

New Jersey Juvenile Justice Commission

Guidelines To Assist Counties Changes in Juvenile Detention Facility Utilization

April 14, 2008

This policy establishes standards and procedures to be followed both by the Commission and by County Juvenile Detention Facilities in connection with proposals to significantly change Detention Facility utilization.

Under the provisions of N.J.S.A 2A:4A-37(b) the Commission is responsible for approving all places where juveniles may be placed in detention. That said, and in view of current budgetary pressures upon all levels of government to streamline and consolidate operations, the Commission believes it would useful to provide clear and uncomplicated guidelines to be followed when County authorities propose major utilization changes.

The Commission remains available to County officials to assist them in making these guidelines the useful tool they are intended to be.

Guidance for Juvenile Detention Facilities With Respect to Changes in Facility Utilization

A. Written implementation proposals submitted by all relevant facilities and authorities and approved by the Commission are required prior to:

1. Any shared or additional use of a facility;
2. Any closure of facility or portion thereof; and
3. Any transfer of juveniles, except for routine transfers for operational purposes.

B. A written implementation plan shall contain such elements as are determined to be necessary and appropriate by the Executive Director or designee, and shall include at a minimum:

1. A clear explanation of the need to be addressed by the proposed action;

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2. A description of all policy options considered and rejected in favor of the proposed action, including why the proposed action best meets the need identified in subsection B(1), above;
3. Estimated costs;
4. A detailed projected time line for implementation; and
5. The review factors set forth in Subsection d, below

C. An implementation proposal that is complete and in compliance with the requirements of Subsection b, above, shall be approved, unless it is determined by the Commission that the proposed plan:

1. Is unclear or facially inconsistent;
2. Fails to comply with any requirements of State or Federal law pertaining to the detention of juveniles; or
3. Otherwise proposes a course of action not conducive to the welfare of juveniles or to the best interests of the State, as determined by the Commission utilizing the review factors set forth in Subsection d, below.

D. In making the determination provided for in subsection C(3), above, the Commission shall utilize the following review factors:

1. With respect to sending and receiving facilities:
 - a. Access to family, legal services, community providers and local support groups;
 - b. Available educational services and access to local school district resources;
 - c. Quality of projected contract administration and quality assurance, including ongoing contract and fiscal monitoring;
 - d. Historical stability of average daily facility population; and
 - e. Such other factors as may be required by the Commission.
2. With respect to receiving facilities, demonstrated capacity to comply with the provisions of this chapter, including but not limited to provisions related to:
 - a. Operational requirements;

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- b. Provision of medical and psychiatric services;
 - c. Provision of adequate social services; and
 - d. Adequacy of custody supervision;
3. With respect to sending facilities:
- a. Soundness of assessments supporting the need to acquire the number of beds identified in the implementation plan;
 - b. Adequacy of contingency plans for possible additional beds;
 - c. Plans for the transportation of juveniles to and from court, outside services and interviews;
 - d. The implementation plan's anticipated impacts upon court resources, including case processing time, calendar delays, adjournments, together with a proposed course of action to remedy any negative impacts;
 - e. The implementation plan's anticipated impacts upon detention alternative programs run by the facility and by other agencies and organizations, together with a proposed course of action to remedy any negative impacts; and
 - f. Impact upon law enforcement resources, including anticipated impact upon the transportation of juveniles to detention facilities from municipal or other lockup facilities.
- E. Inter-county and other transfers of juveniles to and from a detention facility are subject to monitoring and approval of the Commission.
- F. In any event:
- 1. The population of a detention center may not be artificially increased or decreased, or otherwise manipulated, in order to meet objectives unrelated to sound operational practices for secure detention facilities; and
 - 2. No transfer of juveniles shall be permitted if as a result of the transfer the population in the receiving facility shall exceed the maximum population capacity assigned by the Commission, as provided for in subsection A.C. 13:92-4.2(b).