCHOOL VIOLENCE

Findings:

- Some experts attending an October 1998 Rutgers University forum on school violence recommended that schools teach problem-solving and other social skills to reduce the risk of violence. The absence of extended family has negatively impacted on youth's ability to resolve conflicts peacefully.
- In 1994, the Department of Education initiated a 'Safe Schools' initiative responding to increased school violence. The 'Safe Schools' initiative incorporates:
 - **A Model Code of Conduct**, disseminated to school districts statewide, provides the framework for schools to develop their own codes. The department is currently updating the model code and compiling a fact sheet to help school districts and parents work together to help students develop positive attitudes and act responsibly.
 - The implementation of **Zero Tolerance for Guns Act** (P.L. 1995, c.127) (See p. 6 for further description).
 - The revision of the **Violence, Vandalism, and Substance Abuse Incident Reporting**

System to provide more reliable data, which includes information on firearms possession and assault with firearms.

- The expansion of **alternative education programs** for violent and disruptive students across the State, especially within certain high risk school districts. Students who violate the firearms statutes are also placed into such alternative education facilities. These county approved programs enrolled over 600 students during the 1996-1997 school year.
- The implementation of P.L. 1994, c. 56 whereby the Attorney General and Commissioner of Education established guidelines to promote information sharing between law enforcement and school officials during juvenile investigations.
- The implementation of **Neighborhood Community Service Centers** at schools to provide comprehensive educational, recreational, and social services to students and their families after school and on Saturdays.
- The implementation of the **Individual Referral Services for General Education Pupils Project** which assists school personnel in forming student support teams that identify and intervene when students fall behind due to behavioral or academic problems. A video series produced in conjunction with the New Jersey Network instructs school personnel on how to identify at-risk students and refer them to appropriate school and community resources.
- Oversight of federal grants (\$9.1 million in FY1998) to local education agencies under the **Safe and Drug-Free Schools and Communities Act** for the purpose of promoting juvenile risk reduction initiatives. The Juvenile Justice Commission administers alcohol, drug abuse and violence prevention programs for youth placed in juvenile facilities. The Administrative Office of the Courts administers a **Community Service Learning for Adjudicated Youth Grant Program** and an **Education and Law Partnership Grant Program**. These programs link State and county law enforcement agencies, county prosecutors, State government and school districts with educational prevention programs regarding violence, drugs and alcohol use.
- A **contract with the University of Medicine and Dentistry of New Jersey (UMDNJ)** to provide intervention services for sudden, violent events which occur in public and non-public schools with emphasis on crisis training, technical assistance, and skill development for public school personnel.
- A drop-out prevention grant program entitled **Promoting School Success** that serves at-risk youth outside of the school system. Six districts, selected from 193 districts, receive funding for this program. Program components include the development and expansion of drop-out prevention programs with pregnant parent teens, truant teens, or other at-risk, out of school students.
- **The New Jersey Character Education Pilot Program** which targets the Newark School

District, in partnership with the Jersey City and Paterson School Districts, to develop and implement character education in the elementary and middle schools through curriculum based on service learning strategies.

- The development and distribution of the school search manual by the **Department of Education and the Attorney General's Education and Law Enforcement Working Group** details student search conditions and protocol and establishes the Safe Schools Officer Program in which local police assist schools with security issues.

Administration officials maintain that this manual helps school officials respect students' rights to privacy while protecting other students from criminal acts associated with the use of weapons and drugs.

New Jersey v. T.L.O., 469 U.S. 325 (1985) focused on the issues of 'search and seizure' as well as 'the right to privacy.' In this case, the United States Supreme Court established that school officials do not need to obtain a search warrant or probable cause before conducting a search. The Supreme Court held that searches must be reasonable under present circumstances surrounding alleged action by a student and justifiable upon inception.

VARIOUS EDUCATIONAL GROUPS AND SCHOOL DISTRICTS HAVE IMPLEMENTED MODEL PROGRAMS THAT MAXIMIZE OUTREACH TO AT-RISK YOUTH AND YOUTH OFFENDERS AND PROMOTE SAFE SCHOOL ENVIRONMENTS

Findings:

- Since children spend at least six hours a day in school, this environment becomes a pivotal point of outreach for at-risk youth. Educators collaborate in interventions for children more than any other group of professionals.

“There is a growing body of knowledge among school professionals on what works: home visits, crisis intervention, social skills training. It is clear...that interventions that help families as families, rather than purely child-focused methods, help make and sustain changes. This is particularly true in families and communities in which there is a longstanding tradition of violence as a legitimate expression of rage and frustration.”
-- Nicci Spinazzola, Ed.D

- The New Jersey School Boards Association assists local boards of education in developing policies on violence, vandalism, and student discipline and identifying model programs and resources to facilitate the creation of safety procedures and crisis management plans for schools. Annual workshops and publications offer such instruction. At least 70 percent of schools involved with the New Jersey School Boards Association embrace its school violence policy recommendations.
- The Highland Regional School District in Camden County works closely with the Juvenile

Conference Committee in Gloucester Township to implement a peer mediation program that serves as a model for South Jersey. The program works with the courts during the evenings. Students appearing before the committee must participate in community service as a consequence of their misdeeds.

- The Perth Amboy School District has worked closely with the local police, specifically the juvenile detective bureau which routinely patrols sporting and other school events. The community's police serve as the school district's eyes and ears concerning students' activities at these events. Law enforcement's involvement supports a safe school and community environment.
- Memorial Junior High School in Hanover Township implements the following violence prevention measures: semi-annual parenting workshops and peer mediation and guidance courses for students to focus on self esteem, friendship, peer pressure, anger management, school survival, and conflict resolution; weekly faculty meetings on student analysis; monthly newsletters; guest speakers; and strong parental involvement.
- The Bloomfield School District implements programs that utilize both prevention and intervention strategies. Student assistant counselors work on conflict resolution and social skills training with groups or on an individual basis. Mental health specialists work full-time with guidance counselors and child study teams in elementary schools. The district dedicates an entire day to violence prevention by offering training and workshops to students, teachers, and the community.

"Our children are living in a faster-paced world. They experience stress and face more life and death decisions than we have in the past. Providing them with a clinically trained professional will help relieve some of that stress in critical and potentially life-threatening times." -- Kathleen Gebhardt (Clinical Social Worker and Mental Health Specialist, Bloomfield School District)

- The Plainfield School District initiated a Safe Schools Committee in 1997 comprised of district administrators, staff, community members, parents and students. This committee outlined a strategy for creating a safe school environment where learning is the primary focus. This strategy contains the following elements.
 - Use of the Lee Canter's New Assertive Discipline Program as a model for classroom training. The district uses materials of the Crisis Prevention Institute, Inc., for training selected staff members.
 - Training of school personnel to improve handling of cases involving potentially violent episodes.
 - A Discipline Review Committee consisting of teachers, child study team personnel,

principals, and others work with students to evaluate and appropriately sanction certain offenses.

- Disaffected and disruptive students are identified and tracked within the school system to ensure that repeat or potential offenders utilize in-school support mechanisms such as counseling and referral services.
- Schools within the district use peer counseling and peer mediation training to enable school staff to work with students, particularly as they enter high school.
- Alternative education programs exist in the middle and high schools. Police play a key role in the program.
- In an effort to protect students, some New Jersey school districts have installed metal detectors and security cameras in their schools to detect weapons and limit the entry of non-students.
- Many students in urban high schools, such as Newark and Jersey City, regularly pass through airport type portals. Such devices cost \$3,000 to \$5,000 each.
- Only a broad coordinated response involving educators, parents, community leaders, public and private agencies can produce a safe school and community.

“We must go beyond the zero tolerance policy. If we are going to invite law enforcement officers into the schools, let’s bring them to the collaborative table to work with teachers, parents, coaches, social workers, religious figures, etc., to develop a plan that will work, a plan that everyone agrees to follow child by child, family by family. This model can be utilized with children of all ages, education levels, and cultural/socio-economic backgrounds.” -- Nicci Spinazzola, Ed.D

Recommendations:

26. Establish a School Safety Committee at each school to develop, implement and evaluate a long-term action plan for continuous violence intervention and crisis management within schools. This committee would be composed of parents, school personnel and students.

- The action plan would address school management policy, disciplinary codes, crime and violence reporting, school response to off-campus crime, student involvement in safety planning, alternative education, a school safety curriculum, peer mediation and conflict resolution.
- The plan should also provide for enhanced training for school staff to enable them to better identify, report and deal with child abuse.

27. Review the existing procedures and due process requirements to determine how violent or disruptive students may be more expeditiously placed in alternative education programs. Remove the violent or disruptive students from classes where the majority of students do not have behavioral problems.
28. Encourage school districts to adopt a crisis management plan for each school to specify procedures to be followed in the event of a school shooting or other crisis. The plan should include effective procedures for communicating with the media, parents, staff, and police. It should make provisions for assisting victims, offenders and police, and address counseling for students and staff.
29. Encourage local institutions (i.e. school boards, schools, court system) to impose an immediate consequence (such as mandatory community service) for deviant acts committed by juveniles within schools and the community. Every effort should be made to place juvenile offenders in community service programs which illustrate the real consequences of violent acts on victims in order to sensitize violent youth to the harmful effects of their violence.

**NATIONAL PROGRAMS AND SPECIALIZED COMMUNITY BASED PROGRAMS
PLAY AN IMPORTANT ROLE IN VIOLENCE PREVENTION, OUTPATIENT
TREATMENT OF AT-RISK ADOLESCENTS AND THEIR FAMILIES, AND
ASSISTANCE TO SCHOOLS**

Findings:

- In 1996, *Substance Abuse Resources* in Monmouth County, received a three-year grant through the federal Office of Juvenile Justice and Delinquency Prevention to provide a violence prevention program, an agency for high risk youth in Asbury Park, Keansburg, Long Branch, and Neptune. The agency teaches conflict resolution to students and provides referrals for families in partnership with schools and community agencies.
 - A comprehensive primary prevention curriculum, **PROJECT CARE**, serves students in grades two through middle school. Youth learn skills to reduce anger, communicate needs effectively, and change the norms regarding violence. Middle school students with disciplinary problems receive more intensive assistance and after-school assistance.
 - **The Prevention Policy Board**, a coalition of community leaders including school personnel, police, youth leaders, parents, and students oversee and advise the PROJECT CARE staff.

- The *ALLIES Adolescent and Family Services Department* of the Richard Hall Community Health Mental Health Center in Somerset County provides intensive outpatient treatment to at-risk adolescents and their families at its Bridgewater facility. Such treatment includes family, group, individual, and art therapies. This facility offers an array of services to schools such as crisis management training, case consultation, and collaborative casework.
- Many national programs deal with adolescent violence, juvenile justice and delinquency, adolescence and gun use, and drug and alcohol control. *The National Justice Action Plan*, *Drug Abuse Resistance Education (DARE)*, *Law-Related Education (LRE)*, *Gang Resistance Education and Training (GREAT)*, *School Transitional Environment Project (STEP)*, and *Student Training Through Urban Strategies* are just a few of the programs being implemented in schools across the country.
- **The Resolving Conflict Creatively Program** is being implemented at 10 sites in the United States and one in Argentina. A group of teachers who noticed students becoming more violent and disruptive in their schools replicated the program in West Orange about seven years ago. Components of the program include:
 - A focus on the K-12 school population. Therefore, all students are exposed to conflict resolution concepts and peace-keeping practices, not just those directly involved with peer mediation training.
 - An average of 25 teachers are trained annually. Such training consists of methods in which conflict resolution ideas can be infused into the standard classroom curriculum. Trained teachers then mentor other teachers by providing them with materials and lesson models so that they may in turn teach peace education. The program is also geared toward parents and siblings.

Recommendations:

- 30. In allocating resources for youth violence prevention programs, State agencies should consider the program's effectiveness in fostering partnerships among local institutions, organizations and individuals most closely involved with young persons.**

"I would like to close with the plea that we understand that partnerships are not only desirable but that they are absolutely essential - partnerships between schools, between governmental task forces, and funding sources and the very kids they all wish to help."

-- Nicci Spinazzola, Ed.D

V. THE NEW JERSEY JUVENILE JUSTICE SYSTEM

THE SCOPE OF JUVENILE VIOLENCE IS ALARMING

Findings:

New Jersey Juvenile Crime Statistics

- Youth violence in New Jersey steadily increased during the late 1980s and paralleled the national rise in juvenile crime during the early 1990s.
- According to the State Juvenile Justice Commission (JJC), *“a disproportionate share of juvenile arrests occur in select counties and urban areas. This disproportionality is small when overall arrests are considered. However, this pattern is substantial when serious and violent offenses are considered as serious and violent crime is largely (although not uniquely) an urban phenomenon.”*
- According to the JJC, violent juvenile crimes steadily declined since 1995 in New Jersey. Between 1996 and 1997, such crimes dropped 11 percent and overall youth crime decreased by 5 percent.

Factors Influencing Juvenile Crime and Violence

- Simple conflicts between peers, acquaintances, relatives and families frequently culminate into inter-personal violence among youth. Such conflicts account for the majority of youth violence as opposed to the widely sensationalized gang violence.
- Many adolescents lack the educational and employment opportunities that will link them with the social system and ensure their economic success. Their inability to obtain jobs may result in the sale of drugs among youth.
- Early detection of behavioral anomalies as opposed to severe punishment reduces and prevents youth delinquency and violence.

Recommendations:

31. Invest in independent living programs and transitional living facilities to provide support for youth who cannot return to their family. Residential programs ensure the progress of previously incarcerated youth.
32. Establish local and regional youth advisory panels to actively provide youth input concerning the planning, implementation, operation and assessment of programs for juveniles at-risk at schools and in communities.

**INSTITUTIONS ADMINISTERING THE JUVENILE JUSTICE SYSTEM MUST
PROTECT THE PUBLIC AND HOLD YOUTH ACCOUNTABLE FOR CRIMES AND
OFFER THEM AN OPPORTUNITY FOR REHABILITATION**

Findings:

Delinquency Referrals to Family Court

- Not all arrests on delinquency charges lead to a police referral to Family Court. In 1997, 65 percent of arrests were referred to the court.
- According to the Juvenile Justice Commission (JJC), New Jersey Family Court handled 68,513 cases of new delinquency complaints in 21 counties involving 43,543 juveniles charged with 116,252 offenses in 1997.
 - This data shows that some juveniles came before the court on more than one occasion for more than one offense.
- According to 1997 data and consistent with the distribution of juvenile arrests, juveniles in Family Court are predominantly male and the most common age group was 15 to 16 year olds. More than half of the juveniles entering court (53.9 percent) were minorities, including African American (39 percent), Hispanic (13.1 percent), Asian (1.2 percent) and other (.6%).
- According to the JJC, the five most common charges at Family Court intake include shoplifting, simple assault, criminal mischief, possession of marijuana or hash and improper behavior. Other charges include, alcohol consumption in public, burglary, harassment, aggravated assault and possession of illegal drugs. These charges together represent about half of all charges docketed. A total of 22 percent of the cases entering court involved a violent offense (i.e. simple assault, aggravated sexual assault and murder). A wide variety of offenses including offenses against public order and administration as well as weapons charges compose about 20 percent of “other” cases. (***SEE ATTACHMENT IV***)
- Of the 21 counties, Essex had the greatest number of cases (9,354), charges (17,801), and juveniles (5,748). Hunterdon had the fewest cases. (*The Juvenile Justice Commission, Draft Juvenile Justice Master Plan, p.18*) Inevitably this pattern is exhibited in the number of juvenile arrests by county with Essex having 9,664 arrests (the highest) and Hunterdon having 691 arrests (the lowest). (***SEE ATTACHMENT V***)

The Juvenile Justice Commission

- P.L. 1995, c. 284 et seq. created the Juvenile Justice Commission (JJC) to protect the public and serve the State's youth. The act consolidated juvenile justice programs operated by the Departments of Corrections, Human Services, and Law and Public Safety in the commission which was placed in, but not of, the Department of Law and Public Safety.
- The JJC, in a December 1998 report, identified its key goals as: holding delinquent youth accountable for crimes, ensuring public safety, and enabling delinquent youth to become productive, law-abiding citizens.

The Juvenile Court System

- The New Jersey Code of Juvenile Justice (P.L. 1982, c.77 et seq.) is administered by the Superior Court, Chancery Division, Family Court Part, commonly known as the Family Court, rather than the criminal courts. Offenses range from breaking and entering to homicide, rape and arson. Most offenses committed by adults are also committed by juveniles. The ages of most offenders range from 13 to 18 years old, but many are as young as 11 years of age. Some offenders may remain in the juvenile justice system into their twenties.
- Juvenile delinquency complaints are forwarded to the Family Division of the Superior Court for screening. A screening officer has several choices, including diversion from court.
- The Family Crisis Intervention Units are designed for juveniles who experience problems such as family conflict or truancy. Such units offer services, short term counseling and out of home placement for a brief cooling off period. Only when the crisis cannot be stabilized does the matter get brought before a judge.
- Approximately 307 Juvenile Conference Committees are in operation statewide. These panels act as arms of the court to resolve minor juvenile offenses without formal court action. The Family Division Judge appoints six to nine citizens to each committee and the members receive appropriate training. Committees may recommend a curfew, counseling, an evaluation, community service, a career project, a job or other alternatives which ultimately must be approved by the Judge. Compliance with the order results in the dismissal of the complaint.
- The Intake Service Conference handles repeat minor offenses which are slightly more serious in nature. Compliance by juveniles with agreements imposed results in the

dismissal of a charge and no adjudication.

- Formal court hearings are held in cases involving repeat offenses, more serious offenses and first-time serious offenses. Options include confinement in a secure facility, probation, community service or participation in other service specific programs.
- The concept of “graduated sanctions” is being proposed for juveniles who are placed on probation. This could include simple reporting sanctions, participation in non-residential treatment programs or intensive supervision.
- Community service is a commonly used disposition at all levels of the juvenile and adult justice systems. **“The increasing reliance on community service as part of a mandatory sentence for many adult violations and offenses has reduced sites and “slots” available for juvenile offenders.”** (*Administrative Office of the Courts, Family Division*) Liability also presents non-profit community service organizations with some concerns.
- Case overload and procedural red tape oftentimes delay Family Court judges from bringing sanctions against juvenile offenders. Such sentencing delays can sever the connection between the actual offense and the consequence of such an act.
- The court is in the process of making organizational changes which will require for the first time that each county have a juvenile justice team. This reform, combined with improved procedures for processing complaints by law enforcement and prosecutors, more staff to process complaints and other tools, can ensure that complaints and cases are heard in a more timely manner.
 - In certain counties, juveniles charged with delinquent acts must wait two or more months before the matter is placed on the Family Court docket.

“One county has a rapid noticing system for one of its large cities. Juveniles appear in court within two days and are served with their call calendar date at the preliminary hearing. The Juvenile Delinquency Operations Manual suggests serving notice of subsequent hearings at hearings attended by the juvenile and parties.” (*The Administrative Office of the Courts, Family Division, Answers to Questions submitted by the Assembly Task Force on Adolescent Violence*)
- The FY 2000 budget recommends \$1 million for 25 new juvenile probation officer positions. This would reduce the case load from 85 cases to 76 cases per probation officer.
- The Family Division staffing ratio survey indicates that 20 percent of all Family Division judiciary staff in the vicinages are devoted to the juvenile delinquency docket.
 - About 18 percent of all judge time is allocated to juvenile cases. This represents about 20

full time equivalent judges statewide and about 250 staff.

“...we should point out the need for additional judicial resources, as well as staff to support these positions. Additionally, we should note that, as a Division, the Family Court currently operates at a staffing ratio of somewhere in the range of 80% of full staffing. Effective management of these cases realistically requires full (100%) staffing.” -- F. Lee Forrester, (Presiding Judge Family, Mercer Vicinage, on behalf of The Conference of Family Division Presiding Judges)

- Currently, information concerning critical and appropriate services is not available at the time of disposition. Judges do not have immediate access to this information through an automated system.
- About 25 percent of all cases are diverted from court action since they generally represent first time and relatively minor offenses. Cases handled by Family Court judges can be assumed to represent more serious offenses. Based on these assumptions, about 25 percent of the staff effort is devoted to the first-time or minor offenses and 75 percent of staff time and virtually all of the judge's time is devoted to more serious offenders.

Juvenile Offender Special Populations

Sexual Offenders:

- According to the AOC, “less than two percent of all delinquency cases docketed in the Family Division in 1998 represented sex offenses.” Despite these small numbers, the cases that are filed present significant problems for the court and to service providers.
- As of December 31, 1998, the AOC reported that there were approximately 511 juvenile sex offenders on supervised probation.
- While overall juvenile arrests declined nine percent from 1995-1997, the number of juveniles arrested for sex offenses remained stable during that period. Funding for juvenile sex offender treatment programs has not increased. The only facility operated solely for sex offenders is Pinelands which has 18 beds.
- In March 1998, a total of 48 juveniles were receiving treatment as sex offenders in Juvenile Justice Commission institutions. In 1999, 60 juveniles, an increase of 25 percent, were receiving such treatment.

Mentally Ill:

- Juvenile courts lack the support systems necessary for mental health interventions. While mental health screening is available through designated screening centers in each county, it

is tied to a local children's crisis intervention service.

- Other than a 24 hour evaluation period, the system "is basically devoid of short term residential mental health treatment." (*Administrative Office of the Courts, Family Division*) There is only one forensic children's hospital in the State, Brisbane, which houses a limited number of beds in a fairly secure setting.
- A few other children's medical facilities offer psychiatric evaluation services but juveniles whose problems come before the courts daily have insufficient access to these facilities.
- According to the AOC, long waiting lists often frustrate the decision-makers and make meaningful intervention or rehabilitation difficult.

Chronic and More Serious Offenders:

- Some counties have developed chronic-offender programs and the AOC and JJC have opened dialogue about chronic-offender characteristics and intervention strategies. Further formulation of strategies to deal with the recidivist may prove cost effective.
- According to the AOC, one county has a pilot program which provides for a 'risk factor' screening designed to identify juvenile chronic and violent offenders as early as possible.

Recommendations:

33. Reallocate Family Court resources and funding to target early and first-time juvenile offenders. Appropriate disposition of at-risk youth and juvenile offenders in the early stages of negative behavior can reap long-term benefits by reducing recidivism.

- A new study released by RAND, a California based non-profit, non-partisan research institute, found that "dollar per dollar, programs encouraging high-risk youth to finish school and stay out of trouble prevent five times as much crimes as tough 'three strikes you're out' type delinquency laws." (*NCSLnet., A Legislator's Guide to Comprehensive Juvenile Justice*)

"Compared to housing a juvenile in detention, investing in less costly interventions in a continuum of appropriate, accessible services and homes for children could in part come from existing funding sources, just reallocated in a different way...." -- *The Administrative Office of the Courts, Family Division, (Answers to Questions submitted by Task Force on Adolescent Violence)*

34. Provide additional resources for programs to identify and divert a portion of the chronic offenders from further involvement with the court system.

35. **Appropriate monies to The Family Court Division for the purpose of automating on-line information concerning all critical and appropriate services so that judges and decision-makers can immediately access the assistance at the time of disposition.**
36. **Increase staffing for juvenile delinquency cases including probation officers by appropriating \$4.7 million in addition to the \$1 million increase recommended for FY 2000. This would reduce the case load to 50 juveniles per officer, considered to be the optimal case load, according to the Administrative Office of the Courts.**
37. **Additional funding should also be considered for residential youth centers, sex offenders treatment at JJC secure facilities and local treatment programs. The State could reap long-term savings by investing at in-State facilities rather than placing juvenile offenders out-of-state in Pennsylvania, Virginia, and South Carolina, at rates ranging as high as \$100,000 per juvenile per year.**
38. **Increase access to medical residential treatment for juvenile offenders with psychological problems so that Family Court judges can appropriately place and treat a child who demonstrates self-destructive or potentially violent behavior. More funding should be provided for psychiatric evaluations and substance abuse evaluations for the courts to utilize in determining the risk, nature of the problem and appropriate remedies.**

“Even in those instances when there are adequate resources available, the inability to access these services for those who have the greatest need is beyond frustrating. It results in the court being forced to consider less appropriate alternatives and, thereby, reduces the likelihood of success.” -- F. LeeForrester, (Presiding Judge Family, Mercer Vicinage, on behalf of The Conference of Family Division Presiding Judges)

39. **Reduce the docketing time for juvenile matters to ensure that the offenders appear in court soon after their offenses. Such expediency will serve to emphasize the causal relationship between misdeeds and consequences.**
40. **Grant protection from liability to private non-profit organizations that use community service workers to ease the concerns of some agencies and expand the number of sites available for community service. Such protection is granted to public agencies which use community service workers.**
41. **Consider mandatory counseling as an alternative to incarceration under certain circumstances.**

Juvenile Rehabilitation and Intake Facilities

- According to the Juvenile Justice Commission, the typical juvenile justice cycle includes: placement of youth in county detention centers for a few weeks, followed by release or sentencing, which may include probation, placement in a community-based program or placement in a JJC secure facility. A judge frequently gives a juvenile 10 to 15 chances to turn his life around before remanding him to a secure facility.
- After juvenile sentencing, the classification process begins. Intake workers assess offenders at the New Jersey Training School for Boys (NJTSB) or at a Mobile Classification Unit that moves juveniles out of detention centers and into intake units.
- Other Juvenile Justice Commission facilities include:
 - The Juvenile Medium Security Facility (JMSF) to house high-security male offenders;
 - The Stabilization and Reintegration Program (boot camp);
 - Twenty-one community-based residential programs to provide services such as counseling, education, vocational, community service, etc.
- According to testimony received by the Task Force, severe punishment is not a deterrent to juvenile delinquency. Rehabilitation to prevent future adult criminal activity should be the primary goal of the juvenile justice system.

“Severely punishing the general adolescent for a single bad violation does not prevent major crime. It only criminalizes young people for adolescent risk taking and carelessness.”
-- Jeannette Haviland-Jones, Ph.D.

Recommendations:

42. Increase resources for after-care programs to ensure that youth returning to socially and economically depressed living environments or dysfunctional family situations do not return to delinquent behavior.

- The Task Force heard from youth placed at St. Joseph’s in Trenton and they underscored the need for after-school programs to prevent youth from getting into trouble.

INNOVATIVE PROGRAMS THAT TARGET AT- RISK YOUTH AND JUVENILE OFFENDERS

Findings:

- Multi-faceted programs, which address family, school, community, and spiritual components, appear most effective in rehabilitating adjudicated youth. Effective programs may average a 44 percent success rate. More typically the rate of success ranges between 20 and 30 percent. On average, two years after release from incarceration, two-thirds of juvenile offenders are rearrested.
- The *Restorative Justice Project* implemented by the Juvenile Justice Commission, requires juveniles to participate in community outreach initiatives to encourage their development as productive, law-abiding citizens. The project incorporates conflict resolution, educational reform, community development, community-school partnerships, community and neighborhood-based policing strategies, and clergy participation.

“Traditional case management strategies place primary responsibility for juvenile offenders on the juvenile justice system rather than engaging the community in finding creative solutions to the problem. A focus on individual cases fails to address larger causes of crime in the community.” --(*Office of Juvenile Justice and Delinquency Prevention, “Guide For Implementing the Balanced and Restorative Justice Model,” U.S. Department of Justice, December 1998.*)

“...at the Victims’ Law Center we proposed to some juvenile court judges that the kids be allowed to do community service with us...so that they can get the perspective of the victim. And this has happened up in Sussex County on a couple of occasions with juveniles, and I think it has worked quite well. So one of the things I would suggest to you is perhaps, in this issue of community service, that it at least be considered to be a bit more meaningful as opposed to having them scrub the floors in a hospital. Maybe they can get a realistic perspective of what it’s like to be a victim.” --*Richard Pompelio, Esq. (Executive Director and Founder, The Crime Victims’ Law Center)*

- *The Paterson Village Initiative*, a partnership between the Juvenile Justice Commission and local law enforcement (probation and parole) provides social services and community outreach to Paterson youth.

“We are working with communities, and many cities and towns have already taken up the challenge using such tools as conflict resolution, educational reform, community development, community-school partnerships, and community and neighborhood-based policing to address these issues. Towards that end, the Attorney General has been very active in developing what we are calling the Patterson Village Initiative, which is working with probation and parole in law enforcement to share information, to go out together in the streets, as well as bringing in the social services in Paterson. We have had some very significant positive results thus far and may be using this as a pilot for other programs around the State.” --*Paul Donnelly (Executive Director, Juvenile Justice Commission)*

- The United States Department of Defense authorized the establishment of *The New Jersey Youth Challenge Program*. New Jersey is one of the first of 15 states to implement the program. The program focuses on high school dropouts (ages 16 to 18) with limited criminal backgrounds.
 - The program consists of two five month semesters annually with an average enrollment of 100 students. The program costs range between \$13,000 to \$15,000 per pupil per semester. Average program enrollment is approximately 100 students. The costs associated with this program are much lower than other rehabilitative programs which may cost up to \$80,000 per juvenile annually.
- *The New Jersey Youth Corps*, administered by the Department of Human Services, has goals and objectives that parallel those of the *New Jersey Youth Challenge Program*. The initiative provides a second-chance to youth between 16 and 25 years old who have slipped through the cracks. It consists of approximately 12 statewide youth initiatives. The courts refer some participants to this program. The program in Middlesex County services more than 100 youth annually at a cost of approximately \$3,000 to \$5,000 per enrollee.
- Injured adolescents play a vital role in educating their peers about the consequences of firearms use and educate policymakers concerning effective strategies to reduce youth firearms violence. Programs such as *Rise Above It*, implemented by the Kessler Institute of the University of Medicine and Dentistry of New Jersey (UMDNJ) in Newark and Jersey City, employ these concepts.
- *Pulling Triggers*, a national program, works to discourage gun-related violence and trafficking and establishes job training and recreation programs in urban areas.
- UMDNJ collaborates with the Departments of Health and Education and the Juvenile Justice Commission to provide intensive violence prevention training programs to adolescents statewide.
- The Violence Institute at UMDNJ hosted a Youth Summit in May, 1998 that promoted communication between juveniles and administrators across various disciplines such as education and health care. The institute has also established a computerized data base about available program resources for youth in communities across the State.
- Peer based campaigns against youth violence may also be quite effective. Twenty-Five states have teen courts. (*Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1996*) A New York City youth group called "*Youth Force*" has been active in providing young people with leadership training, hands-on organizing and youth-led advocacy. This group has helped young people develop hundreds of projects that have improved their lives and developed a link between them and the community. "*Youth*

Force” recently created a *Community Justice Center* in South Bronx to reduce and prevent youth involvement in the juvenile and criminal justice systems. A youth court, run by young people themselves, hears cases referred from the probation agency’s Alternative to (Family) Court Program.

Recommendations:

- 43. Implement pilot programs such as the Paterson Village Initiative that foster direct communication between the Juvenile Justice Commission, law enforcement, and communities to maximize efficiency and coordination in the delivery of social service support systems.**
- 44. The Administrative Office of the Courts in consultation with the Juvenile Justice Commission should evaluate existing programs and interventions directed toward at-risk and violent youth and expand those services which are successful.**
- 45. Explore the feasibility of establishing a pilot program similar in nature to “*Youth Force’s*” *Community Justice Center Youth Court Program* to allow peers to act as jurors concerning the disposition of cases involving juvenile offenders. Working with law enforcement, probation and juvenile justice representatives, such initiatives provide alternatives to the detention and incarceration of delinquent juveniles**

Findings:

Law Enforcement Outreach Efforts

- The Trenton Police Division, with a staff of 12 detectives in their youth section, detects and deters criminal activity perpetrated by or against youth. Trained youth counselors assist in the transfer of minor offenders from the criminal justice system and provide support to other service agencies when appropriate.
- The Trenton Police Division’s GREAT (Gang Resistance Education and Training) and DARE (Drug Awareness Resistance Education) units teach urban youth the perils of gang and drug involvement. Officers receive two weeks of intensive training prior to teaching the programs. Five full-time GREAT and DARE instructors have reached out to approximately 10,000 students. These outreach efforts enhance the police department’s role in the community.
- A study, conducted by the National Institute of Justice and the University of Nebraska found that the GREAT program graduates had: lower rates of drug use and minor offenses, more negative attitudes toward gangs, fewer delinquent friends, more friends involved with positive social activities, greater commitment to peers and school, a higher level of

attachment to and greater communication with parents, a higher level of self-esteem, a lesser likelihood to act impulsively, a lower level of self-reported delinquency, more positive attitudes towards the police, a higher level of perceived guilt in committing deviant acts, a lower level of engaging in risk behavior, less approval for fighting, and a higher level of academic success.

- Bergen county piloted a police and educators workshop called, “S.A.V.E.” (School Anti-Violence Education) that teaches students and teachers how to respond effectively in crisis situations.

Law Enforcement Record Keeping:

- On many occasions, juveniles arrested by police have their cases disposed of through mechanisms other than the criminal justice system. Many juveniles who engage in or who are suspected of minor offenses have no contact with the juvenile justice system other than “curb side contact” with the officer responding to the delinquency act. In these cases, insufficient records are maintained by law enforcement regarding these incidents.
- Currently, law enforcement officers depend on their own local record keeping system or contact with other departments to determine if a juvenile has had prior contact with the police and the nature of these contacts.

Recommendations:

- 46. Provide additional funding for local law enforcement activities directed toward youth in schools and in communities.**
- 47. Establish a police liaison program whereby a single police officer serves as a liaison to each school to foster stronger relationships with the students as well as the faculty. Such programs would enable officers to gain valuable insight into the needs of troubled juveniles and instruct teachers on crisis intervention strategies and drug and firearms issues.**
- 48. Encourage law enforcement to employ fuller record keeping concerning juvenile offenders in the early stages of delinquent behavior who may not formally go through the juvenile justice system. Currently, county-wide and statewide records are not maintained in these instances. Thus, police officers in one municipality or county are unfamiliar with particular at-risk juveniles and their delinquency acts in another municipality or county. Improving record keeping on early police contacts with at-risk youth and providing accessibility to such records by other law enforcement officials can help to ensure that these youth receive early intervention services designed to prevent more serious future offenses.**

49. The Judiciary should investigate the viability of modifying its information system to incorporate a “juvenile screen” or “registry” modeled on the Domestic Violence registry that is being successfully implemented Statewide. The law enforcement community could benefit from access to juvenile delinquency records for a variety of investigative reasons including the decision to “adjust” a complaint at the station house level rather than file a complaint.

OTHER STATES’ JUVENILE JUSTICE REFORM EFFORTS

Findings:

- **Missouri and Oregon** created tax incentives for individuals or corporations that make monetary or in-kind contributions to public and private youth education and employment programs.
- **Colorado, Florida, Louisiana, Missouri, and Texas** require parents and children to participate in community service programs upon initial court involvement. **Arizona, Arkansas, Colorado, Florida, Indiana, Kansas, Kentucky, North Carolina, North Dakota, Oregon, Texas, and Wisconsin** require parents of adjudicated youth to participate in counseling parent training courses.
- In 1995, the **Texas** Legislature amended its Juvenile Code to include a seven-step progressive sanctions policy based on criminal history, effectiveness of previous intervention or treatment, and counseling and training needs of the offender.
- The **Virginia** Juvenile Community Crime Control Act of 1995 established a community-based system operating on the basis of restorative justice. Components of the initiative include: community service, restitution, house arrest, intensive supervision, substance abuse assessment, first-time offender programs, family counseling and treatment, day treatment, and aftercare.
- In 1996, **Nebraska** enacted legislation requiring the Office of Juvenile Services to establish no less than eight community-based service sites for juveniles and their families.

Recommendations:

50. Consider providing fiscal or other tax incentives for companies which train and hire at-risk or rehabilitated youth.

VI. RESTORATIVE JUSTICE PHILOSOPHY

THE NEW JERSEY JUVENILE JUSTICE COMMISSION AND OTHER STATES HAVE BECOME PIONEERS IN “RESTORATIVE JUSTICE”

Findings:

Restorative Justice in New Jersey

- The Juvenile Justice Commission utilizes “restorative justice” principles in dealing with youth offenders. However, the newly implemented approach lacks a clear-cut continuum of sanctions, supervision, victim involvement and judicial participation.
- The philosophy of “restorative justice” requires a juvenile offender to restore the victim and community to the state of well being that existed prior to the crime. Such a system ensures community safety, holds offenders accountable to victims and rehabilitates offenders so they can contribute to the community in a meaningful way after their release from detention.

“This combination of accountability and treatment is the only one that will allow us to operate a system of restorative justice. We have made many significant changes in the way we do business in juvenile justice, changes that stress accountability for crime and rehabilitation of offenders...We must continue to build a comprehensive system, trying many new approaches at attacking juvenile crime. However, the Juvenile Justice Commission cannot do this alone. We need to continue to reach out and network with other agencies and community organizations to provide services for the juveniles entrusted to our care.”
--Paul Donnelly (Executive Director, State Juvenile Justice Commission)

New Jersey Family Court’s Involvement with Restorative Justice Concepts

- The Juvenile Justice Commission and the Office of Victim Witness Advocacy recently began gathering information on victim-offender mediation dialogue programs. A five-year-old Texas program extensively screens the victim and offender to ensure that both parties are ready prior to starting mediation dialogue.
- **“In some limited instances, New Jersey Family Courts have experience with restorative justice concepts.”** Family Court personnel and juvenile volunteers have performed peer mediation prior to a situation erupting into a more serious crisis.
 - **“The concepts of community mediation, victim-offender reconciliation and victim-offender mediation have been utilized.”** For example, in a case involving a fight between juveniles with allegations of racial conflict, the Family Court interfaced with the school superintendent, police, parents, the children, school personnel and residents of the

community. The process resulted in the successful resolution and dismissal of charges with the children having a better understanding of the situation and how to avoid such a problem in the future. (*Administrative Office of the Courts, Family Division, Answers to Questions submitted by the Task Force on Adolescent Violence*)

- In another case, the Family Court became involved with juveniles charged with very serious offenses, including aspects of Megan's Law. Family Court personnel brought together the victim, the offenders, the families and school personnel. At the conclusion of the mediation process, all charges were dropped, the juveniles had no record and went on to attend college, the victim and some of the offenders became friends and the school adopted a no-hazing policy which the victim's family had requested.
- The Youth Services Commission is considering restorative justice concepts in connection with its 2000-2001 services plan.
- Juvenile Probation Services recently sent staff to Victim Impact Training provided by the JJC under a grant. Several counties have collaborated with the JJC regarding restorative justice projects which enable juveniles to perform community service and receive vocational training while performing their obligations.
- A working group is studying the viability of a 'Day Program' as a cooperative effort with the school system to incorporate work programs where juveniles perform appropriate work within the affected community.

Victim-Offender Mediation: A Key Principle of Restorative Justice

- Through victim-offender mediation, victims express their feelings about the crime to the offender and the offender and victim mutually agree to actions an offender may undertake to allow for real reconciliation and restitution. By engaging in community service and community improvement projects, offenders develop a sense of responsibility, self-esteem and attachment to the community. The recidivism rate is lower for juveniles who participated in a properly implemented mediation program.
 - Within the restorative justice framework, the juvenile justice system and the community combine resources to ensure that the offender acknowledges and responds to the needs of the victim.
 - Victims currently have little voice within the traditional agreement-driven juvenile justice system where the offender is the focus. Perpetrators pay their debt to the State by serving time and undergoing treatment but victims generally feel that justice has not resulted since they do not become involved with the restitution process.

- Victim-offender mediation (sometimes referred to as “victim offender meetings,” “victim offender reconciliation,” or “victim offender conferences”) is often employed in cases of minor assault or property crime and uses the services of a trained mediator.
 - Victims of severe and violent crimes occasionally request victim-offender mediation. In such cases, the process requires a specially trained mediator who can address the multitude of issues related to violent crimes (i.e. sexual assault, attempted homicide or murder).
- Judges, probation officers, victim advocates, prosecutors, defense attorneys, or law enforcement may refer cases to victim-offender mediation. Referral of cases to victim-offender mediation is a diversion from prosecution.
- Effective national victim mediation programs include:
 - **The Victim Offender Reconciliation Program, Institute for Conflict Management in Orange, California.** Private, community-based agency, founded in 1989. Consists of nine staff and 150 volunteers. Funded by local government with an annual budget of \$265,000. Accepted referral of 900 juvenile cases in 1996 from probation officers, law enforcement, prosecutors, defense attorneys, victim advocates and community members. Of those cases, 50 percent were mediated with 60 percent resulting in written agreements, 95 percent of which were successfully completed. Assault and battery, vandalism and petty theft were the most common offenses referred.
 - **The Victim Offender Reconciliation Program, Center for Community Justice in Elkhart, Indiana.** Private, community-based agency, founded in 1978 as a pilot of the model program developed in Ontario, Canada. Consists of two staff and 15 volunteers. Funded by local government and foundations with a \$110,000 annual budget. Accepted referral of 330 juvenile cases in 1996 from probation officers, judges, and prosecutors. Of those cases, 26 percent were mediated with 100 percent resulting in written agreements, 95 percent of which were successfully completed. Theft, burglary, and auto theft were the most common offenses referred. Assault with deadly weapon and assault with bodily injury were the most serious offenses mediated.
 - **The Victim/Offender Reconciliation Program, Restorative Justice Center in Des Moines, Iowa.** Prosecuting attorney began this program in 1992 with local government funding and an annual budget of \$356,649 (including community mediation program). Consists of five staff and nine volunteers. Accepted 20 juvenile case referrals from judges, prosecutors, and defense attorneys in 1996 as well as 1,300 adult referrals.

- **Houston County Mediation and Victim Services, Houston County Courthouse in Celedonia, Minnesota.** Victim services agency founded in 1994 with state government funding and an annual budget of \$30,000. Consists of three staff and 10 volunteers. Accepted 122 juvenile and adult case referrals from prosecutors in 1996. Of those cases, 45 percent were mediated with 95 percent resulting in a written agreement and 99 percent of those agreements successfully completed. Criminal damage to property, theft and tampering with a motor vehicle were the most common offenses referred.
- **Victim Offender Conferencing, Community Justice Program in Stillwater, Minnesota.** Probation agency founded in 1995 with local government funding and an annual budget of \$66,000. Consists of one staff and 52 volunteers. Accepted 175 juvenile case referrals from probation officers, judges, prosecutors, and victim advocates in 1996 with 99 percent of those cases resulting in a written agreement, of which 99 percent were successfully completed. Burglary/theft, assault, harassment, and damage to property were most common offenses referred. Assault with bodily injury, negligent homicide, and vehicular homicide were most serious offenses mediated.
- From 1992 through 1995, a national trend towards the disclosure of juvenile records and openness of juvenile court hearings developed. Sharing of information among systems (i.e. juvenile courts, probation departments, law enforcement, prosecutors, schools, youth-serving agencies, and victim-serving agencies) is paramount in the efficient delivery of services.
- Between 1992 and 1996, 20 states enacted legislation addressing victims of youth crimes: **Alabama, Alaska, Arizona, California, Connecticut, Florida, Georgia, Idaho, Iowa, Louisiana, Minnesota, Montana, New Mexico, North Dakota, Pennsylvania, South Dakota, Texas, Utah, Virginia, Wyoming.**
 - In 1995, the *Wisconsin Juvenile Justice Study Committee* recommended that the Legislature increase the victim's role in the juvenile justice system by: permitting victim attendance at juvenile court hearings and allowing the victim to make a pre-sentencing statement; permitting law enforcement to disclose any records of damages including the name and address of the offender's parents to the victim or the victim's insurers; and requiring the juvenile court to provide notice of procedures for obtaining the juvenile's name and police records, the potential liability of the juvenile's parents and information regarding case status.

Recommendations:

- 51. Study the viability of amending the State confidentiality statutes to allow victims access to certain information relating to the juvenile offenses perpetrated against them.**

“One of the biggest problems in the justice system is the confidentiality issue. It is being misused, victims are being mistreated. It actually seldom protects the perpetrator, and it causes great harm to the victim. One of the things that I would hope you would look at is the accessibility of the victim to the juvenile justice proceedings and the juvenile justice records and information. If a victim of a crime is harmed or there is a murder, it is very, very difficult to get access to the documentation because of the issue of confidentiality. And then the statute does not address it in an appropriate fashion.” --*Richard Pompelio, Esq.*

52. Establish statewide victim offender mediation programs to which judges, prosecutors, probation officers, law enforcement and community groups can refer certain juvenile offenders. While Family Court judges generally refer less serious juvenile delinquency cases to appropriate community-based and counseling programs, victim-offender mediation serves as another useful tool.

Other States' Actions in Restorative Justice

- Since 1977, the federal Office of Juvenile Justice and Delinquency Prevention has supported the development of juvenile restitution programs nationwide. The Balanced and Restorative Justice (BARJ) concept, when properly implemented, reduces recidivism.
 - Since 1995, more than 20 states have adopted or considered a restorative justice model for their juvenile justice system. **Arizona, California, Kansas, Nevada, Pennsylvania, and Tennessee** are among the States that participated in restorative justice training conferences. The following states have included restorative justice provisions in their juvenile codes: **Alabama, Connecticut, Florida, Idaho, Indiana, Maine, Maryland, Montana, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, and Vermont.** **New Jersey** through its Juvenile Justice Commission incorporates “restorative justice” concepts in its operations.
 - The Reparative Probation Program in **Vermont** sanctions juvenile offenders convicted of misdemeanor or non-violent felony crimes. The court refers offenders to meet with a community reparation board. The meeting occurs in the community where the offender committed the crime. The offender and the committee agree to a restitution plan. Successful completion of the agreement will result in the offender’s discharge from probation.
- “A judge, using an administrative probation order with the condition that the offender has no further involvement in criminal activity, sentences the offender to the Reparative Probation Program following adjudication of guilt with a suspended sentence. The offender’s requirement to complete the program is also a special condition of probation.” --(*Office of Juvenile Delinquency Prevention, “Guide For Implementing the Balanced and Restorative Justice Model,” U.S. Department of Justice, December 1998.*)

- In 1995, **Colorado** restructured the Office of Youth Services by expanding restitution, community service and work programs. **New Mexico** also reformed its juvenile justice system in 1995 to provide a continuum of services for violent (dangerous) offenders (i.e., forestry, conservation, or ranching work camp, transitional living units and homeless shelter space). In 1995 **Oregon** established the Oregon Youth Authority and launched programs with a focus on offender accountability, rehabilitation, restitution and community involvement.
- The Task Force on Adolescent Violence surveyed twelve of the states which were reported as having either considered or implemented restorative justice models. Of the twelve states surveyed, *eight* states responded (**Arizona, California, Illinois, Kansas, Montana, New Jersey, Utah, and Pennsylvania**). For the purposes of the survey, “restorative justice” was defined as including:
 - offender admission of guilt;
 - victim and offender agree to terms of reparation;
 - community involvement in the process; and
 - community service. (**SEE ATTACHMENT VI**)

Highlights of the Task Force’s Survey

- *Five* states (**California, Illinois, Arizona, Kansas and Pennsylvania**) have laws which specifically direct their court systems to utilize restorative justice principles during juvenile intake and subsequent court dispositions. Most states indicated that judges, probation officers, prosecutors, defense attorneys and peace officers utilize restorative justice techniques in the court juvenile intake process.
- All *seven* states indicated that victim-offender mediation occurs in certain counties but is not implemented on a statewide basis. These programs may vary from county to county. All *seven* states involve judges in the mediation process. **Pennsylvania's** approach, however, seemed the most extensive. Eleven **Pennsylvania** counties utilize "county teams" consisting of a *Chief Juvenile Probation Officer, Juvenile Court Judge or Master, District Attorney, Public Defender, Prosecution-Based Victim/Witness Coordinator, Community-Based Victim-Service Program Director, Rape Crisis Center Director, Domestic Violence Center Director, Law Enforcement Officer and Mediator or Project Coordinator*. These teams receive intensive training on victim-offender mediation and information about program implementation. The **Pennsylvania Commission on Crime and Delinquency** provided over \$4 million in funding to county teams since 1996.

- All the states surveyed indicated that mediation should be voluntary on the part of the victim, however, **Utah** sometimes orders the offender to participate. **Illinois** and **Montana** were the only states permitting informal written agreements in the reparation process. All other surveyed states require formal agreements. The process by which agreements are negotiated varies among the states surveyed.
- **Utah** and **Kansas** were the only states which do not use victim-offender mediation as a diversion from prosecution. These two states, however, use victim-offender mediation for serious crimes (i.e. felonies). All the states surveyed, except Illinois, use mediation for property crimes or theft and burglary. **Arizona** and **Kansas** use mediation for assault crimes. Only **California** and **Arizona** have judges who involve external groups in the mediation process.
- **California** has implemented restorative justice principles since 1983 on a county-wide basis. Inception dates of restorative justice programs cover the period between 1995 and 1999. Many of the states surveyed considered judicial training as an important first step in the implementation process. However, **Pennsylvania**, **Arizona** and **Montana** established a council or commission to maintain oversight of restorative justice programs in various counties (i.e. victim-offender mediation). The **Pennsylvania Commission on Crime and Delinquency** has a Joint Review Committee (consisting of the Juvenile Advisory Committee and Victims' Services Advisory Committee) that reviews applications and awards funds on a competitive basis. This committee developed and facilitated victim-offender conferencing into their juvenile justice system.
- None of the states surveyed were able to provide a budgetary analysis of their restorative justice programs. However, **Montana** indicated that it costs \$20,000 per year/per community to hire a part-time person to staff the program. **Utah** indicated that it costs approximately \$60,000 to hire a program director and part-time staff person to staff the program. **Kansas** noted that about \$125,000 to \$175,000 in grant money was awarded annually for the program implementation. **Pennsylvania's** commission has awarded over \$4 million in funds since 1996 for program implementation in various counties (as previously mentioned).
- The states surveyed also noted the importance of considering the following factors during implementation of restorative justice principles: training is critical at both the community and judicial levels; citizen panels and justice boards should oversee these programs; judges should become involved early in the process; the risk factors of victim-offender mediation should be identified prior to implementation; basic victims' services should be available before implementing victim-offender mediation; a county plan, training guide, and curriculum should be developed prior to implementing mediation programs; victims groups should provide input for the planning process; and the public should be educated

about the process and philosophy of restorative justice.

THE ROLE OF FAITH-BASED INSTITUTIONS IN PROMOTING RESTORATIVE JUSTICE: VIOLENCE PREVENTION, NON-VIOLENCE, REHABILITATION AND COMMUNITY HEALING

Findings:

- Testimony received by the Task Force revealed the clergy's support for meshing restorative justice with the State's juvenile justice system. The clergy has responded to adolescent violence by establishing youth, community development and outreach programs.

“...Faith-based institutions should play an integral role in this process. Under restorative justice, we bring the victim, the offender, and the community together to try to heal....the role of restorative justice is to heal the community, the offender and the victim.”

--Dr. Morris Jenkins, Ph.D. (Assistant Professor, Administration of Justice, Penn State University, Abington, Pa.)

- The State Juvenile Justice Commission (JJC) has made a special effort to enlist the support and participation of clergy throughout the State to help implement “restorative justice” programs for juvenile offenders.
- Restorative justice provides the opportunity for communities, especially disenfranchised communities, to have input in crime prevention efforts bridging the gap in relationships that currently exist between the criminal justice system and communities. By getting communities involved, it frees the justice system up for dealing with other pressing issues.

“Traditionally, especially in African-American communities, the church has been at the forefront of social issues, of social problems. And with that, restorative justice would be a proper vehicle for the church to be involved.” -- Dr. Morris Jenkins, Ph.D.

- A combination of “restorative justice” strategies allows the community to have input on fighting crime but also leads to a healing process within the community.

“By dealing with spirituality it allows for a healing. And by dealing with spirituality, you don't have to rely on a “religion.” It's a process that includes religion, but also includes other aspects of our culture.....By using this (“two intervention processes”), we not only allow for the victim and the community to have a voice, but also the offender may be able to get another chance.” --Dr. Morris Jenkins, Ph.D.

- The Burlington County Superior Court Complementary Dispute Resolution Program is a model conflict resolution program focusing on communities and families.

- Restorative justice requires any family, child or youth involved in the justice system to also participate in the decision-making process. In 1989, the New Zealand government passed the Families and Children's Act which requires that all youth offenders, in addition to dealing with the judicial system, have to participate in a community or family group conferencing process. This act has resulted in a substantial reduction in the number of children that end up in detention.

“Not only would they have to stand before the legal system, but they also have to stand before their family, their mothers, their fathers, grandparents, aunts, uncles -- any significant people in their family or community -- and acknowledge to the person that they have hurt or harmed, and then the family or the community will come together and determine what needs to be done in order to rectify that harm that child or youth has committed.” --Marilyn Williams (Executive Vice President, Wings Consulting Group)

**“...that process (‘restorative justice model’) is allowing the community to be a part of a process that helps to take care of the ills within the community... allowing the person to be reintegrated back into the community, and that is something else that is very important.”
-- Marilyn Williams**

“...the earlier a child goes into detention, the more likely it is that they are going to be in the jail system as an adult”...“We are depending on jails and detention centers to take care of our problems, and we are creating more problems than we are taking care of. We’re creating generations of children who have parents who have been in prison now, and those children are much more likely to go to jail than children whose parents have not been involved in that process.” -- Marilyn Williams

- The use of dialogue and negotiation among victims, victimized communities, and offenders (i.e. restorative justice) has its roots in the traditional practices of many indigenous people throughout the world such as Native Americans, Pacific Islanders, Maori in New Zealand, and First Nation people in Canada.
- Legislation enacted in South Africa and other countries promotes “restorative justice.”
 - South Africa’s Truth and Reconciliation Commission, under the direction of Nobel Peace Prize winner and former Archbishop of Cape Town Desmond Tutu, made a **“critical contribution to the healing of the nation”** by **“demonstrating the power of memory without vengeance.”**

CASE STUDY: VICTIMS' FORGIVENESS OF OFFENDERS AND POSITIVE COMMUNITY INTERACTION TO HEAL THE COMMUNITY

CBS Sixty Minutes presented a story about how parents, whose daughter was stoned and stabbed to death by a mob of angry, young, black militants in the village of Guguletu, South Africa, reacted not by more vengeance but by a 'turn the other cheek' philosophy, outreach to the community and forgiveness of the youth murderers. These reactions produced peace for the parents and healing for the community. Some highlights of these episodes follow:

- Amy Biehl decided to go to South Africa as a Fulbright scholar to familiarize herself with the nation's culture and politics and fight against apartheid. Her parents went to the trial of the murderers. In the beginning, they questioned **'How could this happen to my daughter.'** The killers were convicted and sentenced to 18 years in prison but applied for amnesty to Archbishop Tutu's Truth and Reconciliation Commission. The Biehls attended the hearing and they could have objected to amnesty but they did not. The murderers were pardoned and released from prison during the summer of 1998 after serving only four years.

"...They've turned it all upside down...It is the victims, in the depth of their own agony and pain, who say, 'The community which produced these murderers, we want to help that community be transfigured....But I've seen so many times that it is possible for good to come --very great good to come out of horrendous evil.'" -- Archbishop Tutu (January 27, 1999 interview on CBS Sixty Minutes)

- The Biehls visited the community in which the murder occurred and Mrs. Biehl was quoted as saying: **"I can understand how, if you were a youth living in these conditions, you could be stirred up and you could become violent."** They went to the home of one of the killers and met with his mother. For them, it was the path that led to peace and forgiveness.
 - On their early visit to this town, a sister of one of the killer's came to Mrs. Biehl and asked if she was Amy's mom. Mrs. Biehl responded by asking how her brother was doing and was quoted as saying: **"...She needs the support. If something can enter her life and she can become involved and she doesn't have to bear the shame of her brother, she has a future."**
 - The Biehls now travel back and forth from their residence in California to the township of Guguletu and have established a non-profit foundation which has fostered many beneficial programs for residents of the community. They have invested some of their own money and received \$500,000 in grants and other donations to sponsor welding classes, after-school programs, including music, art and tutorials for those who may want to attend college.
- They have brought their business skills to this community and have created 15 other

programs involving thousands of young people from the community in which their daughter was murdered. In one program, young blockmakers have earned \$120 in two months, triple what most of their parents earn annually. Mr. Biehl has an accounting firm manage their invested funds in a money market account but the residents have the choice to either reinvest it in the business or to not re-invest if they don't want to stay in the business. Another ambitious project is a state-of-the-art commercial bakery with \$100,000 worth of mixers, bread molders and ovens, producing some 6,000 loaves of bread per day and generating jobs for the community.

- In responding to the interviewer's question **"Do you have to fight off anger, or it just isn't there?"** Mrs. Biehl says **"No, it's a void.....and then I think it's important then to fill that void with understanding."**
 - Responding to the interviewer's words and describing the characteristics of the Biehls, Tutu says **"That person has the essence of humanity.... speaks of generosity, of warmth, of hospitality, of compassion, of caring."**

(CBS News Sixty Minutes Transcript, Volume XXXI, Number 18, January 17, 1999)

Recommendations:

- 53. Expand the Juvenile Justice Commission's (JJC) current efforts at implementing restorative justice principles throughout New Jersey's juvenile justice system. The JJC, in cooperation with the Administrative Office of the Courts (AOC), should work to maximize "restorative justice" and "community dispute resolution" techniques in juvenile offense cases. The AOC should make a special effort to have family court judges, probation officers and prosecutors refer juvenile intake cases to restorative justice projects such as victim offender mediation and other programs based on restorative justice philosophy. These efforts should be undertaken statewide, with emphasis on communities that have a higher incidence of juvenile offenses. The JJC and AOC should report annually to the appropriate General Assembly and Senate committees on their success in implementing this recommendation and on the effectiveness of the programs initiated.**

"I think we are all kidding ourselves if we don't bring the entire family into the juvenile problem."

-- Richard Pompelio (Founder & Executive Director, New Jersey Crime Victims' Law Center)

"Restorative justice demands that the accountability of perpetrators be extended to making a contribution to the restoration of the well-being of their victims...The fact that people are given their freedom without taking responsibility for some form of restitution remains a major problem with the amnesty process. Only if the emerging truth unleashes a social dynamic that includes redressing the suffering of victims will it meet the ideal of restorative justice." -- ("Summary and Guide to Contents," The Report of the Truth and Reconciliation Commission, p. 7.)

54. Establish a coordinating council with representation from the Juvenile Justice Commission, Administrative Office of the Courts, Department of Human Services, Department of Law and Public Safety, Department of Education and other appropriate public members to assess the most successful faith-based and non-profit programs for youth. The council would be the catalyst to replicate these model programs throughout the State in targeted communities where the unemployment rate is above the State average, where housing is substandard, where a high crime rate exists, and where there is a higher incarceration rate for juveniles. The council could include representatives of education groups, faith-based organizations and religious leaders, parents whose children spent time in detention centers, rehabilitated youth, JJC youth workers, academia and non-profit organizations specializing in violence prevention, non-violence promotion and rehabilitation.
55. Provide additional State funding for grants to organizations which operate the most successful youth violence prevention, non-violence promotion, rehabilitation and restorative justice programs identified by the coordinating council. Grants should also be made available as seed money to replicate successful programs in targeted communities. Priority consideration should be given to those programs which leverage monies from business and other private donors.
56. The coordinating council (as per Recommendation # 54) should establish a Corporate-Business Youth Mentor Program statewide so that the local business community can mentor at-risk youth. Such a program will demonstrate to these youth the value of honest work and legitimate employment and provide them with an added support system.
- Prudential employees in the company's downtown Newark Office participate in a mentoring program at a local elementary school.
57. The Department of Law and Public Safety, in coordination with the Juvenile Justice Commission, should make a concerted effort to identify federal monies for programs rated effective by the council.
58. Encourage the creation of partnerships among religious leaders and clergy operating youth violence prevention programs and business leaders in their communities to facilitate the training and employment of youth to the greatest extent feasible.

59. The New Jersey Commerce and Economic Growth Commission, in coordination with the State Department of Labor, should work with its federal counterpart agencies in identifying potential funding sources that may exist for youth summer and after-school employment programs. These monies should be targeted to communities which most need such employment and should fund appropriate ancillary services for at-risk youth, as necessary.
60. The Juvenile Justice Commission, in coordination with the New Jersey Commerce and Economic Growth Commission, the State Department of Education, religious leaders and the business community should take the lead in establishing a partnership to place youth into paid internships during the school year or summer jobs. Internship programs can help at-risk youth to develop self-esteem and avoid involvement with gangs and other negative peer pressures.
- A U.S. Department of Justice comprehensive study of gang violence “conclusively reported that the single best predictor of gang kids avoiding or getting out of gangs is finding legitimate employment.” --Kevin Ryan, Esq. (General Counsel, Covenant House)
61. The coordinating council (as per Recommendation #54) should organize an annual statewide conference or regional conferences to institutionalize inter-relationships among groups and experts in various disciplines. This cooperation would promote opportunities for youth in terms of religious influences and principles as well as education and employment opportunities as deterrents for delinquent behavior. The conference should include churches and clergy from all denominations, business leaders, housing advocacy groups, employers, financial institutions, juvenile justice and education specialists to discuss how they can forge partnerships to ensure that at-risk youth receive the kind of assistance needed to allow them to grow as productive individuals. This degree of interaction has the potential to improve living conditions to bring about positive change in communities. By fostering business retention, expansion and job creation, improved housing, and promoting private investments and bank lending practices which are conducive to investment in these targeted areas, economically declining communities can be revitalized.

VII. ROLE OF THE CLERGY AND SPIRITUALITY ON YOUTH VIOLENCE PREVENTION AND NON-VIOLENT BEHAVIOR

Introduction and Background Information

Prior to organizing the official findings of Section VII of this report, the Task Force researched and gathered other relevant information that provides for a detailed overview of such an important topic.

Scope of Testimony Provided:

Members of the clergy testifying before the Assembly Task Force focused on the youth outreach programs they operate. However, testimony received from the clergy did not focus on their pastoral role in promoting the principles of non-violence through the active use of scriptural text or examples of non-violence and the motivation for non-violence as illustrated through such references.

Teaching About Non-Violence Philosophy and Spiritual Leaders who Promoted Non-Violence:

In the twentieth century examples of non-violence philosophy in action emanate from such leaders as Mahatma Ghandi of India, Martin Luther King, Jr. and Mother Theresa of Calcutta. Teaching the nation's youth about the philosophy of non-violence might help to deter adolescent violence (**See Section IV of the Report, Recommendation #12, p. 13**). Historically, non-violence philosophy has resulted in great social strides.

“The religious tradition of the Negro had shown him that the non-violent resistance of the early Christians had constituted a moral offensive of such overriding power that it shook the Roman Empire. American history had taught him that non-violence in the form of boycotts and protests had confounded the British monarchy and laid the basis for freeing the colonies from unjust domination. Within his own century, the non-violent ethic of Mahatma Gandhi and his followers had muzzled the guns of the British Empire in India and freed more than three hundred and fifty million people from colonialism.” (*Source: Martin Luther King, Jr. Why We Can't Wait, Penguin Books USA Inc., July 1964, p. 37*)

“.....The law of non-violence--returning good for evil, loving one's enemy--involves a knowledge of the blemishes of the 'enemy.' Hence do the Scriptures say...'Forgiveness is an attribute of the brave.' “...If we could all give our own definitions of God there would be as many definitions as there are men and women. But behind all that variety...there would be also a certain sameness...For the root is one.” (*Source: The Essential Gandhi, edited by Louis Fischer, Vintage Books, 1964 p. 98*)

An inquiry made to the N.J. School Boards Association and the N.J. Department of Education revealed that no specific curriculum dedicated solely to non-violent philosophy is

required in school curriculum. However, such curriculum could appropriately fall under current State core curriculum cross content standards relating to any of the following areas including critical thinking, problem solving, decision-making and self-management skills. Neither entity had any knowledge of any particular schools in the state which may offer courses pertaining to this subject. An inquiry made by the N.J. School Boards Association to appropriate personnel in the field did not yield evidence that specialized curriculum dedicated to non-violent philosophy is being offered.

Constitutional Perspective / Education and Religion:

According to two of the nation's leading religion scholars, "a public school that lacks religious studies weakens a student's education and undermines the Constitution." Charles Haynes and Warren Nord in their just-published book Taking Religion Seriously Across the Curriculum contend that "as American culture has become more secular, so has the public school curriculum."

The U.S. Supreme Court ruled in the 1960s that the establishment clause of the First Amendment prohibited school-sponsored religious activities. In other words, the court's ruling prohibited public school teachers from trying to indoctrinate students with religious beliefs. However, Nord and Haynes indicate that unfortunately the high court's rulings caused some educators to believe that the "curriculum cannot include religion." However, these authors point out that a new understanding regarding religion and the public school curriculum has begun to emerge. This new trend of thought challenges the notion that public school curricula must be devoid of religious studies for constitutional reasons. They argue that the exclusion of religious views from the curriculum places students "at a deep disadvantage in thinking critically" about society's truths. They further contend that "if schools are to be truly neutral (in matters of religion) they must be truly fair - and this means including in the curriculum religious as well as secular ways of making sense of the world when we disagree." (*Source: Leaming, Jeremy. "Scholars to Discuss New Book on Proper Role of Religion in Public School Curricula," First Amendment Center, September 14, 1998.*)

An Academic Study about Family and Religious Influences as Deterrents to Delinquent Behavior:

According to authors of a Brigham Young University (BYU) study, family and religious influences are some of the strongest deterrents to delinquent behavior. The study indicated that providing opportunities for spiritual experiences such as routinely discussing religious principles, sharing spiritual feelings, encouraging children to pray and read scriptures privately, nurtures youth to develop their own sense of spirituality and religiosity.

A recent academic study by two professors at BYU (Brent L. Top, Assistant Dean of Religious Education and Bruce A. Chadwick, Professor of Sociology) concerning the effects of

religion on youths to resist delinquent behavior revealed that “religious values do have a positive effect on youth.” Those youth surveyed in 1995, who were associated with a particular religious denomination (The Church of Jesus Christ of Latter-Day Saints), living in the northwest and the east coast, indicated that religious values had an effect on youth behavior. **“Contrary to previous research, religion made a significant contribution to predicting delinquency even in competition with peer and family influences.”** (Chadwick, Bruce A. and Top, Brent L. “Religiosity and Delinquency Among LDS Adolescents,” *Journal for the Scientific Study of Religion*, Vol. 32, 1993, p. 86.)

When the BYU study results were compared with the national averages, the results showed the “positive influence of religious values.” For example, a 1993 University of Michigan study indicated the high use of alcohol, tobacco and drugs by youth nationally. Among youths affiliated with the Latter-Day Saints religion in different geographic regions, the average was considerably lower than for a national sample of youth.

Earlier studies seemed to indicate that **“religion makes a difference only among an area that is dominantly religious.”** (Langford, Catherine. “LDS Youth Less Likely to Commit Crime, Study Says.” p.2.) However, the BYU study showed the similarities in behavior among certain religiously affiliated youth despite where they lived. Those youth are less likely to act outside religious standards because they are surrounded by peers, teachers, and leaders with similar religious background beliefs.

The BYU professors found that LDS youth who had greater contact with peers and others with similar beliefs had lower delinquency rates. However, one element that seemed even more salient than peer influence was “religious conviction” or “religiosity” defined as “the sum and substance of your sense of religion.”

The study acknowledged that some dimensions of “religiosity” are more important than others in explaining delinquency. It found that public religious behavior “was insignificant in judging overall behavior compared to private convictions.” In other words, the private religious practices and spiritual experiences were more influential than public practices such as attendance at meetings or church. Those youth for whom religion was an important internal aspect of their lives resisted peer pressure and avoided delinquency to a far greater extent than those youth who had not internalized gospel teachings.

The study also underscored that the family plays an important role in teaching religiosity and the most influential way for parents to teach children to resist peer pressures or negative behavior focuses on emphasizing independent thinking. (Langford, Catherine. “LDS Youth Less Likely to Commit Crime, Study Says.” <http://newsnet.byu.edu>.) (Chadwick, Bruce A. and Top, Brent L. “Religiosity and Delinquency Among LDS Adolescents,” *Journal for the Scientific Study of Religion*, vol.32, p. 51-67, 1993)

**HIGHLIGHTS OF STATE AND NATIONAL FAITH-BASED AND NON-PROFIT
PROGRAMS THAT PROMOTE NON-VIOLENCE, VIOLENCE PREVENTION, AND
REHABILITATION**

Findings:

The Congress of National Black Churches (CNBC):

- The Congress of National Black Churches' established a National Anti-Drug/Violence Technical Assistance and Training program. It emphasizes church, public, and community leadership in raising awareness and preventing drug use and drug related crimes.

The Boston Coalition:

- The Boston Coalition consists of businesses, religious leaders, the media, and law enforcement officials working together towards reducing violence and fighting substance abuse. The religious community is trained to handle domestic violence issues in the area.

The Ten Point Coalition:

- The Ten Point Coalition consists of church and community leaders devoted to mobilizing the religious community around issues of violence and abuse. 'Adopt-a-Gang,' a church-sponsored program, involves inner-city churches serving as sanctuaries for troubled youth.

Woodland Avenue Presbyterian Church:

- The Woodland Avenue Presbyterian Church in the city of Camden operates the Woodland Community Development Corporation, a non-profit organization which provides drug prevention and conflict resolution programs for school-aged children of South Camden and Morgan Village. A tutorial program provides academic assistance. Its drug prevention program incorporates parent participation. Another program facilitates children, 12 years old and under, talking about problems in their community.

“We have to understand that it is going to take a cooperative partnership. We’re talking about State government, school, and the faith-based community...in lieu of placing a lot of money in government agencies that might not have a tremendous impact on communities, we need to think about how we can have some accountability and make folks responsible across the board for dollars that might be coming out.....We’re working with police, with the prosecutor down in Camden County...setting up a juvenile conference committee where we can have alternatives to kids who might be in trouble with the law.” -- *Reverend Floyd L. White, III (Pastor, Woodland Presbyterian Church & President of the Woodland Community Development Corporation)*

“We have to go back to the basics...to talk to children about the dynamics of youth violence and ...about what is going on. When I think about a deep-rooted, systemic problem, it begins at home, and we understand that, and I think the faith-based community can have an impact across the board.” -- *Reverend Floyd L. White, III*

Wings Consulting:

- Wings Consulting works with administrative agencies, law enforcement officials, and boards of education to design adolescent violence prevention programs. ‘Kids With Wings,’ an after-school program, aims at educating and helping at-risk youth operates in St. Louis and Indianapolis. It is being developed in Trenton and Camden. It teaches values, principles which are part of a curriculum with family participation. This program teaches young children anger control and goal setting skills, motivates academic excellence, provides home counseling, and provides older youth with employability skills.

“I don’t believe we have reinvented teenagers in this generation, but we have reinvented the world.....when we are going to deal with teens, one of the other things that we have to do is take a good long look in the mirror before we start prescribing what’s right for them and start taking a look at who are we and how do we conduct ourselves.....I have seen examples in government, in the media, monumental examples in sports, on television of unbridled violence...kids do learn by modeling.”

-- *Mr. David Meltz (Executive Vice President, Wings Consulting Group)*

“If adults justify violence....We, as adults, really set the tone for the kids. If we find reason to return violence for violence or to use violence for our own convenience, the children -- they get the message.” -- *Ray Kalainikas (Private Citizen/ Religious Activist)*

“We have to take a long look at our system of justice. Are we really helping ourselves in the way we are conducting it? Our legal process is adversarial in nature. By its nature it’s a contest, it’s deal making, it’s negotiating...” --*Dr. David Meltz*

“We have to put the emphasis on prevention. To me that is so much less expensive than trying to restore things (that might have been) prevented from happening in the first place.” --*Dr. David Meltz*

“There is nothing more violent than poverty. Nothing is more violent than an infrastructure where people have to go miles and miles to get to a decent supermarket....rat-infested neighborhoods and apartments in spite of the fact that the people are clean but their houses are so bad and so old and the structure is so dilapidated...” -- *Rev. Edward Ducree (President, Wings Consulting Group)*

Youth Challenge of New York and New Jersey:

- Youth Challenge is a Christian residential rehabilitation program for at-risk youth and youth with self-destructive and life control problems. It is a substance abuse residential facility. This program emphasizes interaction with others and teaches the residents to apply biblical concepts to real-life situations.

“I really believe in mentoring...in spending quality time. Though we need finances...and good programs and nice facilities....I really think (‘we need to see’) more mentoring programs.”

-- Rev. Paul Sears (Program Director, Youth Challenge)

“When you begin to realize the type of life that some of these (‘kids’) are living some of these kids have never really experienced any type of an emotion from one of their parents... In fact, some of them are living with drug addicts in the home or alcoholics...their kids follow right in their footsteps.” --Rev. Frank Collazo (Executive Director, Youth Challenge of New York and New Jersey)

Catholic Charities:

- Catholic Charities of the Diocese of Metuchen is a counseling agency which covers four counties including Warren, Hunterdon, Middlesex, and Somerset. The agency works in conjunction with Family Court and its probation agencies to provide community-based therapeutic programs to prevent continued delinquent behavior.

- The Warren County ‘Alternatives to Detention’ program receives referrals from the Warren County Family Division and assigns a counselor to visit with the juvenile in jail and make recommendations to Family Court. A judge will either keep the youth in probation or order him out of jail into this alternative program.

“Of the 56 youth serviced over the last two years, 45 percent had charges related to violence, including assault, weapons charges, and robbery. One hundred percent of the juveniles had issues of family conflict.” -- Doug Reichert (Multi-Program Director, Catholic Charities, Diocese of Metuchen)

- Catholic Charities refers at-risk youth to age and case-appropriate programs and out-patient programs. It emphasizes unifying all the systems that are working with the youngsters and their families and monitors the progress of all the juveniles. All program juveniles are required to provide 20 hours of community service. Court sanctions and increased supervision can be imposed for the juvenile’s failure to comply with the program rules.

“...only a continuum of services will make an impact on the growing issues associated with juvenile violence and delinquency. These services must be comprehensive, they must intervene with both the juvenile and their family, and they must be adequately funded.” -- Doug Reichert (Catholic Charities)

Broadway House for Continuing Care (Newark) and REACH (Hillside):

- The Broadway House Newark facility has a 60 bed sub-acute care facility for persons living with AIDS and offers outreach ministries for youth and their families. Seventy percent of those coming to Broadway House are former inmates.

“What I have found out is you can’t change the child until you get the parent changed first ... a lot of our members have grown up with their kids during addiction, and now they are trying to turn their lives around...children not only have their father being locked up, but now their mothers are trying to take care of the families and then their mothers are dying with AIDS...in Newark alone, it’s been estimated that by the year 2000 we will have over 5,000 orphans of mothers and fathers that have died to the AIDS virus just in Newark alone.” --Rev. Bryant Ali (Pastoral Director, Broadway House for Continuing Care)

“A lot of these people that live with AIDS are leaving behind four and five children ...in adolescent years. And these children are now forced to make grown-up decisions with a childlike mind.”“A lot of children are put in a position to try and do adult things with no type of supervision, no type of concern, no type of care...One of the things I suggest is that more care be provided for the grandparents.” -- Rev. Bryant Ali

- The program emphasizes employment and entrepreneurship opportunities. The program also consists of computer training, computer literacy as well as learning other life sustaining skills like reading the newspapers, basic math, and job search skills. The program makes one child at a time its goal.
- Another key aspect of the program involves grief intervention with youth.

“...a lot of our children’s anger is based and centered around grief, and that’s an issue that we don’t deal with...a lot of our children are acting out because they are grieving. They do not understand. ‘My mom is already dead, my daddy is locked up for 30 years, I hate everybody.’” -- Rev. Bryant Ali

The Christ Church of Newark:

- This Newark congregation reaches out to schools and creates dialogue with teachers to identify problems confronting neighborhood youth. In addition to involving the youth in activities sponsored by the church, it also provides mentoring programs and assists youth offenders during court proceedings.

**“...the judge may have knowledge or certain awareness of one individual, but he may not know the scope or the long-range scale of what is really going on. And what I would like to see is that there is a relationship established with judges in our community and in our court system with clergymen, some type of forum where we can interact with each other.”
-- Rev. Richard Starling (Pastor, The Christ Church of Newark)**

Covenant House:

- Covenant House serves as a shelter for run-aways and other at-risk youth who need shelter and other services. This program emphasizes education, training, employment opportunities and stabilization of life. The organization provides its residents with the proper 'life-skills' to become self-sufficient and employed.

“There is a powerful correlation between homelessness and youth violence.” --Kevin Ryan, Esq. (General Counsel, Covenant House)

“Nationally, runaways and homeless kids are disproportionately female and disproportionately lured (to participate) in survival sex and exploited sex.” --Kevin Ryan, Esq.

- According to testimony presented by Covenant House, unlike some other states, New Jersey does not allow homeless and runaway youth to seek shelter on their own without first obtaining the consent of a parent, guardian, or judge. The federal Runaway and Homeless Youth Act funds shelter services and street outreach services for homeless youth throughout the country expecting programs to provide short-term crisis intervention for walk-in clients. State law currently does not permit young people to access crisis shelters on their own and thus denies the opportunity of these type services to children.

Recommendations:

- 62. Amend the current State statute to permit young people to access sheltered services on their own for a limited period of time. Legislation should also provide for a collaborative process whereby those groups serving runaway youth work with the Division of Youth and Family Services (DYFS) and the Family Crisis Intervention Unit to facilitate more permanent arrangements for such youth so that they can be productive and self-sufficient.**

“The key is relationship....the kids don’t come the first time...the second time. But when...that van is out in the community every night with a blanket and a sandwich ...a relationship develops and then kids come in. Kids make the decision. ‘(They think) this is a dead end, I’m sick of this, and I’m going to make the decision to receive sheltered services and care.’ --Kevin Ryan, Esq.

“There is simply no more effective way to disrupt the epidemic of gang violence than to offer kids on the street a safe alternative” --Jacquelyn Stedman, Esq. (Covenant House)

- 63. The Legislature and Executive Branch (i.e., the Department of Human Services) should work together to identify a funding source to expand the number of beds for homeless and runaway youth and to assist organizations that provide quality outreach programs for youth.**

64. Establish more private juvenile residential facilities across the State by working with clergy, specialized non-profit groups, community and business leaders to access the necessary monetary and in-kind contributions to establish such a network of facilities. The Department of Human Services, the Administrative Office of the Courts and the State Juvenile Justice Commission should take the lead in working with the clergy to establish additional residential facilities for at-risk youth. State appropriations should be used as an incentive to generate private funding for this purpose.

VIII. THE FILM, TELEVISION INDUSTRY AND POPULAR MEDIA'S INFLUENCE ON YOUTH VIOLENCE

SOME GROUPS MAINTAIN THAT VIOLENCE IN THE POPULAR MEDIA DESENSITIZES YOUTH TO REAL LIFE VIOLENCE

Findings:

- According to the United Church News Center for Media Literacy, viewing media violence has negative effects. The center's findings indicate:
 - Increased aggressive and anti-social behavior among children who watch violent television programs;
 - Increased fear of becoming a victim of violent acts due to exposure of violence in the media;
 - Increased desensitization to violence and victims of violence;
 - Increased appetite for violence in entertainment and real life.

“....it is a provable fact that if parents are inattentive in being responsible for their children, if the churches, synagogues, mosques and the schools are slack in their teachings to children, then violence -- or the lack of violence -- in the media, will play only a small, if any, part in a child's development.....We can point to our neighbors to the north, Canada, who receive virtually the same television programming and motion pictures as we do, and yet their society is far less violent than ours. Is it the laws? The parental involvement? The schools? No one can point to a single answer.” -- Karin Krueger (Director of State Legislation for the Motion Picture Association of America, MPAA)
- Media researchers have noted that the modeling effects of media violence are particularly prevalent among persons who are “at-risk,” i.e. young people and adults who are psychologically unstable.
- Over the past decade, the American Medical Association, the American Academy of Pediatrics, the National Parent Teacher Association, and other organizations have cautioned parents about the dangers of allowing children to view violent movies and

television programs.

“If a prospective perpetrator believes that the impact of shooting someone will be far less substantial than it would be in reality, there is an increased chance that a person might pull the trigger, or put themselves in harm’s way.” -- Dr. Robert W. Kubey (Professor/Director, Masters Program in Communication & Information Studies, Rutgers, The State University of New Jersey)

“While no one has established media violence as the cause, it is widely thought that seeing hundreds of people shot in film and on television and not react with substantial pain, or after being shot go on to complete various heroic acts, has created an impression -- perhaps combined with wishful thinking -- that if you are merely winged by a bullet, that it won’t really hurt that much.”

-- Dr. Robert W. Kubey (Rutgers, The State University of New Jersey)

STUDIES SUGGEST THAT MEDIA VIOLENCE NEGATIVELY INFLUENCES CHILDREN’S BEHAVIOR

Findings:

- Since the 1960s a number of national and international studies have tried to establish a causal connection between the amount of television and movie viewing and criminal behavior. The Surgeon General’s Scientific Advisory Committee Report of 1972 concluded that young people do imitate or model some of the violence and aggression that they witness in film and on television.
- Two National Institute of Mental Health studies during the 1980s concluded that violence on television does lead to aggressive behavior by children and adolescents.
- In 1993, the American Psychological Association published “*Violence and Youth: Psychology’s Response.*” The study found that the long term effects of viewing violence include: increased aggressiveness and anti-social behavior, increased fear of becoming a victim, increased desensitization to violence and its victims, and increased appetite for violence in entertainment and in real life.
- On April 16, 1998, the third and final report of the National Television Violence Study (part of a three-year study) was released. The National Cable Television Association (NCTA) and cable networks funded this study which includes an analysis not only of the amount of violence on television but of the context in which it occurs.
 - The study found that most television violence is sanitized and glamorized, increasing the risk that viewers will learn aggressive behaviors and attitudes.

- Experts on aggressive behavior who participated at an annual world meeting of the International Society for Research on Aggression at Ramapo College of New Jersey concurred that “violence in the form of spectator sports or Arnold Schwarzenegger movies can provide entertainment and emotional release to millions of people.” (*Groves, Bob. “Violence in Sports, Films, Offers Release, Experts Say,” The Record, July 14, 1998*)
- John P. Murray, Ph.D, Professor of Family Studies and Human Services at Kansas State University, cites several psychological experiments conducted to test viewing patterns and behavioral modeling of children. Some such experiments include:
 - Studies conducted by Robinson and Bachman (1972), Atkin, Greenberg, Korzenny, and McDermott (1979), and Sheehan (1983) indicate that viewing and/or preference for violent television programs strongly correlates with aggressive attitudes, behavior, and values. (*Source: impact.htm at www.ksu.edu*)
 - These experiments asked children the number of hours of television they watched and to provide self-reports of their behavior in terms of aggression and violence.
 - The Atkin, Greenberg, Korzenny, and McDermott experiment involved asking children how they would react in certain situations and then comparing their responses to the type of television shows they watched and for the hours they spent viewing them.
 - Behavioral psychologist, Albert Bandura, conducted an experiment (1961, 1963) which showed that children who view violent or aggressive behavior on television or elsewhere, will indeed model and incorporate that behavior into their own lives.
 - Bandura took two sets of children and showed one set a video with children kicking and punching an inflated doll. Once the children were put in their playrooms, the ones who viewed the video behaved aggressively with their toys and the other children. The children who did not view the video played with their toys and the other children without any signs of aggression.
- An academician with expertise in film testified before the Task Force and questioned the validity of studies which attempt to ascribe a causal relationship between viewing violence and acting out violence.

“I have looked into some of the research protocols involved in these studies and they are from my standpoint deeply, perhaps fatally, flawed.....In isolated cases, killers have testified that they were motivated by or copied a particular media scene (John Hinckley is perhaps the best known), yet we ought to remember that far greater numbers of violent criminals have cited the Bible as inspiration for their acts. Too often, studies reduce complex systems of visualization and individual perception to an overly deterministic model of stimulus-response.” --Dr. Paul Arthur (Professor of English and Film, Montclair State University)

YOUTH'S VIEWING OF POPULAR MEDIA VIOLENCE HAS INCREASED AS NEVER BEFORE

Findings:

- Many organizations have released statistics and information about the amount of violence that exists in television programs and how much of that violence is viewed by children and teenagers. According to an internet source (*Family.com.Big Apple Parent: Sex, Violence and the Small Screen*), an alarming amount of violence is viewed by children.
 - Americans have their televisions on for an average of seven hours per day and children watch up to 28 hours of television per week; by the time they graduate from high school, children would have spent 54 percent more of their time in front of the television than with their teachers.
 - Ninety-five percent of what a child views is not meant for children to see.
 - Fifteen percent of television programs contain some form of violence. Prime-time television programs present an average of five acts of violence per hour, and cartoons (which are meant for children) present roughly 23 acts of violence per hour.
 - Eighty-nine percent of 10 to 13 year-olds have seen at least one Freddy Krueger “slasher” movie, and 20 percent of the children under five years-old have also seen one.
 - Seventy-five percent of parents set no limits on what or how much television their children can watch.
 - Children who watch more than three hours of television per day are more aggressive, more pessimistic, less imaginative, and less empathetic than children who watch less than three hours of television per day.
 - By age five a child will witness over 200 hours of violent images on television; by age 14 he or she will see over 13,000 separate killings; by age 18 the average American will have watched 200,000 violent acts and 40,000 murders;” (*Testimony provided to the Assembly Task Force on January 20, 1999*)
- The American Medical Association (AMA) and the American Academy of Pediatrics (AAP) prepared a list of recommendations for parents to promote “shared viewing” between parents and their children. Some of the guidelines include:
 - Parents should be alert to the programs children watch and limit their viewing time to no more than two hours per day;
 - Parents should not use the television, videos, video games, computer games, or music as babysitters;
 - Parents should keep televisions and video players out of the children’s bedrooms and not

- make the television the focal point of the household;
- Parents should turn the television off during meals and only watch programs that have some educational value;
- Parents should watch television with their children and become critical viewers;
- Parents should learn about new movies and videos and set guidelines concerning what programs seem appropriate for children's viewing. (*Source: Family.com.Big Apple Parent: The AMA Speaks Out on TV*)

TESTIMONY SUGGESTED THAT CERTAIN RESTRICTIONS SHOULD BE PLACED ON ENTERTAINMENT VIOLENCE

Findings:

- The First Amendment of the U.S. Constitution guarantees freedom of speech. While the courts have invalidated laws making it a crime to knowingly distribute or exhibit to minors entertainment that contains specified types of violence (e.g. Interstate Circuit v. City of Dallas, 396 U.S. 676 (1968), Video Software Dealers Assn. V. Webster, 968 f.2d 684 (8th cir. 1992)., the U.S. Supreme Court has never held that the Constitution forbids all laws restricting children's access to media violence. *Robert Peters (President, Morality in the Media)*

“Since as a society we value the principle of free expression, the imposition or -- or in the case of Hollywood movies -- a return to some external official agency of regulation or censorship is unlikely and probably for the majority of citizens intolerable.” -- *Dr. Paul Arthur (Professor of English and Film, Montclair State University)*

- For good reason, the courts have not looked favorably on efforts to hold media companies civilly responsible for injuries as a result of media violence. Even when media companies act responsibly, sociopaths might act violently and even reasonably responsible individuals may make judgement errors.

“Clearly, the barrier for establishing liability would have to be somewhat high. But in my view, it is unconscionable to let media companies off the hook, no matter how irresponsibly or recklessly or with depraved indifference they act, unless they legally ‘incite’ the conduct. There simply must be a rule of reason in this area of law, which has so far eluded the courts.” -- *Robert Peters (President, Morality in the Media)*

- Parents who feel that media violence is detrimental to their children's well-being have demonstrated and boycotted against media violence. They generally support technological advancements which allow parents to censor what children can watch at home.
 - Many parents have boycotted any item, television program, movie or amusement park owned by the Disney Corporation. They claim that Disney promotes violence, sexual promiscuity and homosexuality.

“Public pressure on media industries to curb on-screen violence is one possible solution, but it is feasible only if supported by long term economic boycotts, a tactic requiring nearly impossible political consensus if it is to avoid charges of favoritism or opportunism.”
-- Dr. Paul Arthur (Montclair State University)

**THE ROLE OF VOLUNTARY RATING SYSTEMS AND THE UTILIZATION OF
TECHNOLOGY IN PREVENTING INAPPROPRIATE VIEWING OF CERTAIN
POPULAR MEDIA MATERIAL BY YOUTH**

Findings:

- The Motion Picture Association of America (MPAA) developed a voluntary movie rating system, which just recently celebrated its 30th anniversary. The system has provided parents with valuable advance cautionary information so that they can make informed decisions about the moviegoing of their young children, and guide them toward material that is appropriate to their age. Most Americans rely on this system prior to selecting a film for their family to see and it meets with overwhelmingly positive approval from the audience it seeks to serve.

“It (the movie rating system) is successful because it is accomplishing what it set out to do: providing a service to parents of young children.” -- Karin Krueger (MPAA)

“Movie and television ratings systems -- which have in any case focused more on sex than violence -- have proved completely ineffective in an age of videotape, cable television, and the internet. Devices such as the V-Chip have a limited application and, as with other a priori remedies, only make forbidden images seem more exotic.” -- Dr. Paul Arthur (Montclair State University)
- The MPAA, in coordination with the television industry and children’s advocates, took a leadership role in the formulation of the relatively young TV rating system to guide and assist parents with their children’s television viewing. Each program will have a letter or rating, as do movies, to indicate whether the program contains violence, graphic violence, nudity, or improper language. This rating system helps parents to know what programs are acceptable for children’s viewing.
- “Locking-out” channels has become another option for parents. Many cable companies allow their customers to “lock-out” certain channels to which they may not want their children to have access.
- Technology has provided another option for parents -- the V-chip, which blocks television shows that are rated high in violence, sex, or other material not suited for children. Parents can also use programmable remote controls that can be overridden with a password.

(Source: ncpc.org: Self, Home, and Family: Protecting Yourself; Turning Off Media)

“....what is clear is that no electronic gadgetry, no law, no regulatory agency, no program rating system, no amount of discussion by legislators can replace the personal and individual guidance of a parent, clergyperson or teacher. Outside attempts to curb certain material or certain subjects cannot save a child’s conduct or locate a lost moral core if the moral core was never implanted to start. A stable society is one that demands that young children know deep in their hearts and minds about what is right and what is plainly wrong. Without that, children and society as a whole will be lost.” -- *Karin Krueger (MPAA)*

“I am not here to indict the media for all or even most of the violent, anti-social behavior that occurs in society. Clearly, other causes are at work -- including drugs, the proliferation of handguns, dysfunctional families and the vicious cycle of poverty. But to go to the other extreme and to argue that “popular culture” is not a factor, is at best a display of ignorance and at worst a purposeful attempt to deceive the public and this Task Force.” -- *Robert Peters (Morality in the Media)*

Recommendations:

65. School boards and communities should consider the viability of establishing educational media literacy pilot programs in elementary and secondary schools to demystify violent images and teach media literacy. Eleven states currently require study of media literacy. Many school districts nationwide offer courses on an elective basis. Many countries require media education including Australia which requires such education from kindergarten through twelfth grade.

- As part of an alternative middle and high school program, the “Education Video Center” in Manhattan teaches mostly inner city kids not only how to make their own videos but also how to analyze the visual practices of popular media, including MTV.
- The Center for Media Literacy in Los Angeles created a set of educational teaching units along with video designed to help school-age children in three different age groupings (grades 4-5, 6-8, 9-12) understand how media violence is created and to contrast it with real life violence. This program has been well received in a number of locations around the nation.

“Media literacy is becoming increasingly important in political debate and has direct application for communications policy, in our schools, and ultimately in our homes”
-- *Dr. Julie Dobrow (Professor of Childhood Development, Tufts University)*

“I believe the only way of robbing these images (‘violence’) of at least some of their potency is to strip away the highly seductive surface allowing viewers access to visual and audio mechanisms....that induce potentially dangerous fantasies of power and domination of others.” --*Dr. Paul Arthur (Montclair State University)*

66. State government should work with private groups, community-based organizations, the film and television industry, and the media to foster the creation and airing of public service ads and announcements on radio and television that would elucidate the distinction between much fictionalized violence and real violence. Such a partnership could target very specific messages for at-risk populations, for parents and other adults working with children.
67. Promote caution in news reporting by encouraging newspaper editors and radio and television news producers to exercise special caution when using banner headlines or leading news broadcasts with sensationalized stories that are particularly prone to the phenomenon of copycatting. A wave of copycat threats that followed the deadly shootings in Littleton, Colorado caused several school closings, suspensions and arrests throughout New Jersey.

“First amendment rights must be respected and upheld, but one can cite the example of the editor of the Chicago Sun-Times who this past May deliberately chose to cover the Springfield, Oregon shooting on pages two and three of his paper, rather than running a banner headline and photo on the front page where even more children and teenagers would have seen the story jumping out at them from news boxes and from the newspaper lying on the living room rug. Interestingly, the Sun Times was deluged with congratulations, with one reader emailing, ‘Brace yourself for accusations of responsible journalism.’”

-- Dr. Robert W. Kubey (*Director, Master’s Program in Communication and Information Studies, School of Communication, Rutgers, The State University*)

68. The Department of Education should convene a Statewide Educational Conference on Media Violence including educators, parent groups, journalists, youth agency heads, religious leaders, and representatives of the television and film industry. The conference would educate and sensitize adults to exercise more individual oversight and corporate responsibility in how violence can be reduced and mediated.

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ATTACHMENT I

IDENTIFYING & RESPONDING TO ADOLESCENTS WHO MAY HARM OTHERS

WHAT TO LOOK FOR: the behavioral indicators described below are useful in identifying adolescents (13 to 19 year olds) who may physically harm their fellow students or their teachers (or may harm themselves). Still, we cannot predict exactly who will harm others and in what circumstances they will do so. Students who exhibit these behavioral patterns, however, nearly always need some sort of assistance.

Remember: you are looking for patterns of behavior or emotional responses, not isolated behaviors or single emotional outbursts.

1. **Social Isolation:** few or no friends, hardly ever speaks to peers during breaks.
2. **Despair:** lack of enjoyment or fun in life and/or hopelessness about the possibility of life getting better.
3. **Anger:** nearly always seems angry and/or feels prosecuted.
4. **Threats:** angrily threatens to harm others, particularly if specific plans are articulated.
5. **Poor Impulse Control:** emotionally impatient and tends to respond aggressively before thinking or talking.
6. **Defiance of Authority:** repeated pattern of not listening to authority figures/believes rules do not apply to him/her.
7. **Extreme Self-Centeredness:** repeatedly ignores the feelings or rights of others.
8. **Obsession with Weapons:** fascinated with guns, knives, bombs, or other weapons/brings a weapon to school or is known to carry a weapon.
9. **Obsession with Violence and Death:** regularly talks/writes about violence and death.
10. **Exposure to Violence:** has witnessed serious interpersonal violence or has been physically victimized or has experienced the recent death of a family member, friend, or classmate.
11. **Chronic Truancy:** repeated absences from school.
12. **Extreme Mood Swings:** feelings shift from very happy to very angry or very sad (without an obvious corresponding reason).
13. **Drug Use:** possession or use of drugs/alcohol or clear signs of drunkenness or drug-induced behavior.

Source: Violence Institute of New Jersey at the University of Medicine and Dentistry of New Jersey

ATTACHMENT II

REPORTED VIOLENCE, VANDALISM AND SUBSTANCE ABUSE IN NEW JERSEY SCHOOLS 1995 TO 1998

	<u>1995-'96</u>	<u>1996-'97</u>	<u>1997-'98</u>
<u>Violence</u>			
Simple Assault	3,908	3,981	4,238
Aggravated Assault	274	366	536
Fight	6,564	7,561	7,927
Gang Fight	43	68	97
Robbery	127	90	49
Extortion	52	35	42
Sex Offense	230	317	363
Other	709	799	895
Total Violence	11,907	13,217	14,147
 <u>Weapons Offense</u>			
Bomb Offense	80	74	175
Possession of Firearm	57	49	84
Assault with a Firearm	12	7	9
Assault with other Weapon	117	117	134
Possession of other Weapon	998	962	1,176
Sale or Transfer of Weapon	11	7	11
Total Weapons Offense	1,275	1,216	1,589
 <u>Vandalism</u>			
Arson	271	275	240
Burglary	388	394	308
Damage to Property	4,316	4,423	4,138
Fireworks Offense	194	132	212
Theft	2,741	2,976	2,879
Trespass	492	618	423
Total Vandalism	8,402	8,818	8,200
 <u>Substance Abuse</u>			
Use	2,603	2,818	3,129
Possession	1,023	1,072	913
Distribution	135	158	172
Total Substance Abuse	3,761	4,048	4,214
 Total All Incidents	25,345	27,299	28,150

Source: Annual Reports of the State Commissioner of Education to the Education Committees of the Senate and General Assembly, pursuant to P.L.1982, c.163 (N.J.S.A.18A:17-48).

ATTACHMENT III

Number of students expelled for GFSA violations per 1,000 students of the school-age population, 1996-97

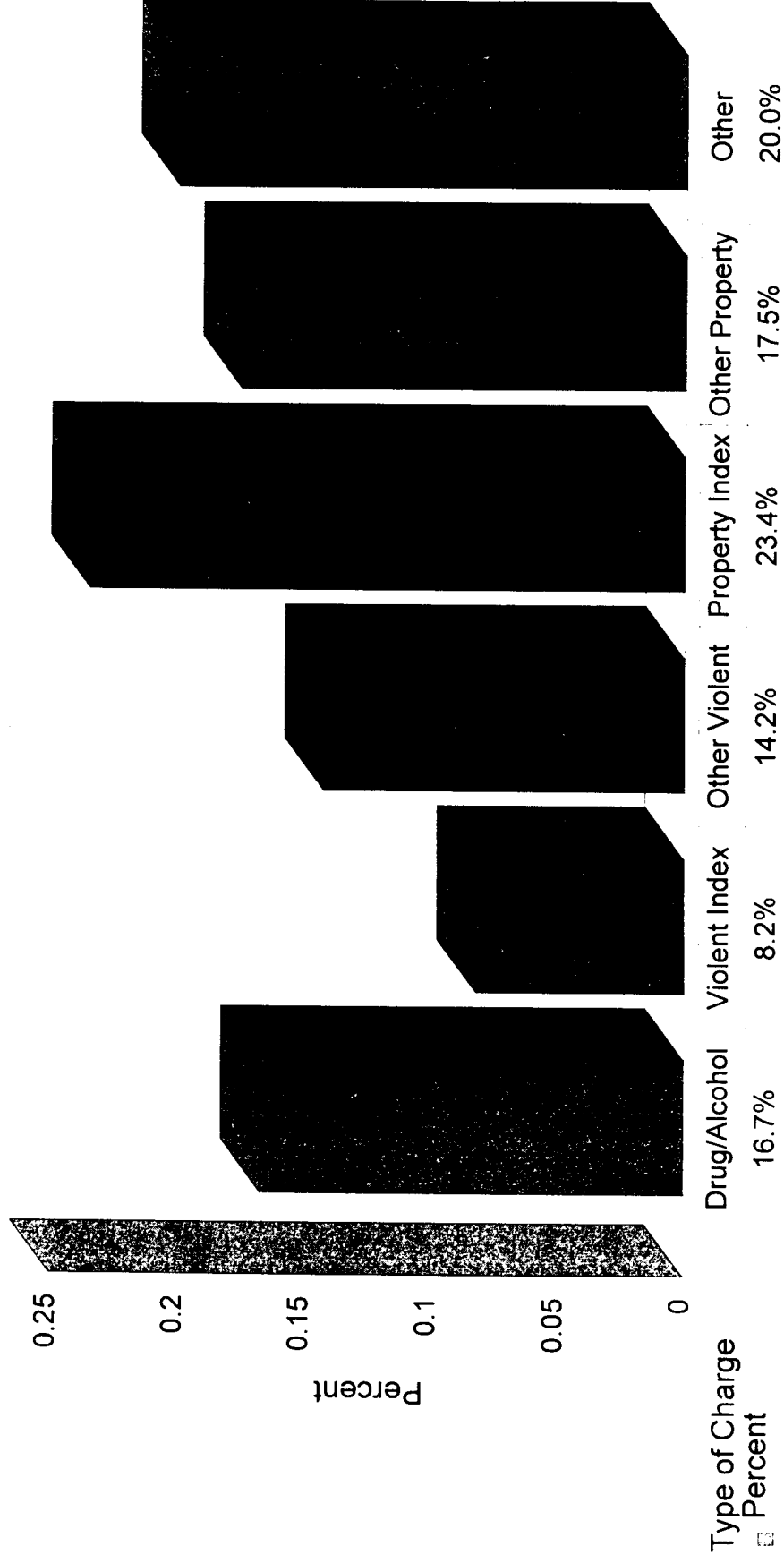
State	Number of students expelled in 1996-97	School-age population 1996	Expelled students per 1,000 of pop	Data Caveats
Alabama	91	780,000	0.117	
Alaska	19	135,000	0.141	
Arizona	152	807,000	0.188	
Arkansas	62	484,000	0.128	
California ¹	723	6,132,000	0.118	This figure represents the total number of school crime incidents that involved a gun.
Colorado ¹	475	728,000	0.652	Reported figures are expulsions for ALL weapons, not just firearms.
Connecticut	19	575,000	0.033	
Delaware	7	126,000	0.056	
District of Columbia	0	75,000	0.000	The District of Columbia SDFSCA coordinator reported that the District has a policy in place, but the policy was not enforced in 1996-97. The District is now surveying each school to determine whether the school had a policy of expulsions in place in 1996-97 and whether students were expelled. ²
Florida	202	2,467,000	0.082	
Georgia	244	1,401,000	0.174	
Hawaii	0	215,000	0.000	
Idaho	33	258,000	0.128	
Illinois	250	2,241,000	0.112	
Indiana	109	1,089,000	0.100	
Iowa	40	537,000	0.074	
Kansas	43	507,000	0.085	
Kentucky	70	710,000	0.099	
Louisiana	88	906,000	0.097	
Maine	13	228,000	0.057	
Maryland ¹	73	927,000	0.079	Reported figure is for the number of incidents, rather than the number of expulsions.
Massachusetts	54	1,031,000	0.052	
Michigan ¹	92	1,865,000	0.049	Data are for the period Jan 1995 through June 1997 (a larger period of time than the 1996-97 school year).
Minnesota	18	931,000	0.019	
Mississippi ³	11	552,000	0.020	Information submitted for handguns only.
Missouri ¹	318	1,027,000	0.310	Reported figures may include other weapons such as knives, air guns, or brass knuckles.
Montana	12	177,000	0.068	
Nebraska ³	20	329,000	0.061	Nebraska did not collect expulsion data from elementary schools. The school-age population figures are for all children aged 5 to 17.
Nevada	54	293,000	0.184	
New Hampshire	15	220,000	0.068	
New Jersey	57	1,415,000	0.040	
New Mexico	71	365,000	0.195	Twenty expulsions were reported separately as an unknown firearm. These were added to the "other firearms" expulsions.

Source: U.S. Department of Education, "Report on State Implementation of the Gun-Free Schools Act (School Year 1996-1997)"

State	Number of students expelled in 1996-97	School-age population 1996	Expelled students per 1,000 of pop	Data Caveats
New York ³	128	3,220,000	0.040	The data reported for 1996-97 represents 71% of all LEAs. All 5 of the largest LEAs are included. The school-age population figures are for all children aged 5 to 17.
North Carolina	163	1,321,000	0.123	
North Dakota	1	127,000	0.008	
Ohio ¹	937	2,089,000	0.449	The data submitted are for expulsions for the use/possession of <u>weapons</u> rather than firearms.
Oklahoma	0	653,000	0.000	
Oregon	85	597,000	0.142	
Pennsylvania	200	2,133,000	0.094	
Rhode Island	7	172,000	0.041	
South Carolina	94	684,000	0.137	
South Dakota	7	153,000	0.046	The reported figure includes air guns.
Tennessee	98	958,000	0.102	
Texas	532	3,870,000	0.137	
Utah	80	490,000	0.163	
Vermont	5	111,000	0.045	
Virginia	92	1,777,000	0.052	Virginia does not differentiate between handguns and rifles.
Washington	146	1,051,000	0.139	
West Virginia	27	315,000	0.086	
Wisconsin	54	1,006,000	0.054	
Wyoming	0	102,000	0.000	
Puerto Rico	0	852,354	0.000	
American Samoa	No data submitted for 1996-97	13,629	—	
Guam	0	31,797	0.000	
Northern Marianas	1	7,766	0.129	
Virgin Islands	1	26,197	0.038	
Total	6,093	51,293,743	0.119	Because all states did not submit data in a uniform way, this total should be considered an estimate. Refer to the caveats shown on the individual state lines for a full picture of the data submitted under the GFSA.
Number of states: 55				
Data Notes: The school-age population figures are children aged 5 to 17, including both public and private school students. For the 50 states and the District of Columbia, these figures are for 1996. For Puerto Rico and the other outlying areas, the figures shown are for 1990. ^{1/} The figure reported by this state may overstate the number of actual GFSA violations. ^{2/} The U.S. Department of Education is working to address this issue. The District of Columbia SDFSCA coordinator also reported that the policy is being enforced this year (1997-98) and that so far, four students have been expelled for firearms violations. ^{3/} The figure reported by this state may understate the number of actual GFSA violations.				

ATTACHMENT IV

Most Serious Juvenile Charges at Court Intake, 1997



Source: New Jersey Juvenile Justice Commission

JUVENILE ARRESTS BY COUNTY - 1997

OFFENSES	Atlantic	Bergen	Burlington	Camden	Cape May	Cumberland	Essex	Gloucester
Murder	1	-	-	9	-	2	7	1
Rape	7	12	3	24	6	8	27	7
Robbery	99	74	53	147	20	61	344	29
Aggravated Assault	146	168	120	252	58	124	501	67
Burglary	183	177	176	223	80	179	260	129
Larceny-Theft	699	1,096	608	1,073	306	377	748	560
Motor Vehicle Theft	46	25	56	159	8	23	107	32
SUBTOTAL INDEX OFFENSES	1,181	1,552	1,016	1,887	478	774	1,994	825
Manslaughter	-	-	2	-	-	-	3	-
Simple Assault	454	534	427	750	135	378	807	275
Arson	18	28	22	29	8	17	46	19
Forgery & Counterfeiting	1	5	5	3	8	3	10	-
Fraud	10	28	7	13	5	-	22	7
Embezzlement	3	-	-	-	-	-	-	-
Stolen Property; Buying, Receiving, Possessing, etc.	75	146	105	192	40	66	667	106
Criminal/Malicious Mischief	257	519	257	410	78	123	373	201
Weapons; Carrying, Possessing, etc.	109	159	81	147	31	69	225	44
Prostitution and Commercialized Vice	4	2	-	2	-	1	1	-
Sex Offenses (Except Forcible Rape and Prostitution)	10	57	15	30	10	24	57	15
Drug Abuse Violations	298	571	389	820	208	223	2,290	283
Gambling	97	1	1	-	-	-	-	-
Offenses Against Family and Children	-	-	-	3	-	-	-	-
Driving Under the Influence	18	25	30	41	12	16	6	27
Liquor Laws	109	461	301	297	459	47	257	130
Disorderly Conduct	791	795	354	446	159	397	627	263
Vagrancy	-	2	-	-	-	-	136	12
All Other Offenses (Except Traffic)	595	1,081	415	571	187	358	1,025	301
Curfew and Loitering Law Violations	476	92	177	1,603	38	219	130	220
Runaways	77	469	60	456	25	1	988	77
GRAND TOTAL	4,583	6,527	3,665	7,700	1,881	2,716	9,664	2,805

Source: Uniform Crime Report, New Jersey State Police

JUVENILE ARRESTS BY COUNTY - 1997

Hudson	Hunter-don	Mercer	Middle-sex	Mon-mouth	Morris	Ocean	Passaic	Salem	Somer-set	Sussex	Union	Warren
8	-	3	3	1	-	3	-	-	-	1	7	-
12	-	4	5	15	6	4	6	4	-	1	1	-
419	3	121	70	67	20	42	84	4	21	1	108	9
311	23	121	135	126	75	120	204	24	27	33	81	35
167	40	111	202	241	109	198	138	51	79	79	121	33
569	74	638	1,007	1,011	525	744	554	87	359	119	579	104
19	4	180	26	65	18	33	70	7	28	7	43	4
1,505	144	1,178	1,448	1,526	753	1,144	1,056	177	514	241	940	185
-	-	1	-	-	-	-	-	-	-	-	1	-
548	55	379	496	449	242	398	585	127	254	82	395	37
15	-	12	19	19	14	44	13	10	14	8	14	2
1	-	8	9	6	7	6	1	2	3	1	11	1
16	1	10	16	14	11	9	8	-	8	-	10	-
10	-	-	-	-	-	-	-	-	-	-	-	1
181	14	57	182	191	48	49	193	7	54	8	180	8
276	72	253	231	429	328	351	295	138	190	95	382	247
118	24	70	121	114	79	76	107	14	47	21	114	26
1	-	-	-	2	-	-	5	-	-	2	-	-
39	5	38	29	21	8	10	53	3	11	7	14	2
1,053	104	569	428	676	363	452	516	66	171	90	737	58
-	-	-	1	-	-	1	-	-	-	-	2	1
-	-	-	-	4	1	1	-	-	-	-	1	2
11	9	7	13	23	31	20	17	12	10	9	8	9
138	58	77	151	393	291	226	38	16	79	58	291	24
388	47	785	543	663	235	252	702	89	540	41	767	57
-	-	-	15	10	-	-	-	-	2	1	-	-
547	103	197	679	683	445	665	393	112	306	174	830	93
287	4	38	31	290	85	133	37	19	96	6	692	18
278	51	610	279	205	239	441	594	18	174	34	550	13
5,412	691	4,289	4,691	5,718	3,180	4,278	4,613	810	2,473	878	5,939	784

ATTACHMENT VI

QUESTIONS / STATES JUVENILE JUSTICE RESTORATIVE JUSTICE EFFORTS

1. DOES YOUR STATE LAW SPECIFICALLY DIRECT YOUR COURT SYSTEM HANDLING JUVENILE CASES TO UTILIZE RESTORATIVE JUSTICE PRINCIPLES (i.e. offender admits guilt, victim /offender agree to terms of reparation, community involvement in the process, which may include community service) DURING JUVENILE INTAKE AND SUBSEQUENT COURT DISPOSITIONS?

YES _____ NO _____

2. WHAT ACTORS IN THE COURT JUVENILE INTAKE PROCESS UTILIZE RESTORATIVE JUSTICE TECHNIQUES?

Judges _____ Other _____
Probation officers _____
Prosecutors _____
Defense Attorneys _____
All of the above _____

Further explanation: _____

3. DOES YOUR RESTORATIVE JUSTICE PROGRAM HAVE VICTIM-OFFENDER MEDIATION?

YES _____ NO _____

4. WHAT ITEMS (LISTED BELOW) DOES YOUR VICTIM-OFFENDER MEDIATION INCLUDE?

Victim-offender meetings/conferences _____
Community involvement to rehabilitate youth offender _____
Victim and community involvement with setting reparations _____
Community service _____
Other (explain) _____

5. DO JUDGES HEARING JUVENILE CASES IN YOUR STATE USE VICTIM-OFFENDER MEDIATION AS A DIVERSION FROM PROSECUTION?

YES _____ NO _____

6. IS THIS APPROACH USED SOLELY FOR LESS SERIOUS AND MINOR OFFENSES?

YES _____ NO _____

Explain: _____

7. WHAT HAS BEEN THE MOST SERIOUS OFFENSES MEDIATED THROUGH SUCH A PROCESS?

Assault with bodily injury _____

Assault with deadly weapon _____

Negligent homicide _____

Other (specify) _____

Vehicular homicide _____

8. WHAT HAS BEEN THE MOST COMMON OFFENSES REFERRED TO MEDIATION?

Criminal damage to property _____

Burglary/Theft _____

Assault _____

Damage to Property _____

9. IS THE VICTIM-OFFENDER MEDIATION VOLUNTARY?

YES _____ NO _____ OTHER _____ (Explain)

10. IS A WRITTEN AGREEMENT THE MECHANISM BY WHICH THE VICTIM-OFFENDER MUTUALLY DECIDE ON THE TERMS OF REPARATION FOR THE OFFENSE COMMITTED?

YES _____ NO _____ OTHER _____ (Explain)

11. HOW IS THE LATTER PROCESS INITIATED?

(EXPLAIN) _____

12. DOES THE JUDGE DEAL DIRECTLY WITH PROFESSIONAL OUTSIDE GROUPS TO IMPLEMENT MEDIATION EFFORTS?
- YES _____ NO _____
13. WHEN DID YOUR STATE START IMPLEMENTING THE RESTORATIVE JUSTICE APPROACH? _____
14. IN ORDER TO IMPLEMENT SUCH A SYSTEM, WHAT STEPS HAD TO BE TAKEN AND WHAT NECESSARY CHANGES IN THE STRUCTURE AND PROCESS OF THE COURT SYSTEM HAD TO BE MADE IN ORDER TO BEGIN IMPLEMENTING IT? _____
15. IN ORDER TO MAKE THE NECESSARY TRANSITION TO IMPLEMENT A RESTORATIVE JUSTICE PROGRAM IN THE COURT SYSTEM, WHAT COSTS DID THIS INCUR? _____
16. WHAT CAVEATS OR LESSONS WOULD YOU UNDERScore AS ADVICE TO OTHER STATES THAT MIGHT CONSIDER INITIATING RESTORATIVE JUSTICE PRINCIPLES IN HANDLING YOUTH OFFENSES? _____