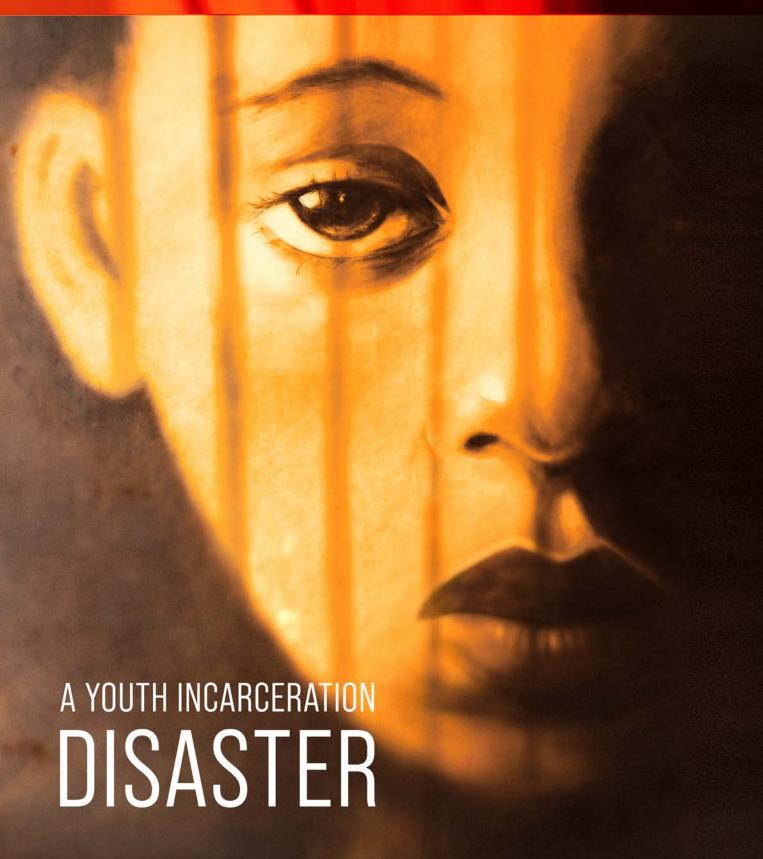
\$600K TO DAMAGE OUR KIDS FOR EVER



A REPORT BY THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE











NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE

Established in 1999 by Alan V. and Amy Lowenstein, the Institute's cutting-edge racial and social justice advocacy seeks to empower people of color by building reparative systems that create wealth, transform justice and harness democratic power — from the ground up — in New Jersey. Known for our dynamic and independent advocacy aimed at toppling load-bearing walls of structural inequality to create just, vibrant and healthy communities, we are committed to exposing and repairing the cracks of structural racism in our foundation that erupt into earthquakes in communities of color. The Institute advocates for systemic reform that is at once transformative, achievable in the state and replicable in communities across the nation.

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ACKNOWLEDGEMENTS

The Institute gratefully acknowledges the generous support of the Public Welfare Foundation and the guidance provided by the Youth First Initiative. We are also grateful to former interns Jennifer Harrison and Emma Harlan for their excellent research assistance as well as Sarah Wisniewski for her support in reviewing endnotes and fact checking. We would like to thank Lloyd Nelson for designing the web-based version of this report. The Institute is also grateful to our former associate counsel, Brooke Lewis, and colleague Laurie Beacham for their invaluable substantive and editorial assistance.

We would also like to thank the New Jersey Juvenile Justice Commission for its continued partnership. In addition, the Institute would like to thank Liz Ryan, Mishi Faruqee, Carmen Daugherty, Fred Fogg, Kristina Kersey, Liza Chowdhury and Laura Cohen for their review of this report. We are sincerely appreciative of the respondents who provided their experiences, thoughts and ideas which provided the inspiration for this report.

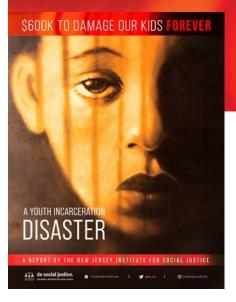
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JUNE 2022



EXECUTIVE SUMMARY

\$600,000.

Imagine how an annual investment of \$600,000 could change a kid's life.

New Jersey invests this amount annually to incarcerate each kid in its failed youth justice system in which a Black youth is 18 times more likely to be incarcerated than a white youth — the worst racial disparity in America, even though Black and white youth commit most offenses at similar rates.

Over the past decade, New Jersey has invested over half a billion dollars in a broken youth incarceration system designed to lock up Black and Latina/o kids.

That is enough money to provide free in-state tuition at Rutgers University for nearly 40,000 students or to increase New Jersey's support for violence intervention programs thirty-fold.

This outrageous expenditure is spent on youth prisons that are at record low population levels but are staffed as if at full capacity. Youth prisons that do not rehabilitate the kids that are locked up, do not increase public safety and separate our young people from their families. A youth prison system that causes tremendous financial strain on families who must pay for outstanding legal fees, travel costs to and from prison and commissary costs — all while losing out on income and companionship from their youth.

But the costs of youth incarceration are not just financial. Youth prisons also subject youth to abuse, negatively impact youth mental health, generate recidivism and cause youth to miss opportunities that could positively impact their futures.

Drawing upon the stories of those impacted by youth incarceration, \$600k to Damage Our Kids Forever: A Youth Incarceration Disaster presents the costs that youth incarceration impose on individual youth, their families and the state — and argues that there is a better way which includes taking the following actions:

- 1. The Murphy administration should announce a timeline for closing New Jersey's three youth prisons.
- 2. New Jersey should codify youth justice transformation into law by reintroducing and passing the New Jersey Youth Justice Transformation Act.
- 3. New Jersey should successfully implement the Restorative and Transformative Justice for Youths and Communities Pilot Program and expand it statewide.
- 4. New Jersey should prevent youth prosecuted as adults from being issued fines and fees, must eliminate outstanding fines and fees in their cases and eliminate outstanding public defender fees for youth.

More than a century and a half ago, Frederick Douglass famously argued, "It is easier to build strong children than to repair broken men."

Douglass's words echo today across New Jersey with eerie precision.

It is past time to invest in building up our kids, not in prisons for them.

INTRODUCTION

\$600,000.

Imagine how an annual investment of \$600,000 could change a kid's life.

New Jersey invests this amount to incarcerate each kid in its failed youth prisons¹ in which a Black youth is 18 times more likely to be incarcerated than a white youth² — the worst racial disparity in America, even though Black and white youth commit most offenses at similar rates.3

As of February 9, 2022, there were 102 youth who were incarcerated in state prisons – 64% Black, 21% Hispanic and 11% white.4

Over the past decade, New Jersey has invested over half a billion dollars in its shameful youth incarceration system.5

That is enough to provide free in-state tuition at Rutgers University for nearly 40,000 students⁶ or increase New Jersey's support for violence intervention programs nearly thirty-fold.⁷

Incredibly, this outrageous expenditure will go to youth prisons that are nearly 80% empty,8 do not rehabilitate our youth, expose them to unsafe conditions and separate them from their families and loved ones.

In January 2018, following advocacy from the 150 Years is Enough campaign. former Governor Chris Christie announced the closure of two of New Jersey's three youth prisons.9 In October 2018, following Governor Christie's announcement and advocacy by the Institute and its partners, Governor Phil Murphy created the Task Force for the Continued Transformation of Youth Justice in New Jersey. 10 This task force consisted of numerous parties - including representatives from state agencies and advocacy organizations — and was charged with overhauling the state's broken youth justice system. 11 Yet, despite the system's failures, a pandemic, a national reckoning on race, no youth prisons having yet closed and almost four years after its initial charge, the task force released its report recommending the construction of new youth prisons. 12

This recommendation was made over the objections of several social justice organization task force members – including the Institute, NAACP New Jersey State Conference, Latino Action Network and Salvation and Social Justice 13 — and those of the over 900 community members that attended the task force's public hearings.

Rather than building up our young people, New Jersey is investing outrageous sums of money in harmful youth prisons that should have been closed years ago and considering making the same mistake again.

And what about the other costs of youth incarceration? Is the cost of incarceration only the dollars and cents that it takes to lock up a child? What about the cost of lost opportunities? How do we put a cost on the youth that does not become a doctor but instead finds herself trapped in a never-ending cycle of recidivism? How do we quantify the loss of hope and aspiration in that young person? How can we quantify what despair costs the soul of our youth?

\$600k to Damage Our Kids Forever: A Youth Incarceration Disaster draws from the stories of currently and formerly incarcerated youth, their parents, community members, attorneys, advocates and other professionals — centering their experiences to identify inflicts upon youth, families and the state.

These recommendations include the following:

- 1. The Murphy administration should announce a timeline for closing New Jersey's three youth prisons.
- 2. New Jersey should codify youth justice transformation into law by reintroducing and passing the New Jersey Youth Justice Transformation Act.
- 3. New Jersey should successfully implement the Restorative and Transformative Justice for Youths and Communities Pilot Program and expand it statewide.
- 4. New Jersey should prevent youth prosecuted as adults from being issued fines and fees, must eliminate outstanding fines and fees in their cases and eliminate outstanding public defender fees for youth.

Through these recommendations, New Jersey can finally put an end to its broken youth incarceration system — and its related costs.

More than a century and a half ago, Frederick Douglass famously argued that "It is easier to build strong children than



COSTS OF YOUTH INCARCERATION:

COSTS TO INDIVIDUAL YOUTH



Seeing other residents depressed causes me to be depressed. I myself know how hard it is to be incarcerated. There are days when some people are happy. Not fully happy but they hide how they feel. It's so easy to hide how we feel because we have been doing that for years now ... You can see it on their faces. They're not their selves. They isolate themselves and I have met kids who say death is better than being incarcerated and stuff like that. It's just detrimental all the way for all of us.

D.P., A CURRENTLY INCARCERATED YOUTH

As D.P.'s powerful words illustrate, the costs of incarceration to incarcerated youth are profound.

For one, youth incarceration exposes youth to unsafe conditions that prevent positive youth development. There have been multiple allegations of sexual abuse¹⁴ in New Jersey's youth prisons and, most recently, a guard pleaded guilty to a charge of aggravated assault for fracturing a youth's wrist. 15 Our state's three youth prisons, the Juvenile Medium Security Facility ("JMSF"), the Female Secure Care and Intake Facility ("Hayes") and the New Jersey Training School for Boys ("Jamesburg"), not only subject youth to unsafe environments, but also do not rehabilitate them, with over 25% of youth returning to prison within two years after being released. 16 And this wasteful system disproportionately impacts our Black youth at a time when our state has proclaimed that "Black lives matter": New Jersey has the highest Black to white youth incarceration disparity rate in the nation of almost 18:1.17 For Latina/o youth, the disparity rate is over 4:1, the thirdhighest disparity rate in the nation.¹⁸

In this section we will highlight the following additional costs to individual youth gathered from our conversations: decreased mental health, recidivism and missed opportunities.

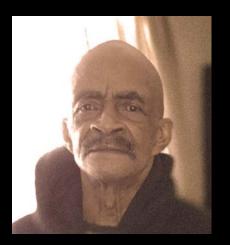


Image Credit: Richard Ross, Juvenile in Justice

DECREASED MENTAL HEALTH

Incarceration has an undeniably negative impact on youth mental health. Nationwide, researchers have documented the correlation between youth incarceration and mental health diagnoses, with studies showing that between 50% to 70% of incarcerated youth have a mental health diagnosis. 19 Studies have also shown that incarceration exacerbates mental health issues in youth, 20 in part because youth are isolated from their families and have barriers to accessing necessary mental health treatment. 21 And most troubling, at a time when youth are developing into adults, incarceration leads to worse adult mental and physical health outcomes. 22

New Jersey's incarcerated youth are also subjected to these same mental health challenges. In 2018, almost 25% of the youth in JMSF, the most secure youth prison for boys, had a pre-existing mental health diagnosis. ²³ As discussed in the Institute's recent publication, *Investing in Youth, Not Incarceration: A Toolkit for Creating a Community-Led Approach to Youth Mental Health*, incarceration may also lead to increased suicide attempts and substance usage. ²⁴ In short, incarceration removes youth who may already have mental health concerns, places them in youth prisons where these problems fester and releases them worse for wear.



I still remember things from Jamesburg that bring sadness to my mind, sadness to my body.

JULIUS MORRIS, INCARCERATED AS A YOUTH IN THE NEW JERSEY TRAINING SCHOOL FOR BOYS (JAMESBURG) OVER 50 YEARS AGO



I think it is important to highlight the "trauma" of incarceration. Many of our young people who are incarcerated are coming from environments where they are exposed to persistent trauma, and in lieu of investing in their wellness, the healing and restoration of communities, they are further traumatized by placing them in youth prisons. After a lengthy period of incarceration and prolonged exposure to trauma, young people are expected to return to the community and be successful law-abiding citizens.

FRED FOGG, SERVICE PROVIDER TO JUSTICE-INVOLVED YOUTH

RECIDIVISM

An unfortunate feature of youth incarceration is that youth are removed from their communities and placed in concentrated settings where they are indoctrinated into a culture that breeds recidivism. According to a 30-state recidivism survey, nearly 76% of youth are rearrested within three years of their release.²⁵ Studies also show that incarcerated youth are also more likely to reoffend as an adult for serious offenses.²⁶ This tracks in New Jersey, where over 70% of released youth had a new court case or rearrest within three years²⁷ and over 25% of New Jersey's youth released from its juvenile facilities will return to those facilities within two years.²⁸ Several individuals we surveyed had multiple stints of incarceration as a youth which developed into incarceration as an adult. Those we surveyed also explained how youth incarceration led to continued criminal behavior. Overall, the effect of youth incarceration increasing the likelihood of adult incarceration²⁹ is that youth who are incarcerated now are more likely to recidivate and once again be removed from their families through incarceration later on.



A client told me,

'I'm getting tired of going to jail.'

I said stop.

He said, 'how do I do that?'

He had no idea how to stop going to jail.

DARRYL PENNINGTON,
FORMERLY INCARCERATED
AS A YOUNG MAN, AND NOW
AN EDUCATOR AND ATTORNEY



It was nothing good that came out of that experience. It was a whole lot of fighting. They called it the gladiator school back then and that's pretty much what [a youth prison] was. Everyday individuals from different towns were constantly testing their fighting skills.

RENALDO CHAVIS, FORMERLY INCARCERATED IN SEVERAL OF NEW JERSEY'S YOUTH PRISONS AND AN ADULT PRISON

Young people brought gang culture from prison back to community. The prison culture is coming to the community. A formerly incarcerated youth said that he learned to become a better criminal in prison.

FRED FOGG, SERVICE PROVIDER TO JUSTICE-INVOLVED YOUTH

Me and the boys were talking about what we were going to do when we got to [adult] prison. We knew we were going to prison. We were 12, 13 years [old and] already had the mindset. I ran into the same people from Jamesburg. They're from Camden, Paterson, Elizabeth.

JULIUS MORRIS, INCARCERATED AS A YOUTH IN THE NEW JERSEY TRAINING SCHOOL FOR BOYS (JAMESBURG) OVER 50 YEARS AGO

MISSED OPPORTUNITIES

Incarceration causes youth to miss critical opportunities in their early life that have serious repercussions later on. Incarceration disrupts schooling; it makes it less likely that a youth will complete high school. Unsurprisingly, incarcerated youth may perpetually earn less during their career, with one study showing that youth incarceration negatively impacts adult earning potential. Nationwide, formerly incarcerated people earn roughly half as much per year as their socioeconomically comparable peers. The disparities are even worse for Black and Latina/o individuals who have more substantial earnings losses than their white formerly incarcerated counterparts—totaling \$358,900 to \$511,500 in losses throughout a lifetime. Youth incarceration is thus a barrier to youth timely completing their secondary or higher education and is an obstacle to youth reaching their full potential.



I wouldn't have a record. A lot of things would be available to me in the professional world. Being a business owner ... college is what I would have tenfold traded instead of my jail state ... I got kicked out of a few high schools. Being incarcerated for a week resulted in being dropped from roll ... I was dropped from an alternative high school ... I got my high school diploma after my final incarceration.

DARIUS, INCARCERATED MULTIPLE TIMES AS A YOUTH

[If I was never incarcerated] I feel like I would be further up the material stepladder because of my entrepreneurship. I wasted time on entertaining negativity. I would've went to college much sooner.

RENALDO CHAVIS, FORMERLY INCARCERATED IN SEVERAL OF NEW JERSEY'S YOUTH PRISONS AND AN ADULT PRISON

COSTS OF YOUTH INCARCERATION: COSTS TO FAMILIES



None of my clients go to jail alone. They take everybody with them – their mothers, their loved ones. In order to pay me, they use their 401k, college funds, vacation money. This now goes to this legal price. It's a financial tax on the entire family.

DARRYL PENNINGTON, FORMERLY INCARCERATED AS A YOUNG MAN, AND NOW AN EDUCATOR AND ATTORNEY

Youth are not the only individuals to bear the costs of their incarceration; their families often have to pick up the tab. The costs are multifaceted and may include fees for legal defense and fines, travel costs to visit youth in prison, supporting commissary (or prison-based convenience store) costs and the loss of companionship and income from their youth.



FEES FOR LEGAL DEFENSE



My parents spent \$7,000 on my first attorney ... I had fines of nearly \$6,000 when I was done."

D.P., CURRENTLY INCARCERATED YOUTH

A significant fee that families have had to pay is for legal representation when using public defenders because they are unable to afford a private defense attorney at a higher cost.³⁴ Until recently, New Jersey's public defender agency, the Office of Public Defender (OPD), was statutorily required to charge fees³⁵ and charged youth flat fees that depended on the level of offense and the duration of the trial.³⁶ OPD recovered fees in youth cases at a slightly higher rate than in adult cases.³⁷ This may have been because youth, as well as their guardians, were financially

liable for these fees. Statutorily required public defender fees have unnecessarily burdened youth and their families. These fees can result in judgments, liens on property and the withholding of state tax returns which may continue to impact families beyond the recent legislation.³⁸

Progress was recently made when the New Jersey Legislature passed a bill that eliminated public defender fees for youth; importantly, however, this bill did not forgive outstanding fees.³⁹

TRAVEL COSTS TO VISIT YOUTH IN PRISON



I was incarcerated for 30 years and my family always came. Bus tickets, train tickets, lawyer costs, commissary. It breaks some people and it divides some families.

IBRAHIM SULIMANI, WHO WAS INCARCERATED AS A YOUTH AND ADULT, AND NOW WORKS AS A SERVICE PROVIDER HELPING JUSTICE-INVOLVED YOUTH



My mom and my brother visited me. I was a young father ... I had [a child] at 15 years old ... [who] visited. They came from Irvington to Bordentown, 45 minutes to one hour. Visited me on weekends.

They borrowed a vehicle or used their own ...

They borrowed a vehicle or used their own ...

Half a tank of gas, bringing food. \$50 every visit.

That's if she decided not to leave anything in my

[commissary] account.

RENALDO CHAVIS, FORMERLY INCARCERATED IN SEVERAL OF NEW JERSEY'S YOUTH PRISONS AND AN ADULT PRISON

Another quantifiable and significant cost to families is the cost of visiting their young people in prison. New Jersey has three youth prisons: JMSF, Hayes and Jamesburg⁴⁰ These three locations are located in distant areas far from populous areas of the state that commit high numbers of youth to state facilities.⁴¹ For example, a family member fortunate enough to have use of a vehicle could make the 139.2-mile round trip from Paterson (in Passaic County) to JMSF for \$18.20.⁴² This does not include highway tolls.

For those without vehicles, traveling via public transportation can be more costly. New Jersey Transit trains from Paterson to the Trenton River Line light rail cost \$33.50 for two one-way tickets⁴³ and then \$3.20 for two one-way tickets for the trip along the River Line from Trenton to Bordentown⁴⁴ — totaling \$36.70. On top of that, it then costs around \$10 to \$12 for a one-way trip from the Bordentown station to the JMSF prison using a mobile for-hire vehicle application.⁴⁵ Notably, these costs do not include the hours it takes to make this trip, time away from work or lost wages. If this trip is taken multiple times a month over years, these costs will amount to thousands of dollars per family member.



COMMISSARY COSTS

[At the commissary] you would buy your underclothes, socks, sweatshirts, stuff like that to exercise in some of the same necessities, that you would need if you were under the roof of your parents ... food, radio, Walkman.

[Commissary had] price gouging. I didn't grasp the prices being younger. After being a commissary clerk in my adult incarceration and knowing about vendors, there was price gouging.

RENALDO CHAVIS, FORMERLY INCARCERATED IN SEVERAL OF NEW JERSEY'S YOUTH PRISONS AND AN ADULT PRISON

Quality went down. Went from food-based to snack-based. Honeybuns. Prison food sucks. You don't want to eat that. Alternative is commissary. Someone has to pay that. It takes away from the household. If you take away for Jason then you have to take away from Jason Jr. who needs sneakers for school. Mom might miss a phone bill and wife might be cutting back on the rent. Prices kept on going up.

IBRAHIM SULIMANI, WHO WAS INCARCERATED AS A YOUTH AND ADULT, AND NOW WORKS AS A SERVICE PROVIDER HELPING JUSTICE-INVOLVED YOUTH



The financial costs that families shoulder do not stop at lawyers' fees or transportation costs. They also extend to costs that youth will incur once they are inside the facility. Families are often burdened by the costs of depositing money to a youth's account for the youth's use in purchasing items at a commissary — which sells products that range from food to toiletries — or a prison-based convenience store.

As a result, youth are often dependent on commissary during their incarceration. As D.P. notes, he would go hungry if he did not have commissary and commissary was his "lifeline." Unfortunately, the need for commissary items, combined with limited access to funds and possible markup in the prices of these items, is a detriment to the youth and their families who find themselves obligated to pay it.

Image Credit: Richard Ross, Juvenile in Justice

The food is undercooked or highly salted, creates more stress for us and causes individuals to starve. Officers, staff have gotten food poisoning off the food. If we can't eat the food, we rely on the canteen [commissary for] ... noodles, oatmeal ... little chips, not enough food. They call it the poor man's meal. We mix noodles, chips, mayonnaise, basically a hookup. We throw lots of sugar into it, imagine the sodium and the sugar we're taking in. We have no choice."





Every time my friends and family put money into my [commissary] account, the state took all that money and left me with \$64. That's only enough for me to order two weeks of canteen food. The other two weeks, I struggled both hungrily and mentally. Every time someone would send me \$100, it was just taken ... and put to my fines ... I had to ... talk to the business office. It was times when I couldn't even order a bag of food. When I was in JMSF, the food was way worse down there. So, I needed this. This was like a lifeline ... It worked out ... Imagine for the youth whose family can't afford to send them money to buy food or drinks. I was fortunate to have a few friends by my side so my family wouldn't have to send me much money because my parents paid so much money for [a] lawyer so I'm lucky to have friends or people that were by my side ... send me money cause I didn't want to keep that burden on my parents at all cause I know that I have three younger brothers at home.



D.P., A CURRENTLY INCARCERATED YOUTH

A Prison Policy Initiative report on commissary costs across several states found that incarcerated individuals spend significant amounts of money on commissary, with individuals in Illinois and Massachusetts paying over \$1,000 annually for commissary and individuals in Washington State paying over \$500.46

It should come as no surprise that the "one-two punch" of the need for commissary and its prices creates tension within families. The money that families send to commissary for incarcerated members cannot be used to support family members on the outside of prison. This unfairly pits incarcerated youth against the remaining non-incarcerated family members. Youth are forced to choose whether to ask their families for financial assistance or to ask for assistance and risk disrupting their families. As a result, commissary costs represent yet another cost that destabilizes youth and their families.

LOSS OF COMPANIONSHIP



When they say 'send [youth] to jail' they don't understand that they are cutting a tree down from the root. Not just branches. Hard for a family to survive.

REVEREND DR. LESLIE HARRISON, A PASTOR AND MENTAL HEALTH EXPERT

I got to realize how valuable a man is to the nucleus of a family. Anytime I was gone, it impacted everybody.

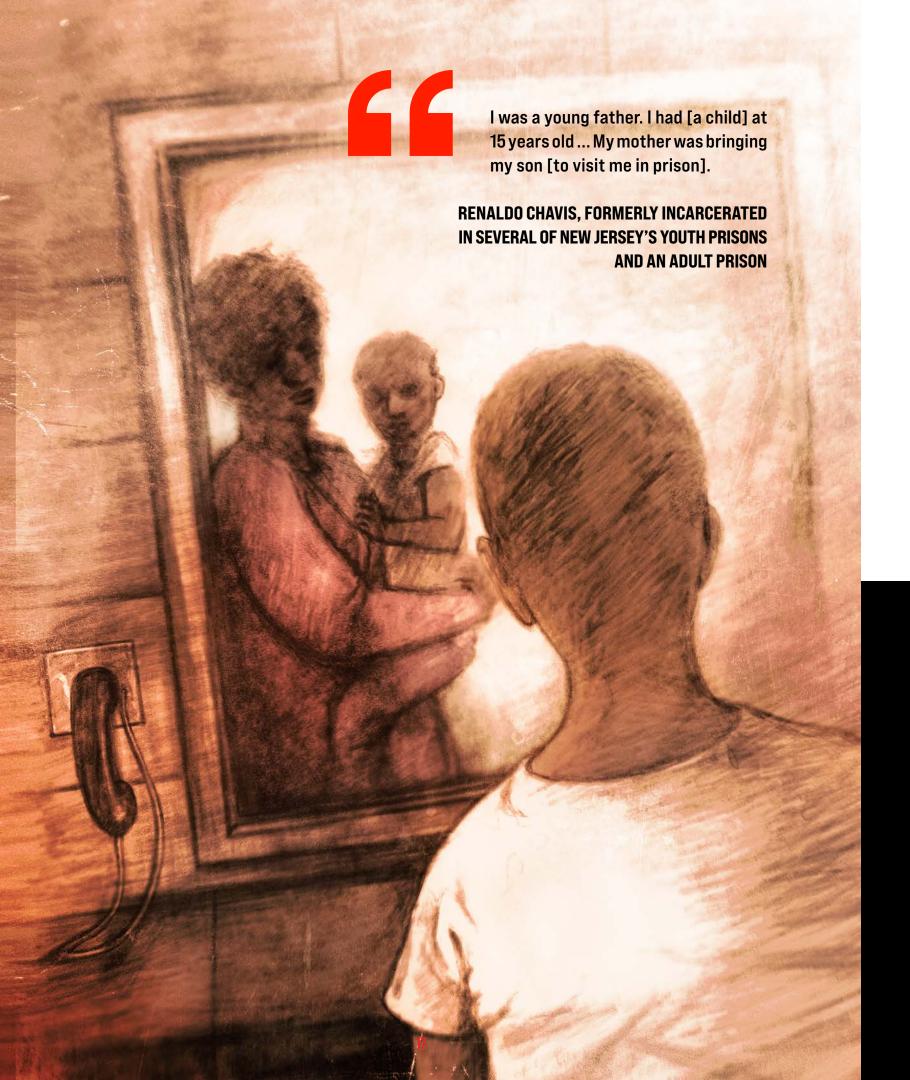
DARIUS, INCARCERATED MULTIPLE TIMES AS A YOUTH

Hearing about my family members struggling or my parents makes me want to help but I can't because I can't even help myself being in this situation.

D.P., CURRENTLY INCARCERATED YOUTH

I was locked up at 15 years old...My son who I had before I went to prison, relationship is strained...he felt abandoned by his father.

IBRAHIM SULIMANI, WHO WAS INCARCERATED AS A YOUTH AND ADULT, AND NOW WORKS AS A SERVICE PROVIDER HELPING JUSTICE-INVOLVED YOUTH



What is the cost of the loss of companionship through incarceration? What is the cost of an unhugged hug? What is the cost of an untold joke?

Incarcerated youth may be protectors within their families. They may protect and mentor siblings. In their absence, their family members may be exposed to unnecessary challenges or even dangers. One researcher found that youth who had incarcerated siblings may be increasingly exposed to different childhood risk factors which may negatively impact their development.⁴⁷

Youth who themselves may not be incarcerated experience complex emotions regarding the absence of an incarcerated sibling, including self-blame.⁴⁸

Incarceration may also impact any children that the youth may have. Because incarcerated youth are more likely to be incarcerated as adults, any future occurrence where they are incarcerated may have a deleterious effect on their children. In one study, the children of incarcerated parents were six times more likely to be incarcerated themselves.⁴⁹

When you are inside, you lose certain sensibilities about the outside world, you don't realize how much your family is busting their tails to provide for you because you don't see it. Then you complain and the other side doesn't want to hear that so they don't pick up ... They have to be included in the toll.

IBRAHIM SULIMANI, WHO WAS INCARCERATED AS A YOUTH AND ADULT, AND NOW WORKS AS A SERVICE PROVIDER HELPING JUSTICE-INVOLVED YOUTH



LOSS OF INCOME FROM YOUTH

Another cost of youth incarceration is the loss of income or the potential for income that a youth may contribute to their household. Two respondents who were incarcerated as youth had their own children whom they could not support while incarcerated. The effect that this loss of income has on a family can be immediate. According to a 2021 Bureau of Labor Statistics report, 54.4 percent of youth aged 16 to 24 had employment. 50 In New Jersey's youth prisons, youth aged 16-24 account for 92% of all incarcerated youth.⁵¹ Especially during the COVID-19 pandemic, some families have become reliant upon their youth to contribute to their finances. 52 The absence of youth income may harm these families. Furthermore, as mentioned earlier in the "Missed Opportunities" section, youth incarceration may substantially impact future career earnings. As a formerly incarcerated youth matures and attempts to support a family, the baggage of their incarceration may have a ripple effect. It may prevent their families from reaping the full financial benefits of their loved one's work and contribution to society even after their incarceration.



COSTS OF YOUTH INCARCERATION:

COSTS TO THE STATE OF NEW JERSEY

Instead of investing in securing the futures of our youth, New Jersey has doubled down on wasteful spending on youth prisons. From Fiscal Year 2012 to 2022, New Jersey spent \$617,455,000 to incarcerate youth. ⁵³ In FY 2022, New Jersey spent \$576,737 to incarcerate a single young person. ⁵⁴ That figure is projected to increase to \$608,095 in FY 2023. ⁵⁵ In February 2022, New Jersey's youth prisons were nearly

80% empty, ⁵⁶ yet they maintained staffing levels as if at full capacity, employing 484 staff.⁵⁷ In Hayes, in February 2022, there were only six female youth incarcerated.⁵⁸ Aside from the emptiness of the prisons and the overstaffing issues, prison guards and administrators are also highly paid. Many earn near six-figure salaries with a captain and superintendent earning over \$120,000.⁵⁹



There are no resources, there is no investment in the community, there is nothing sustained ... the dollars are scarce. It's just a fraction of what is spent on our secure facilities.

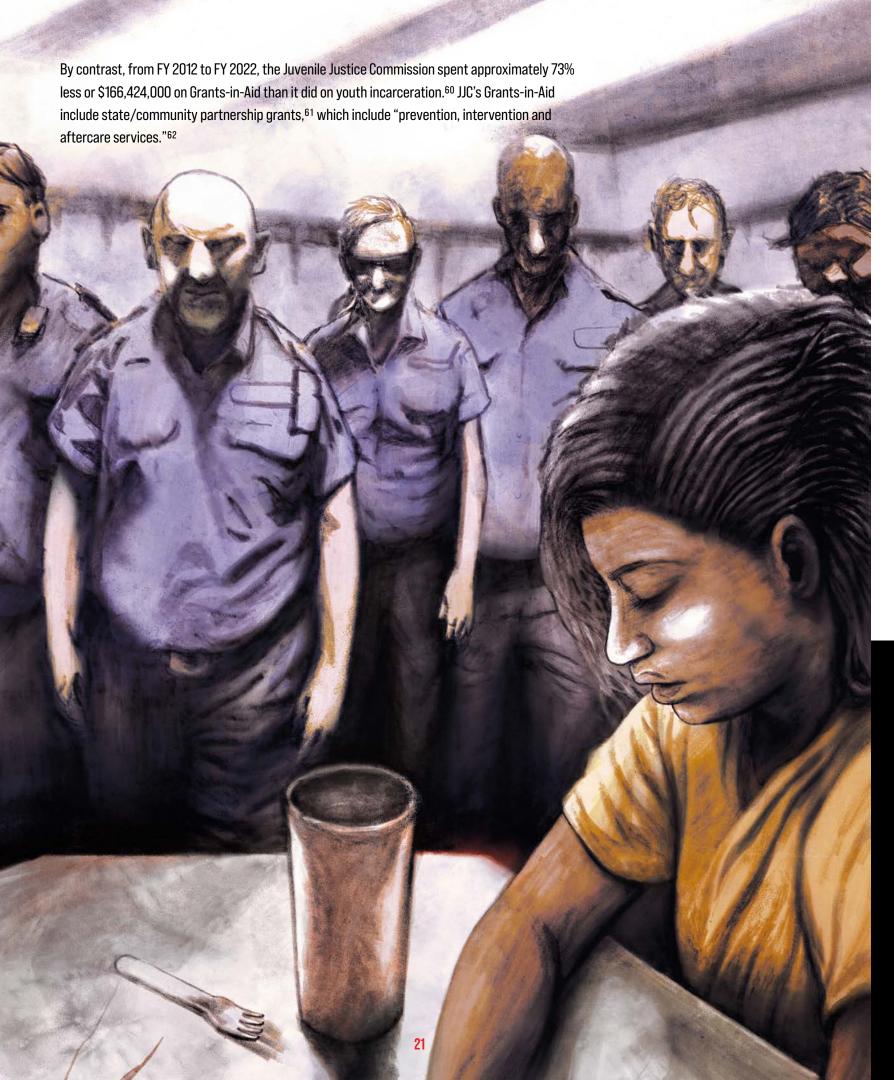
FRED FOGG, SERVICE PROVIDER TO JUSTICE-INVOLVED YOUTH

Why are we spending [hundreds of thousands of] dollars a year to incarcerate someone in a juvenile facility when we don't spend [hundreds of thousands of] dollars on each child in the education system.

REVEREND DR. LESLIE HARRISON, A PASTOR AND MENTAL HEALTH EXPERT

What? For one of us? Look you hear that all that money that could be poured into the communities ... It can be probably used to do better things for us. Things with mental health and stuff with that money alone. More resources that are more effective than what we have now.

D.P., A CURRENTLY INCARCERATED YOUTH, WHEN HE LEARNED OF THE INDIVIDUAL COST OF YOUTH INCARCERATION



COSTS OF YOUTH INCARCERATION: COSTS TO INDIVIDUAL YOUTH

The most significant costs of incarceration are often unquantifiable. For example, what is the cost of disempowering youth? What happens when formerly incarcerated youth are so broken down that they do not pursue a better future? In this section, respondents explain how youth incarceration propagates feelings of hopelessness, stigma and shame, dehumanization and a lack of faith in the justice system.

HOPELESSNESS

Young people discussed youth incarceration's general impact on mental health, and particularly, increased feelings of hopelessness. Hopelessness in youth is associated with depression⁶³ and has been linked to suicidal ideation in incarcerated youth.⁶⁴ However, research has shown that optimism in youth is important to positive youth development and causes youth to take steps in the present to achieve future goals, despite perceiving challenges.⁶⁵ This type of strategic planning is necessary to complete an education and pursue a career.

We call it H20 – hopeless, helpless and overwhelmed. We don't want our young people to feel that in their own communities. We want youth to feel a sense of optimism. We want them to be excited about their futures.

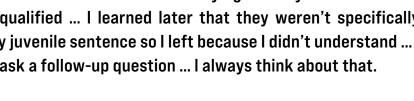


FRED FOGG, SERVICE PROVIDER TO JUSTICE-INVOLVED YOUTH

I thought I was going to die in prison in my twenties ... Fatalism is part of our existence as young Black men.

DARRYL PENNINGTON, FORMERLY INCARCERATED AS A YOUNG MAN, AND NOW AN EDUCATOR AND ATTORNEY

I remember when I entertained maybe for like a second going the right path and Irvington had a ... fireman orientation. I remember going to it and ... thought to myself maybe this could be something I can get into, something I can be proud of, I wasn't afraid of anything so the whole fire thing wouldn't be an issue for me but I remember ... them saying that if you had a record, you may be disqualified ... I learned later that they weren't specifically talking about my juvenile sentence so I left because I didn't understand ... I didn't know to ask a follow-up question ... I always think about that.



RENALDO CHAVIS, FORMERLY INCARCERATED IN SEVERAL OF NEW JERSEY'S YOUTH PRISONS AND AN ADULT PRISON, SPEAKING ABOUT AN OPPORTUNITY THAT HE DID NOT PURSUE

STIGMA AND SHAME

Feelings of stigma attach to the family. The mother [feels like she] needs to defend their child's existence. Needs to defend why their child is in prison. 'How come you didn't do a better job at raising your child'... Stigma that family has to bear.



DARRYL PENNINGTON, FORMERLY INCARCERATED AS A YOUNG MAN, AND NOW AN EDUCATOR AND ATTORNEY

You haven't heard from your child and you're wondering what is going on with my child and then 18 months later you get a call from a prosecutor that your child is in jail ... I was wondering what happened, how she get there? I'm still working on myself from the guilt and the shame of her having to go through the situation because she didn't have anybody to help her go through it. She did it all by herself because of her guilt and shame.

REVEREND DR. LESLIE HARRISON, A PASTOR AND MENTAL HEALTH **EXPERT, SPEAKING ABOUT HER CHILD'S INCARCERATION**

Shame is another cost that is not easily measurable but may lead to negative mental health outcomes for youth and their families. Incarceration is often seen as a "scarlet letter" worn by the incarcerated youth and their family and may prevent them from seeking assistance.



DEHUMANIZATION

Solitary confinement was hell.

Without knowing this whole theory and mystification of

hell, I wouldn't describe it any other way than that. Very hot, very lonely, very confusing, very disturbing the thoughts that enter your mind, like an emotional roller coaster. It teaches you to hate, it cultivates a lot of hate and that hate is toward anyone on the other side of the cage. All of them represent that which is keeping you there. It is a sad place.

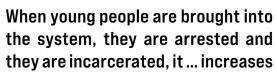
Lockup – that isolation – for me at 15 years old was significant in my life ... when you go to a zoo and they ask you not to hit the cage, not to hit the glass, because it drives the animals crazy ... I don't think I've ever had a headache before or since then that I had from officers coming around and the slamming of the metal doors and the clinging of the keys and them tapping on the door to get a count as opposed to calling your name, just that metal on metal action, just the screaming up and down the hallway and the way the corridor sounds ... like no other like you are never going to hear something echo ... like that.

RENALDO CHAVIS. FORMERLY INCARCERATED IN SEVERAL OF NEW JERSEY'S YOUTH PRISONS AND AN **ADULT PRISON**

Youth were not meant to be locked in cages. This is evident. What are the consequences when the state treats youth as less than human? Renaldo Chavis discussed the impact of his time spent in solitary confinement as a youth. 66 Although punitive solitary confinement has been prohibited for youth in New Jersey, the six girls in the Hayes facility in February 2022 — the only youth in a facility designed for 48⁶⁷ – were essentially being kept alone like

in a solitary confinement setting. A study of the effects of solitary confinement on youth shows that it may create "depression, anger, obsessive thoughts, paranoia and psychosis and suicide."68 Furthermore, there are still provisions of law for youth in New Jersey to be placed in solitary confinement in select circumstances. 69 Youth solitary confinement and incarceration contribute to the deprivation and dehumanization of youth.

LACK OF FAITH IN THE SYSTEM





the lack of trust between systems and families ... a lot of families in the inner-city don't trust systems and when I say systems I mean police systems, education systems, welfare systems any kind of system that is deemed to help. I think that a lot of families in urban areas have very unique relationships with [these systems] and when a kid is incarcerated I think it intensifies that distrust.

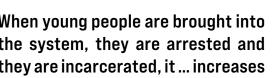
The system is broken because it does not see people as people ... systems are not holistic; they treat one aspect ... we aren't flat people, we have layers.



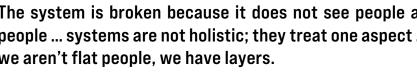
Losing faith in the justice system impacts public safety. If people lose faith in [the] system, they are less likely to rely on the system ... it can result in community harm. We need to make the system more legitimate for those most likely to come in contact with it.

> DR. SEAN WILSON, AN ACADEMIC AND RESEARCHER IN CRIMINAL JUSTICE











Dollars, dollars, dollars. More money, more money, more money.

JULIUS MORRIS. INCARCERATED AS A YOUTH IN THE NEW JERSEY TRAINING SCHOOL (JAMESBURG) OVER 50 YEARS AGO, DESCRIBING PRISONS PROFITING OFF OF YOUTH WORK

The ideal youth justice system would — in the words of the JJC about its own commission — "help youth grow and thrive and to become independent, productive, and law-abiding citizens."70 However, the youth justice system, as it is, produces negative outcomes for youth from communities of color, producing a lack of faith in the current system. Some respondents articulated that the youth justice system is broken while others articulated that it is working exactly to create the negative result it was designed to create. What is the cost of the lack of faith in the current system?

Julius Morris provided a more historical context and recounted how, when incarcerated as a youth decades ago, he was made to work as a youth in a potato field, apple orchard, chicken farm and dairy, and that communities other than his own benefitted from his prison labor. He believed, "it [was] all a plan."

Renaldo Chavis previously noted the price gouging in the commissary. Commissary represents a prison industry that is designed to profit off youths' needs for toiletries and basic food items. This view tends to support the idea that the system is designed to produce a financial result, furthering community distrust.

These experiences speak to a larger distrust that communities of color often have of law enforcement. Surveys of youth from states outside of New Jersey and across the nation demonstrate that Black and Latina/o youth harbor negative perceptions of law enforcement and the justice system as a whole. In one study of 12th graders across the continental United States, Black youth had the "lowest confidence" in law enforcement and the justice system.⁷¹ Latina/o youth had the next lowest confidence in these institutions.⁷² The study also found that perceptions of these institutions have continued to decline.⁷³

In another study of youth from Southern California, researchers found that while both seven-year-old Black and white youth have relatively positive perceptions of law enforcement, each year that a Black youth matures, their perceptions of law enforcement significantly decrease.⁷⁴ The researchers posited that these results stemmed from the negative lived experiences between Black teenagers and their families and law enforcement.⁷⁵

Unfortunately, the views of our respondents and research studies suggest that youth incarceration may be perpetuating a harmful distrust of the system within communities of color, leading to more instability in those communities.



POLICY RECOMMENDATIONS

Four years after the announcement that New Jersey's youth prisons would close, it is time to finally close them. To chart the path forward to meaningful youth justice transformation, New Jersey should take the following actions:

THE MURPHY ADMINISTRATION SHOULD DEVELOP A TIMELINE FOR CLOSING ITS THREE YOUTH PRISONS.

To eliminate the myriad costs of youth incarceration, New Jersey must finally close its three youth prisons. Closing these youth prisons will prevent youth from entering a system that is financially wasteful, excessively punitive and not rehabilitative. In 2018, the Christie administration announced the closure of New Jersey's youth prisons⁷⁷ yet these prisons remain open. The time is now for the Murphy administration to make a firm commitment to close youth prisons. Specifically, we urge the Murphy administration to officially announce a timeline to close all of its youth prisons — Jamesburg, JMSF and Hayes — which are failing our youth. In a recent poll of 500 New Jerseyans, ⁷⁸ 69% favored closing youth prisons and redirecting the savings to community-based rehabilitation programs. ⁷⁹

We know that incarceration does not make children better. We're doing the same thing and expecting different results.



MICHELLE C., A PUBLIC DEFENDER

Governor Murphy believes deeply in transforming our juvenile justice system to prioritize treatment, rehabilitation, and positive reinforcement for young people.

ALEXANDRA ALTMAN, THEN-DEPUTY PRESS SECRETARY FOR GOVERNOR MURPHY, IN AN NJ.COM ARTICLE⁷⁶

As part of this timeline, we encourage the administration to include a worker transition plan that will match youth prison workers with other positions within the JJC or with other agencies with equivalent salaries. New York provides a positive example of how this transition could occur. Beginning in 2002, the Office of Children & Family Services (OCFS), the equivalent of New Jersey's Juvenile Justice Commission, began closing the state's youth prisons, 80 while committing to transition staff to different facilities or agencies. 81 OCFS has closed 26 youth prisons since 200882 with additional youth prisons slated for closure. 83 Furthermore, we urge the administration to repurpose existing youth prison structures to be used for purposes that will elevate and rehabilitate youth. As the Institute advocated in its report, *Bring Our Children Home: A Prison-to-School Pipeline for New Jersey's Youth*, the Hayes facility, in particular, could be transformed from a youth prison back to a center of learning. 84

NEW JERSEY SHOULD CODIFY YOUTH JUSTICE TRANSFORMATION INTO LAW BY REINTRODUCING AND PASSING THE NEW JERSEY YOUTH JUSTICE TRANSFORMATION ACT.

Following the Murphy administration's announcement of the closure timeline, the legislature should work quickly to codify comprehensive youth justice transformation in the New Jersey Youth Justice Transformation Act. Introduced in a prior legislative session, this important bill will close youth prisons, prevent the construction of new ones and invest \$100 million into youth community programs that will prevent youth from entering the criminal justice system. The bill will also provide for the development of rehabilitative centers, based in the community, for young people that may need to be kept out of home for public safety reasons. 85 Polling data confirms that investing in alternatives to youth incarceration including rehabilitation, community services and programs to repair harm are widely supported with 81% in favor.86 Importantly, New Jersey must not replace antiquated large youth prisons with smaller ones, as has been recommended by The Task Force for the Continued Transformation of Youth Justice in New Jersey. In the same poll, only 39% of New Jerseyans favored building more youth prisons.⁸⁷ Prison construction funnels critical funding away from community-based programs and can tie up limited human and natural resources.⁸⁸ New Jersey cannot build its way out of the worst aspects of youth incarceration. Accordingly, the legislature should reintroduce and pass the New Jersey Youth Justice Transformation Act and the governor should sign it into law.

NEW JERSEY SHOULD SUCCESSFULLY IMPLEMENT THE RESTORATIVE AND TRANSFORMATIVE JUSTICE FOR YOUTHS AND COMMUNITIES PILOT PROGRAM AND EXPAND IT STATEWIDE.

Instead of investing hundreds of millions of dollars over a decade into youth prisons, New Jersey must make an equivalent investment into community-based alternatives to incarceration. The state should invest in programs that will divert youth from entering the youth justice system in the first place and must create a community-based system of care for youth that have unfortunately caused harm. An example of such a program is the Restorative and Transformative Justice for Youths and Communities Pilot Program which was passed and signed into law in 2021.89 This bill invests \$8.4 million into communities instead of incarceration by creating hubs where youth can receive critically needed services. These hubs will be physical spaces located in the four cities - Paterson, Newark, Trenton and Camden - where youth diverted from entering the system can use restorative and transformative justice principles to address the harm they may have caused and provide healing solutions for the youth and community. It will also be a space where youth who have been incarcerated can receive wraparound reentry services to aid them on their path to rehabilitation. This program is not yet operational; it is in the implementation stage where state and county government are working to determine the counties' participation in the program.



[We need] steady and strategic divestment from youth incarceration and reinvestment into community-based alternatives. They are less expensive and more effective than institutions but we don't want to cheapen our community-based alternatives. We want the same investments in our communities as the state is making in youth prisons.

FRED FOGG, SERVICE PROVIDER TO JUSTICE-INVOLVED YOUTH

This pilot, once fully implemented, will empower system-involved youth to take control over their process of rehabilitation. It will counter the feelings of powerlessness and inevitability which perpetuate recidivism. Restorative justice programs have been shown to reduce recidivism. Restorative justice programs can also include mental health treatment as a component of their services. In our report, *Investing in Youth, Not Incarceration*, the Institute highlights how mental health treatment can be added to the restorative and transformative justice hubs through community cafés, community accountability councils and mental telehealth lines. The Restorative and Transformative Justice Pilot Program should be the floor, not the ceiling. It should be a starting point for the state to expand its programming, services and funding beyond the program's four cities. Once expanded statewide, these programs will be credible alternatives to the current system of youth justice and incarceration.

NEW JERSEY SHOULD ELIMINATE OUTSTANDING FINES AND FEES IN ALL CASES INVOLVING YOUTH AND ELIMINATE OUTSTANDING PUBLIC DEFENDER FEES FOR YOUTH.

We applaud the governor for recently signing into law S3319/A5507 which eliminates all outstanding fines and fees in cases where youth are prosecuted in juvenile court. 92 This was an important follow-up to an earlier bill that prevented courts from prospectively issuing fines in cases after the effective date of the act. 93 In a youth-led report entitled *Making Them Pay: The Devastating Impact of Fines and Fees on Our Youth*, youth discussed how fines and fees create hardship for youth that may last beyond their incarceration. 94 However, S3319/A5507 applies solely to youth who are prosecuted in juvenile court and not as adults. 95 Youth prosecuted as adults must be included in future legislation. Fines should not be issued to these youth and their outstanding fines should be eliminated.

We also applaud the Governor for recently signing into law S896/A2396⁹⁶ which creates automatic representation by public defenders in juvenile cases and eliminates public defender fees for youth. Lawmakers should go one step further and eliminate all outstanding public defender fees for youth. Eliminating all public defender fees will allow for youth to be represented without the added burden of financial costs on their families. It will also create better relations between the youth and their family. Families that opt to pay for private attorneys will still have the freedom to do so.

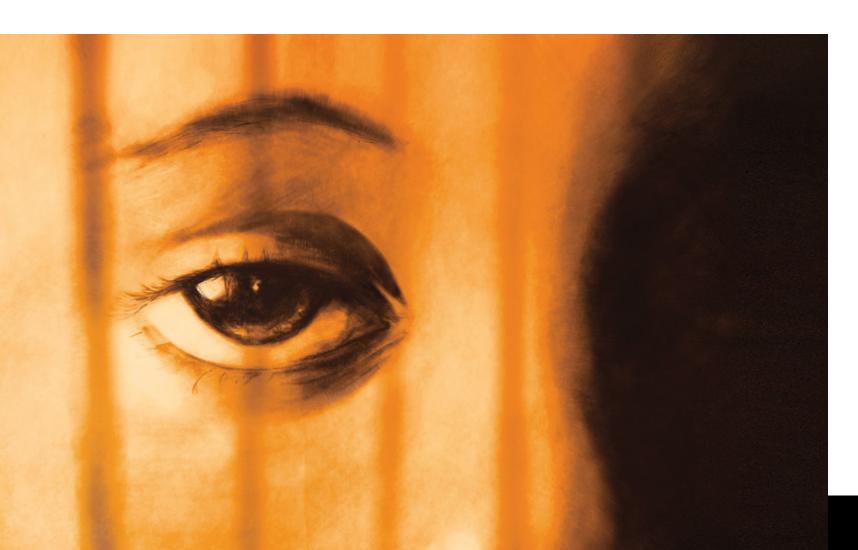
CONCLUSION

The myriad costs of youth incarceration in New Jersey are unacceptable.

Youth incarceration has cost the state over half a billion dollars within the last decade with little to show in public safety. However, perhaps the most lasting cost of incarceration is the negative impact it has on the finances, mental health and futures of individual youth, their families and their communities — often creating opportunities for recidivism.

To stem the costs of youth incarceration, New Jersey must commit to closing youth prisons, codifying youth justice transformation and finally eliminating all youth fines and fees.

Then, as Frederick Douglass said, we can begin building up our kids so that we do not have to repair broken adults.



ENDNOTES

- ¹ N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Governor's FY 2023 Detailed Budget D-265 (2022), https://www.nj.gov/treasury/omb/publications/23budget/FY2023BudgetDetail-FullPDF.pdf [hereinafter FY 2023 Detailed Budget].
- ² Race/Ethnicity by State, 2019 (Rate per 100,000 juveniles), EZACJRP: EASY ACCESS TO THE CENSUS OF JUVENILES IN RESIDENTIAL PLACEMENT 1997–2019, https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Race.asp?state=58&topic=State_Race&year=2019&percent=rate&maps=no (last visited Mar. 9, 2022) [hereinafter Race/Ethnicity by State]; Joshua Rovner, Black Disparities in Youth Incarceration, The Sent'g Project 1 (Jul. 15, 2021), https://www.sentencingproject.org/wp-content/uploads/2017/09/Black-Disparities-in-Youth-Incarceration.pdf.
- ³ Joshua Rovner, The Sent's Project, Racial Disparities in Youth Commitments and Arrests 6 (2016), https://www.sentencingproject. org/wp-content/uploads/2016/04/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf; *see also* Nat'l Juv. Just. Network, Implicit Bias: Why It Matters for Youth Justice 1 (2017), https://www.njjn.org/uploads/digital-library/NJJN%20Implicit%20Bias%20 Snapshot%202017.pdf?phpMyAdmin=14730ab3483c51c94ca868bccffa06ef ("Even though white youth and youth of color engage in illegal behavior at similar rates, substantial over-representation of youth of color in the juvenile justice systems across our country and disparities in treatment remains a serious problem.").
- ⁴ Please note that JJC uses the term "Hispanic" with its data. The Institute uses the terms "Latina" and "Latino." Email from Sharon Lauchaire, *infra* note 8.
- ⁵ The total sum of \$617,455,000 was calculated by adding the spending for the New Jersey Training School for Boys and the Juvenile Medium Security Center (which includes spending for the Hayes facility) for each fiscal year, from 2012 to 2022. These figures are available in the Appropriations Handbook for each year from 2012 to 2022. N.J. DEP'T OF THE TREASURY OFF. OF MGMT. & BUDGET, APPROPRIATIONS HANDBOOK STATE OF NEW JERSEY FISCAL YEAR 2021-2022 B-150-51, https://www.ni.gov/treasury/omb/ publications/22approp/Final.pdf (New Jersey Training School for Boys \$34,406,000, and \$27,538,000 for the Juvenile Medium Security Center); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal YEAR 2020-2021 B-143-44, https://www.nj.gov/treasury/omb/publications/21approp/FY21FullAppropAct.pdf (New Jersey Training School for Boys \$25,410,000, and \$19,004,000 for the Juvenile Medium Security Center); N.J. Dep't of the Treasury Off. of Mgmt. & BUDGET, APPROPRIATIONS HANDBOOK STATE OF NEW JERSEY FISCAL YEAR 2019-2020 B-141-42, https://www.state.nj.us/treasury/omb/ publications/20approp/FullAppropAct.pdf (New Jersey Training School for Boys \$35,460,000, and \$26,981,000 for the Juvenile Medium Security Center); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey FISCAL YEAR 2018-2019 B-137-38, https://www.nj.gov/treasury/omb/publications/19approp/FullAppropAct.pdf (New Jersey Training School for Boys \$35,809,000, and \$26,732,000 for the Juvenile Medium Security Center); N.J. Dep't of the Treasury Off. of Mgmt. & BUDGET, APPROPRIATIONS HANDBOOK STATE OF NEW JERSEY FISCAL YEAR 2017-2018 B-133-34, https://www.state.nj.us/treasury/omb/ publications/18approp/FullAppropAct.pdf (New Jersey Training School for Boys \$38,368,000, and \$25,804,000 for the Juvenile Medium Security Center); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey FISCAL YEAR 2016-2017 B-131-32, https://www.nj.gov/treasury/omb/publications/17approp/FullAppropAct.pdf (New Jersey Training School for Boys \$38,546,000, and \$25,008,000 for the Juvenile Medium Security Center); N.J. Dep't of the Treasury Off. of Mgmt. & BUDGET, APPROPRIATIONS HANDBOOK STATE OF NEW JERSEY FISCAL YEAR 2015-2016 B-133-34, https://www.nj.gov/treasury/omb/ Medium Security Center); N.J. Dep't of the Treasury Off, of Mgmt. & Budget, Appropriations Handbook State of New Jersey publications/16approp/FullAppropAct.pdf (New Jersey Training School for Boys \$39,316,000, and \$25,907,000 for the Juvenile

FISCAL YEAR 2014-2015 B-133—34, https://www.state.nj.us/treasury/omb/publications/15approp/pdf/completeapprop.pdf (New Jersey Training School for Boys \$39,612,000, and \$25,668,000 for the Juvenile Medium Security Center); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2013-2014 B-133—34, https://www.nj.gov/treasury/omb/publications/14approp/pdf/completeapprop.pdf (New Jersey Training School for Boys \$38,134,000, and \$25,658,000 for the Juvenile Medium Security Center); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2012-2013 B-134—35, https://www.nj.gov/treasury/omb/publications/13approp/pdf/completeapprop.pdf (New Jersey Training School for Boys \$35,056,000, and \$29,038,000 for the Juvenile Medium Security Center).

⁶ This 40,000 students figure was calculated by dividing \$617,455,000 by the commuter price of \$15,804 for Rutgers-New Brunswick which equals 39,070 or nearly 40,000. *Tuition and Fees*, Rutgers Undergraduate Admissions, https://admissions.newbrunswick.rutgers.edu/paying-for-college/tuition-and-fees (last visited Mar. 7, 2022).

PROGRAM REPORT JANUARY 2020 – DECEMBER 2020 2 (Apr. 28, 2021), https://www.nj.gov/oag/oag/Report-to-the-Legislature-on-the-New-Jersey-Violence-Intervention-Program-Final-April-28-2021.pdf (highlighting the amount spent on youth incarceration, \$617,455,000, is over thirty times the amount spent to support hospital-based violence intervention programs, \$20 million); Press Release, Office of the Governor, ICYMI: Acting AG Bruck Announces \$12 Million in Grant Funding to Reduce Gun Violence and Support Victims">https://www.nj.gov/governor/news/news/562021/20211118b.shtml (citing in November 2021, Acting Attorney General Bruck made \$10 million available for community-based violence intervention programs); Press Release, Dep't of L. & Pub. Safety, Governor Murphy and Acting Attorney General Bruck Announce \$7 Million Investment in Gunshot Detection Technology and Other Police Equipment to Reduce Gun Violence (Jan. 27, 2022), https://www.njoag.gov/governor-murphy-and-acting-attorney-general-bruck-announce-7-million-investment-in-gunshot-detection-technology-and-other-police-equipment-to-reduce-gun-violence/ (citing on January 27, 2022, Acting Attorney General Bruck announced \$8.2 million in funding for 25 community-based anti-violence programs throughout the state).

⁸ FY 2023 DETAILED BUDGET, *supra* note 1 at D-265 (showing that the institutional operational capacity is 465); Email from Sharon Lauchaire, Chief of Pub. Rel., N.J. Juv. Just. Comm'n, to Yannick Wood, Dir. Of Crim. Just. Reform Program, N.J. Inst. For Soc. Just., (Feb. 20, 2022, 15:44 EST) (on file with author) (showing that as of February 9, 2022, there were only 102 committed youth, approximately 22% of the 465-youth capacity, therefore the facilities are approximately 78% empty).

⁹ Suzanne Russell, *State to close NJ Training School for Boys in Monroe*, My Central Jersey (Jan. 8, 2018, 16:58 EST), https://www.mycentraljersey.com/story/news/education/in-our-schools/2018/01/08/state-close-nj-training-school-boys-monroe/1014359001/.

10 Task force for the Continued Transformation of Youth Justice Task Force Report, https://d31hzlhk6di2h5.

cloudfront.net/20220510/4e/b9/c4/02/d75de4d2ea5able41992158c/Task Force Report 070120 EP.pdf.

¹¹ Id. at 1.

¹² *Id*. at 5.

¹³ Id. at 21.

¹⁴ N.J. Dep't of Corrections, N.J. Juv. Just. Comm'n Prison Rape Elimination Act (PREA) Annual Report (2019), https://www.nj.gov/oag/jjc/pdf/2019 PREA-Annual-Report.pdf.

¹⁵ Press Release, Dep't of L. & Pub. Safety, *Inactive Correctional Police Officer Pleads Guilty to Aggravated Assault Charge for Breaking Wrist of Resident in Juvenile Justice Commission Facility* (Feb. 23, 2022), https://www.njoag.gov/inactive-correctional-police-officer-pleads-guilty-to-aggravated-assault-charge-for-breaking-wrist-of-resident-in-juvenile-justice-commission-facility/.

¹⁶ In Figure 26, this report shows that after 24 months, 26.2% of youth released from JJC custody in 2015 were recommitted. N.J. DEP'T OF CORR. ET AL., RELEASE COHORT OUTCOME REPORT: A THREE-YEAR FOLLOW UP 39 (2015), https://www.state.nj.us/corrections/pdf/offender_statistics/2015_Release_Recidivism_Report.pdf [hereinafter Release COHORT OUTCOME REPORT].

¹⁷ Race/Ethnicity by State, supra note 2.

- ¹⁸ *Id.* (highlighting that New Jersey is ranked third behind Massachusetts and Connecticut, although Connecticut's data is notably "imputed," meaning that missing data has been replaced with values so as not to skew the data).
- ¹⁹ Off. of Juv. Just. & Deling. Prevention, Behavioral Health Problems, Treatment, and Outcomes in Serious Youthful Offenders 3 (2014), https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/242440.pdf.
- ²⁰ Off. of Juv. Just. & Deling. Prevention, Intersection between Mental Health and Juvenile Justice System (2017), https://ojjdp.ojp.gov/mpg/literature-review/mental-health-juvenile-justice-system.pdf [hereinafter Literature Review a Product of the Model Programs].
- ²¹ *Id*. at 4.
- ²² Elizabeth S. Barnet et al., *How Does Incarcerating Young People Affect Their Adult Health Outcomes?*, 139 Pediatrics 2 (2017), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5260153/.
- ²³ N.J. Juv. Just. Comm'n, Youth Admitted to JMSF, 2018 2 (2019) (unpublished) (on file with Andrea McChristian).
- ²⁴ N.J. Inst. For Soc. Just., Investing in Youth, Not Incarceration 1 (2020), https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/1427/ attachments/original/1626807806/Investing in Youth Toolkit Final 7.20.pdf?1626807806 [hereinafter Investing in Youth, Not Incarceration].
- ²⁵ Off. of Just. Programs, Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010 12 (2014), https://bjs.ojp.gov/content/pub/pdf/rprts05p0510.pdf (finding that 75.9% of young adults, individuals aged 24 years and younger, were rearrested within three years of their release).
- ²⁶ Anna Aizer & Joseph J. Doyle, Jr., *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges* 22–23 (Nat'l Bureau of Econ. Research, Working Paper No. 19102, 2013), https://www.nber.org/system/files/working_papers/w19102/w19102.pdf.
- ²⁷ Release Cohort Outcome Report, *supra* note 16 at 3.
- ²⁸ *Id*.
- ²⁹ Aizer & Doyle, *supra* note 26, at 23.
- ³⁰ *Id.* at 3.
- 31 Melanie Taylor, *Adult Earnings of Juvenile Delinquents: The Interaction of Race/Ethnicity, Gender, and Juvenile Justice Status on Future Earnings*, 13 Just. Pol'y J. 2, Fall 2016 http://www.cjcj.org/uploads/cjcj/documents/jpj_adult_earnings_of_juvenile_delinquents.pdf.
- ³² Terry-Ann Craigie, et al., Brennan Ctr. For Just., Conviction, Imprisonment and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality (2020), https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal.
- ³³ *Id*.
- ³⁴ Client Info., Off. of the Pub. Def., https://www.nj.gov/defender/client/#4 (last visited Apr. 12, 2022).
- ³⁵ N.J. Stat. Ann. § 2A:158A-25 (West 2016) (repealed 2022) (When this law was current, it supported the recovery of legal fees for youth cases); N.J. Stat. § 2A:158A-19 (West 2015) (discussing methods for how the Public Defender can recover fees).
- 36 The fees that clients pay to OPD are flat and are as follows: Offenses that would be 1st or 2nd Degree crimes if committed by adults that are resolved with a plea, dismissal, diversion, or any other non-trial disposition is \$250. Offenses that would be 1st or 2nd Degree crimes if committed by adults that are resolved after a trial up to 5 days long is \$750 and \$500 for every subsequent three days of trial (although this is rare because these juvenile cases are bench trials and rarely go beyond five days); offenses that would be 3rd or 4th Degree crimes if committed by adults that are resolved with a plea, dismissal, diversion or any other non-trial disposition is \$150; Offenses that would be 3rd or 4th Degree crimes if committed by adults that are resolved after a trial up to five days long is \$500 (\$500 for every subsequent 3 days of trial although this is rare because these juvenile cases are bench trials and rarely go beyond five days). Email from Kevin Walker, First Ass't Pub. Def., Off. Pub. Def., to Yannick Wood, Dir. Of Crim. Just. Reform Program, N.J. Inst. For Soc. Just., (Sept. 17, 2021, 14:43 EST) (on file with author). Telephone interview with Kevin Walker, First Ass't Pub. Def., Off. Pub. Def.,

incarceration; representing that in 2020, the average population was 177, and there were 355 and 177 filled positions for Institutional Control and Supervision and Institutional Care and Treatment respectively, for a total of 532 positions. The average population in 2020 is approximately 75% higher than the 2022 population of 102.)

⁶⁰ A total of \$166,424,000 for Community Program Grants-in-Aid was spent from FY 2012 to 2022. This figure was calculated by adding the yearly community program Grants-in-Aid spending which is available in the annual Appropriations Handbooks. N.J. DEP'T OF THE TREASURY OFF, OF MGMT. & BUDGET, APPROPRIATIONS HANDBOOK STATE OF NEW JERSEY FISCAL YEAR 2021-2022 B-149, https://www.nj.gov/treasury/omb/publications/22approp/Final.pdf (\$20,799,000 for Community Programs Grants-in-Aid); N.J. Dep't OF THE TREASURY OFF. OF MGMT. & BUDGET, APPROPRIATIONS HANDBOOK STATE OF NEW JERSEY FISCAL YEAR 2020-2021 B-142, https:// www.nj.gov/treasury/omb/publications/21approp/FY21FullAppropAct.pdf (\$12,449,000 for Community Programs Grants-in-Aid); N.J. Dep't of the Treasury Off, of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2019-2020 B-140, https://www.state.nj.us/treasury/omb/publications/20approp/FullAppropAct.pdf (\$16,599,000 for Community Programs Grants-in-Aid); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2018-2019 B-136, https://www.nj.gov/treasury/omb/publications/19approp/FullAppropAct.pdf (\$16,599,000 for Community Programs Grantsin-Aid); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2017-2018 B-132, https://www.state.nj.us/treasury/omb/publications/18approp/FullAppropAct.pdf (\$16,599,000 for Community Programs Grants-in-Aid); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2016-2017 B-130, https://www.nj.gov/treasury/omb/publications/17approp/FullAppropAct.pdf (\$16,599,000 for Community Programs Grants-in-Aid); N.J. Dep't of the Treasury Off, of Mgmt, & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2015-2016 B-132, https://www.nj.gov/treasury/omb/publications/16approp/FullAppropAct.pdf (\$16,599,000 for Community Programs Grants-in-Aid); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2014-2015 B-132, https://www.state.nj.us/treasury/omb/publications/15approp/pdf/completeapprop.pdf (\$16,599,000 for Community Programs Grants-in-Aid); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey FISCAL YEAR 2013-2014 B-132, https://www.nj.gov/treasury/omb/publications/14approp/pdf/completeapprop.pdf (\$16,599,000 for Community Programs Grants-in-Aid); N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2012-2013 B-133, https://www.nj.gov/treasury/omb/publications/13approp/pdf/completeapprop.pdf (\$16,983,000 for Community Programs Grants-in-Aid).

61 N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Appropriations Handbook State of New Jersey Fiscal Year 2021-2022 B-149, https://www.nj.gov/treasury/omb/publications/22approp/Final.pdf.

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³⁸ Off. of the Pub. Def., *supra* note 34.

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⁴⁷ Katie Heaton, *The Sibling Experience: Grief and Coping with Sibling Incarceration*, St. Catherine University, 5-2014, at 4 https://sophia.stkate.edu/cgi/viewcontent.cgi?article=1328&context=msw_papers.

⁴⁸ See id. at 16.

⁴⁹ Eric Martin, Nat'l Inst. Of Just., Hidden Consequences: The Impact of Incarceration on Dependent Children (2017), https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children.

⁵⁰ News Release, U.S. Bureau of Labor Statistics, *Employment and Unemployment Among Youth Summary* (Aug. 18, 2021), https://www.bls.gov/news.release/youth.nr0.htm.

⁵¹ Email from Sharon Lauchaire, *supra* note 8 (explaining that there are 94 youth who are aged 16-24 which represents 92% of the total of 102 youth).

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⁵³ Supra note 5.

⁵⁴ FY 2023 Detailed Budget, *supra* note 1.

⁵⁵ *Id*.

⁵⁶ *Id.* (showing that the institutional operational capacity is 465); Email from Sharon Lauchaire, *supra* note 8.

⁵⁷ FY 2023 Detailed Budget, *supra* note 1 (showing that in 2022, there were 337 filled positions for Institutional Control and Supervision and there were 147 filled positions for Institutional Care and Treatment for a total of 484 positions in youth institutions for

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