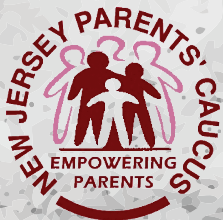


# The Incarceration of Children and Youth in New Jersey's Adult Prison System



**New Jersey Parents' Caucus Data Brief**  
**New Jersey Youth Initiative Program:**  
*A Family-Driven Justice System*



**The New Jersey Parents' Caucus Inc. (NJPC)** is a coalition of parents, caregivers, and youth whose mission is to ensure that every family who has children with special emotional and behavioral needs is given an opportunity to play a strong and active role in the conceptualization, development and delivery of effective and timely services in the mental health, juvenile justice, child welfare and special education systems.

Front Cover Photo By: William Stitt  
Back Cover Photo By: Jordan Whitfield

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# **1 ACKNOWLEDGEMENTS**

This project consumed a massive amount of work, research and dedication. Still, it would not have been possible without the support of youth, parents, family members, individuals and organizations. Therefore, we would like to extend our sincere gratitude to all of them.

First of all, we are most thankful to all of the justice-involved youth for their co-operation, sharing and encouragement which was the impetus for this project.

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Finally, we are grateful to the New Jersey Parents' Caucus volunteers, researchers, staff, board and members who devoted their time and knowledge in the implementation of this project.

## 2 EXECUTIVE SUMMARY

Each year, over 200,000 children and youth are tried as adults across the country. In the state of New Jersey, youth as young as 14 can be tried, sentenced and incarcerated in the adult prison system, and those age 16 or older are subject to mandatory (automatic) waivers if they commit certain crimes.

It is the position of the New Jersey Parents' Caucus, Inc. (NJPC) and its membership that the state's current policies which promote the trying, sentencing and incarceration of children and youth between the ages of 14 and 17 in adult system are unjust and require further review. No youth should face an increased likelihood of adult waiver for a similar crime in a similar circumstance because of race, ethnicity, geography or socio-economic status. As well, for those children who are waived to the adult system, safety, rehabilitative services, treatment, and appropriate educational services and support, must be provided, particularly for those children with a history of mental health needs and/or special education involvement.

As part of the New Jersey Youth Justice Initiative, we at the New Jersey Parents' Caucus have been able to gather comprehensive state data from the New Jersey Department of Corrections (NJ DOC) on 472 children tried, sentenced, and incarcerated in the adult prison system. The data largely covers the period 2007 – 2015, though some information gathered dates back to 2003. In addition to the data retrieved from the NJ Department of Corrections, we've received qualitative data from a subset of the same population (120 youth) by means of a survey assessment provided to incarcerated youth and their parents, caregivers and family members. All data includes youth residing in the following adult prisons: Garden State Youth Correctional Facility, Albert Wagner Youth Correctional Facility, Northern State Prison, New Jersey State Prison, Mountainview Youth Correctional Facility, Adult Diagnostic and Treatment Center, South Woods State Prison, Edna Mahan Correctional Facility, Mid-State Correctional Facility, Southern State Correctional Facility, East Jersey State Prison, Central Reception and Assignment Facility, and Bayside State Prison.



### 3 OUR KEY FINDINGS

- **Gross Racial & Ethnic Disparities:** Youth of color are disproportionately represented among those waived to the adult prison system in New Jersey and make up approximately 90% of youth included in our data set who are incarcerated in the adult system. Of those children and youth, approximately 72% of are African American and 18% are Latino.
- **Justice by Geography:** Rates of incarceration in the adult prison system vary significantly across counties in New Jersey, suggesting that justice depends on where one lives, not on the facts of a given case. For example, in Camden County, 14 to 17 year olds make up 5.8% of the population of children between the ages of 0-17, but make up 15.3% of our data set between 2007 and 2015. In comparison, in Hunterdon County, where youth 14 to 17 make up 6.3% of the population of children between the ages of 0-17, 0% were incarcerated in the adult system between 2007 and 2015.
- **Youth are Regularly Deprived of Due Process:** Approximately 30% of the 472 youth waived to adult court during the study period spent more than 2 years incarcerated, between their arrest date and their sentencing date.
- **Youth are Subject to Long Term Solitary Confinement In the Adult Prison System:** Solitary confinement is known to be psychologically damaging, especially to children. Yet, based on our survey data, over half the youth in adult prisons are put into solitary confinement; 5 percent spend over a year there, and about 4 percent spent 2 years or more in solitary. Nearly 70 percent of those placed in solitary had a mental health disorder.
- **Youth Suffer Abuse While in Adult Prison:** Once incarcerated in an adult prison, one in four youth surveyed reported physical abuse; 5% reported sexual abuse.
- **Youth Needs are Not being Met in the Community:** About 71% of youth waived to the adult system were known to at least two child-serving agencies, prior to their involvement in adult court, with the majority having been involved in the mental health system. Of those youth, more than two out of three children and youth have two or more mental health diagnoses.

# 4 RECOMMENDATIONS

It is the position of the NJPC and its membership that the state's current policies which promote the trying, sentencing and incarceration of children and youth between the ages of 14 and 17 in adult courts and prisons are unjust and require further review. Although the existence of a separate justice system for juveniles in New Jersey was enacted because youth are particularly capable of rehabilitation due to their age and brain development, once youth are incarcerated in the adult system, they are treated like adults and stripped of their opportunity to become productive members of society. Given the large number of youth involved in multiple child-serving systems prior to their incarceration in the adult system, this data brief serves as a call to action for state officials, child-serving systems, community-based organizations, legislators, and other interested stakeholders throughout the state of New Jersey to revisit the way in which we view all children and youth, regardless of their race, ethnicity or geographical location, and the way in which services are provided to them and their families. When state data is juxtaposed with surveys collected from youth and family, the results suggest – at the very least – the need for more attention to the needs of youth waived to the adult prison system. Our recommendations include:

## Racial and Ethnic Disparities

- Address the underlying factors related to racial and ethnic disparities in the juvenile justice system.
- Examine decision-making policies and practices of police, prosecutors, courts and probation to identify where racial disparities occur in the system.
- Review and amend laws that encourage disparate racial impact in our community.
- Require all relevant state departments and agencies to record and publish comprehensive data in regards to children and youth waived to the adult system, particularly data aggregated by race, ethnicity, gender and system involvement, so we as a community are able to develop appropriate strength-based services for all youth and their families.
- Develop, support and expand delinquency prevention programs that target minority communities.

## Waiver Policy

- End the prosecution of youth in adult criminal court. Waiver of children and youth to adult court should not be automatic or a presumption in the handling of juvenile cases. National research and this data analysis indicates that automatic waiver does not achieve the desired goals and may be potentially harmful to the community and the involved youth.
- Develop more uniform standards and reporting processes to keep incarcerated children and youth safe from sexual and physical abuse. The National Prison Rape Elimination Commission found that *“more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.”*

- Require judges to consider the youth and his/her community, and not just the offense when imposing a term of incarceration for all youth. Consideration of the case should include the mental health of the youth and its bearing on the charges, previous system involvement, family dynamics and the rehabilitative, treatment, and educational needs of the child.
- Provide comprehensive training for juvenile justice personnel in areas of child development, racial and ethnic disparities, mental health, cultural and linguistic competency, and engaging parents and family members.
- Ensure children and youth in adult facilities are provided with the appropriate educational services necessary to make a successful transition to productive adulthood upon their release.
- Identify all youth incarcerated in the adult system who have special educational needs and ensure they are provided with appropriate special education services and supports.
- Track the frequency with which youth are transferred to the adult system and evaluate the impact on our state of prosecuting youth as adults.
- Require the collection and regular publication of data on the internet about juvenile waiver cases including age, gender, ethnicity, race, mental health diagnosis, special education status, and prior system involvement.

## **Solitary Confinement**

- Ensure that a juvenile may be subject to solitary confinement only for the minimum time required to address the safety risk and for a period that does not compromise the mental and physical health of the youth.
- Establish the maximum number of days youth incarcerated in the adult system may be held in solitary confinement, depending on the age of the child.
- Ensure that the health, mental health, and educational services provided to youth in solitary confinement are of comparable quality and duration to the services they receive while in the general population.
- Require that facilities document the use of solitary confinement, including (a) the dates and duration of each occurrence, (b) the reason for placement in solitary confinement; and (c) the race, age, gender, and mental health status of the juvenile placed in solitary confinement, and that data will be both published annually on the JJC's website and subject to Open and Public Records Act ("OPRA") requests.



## Community-Based Services and Treatment

- Increase access to appropriate mental health care and treatment for New Jersey families, prior to their child's involvement in the juvenile justice system.
- Improve available outpatient services for children, youth and young adults. Historically, capacity in outpatient treatment programs for children, youth and young adults in our state has been limited.<sup>1</sup> According to New Jersey's State Mental Health Block Grant Application 2014-2015, the need for child and youth behavioral health care services exceeds capacity.<sup>2</sup>
- Develop a more proactive, preventative system of care for children and youth.
- Engage with parents and family members throughout the state in a meaningful manner, through comprehensive training programs, outreach, and information sessions, such that they are informed, educated and understand their rights and responsibilities.
- Increase cross-sector community planning, inclusive of parents, family members and youth, at the local level, involving at the least, agencies dealing with youth crime, education, mental health, post-secondary schools, faith-based communities and the private sector community.
- Increase reentry programs which engage parents, caregivers and family members. Many youth are often discharged from care back to families struggling with domestic violence, drug and alcohol abuse, and unresolved mental health disabilities. Many are placed back into neighborhoods with high levels of trauma, few supportive programs, high crime rates, and poverty. Given the lack of appropriate services provided to them during incarceration, the likelihood of recidivism is significantly increased.
- Provide opportunities for youth, parents, and family members to play a strong and active role in the conceptualization, development and delivery of services and supports.

<sup>1</sup> [http://www.state.nj.us/humanservices/divisions/dmhas/Block\\_Grant\\_Application\\_2014-2015.pdf](http://www.state.nj.us/humanservices/divisions/dmhas/Block_Grant_Application_2014-2015.pdf)

<sup>2</sup> *ibid*

## 5 DETAILED REPORT

### Waiving Youth to the Adult System Increases Crime in our State & Decreases Public Safety

Youth convicted in the adult system face lengthy prison sentences, are subject to long-term solitary confinement, receive fewer rehabilitative services and less support, suffer long-term legal consequences, and have increased recidivism rates – in fact, waiving children to the adult system actually increases crime and decreases public safety.<sup>3</sup> The U.S. Department of Justice, U.S. Centers for Disease Control and Prevention, and the Brookings Institution have all issued reports showing that youth who are tried as adults are, on average, 34% more likely to commit crimes than youth retained in the juvenile justice system.<sup>4</sup> Research shows that placing youth in adult settings actually makes them more apt to commit future crimes because it neglects the rehabilitative potential for youth and directs little attention towards their reentry into society as productive and reformed citizens, since they often lose access to appropriate mental health, educational and vocational services and supports.

As part of the New Jersey Youth Justice Initiative, we at NJPC have been able to gather comprehensive state data from the NJ DOC on 472 children tried, sentenced, and incarcerated in the adult prison system. The data largely covers the period 2007 – 2015, though some information gathered dates back to 2003. During the time period under review, Camden County led the state in incarcerating youth to the adult prison system (see Fig. 1 below).



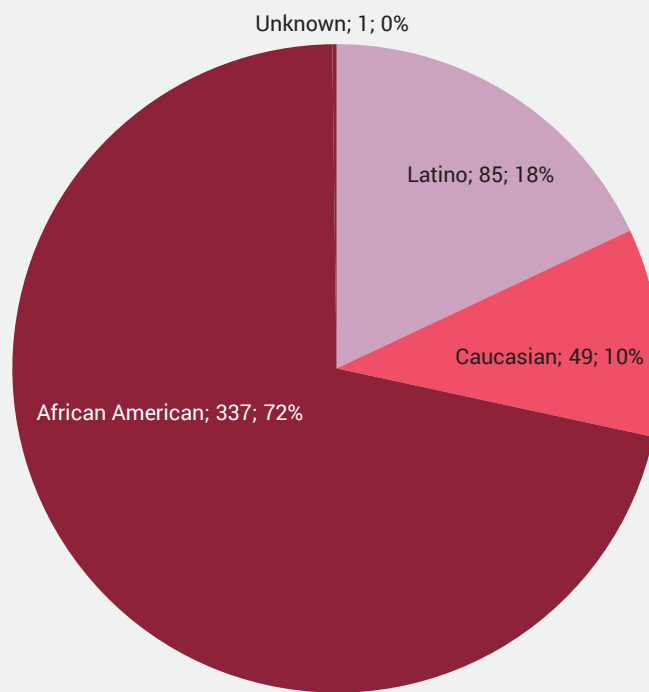
Figure 1

<sup>3</sup> Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System, CDC, MMWR, November 30, 2007, Vol 56, pp. 1-11.  
<sup>4</sup> America's Invisible Children: Latino Youth and the Failure of Justice. <http://www.campaign-foryouthjustice.org/documents/Latino-fact-sheet-in-spanish-and-english.pdf>. 2009

## Youth in New Jersey's Adult System: Gross Racial & Ethnic Disparities

The latest data from the U.S. Department of Justice shows that the rate of youth in confinement nationwide has dropped 41 percent between 2001 and 2011. However, despite the remarkable decrease in the use of confinement for youth, the National Council on Crime & Delinquency reports that the proportion of youth of color receiving court dispositions grew substantially between 2002 and 2012.<sup>5</sup> Similarly, while juvenile arrests in New Jersey continue to decline – a record low number of youth are confined in juvenile justice facilities, and admissions to county detention centers have dropped significantly, New Jersey still continues to struggle with racial and ethnic disparities in the juvenile justice system, with youth of color making up approximately 90% of youth incarcerated in the adult system.

**New Jersey Youth of Color Disproportionately Tried, Sentenced and Incarcerated in the Adult Prison System**



n = 472  
Offense age below 18  
Source: NJ DOC

*Figure 2*

<sup>5</sup> National Council on Crime & Delinquency, *Stakeholders' Views on the Movement to Reduce Youth Incarceration*, [http://www.nccdglobel.org/sites/default/files/publication\\_pdf/deincarceration-summary-report.pdf](http://www.nccdglobel.org/sites/default/files/publication_pdf/deincarceration-summary-report.pdf), 2014

## Significantly Smaller Number of Girls Waived to Adult Prison System, but Racial & Ethnic Disparities Still Evident

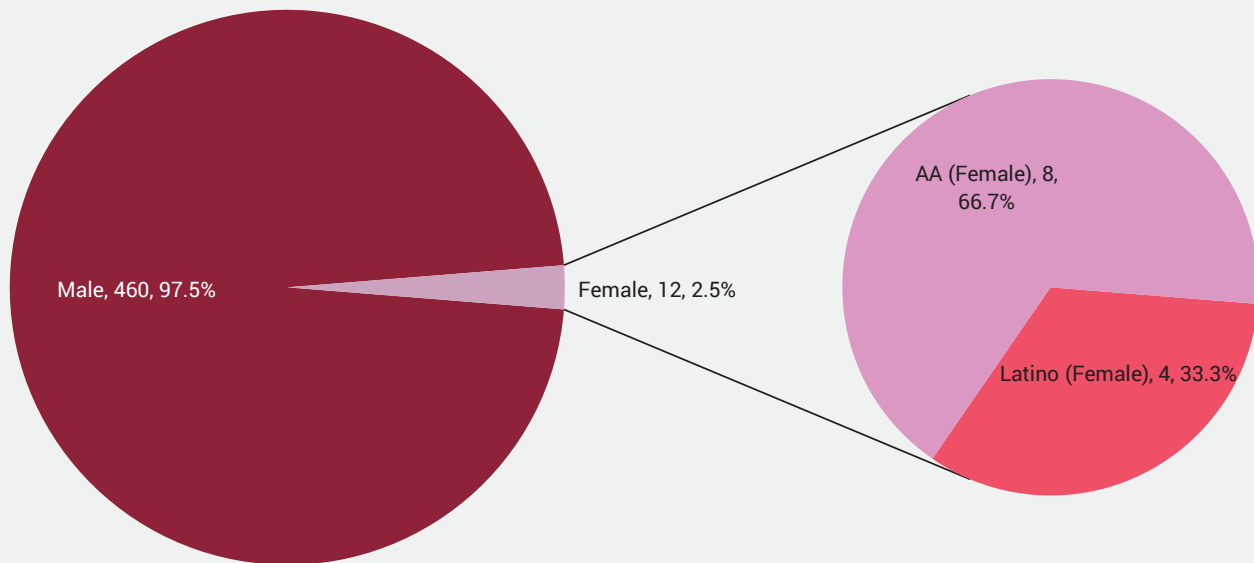
Of the data retrieved from the New Jersey Department of Correction, 460 (97.5%) are male youth and 12 (2.5%) are female. Of the 12 females, 100% of the population are girls of color – 67% are African American and 33% are Latino (Fig. 3).

n = 472

Offense age below 18

Source: NJ DOC

**100% of Girls Waived to Adult system are Youth of Color**



*Figure 3*

In addition to the data retrieved from the New Jersey Department of Corrections, we've received qualitative data from a subset of the same population (120 youth) by means of a survey assessment provided to incarcerated youth and their parents, caregivers and family members. The survey is not a scientific sample and has been completed by a comparatively small number of youth; however, despite the survey data shortcomings, no other organization has been able to compile such comprehensive data from youth, parents and their family members. At the very least, the responses suggest the need for more attention to the needs of youth waived to the adult prison system, and more official data collection on these topics.

## Majority of Youth Waived to Adult System Have Prior Involvement in Mental Health System

Although the existence of a separate justice system for juveniles in New Jersey was enacted because youth are particularly capable of rehabilitation due to their age and brain development, and should be given the opportunity to do so, once youth are incarcerated in the adult system they are treated like adults. The negative effects of adult incarceration for youth are devastating and are particularly acute for young people with mental health disabilities.

**“...I begged them to put my son in residential before he got in trouble....”**

*- Parent of child waived to the adult system who had prior involvement in NJ's Child Behavioral Health System*

Many children waived to the adult criminal court system also are likely to have mental health and substance abuse issues that often go untreated, which suggests that the current guidelines fail to meet uniform application of the statute. A large percentage of New Jersey youth with mental health needs are often funneled through the juvenile justice system due to a mental health need that is unmet in the community. Based on the data received from youth, parents and their family members, approximately 70% of the youth committed to adult prisons in New Jersey have prior involvement in the mental health system (Figure 4).

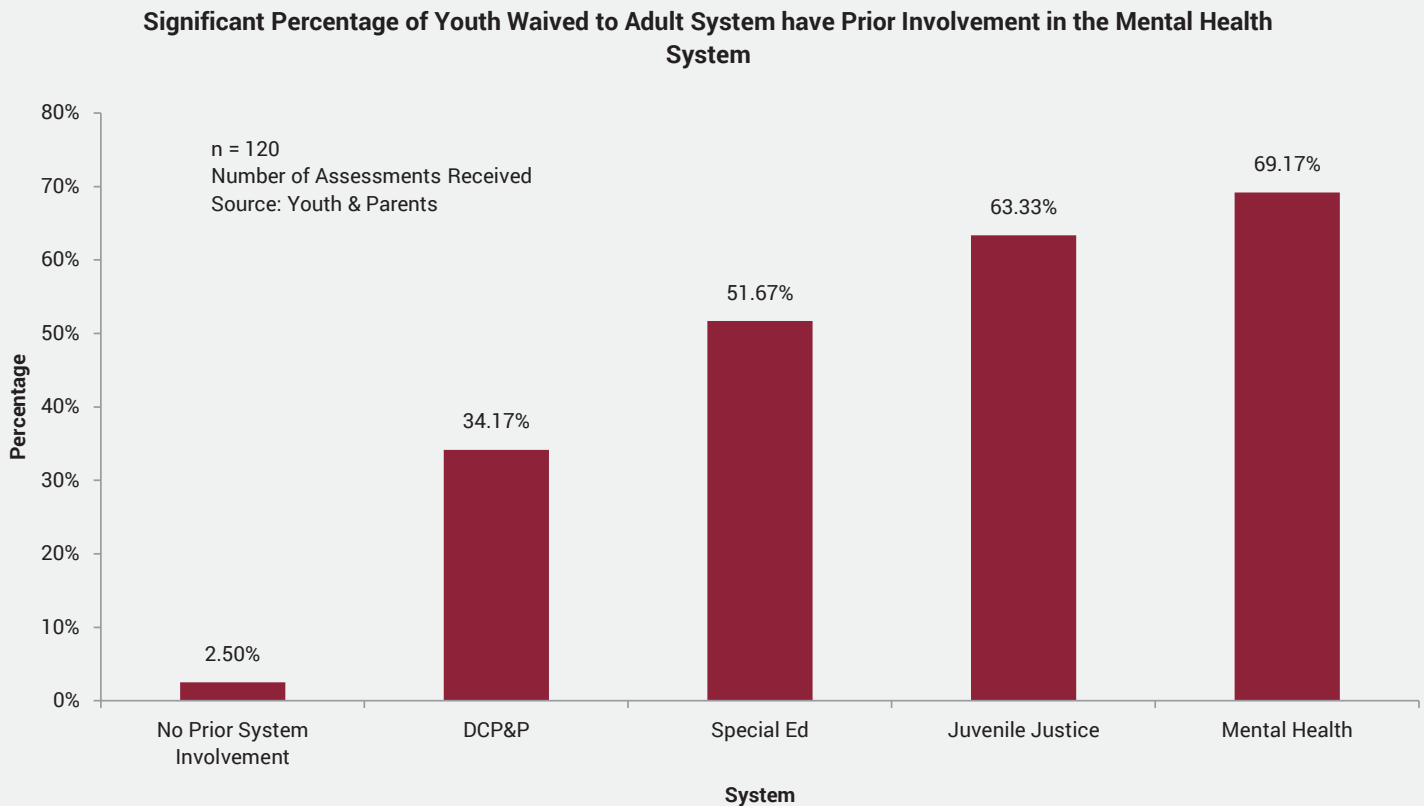


Figure 4



Developmentally, the adult system is inappropriate for youth and lacks comprehensive services, treatment, support and education necessary for youth to become productive members of society. Over the past decade, research has given us a new understanding of adolescent brain development. In 2014, the National Academy of Sciences released a groundbreaking report - Reforming Juvenile Justice: A Developmental Approach - examining the implications of this research and proposing a developmental approach to juvenile justice – recognizing that adolescents are different from adults.<sup>6</sup>

## More Than Two out of Three Youth Waived Have Two or More Mental Health Diagnoses

Nationally, a significant number (65–70 percent) of children and young adults who formally come into contact with the juvenile justice system have at least one diagnosable mental health need, and 20–25 percent have serious emotional issues.<sup>7</sup> Similarly, in the New Jersey survey data set (n=120) compiled for this brief, we found that approximately two out of three New Jersey youth (70%) had a mental health disability prior to incarceration; nearly four out of 10 (37%) had two or more diagnoses (Figure 5).

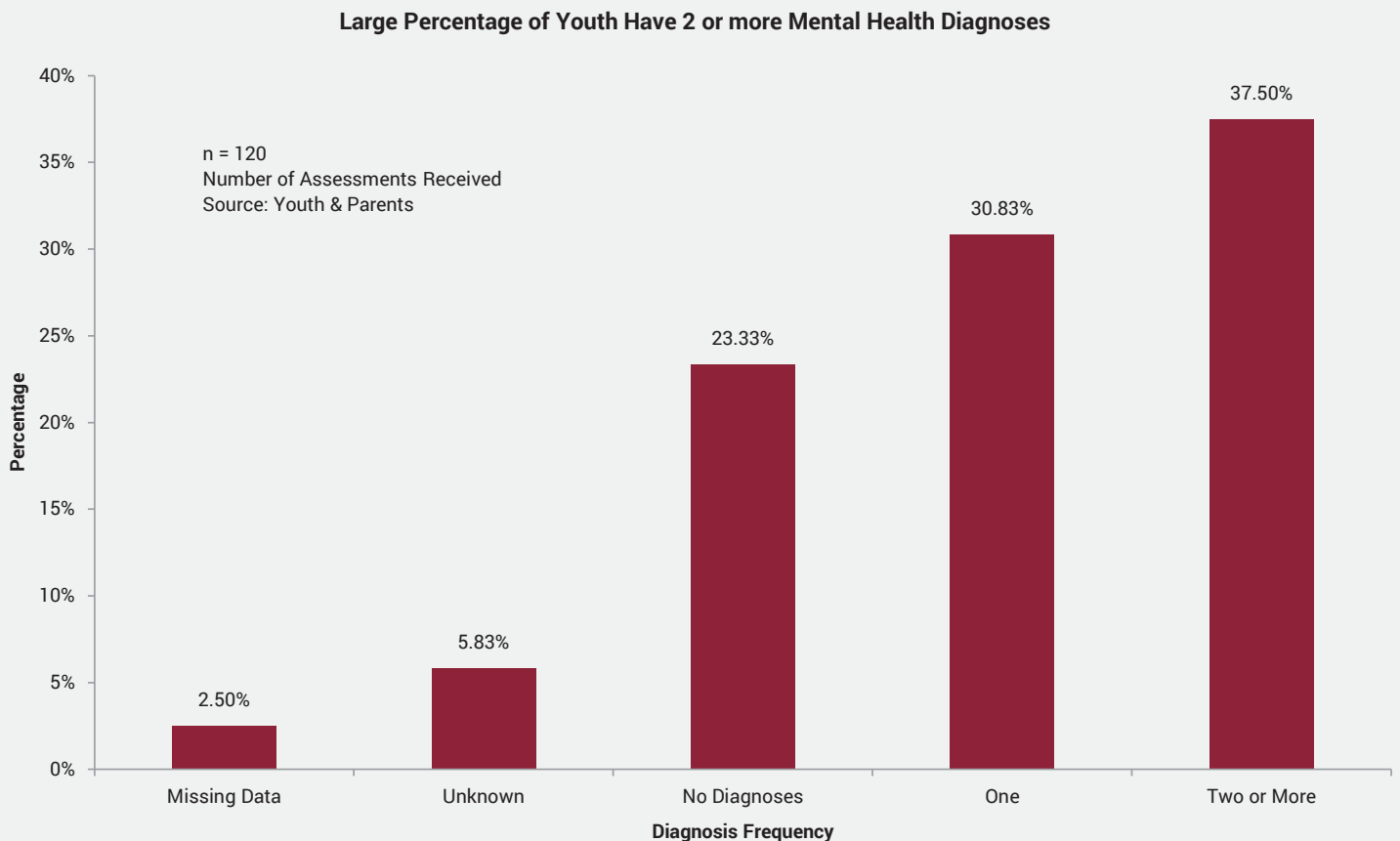


Figure 5

<sup>6</sup> [http://sites.nationalacademies.org/DBASSE/CLAJ/Reforming\\_Juvenile\\_Justice/index.htm](http://sites.nationalacademies.org/DBASSE/CLAJ/Reforming_Juvenile_Justice/index.htm)  
<sup>7</sup> Shufelt & Cocozza, 2006; Teplin, Abram, McClelland, Dulcan, & Mericle, 2002; Wasserman, McReynolds, Lucas, Fisher, & Santos, 2002

Of those youth diagnosed with a mental health disability, ADHD/ADD was the most common disability, representing 37% of youth with a mental health disorder included in our data subset (Figure 6).

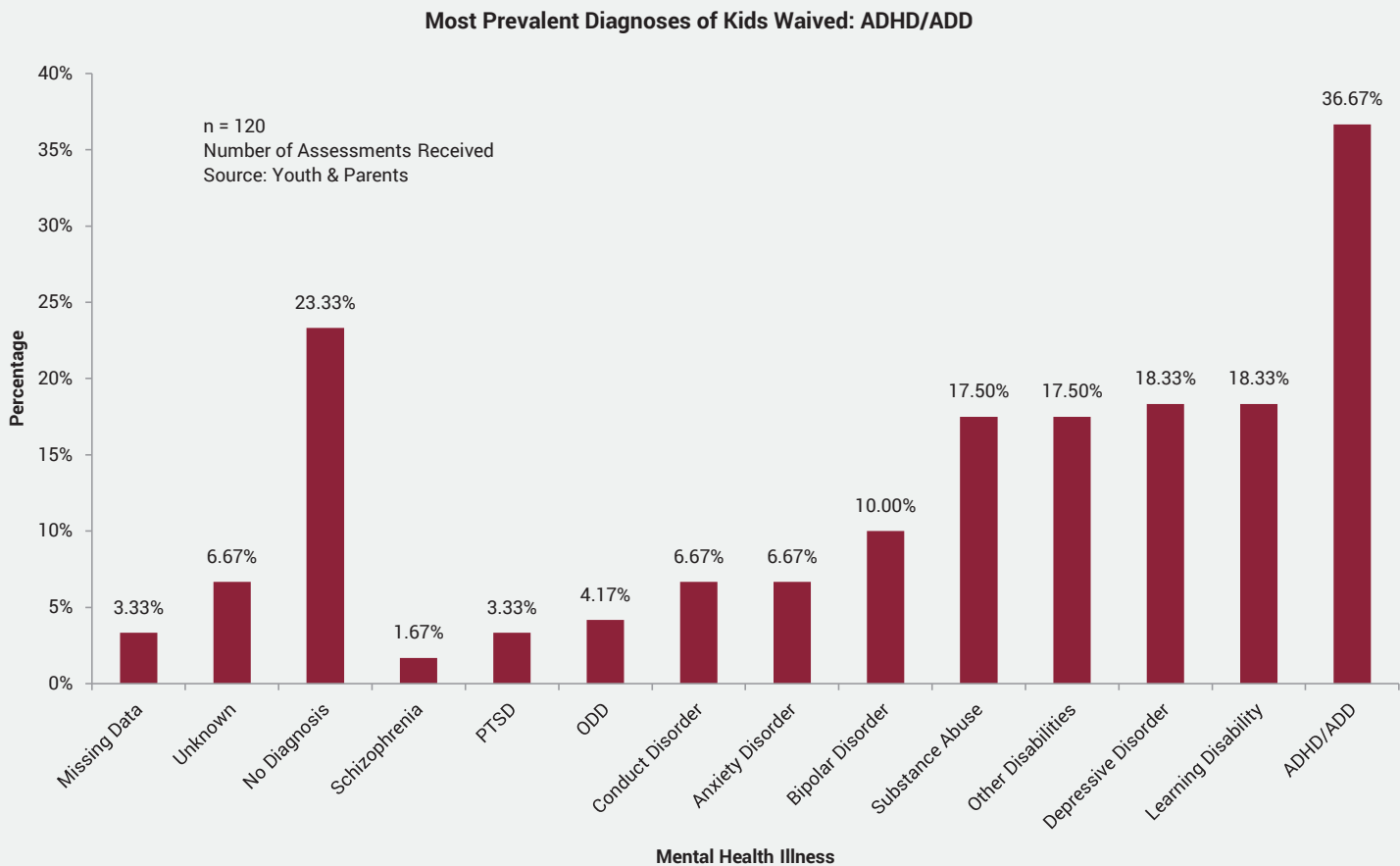


Figure 6

# Significant Number of Youth in Adult System are Known to Multiple Child-Serving Systems

Of the four primary child-serving systems, including special education, mental health, juvenile justice and child welfare, approximately 42% of children waived to the adult system in our subset of data were known to three or more systems; nearly 71 % were known to at least two (Figure 7).

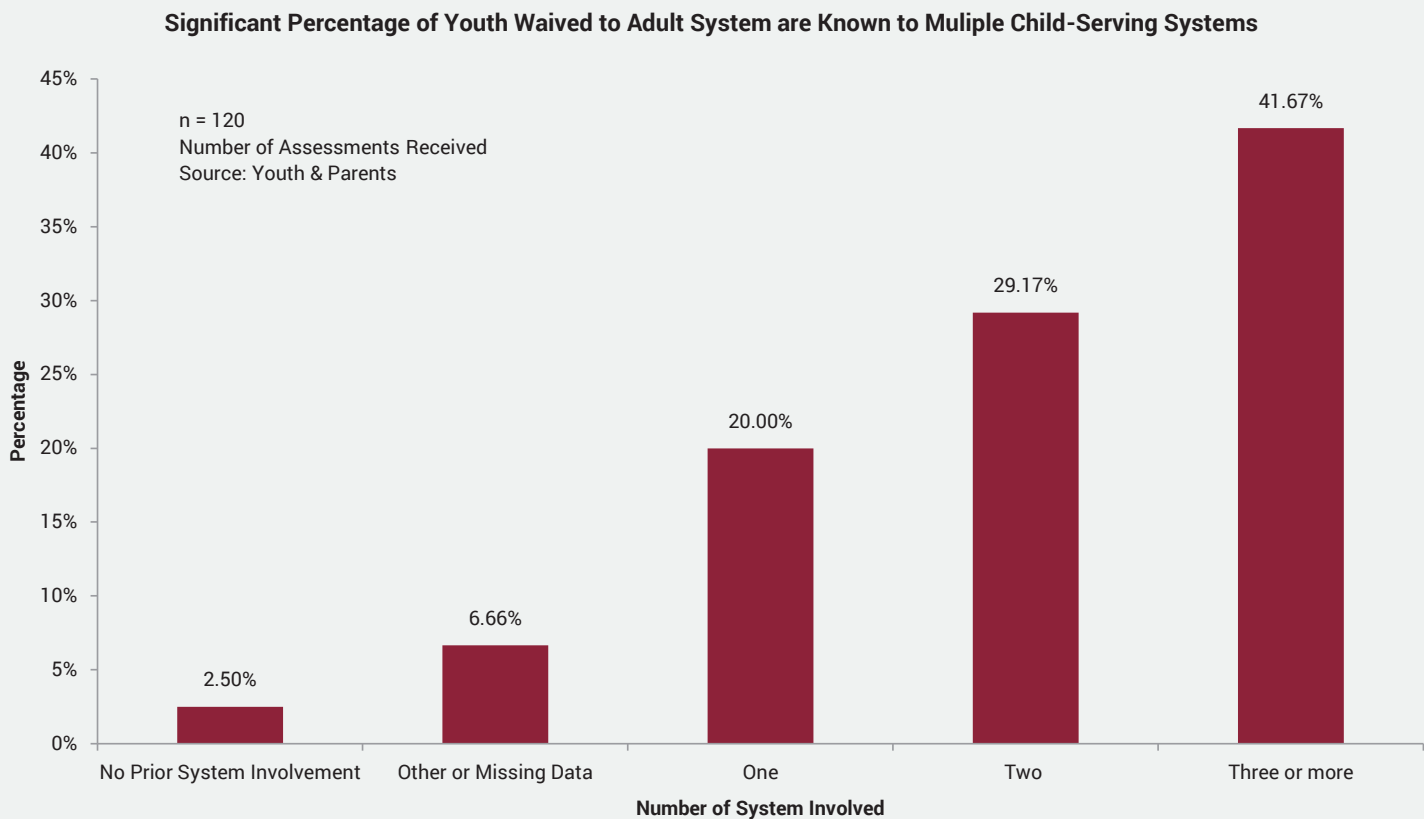


Figure 7

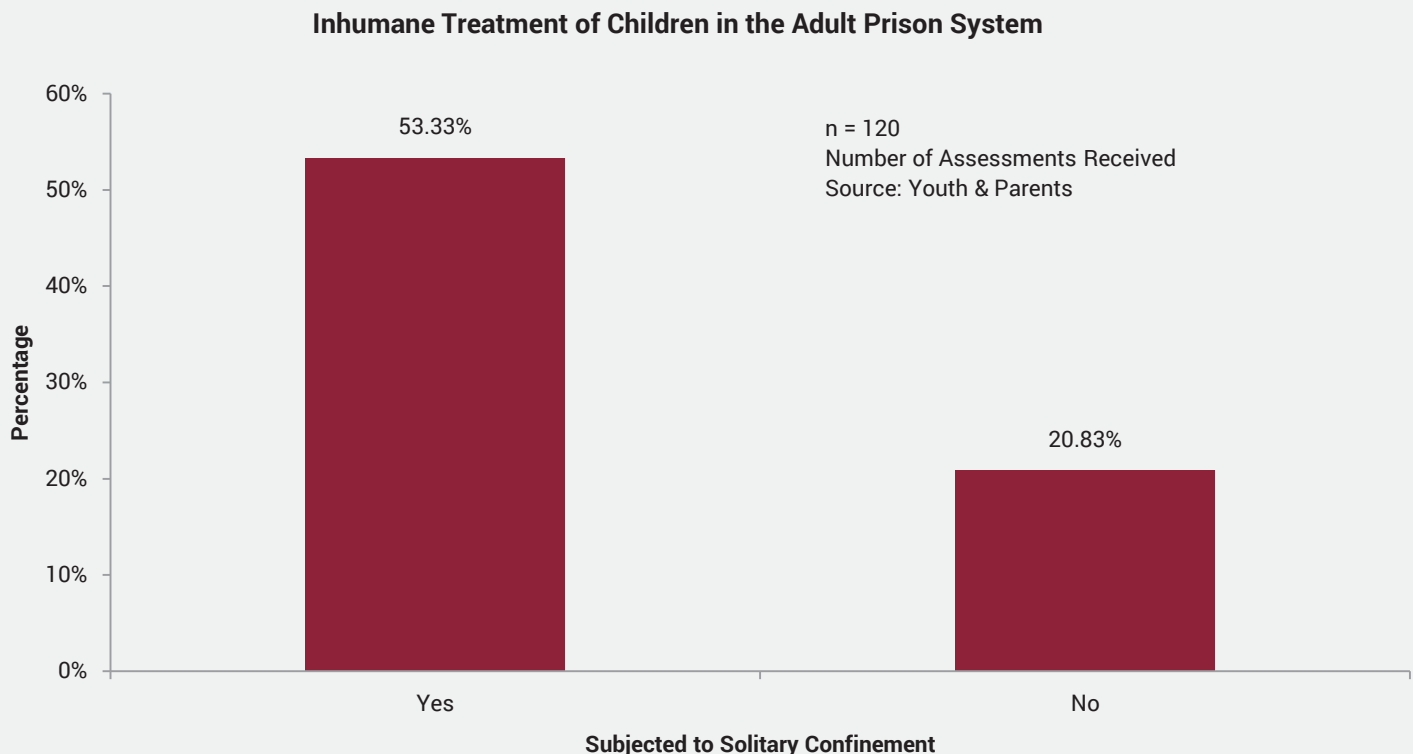
## Inhumane Treatment of Children in New Jersey's Adult System: Solitary Confinement

Commonly referred to as “the BOX,” “BAU,” “room restriction” or “solitary,” New Jersey currently allows for children and youth in juvenile facilities to be locked away in their rooms for up to five days as disciplinary punishment, or much longer if safety is thought to be at risk. However, there are no limits on how long adult prisons may hold a youth in solitary confinement.

**“In the beginning I didn’t know.....I couldn’t understand why I couldn’t visit him.....No one told me.... He was in solitary for more than 90 days...”**

*-- Parent of child with mental health diagnosis incarcerated in the adult system*

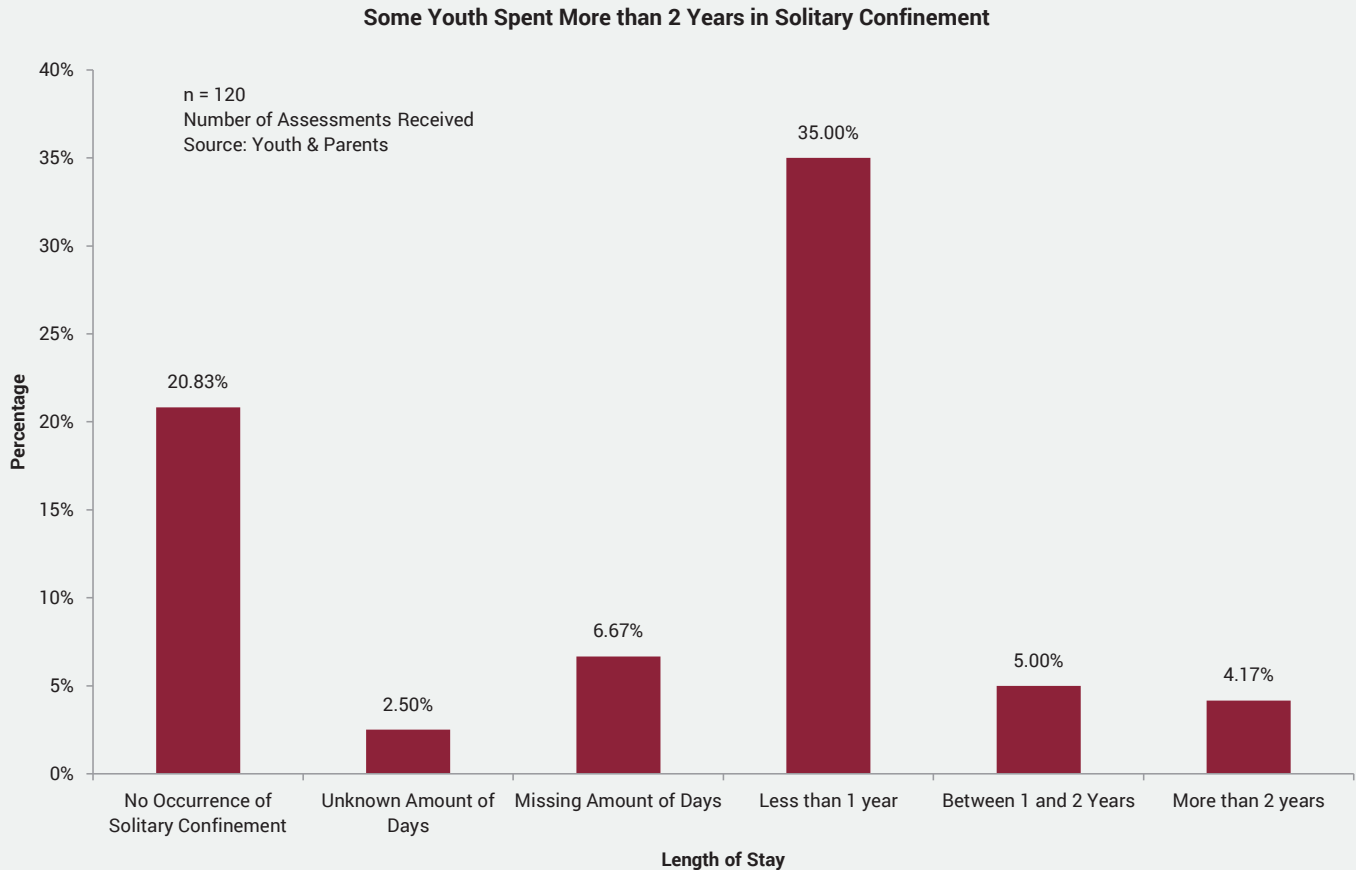
Incarcerating youth in an adult facility or in long-term solitary confinement reduces their chances of being rehabilitated immensely. According to a recent report from the ACLU and Human Rights Watch, solitary confinement causes tremendous psychological harm to youth and must be considered as a form of cruel and unusual punishment.<sup>8</sup> The American Medical Association recently passed a resolution opposing solitary confinement except in “extraordinary circumstances.”<sup>9</sup> Of the 120 youth included in our data subset, over half (53%) had been placed in solitary confinement (Figure 8).



*Figure 8*

## Some New Jersey Youth Spent More than Two Years in Solitary Confinement

Approximately 53% of youth in our data subset were placed in solitary confinement for a total of approximately 15,359 days (42 years), reported to us between 2010 and 2015. About one in three youth (35.8%) spent less than one year in solitary; 5% of youth placed in solitary confinement were confined a total of 1 to 2 years, nearly 4.2% spent more than 2 years there . Only 1 out of 5 (20.8%) youth had no occurrence of solitary confinement (Figure 9).



*Figure 9*



## Majority of New Jersey Children Held in Solitary Confinement have a Mental Health Diagnosis – and Some Were Held There for Years.

According to the ACLU and Human Rights Watch, solitary confinement places youth in danger of causing or exacerbating mental health challenges or other serious mental health problems.<sup>10</sup> In New Jersey, youth are often placed in isolation, locked down 23 hours a day in small cells with no natural light, and these conditions cause anxiety, paranoia, and exacerbate existing mental disorders and heighten the risk of suicide. Over half (53%) of children and youth in the adult system spent a total of 15,359 days (or about 42 years) in solitary confinement between 2010 and 2015.

Approximately 68% of them indicated having a mental health diagnosis, 72% reported being physically abused during incarceration, and about 1.6% reported sexual abuse during incarceration (Figure 10).

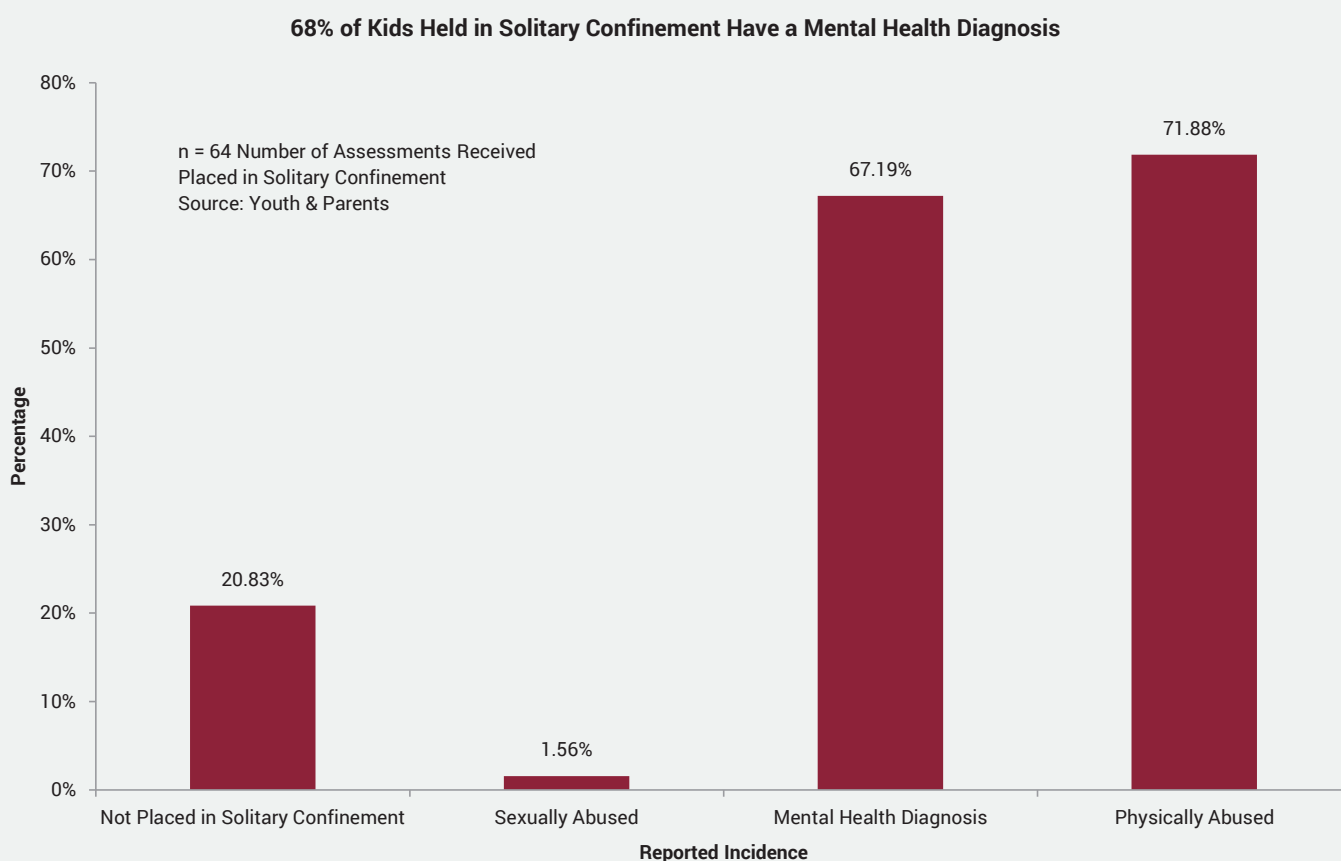
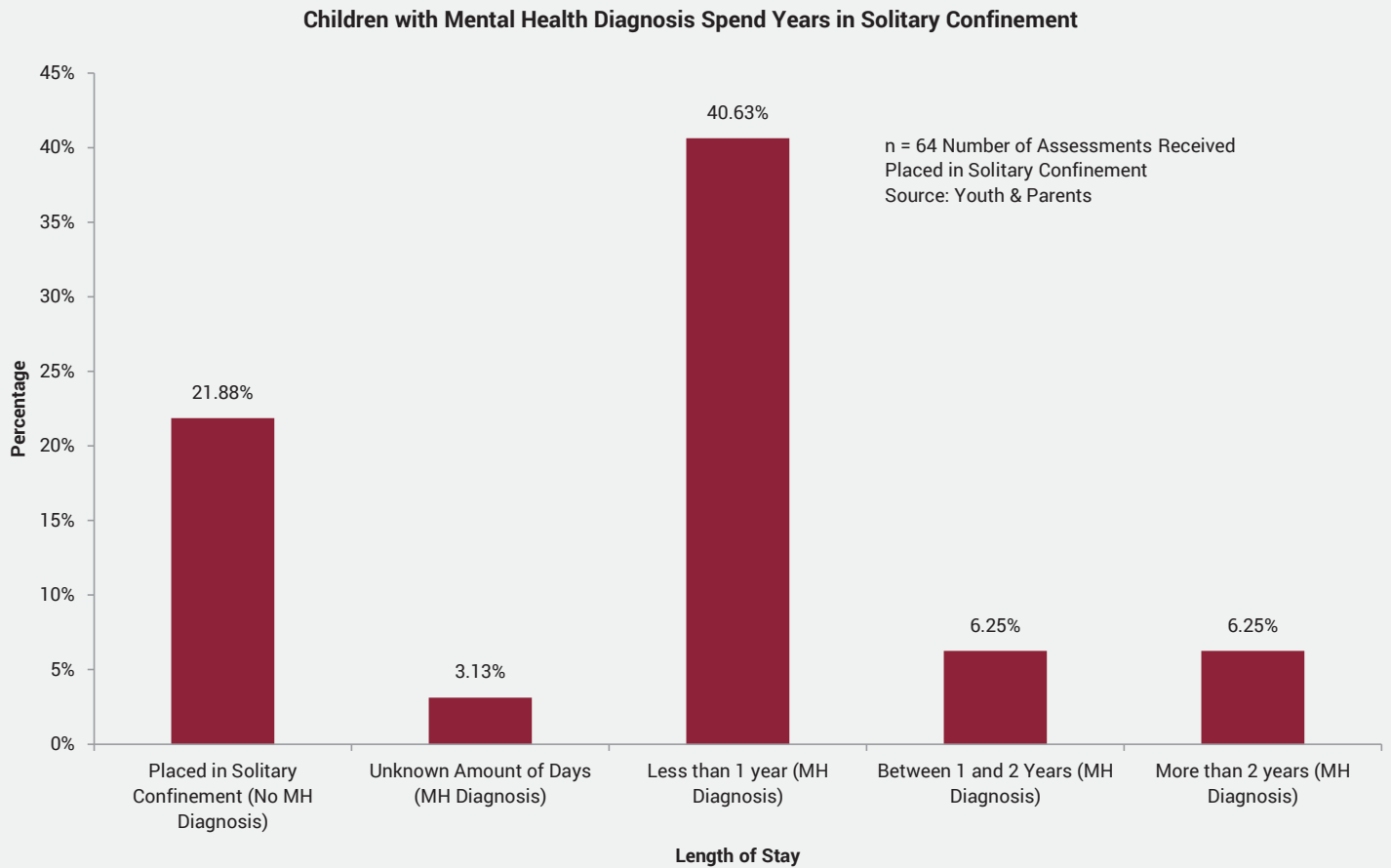


Figure 10

In fact, between 2010 and 2015, over half (approximately 54%) of children in the adult system with a mental health diagnosis were sent to solitary confinement; about 13% spent more than a year there – and about 6.25% spent more than two years in solitary (Figure 11).



*Figure 11*

## Victimization of Youth in New Jersey's Adult Prison system

Following conviction in adult criminal courts, incarcerated youth endure abusive conditions. Youth often face higher rates of victimization, particularly violence and sexual assault, by adult criminals, than youth who are sent to juvenile facilities.<sup>11</sup> In adult prison facilities, youth are especially vulnerable to victimization because of their age and size.

According to a 2014 report by the Campaign for Youth Justice, of youth ages 16 and 17 who report being sexually victimized while incarcerated, 65.5% report that they were victimized more than once.<sup>13</sup> Although youth make up less than 1% of the adult jail population, according to a Bureau of Justice Statistics study in 2005 and 2006, youth represented 21% and 13%, respectively, of victims of inmate-on-inmate sexual violence.<sup>13</sup> Victims of sexual abuse are likely to suffer from severe psychological stress, hindering their ability to successfully integrate into society upon release. As such, recidivism increases for youth who have been victims of brutal physical and sexual assault and do not receive adequate therapy. In our research data set, approximately 23% of youth reported they were physically abused and 5% indicated they had been sexually abused while incarcerated. (Figure 12). (See Figure 10, above, for percentages of youth with who reported physical and sexual abuse while in solitary.)

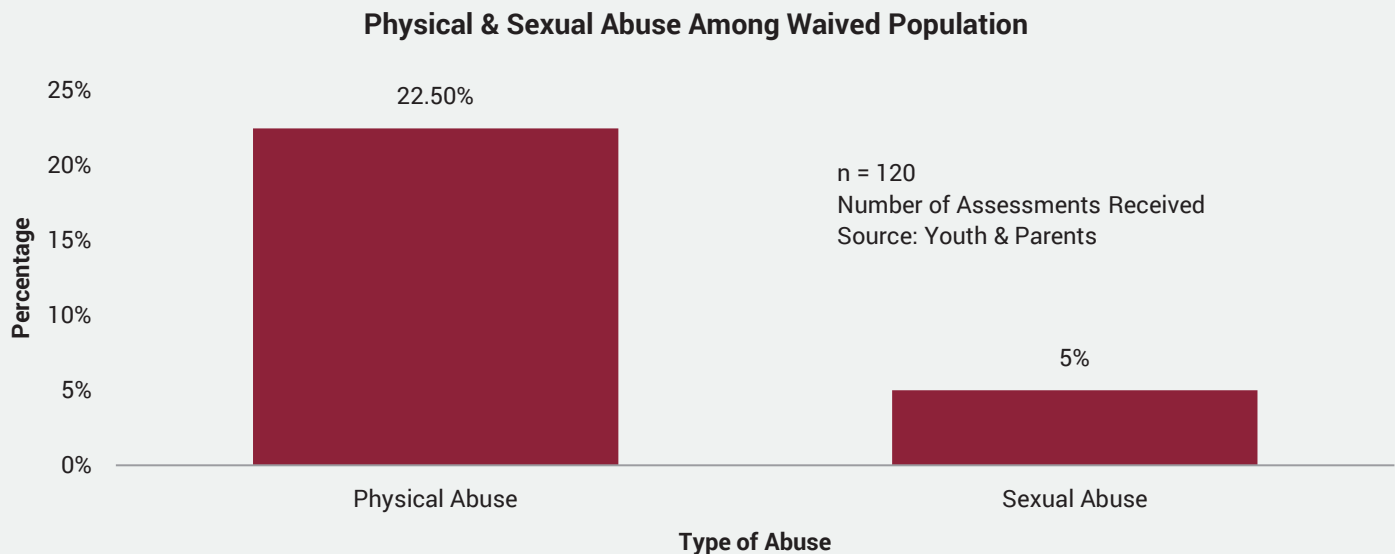


Figure 12

<sup>11</sup>Act 4 Juvenile Justice, [http://www.act4jj.org/sites/default/files/ckfinder/files/factsheet\\_26.pdf](http://www.act4jj.org/sites/default/files/ckfinder/files/factsheet_26.pdf)

<sup>12</sup> Campaign for Youth Justice, *Transfer of Youth to Adult Criminal Court Youth in Adult Jails and Prisons Talking Points* [http://campaignforyouthjustice.org/images/pdf/Transfer\\_Talking\\_Points\\_CFYJ.pdf](http://campaignforyouthjustice.org/images/pdf/Transfer_Talking_Points_CFYJ.pdf), 2014.

<sup>13</sup> *ibid*

## Youth of Color Not Adequately Served in their Community

The 120 youth waived to the adult prison system in our data subset are disproportionately African American and Latino; and 111 of these youth are known to other child-serving systems. Of those 111 youth, 35% are known to child welfare, 70% to mental health and 51% are known to special education, suggesting that youth of color are not being adequately served in their communities.

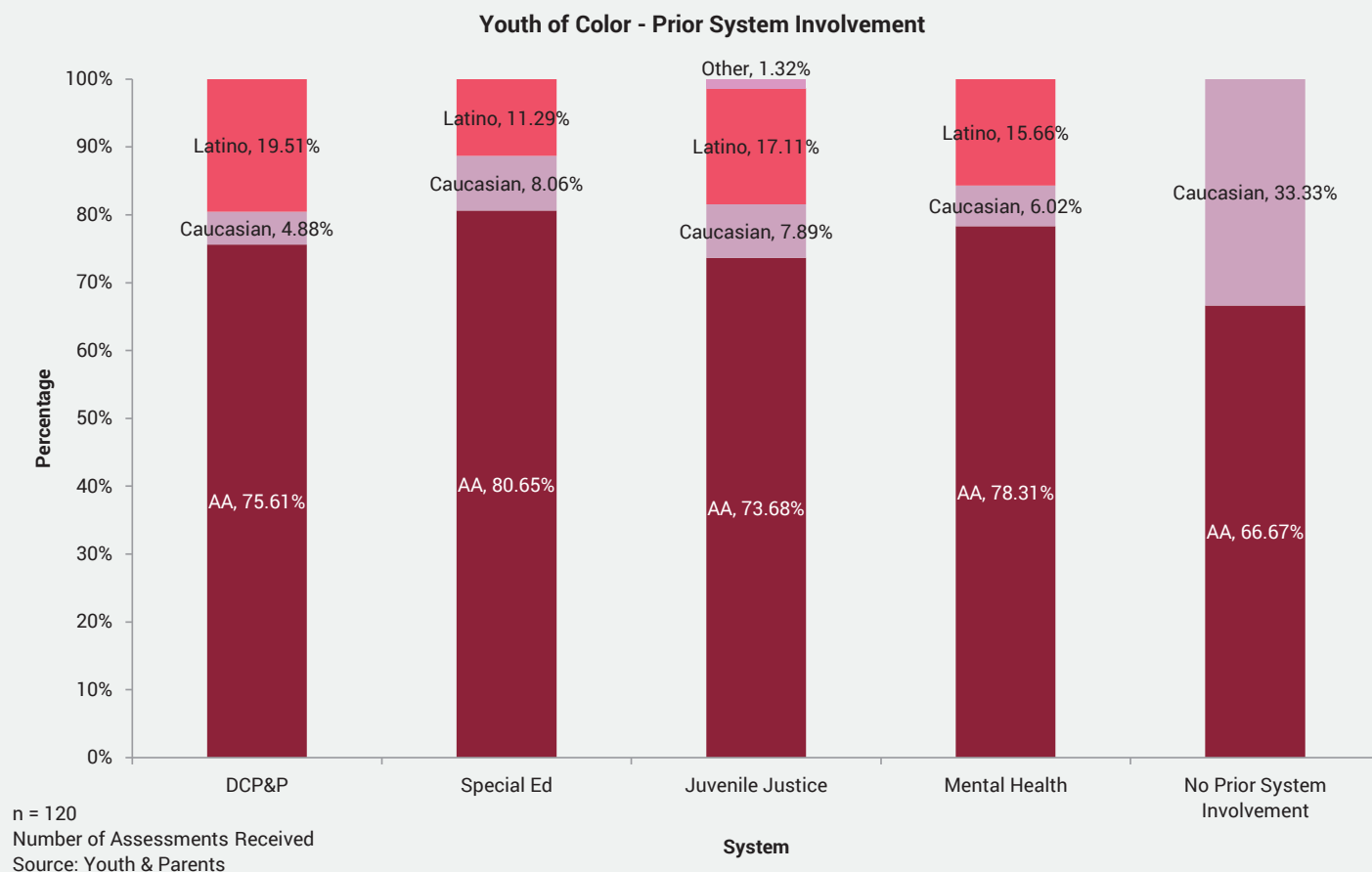


Figure 13

## Waiver Practices May Be Inconsistently Applied across Counties

Throughout the state's twenty-one (21) counties, waiver practices may be inconsistently applied across localities, affecting minority populations disproportionately. Many counties have higher rates of waivers than others (see Table 1, below), which suggests that the waiver process is not being applied uniformly. These inconsistencies may be the result of language barriers, cultural or racial bias, and "get out today" deals set up by prosecutors to get youth to voluntarily waive their right to a juvenile court hearing. Of the 21 counties of New Jersey, the top four counties for juvenile incarceration in the adult system include Camden (15.3%), Hudson (12.1%), Atlantic (10%) and Middlesex (9.5%) counties (n=472).

County	Percentage of 14-17 Year Olds in Total County Population (from 2010) <sup>14</sup>	Percent of 0-17 Year Olds Youth of Color (African-American & Latino) in Total County Population (from 2010) <sup>15</sup>	Percentage of Total Waived Youth (n=472; Offense Age below 18; Source: NJ DOC)
Atlantic	5.7%	9.82%	10.0%
Bergen	5.5%	5.86%	3.0%
Burlington	5.7%	5.86%	3.6%
Camden	5.8%	10.53%	15.3%
Cape May	5.2%	3.42%	1.7%
Cumberland	5.4%	14.46%	2.3%
Essex	5.7%	16.67%	8.3%
Gloucester	5.9%	4.69%	0.6%
Hudson	4.5%	12.99%	12.1%
Hunterdon	6.3%	1.54%	0.0%
Mercer	5.4%	9.68%	6.1%
Middlesex	5.4%	7.92%	9.5%
Monmouth	6.1%	5.12%	5.1%
Morris	5.9%	4.02%	0.2%
Ocean	5.1%	3.3%	1.5%
Passaic	5.7%	14.46%	7.4%
Salem	6.0%	6.19%	1.9%
Somerset	6.2%	6.32%	2.1%
Sussex	6.4%	2.1%	0.4%
Union	5.6%	13.22%	7.8%
Warren	5.8%	2.96%	0.6%

Table 1

<sup>14</sup> Annual Estimates of the Resident Population for Selected Age Groups by Sex: April 1, 2010 to July 1, 2011 - Source: U.S. Census Bureau, Population Division - Release Date: May 2012.

<sup>15</sup> Child Population Under 18 By Race/Ethnicity: Counties of New Jersey, Hispanic or Latino & Non-Hispanic Black or African-American - Source: Kids County Data Center (Annie E. Casey Foundation).



## New Jersey Youth, Ages 14 to 15, Continue to be Waived to the Adult Prison System

Discretionary waivers are initiated by the prosecutor, requiring them to establish not only probable cause that the youth (minimum age 14) committed the crime, but also demonstrate that the interests of the public require waiver.”<sup>16</sup> While the average offense age of youth waived to the adult prison system in 2007 (15.7 years) had risen to 17.1 years by 2013, New Jersey youth between the ages of 14 to 15 continue to be waived to the adult prison system. Approximately 57 youth who committed offenses between the ages of 14 and 15 were waived to the adult system (see Tables 2 and 3, below) -- approximately 90% of those children are youth of color.

County	Percentage of 14 & 15 Year Olds Waived (n=57; Offense Age 14 or 15; Source: NJ DOC)
Atlantic	5.3%
Bergen	1.8%
Burlington	0.0%
<b>Camden</b>	<b>19.3%</b>
Cape May	0.0%
Cumberland	1.8%
Essex	8.8%
Gloucester	1.8%
<b>Hudson</b>	<b>10.5%</b>
Hunterdon	0.0%
Mercer	5.3%
Middlesex	5.3%
Monmouth	1.8%
Morris	0.0%
Ocean	1.8%
<b>Passaic</b>	<b>15.8%</b>
Salem	5.3%
Somerset	3.5%
Sussex	1.8%
Union	8.8%
Warren	1.8%

Table 2

<sup>16</sup> <http://www.ojjdp.gov/pubs/tryingjuvasadult/states/nj.html> – Discretionary Waiver (New Jersey) - OJJDP

Offense	Percentage of 14 & 15 Year Olds Waived by Offense (n=57; Offense Age 14 or 15; Source: NJ DOC)
Hindering Apprehension	1.8%
Riot	1.8%
Aid & Abet	3.6%
Endangering Welfare/Child Abuse	1.8%
Theft	1.8%
Terroristic Threats	1.8%
Drug Offense	1.8%
Criminal Attempt	3.5%
Burglary	3.5%
Murder	3.5%
Carjacking	5.3%
Conspiracy	8.8%
Sexual Assault	12.3%
Aggravated Assault	15.8%
Manslaughter	22.8%
Weapons	24.6%
Robbery	33.4%

*Table 3*

## Many Youth Waived to the Adult System Denied Right to a Speedy Trial

For many youth waived to the adult system, the length of time in which they are incarcerated between arrest date and sentencing date is a gross injustice and raises due process concerns related to their rights to a speedy trial. Out of the full data set of 472 youth, approximately 30% spent more than 2 years between their arrest date and their sentencing date.

n = 472

Offense age below 18

Number of Days Youth are Incarcerated Prior to Sentencing

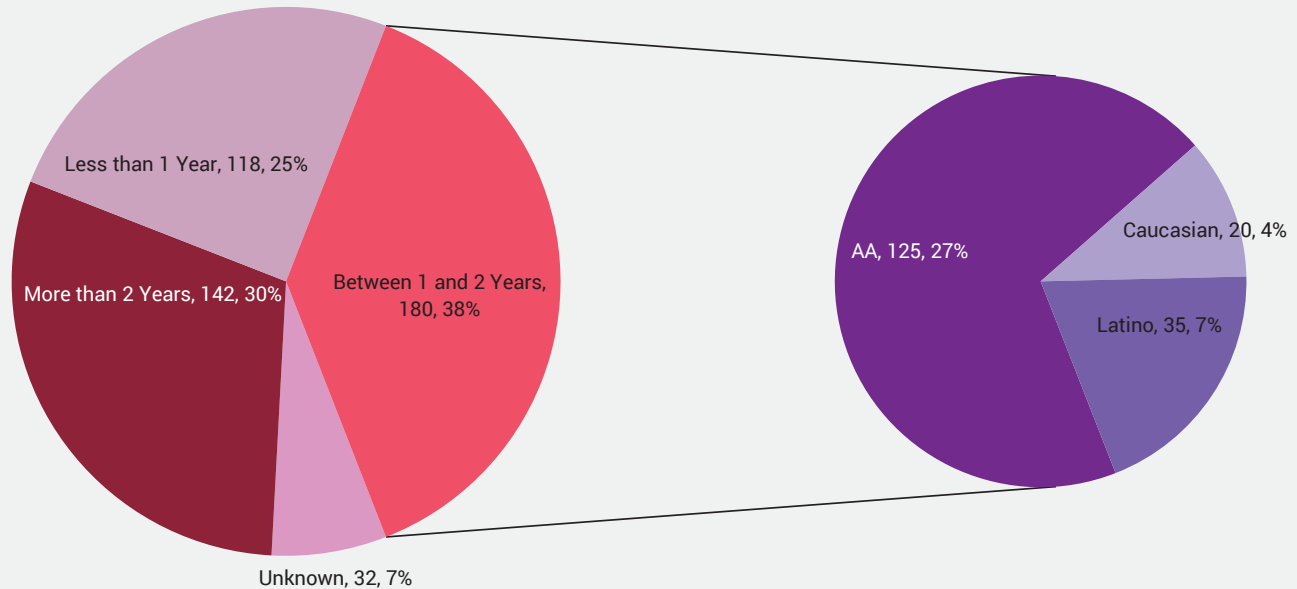


Figure 14

# About the New Jersey Youth Justice Initiative

The New Jersey Youth Justice Initiative (NJYJI) is a family-driven justice program of the New Jersey Parents' Caucus (NJPC) which seeks to improve outcomes for justice-involved youth in New Jersey, end the practice of waiving youth to the adult system, ensure family and youth involvement on all levels, end solitary confinement for youth, and ultimately decrease recidivism rates through a myriad of supportive programs which include:

- Providing education to parents, family members and youth on their rights and responsibilities and the advocacy skills needed to navigate child-serving systems
- Providing free legal advice and representation to parents and youth by a qualified attorney
- Supporting attorneys at trial
- Providing leadership opportunities to system-involved youth through the NJ Youth Coalition
- Providing peer support programs for parents, family members and youth
- Increasing awareness through public testimonies and legislative advocacy
- Training juvenile justice professionals and providers
- Tracking and corresponding with youth who have current or prior involvement with the juvenile and adult system, and their parents, caregivers and family members.
- Providing evaluation and data analysis.

Family involvement is critical for youth who are involved with the juvenile justice system. Youth and parents need information, training, services and support to help them become knowledgeable about the juvenile justice system and effective advocates for themselves and their children. At the same time, juvenile justice systems need to ensure that their policies and procedures support family and youth involvement and that staff are trained to better understand the family perspective, the benefits of family and youth involvement, and specific strategies for engaging parents and youth. The services provided by NJYJI are particularly timely, coming in the wake of a new paradigm for sentencing youth in the adult system laid out by the United States Supreme Court in *J.D.B. v. North Carolina* (2011) in which the court recognized that children do not have the full capacity to exercise mature judgment.

NJYJI represents a new frontier in the family movement, as it establishes a formalized support network for families raising justice-involved youth. Currently, there is no organization in the state of New Jersey providing this type of support to parents, family members, incarcerated youth or criminal defense practitioners. NJPC founded the initiative to fill this void and provide unique family-driven solutions. By addressing youth and family needs with support from the time of sentencing through reentry to the community, we enhance the quality of juvenile representation, provide supportive services for families and improve outcomes for NJ's justice-involved youth.

# 7 Dedication to All of the 472 Children Included in the Data Brief

Orlando R., Rashiar L., Bryant D., Darius G., Kenneth H., Antwan J., Marsone P., James R., Jabar W., Jacob B., Terrance H., Benjamin R., Misael E., Lionel B., Rodney B., Christopher C., Edward H., Franz R., Shannon T., Edwin U., Lamont B., Raymond C., Zoran H., Mark H., Dashon S., Ahmad S., Samir B., Edwin D., Jaron H., Tyrone L., Jamal N., Ismale P., Ezequiel R., Nyreek S., Earl S., Kyleah S., Jerome D., Jordan P., Khalif A., Cindy B., Angel C., Joel C., Sharif G., Khabir H., Brett J., Amir L., Gregory L., Jabril M., Christoph N., Charles O., Torrey P., Damiere R., Mikhail S., Najee S., Deandre T., Alvero V., Abedallah E., Darren T., Douglas W., Nahtavian J., Leon G., Davon H., Nestor M., Shawn O., Dagoberto P., Quamere R., Saul A., Jefry A., Shatara C., Shawn H., Antonio J., Leila L., Darien P., Mulijah S., Anthony S., Anthony L., Abdul A., Johnathan A., Arionn A., Breon A., Samaad A., Tyquel B., Isaiah B., Damon B., Jarrett B., Quaran B., Joshua C., Khalil C., Darnell C., Marquise C., Laquan C., Genei C., Hasan C., Julian D., Tyquan D., Michael D., Paul E., Donte F., Josiphiah F., Leon F., Latrayous F., Raekwon F., Kashawn F., Jahborn G., Dayvon G., Alan G., David G., Marquis H., Isa H., Luis H., John H., Quamir H., Naasque H., Asiatic H., Ali H., Tim J., Damir J., Lation J., Nafis K., Tyquan L., Omar L., Azez L., Jose L., Quayshawn M., Alfonza M., John M., Tahjee M., Ahmed M., Oscar M., Karon M., Ronald M., Justin N., Giovanni N., Samuel O., Gregory O., Kaseem P., Marquise P., Wilfredo P., Shawn R., Yusef R., Justin R., Tyree R., Jacyr R., Kahmel R., Joselin S., Oscar S., Devante S., Jirman S., Christoph S., Kashawn S., Hakim S., Jay S., Akeem T., James T., Omar T., Tysean W., Tyshawn W., Kareem W., Devonte W., Nazir W., Al-quadir W., Jerome W., Tyquan Z., Corey B., Jeffrey S., Cephas B., James B., Joseph B., Troy B., Samuel Alfredo B., Ter'yn B., Augustine C., Dejuan C., Faakhir C., Jesse D., Sequan E., Rashad E., Eric F., Anthony F., Heriberto G., Tyari G., Jensil H., Kwame I., Cody J., Tyshaun J., Jesse J., X'zaviour J. J., Kevin L., Kyrhan L., Fabian L., Victor M., Somny Leandro M., Quashon M., Mascoty M., Maximo M., Vanessa M., Tymar M., Blake N., Kwesi O., Kenneth O., Jose O., Ariel P., Elizadro P., David P., Kendall P., Patrick R., Stefan S., Dermaine S., Bryan Anthony S., Tyshon S., Jonathan S., Ricky S., Albert S., Daurice S T., Sean T., Kyle W., Marese W., Joe Z., Matthew F., Marvin M., Divine A., Jevon C., Isaac M., David A T., Hassan D., Ryan M C., Juwan M., Nicholas S S., Jordan V., Eugene W., Keanan B., Ganey H., Jose L., Tyrique L., Shaquan M., Isaiah V., Cameron B., Erick M., Jessica M., Terrell M., Shakeem R., Shamal W., Tyon E., Elijah L., Tyjier S., William T J., Marcus Z., Bryan J., Tehziah S., Travis L., Jamal P., John R., Wayne S., McQuan W., Aponte A., Snowden B., Jatima B., Coffee C., Smith C., Howard C., Henderson C., Carballo C., Vargas D., Mims D., West D., Vohor G., Vasquez I., Ragsdale J., Darden J., Darby J., Knox K., Camargo L., Lewis N., Kyle N., Miller N., Alamri N., Whitmore P., Santiago R., Jordan R., Norwood R., McNeil S., Michael S., Harper T., Olivero W., Anthony A., Enger B., David B., Victor B., Augustus B., Charles B., Briashon B., Jesse C., Jose C., Johnny C., Steven C., Christoph C., Rakim D., Tyana D., Markise D., Shaquil D., Ramlez D., Zackary D., Antoine D., Hakean F., Rudy G., Damien G., Vance G., Michael G., Weldin G., Robert G., Kisheen G., Marquez H., Lahmier H., Shabazz H., Charles J., Eric K., Jamil K., Reggie L., Steven M., James M., Bryan M., Onesaque M., Jibri O., Tamere P., Jorge P., Timothy P., Julian P., Kareem P., Tahlija P., Daniel P., Anthony P., Jawon P., Steven R., Steven R., Thomas S., Tashawn S., Shabani S., Christoph S., Danique S., Jaworski S., Corey S., Raheem T., Charles U., Tyree V., Jonathan V., Al-fuquan W., Sheldon W., Juan A., Alexander A., David A., Wade B., Terrence B., Jesse B., Basir B., Jimmy B., Marcus B., Quadree B., Eric B., Jonathan B., Kyle B., Najee B., Faruq B., Donnie C., Diego C., Fernando C., Miguel C., Elvis C., William C., Fajer D., Jameel D., Khalif D., Aaron E., Johnathan E., Peter E., Jamar F., Kevin F., Jonathan F., Joseph G., Justin H., Jason H., Virgil H., Darrick H., Thomas H., Gerard J., Darren J., Willie J., Rasheen J., Gregory K., Terryn K., Willie K., Jamarius L., Papayaw M., Vanessea M., Jonabel M., Timothy M., Tyrief M., Leobardo M., Tasheed M., James M., Brandon M., Elijah M., Travis M., Malcolm M., Wilfredo N., Ramone N., Alfonso N., Christopher N., Robin P., Brandon P., Dashaun P., Aron P., Dariel P., I-now R., Ramon R., Dashaun R., Shaheed R., Harry R., Duvall R., Johnny R., Erick R., Otis R., Edward S., Bashir S., Rahmir S., Joseph S., Tyreik S., Kevin S., Jheremy T., Amaad T., Jose V., Quadir W., Derrick W., Walter W., Lewis W., Darrell W., Ronald W., Garry W., Daniel W., Radri W., Ottawan A., Demitri N., Knaliek J., Naquese J., Dallas C., Devante M., Quawi T., Nasir S., Santiago R., Evelyn M., Kevin V., Martin R., William B., Cole J., Lashwan F., Anthony B., Cortney D., Demitrius M., Gabriel A., Kevin L., Delfin S., Maurice B., Jerome D., Sean F., David H., Chance H., Laquan H., Wilkin A., Ronsario H., Timothy H., Peter-John L., Hector L., Leroy M., Amir J., Effren M., Byron W., Jarome S., Steven S., Devel S., Terence Z., Jerry L., Alicia C., Smith J.





**The New Jersey Parents' Caucus Inc. (NJPC)** is a coalition of parents, caregivers, and youth whose mission is to ensure that every family who has children with special emotional and behavioral needs is given an opportunity to play a strong and active role in the conceptualization, development and delivery of effective and timely services in the mental health, juvenile justice, child welfare and special education systems.





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