

The Performance of Juvenile Diversion Programs in the Superior Court of New Jersey, Essex Vicinage



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GLOSSARY OF TERMS

DATA DICTIONARY

- ❖ Official AOC Caseload Statistics on Filings are based on Entry Dates of Juvenile Delinquency Complaints
- ❖ Official AOC Caseload Statistics on Dispositions are based on Entry Dates of Court Orders
- ❖ Demographic and caseload data derived from the FACTS “Data on Demand” facility are based on Filing Dates of Juvenile Delinquency Complaints
- ❖ The term “Municipality” has different meanings depending on use which include: Essex County Municipalities, JCC Municipalities, Juvenile’s Municipality of Residence, and Municipality where the offence was committed
- ❖ Party ID refers to a unique identifier assigned to individuals in FACTS
- ❖ Juvenile ID refers to a unique identifier assigned to juveniles in FACTS in addition to their Party IDs.

LIST OF ACRONYMNS

- ❖ AJ Assignment Judge
- ❖ ACNJ..... Association of Children of New Jersey
- ❖ AOC Administrative Office of the Courts
- ❖ CY Court Year
- ❖ DYFS..... Division of Youth and Family Services
- ❖ ECPDO Essex County Public Defender’s Office
- ❖ ECPO Essex County Prosecutor’s Office
- ❖ ECYSC Essex County Youth Services Commission
- ❖ FCIU..... Family Crisis Intervention Unit
- ❖ FACTS.....Family Automated Case Tracking System

- ❖ ISC Intake Services Conference
- ❖ ISCO Intake Services Conference Officer
- ❖ JATPP..... Juvenile Auto Theft Prevention Program
- ❖ JDAI Juvenile Detention Alternatives Initiative
- ❖ JDC..... Juvenile Delinquency Guidelines
(Published by the NCJFCJ)
- ❖ JCC Juvenile Conference Committee
- ❖ JJC Juvenile Justice Commission
- ❖ JJRI Juvenile Justice Re-Entry Initiative
- ❖ LCJJSI..... Local Council for Juvenile Justice System Improvement
- ❖ MDT Multi-Disciplinary Team
- ❖ NCJFCJ National Council of Juvenile and Family Court Judges
- ❖ NJ New Jersey
- ❖ OJJDP..... Office of Juvenile Justice and Delinquency Prevention
- ❖ PIE..... Prevention, Intervention and Education
- ❖ TCA Trial Court Administrator
- ❖ VOP..... Violation of Probation

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ABSTRACT

We cannot always build the future for our youth, but we can build our youth for the future. ~Franklin Delano Roosevelt

Juvenile Conference Committees (JCC) and Intake Services Conference (ISC) are two long running and very important diversion mechanisms for handling juvenile delinquency cases within the Essex Vicinage. In combination, they handle approximately 20% of new/not previously adjudicated juvenile delinquency filings. As a sub-set of dispositions, they account for approximately 30% of new/not previously adjudicated juvenile delinquency dispositions. During the five year period over which this study was focused, together they handled nearly 6,000 youths who had been diverted away from formal court processing; in a number of instances, providing them with second, even third chances to steer away from further court involvement.

The decision to work on this project was not borne out of any particular concerns or perceived shortcomings with Diversionary Programs in Essex Vicinage. The intent rather was to examine juvenile diversion through a sharp managerial lens with the goal of improving the internal management and administrative practices of the two programs. At the crux of the research were two arguments: first, that diversion programs if managed well, can exponentially improve outcomes for youths who come into the juvenile justice system and, prospectively prevent their further penetration into the system. Second, that well managed programs can have important budgetary implications by enabling better utilization of scarce and expensive judicial resources. The research approach adopted involved a scrutiny from a managerial perspective, the underlying processes and procedures, and key structural, organizational and programmatic factors relating to the operation of the two programs in Essex Vicinage.

Multiple data sources including archived data, random sampling, opinion survey, document analysis, and staff interviews were used in the study. Aside from new insights gained from each method of analysis, they individually and collectively helped validate the overall findings. The starting point was the query into the nature and extent of juvenile diversion in Essex Vicinage. This involved an in-depth look at the caseload volume and trends, also, demographic characteristics such as race, gender, municipality of residence and age at diversion. Such information is needed by the court as well as the major juvenile justice stakeholder groups to make informed decisions regarding the allocation of resources; also, more effectively plan the content and scope of programs and services to support diversion programming.

Diversion decision making was the next major area of inquiry. Contrary to general perception, the types of cases handled by both programs are not limited to low-level delinquency matters with minimal or no prior court involvement. The finding that a high number of diversions occur not at intake but at judge level was therefore not surprising. However, it raises serious questions as to the adequacy of training and professional support provided to those who conference these high-level delinquency matters; that is, the volunteers in all twenty-six JCC municipalities in the Vicinage and the court staff who conduct ISC.

Also subjected to a microscopic lens and intense scrutiny was the issue of timeliness and expeditiousness of major events in the diversion process to include timeliness of filing, diversion decision, and other intermediate events through to the point of case dismissal if the juvenile is compliant with the program recommendations or return-to-court if he/she is non-compliant. The juvenile delinquency processing manual is very specific as to the recommended timelines for the

major events in a diversion process. Though there were problems with missing data, there were strong indications of delays which suggest that there may be a need to streamline the entire process and remove bottlenecks so that youths receive the services they need in a timely manner and the charging offense is addressed also in a timely manner for both the youth and the victim.

The effectiveness of juvenile diversion is arguably a function of what programmatic strategies are used to achieve program goals. In this study, the query was with respect to the three juvenile-justice programming priorities of accountability, community protection and competency development. It was both gratifying and humbling to see the effort that judges put into requiring additional conditions and/or making service referrals at the point of diversion; also, the use of a variety of terms and conditions in program contracts and agreements. However without appropriate monitoring mechanisms for these conditions, the potential for failure for youths is increased; therefore a strong reason to resolve the ongoing debate about the monitoring of restitution payments and community service for ISC cases.

The remaining areas of focus involved management elements such as staff training and development; volunteer recruitment and training, diversity issues; also, data management strategies to support planning and operations, and related to that, performance measurement. Though all of the areas of focus in the study had varying degrees of deficiencies, none however were considered to be insurmountable. Both programs seem to have pushed their boundaries to the limit over the years to provide the best services possible to the juveniles that they serve. Additional boost to that effort is long overdue and can come from the local juvenile justice system partners and stakeholders in Essex Vicinage for after all, it takes a village to raise a child!

INTRODUCTION

Juvenile diversion offers youths charged with a delinquency act the opportunity to participate in alternatives to the formal juvenile justice system process. Many experts have come to recognize that there are many cases that do not need formal juvenile court intervention and can be resolved outside of the court setting.¹ Diversion necessarily involves a decision by a court official to turn the youth away from usual justice system handling, and usually includes the provision of such services to the youth as individual, group, or family counseling, remedial education, job training and placement, drug and/or alcohol treatment, and recreation.² Youth are also required to make reparation to their victims and complete other terms and conditions that would help them develop into productive and responsible adults. Those who do not successfully complete their diversion referral may have their case referred to court for formal processing. Therefore, in accordance with fundamental juvenile justice system programming priorities, diversion is designed to accomplish among others, the goals of accountability, community protection and competency development.

HISTORICAL BACKGROUND

Juvenile diversion dates back to the 1960s when the President's Commission on Law Enforcement and Administration of Justice (1967) and the Law Enforcement Assistance Administration's National Advisory Commission on Criminal Justice Standards and Goals (1973) recommended that agents of the juvenile justice system and community seek alternative ways of treating troubled youths outside of traditional juvenile justice agencies.³ Along those lines, New

¹ Ira M. Schwartz, (1992). *Juvenile Justice and Public Policy: Toward a National Agenda* (Preface X). New York: Lexington Books.

² Ibid, page 45.

³ Franklyn W. Dunford, D. Wayne Osgood & Hart F. Weichselbaum. *National Evaluation of Diversion Projects: Executive Summary*, Office of Juvenile Justice and Delinquency Prevention, U.S. Dept. of Justice,

Jersey has two approved diversionary programs for handling alleged juvenile offenders: Juvenile Conference Committee (JCC), and Intake Services Conference (ISC). The JCC, created by the New Jersey Supreme Court in 1953 was mandated to deal with juvenile behavior neither harmful enough for formal adjudication nor innocuous enough to be overlooked by the community⁴. Cases came to the Committees on referral from the Juvenile and Domestic Relations Courts⁵. The Committees brought local citizenry in contact with the delinquency problem and reduced the time the juvenile and the Domestic Relations Court must spend on minor offenses⁶.

At the conception of the program, only first time offenders charged with minor infractions were referred. Truancy, malicious mischief, trespassing, minor assault and battery, minor thefts, and public disturbance are some of the charges against referred youth⁷. It was intended that appearance before the Committees would both motivate and provide the opportunity for behavioral change before more serious infractions occur⁸. Over the years, the program has evolved to not only handle first time minor offenders but also to include the handling of juveniles charged with fourth-degree minor offenses. Today, the JCC is a statewide program; functioning as community-based arm of the Family Court. It exists in all twenty-one municipalities in Essex County and are comprised of 6 to 9 member panels of trained volunteers from the community who are appointed by the Assignment Judge of the Vicinage to hear minor acts of juvenile

1982. (Full report published in microfiche as NCJ 80830 by the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850)

⁴ Internet link: <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=42700>.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

delinquency that are committed in their local communities. They are trained by court staff to function as the first level for hearing informal matters.

Same as JCCs, the ISC is also primarily concerned with preventing future misconduct of young people. The distinction between the two programs is that JCCs is the first level for handling minor acts of delinquency while ISC is the second level. The ISC is a voluntary conference facilitated by a Family Division Staff usually a Probation Officer. Whereas JCC is made up of volunteers who reside, hear and decide matters in the juvenile's community, ISCs are scheduled and heard in the courthouse within the Family Division. Its goal much like JCC is to assist families to resolve matters informally. Also, like JCC, it is intended that participation in ISC will both motivate and provide the opportunity for behavioral change before more serious infractions occur.

Sandhu and Heasley report that a national evaluation of diversion practices and programs concluded that there are two types of diversion practices, "true diversion" and "minimization of penetration."⁹ They defined true diversion as "a discretionary act directed at forestalling adjudication which results in a termination of official intervention and/or referral of a youth to a program outside the system," and defined minimization of penetration as "a process which results in further system intervention and/or referral to a justice system program"¹⁰. JCCs can therefore be classified as "true diversion" practice while ISC would fall under the category of diversion practices classified as "minimization of penetration." Regardless of this distinction between JCC and ISC, the fact remains that the fundamental goal of both programs is to provide services and

⁹ Harjit S. Sandu & C. Wayne Heasley, *Improving Juvenile Justice: Power Advocacy, Diversion, Decriminalization, Deinstitutionalization, and Due Process*. New York, NY: Human Sciences Press, 1981, page 94.

¹⁰ *Ibid*, pages 94 – 95.

informal sanctions to youth who have begun to engage in anti-social and low level delinquent behavior in an effort to prevent them from continuing on a delinquent pathway.¹¹

FOCUS OF THE STUDY

The purpose of this project was to critically analyze from a managerial standpoint the dynamics of juvenile diversion in Essex Vicinage with the aim of developing recommendations for future improvements in the internal management of the two approved court diversionary programs, the Juvenile Conference Committee (JCC) and the Intake Services Conference (ISC). The premise that provided the foundation for this research is the argument that improved processes, practices and protocols would lead to improved outcomes for the youths and families exponentially.

The project specifically focused on the following specific areas of inquiry:

1. The nature and extent of juvenile diversion in Essex Vicinage
2. Screening and the decision to divert
3. Timeliness and expeditiousness of major events in the process
4. Responsiveness to three juvenile justice programming priorities of accountability, community protection, and competency development
5. Organizational and management capacity of the programs
6. Performance measurement and reporting
7. Data management strategies to support planning and daily operations

¹¹ Continuum of Care – Points of Intervention Definition, Comprehensive County Youth Services Plan Guidelines, The Juvenile Justice Commission, State of New Jersey Department of Law.

THE NEW JERSEY JUDICIARY

Court Organization and Structure

There are three courts of original proceedings: Municipal, Superior and Tax Courts. The Municipal Court is a court of limited jurisdiction handling a great variety of cases involving motor-vehicles offenses, minor criminal offenses, and offenses involving municipal ordinances, code violations and laws, even minor disputes between neighbors. The Superior Court is a general jurisdiction court and encompasses four specialized divisions: Civil, Family, General Equity, and Criminal Divisions. The Family Division within which the JCC and ISC operate has exclusive jurisdiction over family cases including divorce, domestic violence, juvenile delinquency, family crisis intervention, child support, foster-care placements, adoption, custody and visitation, and terminations of parental rights.

The General Equity Division has jurisdiction over civil cases in which monetary damages are not being sought, and the Tax Court, a Court of Limited Jurisdiction resolves disputes between taxpayers and local and state government taxing agencies; reviews the decisions of county boards of taxation, reviews the decisions of the State Division of Taxation, and may hear cases from the Superior Court that involve complex tax issues. At the appellate level, there is an intermediate appeals court, the Appellate Division of the Superior Court that hears appeals from decisions of the Trial Courts and the Tax Court as well as final decisions and orders of State Administrative Agencies. Its decisions are appealed to the Supreme Court, New Jersey's highest court and court of last resort. (See Appendix II-A: The New Jersey Court Structure.)

Judiciary Administration

The court system is unified in structure and administration with uniform rules and policies, and clear and distinct lines of administrative authority. At the top are the Chief Justice and the Supreme Court with the Chief Justice as the administrative head, overseeing the management of the state's courts. The Administrative Office of the Courts (AOC) functions as the system's administrative arm and is headed by the Administrative Director of the Courts who reports to the Chief Justice. All policies and procedures governing the courts and court-support operations require the approval of the Supreme Court or the Judicial Council. The financial operations, including salaries of personnel and operating and capital expenses are managed through a unified budget for all the courts in the system except the Municipal Courts which are operated by the city, township or borough in which they are located, and funded by the municipalities that they serve and not by the State.

Geographic Regions (Vicinages)

To facilitate the efficient operation of the system the State is divided into 15 geographic regions known as *Vicinages*, each with identical jurisdiction. The Assignment Judge (AJ) is the chief judicial officer of the vicinage and is responsible for the general supervision of trial judges, administration of vicinage personnel and budget, implementation of the rules, policies and directives of the Supreme Court, and the overall management of trial calendars. Also in each vicinage is a Trial Court Administrator (TCA) who functions as the Chief operating Officer of the vicinage and oversees the administrative aspects of trial court operations. Together, the AJ and TCA comprise the executive component of the vicinage with final decision-making authority for the vicinage.

Each Vicinage also has a Management Team that acts in an advisory capacity to the executive component, providing input on budget priorities, operational issues and policies; thereby assisting in managing vicinage trial court operations. The Team includes the Assignment Judge, Trial Court Administrator, the Presiding Judges and Division Managers supported by Assistant Division Managers who depending on assignment provide oversight for operational Units. (See Appendix II-B: Essex Vicinage Structure and Appendix II-C: Essex Family Division Structure].

THE JUVENILE DELINQUENCY DOCKET

Juvenile delinquency is a major docket in the Essex Family Division. Three judges and a referee are assigned to hear juvenile delinquency and juvenile/family crisis cases. Team Leaders provide case management support to the judges and the referee. In the handling of juvenile delinquency matters, the court's goals are rehabilitation and accountability. In addition to protecting the community, the court tries to ensure that youths posing risks are given the opportunity for rehabilitation to enable them develop into responsible and resourceful citizens. The Juvenile Delinquency Policy and Procedures Manual, Best Practices and Code of Juvenile Justice provide guidance on relevant State and Federal Laws, case processing procedures and court orders (See Appendix II-D: Juvenile Delinquency Process Flowchart).

Major Juvenile Justice Stakeholder Groups

The Essex Family Division partners and collaborates with a host of agencies and offices within the broader local juvenile justice community including but not limited to the Prosecutor's Office, the Public Defender's Office, the Essex County Youth Detention Center, the Division of Children and Families, Partnership for Children, and a hoist of others. There are two major stakeholder groups

involved in the case type: the Essex County Youth Services Commission (ECYSC) and the Local Council on Juvenile Justice System Improvement (LCJJSC). The ECYSC was established to identify, plan and oversee the implementation of community-based sanctions and services for juveniles that are charged or adjudged as delinquent and to establish delinquency prevention programs. The Commission also provides leadership in promoting community strategies to encourage healthy youth development and in assisting juvenile justice partners in their work with troubled youth.¹² Essex Vicinage is also a pilot site for the Juvenile Detention Alternatives Initiative (JDAI), an Annie Casey Foundation initiative in the area of detention reform.

Juvenile Services and Programs

Given the many difficulties juveniles face, the court provides numerous services such as substance abuse counseling, mental health services, multi disciplinary services, juvenile justice placements, and family crisis counseling to the juveniles who appear on various delinquency charges. In addition to the two diversionary programs in this study, Essex Vicinage also has a continuum of dispositional options, services and special programs also with the goal of addressing and preventing delinquency. Amongst them are the Juvenile Auto-Theft Prevention Program (JATPP); the Prevention, Intervention, and Education Program (PIE); Project P.R.I.D.E.; and Juvenile/Family Crisis Intervention along with counselors on staff to assist families and juveniles with their issues.

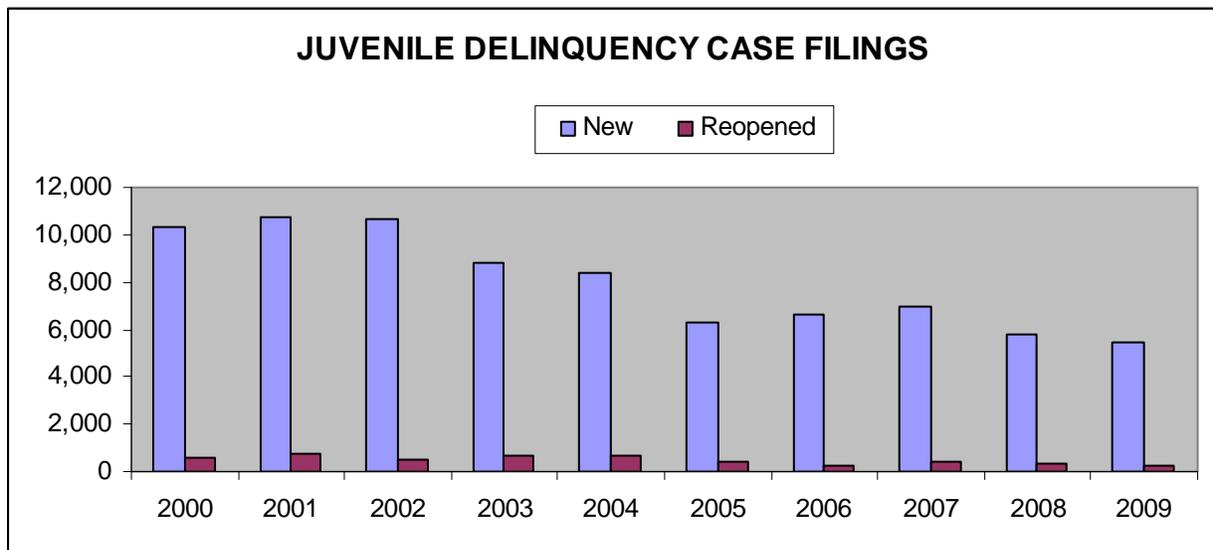
Caseload Size and Volume

Essex Vicinage has a significant high volume of juvenile delinquency filings compared to the other Vicinages in the State. However, over the years, the volume of filings has dropped

¹² The Essex County Youth Services Commission: By-Laws.

significantly. In the past Court Year, that is, CY 2009, there were 5,683 filings which is just a little over half of the filings nine years prior; that is, CY 2000 when filings was at 10,921 (See Figure 1). In fact, over the past ten years, despite the significant drop in filings, the Vicinage continues to rank among the highest in the state, alternating between either the highest or the second highest next to Camden County (See also Appendix III – Table 1). The volume however is from new filings. Over 90% of cases fall within that category.

Figure 1¹³
Essex County Case Filings
Court Years 2000 – 2009

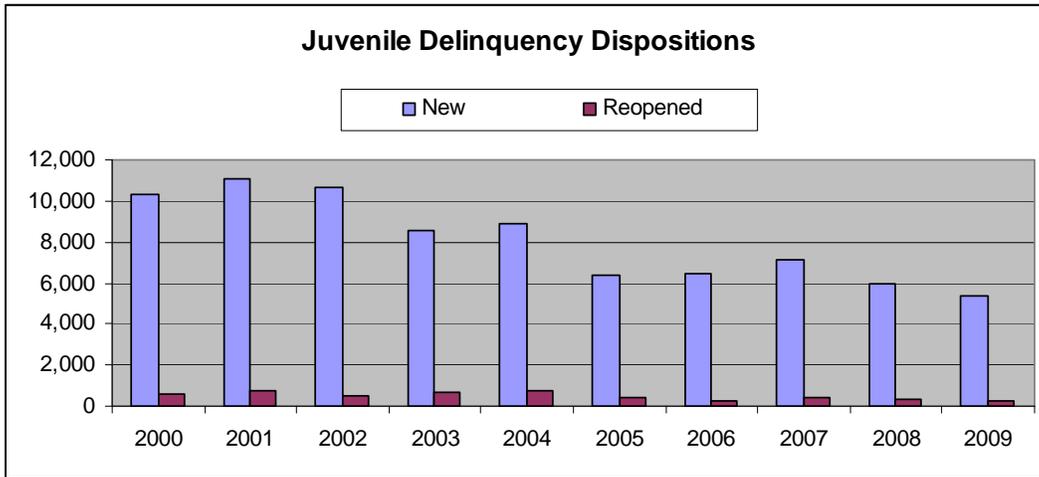


Source Data: Official AOC Caseload Statistics. Figures are based on Entry Date.

With the significant drop in filings is a corresponding drop in dispositions. In the past Court Year, that is, CY 2009, there were 5,657 dispositions; just a little over half of the dispositions from nine years prior (See Figure 2). However like filings, the Vicinage still ranks at the top of the state with respect to total dispositions. Over the past ten years, it ranked either first or second in dispositions in comparison with the other Vicinages (See Appendix III – Table 2). Also, for the most part, number of dispositions has kept pace with the volume of filings (See Figure 3).

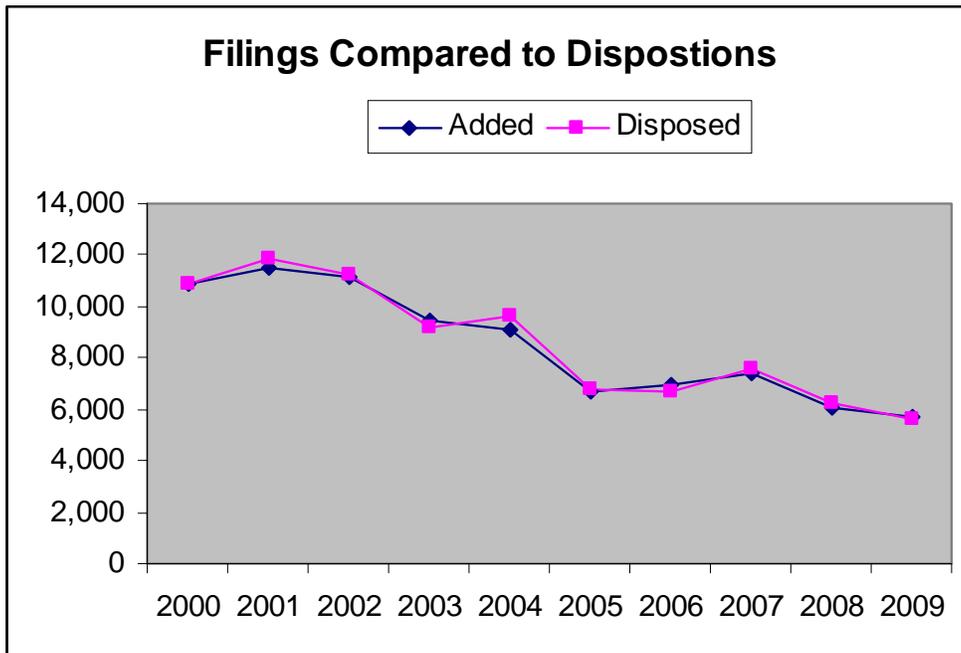
¹³ The data described by the figures in this report can be found in tabular form in Appendix III.

**Figure 2
Essex County Case Dispositions
Court Years 2000 – 2009**



Source Data: Official AOC Caseload Statistics. Figures are based on Entry Date.

**Figure 3
Essex County Filings Compared to Dispositions
Court Years 2000 – 2009**



Source Data: Official AOC Caseload Statistics. Figures are based on Entry Date.

It will be interesting to see results of the demographic analysis that will be conducted in this study particularly with respect to how the case volume breaks down by actual number of

juveniles, number of cases, number of offenses, offense type, race/ethnicity, age at time of referral, gender, juveniles' municipality of residence, and referral or diversion mechanism used.

Diversion Decision

Over the past five Court Years, 6,342 cases have been diverted to JCC and ISC (See Table 3).

This is a significant number of cases that the Court has sought to resolve through alternative means. Diversion decisions are made in one of three ways:

1. First, at intake, intake, Probation Officers screen all incoming complaints using the approved screening criteria (See Appendix II-E: Juvenile Delinquency Screening Criteria) at which point cases are either diverted to JCC or ISC. Cases not diverted at this level are scheduled for court to be heard by a judge or the juvenile referee.
2. Secondly, cases referred to the juvenile referee can also be diverted at that level. Those cases are heard informally in that representation by counsel is not mandatory. During the proceedings, the referee has the option of diverting the juvenile to either JCC or ISC if agreed to by all the parties in the case.
3. Thirdly, cases not diverted at intake or referred to the referee are scheduled for court to be heard by a judge on a formal calendar for which representation by counsel is mandatory. The decision to divert can be made by the judge in court usually during the first court appearance or as part of a plea agreement. Cases diverted at this level are typically higher degree offenses and/or juveniles with significant prior court involvement both of which are beyond the scope authorized for diversion at intake screening level.

On a related note, besides the two approved diversion programs; that is JCC and ISC, judges can exercise discretion and divert juveniles for exclusively social services intervention when such need is indicated. The Family Crisis Intervention Unit (FCIU) is the primary diversion mechanism used in those circumstances, and as appropriate, referral to other services may be made through the Multi-Disciplinary Team (MDT).

Diversion to JCC

Under R 5:25-1 and N.J.S.A. 2A:4A-75, first time offenders charged with relatively minor offenses are screened for JCC.¹⁴ Cases screened to JCC at intake level or referred from court may include first-time offenders charged with the following:

- Disorderly persons or petty disorderly persons conduct
- Simple Assault (under 14 years
- Criminal Trespass (other than dwelling)
- Criminal Mischief (\$500 or less)3 degree
- Shoplifting
- Fireworks
- Alcohol Possession (other than motor vehicle)
- Theft – DP \$ 200.00
- Receiving Stolen Property – DP
- Possession of pager/burglary tools
- Failure to disperse
- Improper behavior

¹⁴ Juvenile Delinquency Operations Manual, New Jersey Administrative Office of the Courts, page 49.

- Obstructing highways
- Harassment (involving no sexual contact)

A Senior Probation Officer coordinates the program (See Appendix II-F: JCC Flowchart). Each Municipality has a Committee of volunteers who meets with juveniles and their parents to address the offense. The juvenile is asked to explain their actions and the Committee has a wide array of sanctions and services to aid in the juveniles' rehabilitation. On successful completion of the Committee's recommendation, the case is returned to Court for dismissal (See Appendix II-G: JCC Informational Brochure).

Diversion to ISC

Under R:5:25-1 and N.J.S.A. 2A:4A-74, a juvenile who has committed a first or a second minor offense may be screened for an ISC. The parent and juvenile are required to attend a meeting with a Probation Officer in the courthouse to address the charge. The Probation Officer discusses the offense with the juvenile and imposes terms and conditions which if satisfactorily completed, a recommendation is made to court to have the charges dismissed (See Appendix II-H: ISC Flowchart).

Cases screened to ISC at intake level or referred from court, and may include juveniles with 2-3 prior offenses, disorderly persons offenses, or charged with the following:

- Fireworks
- Criminal Trespass (4th degree)
- Criminal Mischief (4th degree)
- Possession of 50g or less marijuana
- Lewdness (non sexual)

- Receiving Stolen Property (not auto)
- Any offense under JCC

PROBLEM STATEMENT AND SIGNIFICANCE

The decision to work on this particular project was not borne out of any particular concerns or perceived shortcomings with Diversionary Programs in Essex Vicinage. Rather the intent was to examine court diversion in Essex Vicinage through a sharp managerial lens with the goal of improving internal management and administrative practices. Given the current budget climate in the State of New Jersey and the concomitant constraints on judiciary's staffing and other resources, such an assessment is supported by the following statement on the need for courts to evaluate ADR programs, a broad category under which juvenile diversion programs fall:

“Regardless of whether courts utilize ADR as a case management tool or as a way to enhance the administration of justice in other ways, courts are continually striving to improve the efficiency and effectiveness of their ADR programs. Changes in the policies and procedures of ADR programs may be relatively easy to implement, but to ensure improvements in program operations, courts should base any changes on data that is systematically collected and analyzed. In both the public and private sectors, a key tenet of modern management philosophy is information-based decision making. Without current and accurate information to guide them, organization leaders risk taking the paths that lead to depleted resources, deficient performance, and loss of credibility.”¹⁵

A second desired outcome for this project was to initiate the development of performance measures and establish other reporting requirements as part of the overall management strategy for the two programs in the study. The implementation of performance measures and identification data sources within the system would ensure that data for planning purposes is readily available and would greatly facilitate information sharing. A specific need for such data is

¹⁵ Melinda Ostermeyer & Susan L. Keilitz, *Monitoring and Evaluating Court-Based Resolution Programs: A Guide for Judges and Court Managers*. Williamsburg, VA: National Center for State Courts, 1997.

the biennial comprehensive planning by the Essex County Youth Services Commission (ECYSC) as part of the requirement to receive funds from the New Jersey Juvenile Justice Commission. The Commission in its plan guidelines state as follows: “By understanding the volume of the existing types of diversion cases and the factors associated with involvement in delinquency, Counties can more effectively plan the content and scope of Diversion programs. This information will help Counties make informed decisions regarding the allocation of resources to Diversion programming, including those disseminated by the Juvenile Justice Commission.”¹⁶

The crux of the research was the argument that if managed well, diversions can help improve case outcomes for youths who come into the juvenile justice system and may in fact prevent their further penetration into the system. On that basis alone, the dedication of time and energy on the topic made it a worthwhile endeavor. Beyond such noble intents were the practical benefits for courts in terms budgetary and cost considerations on the basis that diversions allow courts to dedicate their expensive judicial resources on more complex cases; a claim clearly supported by the following quote:

“Through the use of Conference Committees (and Intake Services Conference - author’s insert), a substantial percentage of complaints filed in the Family Division can be diverted and disposed of expeditiously. The Family Division can then devote more time to dealing with the serious and repeat offender.”¹⁷

RESEARCH QUESTIONS AND DESIGN OVERVIEW

The research approach adopted for this project was to closely examine multiple structural, organizational, programmatic, and management variables with the potential to significantly impact the effectiveness of JCCs and ISCs. Seven primary research questions framed this study.

¹⁶ See Supra note 11.

¹⁷ A Guide for Juvenile Conference Committees, Originally approved by the Supreme Court of New Jersey, June 28. Updated 2003 to reflect Rule amendments and further updated July 2007.

1. What is the nature and extent of juvenile diversion in Essex Vicinage? The query here focused on the demographic characteristics of program participants to include race, gender and age differences; also, trends in referrals. The approach adopted involved an in-depth look at the caseload volume, demographic characteristics and trends in the diversion population for the past five years, from Court Years 2005 to 2006.
2. When and how diversion decisions are made; who makes them and at what point in the life of the case, etc.?
3. How timely are the major events in the life of a case starting from the filing of a delinquency complaint to program referral through to case dismissal if the juvenile is compliant or return to court if the juvenile is non-compliant? Significant delays between arrest and case disposition may be an indication that there is of a need to streamline the process so that youths receive the services they need in a timely manner and the charging offense is addressed also in a timely manner for both the youth and the victim(s) if any. The juvenile delinquency processing manual is very specific as to the recommended timelines for the major events in a diversion process. Do the programs meet these timelines?
4. What strategies are used to achieve three specific juvenile-justice programming priorities including accountability, community protection and competency development; what types

of recommendations and/or agreements are made by the respective programs; what the level of compliance are; how compliance is monitored, and by whom; etc.?

5. What if any organizational and management issues or concerns need to be addressed particularly with respect to staffing, training, and diversity issues?

6. How is program performance measured; what does success look like? Very simply put, we measure performance because we care¹⁸. The purpose of performance measures is to provide feedback relative to what you set out to do. Measuring performance increases the chances of achieving program goals. Performance measures tell us where the organization is relative to its goals, how well the organization is doing, and point to things that can improve the organization's effectiveness. Ultimately, we measure to improve the performance.¹⁹

7. What data management strategies are needed to support planning and program operations? Of particular interest are data management needs at both the individual (case) and program level (aggregates); also, needs that are currently unmet and how such data can be collected, organized and applied in a systematic fashion.

To answer these questions, a blend of five different methodologies was utilized including extensive review of archival data, sampling of raw data extracts, opinion survey to gauge general

¹⁸ Gordon Bazemore, and Mark Unbreit, (1994) *Balanced and Restorative Justice, Program Summary*, Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, p. iii.

¹⁹ *Ibid.*

perceptions about program operations and processes, document analysis, and interviews of program staff. From the review of archival data, two concurrent analyses were conducted: The first involved constructing a year to year profile of the diversion population to include number of juveniles, cases, and offenses diverted, types of offenses diverted, and demographic variables such as age, race/ethnicity, gender and municipality of the diversion population over the five year time period under study. The second analysis which followed very closely to the first was a trend analysis to determine the extent to which the diversion population in terms of the variables listed above had, if any, changed over time.

The sampling of raw case extracts served a number of purposes. Though a tedious exercise, it was first necessary to develop a chronological listing by filed date of the target population; that is, all cases diverted with respect to the two programs under study. The original intent was for the two programs to provide this listing but that information was not available because apparently, both programs do not routinely maintain records of cases that were concluded. The direction quickly shifted obtaining a system generated list which served the same purpose as was intended except for the fact that the system generated list displayed all diversions regardless of the program. The first step was to develop two separate lists: a JCC case listing, and an ISC case listing for the five years under study.

Next, a random sample calculator was used to determine the sample size that needed to be drawn from each list to achieve a 5% error level and a 95% confidence level. Using the Microsoft Excel random sampling function, random numbers were assigned to all the cases in each universe of cases (JCC and ISC), from which two separate samples were selected for use in various analyses

that was conducted including but not limited to analysis of timelines, history of prior arrests, re-arrest analysis, and an assessment of the level of responsiveness to the charging offense and the degree to which youth were being held accountable.

The archival data and the sampling of raw data case extracts were then supplemented by a survey of JCC volunteers and both JCC and ISC program staff. Finally, analysis of relevant documents provided perspectives shared by key local juvenile justice agencies and stakeholder groups including the Essex County Prosecutor's Office (ECPO), the Essex County Public Defender's Office (ECPDO), the Essex County Youth Services Commission (ECYSC), and the Essex County Local Council for Juvenile Justice Improvement (ECLCJJI).

At each stage of the analysis, there was an assessment of what information was or was not readily available about the individual cases and the caseload as a whole. Where significant deficiency in data was indicated, a plan was conceived as to how such information would be collected, organized and applied in a systematic fashion to improve planning and managerial oversight. It is hoped that together, the recommendations from the program assessment portion of the project and the proposal for a diversion management system would further improve the overall effectiveness of court diversion programs to better meet the needs of the children and families of Essex County.

LITERATURE REVIEW

PURPOSES OF PROGRAM EVALUATION

To start off a discussion as to what prior work exists on the topic of juvenile diversion, it was necessary to first explore prior research on the topic of program evaluation under which this project can be categorized in a broad sense. First, Ostermeyer and Keiltz (1997) in their study of court-based alternate dispute resolution programs (AR) suggested that there are six purposes for which all program monitoring or evaluation efforts are by and large directed. Their list included the following:

- (1) The degree to which ADR is utilized by the appropriate target populations or caseloads;
- (2) Whether or not ADR services are provided in accordance with program goals, policies, procedures, and standards, and with legal requirements;
- (3) Whether administrative and policy changes should be made to improve service delivery;
- (4) What the perceptions of litigants, judges, attorneys, and administrators are about the effectiveness of ADR techniques and the efficiency of program operations;
- (5) Whether ADR results in higher-quality resolution of disputes, e.g., longer-lasting and workable agreements, maintained relationships, and
- (6) The extent to which resources are expended and/or saved through the use of ADR processes.²⁰

²⁰ Melinda Ostermeyer & Susan L. Keiltz, *Monitoring and Evaluating Court-Based Resolution Programs: A Guide for Judges and Court Managers*. Williamsburg, VA.: National Center for State Courts, 1997.

A study by Sandhu and Heasley (1981) also provided similar purposes for program evaluations. Their list included four main purposes including:

- (1) Effectiveness evaluation which addresses whether the program was in fact directed at the population for which it was intended, whether it experienced difficulty gaining access to its target clients, and/or if there were obstacles to initiating the program with target clients
- (2) Efficiency evaluation which looks at the frequency and quality of service delivery, and the degree to which the processes, activities, and strategies of intervention were actually implemented;
- (3) Impact evaluation which focuses on the intended ends or consequences of the intervention such as whether the intervention did result in reduced recidivism, improve school attendance, or effect attitudinal changes; and
- (4) Juvenile Justice Impact, which addresses questions such as: Did the program effect an increase in community tolerance of youthful deviance; did the program alter police and probation department referral practices; and/or did the program cause a decrease in the number of children who became involved in the juvenile justice system?²¹

²¹ Harjit S. Sandu & C. Wayne Heasley, *Improving Juvenile Justice: Power Advocacy, Diversion, Decriminalization, Deinstitutionalization, and Due Process*. New York, NY: Human Sciences Press, 1981.

Still on the subject of purposes of program evaluation, in a National Evaluation of Diversion Projects conducted under the auspices of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the researchers approached their study from similar angles as those listed by Ostemeyer and Keiltz; also, Sandhu and Heasley. In their case, they provided four approaches to conducting evaluations of juvenile diversion programs to include: (1) an analysis of the impact of diversion on youth; (2) an analysis of the impact of diversion on the juvenile justice system; (3) a cost analysis, and (4) a process analysis²². In addition, they utilized many different sources of data, including in-depth interviews with diversion administrators, and service providers and justice agencies, questionnaires for service providers concerning their approach to youth services, interviews with clients concerning the services they received, and project records of client characteristics and services delivered²³.

What was particularly interesting about the OJJDP's National Evaluation of Diversion Projects was the reasoning that researchers provided to explain why a process analysis is an important aspect of program evaluation. They argued that first and foremost, findings concerning the impact of a project could only be interpreted if one has a clear understanding of the project's administration and staffing, the nature and amount of services delivered, the client population served, and the operation of the local justice system²⁴. The Assessment of Juvenile Diversion Programs in Essex Vicinage draws heavily from the evaluation questions outlined in the three works referenced above. It touches on Nos. 2, 3, and 4 of the Ostemeyer and Keiltz's list of

²² Franklyn W. Dunford, D. Wayne Osgood & Hart F. Weichselbaum. (1982) *National Evaluation of Diversion Projects: Executive Summary*, Office of Juvenile Justice and Delinquency Prevention, U.S. Dept. of Justice. (Full report published in microfiche as NCJ 80830 by the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850)

²³ Ibid, page 2

²⁴ Ibid, page 2

purposes for which program monitoring or evaluation are directed. It also touches on Nos. 2 and 3 of the Sandhu and Heasley list of purposes. This study of Juvenile Programs in Essex Vicinage also contains quite similar elements as those in the National Evaluation of Diversion Projects but for the cost analysis approach. Specifically, it touches on Nos. 1, 2, and 4 of the approaches listed in that work.

PRIOR EVALUATIONS OF DIVERSION PROGRAMS IN NEW JERSEY

Of the two programs in this study, the JCCs have over the years received quite a bit of attention from a number of researchers with similar questions and or approaches as those described above. First, in 1973, Berkman, Goldstein, Shenk and Harkewicz published the results of a survey on the status of JCCs at that point in time²⁵. Data for the survey was collected through questionnaires sent to all Probation Departments. Tentative assessments drawn from the study included the following: (1) that acceptance of the Committee concept varied from County to County and locale to locale, (2) representation of all socio-economic elements in a community was lacking on some Committees, (3) representation of females on Committees was not adequate, and (4) objectivity may be jeopardized by the role conflicts of some members²⁶.

The issues with JCCs from the 1973 Berkman, Goldstein, Shenk and Harkewicz study were addressed along with other questions in a work published by David Twain and Laura Maiello in 1988, a 1983 - 1984 process evaluation of Newark, N.J. Juvenile Conference Committees²⁷. The

²⁵ D. J. Berkman, H. M. Goldstein, J. F. Shenk, and E. Harkewicz (1973), New Jersey Administrative Office of the Courts: Preliminary Survey of Juvenile Conference Committees in New Jersey, National Institute of Justice, Box 6000, Dept. F, Rockville, MD 20849. Research Report No. 7, p. 31.

²⁶ Internet link: <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=42700>.

²⁷ David Twain & Laura Maiello (1988), Juvenile Conference Committees: An Evaluation of the Administration of Justice at the Neighborhood Level. Journal of Criminal Justice, vol. 16, issue 6, pp 451 – 461.

evaluation was designed to explore both structural and procedural aspects of the JCC with a focus on policy implications²⁸. It addressed what happens when a juvenile is referred to a JCC, from referral through disposition and follow-up, as well as the structural and procedural aspects of conference committee functioning²⁹. Results from the study showed that the JCC was indeed a major diversion mechanism through which an extensive network of citizen tribunals functions as an arm of the Court; however, questions were raised as to the purpose of intervention in cases of minor delinquency and the adequacy of JCC procedures in place at the time for dealing with such cases³⁰. For example, the study described conspicuous inadequacies in the JCC process, in particular, the lack of follow-up with juveniles about future recidivist behavior³¹

A follow-up to the Twain and Maiello study was conducted by Connie Hasset-Walker whose work was published in 2002³². Walker in her report addressed (1) the lack of response by the New Jersey Administrative Office of the Courts to the Twain and Maiello results, (2) the findings of a 1978 OJJDP report on the effectiveness of JCCs and other volunteer-run juvenile court programs, (3) an unpublished two-year study of JCC youth recidivism in one New Jersey County, and (4) ways to measure JCC effectiveness in changing young people's illegal behavior³³. She concluded that though JCCs have much to offer to the juveniles and parents who are referred to them, as well as the citizens who volunteer their time; nonetheless, there were still

²⁸ See Supra note 27.

²⁹ Connie Hasset-Walker. (2002). Juvenile Conference Committees: Issues in Assessing a Diversionary Court Program. *Journal of Criminal Justice*, vol. 30, Issue 2, p 107 – 119.

³⁰ See Supra note 27.

³¹ See Supra note 29.

³² Ibid.

³³ Ibid.

inconsistencies in many areas; and that some of the problems that Twain and Maiello found were yet to be remedied³⁴.

It is significant from this author's perspective that Walker did acknowledge the fact that "undertaking a statewide impact evaluation of JCCs would require the support and buy-in of key stakeholders, most notably, the New Jersey Administrative Office of the Courts; also, that the AOC would certainly (understandably) have concerns about how researchers' data gathering interests might violate juveniles' entitlement to confidentiality"³⁵. This author is also in full agreement with Walker's concluding remark that evaluation designs of such an undertaking would most definitely "face some obvious hurdles, including accounting for natural juvenile desistence from crime, and institutional resistance"³⁶. Her recommendation that "creative researchers will find that process evaluations and unobtrusive measures hold promise for systematic data collection without infringing on privacy"³⁷ is what is being attempted in this study.

The remainder of the literature review is organized into seven sections to correspond with the seven areas of focus in the study. They are discussed in broad strokes under the following headings:

- 1) The nature and extent of juvenile diversion
- 2) Screening and the decision to divert
- 3) Timeliness and expeditiousness of major events

³⁴ See Supra note 29, p. 117.

³⁵ Ibid.

³⁶ See Supra note 29, p 118

³⁷ Ibid.

- 4) Responsiveness to juvenile justice programming priorities of accountability, community protection, and competency development programming priorities
- 5) Organizational and management capacity of the programs
- 6) Performance measurement and reporting
- 7) Data management strategies to support planning and daily operations

THE NATURE AND EXTENT OF JUVENILE DIVERSION

American prisons are the world's most populated with little sign of slowing in their growth rates³⁸. As of December 1999, 2,026,596 persons were incarcerated in the U.S. of which 105,790 were juveniles³⁹. Given that many of the adults in American prisons began their criminal careers as juveniles, one approach to breaking this cycle of adult incarceration is to divert juveniles from the justice system as early as possible⁴⁰. Juvenile diversion is therefore a routine practice in practically all jurisdictions with responsibility for the handling of juvenile delinquency matters. Consequently, juvenile diversion methods and practices are being developed, tested and implemented all across the country both within and outside of court systems in an effort to reduce recidivism amongst youths while holding them accountable for their offenses.

Court System Response

Diversion is therefore best viewed not as diversion from the juvenile justice systems but rather as diversion to appropriate services where the formal intervention of the juvenile justice system is

³⁸ Steven Patrick, Robert Marsh, Wade Bundy, Susan Mimura, and Tine Perkins (2004), Control Group Study of Juvenile Diversion Programs: An Experiment in Juvenile Diversion – A Comparison of Three Methods and a Control Group. *The Social Science Journal*, No. 41, p. 129 – 135.

³⁹ Ibid.

⁴⁰ Ibid.

not necessary or required⁴¹. While New Jersey has JCCs and ISCs as the only court approved diversionary programs for juveniles, there are a host of others operating elsewhere in the country with similar or widely different designs, processes, and methods. They operate under such names as Juvenile Accountability Group, Restorative Justice Conferencing, and Youth Court to name a few, some under the purview of the court and others without.

Community Response

Outside of the purview of the court and operating throughout the county, there are a host of similar and widely different programs offering diversionary type services to young adults. The following quote clearly characterizes juvenile diversion as not only a justice system response to juvenile crime but also a community's obligation and responsibility to building safer communities, assuring offender accountability and restoring justice to victims of juvenile crimes:

“Residents of a neighborhood threatened and disrupted by a young offender are unlikely to take the matter lightly, slight the concerns of victims, or lose sight of the fact that wrong has been done. At the same time, the wrongdoer is, in a very real sense, one of their own: neighbors may have information and insight into the offender's character, background and needs – not to mention incentives to turn him or her around – that professionals remote from the community may lack. Moreover, just by acknowledging and confronting the problem posed by the offender in their midst, neighborhood residents may be contributing to the solution”⁴²

This is part of the thinking behind the Community Accountability Boards used by the Thurston County (Washington) Prosecuting Attorney's Office; the JCCs operating within the New Jersey Superior Court's Family Division; the Youth Commissions, Youth Aid Panels, and Youth

⁴¹ See Supra note 38.

⁴² Patrick Griffin. Developing and Administering Accountability-Based Sanctions for Juveniles. U.S. Department of Justice, Office of Justice Programs: Juvenile Accountability Incentive Block Grants Program Bulletin, September .1999. Also available online at www.sciencedirect.com

Diversion Committees operating in a number of Pennsylvania counties; and other similar programs in Montana, Texas, and elsewhere across the country⁴³.

THE DECISION TO DIVERT

At the charging level, a law enforcement officer may conduct a curbside or a stationhouse adjustment that may simply consist of a meeting with a juvenile police officer, the youth, and the parents/guardian or be more structured to include sanctions such as community service and written essays. If a delinquency complaint is signed, the court may divert the case through several means, which in New Jersey could be through either JCC or ISC. Sandhu and Heasley (1981) reported that among others, decreasing the number of court cases, and freeing the juvenile court to handle more difficult cases are goals frequently established for diversion programs. They listed the following as the most frequently cited goals established for diversion programs⁴⁴:

- 1) To reduce stigma
- 2) To decrease the number of court cases
- 3) To decrease the caseloads of court personnel
- 4) To deliver more effective, faster services
- 5) To free the juvenile court to handle more difficult cases
- 6) To increase efficiency in the delivery of juvenile justice
- 7) To reduce crime rates
- 8) To assist parents and youth solve problems and
- 9) To develop an advocacy role relative to youths.

⁴³ See Supra note 42.

⁴⁴ See Supra note 21, Page. 102.

It will be interesting what the survey of key juvenile justice system stakeholders in the Essex Vicinage will reveal on these issues.

TIMELINESS AND EXPEDITIOUSNESS

Sandhu and Heasley (1981) also reported that delivering more effective, faster services and increasing efficiency in the delivery of juvenile justice are some additional goals frequently established for diversion programs⁴⁵. Timely intervention (informal or formal) is critical in attempting to disrupt the development of a youth’s delinquent “career” before her/his behavior becomes more engrained and chronic⁴⁶. It also makes considerable intuitive sense to try to intervene before a youth is again referred on a subsequent law violation⁴⁷.

“Justice delayed, is justice denied”
William Gladstone

Ideally, the court system and its partners (e.g., law enforcement, schools, service providers, and community members) would have the wherewithal to approach each arrest or referral – particularly those that occur early in a youth’s delinquent career – with a “sense of urgency,” but too often, the notion of a “timely response” is left to individual discretion, or worse, is determined by bureaucratic or other systemic conditions that inevitably causes the juvenile justice system to respond to late⁴⁸.

⁴⁵ See Supra note 21, Page 102

⁴⁶ Gene Siegel and Gregg Halemba, The Importance of Timely Case Processing in Non-Detained Juvenile Delinquency Cases, National Center for Juvenile Justice: Technical Assistance to the Juvenile Courts Bulletin, July 2006.

⁴⁷ Ibid.

⁴⁸ Ibid.

To curb this problem New Jersey has adopted a 90-day time standard for processing of juvenile delinquency matters from point of filing to case disposition. Within that standard, there are also intermediate goals including those set specifically for diversionary matters. How well the JCCs and the ISC in Essex Vicinage meeting these time goals are being examined in this study

The Importance of Timeliness

Many researchers have illustrated that adolescent offenders have less ability to anticipate the long-term consequences of their actions, and the impact of juvenile court sanctions may greatly be diminished if the dispositional process drags on for long periods of time⁴⁹. The Juvenile Delinquency Guidelines (JDG) published by the National Council of Juvenile and Family Court Judges (NCJFCJ) emphasizes timely response at all stages including those that precede or that do not incur formal court involvement⁵⁰. Also, that because of developmental dynamics in adolescence, “timeliness throughout the juvenile justice process is critical for the two reasons outlined below⁵¹:

1. One purpose of the juvenile justice system is to teach offenders that illegal behavior has consequences and that anyone who violates the law will be held accountable. A youth with delayed cognitive development who must wait a significant period of time between offense and consequence may not be able to sufficiently connect the two events. As a result, the intended lesson of consequences and accountability is lost and the consequences will not likely change future behavior.
2. If the juvenile justice process is not timely, many youth will experience prolonged uncertainty. Prolonged uncertainty can increase anxiety. Increased anxiety can negatively impact trust, and a sense of fairness. If a youth does not perceive the juvenile justice system to be predictable and fair, then the system’s goal of changing behavior is less likely to be achieved.

⁴⁹ See Supra note 46.

⁵⁰ Ibid.

⁵¹ Ibid.

Assessing Timeliness

The JDG recommends that the timing of system responses at each stage of case processing should be carefully assessed (e.g., through a comprehensive case flow analysis) on an ongoing basis in order to construct a plan to expedite case processing⁵². Accordingly, for non-detained delinquency cases, (with specific reference to diverted cases), the key discrete stages at which timely system response seems most imperative include the following:⁵³

Stage One: Arrest/Referral

The number of days it takes from the point of initial contact with law enforcement (or other referral sources) to the point the referral is submitted to the court and/or the prosecutor⁵⁴.

Stage Two: Intake Screening

The number of days it takes from the point of a referral is received to the point the referral is screened for legal sufficiency (e.g., by prosecutors or other authorized authorities) and a decision is made regarding diversion eligibility⁵⁵.

Stage Three: Informal Processing

The number of days it takes for a non-detained case deemed eligible for diversion to be referred to a diversion program, begin participation in and complete the program⁵⁶. The

⁵² See Supra note 46.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

JDG also recommends what some may feel are very ambitious time frames (calculated in business days) for key steps in the informal/diversion process.⁵⁷

Diversion Intermediate Time Standards

The New Jersey Court System has established a number of case processing time standards applicable to juvenile diversions. Of particular relevance to this study are the following⁵⁸:

- Time between the incident or arrest and the filing of the complaint is not to exceed 7 business days⁵⁹.
- Once the intake screening decision is forwarded to the judge, it is recommended that approval by the judge should be accomplished expeditiously, and that it should take no longer than 5 days.⁶⁰
- JCC Secretaries have the responsibility to ensure that conferences are scheduled within 4 weeks of receipt of complaints by a JCC committee.⁶¹
- The statute governing Juvenile Conference Committee states that once the Committee and parties have agreed on the conditions which it wishes to impose, the obligations and the time frame is not to exceed 6. The statute also states that the agreement may be extended

⁵⁷ See Supra note 46.

⁵⁸ Juvenile Delinquency Operations Manual, New Jersey Administrative Office of the Courts, page 49.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

beyond the 6 month maximum if all parties agree but in no case shall an agreement exceed 9 months.⁶²

- The above referenced statute is also applicable to ISC. In other words, the conditions of ISC are also to be satisfied within 6 months but never more than 9 months including an extension.⁶³

JUVENILE JUSTICE PROGRAMMING PRIORITIES

On August 8, 2002, a new statute, L. 2001, c.408, took effect in New Jersey incorporating balanced and restorative justice principles into its juvenile justice system⁶⁴. Juvenile Conference Committees must abide by N.J.S.A 2A:4A-74 which states the following: “Each juvenile shall be reviewed without a presumption of guilt. The Intake Service Conference (also refers to Juvenile Justice Committees) shall be concerned primarily with providing balanced attention to the protection of the community; the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community, and the development of competencies to enable the juvenile offender to become a responsible and productive member of the community. In addition, the conference shall be concerned preventing more serious future misconduct by the juvenile offender by obtaining the cooperation of the juvenile and his/her parents or guardian in complying with its recommendations.”⁶⁵

⁶² See Supra note 58.

⁶³ Ibid.

⁶⁴ Administrative Office of the Courts (AOC), (1996 July). *A Guide for Juvenile Conference Committees* originally approved by the Supreme Court of New Jersey. Trenton, NJ: AOC (updated July 2007)

⁶⁵ Ibid., pp 21 and 36.

According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in a publication co-authored by Bazemore and Umbreit, restorative justice seeks to attain a balance between the legitimate needs of the community, the juvenile offender, and the victim that enhances three programming priorities: community protection, competency development, and accountability⁶⁶. The descriptions and significance of the three programming priorities as explained by Bazemore and Umbreit are provided below:

Accountability

When an offense occurs, an obligation to the victim occurs. Victims and communities should have their losses restored by the actions of the offenders making reparation, and victims should be empowered as active participants in the juvenile justice process⁶⁷. There is the belief that restitution, community service, and victim-offender mediation create an awareness in offenders of the harmful consequences of their actions for victims, require offenders to take action to make amends to victims and the community, and, wherever possible, involve victims directly in the justice process⁶⁸.

Community Protection / Public Safety

This priority implies that the public has a right to a safe and secure community and must be protected during the time the offender is under juvenile justice supervision⁶⁹. The juvenile justice system must provide a range of intervention alternatives geared to the varying risks presented by

⁶⁶ Gordon Bazemore and Mark Umbreit (1994), *Balanced and Restorative Justice, Program Summary*, Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, page iii.

⁶⁷ *Ibid.*, pages 2 – 4.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

the offenders, and sanctioning systems should channel the offender's time and energy into productive activities during non-school working hours, and avoiding situations that may lead to further arrest⁷⁰.

Competency Development

Juvenile offenders who come within the jurisdiction of the court should leave the system capable of being productive and responsible in the community; and rather than simply receiving treatment and services aimed at suppressing problem behavior, offenders should make measurable improvements in their ability to function as productive, responsible citizens⁷¹. Work experience, active learning, and service provide opportunities for offenders to develop skills, interact positively with conventional adults; earn money, and demonstrate publicly that they are capable of productive, competent behavior⁷². An example of the practical application of these programming principles is provided by Deschutes County's Department of Juvenile Community Justice, Bend Oregon⁷³. Their balanced approach to restorative justice principles specifically includes three programming goals:

1. Accountability whereby victims and communities have their losses restored by the actions of the offenders making reparation, and victims are empowered as active participants in the justice process⁷⁴.

⁷⁰ See Supra note 66.

⁷¹ Ibid. Pages 2 – 4.

⁷² Ibid.

⁷³ Deschutes County Department of Juvenile Community Justice, Bend, Oregon: Internet link: www.deschutes.org accessed on August 10, 2009.

⁷⁴ Ibid.

2. Competency whereby offenders are required to make measurable improvements in their ability to function as productive responsible citizens⁷⁵, and
3. Public Safety whereby the expectation is for the public/community is to be protected during the time the offender is under juvenile justice supervision.⁷⁶

Interestingly, for their pre-adjudication diversions, there is a supervision period which is equivalent to the adjustment period during which the juvenile is being monitored of compliance with the terms and conditions agreed to⁷⁷.

One of the questions that this project will seek to answer is how well the two diversionary programs focused on in this study meet the three programming priorities of juvenile justice. In other words, what specific measures or strategies are being used individually or in combination by the respective programs to achieve accountability, community protection / public safety, and competency development? Also, of interest is how the monitoring of the three competencies are being accomplished and by whom particularly when “the resolution from the conference (whether JCC or ISC – this author’s insert) may include but shall not be limited to counseling, restitution, referral to appropriate community agencies, or other community work programs or other conditions consistent with diversion.”⁷⁸

⁷⁵ See Supra note 73.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ See Supra note 17.

ORGANIZATIONAL AND MANAGEMENT CAPACITY

On the topic of organizational dynamics of diversion practices and programs, Sandhu and Heasley (1981) postulated that the strengths and weaknesses of the organizational milieu in which diversion programs operate determine whether diversion goals will be achieved; and that regulations, rules, guidelines, and informal relationships that guide juvenile justice system personnel in their intra- and interagency interaction are critical elements of an organizational milieu⁷⁹. With respect to management elements, staff and/or volunteer training is significant; in terms of content and quality of delivery, as are diversity issues. For example, citizen volunteers in the diversion process typically receive some training in juvenile justice system operations, dispute resolution, victim/witness issues, and other matters⁸⁰. Sometimes, an effort is made to ensure that volunteers fairly reflect a given community's racial and ethnic diversity and/or that both young people and adults participate.⁸¹

The recruitment and selection of volunteers is a significant issue with respect to the management of JCCs and will therefore be given adequate focus in this study. The Intake Services Officer (ISO) who coordinates ISCs and hears cases referred to the program essentially functions in a quasi-judicial role and his/her qualifications, training, continuous education, and supervision are also issues that are important to achieving the goals of diversion. The JCC Guide⁸² and the Juvenile Delinquency Operations Manual⁸³ are relevant source documents in this discourse.

⁷⁹ See Supra note 21

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² See Supra note 17

⁸³ See Supra note 13.

PERFORMANCE MEASUREMENT AND REPORTING

According to an old Irish proverb, if you don't know where you are going, any road will take you there. There's also the adage: "You get what you measure." The Deschutes County Department of Juvenile Community Justice, Bend, Oregon utilizes specific benchmarks to measure performance within their balanced and restorative justice framework⁸⁴. Some examples of the benchmarks established or suggested include:

1. By restoring justice for victims through the imposition of restitution, the amount of restitution ordered would be measured as would be the percentage of payment by the offender to the victim⁸⁵
2. Instituting a victim satisfaction survey to document victim participation in the diversion process, the nature of that participation, and the degree to which victims feel they experienced justice.
3. Building safer communities by means of community reparation as measured by the fulfillment rate and value of community work service performed (the hourly value equivalent to minimum wage) and/or by keeping anecdotal records of the community service projects to determine their affect on the community's livability⁸⁶.

⁸⁴ See Supra note 73.

⁸⁵ Ibid.

⁸⁶ Ibid.

4. Assuring offender accountability by assessing offender impact measured by the rate of re-offense as determined by commission of subsequent offenses within a one-year time frame following juvenile court intake

The JDG also offers some insight into the kinds of performance measures on which data should be collected and regularly examined, and how they can be used to assist strategic planning and goal setting, identify specific target populations, develop and implement feasible interventions, and track the impact of those interventions⁸⁷. The Evaluation Plan of the Fairbanks Juvenile Treatment Court, Alaska Court System, however recommends that it seems best for “performance measures to include only variables that can be tracked through agency records”⁸⁸.

Recidivism

A study on juvenile diversion would be incomplete without a discussion of recidivism as it relates to program performance. Recidivism in this respect is defined “as the act of a person repeating a behavior that is against the law, after they have successfully completed a program designed to correct that behavior”⁸⁹. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), defines it as the repetition of criminal behavior⁹⁰. The question that must be asked then is whether juvenile diversion does in fact prevent re-offense and future delinquency behavior long term. While Essex Vicinage has not formally addressed this question with respect to the two

⁸⁷ See Supra note 26.

⁸⁸ Teresa W. Carns and Susan McKelvie, Fairbanks Juvenile Treatment Court: An Evaluation Plan. The Alaska Judicial Council, Alaska Court System, November 2008.

⁸⁹ www.ci.keene.nh.us/sites/default/files/program_results.pdf

⁹⁰ Howard N. Snyder and Melissa Sickmund, Juvenile Offenders and Victims: 2006 National Report. U.S. Department of Justice, National Center for Juvenile Justice, March 2006. Also available at www.ojp.usdoj.gov/ojjdp

diversionary programs in this study, it is interesting to note that other jurisdictions have with respect to their diversionary programs. Also, there are numerous published works on the subject. In both instances, whether through program research or rigorous scientific experiment, the results have been mixed as to the impact of diversion on recidivism. Kenneth Polk in his work titled “Juvenile Diversion: A Look at the Record” writes: “The record suggests that although some research reports positive effects of diversion, it is difficult to ignore the data which show that diversion programs may either have no effect or may possibly even be harmful.”⁹¹

An example positive impact of diversion on recidivism is from Keene County District Court, New Hampshire where three Youth Services Early Intervention Programs are being operated under the auspices of the Keene County Youth Services Department. All three programs: the CHINS (Child in Need of Services) program, the Juvenile Court Diversion – Juvenile Conference Committee (JCC), and the Earn-It Program – Community and Victim Restitution Program, monitor participant recidivism annually because they believe that “it is important to track recidivism rates for all youth that have participated in all our three programs.”⁹² Also that “by reducing recidivism, not only does society benefit as a whole, but reducing subsequent criminal behavior results in lower court, police, and taxpayer costs.”⁹³

Much like New Jersey’s program, the Keene County Juvenile Conference Committee (JCC) provides an alternative to formal court proceedings with the goal to minimize a young person’s penetration into the justice system and to encourage a sense of responsibility and accountability

⁹¹ Kenneth Polk, *Juvenile Diversion: A Look at the Record*. *Crime & Delinquency*, Vol. 30, No. 4, pp. 648-659, (1984)

⁹² www.ci.keene.nh.us/departments/youth-services/juvenile-court-diversion

⁹³ *Ibid.*

on the part of youth offenders for their illegal acts.⁹⁴ The program reports a high level of success in diverting youth from court involvement. Statistics reported for years 2000 through 2004 indicate a high level of successful completion rate for all five years: 95% for year 2000; 92% for year 2001; 92% for year 2002; 97% for year 2003; and 92% for year 2004.⁹⁵ With respect to recidivism, the program tracks youths for one year after program completion. Statistics reported for years 2000 through 2004 also indicate a high percentage of youth who remained out of court during the one year tracking period: 94% for year 2000; 92% for year 2001; 80% for year 2002; 90% for year 2003; and 94% for year 2004.⁹⁶

At the far end of the spectrum are findings from studies that put to question or totally contradict the Keene County experience, and in between are a gamut of studies whose findings are inconclusive. According to the work by Schwartz, “the reported findings from various evaluations of diversion programs have been mixed and fragmented. There have been contradictory reports of lowered rates for diverted youth versus increased misconduct and accelerated penetration into the formal system”⁹⁷. Also that knowledge is incomplete regarding which diversion services are most effective for various kinds of youth, and that this issue should be at the top of the research agenda.⁹⁸ From the preceding, it is therefore safe to conclude that there is no universal agreement that juvenile diversion unequivocally reduces recidivism; therefore is not a panacea for treating adolescent misconduct.

⁹⁴ See Supra note 92.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ira M. Schwartz, *Juvenile Justice and Public Policy: Toward a National Agenda*. New York: Lexington Books, p 50.

⁹⁸ Ibid.

DATA MANAGEMENT STRATEGIES

As used in this study, data management refers to the development and execution of policies, practices and procedures for managing program information and other data needs in an effective manner to support planning and daily operations. Much of the daily operations of both programs in this study involve much coordination both internally and externally. In a discussion of aspects of effective coordination programs, Ira Schwartz cites as a characteristic necessary or important for effective coordination, the facilitation of information collection management and retrieval; and that in fact, information processing systems are at the core of program management⁹⁹.

“We need to develop better information management systems that can be used across agency lines. With computer technology advancing at a logarithmic rate, surely it must be possible to create intake forms, computer programs, laptop intake stations, modem-telephone line communications capabilities, spreadsheet financial analyses, and comprehensive reporting formats that can be used by many agencies at once.”¹⁰⁰

With respect to planning, the Fairbanks Juvenile Treatment Court within the Alaska Court System, for example, requires as part of its evaluation plan that it specify “detailed methods for compiling data including who will collect the data, when, and where the data will come from.”¹⁰¹ However, a balance must be struck between the need to collect detailed program data as for example, the terms and conditions in a JCC or ISC contract and the cost and feasibility of doing so efficiently. Again, using the evaluation plan of the Fairbanks Juvenile Treatment Court as an example, it raised consciousness to this issue in the following statement: “The more important question is whether anyone will have the time to record all this information (some of which is somewhat subjective.)”¹⁰²

⁹⁹ See Supra note 97, pp. 142 – 147.

¹⁰⁰ Ibid.

¹⁰¹ See Supra note 88.

¹⁰² Ibid.

The Fairbanks plan at the time of its report stated that: “it did seem clear that entry of desirable data about the operation of the program – e.g., the use of incentives and sanctions, on-going data from periodic court hearings – was unrealistic”¹⁰³. It therefore suggested that one possible approach could be that some essential data are kept on paper records with the acknowledgment that other desirable data such as incentives and sanctions may just be too complex and time-consuming even for that approach, and that if the court wants to have that data collected, it will need extra resources specifically devoted to that purpose¹⁰⁴. The Alaska plan also addressed two very important issues that must be considered in any dialogue about generating data on juveniles; the first being the issue of access and the second, protections for confidentiality. To that we will add retention schedule and satisfying expungement requirements, if and when granted.

¹⁰³ See Supra note 88.

¹⁰⁴ Ibid.

METHODOLOGY

OVERVIEW OF STUDY DESIGN

This research project is a study of juvenile diversion in Essex Vicinage in which a combination of five different methodologies was utilized to explore the seven areas of inquiry and focus in the study. This was accomplished in the following manner:

RESEARCH QUESTION	METHOD OF ANALYSIS				
	[1] Review & Analysis of Archived Data	[2] Sampling & Analysis of Raw Data Extracts	[3] Opinion Survey & Analysis	[4] Document Analysis	[5] Staff Interviews
Q1. Nature and Extent of Diversion	√√	√			√
Q2: Screening and the Decision to Divert		√√			√
Q3: Timeliness and Expediency of Events		√√	√		√
Q4. Responsiveness to Juvenile Justice Priorities		√√	√√		√√
Q5: Organizational & Management Capacity			√√	√√	√√
Q6. Performance Measurement		√√	√	√√	√
Q7. Data Management Strategies				√√	√√

Legend:

√√ -----→ Primary source of data

√ -----→ Secondary Source of data

The decision to use multiple methodologies was deliberate. This allowed findings to be corroborated across methods. Each of the methods is discussed below in detail. For methods 1 and 2; that is, review and analysis of archival data, and sampling and analysis of raw data case extracts respectively, the data covered a five year time period; from Court Year 2005 through Court Year 2009. In New Jersey, each Court Year (CY) extends from June through July of the

following year as follows:

- CY 2005: June 2004 – July 2005
- CY 2006: June 2005 – July 2006
- CY 2007: June 2006 – July 2007
- CY 2008: June 2007 – July 2008
- CY 2009: June 2008 – July 2009

ARCHIVED DATA ANALYSIS

Background

The following are the primary sources from which archived data were drawn to address the question on the extent and nature of juvenile diversion in Essex Vicinage:

1. The official Trial Court Caseload Statistics reported by the New Jersey Administrative Office of the Courts (AOC),
2. Detailed caseload statistics generated from the “Data on Demand” facility of the Family Automated Case Tracking System (FACTS), the New Jersey Court System’s Case Management System on Family Law Cases, and
3. Demographic and other descriptive data extracts from the “Data on Demand” facility of FACTS.

Official Caseload Statistics

The New Jersey Court System publishes a variety of reports on aggregate caseload statistics for its Superior Trial Court matters including Criminal, Civil, Family and Probation. The reports specifically used in this study were the **Court Management Report** also known as the “Yellow

Book” which provides monthly statistics by County as well as statewide, and the **Superior Court Caseload Reference Guide** also known as the “Blue Book” which provides statistics for five court years by county. Both publications are available on line in Adobe Acrobat PDF format at the Court’s website.¹⁰⁵

It should be noted that the statistics referred to here are based on the Entry Date of case information into the system. In other words, statistics on filings, for example, are based on the entry date of complaints into the case management system. Similarly, statistics on dispositions are based on the entry date of court orders and not on the date of the order. It is also necessary to point out that diversions are a subset of “new/not previously adjudicated” cases, which in turn is a subset of the entire juvenile delinquency caseload. Therefore, the baseline data for all analysis was from new/not previously adjudicated juvenile delinquency cases handled in Essex Vicinage during the five court years under study. Also, for the purposes of this study, there was a deliberate decision not to conduct any in-depth comparative analysis with other counties beyond what was provided in the introductory section of this report.

Detailed Caseload Data Extracts

The Family Automated Case Management System’s Data on Demand facility enables authorized users to generate detailed multi-year caseload statistics on filings and dispositions (terminations) for the various Family Division docket types including the juvenile delinquency docket (FJ). The level of statistical details provided by county and statewide through this facility is far beyond

¹⁰⁵ www.judiciary.state.nj.us/quant/index.htm

what is published in the official AOC caseload reports referred to above. For example, whereas the official reports breakdown filings and dispositions into only two major categories: New and Reopened cases, the Data on Demand facility provides detailed caseload breakdown within the two categories. It is through this facility that statistics on the number of cases handled by the individual diversion were obtained. It should be noted that as with the official AOC statistical reports, the detailed caseload statistics obtained through the Data on Demand facility are also based on Entry Dates of information into the case management system.

Demographic Data Extracts

The Data on Demand facility also allows authorized users to extract demographic and other descriptive caseload data from the case management system, FACTS. It should however be noted that unlike the official AOC statistical reports and the detailed caseload statistics generated from the Data on Demand facility, figures on demographic characteristics and other descriptive variables generated from the Data on Demand facility are based on Filing Dates. In addition, because the latter are extracted directly from raw case data in the system, they are subject to minor variations over time as cases are deleted from the system through for example, expungements.

Application

Archival data was the primary source of data that was used to address Research Question 1; that is, the nature and extent of diversion in Essex Vicinage. From it, two concurrent analyses were conducted: The first involved constructing a year to year profile of the diversion population to include number of juveniles, cases, and offenses diverted, types of offenses diverted, and

demographic characteristics such as age, race/ethnicity, gender and municipality of the diversion population over the five year time period under study. The second analysis which was conducted concurrently with the first was a trend analysis to determine the extent to which the diversion population with respect to the variables listed above had, if any, changed over time.

RANDOM SAMPLING AND ANALYSIS

Background

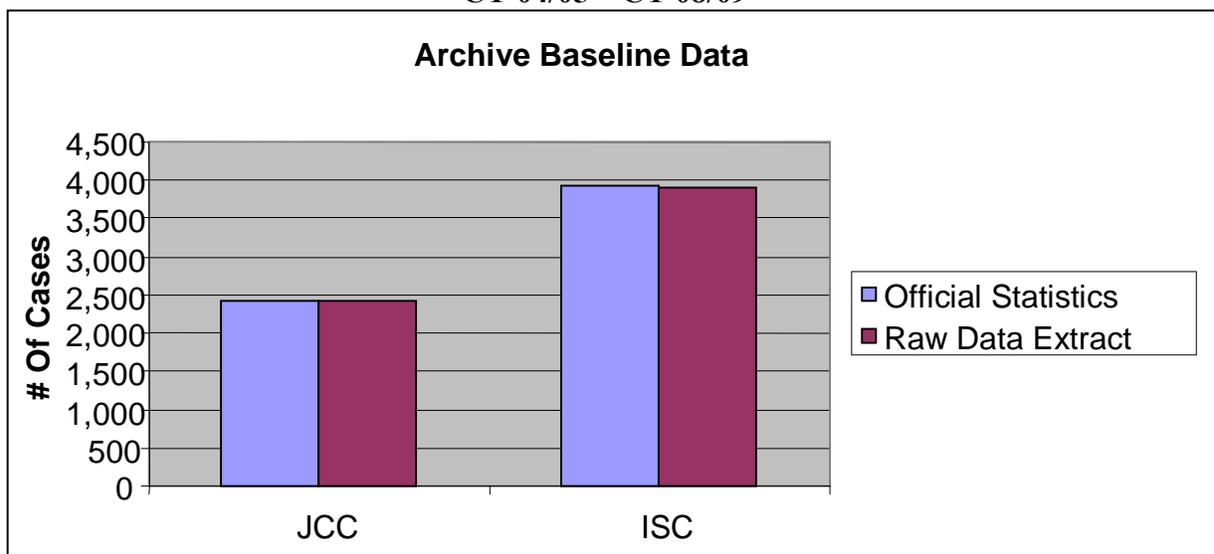
The sampling, coding and analysis of raw data extracts from the case management system, though a tedious exercise, served a number of purposes. First, it was a primary source of data for addressing Research Questions 2, 3 and 4 respectively; that is, screening and the decision to divert; timeliness and expeditiousness of major events in the diversion process, and responsiveness to juvenile justice programming priorities of accountability, community protection, and competency development. It also served as the secondary source of data for addressing Research Questions 1 and 4 respectively; that is, the nature and extent of diversion in Essex Vicinage; and data management strategies to support planning and daily operations.

Unanticipated Challenges

To start, it was necessary to develop a chronological listing by filed date of the target population; that is, all cases diverted with respect to JCC and ISC, the two programs under study. It was expected that program staff would have such data readily available, but this was certainly not the case. There were not only major gaps in the data but equally frustrating was the fact that they were not maintained in any organized fashion; therefore posing a major setback in the data gathering process. The issue was resolved by obtaining a list of raw case data extract directly

from the case management system, but there was a potential concern; which is that the number of cases extracted may not exactly match reported statistics because as time goes by, cases may have been deleted from the system as a result of, for example, expungements. However, in this case, it was gratifying that there was a near perfect match between the raw data extract and the official statistics as shown on Figure 4 below.

Figure 4
COMPARISON OF DATA SOURCES
CY 04/05 – CY 08/09



Sample Construction

A total of 6322 cases were extracted of which 2418 were diversions to JCC and the remaining 3904, diversions to ISC. The structure of both programs was a major consideration in the sample construction process. Both programs have distinct sub-groups, particularly ISC which essentially has three tracks:

1. Conference by a Probation Officer with the juvenile (also referred to as “Straight ISC”)
2. Conference by a Probation Officer with juvenile plus other conditions and/or service referrals ordered by the Judge

3. No in-court conference; only conditions and/or service referrals ordered the Judge

In contrast, JCC essentially has two tracks:

1. Out-of-court conference by citizen panel with the juvenile, and
2. Out-of-court conference by citizen panel with the juvenile plus other conditions and/or referrals ordered by the Judge.

Initially, the decision was to construct a stratified random sample of the entire JCC and ISC population of 6322 cases to enable close examination of the three ISC subgroups and the two JCC subgroups listed above. This plan was later discarded because of time and resource constraints and the fact that it would require quite a large sample size to achieve meaningful representation of each of the subgroups. A conscious decision was therefore made to construct and analyze two separate random samples; one for JCC and the other for ISC. With a desired error level of 5% and confidence level of 95% for both samples, the JCC sample amounted to 331 cases, and the ISC sample amounted to 350 cases as depicted in Table A below.

Table A
CONSTRUCTION OF PROJECT SAMPLE
CY 04/05 THRU' CY 08/09 AGGREGATE DATA

PROGRAM	UNIVERSE OF CASES				SAMPLE SELECTION ²	
	Official Reported Statistics	Raw Data Extract	Difference in Raw Data ¹	Error Level	Confidence Level	Sample Size ³
JCC	2,415	2,418	3	5%	95%	331
ISC	3,927	3,904	-23	5%	95%	350
	6,342	6,322	20			

Notes:

¹ Negative difference possibly due to case deletes as a result of expungements.

² From raw data extract.

³ For the two separate sample sets

Coding Protocol

In line with the decision to construct and analyze two separate random samples, two separate coding sheets were developed; one for JCC and the other for ISC. (See Appendix I-H: JCC Coding Sheet, and Appendix I-I: ISC Coding Sheet). Since there were major deficiencies in the record keeping practices of both programs which was discussed earlier, there were only two other options available for conducting the coding for both programs. The first option was a hand review of the files, and the other was coding directly off of the case management system, FACTS. The latter was the option selected for two primary reasons. First, it was the more efficient method and secondly, FACTS is the official court record. Manual files were to be consulted only if specific information was deemed questionable in FACTS. This happened in only two situations through out the process. The purpose was strictly to verify the accuracy of information that was questionable and not to fill in gaps in data. Therefore, manual files were not consulted if specific information was missing in FACTS.

JCC Application

Coding was completed within one month, from October 20, 2009 and ending November 16, 2009. Each of the 331 JCC sample cases was assigned a Sample # beginning with the letter “J”; therefore the entire sample extended from J1 through J331. Coding for each case elicited the following data:

1. Identifying variables (Docket #, Party ID, and Juvenile ID)
2. Demographic variables (Birth Date, Race, Sex, and Municipality of Residence)
3. Offense data (Incident Date, Number of Charges, Most Serious Charge, and Filing Date)

4. History of Court Involvement (# of Prior Incidents, Date of Immediate Prior Incident, Number of Subsequent Incidents, and Number of Subsequent Incidents)
5. Diversion Program Information (Diversion Date, Diversion Decision Maker, Specific Program, and Other Conditions and Referrals)
6. Program Results (Outcomes/Recommendations and Date of Judicial Review)

ISC Application

The ISC Coding sheet was a shorter instrument than the JCC Coding sheet for a number of reasons. The first consideration was time and resource constraints as it would have been a severe hardship to have to devote one whole month to ISC coding was the case for JCC. Secondly, it was reasonable that generalizations could be made about ISC from JCC analysis with respect to certain findings; specifically, timeliness of filing as measured by time between incident date and filing; also possibly, timeliness of diversion as measured by time between filing date and diversion date.

Coding for ISC was completed within one and a half weeks, a much shorter timeframe as compared to JCC coding. Each of the 350 ISC sample cases was assigned a Sample # beginning with the letter “S”; therefore the entire sample extended from S1 through S350. Coding for each case elicited the following data:

1. Identifying variables (Docket #, and Party ID)
2. Diversion Program Information (Diversion Date, Diversion Decision Maker, Specific Program, and Other Conditions and Referrals)
3. Program Results (Outcomes/Recommendations and Date of Judicial Review)

OPINION SURVEY

Background

At the conceptualization of the survey portion of this project, it was intended that key juvenile justice stakeholders in the Vicinage including Judges, Program Staff, the Prosecutor, the Public Defender; members of the Essex County Youth Services Commission, Members of the Essex County Local Council for Juvenile Justice Improvement, Court Administration, AOC Program Staff, and Volunteers would be surveyed. During the planning stages, there came the realization that such a scope was unrealistic given the other data gathering methods and analyses being undertaken as part of this project. A decision was therefore made to drastically limit the scope of the survey to only the JCC program and to elicit responses from only the Volunteers on the programs. There was also the decision to use document analysis and staff interviews to supplement survey data wherever possible.

Application

The survey instrument was comprised of 44 questions which elicited responses using three different question construction formats. There were 3 open-ended questions, 7 multiple choice type questions, and the remaining 34 questions used variations of Likert scale format, and the remaining two questions used an open-ended format. (See Appendix I-J: Juvenile Conference Committee Survey Instrument). The instrument was distributed to all JCC Volunteers in all 26 JCC Committees in Essex County. A total of 145 questionnaires were administered over a six-week period, from October 26, 2009 through December 4, 2010. Despite the huge follow-up effort exerted, the response rate was dismal. A total of 29 questionnaires were returned for a 20%

rate of return. The survey was designed to double as a coding sheet to facilitate ease of entry into the survey data base. Each of the completed surveys was assigned a number beginning with the letter “V”; therefore the responders were identified in the database as V1 through V29.

The survey of JCC Volunteers was designed to gauge general perceptions about JCC processes, procedures and performance. Because of the low response rate, its use as a primary source of data for addressing Research Question 4; specifically, JCC’s responsiveness to juvenile justice programming priorities of accountability, community protection, and competency development was somewhat compromised; but nonetheless provided some new insights. It also served as a secondary data source for addressing Research Questions 3, 5 and 6 with respect to JCC; that is, timeliness and expeditiousness of major events in the JCC process, organizational and management capacity specific to JCC, and JCC performance and reporting.

DOCUMENT ANALYSIS

Background

There was an active search for relevant program documents and reports, whether manual or system-generated on the topic of juvenile diversion. These reports served two distinct purposes. First, they shed light on internal management practices and oversight with respect to the two programs in the study. Secondly, they provided insight into the perspectives shared by key local juvenile justice system practitioners in the Vicinage about juvenile diversions generally; also, the ideals of the larger stakeholder groups including the Essex County Youth Services Commission (ECYSC), and the Essex County Local Council for Juvenile Justice Improvement (ECLCJJI).

Application

For the most part, the documents and manual reports gathered and analyzed were those specific to Essex Vicinage and included among others the following:

1. Monthly JCC Statistical Report (Essex)
2. Monthly ISC Statistical Report (Essex)
3. JDAI Steering Committee 2009 Work Plan (Essex)
4. The YSC Vision Statement and its other planning documents on diversion (Essex)
5. 2001 – 2011 Comprehensive County YSC Plan (Essex)
6. Juvenile Conference Committee Case Control Log (Statewide)
7. Monthly Report of Juvenile Conference Committee Cases (Statewide)

System generated reports that were analyzed included the following FACTS reports:

1. The Juvenile Diversion Report (Report FMF0227) which lists all cases that are currently in the diversion program
2. The Juvenile Screened Report (Report FMF0228) which lists all cases that are screened to court or to diversion
3. The Disposed Cases List (Report FMF0225) which lists disposed cases by manner of disposition.

STAFF INTEVIEWES

Background

Throughout the data gathering period of the project, several unstructured interviews were conducted with JCC and ISC program staff to elicit information about program policies,

processes, and/or procedures. This portion of the project was concluded with a final interview of the ISC Officer and the JCC Coordinator on January 20, 2010 during which both staff were interviewed together. The questions were open-ended and the manner of questioning was geared to encourage open dialogue.

Application

The discussion covered the following topical areas:

1. Diversion decision making
2. Observable trends in caseload
3. Case flow timeliness and timeframes
4. Terms and conditions in contracts
5. Monitoring for compliance
6. Service needs of youths
7. Availability of services and resources
8. Program files and records – Organization, Contents and Storage
9. Training and development
10. Program success – youth compliance and completion rates
11. Program failures – noncompliance and returns to court
12. Perceptions of youth and families
13. Strengths and limitations of the programs
14. Management reports

What ensued was a frank and open exchange of information and ideas about diversions generally and JCC and ISC specifically.

FINDINGS

SUMMARY OF FINDINGS

On the basis of this study, it is very clear that JCC and ISC are two very important diversion mechanisms for handling juvenile delinquency cases in Essex Vicinage. The two programs handle approximately 20% of new/not previously adjudicated juvenile delinquency filings, and as a sub-set of dispositions, they account for approximately 30% of dispositions of new/not previously adjudicated juvenile delinquency cases in Essex Vicinage. Within the Vicinage, ISC handles a much higher number of diversions than does JCC. In statewide comparisons, the Vicinage ranks at the bottom in terms of rate diversion to JCC but ranks between the middle and high range with respect to ISC.

Contrary to general perception, the types of cases handled by both programs are not limited to low-level delinquency matters with minimal or no prior court involvement. It seems that a significant number of incoming cases cannot be diverted at intake by mere fact of the severity of the offense and other elements in the case. Most diversions therefore occur at judge level with the more serious cases being diverted to ISC, the higher level program. Nonetheless, JCC also has its share of the not so minor cases. In the JCC random sample for example, though as much of 75% of the cases had no prior court involvement, more than 35% of the cases in the sample had quite serious charges including 2nd degree, even 1st. degree offenses.

Other characteristics of the diversion population include the fact that diverted juveniles have fewer cases on the average than the non-diverted juvenile. The same is also true in terms of offenses in that the diverted juvenile has fewer offenses than the non-diverted juvenile. Younger

youths seem to have a higher rate of diversion than their older counterparts, as does females in comparison to males. Very interestingly, the disparity in the rate of diversion that was highly pronounced in previous years between Whites and their minority counterparts; specifically, Blacks and Hispanics appears to have equalized or no longer exist. Somewhat disturbing is the apparent low diversion rate for youths who reside in urban centers compared to those from outlying municipalities.

With respect to timeliness of major events in the diversion process, there appears to be a certain amount of delay, and on occasion, possibly bottlenecks. Though the finding was inconclusive due to the amount of missing data, program staff did in fact confirm the existence of delays, considerable at times. Another area in which the amount of missing data resulted in inconclusive finding was with respect to program outcome. It was however gratifying to see the effort judges put into requiring additional conditions and/or making service referrals at the point of diversion, and the use of a variety of terms and conditions by the respective programs. Unfortunately, there does not appear to be a corresponding match in available services and resources at least from the perspective of program staff and volunteers. Other deficiencies noted were in the area of data management and reporting, training and development, and volunteer recruitment especially for the urban municipalities.

The findings are organized into sections to correspond with the study methodology as follows:

- (1) Official Caseload Statistics (Archived Data 1)
- (2) Detailed Caseload Data Extracts (Archived Data 2)
- (3) Demographic Data Extracts (Archived Data 3)

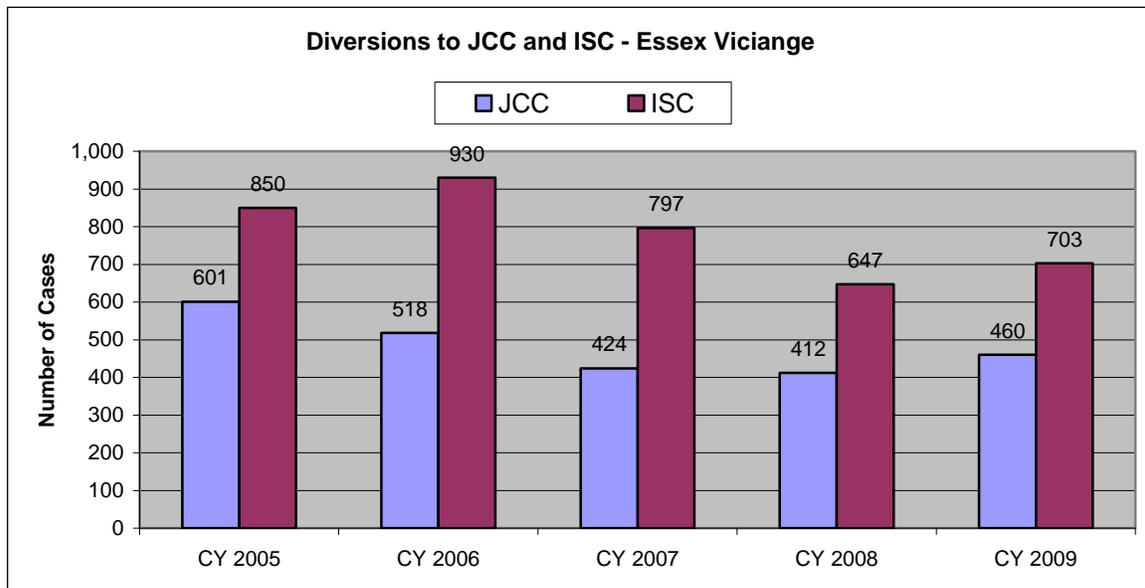
- (4) Random Sampling and Analysis
- (5) Opinion Survey
- (6) Document Analysis, and
- (7) Staff Interviews

OFFICIAL CASELOAD STATISTICS

Diversion as a Manner of Disposition

Over the five-year period under study, the two programs in combination accounted for a total of 6,342 juvenile delinquency dispositions in Essex Vicinage. This number represents 20.1% or a fifth of the 31,248 total dispositions of New/Not Previously Adjudicated Juvenile Delinquency cases in the Vicinage. JCC, the first level of diversion which was classified earlier as a ‘true diversion’ accounted for 7.7% of that figure while ISC, the second level which was earlier classified as a “minimization of penetration,” accounted for a much higher percentage; that is 12.6% (See Appendix III-Table 3). The breakdown by program is shown on Figure 5 below.

**Figure 5
Diversions to JCC and ISC in Essex Vicinage**

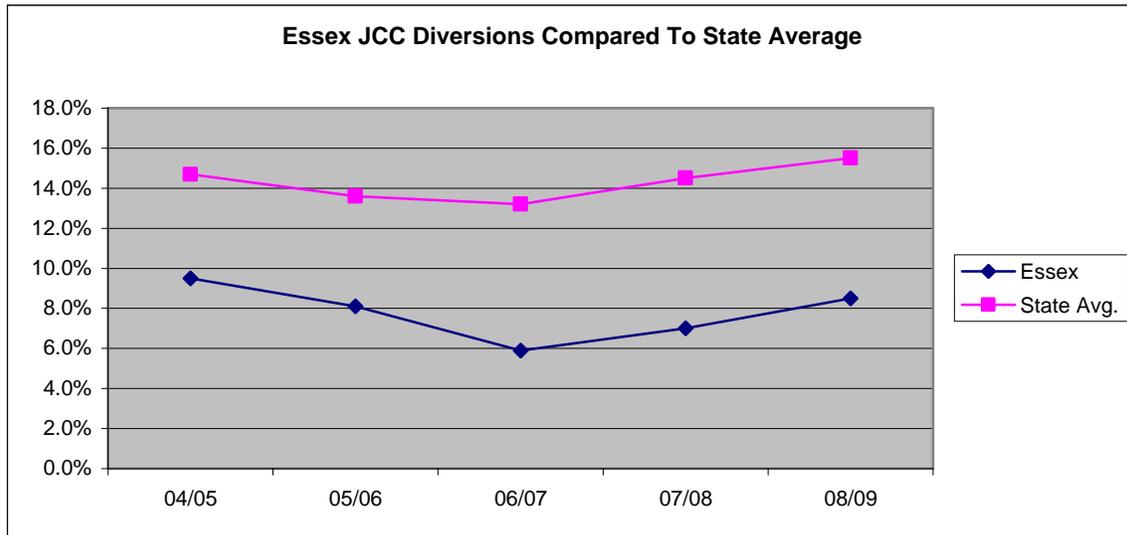


Source: Official AOC Caseload Statistics. Figures are based on Entry Date.

Comparative Analysis

In comparing Essex's figures with statewide averages for both JCC and ISC, other significant patterns emerge. First, the rate of use of JCC as a diversion mechanism is lower in Essex Vicinage than in other counties. While Essex's rate during the period under study extends from a low of 5.9% in CY 06/07 to a high of 9.5% in CY 04/05, the statewide averages are much higher, extending from a low of 13.2% in CY 06/07 to a high of 15.5% in CY 08/09 (See Figure 6). In fact, out of the 21 counties in the state, Essex consistently ranks at the bottom or near bottom with respect to rate of diversion to JCC (See also Appendix III-Table 4).

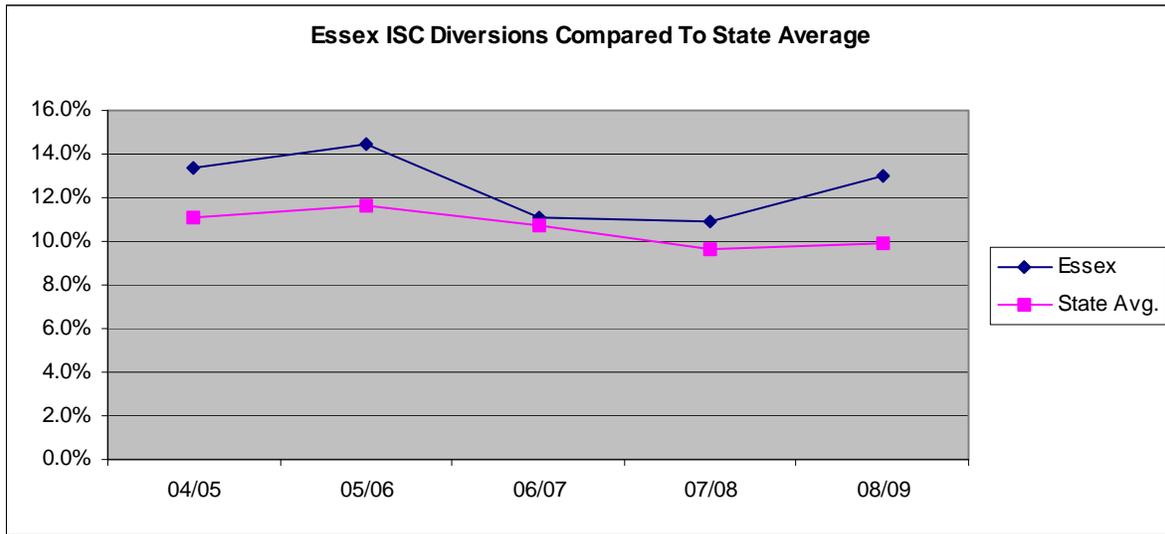
Figure 6
JCC Comparative Analysis



Source: Official AOC Caseload Statistics. Figures are based on Entry Date.

For ISC, the reverse is true with respect to statewide comparative data; specifically, there is a high rate of diversion to ISC not just locally but in comparison to other counties as well. Essex's record within the five-year study period ranges from a low of 10.9% in CY 07/08 to a high of 14.5% in CY 05/06 while statewide averages were comparatively lower; from a low of 9.6% in CY 07/08 to a high of 11.6% in CY 05/06 except for CY 06/07 in which there was a near match between the Essex and Statewide figures as depicted on Figure 7 (See also Appendix III-Table 4).

**Figure 7
ISC Comparative Analysis**



Source: Official AOC Caseload Statistics. Figures are based on Entry Date.

DETAILED CASELOAD DATA EXTRACTS

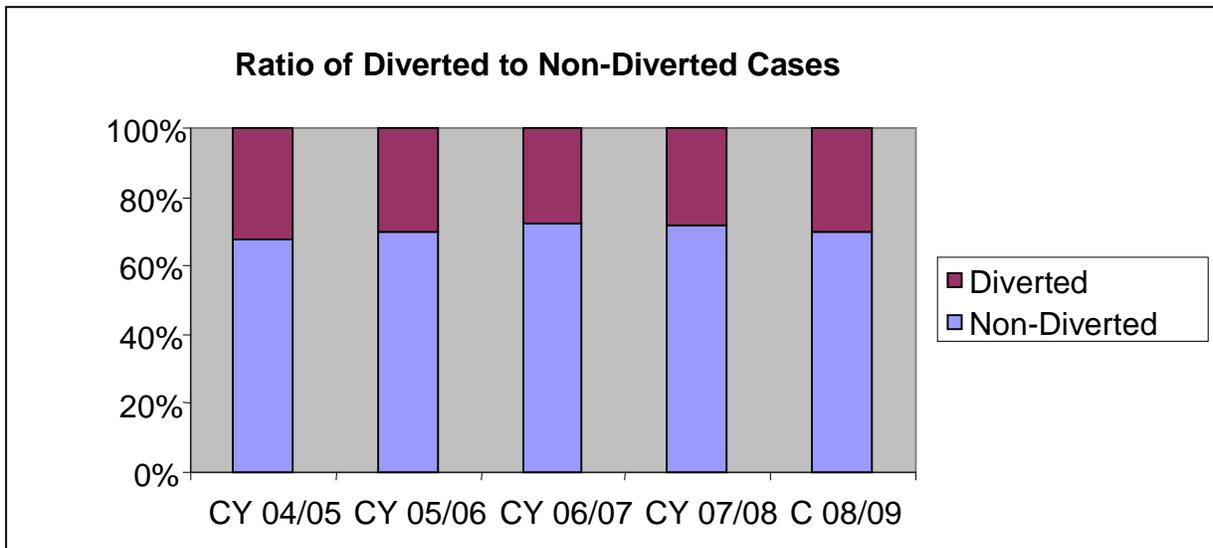
FACTS Data on Demand facility provides another perspective on the nature and extent of juvenile diversions in Essex County because the data derived from the facility are based on Filing Dates, a sharp distinction from official AOC statistics which are based on Data Entry Dates. Another important distinction is that Data on Demand facility generates statistics from raw data which is subject to case deletions; e.g., as a result of expungement. The figures reported in this section were derived from 10/23/09 run date.

Diversion as a Sub-Set of Case Filings

Figure 8 shows the ratio of total diversion to total filings of new complaints (See also Appendix III-Tables 5). The diversion population as defined includes JCC, ISC, FCIU and an “Other” category. However, the bulk of the cases are diversions to JCC and ISC, to be exact, 91%. What is interesting from the data, and probably expected, is that the average number of cases per

juvenile is lower for the diversion population. This conforms to the basic philosophy regarding juvenile diversion as practiced in New Jersey, which is that it is designed to target first time, less serious non-repeat offender.

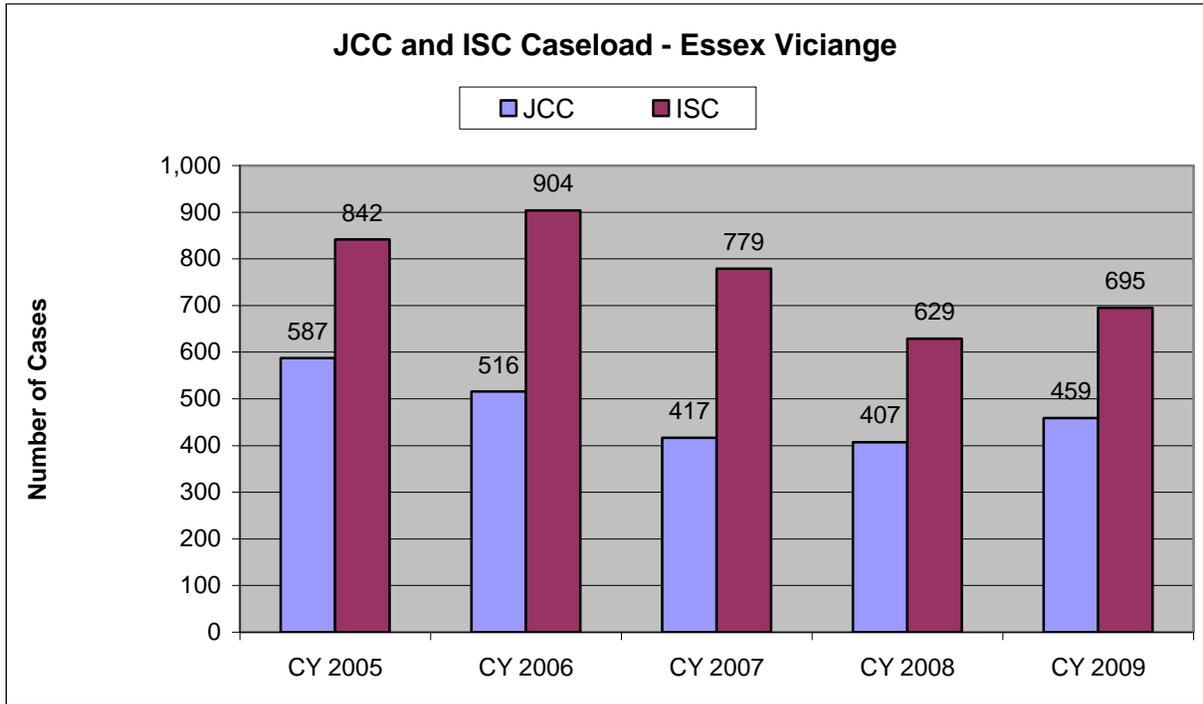
Figure 8
Diversion as a Sub-Set of New Delinquency Filings in Essex Vicinage



Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

Over the five-year period under study, a total of 6,235 complaints were diverted to JCC and ISC combined. The number represents 27.1% of the 23,027 total filings of new juvenile delinquency cases in Essex Vicinage with JCC accounting for 10.4%, and ISC accounting 16.7% (See Appendix III-Table 6). Appendix III-Table 7 depicts how much each diversion program contributes to the entire diversion caseload; that is, between program comparisons. Here again, ISC outranks JCC in terms of numbers and percent indicating that more cases qualify for the higher-level program than for the lower level program. A comparison between the two programs is represented on Figure 9.

**Figure 9
Caseload Distribution between JCC and ISC**

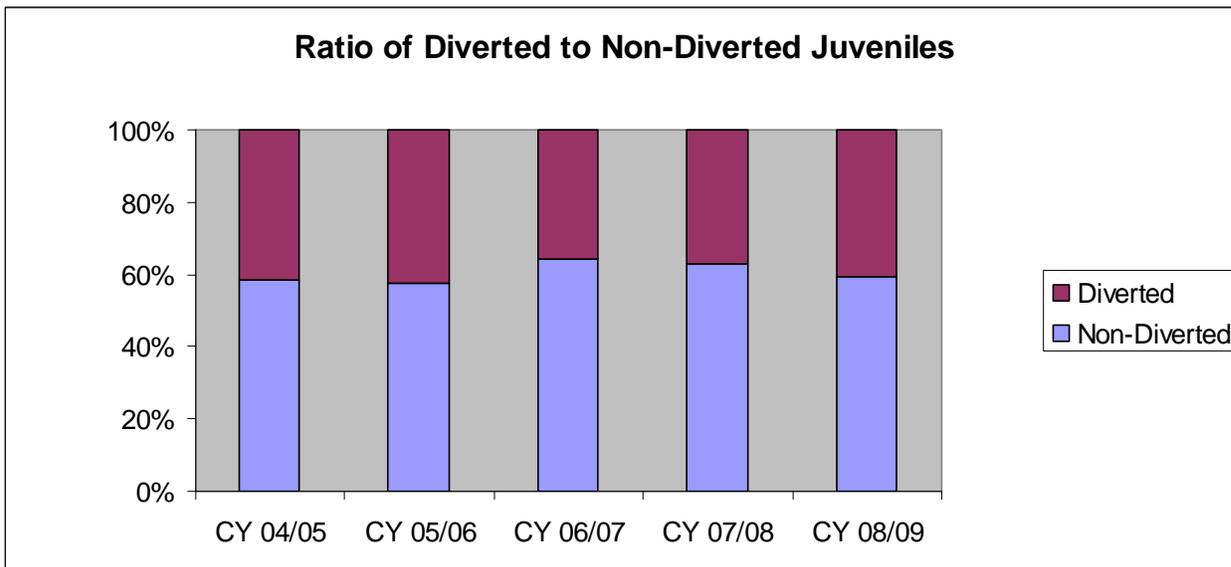


Source: FACTS Data on Demand. Figures are based on Filing Date.

Case Filings versus Number of Juveniles

Over the five-year period under study, a total of 16,175 juveniles were linked with new juvenile delinquency filings. Of that number, 6,396 juveniles or 39.5% were diverted; ranging from a low of 36% in CY 06/07 to a high of 43% in CY 05/06 (See Appendix III-Table 8). Figure 10 is a graphic representation of how much diverted youths contributed to the entire caseload of new delinquency filings for the five year period under study. Unfortunately, there are no detailed breakdowns on the number of juveniles diverted to the individual programs. Neither the FACTS system nor the individual program records could provide this information without a very cumbersome effort, and even at that, the numbers would still be approximations. To arrive at estimates for the individual programs, an attempt was made to extrapolate the data; however, it must be understood that the figures arrived are merely guesstimates.

**Figure 10
 Juveniles Linked with New Delinquency Filings in Essex Vicinage**



Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

With JCC contributing averagely 34.9% to the total diversion caseload of 6,844 cases over the five-year period, it is being postulated that similarly, 34.9% of the 6,396 total juveniles diverted; or a total of 2,232 juveniles, were served by JCC over the time same period. The same analogy is being applied for ISC. In other words, ISC contributed averagely 56.2% to the total diversion caseload of 6,844 cases over the five-year period. Therefore, it is being postulated that 56.2% of the 6,396 total juveniles diverted, that is, 3,594 juveniles were served by ISC during the same time period. For the two programs combined, it is therefore estimated that they served a total of 5,826 juveniles during the five-year period under study.

Case Filings versus Number of Offenses

Over the five-year period under study, a total of 48,283 offenses were linked with new juvenile delinquency filings. Of that number, 21% or 10,293 offenses were diverted to JCC, ISC, FCIU, and the “Other” Category (See Appendix III-Table 9).

Figures 11A – 11C
Ratio of Diverted to Non Diverted Juveniles, Cases & Offenses
Essex Vicinage – CY 04/05 thru' 08/09

Figure 11A - Juveniles

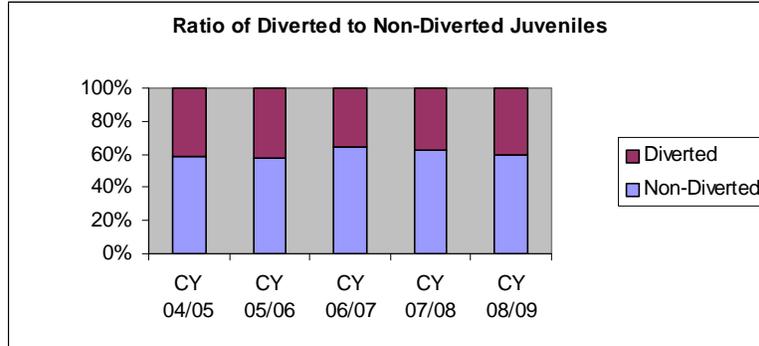


Figure 11B - Cases

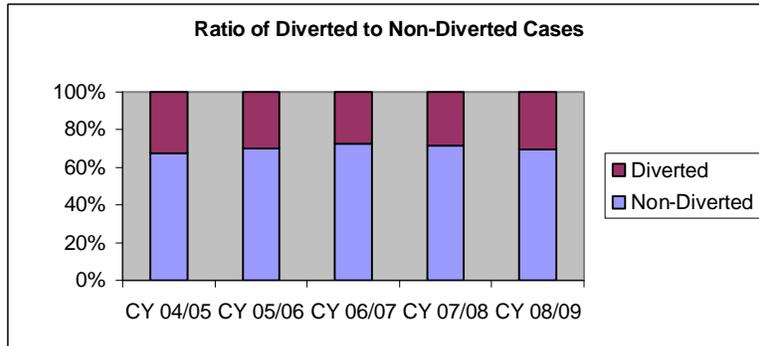
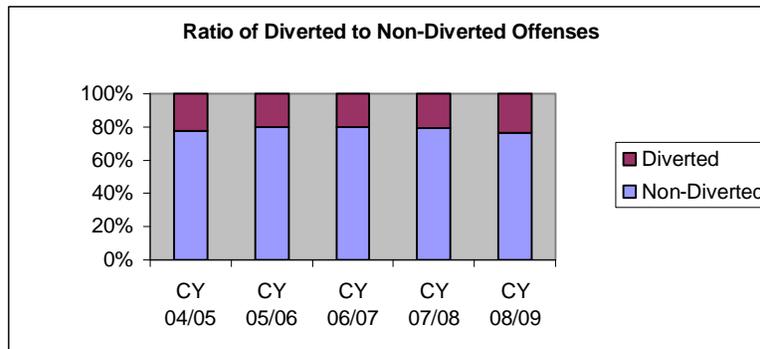


Figure 11C - Offenses



Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

However, as with number of juveniles, there are no detailed breakdowns on the number of offenses diverted to the individual programs. Here again, neither the FACTS system nor the

individual program records could provide this information without cumbersome manipulation, and no attempt was made to guesstimate the figure. Nonetheless, the data shows that diverted juveniles have a fewer number of offenses per juvenile than the non-diverted juvenile. It also follows that diverted cases have a fewer number of offenses per case than the non-diverted case. Figure 11 above provides a visual comparison between the number of diverted and non-diverted juveniles, cases and offenses. Diverted juveniles in total not only have less number of cases than their non-diverted counterparts, but also have even far less number of offenses.

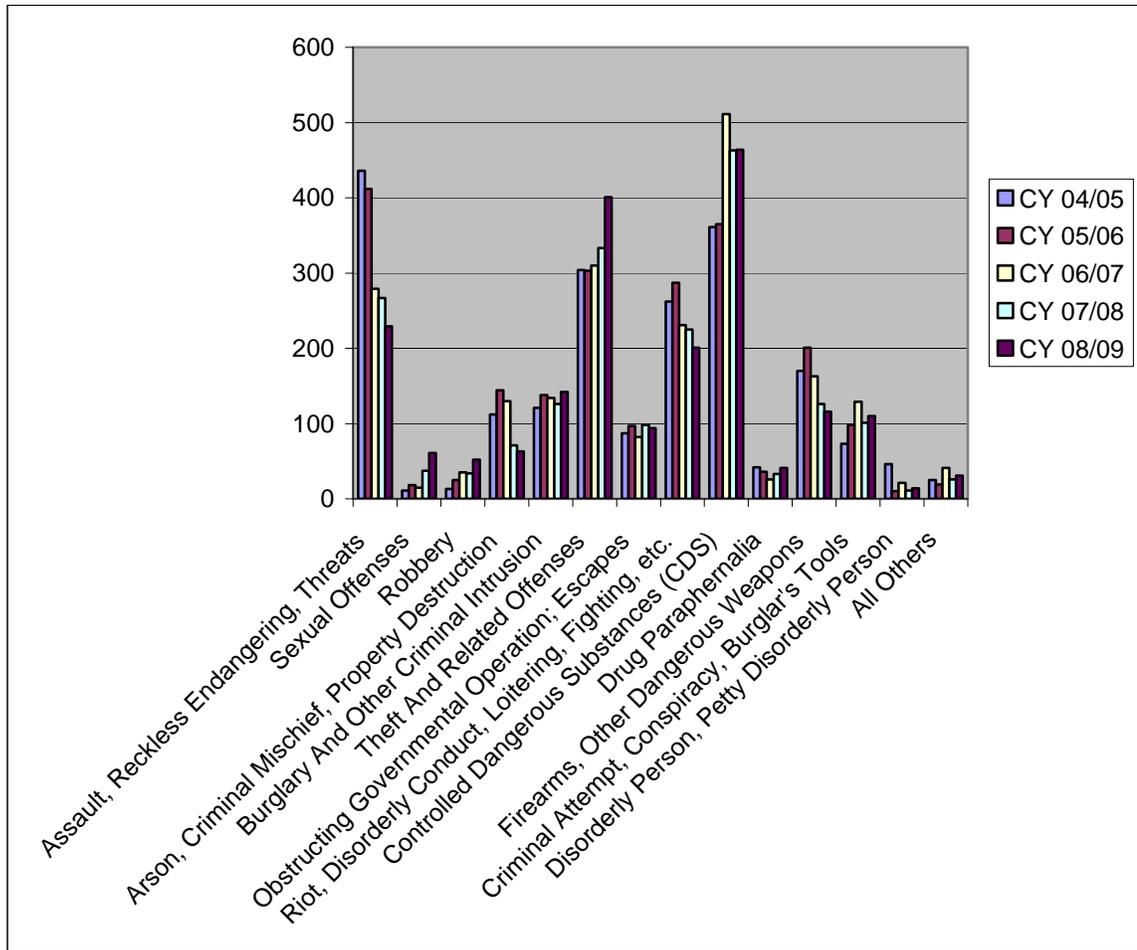
Nature of Offenses

Assault, arson/property destruction, burglary, theft, CDS, firearms, and disorderly conduct are the major categories of offenses diverted. The following are the diversion patterns that emerged from the analysis and are evident on the representative charts and graphs in this report:

- Assault, reckless endangering and threats are on the down turn
- Sexual assault are on the rise
- Robbery is on the rise
- Arson and property destruction was on the rise in prior years but is now on the downturn
- Burglary and other intrusion have remained stable over the years
- Theft and related offenses; e.g., shoplifting is on the rise
- No significant change in escapes and related offenses
- Disorderly conduct, loitering, fighting with a slight downturn
- Significant rise in CDS
- Slight downturn with firearms
- No significant change with criminal attempt and conspiracy

Appendix I-G is a detailed breakdown of all offense categories. Figure 12 below shows the “Big 13” offenses that account for approximately nearly 99% of total offenses diverted each court year during the five-year period under study (See also Appendix III-Table 10).

Figure 12
Types of Offenses Diverted in Essex Vicinage



Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

While there is no detailed breakdown by program for these offenses, it is understood that JCC and ISC combined account for approximately 91% of total cases diverted. It would therefore be correct to assume that the two programs handle a sizable number of these offenses within all

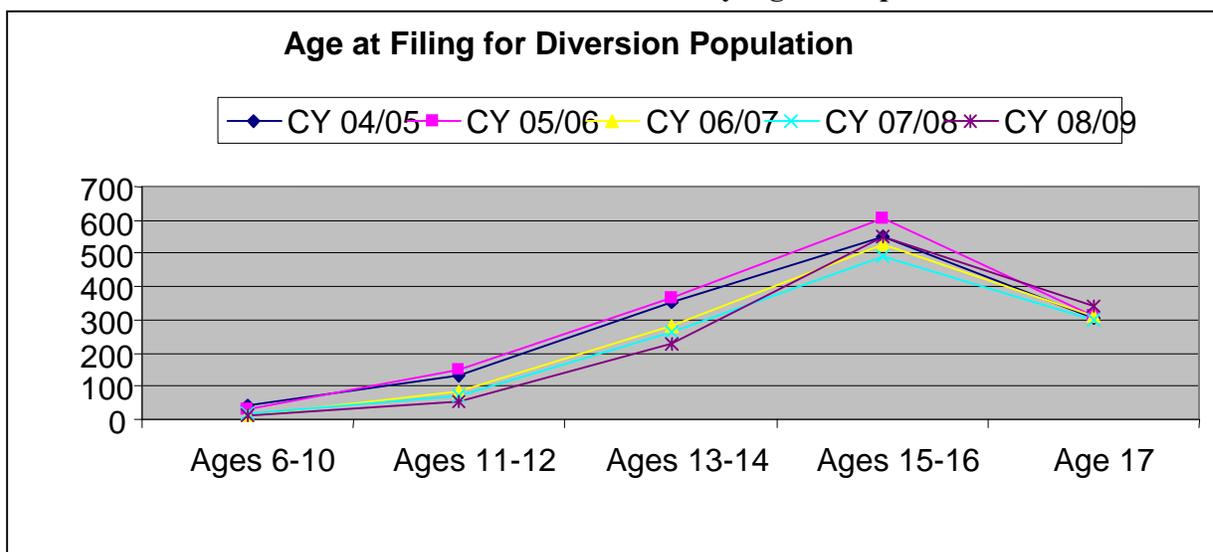
categories. It should be noted that the offenses referred to here are of varying degrees, from 1st degree down to the least. While that information on the degrees is available, albeit not in an easily retrievable format, it was impossible to provide those details as part of this report due to resource and time constraints.

DEMOGRAPHIC DATA EXTRACTS

Age at Diversion

In terms of numbers alone, it appears that a much larger number of older juveniles are diverted than the younger ones (See Appendix III-Table 11). However, on close examination of the data, except for CY 06/07, there is a clear pattern of higher diversion rate for younger age groups than for older age groups. For example, for CY 04/05, 61% of 6-10 year olds and 64% of 11-12 year olds were diverted respectively. In comparison, the rate of diversion dropped significantly for the 13-14 year olds, and dropped even further for the older age groups. Figure 13 shows the apparent

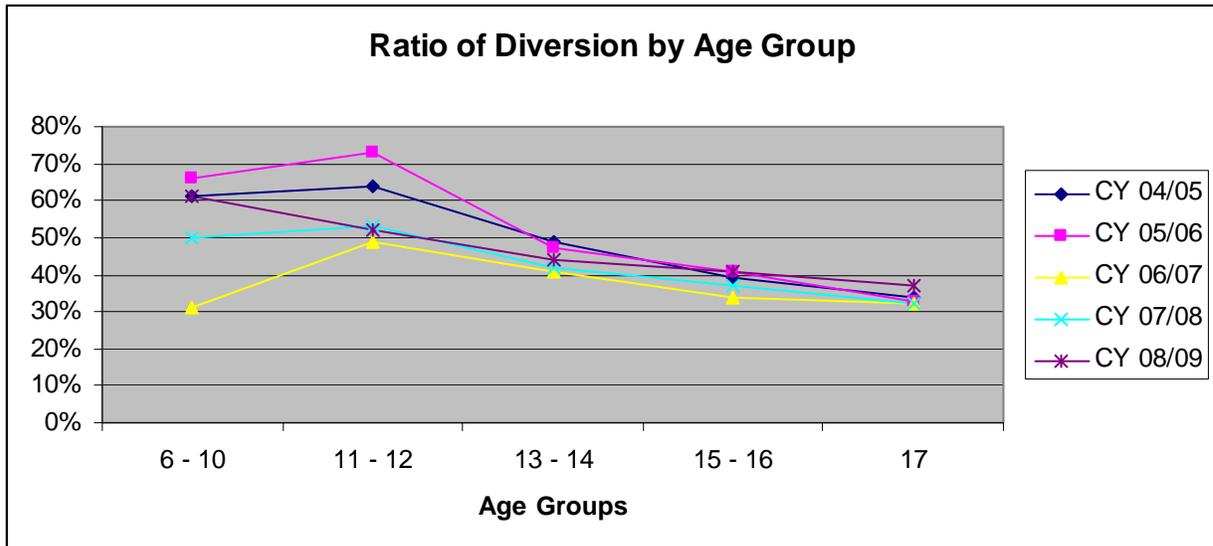
Figure 13
Number of Juveniles Diverted by Age Group



Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

spike in the number of juveniles diverted for older youths while, Figure 14 dispels that conclusion showing in fact that younger youths are diverted at a higher rate than older youths.

Figure 14
Ratio of Diversion by Age Group



Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

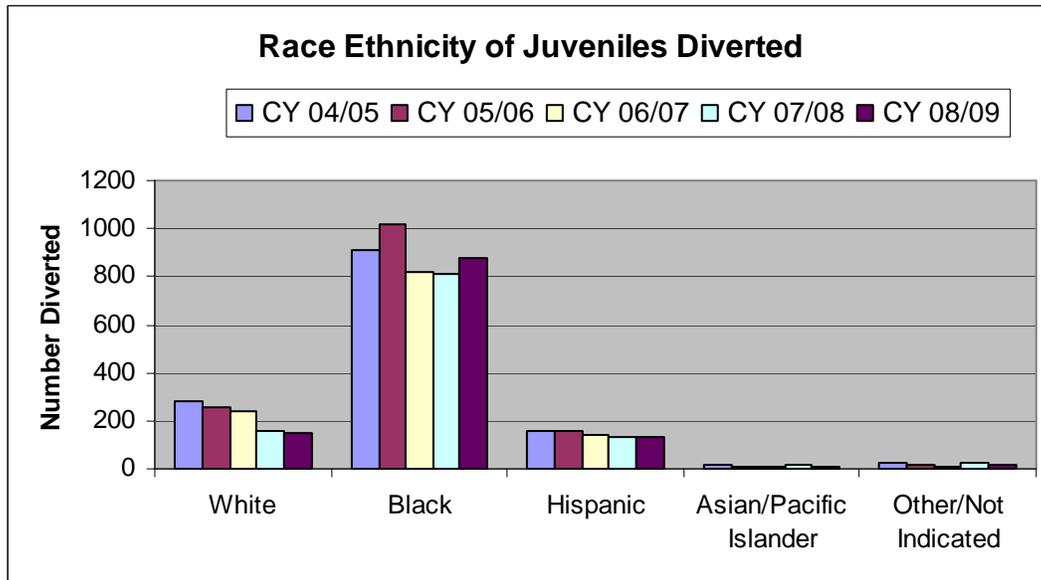
The rate for the 15-16 year olds was 39% and only 34% for the 17 year olds. It stands to reason that the older youths would have a higher diversion rate because presumably, they stand a higher chance of having had prior court involvement; therefore making them ineligible for the diversion programs; particularly the lower level program, JCC.

Race/Ethnicity of Diverted Juveniles

In terms of numbers alone, the diversion population consists of a very high number of blacks compared to the other racial groups (See Figure 15). This assertion may lead to an erroneous conclusion that blacks are diverted at a higher rate than the other racial groups. A close examination of the data shows that the ratio of diversion was significantly lower for Blacks when

compared to Whites during prior court years; specifically, CY 04/05, CY 05/06 and CY 06/07. For those three years, the rate for Hispanics was worse than Whites but better than Blacks.

Figure 15
Race/Ethnicity of Diverted Juveniles

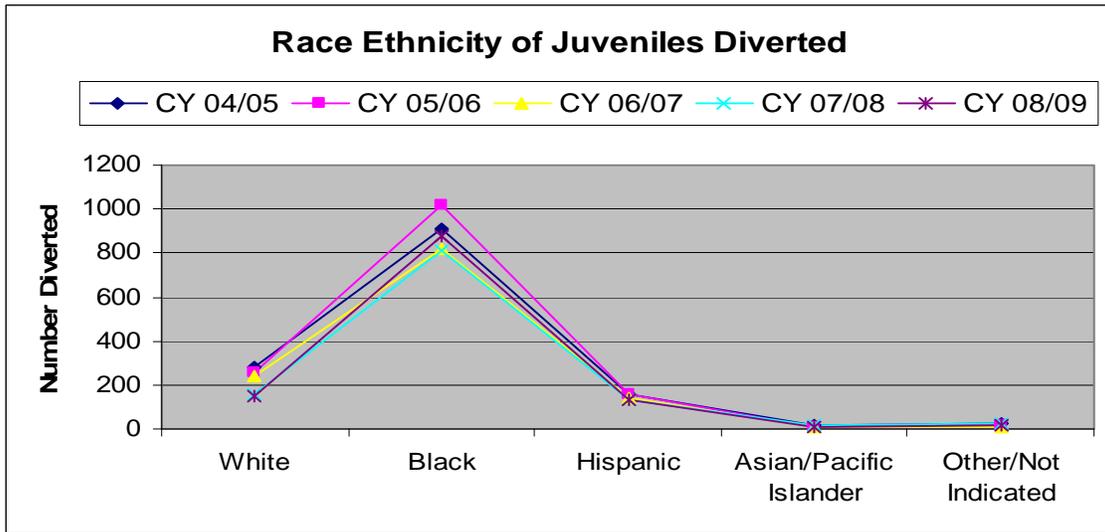


Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

For the more recent court years; specifically, CY 07/08 and CY 08/09, there clearly is a reversal or at least an equalization of the rate of diversion for all three two groups (See also Appendix III-Table 12). In fact, Whites had the lowest rate in CY 08/09. These overturns are probably the result of the heightened attention to disparity issues within the New Jersey Judiciary as the subject of disproportionate minority representation in the juvenile justice system is on the agenda of many committees and stakeholder groups both locally in Essex as well as at state level.

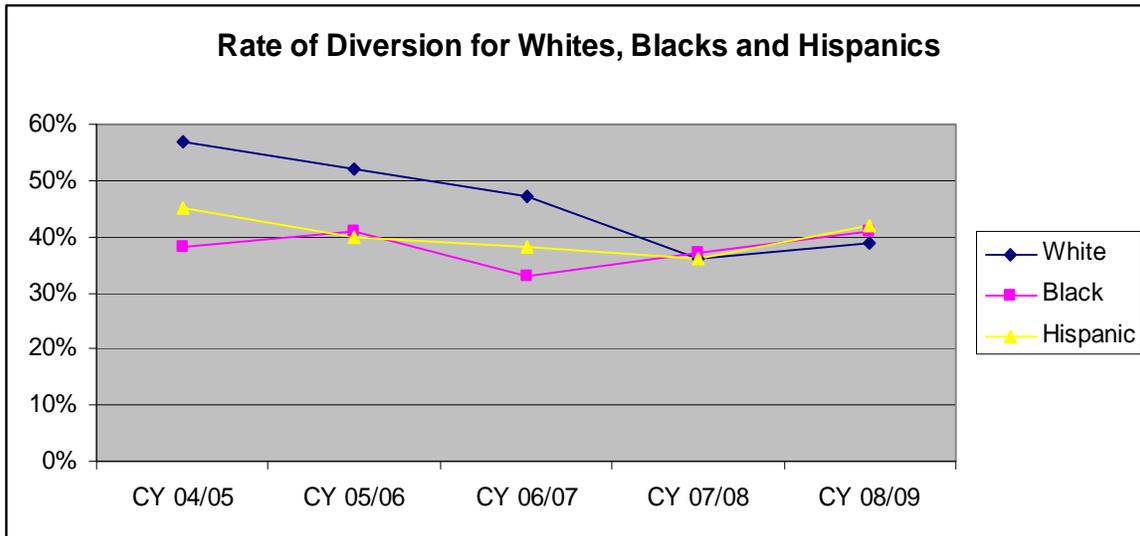
Figures 16 and 17 when viewed side by side, shows the gradual shift in the rate of diversion for the different groups, especially for the Blacks. It truly is a testament to the work that is being done in Essex Vicinage on the issue of disproportionality.

Figure 16
Number of Juveniles Diverted by Race/Ethnicity



Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

Figure 17
Rate of Diversion by Race/Ethnicity



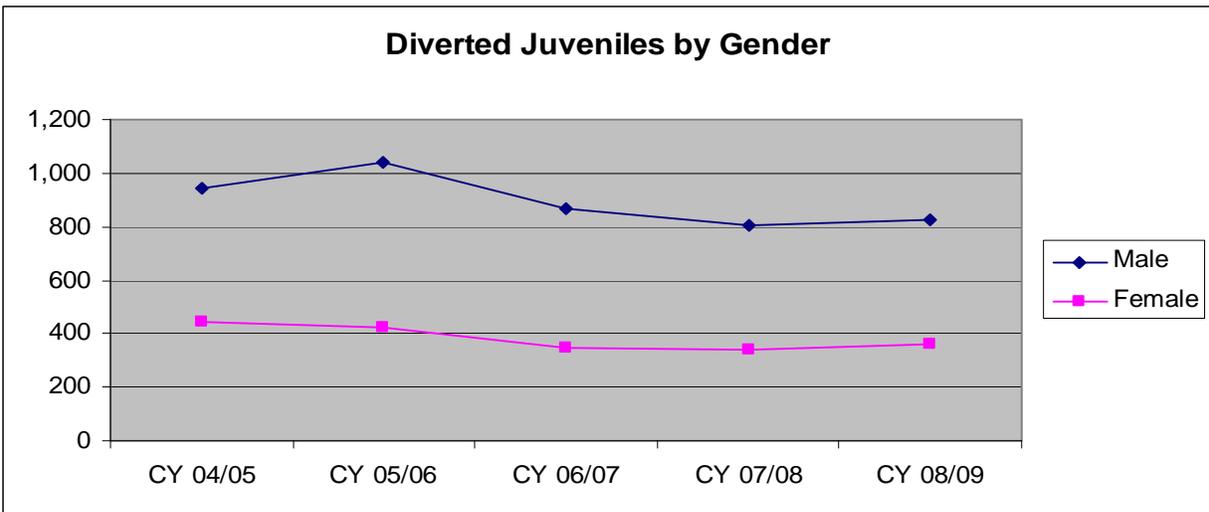
Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

Gender of Diverted Juveniles

In terms of numbers alone, the diversion population consists of a very high number of males compared to females (See Appendix III-Table 13). This assertion may lead to the conclusion that

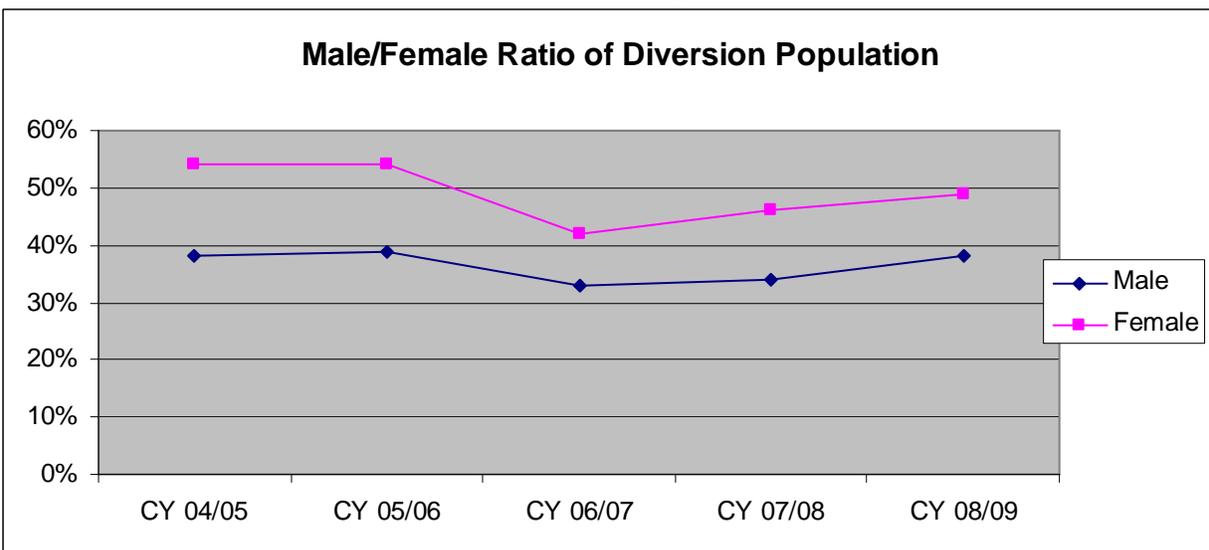
males are diverted at a higher rate than females. A close examination of the data however paints a different picture which is that the rate of diversion is significantly higher for females for all five-court years under study. That of females ranged from a high of 54% in both CY 04/05 and 05/06 to a low of 42% in CY 06/07. In contrast, the rate of diversion for males was consistently

Figure 18
Number of Juveniles Diverted by Gender



Source Data: FACTS “Data on Demand” Figures are based on Filing Dates

Figure 19
Rate of Diversion by Gender



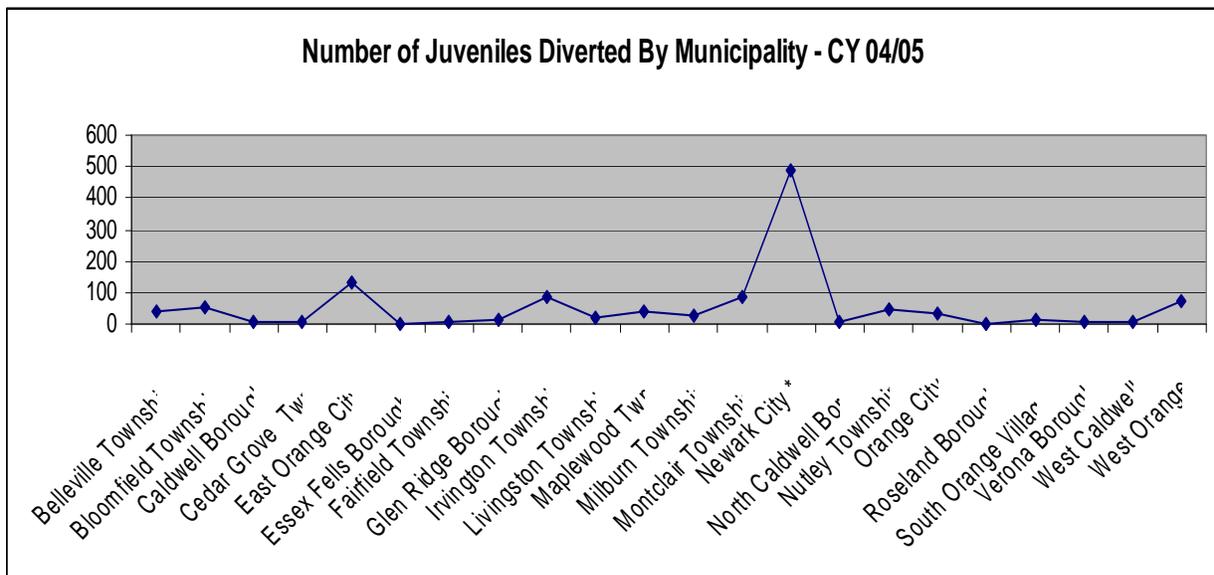
Source Data: FACTS “Data on Demand”. Figures are based on Filing Dates

lower than that of females for all five-court years, ranging from a high of 39% in CY 05/06 to a low of 33% in CY 06/07 (See Figures 18 and 19). This analysis does not account for the types and severity of offenses for which both groups are charged which may very well explain the wide disparity between males and females.

Where Diverted Youths Live

A large number of youths that were diverted during the five year period under study lived in the City of Newark as depicted in Figure 20 (See also Appendix III-Table 14). It would make sense that this would be the case as Newark is the largest urban center in Essex County and as a matter of fact, the largest in New Jersey. Again, based on numbers alone, it would appear that Newark youths are diverted more than youths in other municipalities, but this is not so.

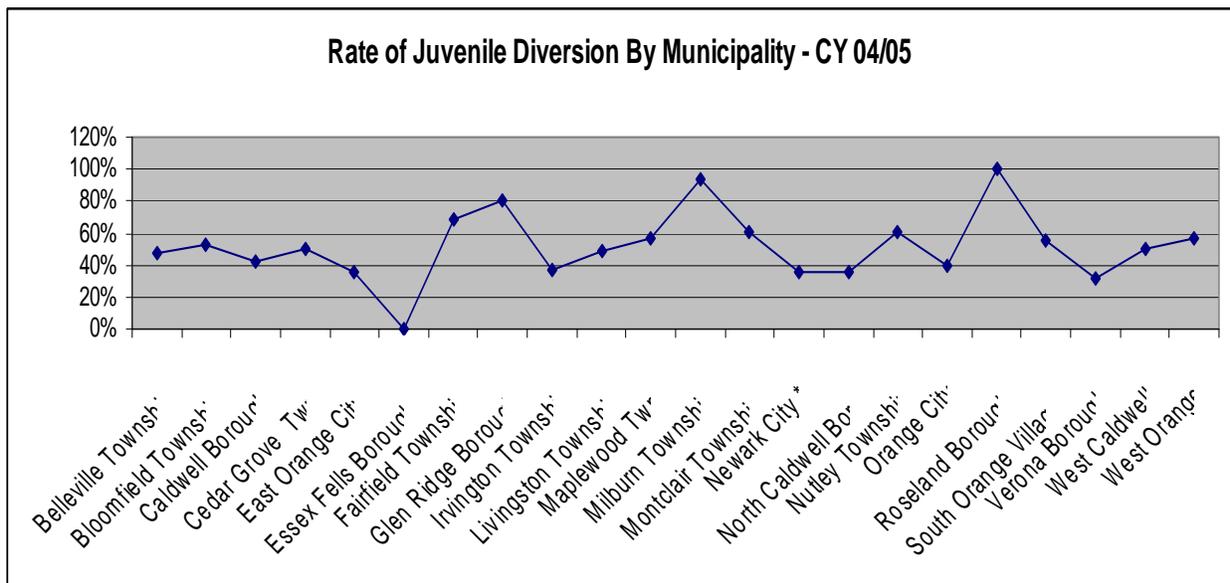
Figure 20
Number of Diversions by Municipality of Residence



In looking at rate of diversion between the municipalities, youths residing in Newark seem to be diverted at a significantly lower rate than youths from other municipalities especially, the

suburban municipalities. Youths from the other urban centers such as East Orange and Irvington also seemed to fare the same as Newark youths. Figure 21 is in sharp contrast to Figure 20 showing that for CY 04/05 the rate of diversion is lower for youths residing in the City of Newark and for the most part, as well as for youths residing in the other urban centers.

Figure 21
Rate of Diversion by Municipality of Residence



Similar graphs have been developed for the other four court years under study; that is CY 05/06 through CY 08/09. The graphs are located in Appendix II-C through II-F. It should be pointed out that there are quite a bit of missing data which may or may not skew these findings.

RANDOM SAMPLING AND ANALYSIS

The analysis of the random samples of both programs shed more light into the nature and extent of juvenile diversion in Essex Vicinage and provided insights into four of the other areas of inquiry and focus of this study; specifically screening and the decision to divert, timeliness and

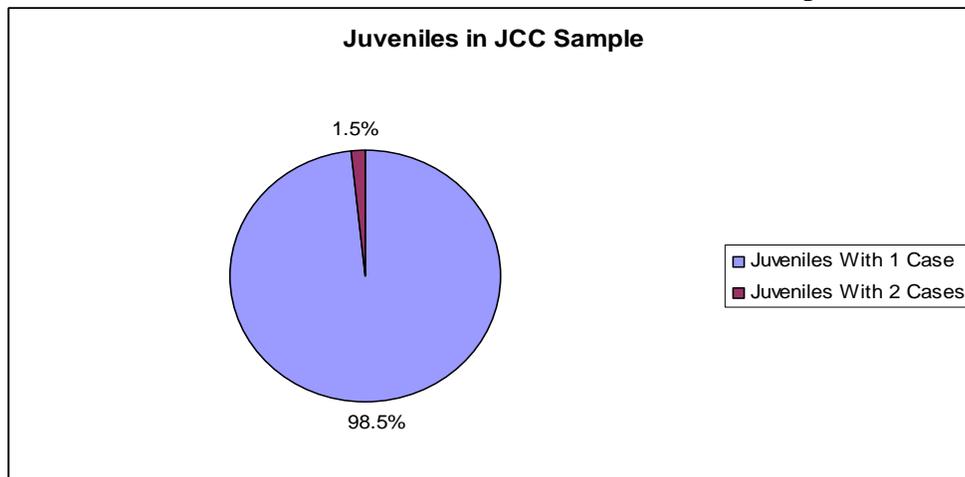
expeditiousness of major events in the diversion process, responsiveness to juvenile justice programming priorities, and performance measurement

Juveniles versus Cases

Nearly all the juveniles in the JCC sample had only one case (See Figure 22). In fact, the 331 cases in the JCC Sample were committed by 326 juveniles (See Appendix III-Table 15). Only 5 of the juveniles or 1.5% had two cases each meaning that between the 5, they had committed 10 of the sample cases. The JCC cases associated with the same juveniles were as follows:

- JCC Case #s: J34 and J50
- JCC Case #s: J156 and J261
- JCC Case #s: J196 and J205
- JCC Case #s J208 and J251
- JCC Case #s J306 and J322

Figure 22
Juveniles with 1 Case versus 2 Cases - JCC Sample

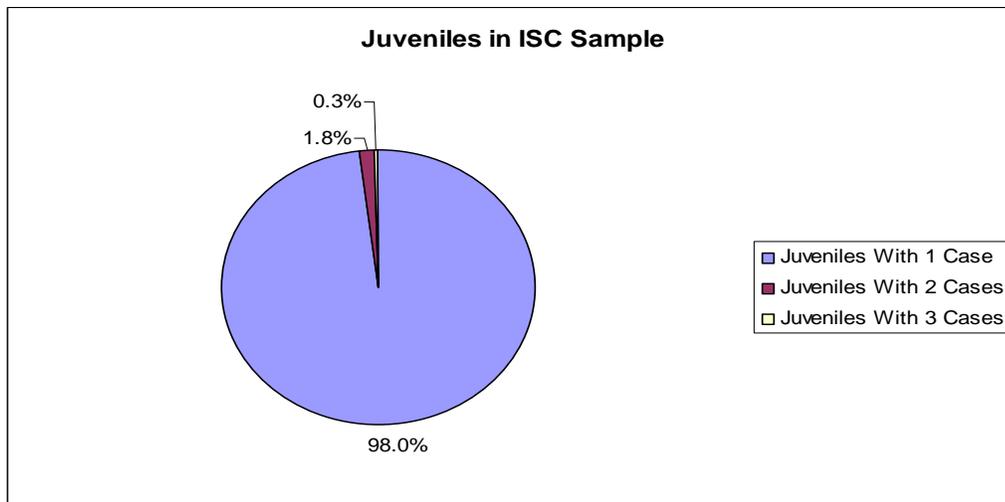


Same as for JCC, nearly all the juveniles in the ISC Sample had only once case (See Figure 23). In fact, the 350 cases in the sample were committed by 342 juveniles. To be exact, 6 of the juveniles had 2 cases each, and 1 juvenile had three of the cases in the sample. In other words, a

total of 7 juveniles committed 15 of the sample cases. (See also Appendix III-Table 16). The ISC cases associated with the same juveniles were as follows:

- ISC Case #s: S4 and S294
- ISC Case #s: S9 and S16
- ISC Case #s: S11 and S246
- ISC Case #s: S36 and S194
- ISC Case #s: S181, S182 and S183
- ISC Case #s: S210 and S211, and
- ISC Case #s: S304 and S305

Figure 23
Juveniles with 1 Case versus Multiple Cases - ISC Sample



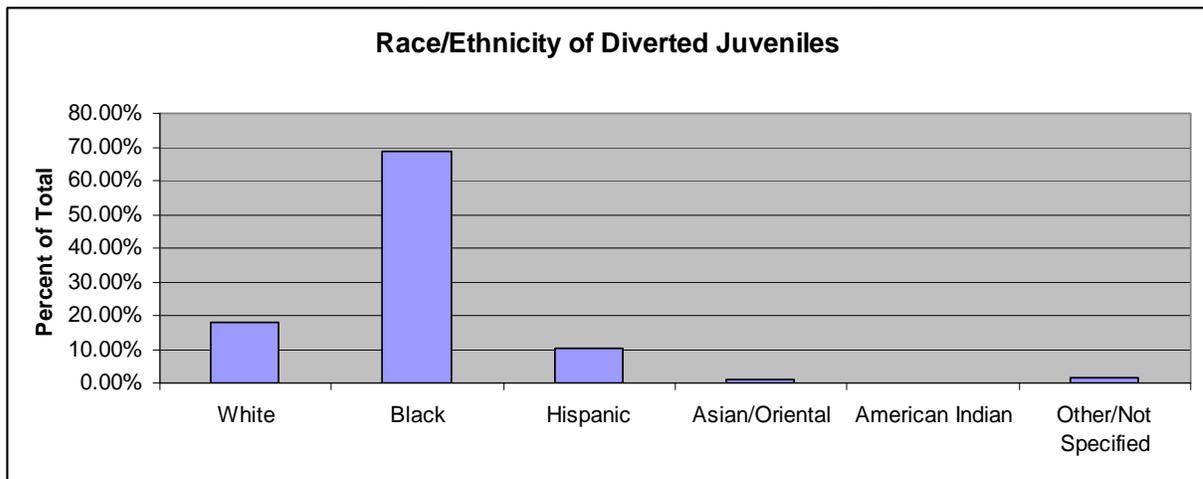
From the analysis of the random sample for both JCC and ISC cases, one can draw the conclusion that a diverted juvenile typically has one case. For the remainder of the analysis, the total cases in the sample was used except for analyses involving demographic variables including age, race, gender, municipality of residence in which case the sample of juveniles was used.

Race / Ethnicity

In terms of numbers alone, Black youths comprised of the highest percent of diverted youths in the JCC sample, 68.7% (See Figure 24 and/or Appendix III-Table 17). However, as shown in the

Data on Demand analysis earlier, the rate of diversion between the different racial/ethnic groups depicts a completely different picture. In that analysis, it was shown that in the past, the rate of diversion was significantly lower for blacks but seem to have equalized in the recent year. Due to time and resource constraints, this analysis was only conducted for the JCC sample.

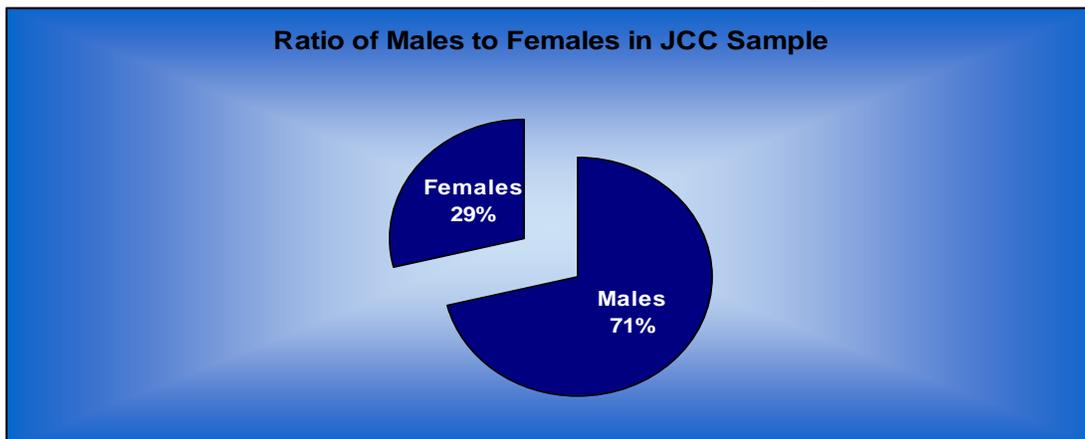
Figure 24
Race/Ethnicity of Diverted Juveniles - JCC Sample



Gender

The 326 juveniles in the JCC Sample were comprised of 71% males and 29% females; that is, 232 males and 94 females respectively (See Figure 25 and/or Appendix III-Table 18). While this shows that there are more males than females in the number of cases diverted, it does not shed light on the rate of diversion for both. The results from the Data on Demand analysis that was conducted earlier showed that the rate of diversion is somewhat higher for females than for males. Due to time and resource constraints, the gender profile was only constructed for the JCC sample but not for the ISC sample.

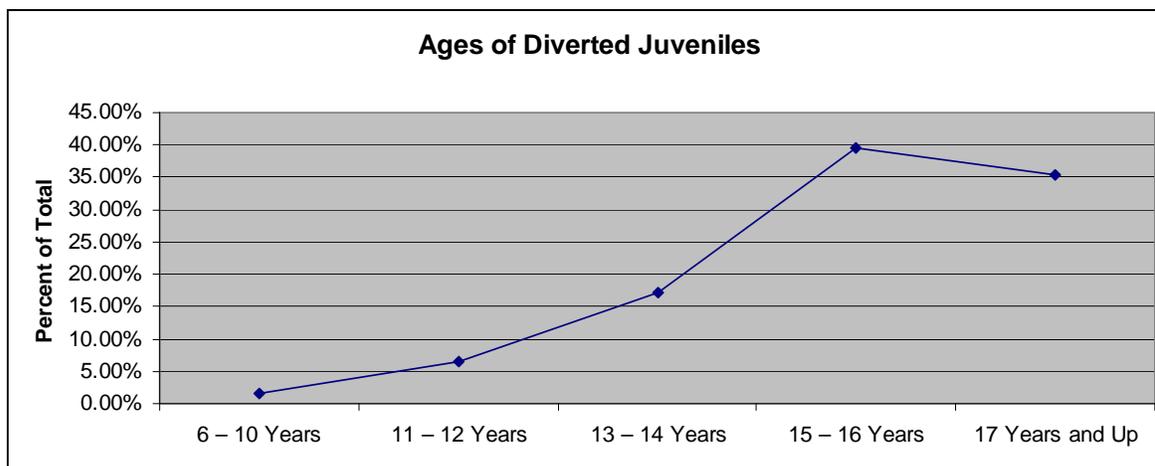
Figure 25
Gender of Diverted Juveniles – JCC Sample



Age at Diversion

The mean age of diverted juveniles in the JCC sample was 15 years. In fact, in terms of numbers alone, youths 15 years of age and above contributed to nearly 75% of all the youths in the JCC sample (See Figure 26 and/or Appendix III-Table 19). However, as shown in the Data on Demand analysis, the rate of diversion between younger and older youths depicted a completely different picture. In that analysis, it was shown that the diversion rate is lowest for older youths.

Figure 26
Age of Diverted Juveniles - JCC Sample
n = 326 Juveniles

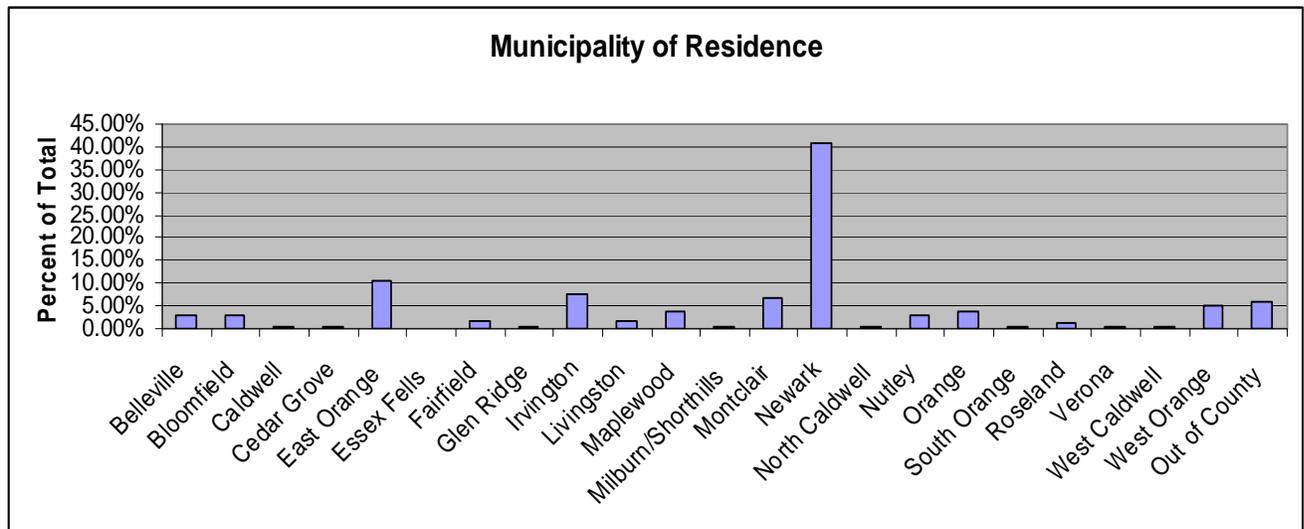


Again, due to time/resource constraints, this analysis was only conducted for the JCC sample.

Where the Kids Live

As expected, Newark youths comprised of the highest percent of diverted youths in the JCC sample, 40.8% (See Figure 27 and/or Appendix III-Table 20). It far out ranked the other urban centers in the Vicinage with East Orange City a distant second. However, as was shown in the Data on Demand analysis, the rate of diversion between youths residing in the different municipalities depicted a completely different picture. In that analysis, it was shown that the rate

Figure 27
Municipality of Residence of Diverted Juveniles - JCC Sample
n = 326 Juveniles

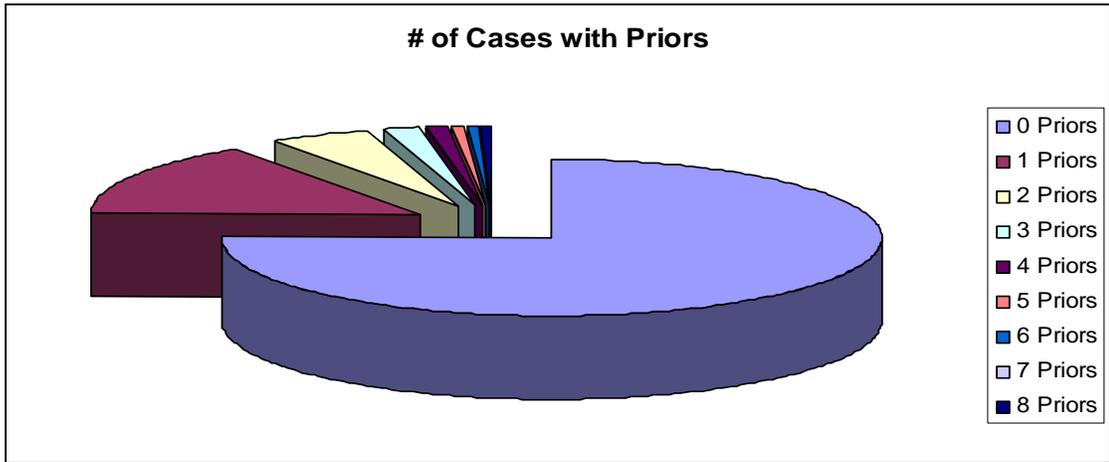


of diversion is lowest for youths residing in Newark. Again, due to time and resource constraints, this analysis was only conducted for the JCC sample and not for the ISC sample.

Prior History

In the JCC Sample, 249 cases or 75% had no prior court involvement (See Figure 28). Only 25% had priors. Of that number 67 or 82% had only 1 or 2 priors (See Appendix III-Table 21).

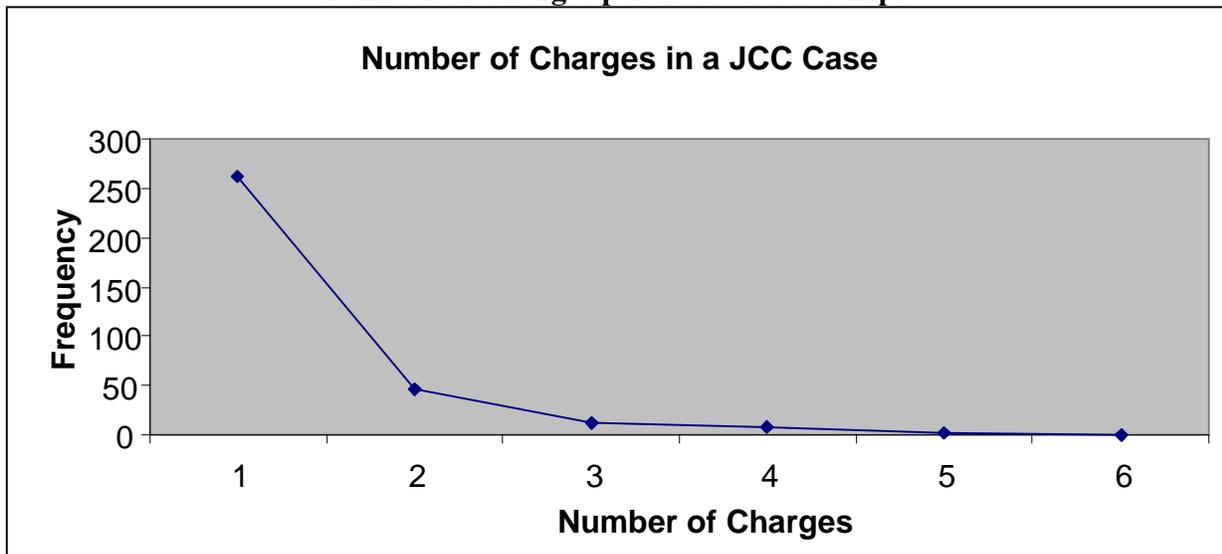
Figure 28
Number of Cases with Priors - JCC Sample



Nature of Charges

In the JCC Sample, 79% of the cases, or 261 cases had only one charge (See Figure 29). This on face value supports the underlying philosophy that diversion is designed to target low level delinquency cases. From the data however, there are quite a handful of cases with more than one charge, and one case has as many as 6 charges. Again on face value, cases with many charges suggest that serious acts of delinquency are involved. See also Appendix III-Table 22.

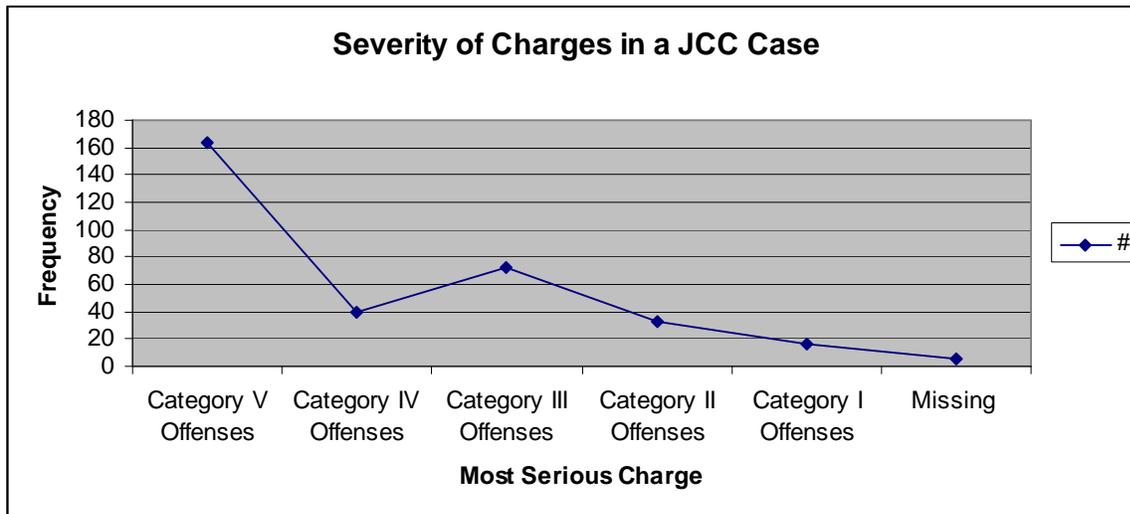
Figure 29
Number of Charges per Case - JCC Sample



Severity of Offenses

In the JCC Sample, half or 49.5 % of the cases had a low-level offense, specifically, Disorderly Persons/Petty Disorderly Persons Offense (i.e., Category V Offenses) as their most serious charge (See Figure 30 and/or Appendix III-Table 23).

Figure 30
Most Serious Charges per Case - JCC Sample

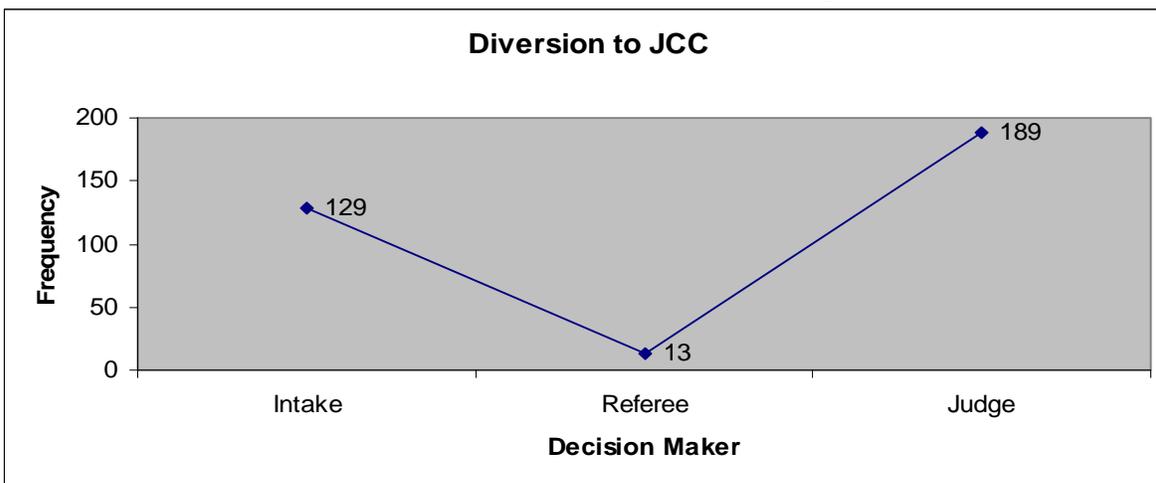


However, the data also shows that there are a significant number of cases for which the most serious charge included 2nd degree, even 1st. degree offenses (i.e., Category I and Category II Offenses) both of which could only be diverted by a judge. There indeed is evidence that JCCs are handling cases involving serious acts of delinquency contrary to general perception.

Diversion Decision - JCC

In the JCC Sample, the decision to divert was made by a judge in nearly 60% of the cases sampled (See Figure 31). That a significant number of cases are diverted by a judge clearly is not surprising given what has been reported about the types of offenses diverted, number of charges and the severity of charges. Appendix III-Table 24 provides additional details.

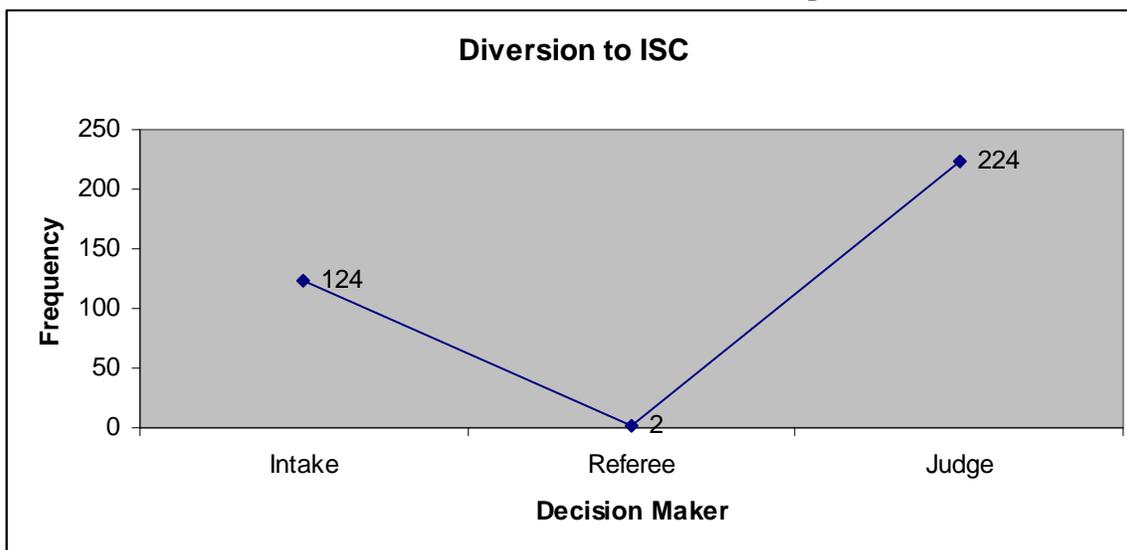
Figure 31
Diversion Decision Maker - JCC Sample



Diversion Decision - ISC

This issue was also coded and analyzed for ISC. In the ISC Sample, the decision to divert was made by a judge in over 60% of the cases sampled (See Figure 32). As with JCC, this finding is not surprising given the types of offenses diverted, number of charges and, the severity of charges a significant number of diverted cases. See Appendix III-Table 25 for additional details.

Figure 32
Diversion Decision Maker – ISC Sample



There are a number of implications from these findings in both the JCC and ISC samples. First, JCC Committees should have adequate and well trained volunteers to handle not only the volume but the types of cases diverted to them. The same should be the case for ISC; more so since it not only handles a higher volume of cases than ISC, but it is the higher-level diversion program, therefore handles cases with more complex elements than JCC.

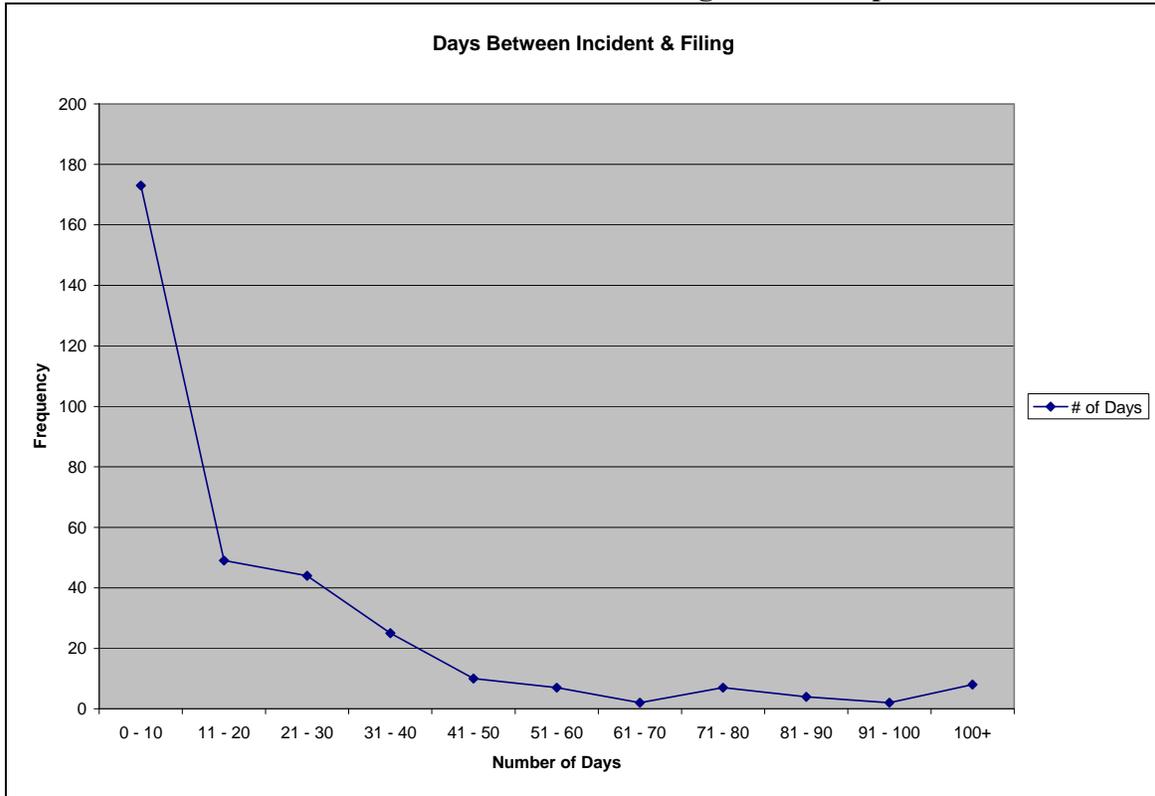
Timeliness of Filing

The adopted timeframe for the filing of a juvenile delinquency complaint with the court is 7 business days or less from the date of the incident in cases where intake decision is not placement at the Youth Detention Center or one of the Detention Alternative Programs operating in Essex Vicinage including Electronic Monitoring (EM), Probation Detention Alternative (PDA), Home Detention (HD), or Evening Reporting Center (ERC).

This 7 day rule does not apply in cases where the juvenile is detained, as a detention hearing must be held within 24 hours. All cases in the sample were assumed not to have required detention. On the basis of the analysis conducted, performance in the area of timeliness of filing obviously needs improvement. Of the 331 cases in the JCC sample, only 44%; specifically a total of 145, actually met the established timeframe. In fact, in some instances, filings did not occur until two, even three months later and beyond (See Figure 33 and /or Appendix III-Table 26).

Although this analysis was only conducted on the JCC sample, it is not unrealistic to extend this conclusion to include ISC. However, a separate analysis for ISC is still recommended since some may have originated as custody cases which have a speedy processing timeframe.

Figure 33
Time between Incident and Filing - JCC Sample



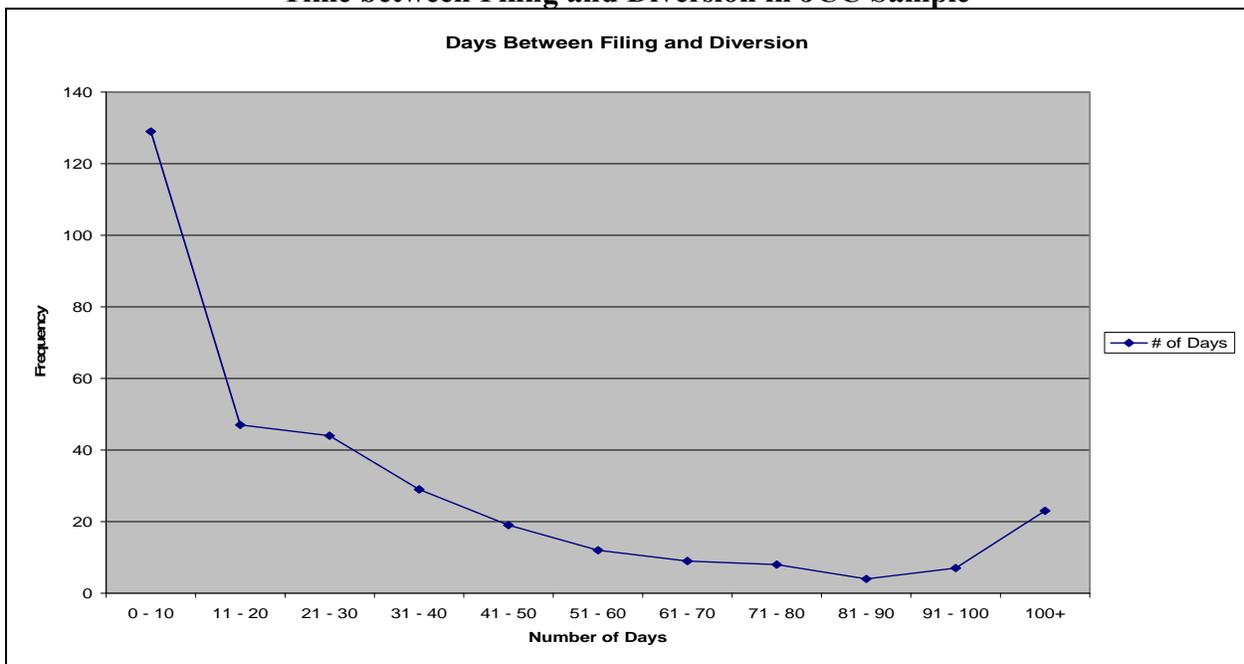
Diversion Decision Timeframe

While there are no specific time standards for when diversion is to occur, the Juvenile Delinquency Operations Manual uses broad language that includes words and phrases such as “as soon as possible,” “expeditiousness,” when discussing this subject matter. On the basis of the analysis conducted, there clearly is a very wide variation in the timeframe of diversion decision-making for the cases in the JCC sample (See Figure 34). Of the 331 cases in the JCC sample, the decision was made within 10 days in only 39% of the cases (See also Appendix III-Table 27).

At the other end of the spectrum, in 7% of the cases in the sample, the diversion occurred in well over 100 days from the filing of the complaint. The mean was 46 days. Understandably, and as

was discussed earlier in this report, the diversion programs are handling various types of serious offenses for which the diversion decision may only be made by a judge at the first hearing or subsequent hearings. In fact, it is not unheard of for diversion to occur as part of a plea agreement well into the life of the case.

Figure 34
Time between Filing and Diversion in JCC Sample



Data Source: JCC Sample Analysis

Although this analysis was only conducted on the JCC sample, it is not unrealistic to extend this conclusion to include ISC. However, a separate analysis for ISC is highly recommended since there is a higher rate of judge authorized diversion in ISC cases. The fact that it is a second level program suggests that the cases have more complex elements; therefore the expectation that they would have more formal court processes prior to the diversion decision.

Program Timeframes

Due to the amount of missing data in both FACTS and program records, it was impossible to draw any conclusions as to the time between diversion and judicial review of program recommendation for both JCC and ISC. With respect to JCC, as much as 34% of the cases in the sample; that is 113 cases did not have the date that the program recommendation was reviewed and signed by the judge to dismiss or to return the case to court for non-compliance (See Figure 35; also, Appendix III-Table 28).

A similar huge gap in data was found with respect to ISC where nearly 31% of the cases in the sample; that is 107 cases were missing that date (See Figure 36; also, Appendix III-Table 29). For the JCC program, the fact that the data could not be retrieved from program records is a concern, being that it is one of the many dates that are required to be tracked and monitored by the JCC program by means of the “JCC Case Control Log” (See Appendix II-F).

Figure 35
Diversion Decision to Judicial Review of JCC Program Recommendation
n = 331 Cases

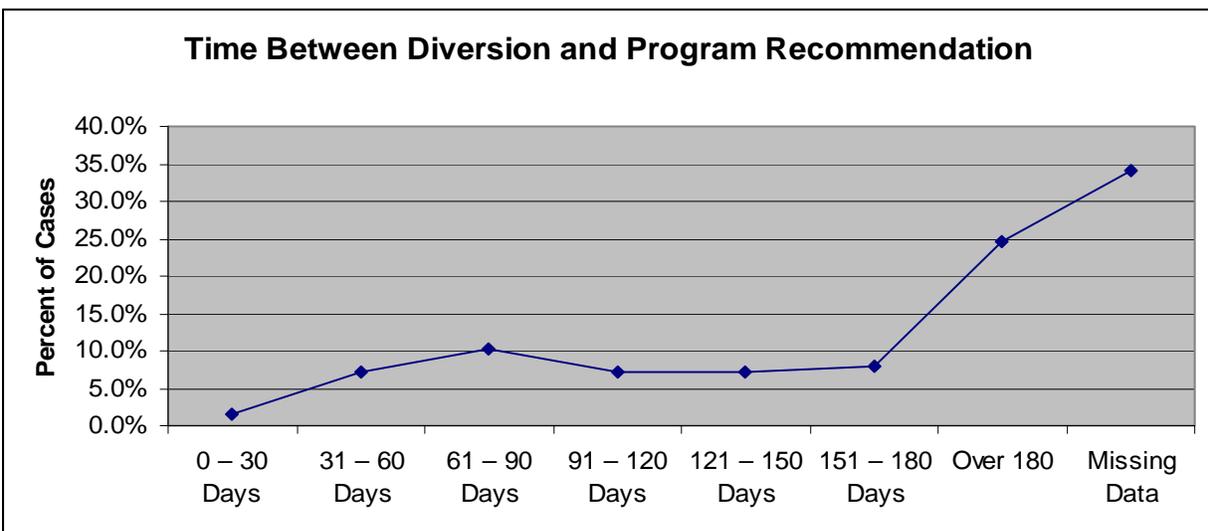
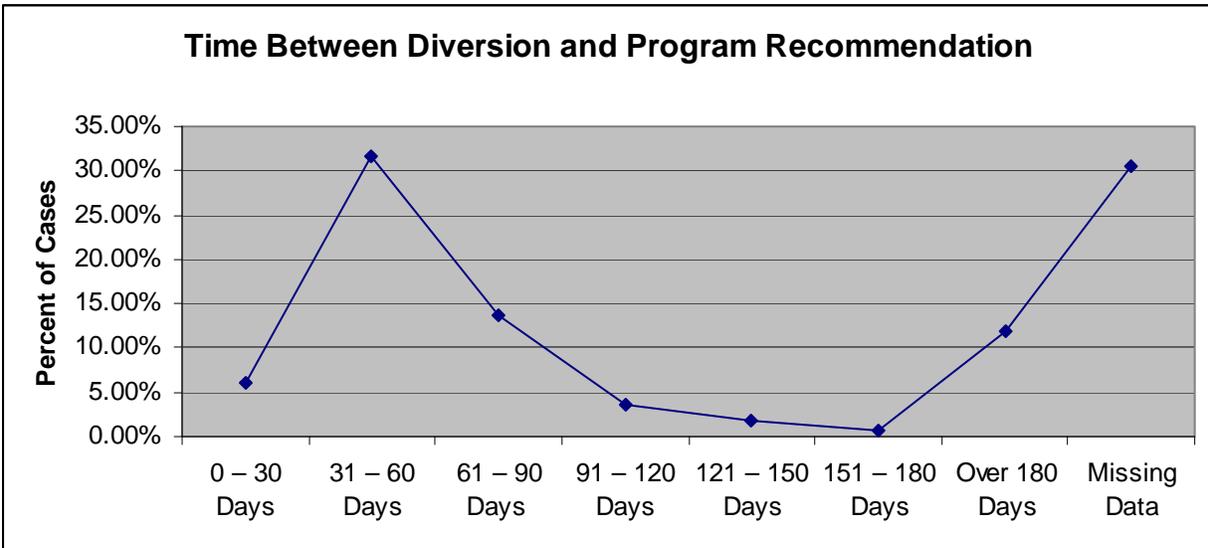


Figure 36
Diversion Decision to Judicial Review of Program Recommendation
ISC Sample
n = 350 Cases



Prior Incident Timeframe

The extent of a juvenile’s prior history is a significant predictor of future delinquency, and is directly related to the juvenile justice programming priority of community protection. In the JCC Sample, as much as 75% of the cases, 249 had no court involvement prior to the sample case. A total of 82, that is, 25% had priors. Of that number 67 or 82% had only 1 or 2 priors (See Appendix III-Table 30). For the 82 JCC cases with priors, there was a wide variation between the time lapse between the prior incident and the sample case, with a median of 311 Days. For 35 of those cases with priors; that is, 43%, the time lapse was one year or more.

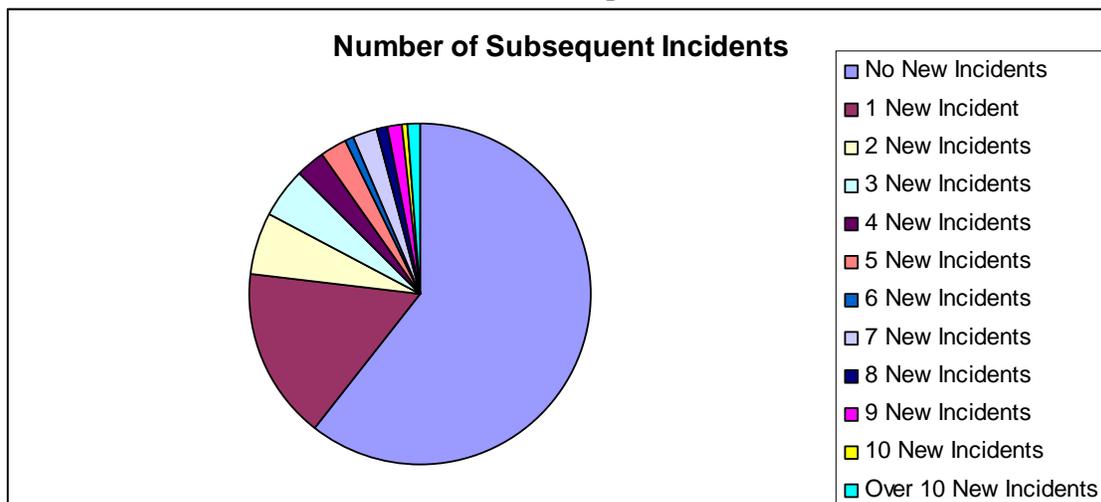
Due to time and resource constraints, details about the prior incident was not pursued. For the same reasons, the variable was not coded for nor analyzed for the ISC sample. These findings

must be considered inconclusive since there were no controls established for the time lapse between the sample case and the prior incident.

Subsequent Incident Timeframe

Subsequent court involvement gives an indication as to how the juvenile justice programming priority of community protection is impacted. As of the data collection phase of this project, a total of 200 cases; that is, 60.4% of the JCC Sample cases had no subsequent incidents (See Figure 37; also, Appendix III-Table 31). Of the 131 cases; that is, 39.6% with subsequent incidents, the time lapse between the sample case and the subsequent incident was varied with a median of 293 Days (See Appendix III-Table 32). Due to time and resource constraints, details about the subsequent incident was not pursued. For the same reasons, the variable was not coded for nor analyzed for the ISC sample. These findings are inconclusive since there were no controls established for the time lapse between the sample case and the subsequent incident.

Figure 37
Number of Cases with Subsequent Incidents
JCC Sample



Diversion Conditions and Service Referrals

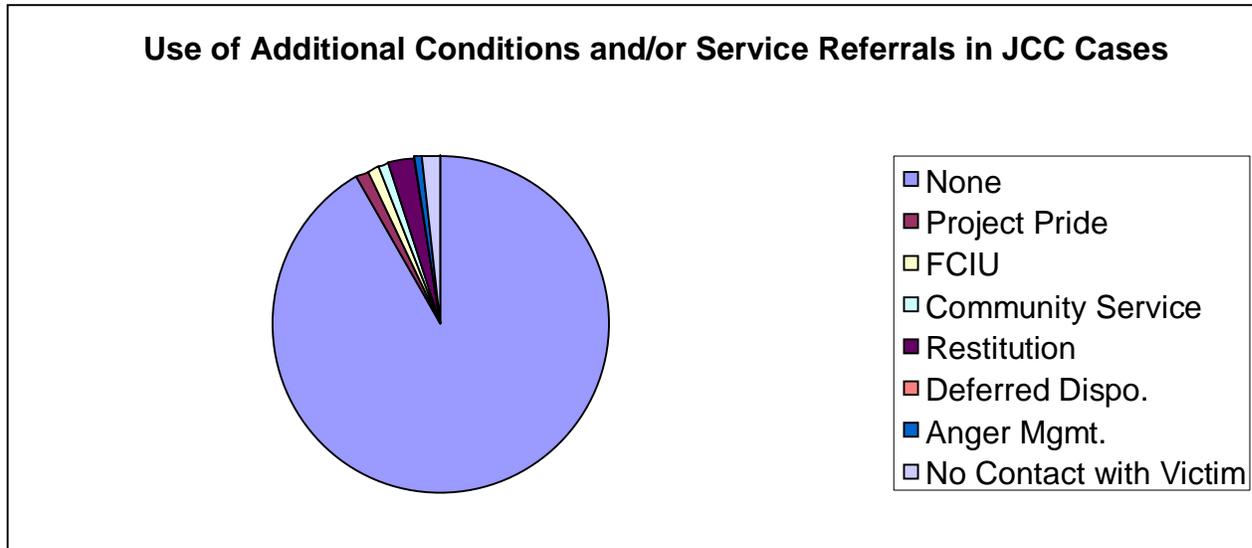
Both JCC and ISC as part of their process require diverted youths to satisfy various types of requirements and/or are referred to services. Contracts are drawn up reflect these requirements and when completed successfully by the diverted juvenile, the program makes a recommendation to the court to have the delinquency case dismissed. The conditions and service referrals contained in these program contracts arguably are additional ways that the programs are able to achieve the three juvenile justice programming priorities of accountability, community protection and competency development.

From time to time, in addition to the conditions and/or service referrals that a diversion program imposes on a diverted juvenile, judges at the point of diversion would also order additional conditions that the juvenile must satisfy and/or include service referrals as part of the diversion. This practice does not apply to diversions that occur at Intake; only with diversions by a judge. For JCC, there are two possible diversion combinations: (1) JCC with no additional conditions, (2) JCC with additional Conditions/Service Referrals. For ISC, the practice is somewhat different. There are three possible diversion combinations in which the second and third combinations are diversions by a judge: (1) In-Court Conference with an Intake Officer with no other condition(s) attached, (2) In-Court Conference with an Intake Officer with one or more additional condition(s) and/or service referrals, and (3) No In-Court conference, but one or more condition(s) and/or service referrals ordered.

In the JCC Sample, 92.4% of the cases; that is, 306 cases did not have an additional condition. A total of 25 cases in the sample had an additional condition; 23 with one additional condition and

two with two additional conditions (See also Appendix III-Table 33). The additional conditions ordered included Project Pride, Family Crisis Intervention Unit (FCIU), Community Service, Restitution, Anger Management and others (See Figure 38; also, Appendix III-Table 34)).

Figure 38
Use of Additional Conditions in JCC Cases



In the ISC Sample on the other hand, a little over half of the cases; that is 57.7% or 202 of the cases did not have an additional condition. In other words, these were the cases that an Intake Officer held an In-Court Conference with the juvenile and his/her parents or guardian. Of the remaining 148 cases, 113 or 32.3% of the total sample had both an In-Court Conference with an Intake Officer plus one or more other conditions ordered by the Judge diverting the case. Of the remaining 10% of the total sample; that is, 35 of the cases, conditions and or service referrals were made with no requirement for an In-Court Conference. The three categories are depicted in Figure 39 below; also, Appendix III-Table 35. The types of conditions ordered for all three categories however cover a whole range of in-court and out-of-court programs and services as depicted in the detailed breakdown provided in Figure 40 below; also Appendix III-Table 36.

Figure 39
Use of Additional Conditions in ISC Cases

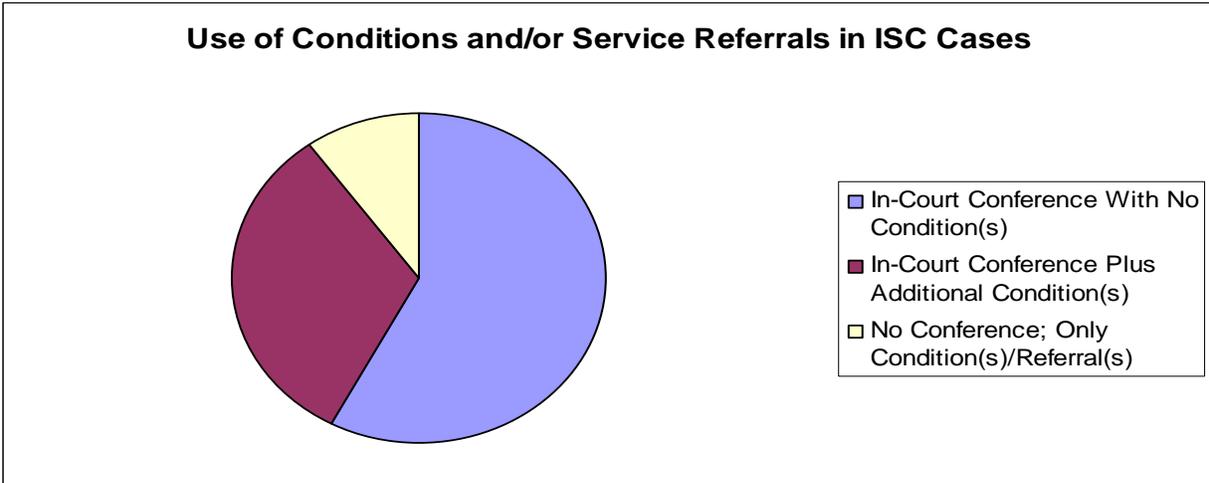
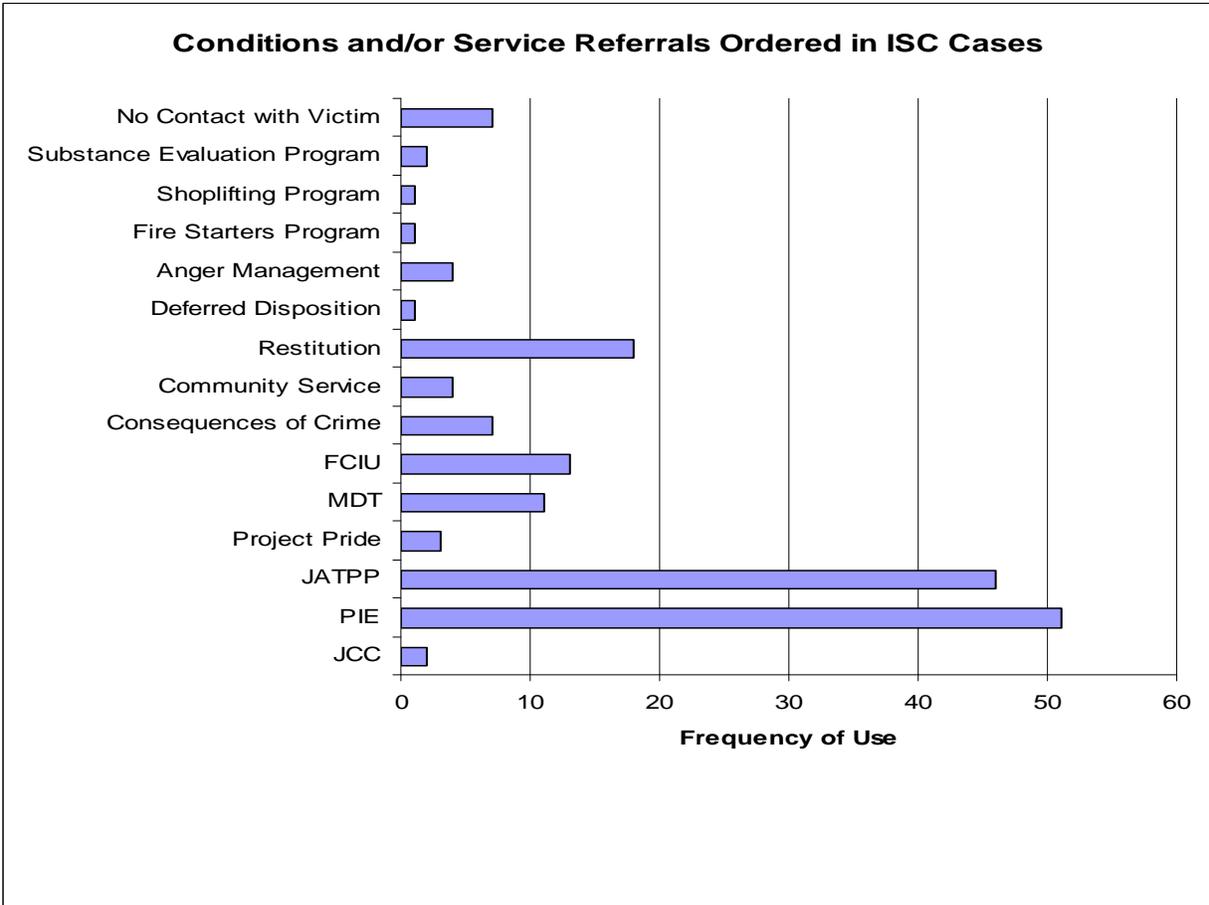


Figure 40
Frequency of Use of Additional Conditions and Service Referrals

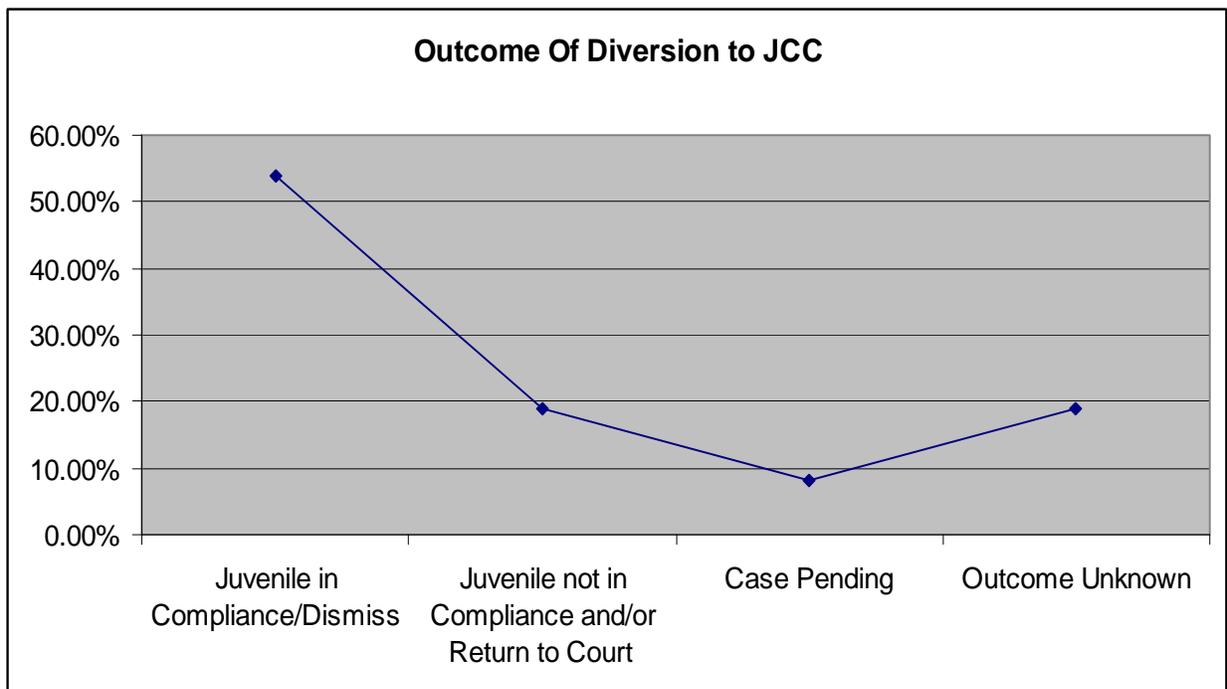


PIE and JATPP are two in-court programs ordered the most as an additional condition in a diverted ISC case (See Figure 40). Amongst the conditions used, Restitution ranks high followed closely by FCIU and MDT. Surprisingly, Community Service was not imposed as frequently contrary to common perception. The most frequent combination was JATPP and Restitution. In one case, there were three conditions including FCIU, Restitution and Anger Management.

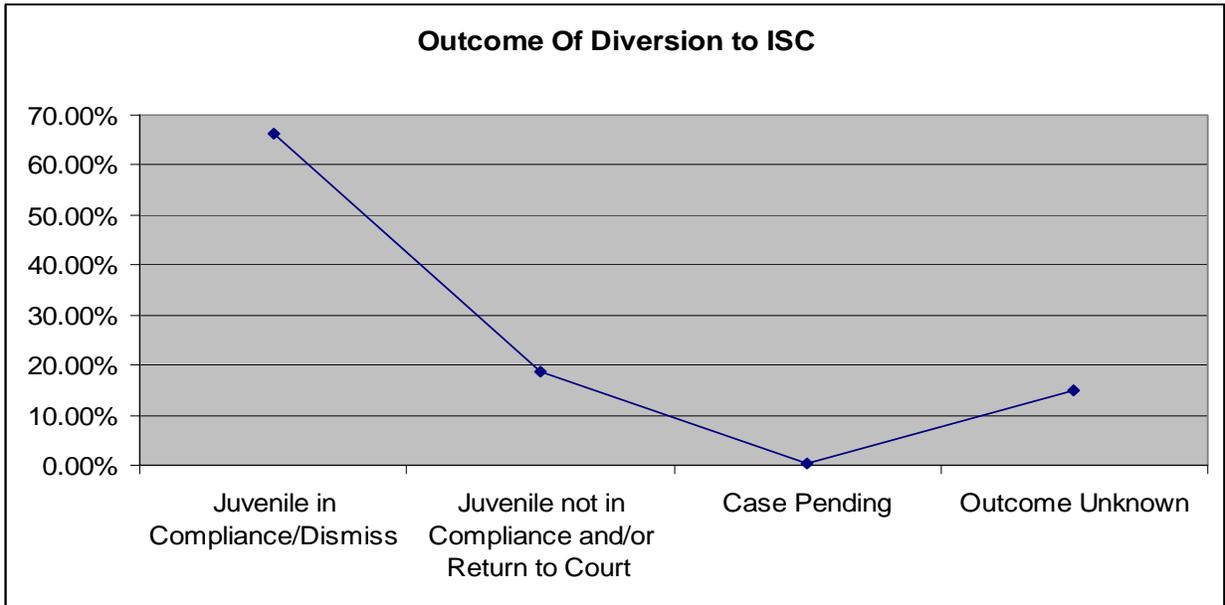
Diversion Outcomes

For both JCC and ISC, the percent of successful diversion as measured by completion of program requirements is relatively high: 53.8% for JCC (See Figure 41; also, Appendix III-Table 37), and 66.3% for ISC (See Figure 42; also, Appendix III-Table 38). However, since the amount of missing data for both programs is high, the results for both are obviously inconclusive.

Figure 41
Diversion Outcome in JCC Cases



**Figure 42
Diversion Outcome in ISC Cases**



SURVEY DATA AND ANALYSIS

Respondent Characteristics

Though the rate of response was low as shown on Table C, with a little over half of the municipalities represented, in combination, the responses received provided great insights into some of the research questions as it pertained to JCC diversions. Particularly, there was a wealth of information in the narrative sections of the survey (See Appendices I-K and I-L).

**Table B
Years of Experience of Survey Respondents (n = 25; No response = 4)**

# of Years of	# of Respondents	%
0 – 5 Years	10	40.0%
6 – 10 Years	8	32.0%
11 – 15 Years	3	12.0%
16 – 20 Years	1	4.0%
21 – 25 Years	2	8.0%
Over 25 Years	1	4.0%

Mean = 9	Median = 6	Maximum = 30
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Since JCC volunteers serve in communities in which they reside, the fact that many of the municipalities were represented on the survey, one can assume that the respondents come from a variety of backgrounds and together, they brought to bear their rich tapestry of experience. Their experience or tenure as JCC volunteers also varied greatly (See Table B above).

**Table C
Committee Affiliation of Survey Respondents**

JCC Committee	Total Members	# of Responders	JCC Committee	Total Members	# of Responders
1. Belleville	4	1	15. Newark – East	0	0
2. Bloomfield	11	2	16. Newark – North	3	2
3. Caldwell	7	1	17. Newark – South	0	0
4. Cedar Grove	5	0	18. Newark – West	6	6
5. East Orange	2	1	19. North Caldwell	3	0
6. Essex Fells	5	0	20. Nutley	13	2
7. Fairfield	8	2	21. Orange	2	3
8. Glen Ridge	6	1	22. Roseland	10	0
9. Irvington	6	2	23. South Orange	5	0
10. Livingston	9	0	24. Verona	6	0
11. Maplewood	3	0	25. West Caldwell	13	2
12. Milburn	2	0	26. West Orange	6	1
13. Montclair	8	1	Missing / Unspecified	N/A	2
14. Newark – Central	2	0	TOTAL	145	29

As a matter of fact, the twenty-nine (29) respondents had a total of 234 collective years of experience as panel members, and one respondent with 30 years of experience as a JCC

volunteer. The wisdom and insight shared by this committed group of citizen volunteers added immeasurable value to this work.

Alignment with Diversion Philosophy

As emphasized elsewhere in this report, JCC conferences are not adjudicatory processes; that is, Committees are not to determine guilt or innocence of the juveniles that appear before them. It was gratifying that 28 of the 29 respondents provided a correct response to the question on this issue. Only one responder provided an incorrect response. The purpose of the question was to elicit whether the volunteers are guided by this very important foundational philosophy that must be strictly adhered to by diversion programs.

Volunteer Training

Strangely, only five respondents gave any type of response to the question on training received in the past one year as a Committee member. All five respondents however listed training received outside of the court system none of which seemed to be relevant to the JCC function. It appears that beyond the intensive orientation provided to new volunteers, no other training is offered on a regular or routine basis to the volunteers. This was confirmed by program staff when they were interviewed. In the narrative portion of the survey, some of the respondents made reference to the need for more volunteer training.

Program Outcomes

It was interesting to find out that more than 75% of the respondents indicated a high successful completion rate for the youths that appear before them (See Table D). Their perception is

obviously much higher than what was reported for the random of JCC cases although for the later, the large number of missing data may have skewed the findings.

Table D
Respondents' Perception of Program Success
n = 29

Response	# of Respondents	%
Less than 20%	0	0.0%
21 – 40%	4	13.8%
41 – 60%	2	6.9%
61 – 80%	1	3.4%
81 – 100%	21	72.4%
Don't Know/Not Sure	1	3.4%
Total	29	100.0%

Program Timeframes

Most of the respondents were of the opinion that the median time from diversion to case dismissal was 3 months or less when the juvenile is in compliance with the recommendations of the committee (See Table E). This does not appear to be supported by the findings from the JCC sample analysis. Granted in that analysis, approximately 34% of data was missing which may have skewed the results but the fact remains that in the remaining 66% of the cases in that sample, the program timeline was for the most part lengthy.

Table E
Program Timeframe for Successful Cases
n = 29

Response	# of Respondents	%
Within 1 Month	3	10.3%
Within 2 Months	4	13.8%
Within 3 Months	17	58.6%
More than 3 Months	5	17.2%
Don't Know/Not Sure	0	0.0%
Total	29	100.0%

With respect to when the juvenile was not in compliance and the case was being returned to court, the responses received could not be generalized (See Table F).

**Table F
Program Timeframe for Unsuccessful Cases**

Response	# of Respondents	%
Within 1 Month	2	6.9%
Within 2 Months	5	17.2%
Within 3 Months	10	34.5%
More than 3 Months	9	31.0%
Don't Know/Not Sure	3	10.3%
Total	29	100.0%

Fulfillment of Terms and Conditions

From the responses received, it appears that the volunteers make use of a good mix of conditions in JCC contracts with those in most frequent use including apology, shoplifting program, referral to child study team, community service, essay writing, improving school attendance, improving grades, and research into future career. The most interesting finding was that all the terms and conditions for which the survey elicited a response are being used in JCC contracts (See Table G). Two additional conditions were mentioned outside of what was queried and they were spending time at the local library and exploring current events.

**Table G
Frequency of Use of Terms and Conditions by JCCs**

Terms/Conditions	Not At All	Very Seldom/ Seldom	Often / Very Often	Total Responses
A. Apology (Written or Verbal)	1 3%	5 17%	23 79%	29 100%
B. Restitution	7 26%	14 52%	6 22%	27 100%

Terms/Conditions	Not At All	Very Seldom/ Seldom	Often / Very Often	Total Responses
C. Community Service	4 15%	6 23%	16 62%	26 100%
D. Curfew	9 32%	14 50%	5 18%	28 100%
E. Loss of License (Parent holds license)	20 80%	3 12%	2 8%	25 100%
F. Loss of privileges at home	12 43%	10 36%	6 21%	28 100%
G. Ban from mall or a particular store(s) or A certain person's property	19 70%	4 15%	4 15%	27 100%
H. Participate in a Shoplifting program	2 8%	2 8%	21 84%	25 100%
I. Participate in any other program which addresses type of offense committed	1 4%	8 30%	18 67%	27 100%
J. Participate in family, individual and/or group counseling	1 4%	8 30%	18 67%	29 100%
K. Refer to Child Study Team or school guidance counselor	8 30%	5 19%	14 52%	27 100%
L. Refer to Family Crisis Intervention Unit (FCIU)	10 37%	10 37%	7 26%	27 100%
M. Refer to DYFS	16 59%	2 7%	2 7%	27 74%
N. Submit to substance abuse evaluation and/or treatment	7 26%	11 41%	9 33%	27 100%
O. Attend AA or other substance abuse support meeting.	10 37%	10 37%	7 26%	27 100%
P. Visit employment office, seek job information, obtain a job, etc.	8 31%	14 54%	4 15%	26 100%

Terms/Conditions	Not At All	Very Seldom/ Seldom	Often / Very Often	Total Responses
Q. Complete a project; e.g., create a poster or other art project	11 39%	8 29%	9 32%	28 100%
R. Check out GED facts	6 22%	9 33%	12 44%	27 100%
S. Write an essay or report; e.g., on the dangers of the offense committed	0 0%	0 0%	27 100%	27 100%
T. Improve school attendance	0 0%	6 21%	23 79%	29 100%
U. Improve grades	0 0%	5 17%	24 83%	29 100%
V. Visit a College	11 39%	7 25%	10 36%	28 100%
W. Conduct research into future career goals	6 22%	6 22%	15 56%	27 100%

Compliance Monitoring

The Juvenile Delinquency Operations Manual¹⁰⁶ and the Guide to Juvenile Conference¹⁰⁷ Committee are both very clear that the responsibility for monitoring the terms and conditions of JCC and ISC rests with the respective programs. In fact, the Juvenile Delinquency Manual specifically states that: “The committee is responsible for monitoring compliance with all conditions set down in the agreement.”¹⁰⁸ The language in the manual with respect to ISC is not as straightforward, but nonetheless suggests an equivalent expectation; e.g.: “If the Intake

¹⁰⁶ See Supra note 13

¹⁰⁷ See Supra note 17

¹⁰⁸ See Supra note 13, page 55.

Service Conference results in continuing the case, monitor the case during the period that the case is held open to determine compliance with the obligations from the conference.”¹⁰⁹

The direction in the manual is supported by language in the Guide to Juvenile Conference Committees which states: “The Committee is responsible for monitoring compliance with all conditions set down in the agreement. For example, if the Committee refers a juvenile or a family to a community agency, the status of the referral should be monitored by the Committee to determine whether the referral has been successful. The juvenile's parent(s) or guardian(s) should be told that a Committee follow-up may include checking the juvenile's progress with agencies such as the Family Crisis Intervention Unit, a juvenile aid bureau, guidance center or drug rehabilitation program.”¹¹⁰

Table H
Responsibility for Ensuring Compliance with Community Service
n = 29

Response	# of Respondents	%
The JCC Committee	6	20.7%
The Probation Department	3	10.3%
The JCC Coordinator	14	48.3%
Don't Know/Not sure	6	20.7%
Total	29	100.0%

A somewhat disturbing finding had to do with who has responsibility for the monitoring of community service when included in a JCC contract; also, who has the responsibility for ensuring that restitution is collected. There seems to be a lack of clarity as to where responsibility falls in both situations. See Table H with respect to Community Service and Table I with respect to Restitution. The question then arises as to what exactly occurs.

¹⁰⁹ See Supra note 13, page 70.

¹¹⁰

Table I
Responsibility for Ensuring Compliance with Restitution Payments
n = 29

Response	# of Respondents	%
The JCC Committee	8	27.6%
The Probation Department	7	24.1%
The JCC Coordinator	8	27.6%
Don't Know/Not sure	6	20.7%
Total	29	100.0%

Resources and Services for Families and Youths

With respect to availability of resources and services for youths and their families in the local communities, the responses received suggest that there may be a wide disparity in availability of these resources and services between communities. While there seems to be abundance in some areas, others may be severely challenged (See Table J). What is most disturbing is the apparent existence of disparity with respect to all the resources and services listed in the survey. The narrative responses clearly raised this as critical issue. Without these resources and services, the work of the committees is seriously compromised. The question that must be asked and answered is whether in fact the resources and services are simply not available or that information and access are limited.

Table J
Availability of Community Resources and Services for Youths and Families

Resources and Services	None At All	Very Few/ Some	A Lot/ Quite A Lot	Total Responses
A. Community Service Sites	4 15%	15 58%	7 27%	26 100%
B. Crisis Services	2 7%	17 63%	8 30%	27 100%

Resources and Services	None At All	Very Few/ Some	A Lot/ Quite A Lot	Total Responses
C. Financial Services	7 27%	15 58%	4 15%	26 100%
D. Educational Services (Tutoring and/or After School Programs)	2 11%	15 50%	11 39%	28 100%
E. Job Placement / Training	4 7%	16 54%	6 39%	26 100%
F. Mental Health Services / Counseling	4 14%	13 46%	11 39%	28 100%
G. Substance Abuse Services	2 7%	15 54%	11 39%	28 100%
H. Offense –Specific Programs; e.g., Shoplifting Programs	6 22%	9 33%	12 44%	27 100%
I. Victim Services	4 16%	15 60%	6 24%	25 100%
J. Youth Activities / Recreation	4 16%	14 60%	10 24%	28 100%
K. Youth and Family Support Services	3 11%	14 50%	11 39%	28 100%

Service Needs

The following are extracted from the narrative responses as service needs:

- Drug rehabs (residential)
- Mentoring programs
- One on one counseling
- After-school programs
- Opportunities for community service
- Parenting classes
- Opportunities to visit jails/prisons
- Peer counseling, Big Brother/Big Sister program.
- A more rigid shoplifting program
- Mental health counseling

- Victims and crisis services
- Family counseling
- Anger management
- Parent/child communication skills
- Youth community place hosting different recreational activities
- School activities, home study and sports
- Strict curfews
- Law enforcement officers advising youth of consequences of crimes
- Employment opportunities
- Intervention in the homes

Operational Needs

The following are extracted from the narrative responses as operational needs:

- Timely receipt of cases
- Help in attracting new members
- Guidance on referral sources and services
- Improved contact information to increase appearance rates
- Access to different agencies that will help the child with their different needs
- More training for JCC members
- Programs for specific offenses; i.e., shoplifting, assault
- Life skills training for the youths
- Partnering with programs that offer mentorship
- More authority over what committees could require kids to do
- Need for Police liaisons
- Staff to sit in on committee meetings
- More ideas for social services and resources
- Members showing up
- More Spanish speaking and male volunteers
- To be allowed to exercise more community service options
- Court to be more forceful towards parent/juvenile no shows
- Court showing more appreciation towards the volunteers

DOCUMENT ANALYSIS

A number of program documents and reports were analyzed to provide additional insight into some of the areas of inquiry; specifically with respect to the organizational and management capacity of the programs, performance measurement and reports, and data management strategies to support daily operations and planning.

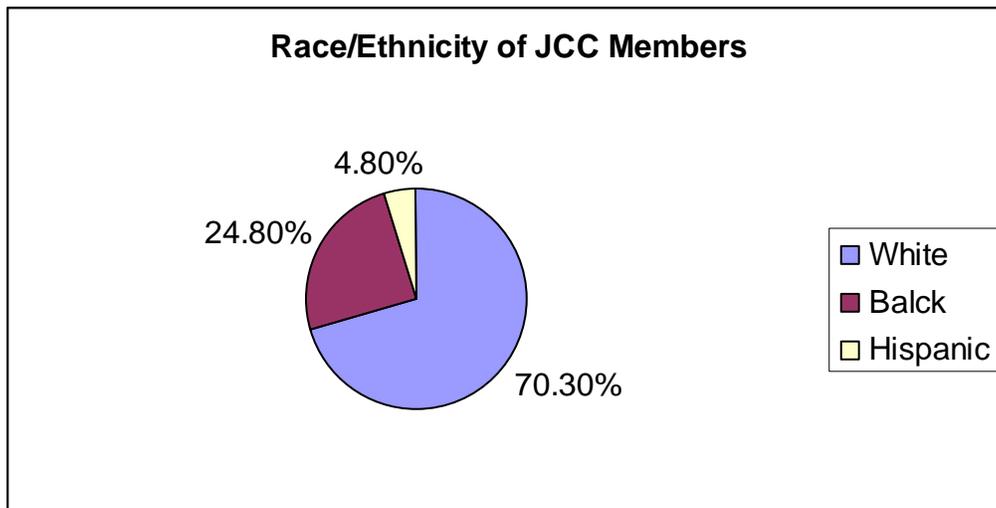
Composition of JCCs

R.5:25-1 provides that JCCs shall consist of not less than 6, nor more than 9 members. Of the 26 JCCs in Essex Vicinage, this requirement is not met in 65% of the Committees. Thirteen (13) Committees have less than the recommended number of members, two of which have no members at all; specifically, Newark – East and Newark-South. Four (4) have more than the required number of members. A related issue is the fact that the Committees with the lowest number of members or no members at all are mostly those in municipalities with the highest number of diverted juveniles. Conversely, the Committees with more than the required number of members are mostly those in municipalities with the lowest number of diverted juveniles.

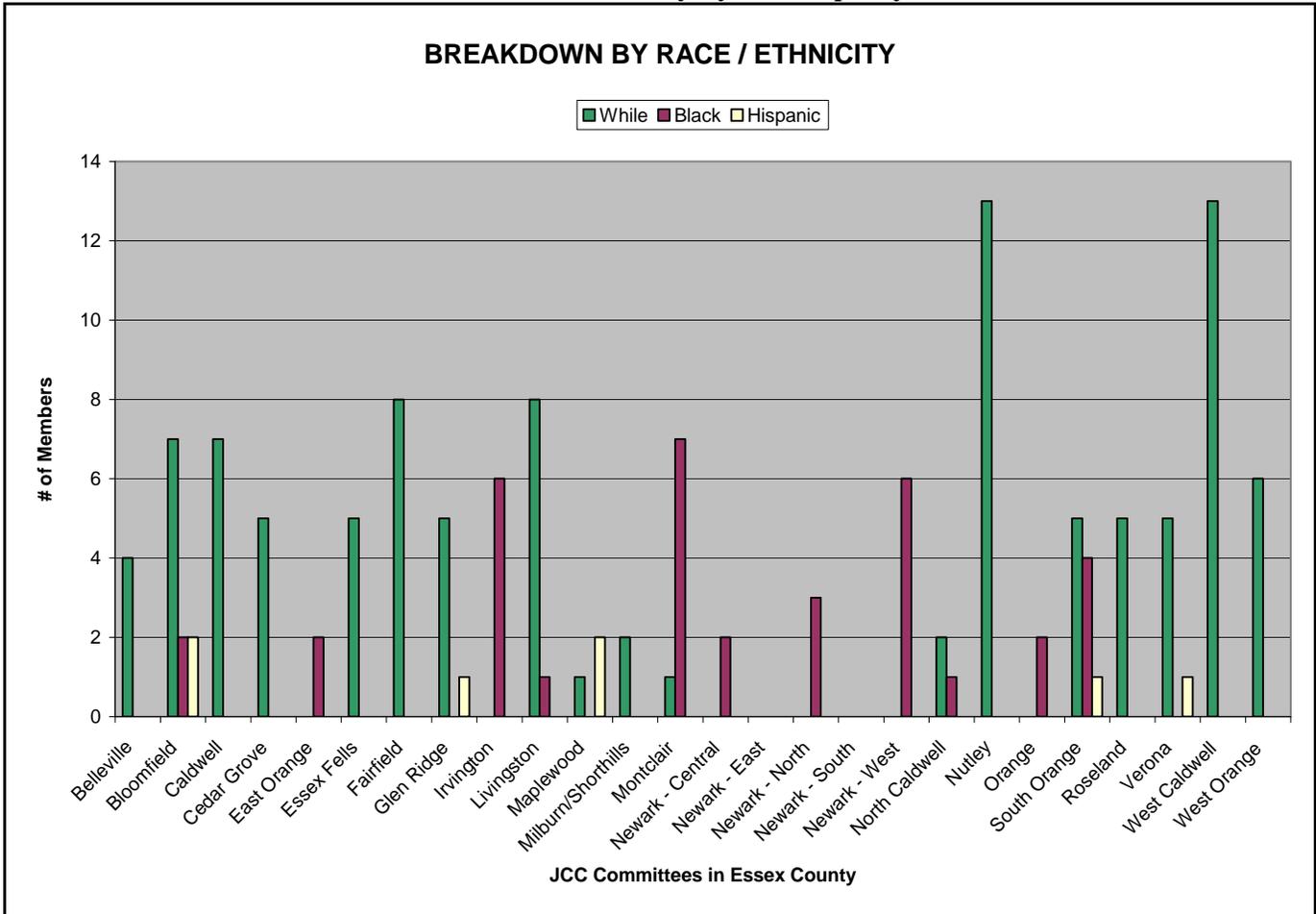
Racial/Ethnic Diversity of JCC Members

As Figure 43 shows, there is clearly poor representation of minority groups on JCCs. A detailed breakdown of the numbers is provided in Appendix I-M, and also depicted in Figure 44 below.

Figure 43
JCC Members by Race/Ethnicity – Essex Vicinage



**Figure 44
JCC Race/Ethnicity by Municipality**



Gender of JCC Members

There are more women on JCCs than men. One of the issues raised in the 1973 study of JCCs by Berkman et al was the lack of representation of all socio-economic elements on some Committees; and inadequate representation of females on Committees generally. That comment seems to still be relevant with respect to representation of ethnic groups (See Figure 44). However, female representation seems to have spiked (See Figure 45). A detailed breakdown by municipality is provided on Figure 46. Additional details are in Appendix I-M.

Figure 45
JCC Members by Gender – Essex Vicinage

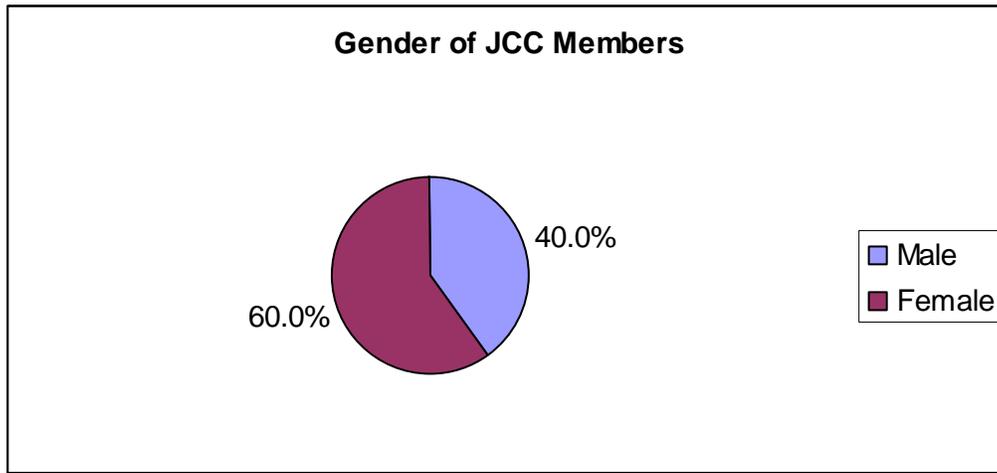
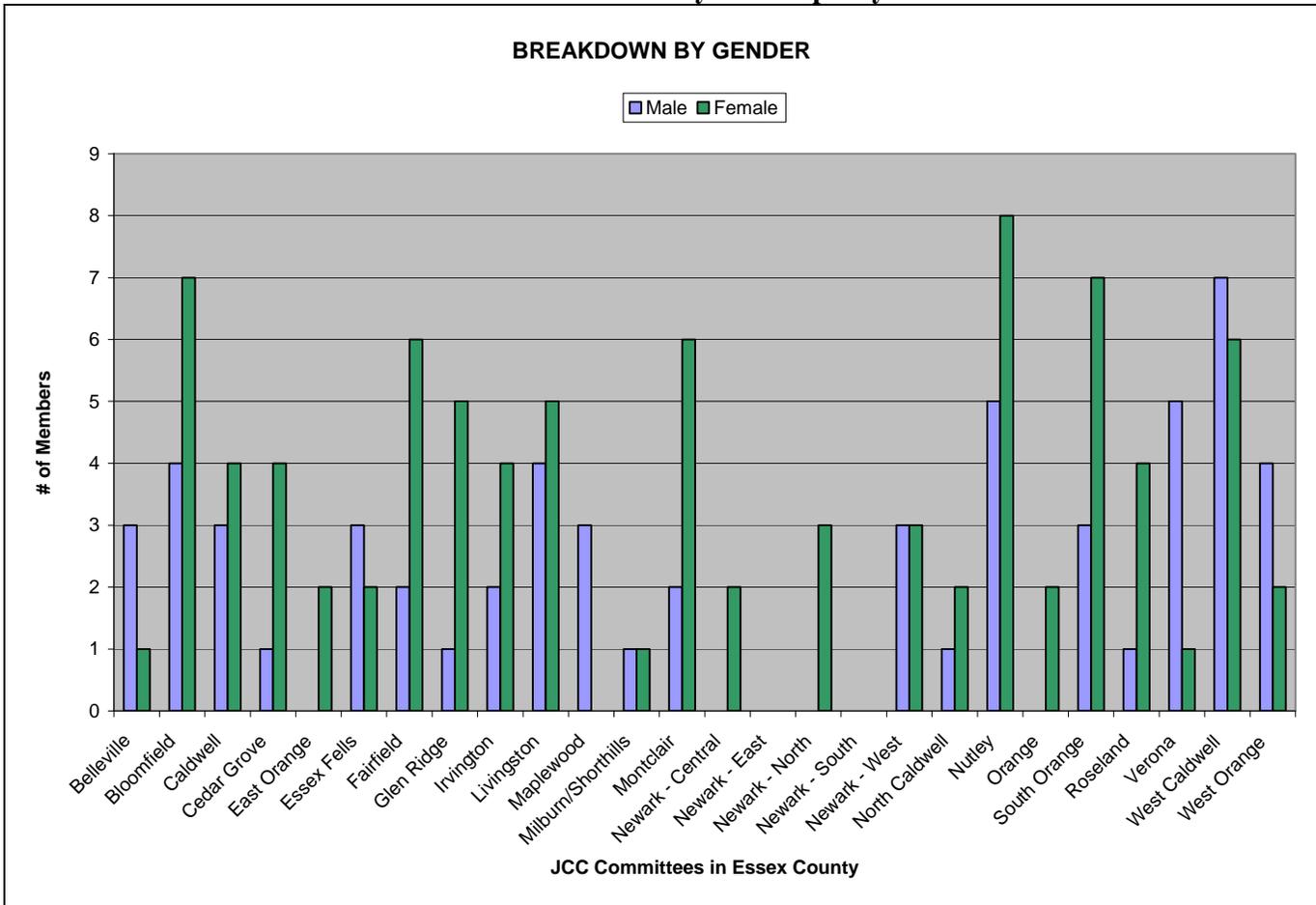


Figure 46
JCC Gender by Municipality



Case Management Strategies

The JCC program requires the use of a Case Control Log (See Appendix II-I) to monitor the individual Committees progress and the results and outcomes of individual cases. The log captures detailed case information and processing timeframes to include the following:

1. Date diversion packet is sent to the Committee
2. Juvenile's name
3. Case number
4. Offense(s)
5. Date of conference
6. Date the judge signs the Agreement/Court Order
7. Type of disposition
8. Date the contract/agreement is to be completed
9. Date the judge signs the order of dismissal
10. Results of judicial review for cases returned to court for re-screening

The finding was that this log is not being used in the monitoring JCC cases, and no such log exists for the monitoring of ISC cases. The record keeping practices of both programs appears to be very rudimentary, cumbersome and inefficient, and could certainly use some improvement.

System generated reports that were analyzed included the following FACTS reports:

1. The Juvenile Diversion Report (Report FMF0227) which lists all cases that are currently in the diversion program
2. The Juvenile Screened Report (Report FMF0228) which lists all cases that are screened

to court or to diversion

3. The Disposed Cases List (Report FMF0225) which lists disposed cases by manner of disposition.

None of the three reports were found to be in use for managing either the JCC or ISC caseloads.

Program Reports

The JCC program has a monthly report that captures details of a Committee's activities during the month (See Appendix II-J) to include the following information:

1. List of active cases before the Committee at the start of the month
2. List of cases received during the month, including cases returned by the court
3. List of cases sent to the court during the month with a recommendation for dismissal; that is, cases in which the juvenile had complied with the terms or conditions of their contract
4. List of cases returned to court during the month; that is, cases where the juvenile and the Committee could not agree, or the juvenile was non-compliant, or cases returned for judicial review or response
5. List of cases pending at the end of the month.

The preparation of this report seems not to occur consistently by all JCCs in the different municipalities. Such a report does not exist for ISC.

For both JCC and ISC, there is a Vicinage specific monthly report requirement that captures the following summary statistics:

1. Number of cases pending at the beginning of the month
2. Number of cases added during the month

3. Number of cases completed during the month both dismissed and returned to court for further court action.

As with the JCC detailed monthly report, the preparation of this report also seems not to occur consistently for both JCC and ISC.

STAFF INTERVIEW

General Observations

The purpose of interviewing program staff was three-fold. The first was to gather their input generally about processes, procedures, practices and the organization, structure and the internal management of JCC and ISC. The second was to have staff take an introspective look at the effectiveness of specific techniques and the efficiency of program operations, and thirdly, to solicit recommendations on what administrative and/or procedural changes, if any, are needed to improve the overall management of the programs.

A major contribution of the staff interviews to the project as a whole was that it helped validate the findings obtained from the other data sources particularly the random sampling, opinion survey, and the document analysis. For example, staff confirmed the finding that was arrived at earlier that most diversions are occurring at the judge level rather than at intake; the apparent reason being that fewer cases seem to meet the criteria for diversion at intake. They observed that the corresponding impact of this trend in diversion decision making is that the programs are handling more and more high-level offenses.

Timeliness of Processes

When asked about program timelines and timeframes, in unison they quickly commented that there are significant delays in receiving cases diverted at intake as well as by a judge. They admitted that in fact, they have come to expect such delays and consider them routine. They also pointed out that frequently some cases actually fall through the cracks and they would be totally unaware of the of the diversion until they receive a call from a parent asking for the date of the conference at which point they would then go in search of the case. The timely scheduling of conferences does not appear to be a problem with the ISC program; however, it is a problem with some JCCs particularly those with few panel members or none at all as is the case with the Newark-East and Newark-South JCCs. For those two non-functioning Committees, their cases are currently being handled by the JCCs in neighboring municipalities.

For the same reasons stated above, staff confirmed that for some JCCs, the timeframes for submitting recommendations to court is prolonged. The ISC staff reported no such problems and estimated that the median time from diversion to case dismissal for cases in which the juvenile is in compliance with program recommendations is within three months. JCC staff that on the other hand estimated the timeframe for JCC cases to be more than three months. Naturally, delays in the receipt of cases combined with delays in scheduling conferences and submitting recommendations would ultimately protract program timeframes.

Fulfillment of Terms and Conditions

Regarding the frequency of use of specific terms and conditions in JCC contracts, the JCC staff matched the responses compiled from the survey of JCC members. The terms and conditions that

were clearly in frequent use include requiring juveniles to make an apology to the victim, perform community service, improve grades, improve school attendance, check out information on GED, participate in a shoplifting program or other program that addresses the type of offense committed, participate in counseling, or write an essay on the dangers of committing the offense for which the juvenile was charged. Very surprisingly, restitution did not make the list. Also unexpected was the apparent lack of variety in the terms and conditions used by the Committees.

On the same issue of frequency of use of terms and conditions, the ISC staff reported many similarities with JCC but there were also significant dissimilarities. Similarities with JCC included frequently requiring juveniles to make an apology to the victim, improve grades, improve school attendance, check out information on GED, participate in a shoplifting program or other program that addresses the type of offense committed, participate in counseling, or write an essay on the dangers of committing the offense for which the juvenile was charged. Interestingly, ISC seems to use more variety of terms and conditions than JCC some of which include curfew, referrals to child study team or school guidance counselor, referrals to the Family Crisis Intervention Unit (FCIU), attend AA or other substance abuse support meeting, or submit to substance abuse evaluation and/or treatment.

Compliance Monitoring

On the subject of monitoring the terms and conditions agreed to in program contracts, ISC staff discussed two very significant ongoing issues. First was with respect to restitution and the second, community service both of which are no longer in frequent use as they were in the past. Staff expressed deep disappointment in the inability to use both conditions due to the ongoing

debate about how compliance can be effectuated, and which office(s) the responsibility lies if not with the ISC Officer. The issues surrounding restitution and community service seem not to be unique to ISC. JCC staff also acknowledged that there seems to be quite a bit of confusion surrounding the monitoring of restitution and community service in JCC cases. When asked about service needs and availability of resources in the community for youths and families, their responses were very much in line with the responses received from the survey of JCC members which is that it depends on the municipality; the suburban municipalities faring a whole lot better than the urban municipalities.

Training

The discussion on training and development was very revealing and thought provoking. On the subject of training of JCC Volunteers, staff stated that the program has not been providing any additional training beyond the comprehensive orientation and training provided to new volunteers which is contrary to statewide recommendation that volunteers should receive relevant training on an annual basis. With respect to staff training, the JCC staff is very well situated being that participation is required at quarterly statewide meetings which are organized and led by AOC staff. Besides the fact that the meetings are frequently used as training sessions, they provide an opportunity for participants to share ideas with staff from other Vicinages and to network. The ISC Officer on the other hand who is charged with responsibility for conducting conferences and making recommendations to judges on higher level diverted cases does not enjoy such deliberate training and development opportunities.

Program Outcomes

On the subject of program outcomes, the staff expressed mixed results. On one hand, they acknowledged a high program completion rate; 60% – 80% for JCC and 80% – 100% for ISC, but simultaneously, they observed that many of the youths return to court with a new offense or two which are again diverted, sometimes to the same program. In those circumstances, they perceive less favorable outcomes and lower completion rates, but without statistics to back up the claim, their comments can only be considered as conjecture at this point.

CONCLUSIONS AND RECOMMENDATIONS

This study set out to answer seven research questions covering the following areas: 1) The nature and extent of juvenile diversion in Essex Vicinage; 2) Screening and decision to divert; 3) Timeliness and expeditiousness of major events; 4) Strategies used to achieve three juvenile-justice programming priorities of accountability, community protection and competency development; what types of recommendations and/or agreements are made by the respective programs, how compliance is achieved; 5) Organizational and management issues; 6) Performance measurement, what success looks like; and 7) Data management strategies needed to support planning and program operations. Much has been learned about the each of the areas of inquiry but also, in many instances, the findings have raised new questions, which is quite satisfactory given that this was an exploratory research. The conclusions and suggested recommendations are presented below in no specific order:

CONCLUSION 1

Though the diversion population in Essex Vicinage is very diverse, there is an apparent disparity in the rate of diversion for certain youths particularly in terms of gender, age, and residence.

It stands to reason that the older youths would have a lower diversion rate because presumably, there is a greater likelihood of them having prior court involvement; therefore making them ineligible for the diversion programs; particularly the lower level program, JCC. However, there is no supporting research that indicates that females commit less serious offenses than males; therefore making them more eligible than males for diversion services. Similarly, there is no

supporting research indicating that suburban youths commit less serious offenses than urban youths, therefore making them more eligible for diversion services.

RECOMMENDATION 1

Conduct a more rigorous analysis on diversion rate by gender, age, residence, and race/ethnicity for the same time period as the study, but control for factors that potentially influence diversion decision such as offense type, delinquency history, and objection of the victim or complainant. Repeat the analysis for CY 2009 to date.

Disproportionality at major decision points in the juvenile justice system continues to be an issue of great concern. It is of course being addressed by different committees and stakeholder groups both locally and at state level. The expectation is that all youths who meet diversion criteria at any decision point in the juvenile delinquency process should receive equal consideration irrespective of race/ethnicity, gender, age, and/or residence. It would be interesting to see if the new analysis disproves the findings indicating that the heightened attention to disparity issues within the New Jersey Judiciary, and in Essex Vicinage in particular has been effective.

CONCLUSION 2

Essex Vicinage appears not to be giving youths as much chances at diversion as other Vicinages given the fact that it ranks in the middle range with respect to rate of diversion to ISC, and at the bottom of the State with respect to JCC.

Using the intake screening criteria as a starting point, there quite possibly may not be as many new/not previously adjudicated cases filed in Essex Vicinage that qualify for JCC and ISC as is the case in many other Vicinages. This statement takes into consideration the existence of

multiple complaints including the less serious ones that might have been diverted. Even with judges exercising their discretion to divert higher level offenses to either program as they obviously do, it appears that an imbalance may still exist notwithstanding the results of the random sampling of JCC cases which showed a very aggressive diversion rate for serious offenses including 3rd and 2nd, even some 1st degree offenses.

RECOMMENDATION 2A

Conduct a retrospective review of all cases that were screened at intake over a three month period focusing on all cases that failed to qualify for diversion and determine if the decision not to divert at intake was made appropriately or not.

RECOMMENDATION 2B

Review Essex and Statewide data on the use of Curbside and Station House Adjustments and compare Essex's figures with other counties, particularly those with comparable delinquency filings.

Digging deep into plausible explanations for Essex having few filings that meet intake screening criteria for diversion to JCC and/or ISC is where this argument rightly begins. Intuitively, there are two plausible explanations to explore. The first is whether intake screeners are screening appropriately and diverting all they should. Second is the underlying assumption that many of the minor offenses that would have qualified for JCC are being handled by the police at the charging level. The fact that most diversions in Essex Vicinage occur not at intake but at judge level suggests that the diversion pool in Essex consists of serious cases for which the decision to divert could only be made by a judge.

Confirming the theory about the impact of Curbside and Station House Adjustments would make an interesting study. Either way, such a study would help explain the continuous decline in juvenile delinquency filings in Essex Vicinage in recent years, or the better alternative, attest to the fact that low-level juvenile crime has waned.

CONCLUSION 3

JCCs and ISC are conferencing a significant number of cases with serious charges, including 2nd degree, even 1st degree offenses which raises questions as to the sufficiency of the training and professional support provided to enable them effectively conference and service these high-level delinquency matters.

Clearly, the volunteers do not receive any additional structured training beyond the comprehensive orientation and training which they receive as new JCC members. Also, though the AOC encourages that they be exposed to other relevant training during the course of the year while they continue to serve as JCC panel members, the fact is that they are not provided with any additional training for the duration of their term.

The ISC Officer does not fare better on this issue either, possibly worse in that there are no structured training in connection with the functions of the position, yet is conferencing possibly more serious offenses than JCC being that it is the higher-level program. This conclusion however must be tempered with the fact that the higher-level offenses referred to in this context may have been downgraded or diverted due to lack of proof or victim cooperation.

RECOMMENDATION 3A

Veteran JCC members should be provided with at the minimum one major training event during the course of the year beyond the training and orientation that they receive as new JCC members to provide them with the tools and current methodologies to effectively conference these higher-level cases.

RECOMMENDATION 3B

The ISC Officer should be provided with continuous training and professional development opportunities for the same reasons stated above to include participation in the many workshops and conferences offered yearly to juvenile justice stakeholders and practitioners.

RECOMMENDATION 3C

Training for the JCC volunteers and the ISC Officer should include not only substantive topics but also such soft skills as effective communication, conflict resolution techniques, and mediation skills; also, gender specific training, diversity training, and the availability and use of community resources.

RECOMMENDATION 3D

Need to explore the possibility of the ISC Officer attending the quarterly statewide meetings of JCC Coordinators since issues related to ISC are discussed at these meetings possibly because in many Vicinages, the JCC Coordinator also doubles as the ISC Officer

RECOMMENDATION 3E

Create opportunities for the JCC members and the ISC Officer to network with service providers in the community. The ISC Officer, for example, could participate in the Case Conferencing of the Juvenile Justice Re-Entry Initiative (JJRI) and other such juvenile justice collaborative initiatives attended by service providers

RECOMMENDATION 3F

Newly assigned ISC Officers should be mentored by the Juvenile Referee or other assigned quasi-judicial officer.

The fact of the matter is that the ISC Officer is a quasi-judicial officer; yet in sharp contrast, the Juvenile Referee though a higher level quasi-judicial officer is afforded ample training and development opportunities. In fact, the Juvenile Referee Program Standards¹¹¹ is quite clear on the issue of training for Juvenile Referees.

The standards state: No juvenile referee shall hear a case without experience or training in all of the following areas:

- the Code of Juvenile Justice (including appropriate dispositions and the family-based disposition philosophy), the Code of Criminal Justice, and the Rules of Evidence,
- the standards approved by the Supreme Court,
- Conflict resolution techniques, and
- the availability and use of resources and services in the Vicinage

¹¹¹ Administrative Office of the Courts, “Juvenile Referee Program Standards – Revised” available on line at www.judiciary.state.nj.us

Juvenile Referees also receive continuous training by participating in monthly statewide meetings. These meetings facilitate the sharing of information, keeping abreast with new policies, procedures and standards promulgated by the Court. It also serves as a professional networking opportunity to facilitate growth and development.

CONCLUSION 4

There is some evidence of delay in the filing of diverted cases which may or may not indicate a greater scope of the problem; therefore should be verified and acted on.

Delay in filing raises several issues. First, for the juvenile in question and his/her family, such delays must be frustrating, not knowing the outcome of police action on the case. Excessive delays in filing could give the affected juvenile a false sense of security and no expectation of consequences, which may lead to further delinquency. For the court system, such delays translate into irregular flow of cases with potential negative impact on case management performance.

RECOMMENDATION 4

Identify the primary sources of delay; that is, which police departments and dialogue with the Prosecutor regarding possible corrective measures.

Over the past several years, the Essex Family Division has taken steps to address this issue. For example, on a monthly basis, the division tracks the level of compliance with this 7-day filing time standard and shares the report with the various police municipalities. It appears that the report, though it contains pertinent information is not sufficient to self correct the problem. Clearly, the issue needs to be addressed via appropriate channels.

CONCLUSION 5

There are indications of delay in the diversion process from the point of diversion through to case closure including real possibilities of cases falling through the cracks.

Two points in the process responsible for bottlenecks are: 1) The receipt of cases diverted at intake, and 2) Diversions ordered by a judge. The current practice of depending on chance to receive cases from these two sources cannot continue.

RECOMMENDATION 5

Design and develop a new and improved case management structure and adopt new case management strategies and practices for the respective programs.

There are a number of excellent case management tools that are not being used. A good starting point would be to begin using the Juvenile Diversion Report (Report FMF0227), the Juvenile Screened Report (Report FMF0228), and the Disposed Cases List (Report FMF0225) in managing the caseloads; and for JCC, the JCC Case Control Log is an excellent monitoring tool. The Log could be modified to fit ISC operations.

Each of the dates in the log from the date of receipt of the case through to date of judicial signature to dismiss is an important milestone in the life of a diversion case, and is to be tracked in all JCC cases and should as well in all ISC cases. Other case management strategies would include funneling all diversions through one central point as opposed to the current multiple channels; case conferencing similar to Detention Review and/or Alternative Review; and establishing intermediate time standards to supplement statewide standards in the diversion process.

CONCLUSION 6

Many JCCs lack adequate number of volunteers to be fully effective.

For JCCs, timeliness of processes is to a great extent a function of the number of volunteers, particularly in high volume municipalities many of which unfortunately struggle with the low membership. Without adequate volunteers, conferences cannot be scheduled timely and a vicious circle sets in affecting other committee's activities.

RECOMMENDATION 6

Develop new strategies to recruit volunteers especially for the urban centers where caseload volume highest.

Intensify recruitment of African American volunteers for the majority African American municipalities particularly Newark Central, Newark East, Newark West, and Newark North. One of the issues raised in the 1973 study of JCCs by Berkman et al was the lack of representation of all socio-economic elements on some Committees, and inadequate representation of females on Committees generally. Some out of box thinking include developing a video about JCC and the benefit to youths and the community in general for presentation at community sites and events; also to City Council, PTA, Social Service Organizations, and School Boards. Also, more intensified community outreach efforts in low membership municipalities.

CONCLUSION 7

Despite the low response rate from the survey of JCC volunteers, those who responded offered great suggestions and ideas for improvement; plus brought to light new issues and concerns to further enhance the effectiveness of JCCs.

The twenty-nine (29) volunteers who responded to the survey in combination had a total of 234 collective years of experience as panel members. From that many years of experience is wisdom worth listening to and learning from. The JDAI effort and other initiatives such as JJRI have resulted in heightened attention being paid to youths at the front-end including those in detention, are in an alternative program; or on re-entry status. Acting on the ideas and suggestions from volunteers and staff of the diversion programs is a means whereby heightened attention may also be paid to youths at the back-end with the goal of preventing, even if only a few, from advancing to the front-end.

RECOMMENDATION 7A

Share the following list with the Youth Services Commission regarding areas for which the JCC members perceive as areas of service need:

- **Mentoring programs**
- **One on one counseling**
- **After-school programs**
- **Opportunities for community service**
- **Parenting classes**
- **Opportunities to visit jails/prisons**
- **Peer counseling, Big Brother/Big Sister program.**
- **A more rigid shoplifting program**
- **Other offense specific programs; e.g., assault**
- **Mental health counseling**
- **Victims and crisis services**
- **Family counseling**
- **Anger management**
- **Life skills training for the youths**
- **Parent/child communication skills**
- **Youth community place hosting different recreational activities**
- **School activities, home study and sports**
- **Strict curfews**
- **Law enforcement officers advising youth of consequences of crimes**
- **Employment opportunities**
- **Intervention in the homes**

RECOMMENDATION 7B

Follow-up and act on the ideas and suggestions for operational improvement:

- **Improve timeliness of receiving cases**
- **Help in attracting new members**
- **Provide guidance on referral sources and services**
- **Provide improved contact information to increase appearance rates**
- **Provide access to different agencies to help youths with their different needs**
- **Provide more training for JCC members**
- **Partnering with programs that offer mentorship**
- **More authority over what committees could require kids to do**
- **Need for Police liaisons**
- **Staff to sit in on committee meetings**
- **More ideas for social services and resources**
- **Members showing up at meetings/conferences**
- **Need for more Spanish speaking and male volunteers**
- **To be allowed to exercise more community service options**
- **Court to be more forceful towards parent/juvenile no shows**
- **Court showing more appreciation towards the volunteers**

Admittedly, some of the ideas and suggestions are immediately feasible while others may require further deliberation. Those that are immediately doable include for example:

- a) Developing a Resource Guide targeting specific municipalities for use by the Committees. The guide could include such community contacts such as YMCA, social service agencies, recreation centers, youth groups, churches, libraries, non-profit organizations, etc. Also, a list of resources available in the community, or offered through the Court by subject area.
- b) Having a dialogue with the prosecutor's office to have police liaisons actively engaged with all of the Committees. Police liaisons are an additional resource to the Committees and those that have them rave about the support that they provide and the value that they add to the Committee's work with the youths. All Committees should

have such access and support, which would translate to more information and services to the youths.

To further engage the volunteers, the results of the survey should be shared with all Committees plus a detailed implementation plan.

RECOMMENDATION 7C

Repeat the survey in two years and act on the ideas and suggestions provided.

Two years is sufficient enough time to implement most of the ideas and suggestions in this report. A survey within a two year timeframe would serve as a point of assessment as to what has been accomplished or yet to be accomplished, and an opportunity to confront new challenges.

CONCLUSION 8

The inability to use community service as a condition in a contract seems to be a source of frustration to both the JCC volunteers and the ISC Officer.

Research shows that community service is a very important means of accomplishing two of the juvenile justice programming priorities of accountability and competency development; and the payment of restitution is a means of reparation to the victim. While it is understandable that the volunteers and the ISC Officer feel strongly about instituting processes to achieve both, it should be recognized that there are inherent challenges with working this out with JCC for local kids. With restitution for example, proof has to be provided by the victim. In addition, the juvenile has the right to an ability to pay hearing which exacerbate the difficulty of use of the condition in both JCC and ISC.

RECOMMENDATION 8

The underlying issue of liability that seems to discourage the use of community service in particular can be overcome strategically.

One method of doing so could be in the form of asking parents to take the initiative to look for opportunities of community service within their municipalities and arrange the experience for their youths when required. A letter from the site verifying compliance can then be submitted by the parent or juvenile to the Committee or ISC Officer. A form letter could also be developed for use in this regard so that the community site would only need to sign and place an official stamp on the form letter to verify number of hours of community service that has been satisfied. Parents could also be provided with a list of possible sites with a disclaimer stating that the Court in no way endorses any of the sites listed and the list is to serve only as a guide.

CONCLUSION 9

Both programs seem to be operating in silos, clearly not the most effective or efficient structure for them to access necessary resources and attention, including the wealth of experience and expertise within the local juvenile justice community.

Whether by deliberate design or otherwise, the two programs are operating somewhat autonomously, with more external oversight than internal, and are not even partially integrated into the juvenile delinquency case processing framework. This is clearly not the most effective or efficient structure for them to be able to access necessary resources. Program staff seem to have a running list of long standing issues and concerns with no apparent clear avenue or mechanism in place for their issues to receive timely attention.

RECOMMENDATION 9

Develop and implement strategies to provide both programs with exposure and support from the local juvenile justice stakeholders and practitioners.

It appears that both programs are at a juncture where without infusion of resources and acute management attention, they may begin to manifest evidence neglect. The resources in question do not necessarily have to be financial. For example, adding the diversion as a standing agenda item on the two major stakeholder meetings, the Youth Services Commission and the Local Council for Juvenile Justice System Improvement will bring both programs into the forefront of discussion and dialogue.

CONCLUSION 10

Neither JCC nor ISC measure performance beyond the counting of cases diverted.

As discussed in the Literature Review section of this report, the Deschutes County Department of Juvenile Community Justice, Bend, Oregon, for example utilizes specific benchmarks to measure performance within their balanced and restorative justice framework¹¹². They measure for example, the amount of restitution ordered and the percentage of payment by the offender to the victim. For community service, they measure the fulfillment rate and value of work performed using the hourly value equivalent to the minimum wage. They also measure the rate of re-offense as determined by commission of subsequent offenses within a one-year time frame following juvenile court intake. Finally, using victim satisfaction survey, they are able to document victim participation in the diversion process, the nature of that participation, and the degree to which victims feel they experienced justice.

¹¹² See Supra note 35.

RECOMMENATION 10

Design and develop regular reports on program performance to include such variables as program completion rates, rate of return to court during adjustment period, compliance rates with respect to the various terms and conditions ordered; for example, percent restitution paid, hours of community service completed, etc.

“Good ideas are not adopted automatically. They must be driven into practice with courageous impatience. Once implemented, they can be easily overturned or subverted through apathy or lack of follow-up, so a continuous effort is required.” ----- Admiral Hyman G. Rickover

The following performance measures should be reported on routinely whether weekly, monthly or quarterly as appropriate by both programs unless indicated otherwise:

A. Demographic Characteristics and Trends of New Cases:

- i. Total cases diverted to program within a specified timeframe
- ii. Breakdown by race/ethnicity (# and %)
- iii. Breakdown by gender (# and %)
- iv. Breakdown by municipality of residence (# and %)
- v. Breakdown by age (# and %)

B. Case Processing Timeliness; e.g.:

- i. # and % of cases received within 1 day of diversion from intake
- ii. # and % of cases received within 2 days of diversion by a judge
- iii. # and % of cases mailed out to JCCs within 2 days of receipt (JCC only)
- iv. Total cases conferenced within the specified timeframe

- v. # and % of cases conferenced within 3 weeks of receipt (ISC only)
- vi. # and % of cases conferenced within 4 weeks of receipt (JCC only)
- vii. # and % of cases of no show within the specified timeframe
- viii. # and % of cases for which a recommendation is made to court within 4 weeks from diversion (ISC only)
- ix. # and % of cases for which a recommendation is made to court within 5 weeks of diversion (JCC only)

C. Case Outcomes

- i. Total amount of restitution paid within the specified timeframe
- ii. # and % of youths in compliance with restitution payments
- iii. Total number of community hours served within the specified timeframe
- iv. Total value of community service using minimum wage as the base
- v. # and % of youths in compliance with community service requirements
- vi. # and % of youths successfully completing program requirements and have their cases dismissed
- vii. # and % of cases returned to court for non-compliance

D. Volunteer Management

- i. Total # of volunteers by municipality
- ii. Breakdown by race/ethnicity (# and %)
- iii. Breakdown by gender (# and %)
- iv. # and % of Committees with full membership

- v. Total # of volunteers recruited within specified timeframe
- vi. Breakdown of new volunteers by municipality

E. Training

- i. Training offered to program staff and JCCs
- ii. Total participants

Distribution of these measures should include a wide audience within the Essex Vicinage as well as JCC volunteers as appropriate to provide them with some evidence of the outcome of their efforts in “helping young people to deal with their problems.”

A FORWARD LOOK

The above recommendations are indeed ambitious. It is therefore acknowledged that a lot of dialogue will be needed to help refine and prioritize what can be accomplished in the short and long term. It is also acknowledged that the most critical underpinning of the effort is the judicial leadership that will be needed to keep the focus on improving the overall effectiveness of JCCs and the ISC to better meet the needs of the children of Essex County. The good news is that the leadership already exists, as is the commitment of the staff fueled by the spirit of cooperation and collaboration that is characteristic of the Essex Vicinage juvenile justice community.

APPENDIX I

Appendix I-A Where Diverted Youths Reside

MUNICIPALITY OF RESIDENCE		CY 04/05		CY 05/06		CY 06/07		CY 07/08		CY 08/09	
		All Juvs.	Diverted	All Juvs.	Diverted	All Juvs.	Diverted	All Juvs.	Diverted	All Juvs	Diverted
1	Belleville Township	85	40	76	39	69	40	70	29	50	28
2	Bloomfield Township	101	54	85	41	110	41	81	40	38	21
3	Caldwell Borough	12	5	17	8	6	2	14	8	6	5
4	Cedar Grove Twp.	12	6	22	11	12	4	9	3	3	1
5	East Orange City	370	135	328	128	326	104	319	135	302	126
6	Essex Fells Borough	3	0	2	2	4	2	0	0	1	0
7	Fairfield Township	13	9	12	4	25	6	16	4	26	11
8	Glen Ridge Borough	16	13	14	7	26	18	17	9	9	0
9	Irvington Township	238	89	225	98	229	75	226	86	187	65
10	Livingston Township	35	17	21	9	33	18	43	10	11	8
11	Maplewood Twp.	74	42	70	39	78	26	51	21	53	22
12	Milburn Township	28	26	15	6	15	9	17	4	29	10
13	Montclair Township	143	86	148	81	148	70	111	52	106	48
14	Newark City *	1363	486	1464	578	1651	543	1352	467	1051	391
15	North Caldwell Boro.	14	5	10	6	7	4	11	4	11	5
16	Nutley Township	75	45	77	51	58	26	59	20	40	21
17	Orange City	91	36	147	57	109	41	133	65	93	42
18	Roseland Borough	1	1	1	0	4	4	3	2	2	2
19	South Orange Village	25	14	16	11	20	8	10	6	9	3
20	Verona Borough	19	6	41	17	29	29	26	10	12	5
21	West Caldwell	18	9	18	9	18	7	8	5	2	0

Appendix I-A
Where Diverted Youths Reside

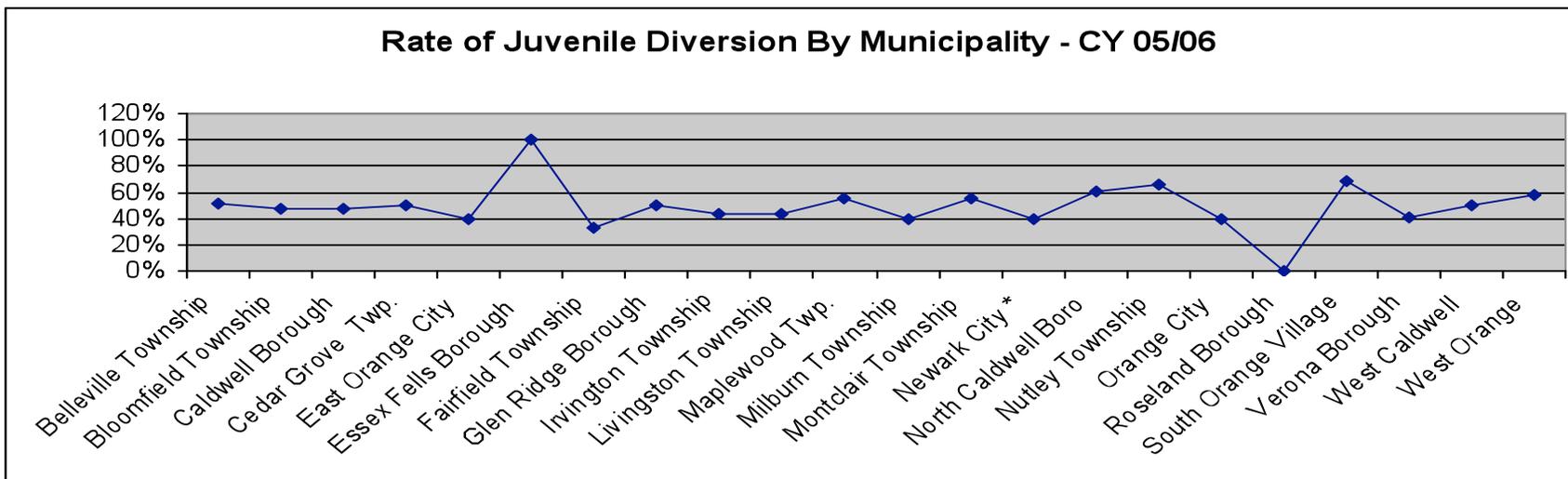
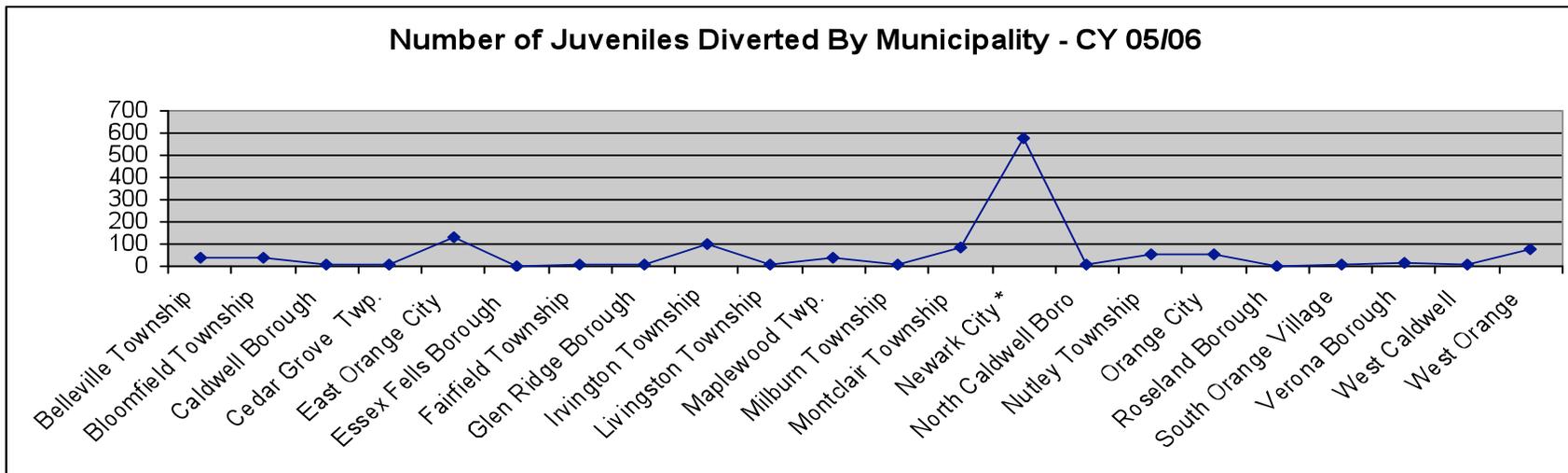
MUNICIPALITY OF RESIDENCE	CY 04/05		CY 05/06		CY 06/07		CY 07/08		CY 08/09	
	All Juvs.	Diverted	All Juvs.	Diverted	All Juvs.	Diverted	All Juvs.	Diverted	All Juvs	Diverted
22 West Orange	125	71	130	75	100	41	102	36	95	55
Essex County Total	2861	1195	2939	1277	3077	1118	2678	1016	2136	869
Out of County Total	54	20	41	10	27	2	36	5	51	9
Missing Data	422	175	466	179	312	94	359	120	716	307
Grand Total	3337	1390	3446	1466	3416	1214	3073	1141	2903	1185

* **NOTE:** *Includes Newark Central, Newark East, Newark North, Newark South, and Newark West JCCs Combined*

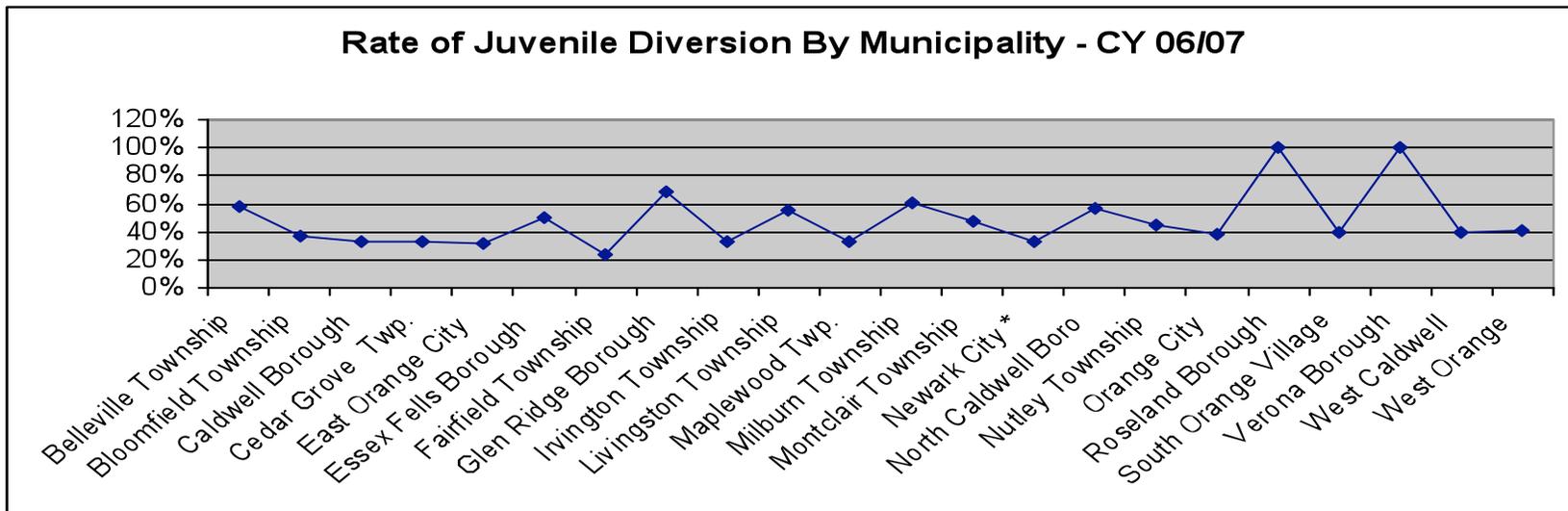
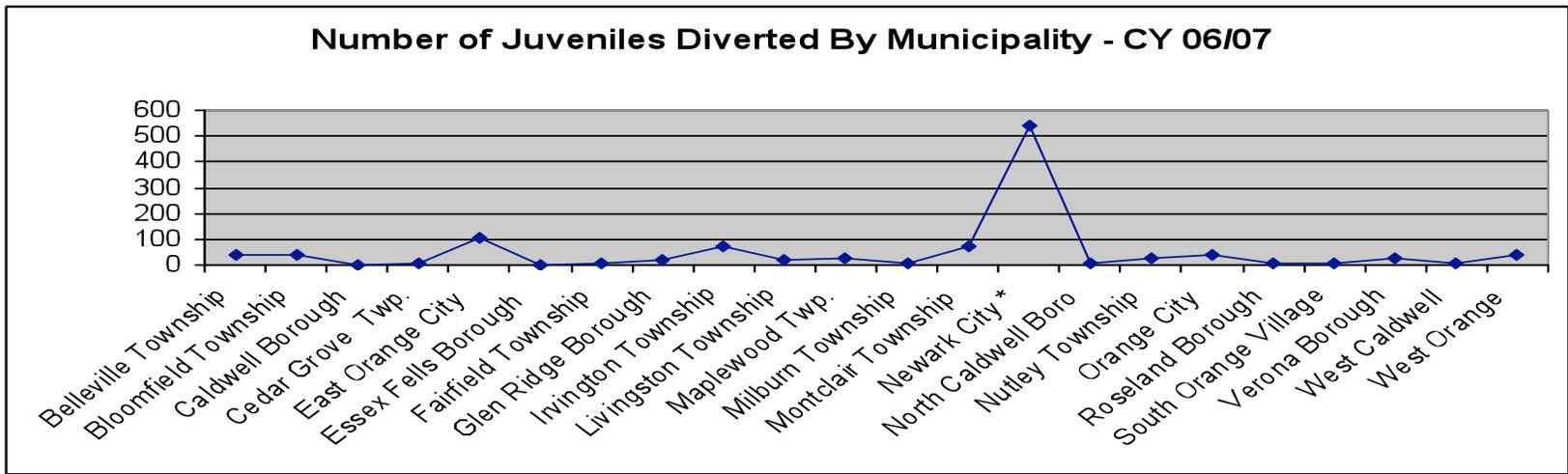
Appendix I-B
Rate of Diversion by Municipality

Municipality of Residence	CY 04/05	CY 05/06	CY 06/07	CY 07/08	CY 08/09
Belleville Township	47%	51%	58%	41%	56%
Bloomfield Township	53%	48%	37%	49%	55%
Caldwell Borough	42%	47%	33%	57%	83%
Cedar Grove Twp.	50%	50%	33%	33%	33%
East Orange City	36%	39%	32%	42%	42%
Essex Fells Borough	0%	100%	50%	N/A	0%
Fairfield Township	69%	33%	24%	25%	42%
Glen Ridge Borough	81%	50%	69%	53%	0%
Irvington Township	37%	44%	33%	38%	35%
Livingston Township	49%	43%	55%	23%	73%
Maplewood Twp.	57%	56%	33%	41%	42%
Milburn Township	93%	40%	60%	24%	34%
Montclair Township	60%	55%	47%	47%	45%
Newark City *	36%	39%	33%	35%	37%
North Caldwell Boro	36%	60%	57%	36%	45%
Nutley Township	60%	66%	45%	34%	53%
Orange City	40%	39%	38%	49%	45%
Roseland Borough	100%	0%	100%	67%	100%
South Orange Village	56%	69%	40%	60%	33%
Verona Borough	32%	41%	100%	38%	42%
West Caldwell	50%	50%	39%	63%	0%
West Orange	57%	58%	41%	35%	58%

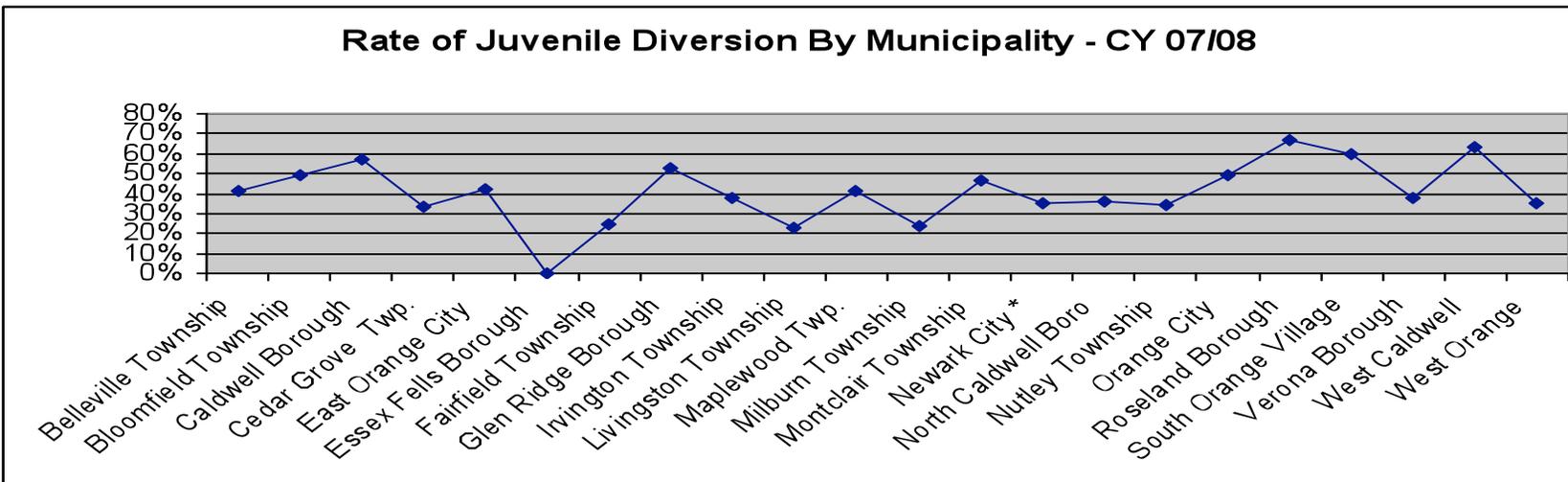
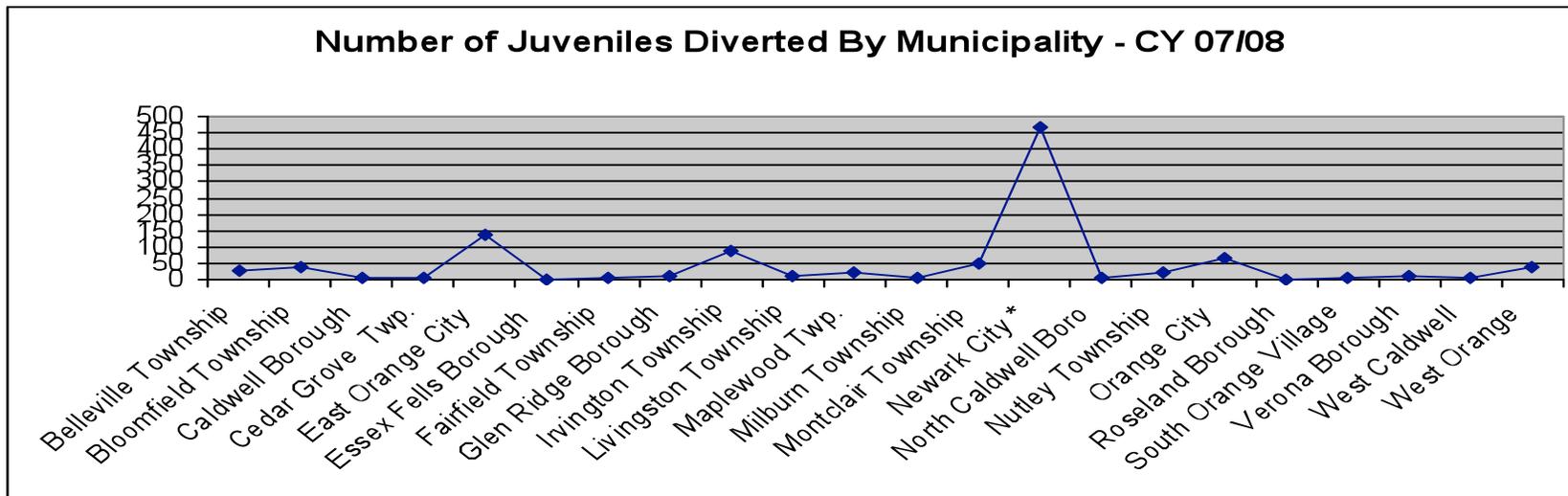
**Appendix I-C
Number of Youths Diverted Compared to Rate of Diversion
CY 05/06**



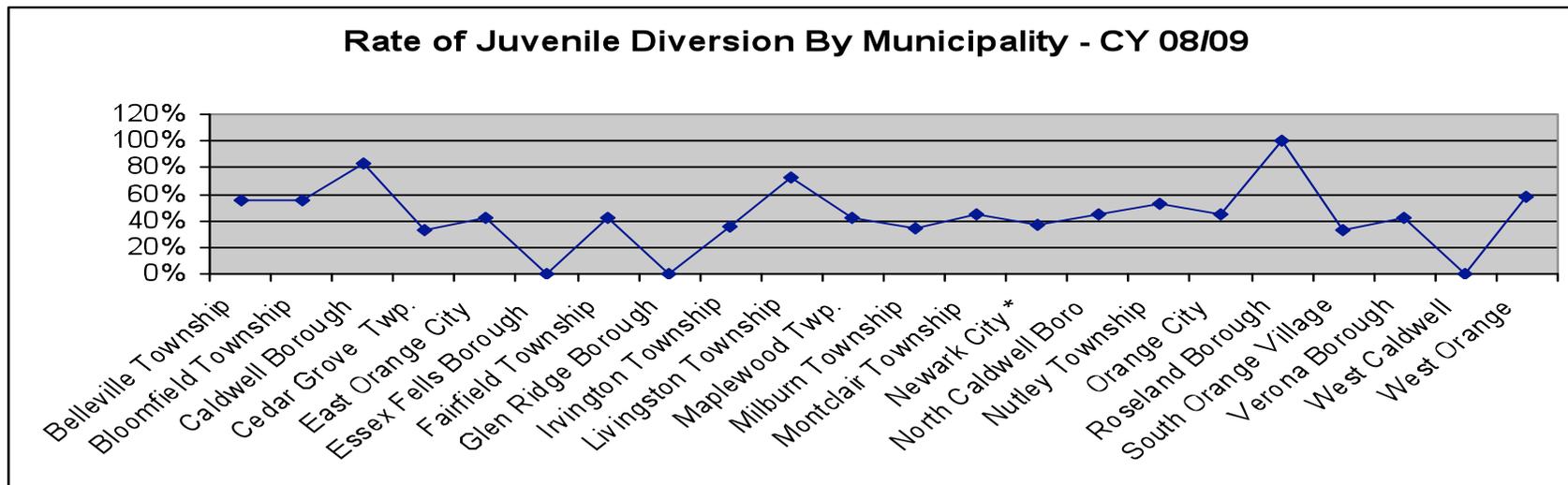
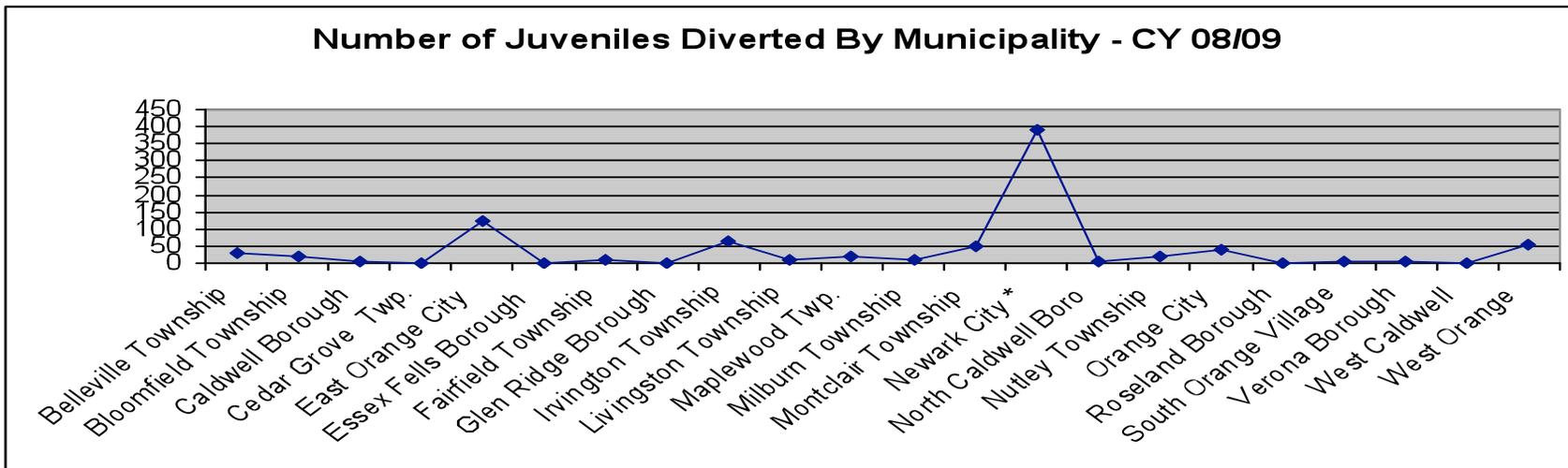
Appendix I-D
Number of Youths Diverted Compared to Rate of Diversion
CY 06/07



**Appendix I-E
Number of Youths Diverted Compared to Rate of Diversion
CY 07/08**



Appendix I-F
Number of Youths Diverted Compared to Rate of Diversion
CY 08/09



**Appendix I-G
OFFENSES DIVERTED IN ESSEX VICINAGE
5-YEAR TREND**

Court Year (July 1 – June 30)

<u>Statute</u>	<u>DESCRIPTION</u>	04/05	05/06	06/07	07/08	08/09
2C:11	Offenses Involving Danger To The Person: Murder, purposely causing death, felony murder, aggravated manslaughter	0	0	0	0	0
2C:12	Assault; Reckless Endangering; Threats: Simple assault w/ or w/o menacing, aggravated assault, deadly weapon, bodily injury, terrorize	436	412	279	267	229
2C:13	Kidnapping And Related Offenses; Coercion: Criminal restraint, false imprisonment, etc.	1	1	1	6	1
2C:14	Sexual Offenses: Sexual assault, aggravated sexual assault, criminal sexual contact; film, tape nudity/sexual acts, sell/trade images of sexual acts	11	18	15	37	61
2C:15	Robbery	13	25	35	34	52
2C:16	Bias Crimes	2	1	12	0	0
2C:17	Arson, Criminal Mischief And Other Property Destruction:	112	144	130	71	63
2C:18	Burglary And Other Criminal Intrusion: With or without bodily injury; with or without a weapon; trespassing (home, structure, school, etc.)	121	138	134	126	142
2C:19	N/A	0	0	0	0	0
2C:20	Theft And Related Offenses: Unlawful taking, car jacking, theft by deception, extortion; receiving stolen property; theft of services	304	303	310	333	401
2C:21	Forgery and Fraudulent Practices: Money, securities; drivers license, identity fraud; receiving, taking, fraudulent use, intent to use/sell credit card	6	4	6	10	3
2C:22	N/A	0	0	0	0	0
2C:23	N/A	0	0	0	0	0

**Appendix I-G
OFFENSES DIVERTED IN ESSEX VICINAGE
5-YEAR TREND**

<u>Statute</u>	<u>DESCRIPTION</u>	<u>Court Year (July 1 – June 30)</u>				
		04/05	05/06	06/07	07/08	08/09
2C:24	Offenses Against The Family. Children and Incompetents: Endangering welfare of children	1	0	1	2	12
2C:25	N/A	0	0	0	0	0
2C:26	N/A	0	0	0	0	0
2C:27	N/A	0	0	0	0	0
2C:28	Perjury And Other Falsification In Official Matters: Witness tampering and retaliation, fictitious reports	4	6	4	5	11
2C:29	Obstructing Governmental Operation; Escapes: Obstructing detection, prosecution; resisting arrest w/ force, eluding police, hindering apprehension	87	97	82	98	94
2C:30	N/A	0	0	0	0	0
2C:31	N/A	0	0	0	0	0
2C:32	N/A	0	0	0	0	0
2C:33	Riot, Disorderly Conduct, and Related Offenses: Disturbing the peace, loitering, fighting, harassment, refusing to obey, alcoholic beverage in public	262	287	231	225	201
2C:34	Public Indecency	2	0	0	0	2
2C:35	Controlled Dangerous Substances (CDS): Possession, use, under the influence; manufacture, distributing on school premises, public housing, park	361	365	511	463	464
2C:36	Drug Paraphernalia	42	36	26	33	41

**Appendix I-G
OFFENSES DIVERTED IN ESSEX VICINAGE
5-YEAR TREND**

<u>Statute</u>	<u>DESCRIPTION</u>	<u>Court Year (July 1 – June 30)</u>				
		04/05	05/06	06/07	07/08	08/09
2C:37	N/A	0	0	0	0	0
2C:38	N/A	0	0	0	0	0
2C:39	Firearms, Other Dangerous Weapons and Instruments of Crime:	170	201	163	126	116
2C:40	Hazing	1	0	13	0	0
2C:5	Inchoate Crimes (Criminal Attempt, Conspiracy, Burglar's Tools, Motor Vehicle Master Keys)	73	98	129	101	110
2C:58	Unlawful possession of firearm by a juvenile	1	1	0	1	1
00:00	Any Local Ordinance (Disorderly Person, Petty Disorderly Person)	46	10	21	11	14
	Other	7	6	4	2	1
	<u>TOTAL</u>	<u>2063</u>	<u>2153</u>	<u>2107</u>	<u>1951</u>	<u>2019</u>

Appendix I-H

Sample #:

Name of Coder

JCC CODING SHEET

VARIABLE	DESCRIPTION	CODE
1. Docket Number	Docket number of specified case	Enter Docket #:
2. Diversion Status Date	Date of decision to divert juvenile for specified case. <i>[Use list provided]</i>	Enter mo/day/year; e.g., 01/01/2003 (If missing, please enter 00/00/0000)
3. Party ID #	Party ID associated with the specified case / docket	Enter Party ID:
4. Juvenile ID #	Juvenile ID associated with specified case / docket	Enter Party ID:
5. Birth Date	Juvenile's Date of Birth	Enter mo/day/year; e.g., 01/01/2003
6. Race	Juvenile's Race	1. White 2. Black 3. Hispanic 4. Asian / Oriental 5. American Indian 6. Other / Unknown
7. Sex	Juvenile's Gender	1. Male 2. Female
8. Municipality of Residence	Juvenile's Residence. <i>[Please use Municipality Codes provided]</i>	Enter Residence:
9. Incident Date	Incident date associated with specified case/docket.	Enter mo/day/year; e.g., 01/01/2003
10. Filing Date	Filed date associated with specified case/docket.	Enter mo/day/year; e.g., 01/01/2003
11. Number of Charges	Number of charges associated with specified case/docket.	Enter exact number:
12. Most Serious Charge	Most serious charge associated with specified case/docket. <i>[Please use only the adapted RST Severity of Offense Scale provided.]</i>	1. Category I Offenses _____ 2. Category II Offenses _____ 3. Category III Offenses _____ 4. Category IV Offenses _____ 5. Category V Offenses _____ 6. None of the Above

Appendix I-H

Sample #:

Name of Coder

JCC CODING SHEET

VARIABLE	DESCRIPTION	CODE
13. Number of Prior Incidents	Number of previous arrests / incidents not including VOP.	Enter exact number:
14. Docket # and Date of Immediate Prior Incident	Date associated with the immediate prior incident not including VOP.	Docket #: Enter mo/day/year; e.g., 01/01/2003
15. Number of Subsequent Incidents	Number of new arrests / incidents since this docket (<i>Please No VOPs.</i>)	Enter exact number:
16. Docket # and Date of Immediate Subsequent Incident	Date associated with the immediate new incident not including VOPs.	Docket #: Enter mo/day/year; e.g., 01/01/2003
17. Diversion Decision Maker	Who made the decision to divert juvenile for selected case/docket?	1. Intake 2. Referee 3. Judge
18. Diversion Program	The specific diversion program that juvenile is screened for at intake or by judge for specified case/docket.	1. JCC – without Conditions / Referrals (i.e., Straight JCC) 2. JCC – with Conditions / Referrals
19. Conditions and Referrals	Additional conditions and/or referrals ordered by court for specified case/docket. (<i>Please check all that apply.</i>)	1. Not Applicable 2. JCC 3. PIE 4. JATPP 5. Project Pride 6. MDT 7. FCIU 8. Consequences of Crime 9. Community Service 10. Restitution 11. Deferred Disposition 12. Anger Management 13. Fire Starters Program 14. Shoplifting Program 15. Substance Abuse Eval. Program 16. Any Other Not Listed Above Please Specify:
20. Program Outcome and Recommendation	Status of juvenile’s compliance with terms and conditions of program and resulting recommendation to court.	1. In Compliance / Dismiss 2. Return to Court 3. Case Pending 4. Unknown
21. Date of Judicial Review and Signature	Date of Judicial review of program recommendation. (<i>Use Order Screen</i>)	Enter mo/day/year; e.g., 01/01/2003

**Coding for JCC Variable #8
Municipality of Residence**

1. Belleville	13. Montclair
2. Bloomfield	14. Newark
3. Caldwell	15. North Caldwell
4. Cedar Grove	16. Nutley
5. East Orange	17. Orange
6. Essex Fells	18. Roseland
7. Fairfield	19. South Orange
8. Glen Ridge	20. Verona
9. Irvington	21. West Caldwell
10. Livingston	22. West Orange
11. Maplewood	23. Out of County
12. Milburn / Shorthills	

**Coding for JCC Variable #12¹
Most Serious Charge**

Code	Description
1. Category I Offenses	Any 1° Offense, 2° Violent/Persons Offense, 2° Weapons, 2° Arson, 2° Eluding.
2. Category II Offenses	All Other 2° Offenses, 3° Violent/Persons Offense, 3° Weapons, 3° Arson, 3° Eluding.
3. Category III Offenses	All Other 3° Offenses, 4° Violent/Persons Offense, 4° Weapons.
4. Category IV Offenses	All Other 4° Offenses.
5. Category V Offenses	DP/PDP Offenses
6. None of the Above	None of the Above

¹ Adopted from the New Jersey Juvenile Justice Commission; Coding for the Most Severe Current Offense, Detention Screening Tool.

Appendix I-I

Sample #:

Name of Coder

ISC CODING SHEET

VARIABLE	DESCRIPTION	CODE
1. Docket Number	Docket number of specified case	Enter Docket #:
2. Diversion Status Date	Date of decision to divert juvenile for specified case. <i>[Use list provided]</i>	Enter mo/day/year; e.g., 01/01/2003 (If missing, please enter 00/00/0000)
3. Party ID #	Party ID associated with the specified case / docket	Enter Party ID:
6. Diversion Decision Maker	Who made the decision to divert juvenile for selected case/docket?	1. Intake 2. Referee 3. Judge
7. Diversion Program	The specific diversion program that juvenile is screened for at intake or by judge for specified case/docket.	1. ISC – In Court Conference without Conditions 2. ISC – In Court Conference with Conditions / Referrals 3. ISC – No Conference, Only Conditions / Referrals
8. Conditions and Referrals	Additional conditions and/or referrals ordered by court for specified case/docket. <i>(Please check all that apply).</i>	1. Not Applicable 2. JCC 3. PIE 4. JATPP 5. Project Pride 6. MDT 7. FCIU 8. Consequences of Crime 9. Community Service 10. Restitution 11. Deferred Disposition 12. Anger Management 13. Fire Starters Program 14. Shoplifting Program 15. Substance Abuse Eval. Program 16. Any Other Not Listed Above Please Specify:
9. Program Outcome and Recommendation	Status of juvenile's compliance with terms and conditions of program and resulting recommendation to court.	1. In Compliance / Dismiss 2. Return to Court 3. Case Pending 4. Unknown
10. Date of Judicial Review and Signature	Date of Judicial review of program recommendation. <i>(Use Order Screen)</i>	Enter mo/day/year; e.g., 01/01/2003

Appendix I-J

Superior Court of New Jersey Essex Family Division

Juvenile Conference Committee Member Survey

We are conducting a study of juvenile diversion programs in the Essex Family Division. One of the aspects of the study is to gauge the opinion of JCC volunteers about juvenile diversion as practiced in the Vicinage.

As a JCC Committee member, your opinion is very important to us and will assist the Court in continuing to improve the diversion process and available programs, specifically, the Juvenile Conference Committee (JCC), one of the two approved court programs for diverting youths charged with minor acts of delinquency.

We recognize that your time is valuable, so we've designed a short survey that should take no more than 10 minutes of your time to complete.

First, please tell us about yourself:

A. Which municipality do you currently serve as a JCC Committee member?

(Please specify): _____

B. Have you served as a JCC member in other municipalities in the past?

Yes

No

C. How many years experience do you have as a JCC Committee member? _____ Total Years.

D. What trainings have you received within the past one (1) year in your capacity as JCC Committee member? (Please list all)

(1) _____ (3) _____

(2) _____ (4) _____

On the basis of your knowledge and experience, please respond to the following:

Q1. JCC conferences are adjudicatory processes; Committees must determine guilt or innocence of the juveniles that appear before them.

- (1) True
- (2) False
- (3) Don't Know/Not Sure

Q2. Of the total number of cases heard by your Committee, what percent complete their program successfully and have their cases dismissed?

- (1) Less than 20%
- (2) 21 to 40%
- (3) 41 to 60%
- (4) 61 to 80%
- (5) 81 to 100%
- (6) Don't Know/Not Sure

The following two questions relate to the timeliness of the JCC process. (Note: The median is the middle number in a set of numbers with half above and half below).

Q3. In your estimation, what is the median time from diversion to case dismissal when the juvenile is in compliance with the Committee's recommendations?

- (1) Within 1 month
- (2) Within 2 months
- (3) Within 3 months
- (4) More than 3 months
- (5) Don't Know/Not Sure

Q4. In your estimation, what is the median time from diversion to case closure when the juvenile is not in compliance with the Committee's recommendations and the case is being returned to court?

- (1) Within 1 month
- (2) Within 2 months
- (3) Within 3 months
- (4) More than 3 months
- (5) Don't Know/Not Sure

JCCs are primarily concerned with: "providing balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community, the development of competencies to enable juvenile offenders to become responsible and productive members of the community, and preventing juvenile offenders from more serious future misconduct."

Q5. To achieve the above purposes, how often does your Committee make use of the terms or conditions listed below in a JCC contract? (Please check one box for each item. If your

Committee uses other conditions that are not listed here, please specify those if any in lines "X" through "Z")

<u>Terms and Conditions in a ICC Contract</u>	Not At All (1)	Very Seldom (2)	Seldom (3)	Often (4)	Very Often (5)
A. Apology (Letter or verbal)					
B. Restitution					
C. Community Service					
D. Curfew					
E. Loss of License (Parent holds license)					
F. Loss of privileges at home					
G. Ban from mall or a particular store(s) or a certain person's property					
H. Participate in a Shoplifting program					
I. Participate in any other program which addresses type of offense committed					
J. Participate in family, individual and/or group counseling					
K. Refer to Child Study Team or school guidance counselor					
L. Refer to Family Crisis Intervention Unit (FCIU)					
M. Refer to DYFS					
N. Submit to substance abuse evaluation and/or treatment					
O. Attend AA or other substance abuse support meeting.					
P. Visit employment office, seek job information, obtain a job, etc.					
Q. Complete a project; e.g., create a poster or other art project					
R. Check out GED facts					
S. Write an essay or report; e.g., on the dangers of the offense committed					
T. Improve school attendance					
U. Improve grades					

<u>Terms and Conditions in a JCC Contract</u>	Not At All (1)	Very Seldom (2)	Seldom (3)	Often (4)	Very Often (5)
V. Visit a College					
W. Conduct research into future career goals					
X Other - please specify:					
Y. Other - please specify:					
Z. Other - please specify:					

The following two questions relate to Community Service and Restitution.

Q6. If, and when Restitution is agreed upon and included in a JCC contract, who in your opinion is responsible for following-up with the juvenile to ensure compliance?

- (1) The JCC Committee
- (2) The Probation Department
- (3) The JCC Coordinator
- (4) Don't Know / Not Sure

Q7. If, and when Community Service is agreed upon and included in a JCC contract, who in your opinion is responsible for following-up with the juvenile to ensure compliance?

- (1) The JCC Committee
- (2) The Probation Department
- (3) The JCC Coordinator
- (4) Don't Know / Not Sure

The following two questions relate to service needs for diverted youths and their families.

Q8. Based on your knowledge and experience with the diverted youths and their families, are there sufficient referral sources and services in your community for these youths and their families particularly in the following areas?

<u>Referrals and Service Needs</u>	None At All (1)	Very Few (2)	Some (3)	A Lot (4)	Quite A Lot (5)
A. Community Service Sites					
B. Crisis Services					
C. Financial Services					

<u>Referrals and Service Needs</u>	None At All (1)	Very Few (2)	Some (3)	A Lot (4)	Quite A Lot (5)
D. Educational Services (Tutoring and/or After School Programs)					
E. Job Placement / Training					
F. Mental Health Services / Counseling					
G. Substance Abuse Services					
H. Offense-Specific Programs; e.g., Shoplifting Programs					
I. Victim Services					
J. Youth Activities / Recreation					
K Youth and Family Support Services					

Q9. Based on the types of offenses which the juveniles appearing before your Committee are charged with, what recommendations do you have for other services that could be provided to the youths to prevent their re-arrests and/or re-appearing before the court?

To the extent possible Juvenile Conference Committees are to reflect the cultural diversity of the communities they serve in terms of socio-economic background and ethnicity.

Q10. Do you believe that your JCC has met this requirement?

- (1) Yes
- (2) No
- (3) Don't Know/Not Sure

Please share with us other comments that you may have regarding any specific issues or concerns about your JCC Committee, JCCs in general, and/or the diversion process in Essex Vicinage.

Thank you very much for your time and cooperation. Your responses and comments will help us improve the diversion process for the youths and families of Essex County.

Appendix I-K

Responses to Survey Question 9

Based on the types of offenses which the juveniles appearing before your Committee are charged with, what recommendations do you have for other services that could be provided to the youths to prevent their re-arrests and/or re-appearing before the court?

V1: *No response*

V2: Drug rehabs (residential)

V3: More mentoring programs, more one on one counseling.

V4: I believe the youth need more mentoring programs. I also believe the youth need more after-school programs.

V5: *No response*

V6: *No response*

V7: More opportunities for community service, parenting classes, opportunities to visit jails/prisons to highlight what happens when breaking the law as adults.

V8: Community service opportunities, peer counseling, Big Brother/Big Sister program.

V9: Would like to be able to have youth perform community service. In need of a more rigid shoplifting program. Too many families ignore requests to appear before JCC Committees. I'm not sure what happens when cases are returned to court.

V10: I feel there are many good options already in place to help lead the youth to change their direction and take a better path to their future.

V11: *No response*

V12: The youth in the community could benefit from mental health counseling, shoplifting prevention programs, victims and crisis services.

Responses to Survey Question 9 Cont.

V13: Family counseling, anger management.

V14: The youth along with parents could benefit from an all day workshop for deterring certain behaviors as well as parent child communication skills.

V15: Engaging parents and guardians in the recommendation and follow up at the meetings.
They are crucial!

V16: Youth community place, i.e. basement of a church, school gyms being open. Youth movies can be shown on weekends in schools, churches, and libraries. Events can be lead by the police, volunteers, senior citizens, the handicapped, community policing, parents of kids who come before JCC, etc.

V17: Most of our cases are vandalism, i.e. spray painting, eggs, etc. No reconnect actions.

V18: More school activities, home study and sports.

V19: I think the families should be more involved in the juvenile's progress. Usually, we use community service, counseling through school and evaluations.

V20: More strict curfews for juveniles.

V21: I recommend that law enforcement officers be available to advise youth of the consequences of their crimes being committed. An advocate from youth detention programs, group residential centers and social services agencies.

V22: Would be helpful for JCCs to be aware of everything available regarding the above referral options.

V23: Services for family counseling.

V24: *No response*

V25: More employment opportunities, more recreation, and more intervention in the homes.

Responses to Survey Question 9 Cont.

V26: Increase of approved organizations for community service. Free counseling for those who cannot afford counseling; parenting support classes; budget for books, coordination with Big Brother/Big Sister program so an assignment of an adult/mentor can be arranged, and anger management classes.

V27: Counseling.

V28: I believe that more recreational programs are needed. More sports for city children. It appears that the suburban towns have adequate after school programs and other community services for their youth.

V29: *No response*

Appendix I-L

Responses to Survey Question 10

Please share with us other comments that you may have regarding any specific issues or concerns about your Committee, JCCs in general, and/or the diversion process in Essex Vicinage in general.

V1: *No response*

V2: We are still receiving cases several months after the offense occurs. Not good in terms of effectiveness.

V3: The JCC Committee is an excellent program for the youth.

V4: I believe the JCC Committee is a great program that makes an effort to divert the youth from doing more criminal activity. When the youth returns from their services that they were required to do, they say that the program that they participated in had helped them.

V5: *No response*

V6: *No response*

V7: Although I will no longer serve on the committee due to familial responsibilities, I enjoyed serving the court via the JCC. The (intentionally deleted) JCC has a strong group that is committed to serving the public and Essex Court System.

V8: We need help in attracting new members. We need guidance on referral sources and services.

V9: Many of our cases are returned to court because of “no show”. I have them rescheduled three or more times. 95% of the phone numbers are not working. What else can I do to contact families to eliminate having so many returned to court?

Responses to Survey Question 10 Cont.

V10: *No response*

V11: *No response*

V12: We need to have each committee have access to different agencies that will help the child with their different needs.

V13: *No response*

V14: More training for JCC members. Programs need to be set up for specific offenses; i.e., Shop-lifting, assault. The children can use life skills. Need to partner with programs that offer mentorship.

V15: I truly enjoy participating in the JCC of (intentionally deleted). As a registered nurse and former supervisor of school nurses, I have had a lot of experience dealing with children and their problems. Our group functions to meet our requirements.

V16: I suggest we have more authority over what we could require the kids to do. I think the word is out that we cannot do much and too often it's reflected in the kids as well as the parents' attitude.

V17: *No response*

V18: Good follow up in (intentionally deleted) JCC in school and home. (Name intentionally deleted) in the police department is very good with our children.

V19: I feel we have too many (intentionally deleted) on the committee. They seem too negative towards the juveniles. We need to include the families more and look into why these kids are acting out the way I was trained. I am concerned that with four (intentionally deleted) makes the committee one-sided. The other members usually do not get to speak their opinions or they go unnoticed. If you could send someone to sit in on our meeting, I would appreciate it.

Responses to Survey Question 10 Cont.

V20: Committee is very able to perform its duties.

V21: More inclusion to ideas for purposes regarding social services that can assist the juveniles in various particular needs and assessments.

V22: Problems with members showing up.

V23: I would like to see special effort geared towards recruiting more Spanish speaking and male volunteers.

V24: *No response*

V25: We need to be allowed to exercise more community services; more training and more resources to meet the need of the individual. Also, the courts need to be more forceful towards the ones who do not show up for JCC instead of returning the cases to us up to three times. I feel that the youths do not take JCC as seriously as they did in the past.

V26: *No response*

V27: This survey was far too many pages. It is time consuming. If you want more participation, please shorten.

V28: I am concerned with JCC receiving complaints on time. I believe that the court can show more appreciation towards the volunteers by more events held in their honor. For example, there was no volunteer ceremony held last year.

V29: *No response*

Appendix I-M
JCC COMPOSITION – BY RACE AND GENDER

	JCC COMMITTEE	WHITE			BLACK			HISPANIC			OTHER			GRAND TOTAL
		M	F	Total	M	F	Total	M	F	Total	M	F	Total	
1	Belleville	3	1	4										4
2	Bloomfield	2	5	7	2		2		2	2				11
3	Caldwell	3	4	7										7
4	Cedar Grove	1	4	5										5
5	East Orange					2	2							2
6	Essex Fells	3	2	5										5
7	Fairfield	2	6	8										8
8	Glen Ridge	1	4	5					1	1				6
9	Irvington				2	4	6							6
10	Livingston	4	4	8		1	1							9
11	Maplewood	1		1				2		2				3
12	Milburn/Shorthills	1	1	2										2
13	Montclair		1	1	2	5	7							8
14	Newark – Central					2	2							2
15	Newark – East													0
16	Newark – North					3	3							3
17	Newark – South													0
18	Newark – West				3	3	6							6
19	North Caldwell	1	1	2		1	1							3
20	Nutley	5	8	13										13
21	Orange					2	2							2
22	South Orange	3	2	5		4	4		1	1				10
23	Roseland	1	4	5										5
24	Verona	4	1	5				1		1				6
25	West Caldwell	7	6	13										13
26	West Orange	4	2	6										6
	TOTAL	46	56	102	9	27	36	3	4	7	0	0	0	145

APPENDIX II

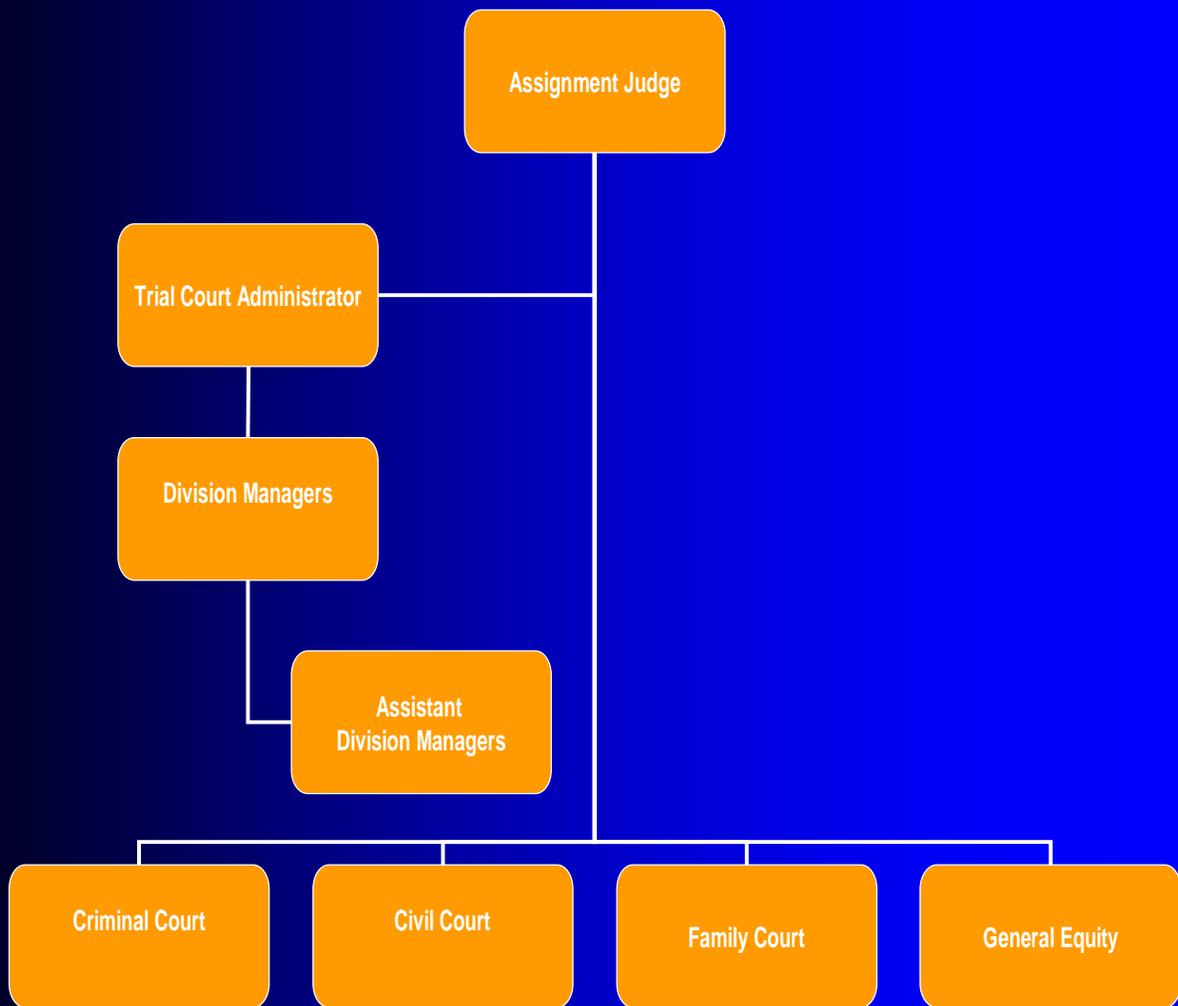
Appendix II-A

New Jersey Judiciary Court Structure



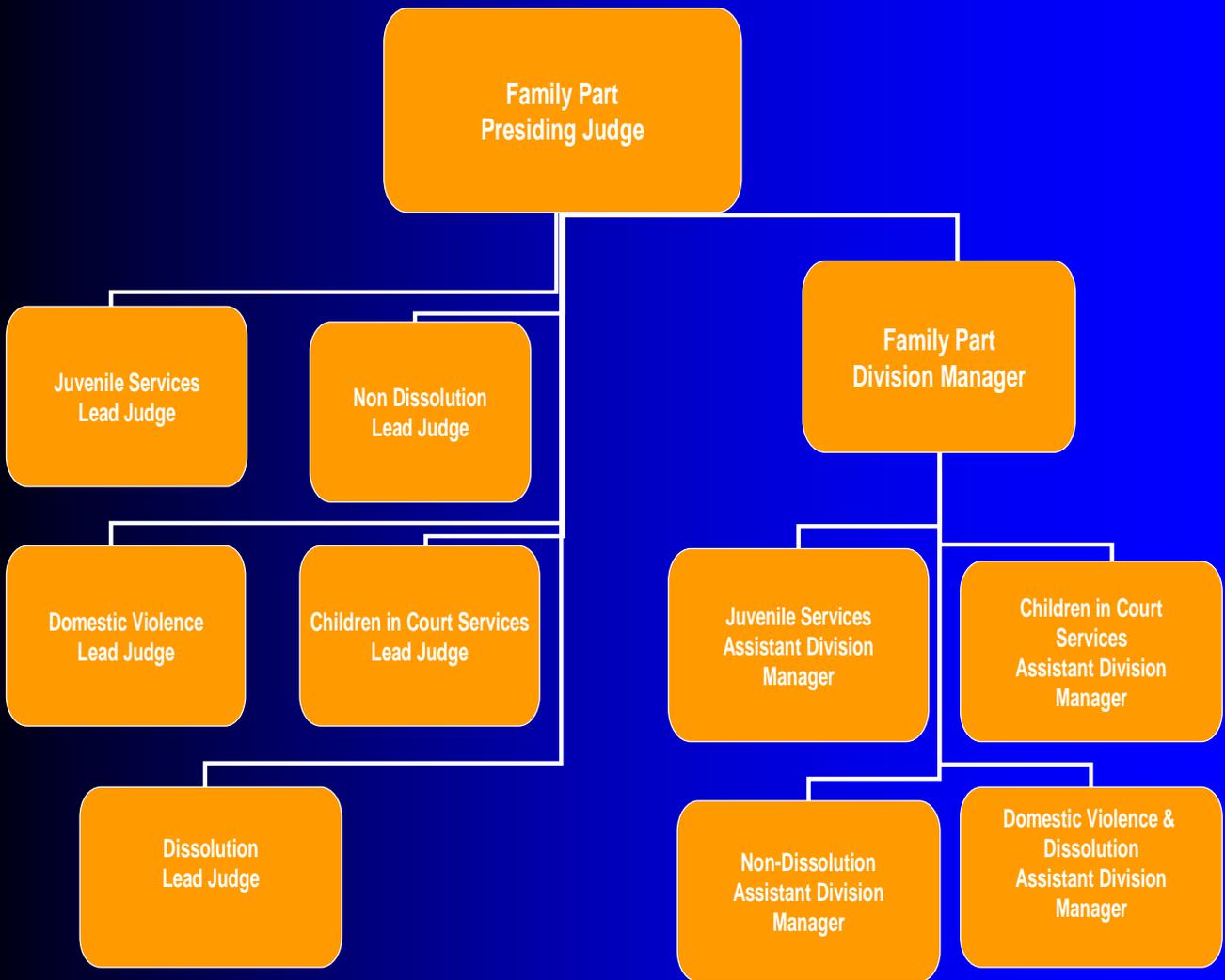
Appendix II-B

Essex Vicinage Court Structure



Appendix II-C

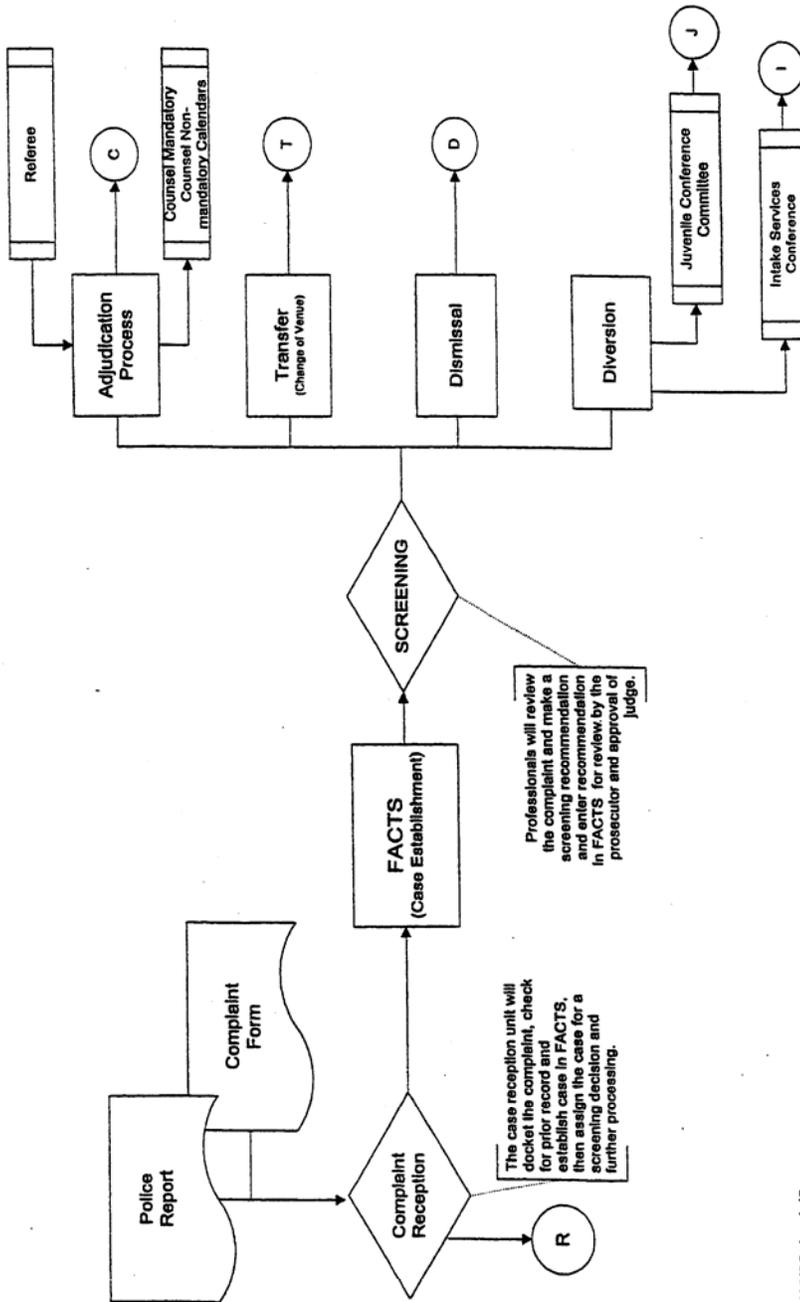
Superior Court of New Jersey - Essex Vicinage Family Division Structure



Appendix II-D Juvenile Delinquency Process Flowchart

Source: New Jersey Administrative Office of the Courts
Juvenile Delinquency Operations Manual

Juvenile Delinquency Case Process
FLOWCHART



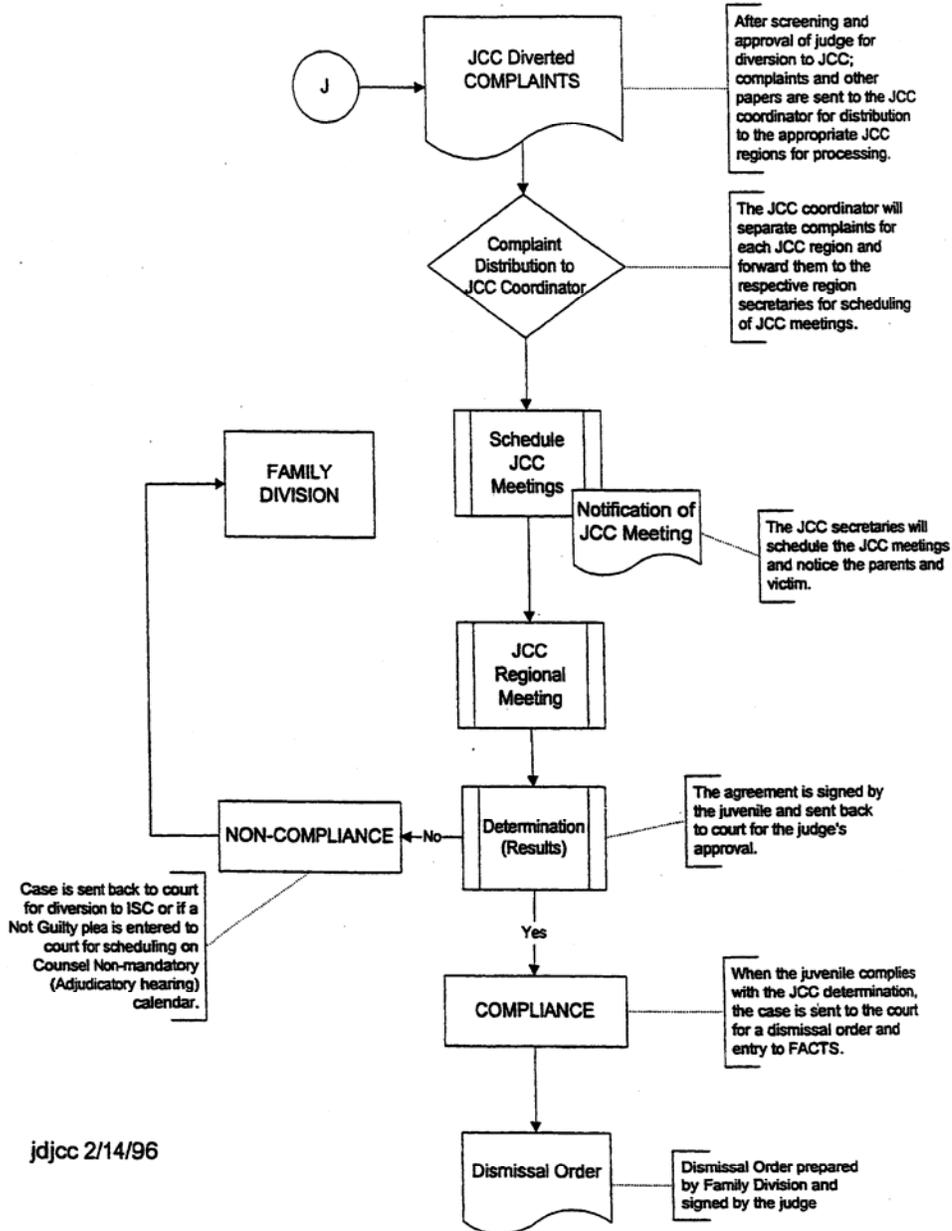
Appendix II-E
Juvenile Delinquency Screening Criteria

Juvenile Conference Committee (R 5:25-1 & N.S.J.A. 2A:4A – 74/75 & NJ Family Court Juvenile Delinquency Operations Manual, Page 49)	Intake Service Conference (N.S.J.A. 2A:4A – 74 & NJ Family Court Juvenile Delinquency Operations Manual, Page 61)	Non Mandatory Counsel Hearing – Juvenile Referee (R 25-2 & NJ Family Court Juvenile Delinquency Operations Manual, Page 90-91)	Mandatory Court Appearance (N.S.J.A. 2A:4A 71 (b) NJ Family Court Juvenile Delinquency Operations Manual, Page 85-94)
<ul style="list-style-type: none"> • First Time Offenses charged with disorderly persons or petty disorderly persons offenses. 	<ul style="list-style-type: none"> • Juvenile with minor offenses. • 2-3 prior offenses DP's only 	<ul style="list-style-type: none"> • 3 or more prior offenses • Re-open from ISC • No Appearance at JCC • All JCC returns • Prior History – current offense is minor. 	<ul style="list-style-type: none"> • All crimes which if committed by an adult would constitute a 1st, 2nd, 3rd, or 4th degree. • Counsel Mandatory
Simple Assault (under 14 years)	Fireworks	Theft (4 th degree)	CDS offenses (Intent, 1,000 feet of school)
Criminal Trespass (other than dwelling)	Criminal Trespass (4 th degree)	Unlawful taking of means of conveyance Joyriding	Burglary (occupants)
Criminal Mischief (\$500 or less) 3 degree	Criminal Mischief (4 th degree)	Criminal Mischief (4 th degree)	Aggravated Assault
Shoplifting	Possession of 50g or less marijuana	Possession of CDS (no intent or 1,000 ft. of school)	Sexual Offenses (All)
Fireworks	Lewdness (non sexual)	Receiving Stolen Property 4 th degree	Arson
Alcohol Possession (other than motor vehicle)	Receiving Stolen Property (not auto)	Burglary (unoccupied, abandoned) 1st time	Robbery
Theft – DP \$ 200.00	Any offense under JCC	Terroristic Threats (not in school)	Possession of Weapons
Receiving Stolen Property – DP		DP's with numerous priors (not more than 3)	Theft 2 nd degree
Possession of pager/burglary tools		Alcohol Possession in motor vehicle	Receiving stolen property (auto)
Failure to disperse		Any offense under JCC or ISC	Minor Charge (if juvenile is on Probation)
Improper behavior			Alcohol Possession (in vehicle moving)
Obstructing highways			VOP's
Harassment (involving no sexual contact)			Terroristic Threats
Any case referred by the Court			

Appendix II-F Juvenile Conference Committee (JCC) Flowchart

Source: New Jersey Administrative Office of the Courts
Juvenile Delinquency Operations Manual

JUVENILE DELINQUENCY JCC PROCESS



jdjcc 2/14/96

Appendix II-G

Complainant's/Victim's Rights

The complainant's/victim's rights to be involved include the right:

- to be notified and to attend the Juvenile Conference Committee (JCC) meeting;
- to present background material to the committee in the matter;
- to express a recommendation to the Juvenile Conference Committee as to how the case should be disposed; and
- to attend any follow-up conferences which are scheduled by the Juvenile Conference Committee to review the compliance with the recommendations in the JCC Agreement/Court Order.

The complainant's/victim's rights in the event of a disagreement with the recommendations of the Juvenile Conference Committee include the right:

- to object to the terms of the agreement suggested by the Juvenile Conference Committee which will be presented to the complainant and the juvenile and his/her parents in the form of a JCC Agreement/Court Order for their signature;

to ask the Juvenile Conference Committee to consider altering the terms of the agreement prior to anyone being asked to sign the Juvenile Conference Committee Agreement/Court Order:

to refuse to sign the Juvenile Conference Committee/Court Order; and

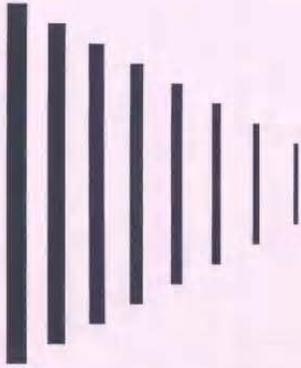
to have the judge make a decision about where the case should be handled (Juvenile Conference Committee, an intake services conference or court) in the event that the complainant disagrees with the terms of the agreement proposed by the Juvenile Conference Committee and those terms cannot be altered to the satisfaction of all parties, (the parents, the juvenile, the complainant/victim and the Juvenile Conference Committee).

Victim Assistance

Programs to assist victims have been established in every county in New Jersey. Victims who wish to use the free service may contact their county office of victim-witness advocacy, located in the county prosecutor's office. Victims who cannot locate their local office may seek assistance through the State Office of Victim-Witness Advocacy at (609) 588-7900.

COMMUNITY SOLUTIONS FOR COMMUNITY PROBLEMS

-839- (10/04)



STATE OF NEW JERSEY

JUVENILE CONFERENCE COMMITTEE INFORMATIONAL BROCHURE



A JOINT EFFORT BY NEW JERSEY
CITIZENS AND THE NEW JERSEY
COURT SYSTEM FOR YOUTH AT RISK

What is a Juvenile Conference Committee (JCC)?

Volunteers from the community are trained by court staff and appointed by the Presiding Judge of the Family Court to informally hear juvenile complaints that are referred by the court. The JCC is primarily concerned with providing balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable the juvenile offender to become a responsible and productive member of the community. In addition, the conference shall be concerned with preventing future misconduct by young people.

What types of offenses do they hear?

Juvenile offenses such as:

- Criminal mischief
- Criminal trespass
- Shoplifting
- Attempted theft or theft
- Receiving stolen property
- Simple assault
- Disorderly persons offenses

Who can attend the meeting?

- The juvenile
- The parents / guardian
- The complainant / police officer
- The victim

Who has to attend?

Attendance by the juvenile and parents/guardian is voluntary, but it must be understood that the matter may be referred to court for further action if the juvenile and parents/guardian do not attend.

Is there a need to bring anything?

You may be asked to bring pertinent documents such as: medical, social, or school records, itemized statements or other documents considered important to a discussion of the complaint.

Are the proceedings confidential?

All matters coming before the Committee are strictly confidential. Every Committee member is sworn by the Presiding Judge of the Family Court to observe the confidential nature of the Committee's proceedings.

What types of resolutions can the JCC recommend?

The JCC can recommend:

counseling, restitution, community work programs, letters of apology, or any other conditions that will aid in the child becoming a responsible adult. The recommendations in the form of an agreement signed by all parties will be forwarded to the judge and, if approved, will become an Order of the Court.

The JCC cannot:

make a finding of guilt or innocence, order confinement, impose fines, place juveniles on probation, or remove juveniles from their families.

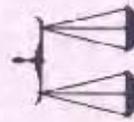
Can there be an objection to the recommendations?

Yes. If objections arise, the terms of the agreement may be altered by the Committee or the matter may be referred to the court for further determination.

How will the Committee know the child is complying with the recommendations?

Both the juvenile and the parents are responsible for seeing that all recommendations are completed within the time set in the agreement.

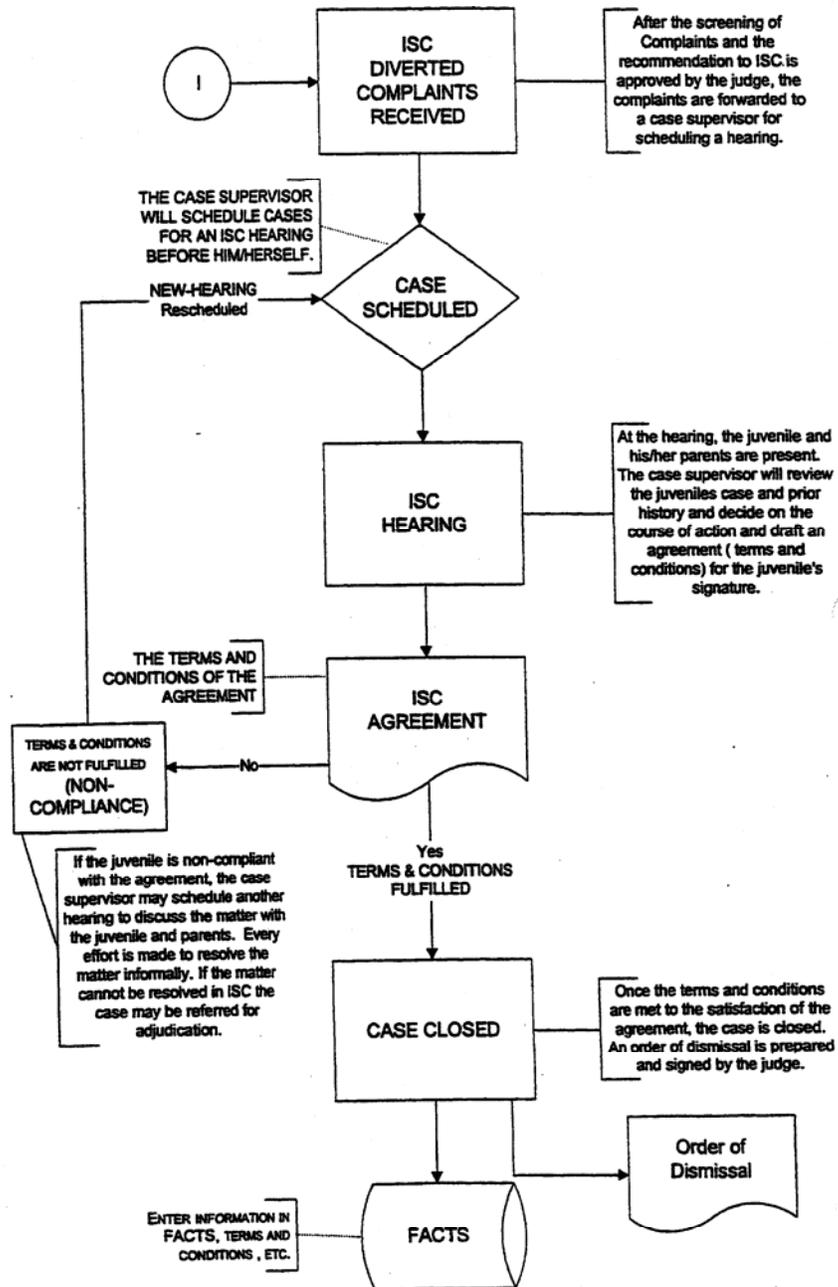
The Juvenile Conference Committee is responsible for monitoring compliance with the recommendations in the agreement. Parties may be asked to return to verify both the completion of the recommendations and adherence to the time specified in the agreement. If the requirements have been met, the JCC will recommend that the judge dismiss the case. If the requirements have not been met, the case may be returned to the court for further action.



Appendix II-H Intake Services Conference (ISC) Flowchart

Source: New Jersey Administrative Office of the Courts
Juvenile Delinquency Operations Manual

JUVENILE DELINQUENCY INTAKE SERVICE CONFERENCE (ISC)



JDISC-10/12/98

Appendix II-J JCC Case Control Log

 NEW JERSEY JUDICIARY Superior Court - Family Division Monthly Report Of Juvenile Conference Committee Cases														
MONTH / YEAR	COUNTY	MUNICIPALITY												
<p>1. The following individuals had active cases before the Committee at the start of this month (should be the same as Item #5 on the previous month's report).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; height: 20px;"> </td><td style="width: 33%;"> </td><td style="width: 33%;"> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> </table>														
<p>2. The following cases were received during this month (including cases returned by the court).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; height: 20px;"> </td><td style="width: 33%;"> </td><td style="width: 33%;"> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> </table>														
<p>3. The following cases were sent to the court during this month for dismissal.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; height: 20px;"> </td><td style="width: 33%;"> </td><td style="width: 33%;"> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> </table>														
<p>4. The following cases were returned to the court during this month.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; height: 20px;"> </td><td style="width: 33%;"> </td><td style="width: 33%;"> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> </table>														
<p>5. Cases pending at the end of the month.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; height: 20px;"> </td><td style="width: 33%;"> </td><td style="width: 33%;"> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td><td> </td></tr> </table>														
<p>_____ SIGNATURE (Secretary)</p>		<p>_____ DATE</p>												

Catalog Number: 11021 - English

APPENDIX III

SUPPORTING TABLES

Table 1
Juvenile Delinquency Case Filings – Essex Vicinage
10-YEAR TREND (Court Years 2000 – 2009)

COURT YEAR	NEW Cases Not Previously Adjudicated		REOPENED Cases Previously Adjudicated		TOTAL CASES ADDED	STATE RANK
	#	%	#	%		
2000	10,344	94.7%	577	5.3%	10,921	1
2001	10,732	93.2%	789	6.8%	11,521	1
2002	10,677	95.4%	510	4.6%	11,187	1
2003	8,802	93.2%	643	6.8%	9,445	1
2004	8,418	92.2%	711	7.8%	9,129	2
2005	6,284	93.8%	414	6.2%	6,698	2
2006	6,660	96.0%	277	4.0%	6,937	2
2007	6,996	94.2%	433	5.8%	7,429	1
2008	5,802	95.1%	302	4.9%	6,104	2
2009	5,432	95.6%	251	4.4%	5,683	2

Source Data: Official AOC Caseload Statistics. Figures are based on Entry Date.

Table 2
Juvenile Delinquency Case Dispositions – Essex Vicinage
10-YEAR TREND (Court Years 2000 – 2009)

COURT YEAR	NEW Cases Not Previously Adjudicated		REOPENED Cases Previously Adjudicated		TOTAL CASES DISPOSED	STATE RANK
	#	%	#	%		
2000	10,335	94.9%	560	5.1%	10,895	1
2001	11,059	93.4%	783	6.6%	11,842	1
2002	10,682	95.4%	514	4.6%	11,196	1
2003	8,550	92.9%	649	7.1%	9,199	1
2004	8,918	92.5%	723	7.5%	9,641	1
2005	6,351	93.8%	417	6.2%	6,768	2
2006	6,423	95.7%	288	4.3%	6,711	2
2007	7,149	94.3%	431	5.7%	7,580	1
2008	5,917	95.2%	297	4.8%	6,214	2
2009	5,408	95.6%	249	4.4%	5,657	2

Source Data: Official AOC Caseload Statistics. Figures are based on Entry Date.

Table 3
Diversion as a Sub-Set of Delinquency Dispositions in Essex Vicinage
Court Years 2005 - 2009

COURT YEAR	New/Not Previously Adjudicated Dispositions	Juvenile Conference Committee (JCC)		Intake Services Conference (ISC)		FCIU		Other Diversion	
		#	%	#	%	#	%	#	%
CY 2005	6,351	601	9.5%	850	13.4%	44	0.7%	10	0.2%
CY 2006	6,423	518	8.1%	930	14.5%	124	1.9%	6	0.1%
CY 2007	7,149	424	5.9%	797	11.1%	143	2.0%	4	0.1%
CY 2008	5,917	412	7.0%	647	10.9%	177	3.0%	0	0.0%
CY 2009	5,408	460	8.5%	703	13.0%	96	1.8%	17	0.3%
TOTAL	31,248	2,415	7.7%	3,927	12.6%	584	1.9%	37	0.1%

Source: Official AOC Caseload Statistics. Figures are based on Entry Date.

Table 4
JCC and ISC as a Diversion Mechanism
Essex Vicinage versus State Average

<u>Category</u>	<u>CY 04/05</u>	<u>CY 05/06</u>	<u>CY 06/07</u>	<u>CY 07/08</u>	<u>CY 08/09</u>
Total New/Not Previously Adjudicated Dispositions	6,351	6,423	7,149	5,917	5,408
JCC					
Essex #	601	518	424	412	460
Essex %	9.5%	8.1%	5.9%	7.0%	8.5%
State Avg.	14.7%	13.6%	13.2%	14.5%	15.5%
Essex Rank	17	18	20	20	20
ISC					
Essex #	850	930	797	647	703
Essex %	13.4%	14.5%	11.1%	10.9%	13.0%
State Avg.	11.1%	11.6%	10.7%	9.6%	9.9%
Essex Rank	9	7	8	8	6

Source Data: Official AOC Caseload Statistics. Figures are based on Entry Date.

Table 5
Diversion as a Sub-Set of New Delinquency Filings in Essex Vicinage

<u>DESCRIPTION</u>	<u>Court Year (July 1 - June 30)</u>					Total
	<u>04/05</u>	<u>05/06</u>	<u>06/07</u>	<u>07/08</u>	<u>08/09</u>	
<u>New Complaints</u>						
All Cases	4530	5147	4877	4285	4188	23,027
Diverted Cases	1,478	1,549	1,341	1,211	1,265	6,844
	33%	30%	27%	28%	30%	29.7%
<u>Avg. # of Cases per Juvenile</u>						
All Juveniles	1.4	1.5	1.4	1.4	1.4	N/A
Diverted Juveniles	1.1	1.1	1.1	1.1	1.1	N/A

Source Data: FACTS "Data on Demand" Figures are based on Filing Dates

Table 6
Diversion Programs as a Sub-Set of New Filings - Essex Vicinage
Court Years 2005 - 2009

Court Year	New Delinquency Complaints	Juvenile Conference Committee (JCC)		Intake Services Conference (ISC)		FCIU		Other Diversion	
		#	%	#	%	#	%	#	%
CY 2005	4,530	587	13.0%	842	18.6%	47	1.0%	2	0.0%
CY 2006	5,147	516	10.0%	904	17.6%	123	2.4%	6	0.1%
CY 2007	4,877	417	8.6%	779	16.0%	141	2.9%	4	0.1%
CY 2008	4,285	407	9.5%	629	14.7%	175	4.1%	0	0.0%
CY 2009	4,188	459	11.0%	695	16.6%	95	2.3%	16	0.4%
TOTAL	23,027	2,386	10.4%	3,849	16.7%	581	2.5%	28	0.1%

Source: FACTS Data on Demand. Figures are based on Filing Date.

Table 7
Caseload Distribution by Diversionary Program
Court Years 2005 – 2009

COURT YEAR	Juvenile Conference Committee (JCC)		Intake Services Conference (ISC)		FCIU		Other Diversion		TOTAL
	#	%	#	%	#	%	#	%	
CY 2005	587	39.7%	842	57.0%	47	3.2%	2	0.1%	1,478
CY 2006	516	33.3%	904	58.4%	123	7.9%	6	0.4%	1,549
CY 2007	417	31.1%	779	58.1%	141	10.5%	4	0.3%	1,341
CY 2008	407	33.6%	629	51.9%	175	14.5%	0	0.0%	1,211
CY 2009	459	36.3%	695	54.9%	95	7.5%	16	1.3%	1,265
Total	2,386	34.9%	3,849	56.2%	581	8.5%	28	0.4%	6,844

Source: Official AOC Caseload Statistics. Figures are based on Entry Date

Table 8
Juveniles Linked with New Delinquency Filings in Essex Vicinage

<u>NEW COMPLAINTS</u>	<u>Court Year (July 1 - June 30)</u>					Total
	<u>04/05</u>	<u>05/06</u>	<u>06/07</u>	<u>07/08</u>	<u>08/09</u>	
All Juveniles	3,337	3,446	3,416	3,073	2,903	16,175
Diverted Juveniles	1,390	1,466	1,214	1,141	1,185	6,396
	42%	43%	36%	37%	41%	39.5%

Source Data: FACTS "Data on Demand" Figures are based on Filing Dates

Table 9
Offenses Linked with New Juvenile Delinquency Filings in Essex Vicinage

<u>NEW COMPLAINTS</u>	<u>Court Year (July 1 - June 30)</u>					Total
	<u>04/05</u>	<u>05/06</u>	<u>06/07</u>	<u>07/08</u>	<u>08/09</u>	
All Offenses	9,104	10,742	10,588	9,356	8,493	48,283
Diverted Offenses	2,063	2,153	2,107	1,951	2,019	10,293
	23%	20%	20%	21%	24%	21%
<u>Avg. # of Offenses per Juvenile</u>						
All Juveniles	2.7	3.1	3.1	3.0	2.9	N/A
Diverted Juveniles	1.5	1.5	1.7	1.7	1.7	N/A
<u>Avg. # of Offenses per Case</u>						
All Cases	2.0	2.1	2.2	2.2	2.0	N/A
Diverted Cases	1.4	1.4	1.6	1.6	1.6	N/A

Source Data: FACTS "Data on Demand" Figures are based on Filing Dates

Table 10
Types of Offenses Diverted in Essex Vicinage

<u>DESCRIPTION</u>	<u>Court Year (July 1 – June 30)</u>				
	<u>04/05</u>	<u>05/06</u>	<u>06/07</u>	<u>07/08</u>	<u>08/09</u>
ALL OFFENSES	2063	2153	2107	1951	2019
<u>The Big 13</u>					
Assault, Reckless Endangering, Threats	436	412	279	267	229
Sexual Offenses	11	18	15	37	61
Robbery	13	25	35	34	52
Arson, Criminal Mischief, Property Destruction	112	144	130	71	63
Burglary And Other Criminal Intrusion	121	138	134	126	142
Theft And Related Offenses	304	303	310	333	401
Obstructing Governmental Operation; Escapes	87	97	82	98	94
Riot, Disorderly Conduct, Loitering, Fighting, Harassment, Refusing to Obey	262	287	231	225	201
Controlled Dangerous Substances (CDS)	361	365	511	463	464
Drug Paraphernalia	42	36	26	33	41
Firearms, Other Dangerous Weapons and Instruments of Crime	170	201	163	126	116
Inchoate Crimes (Criminal Attempt, Conspiracy, Burglar's Tools, Master Keys)	73	98	129	101	110
Any Local Ordinance (Disorderly Person, Petty Disorderly Person)	46	10	21	11	14
TOTAL	2038	2134	2066	1925	1988
% OF TOTAL	98.8%	99.1%	98.1%	98.7%	98.5%

Source Data: FACTS "Data on Demand" Figures are based on Filing Dates

Table 11
Number and Ratio of Diversion by Age of Juvenile at Filing
CY 04/05 thru' CY 08/09

<u>DESCRIPTION</u>	<u>Age Groups</u>					<u>Out of Range</u>	<u>All Ages</u>
	<u>6 - 10</u>	<u>11 - 12</u>	<u>13 - 14</u>	<u>15 - 16</u>	<u>17</u>		
<u>CY 04/05</u>							
All Juveniles	72	209	717	1,416	907	16	3,337
Diverted Juveniles.	44	134	353	549	306	4	1,390
	61%	64%	49%	39%	34%	25%	42%
<u>CY 05/06</u>							
All Juveniles	44	205	775	1,473	936	13	3,446
Diverted Juveniles.	29	149	367	607	310	4	1,466
	66%	73%	47%	41%	33%	31%	43%
<u>CY 06/07</u>							
All Juveniles	45	166	679	1,539	976	11	3,416
Diverted Juveniles.	14	81	279	527	311	2	1,214
	31%	49%	41%	34%	32%	18%	36%
<u>CY 07/08</u>							
All Juveniles	32	130	623	1,344	940	4	3,073
Diverted Juveniles.	16	69	261	493	302	0	1,141
	50%	53%	42%	37%	32%	0%	37%
<u>CY 08/09</u>							
All Juveniles	23	102	514	1,357	906	1	2,903
Diverted Juveniles.	14	53	228	551	339	0	1,185
	61%	52%	44%	41%	37%	0%	41%

Source Data: FACTS "Data on Demand" Figures are based on Filing Dates

Table 12
Number and Ratio of Juveniles Diverted by Race/Ethnicity
CY 04/05 thru' CY 08/09

<u>CATEGORY</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian / Pacific Islander</u>	<u>Am. Indian</u>	<u>Alaskan Native</u>	<u>Other / Did Not Indicate</u>	<u>Total</u>
<u>CY 04/05</u>								
All Juveniles	504	2,410	355	28	5	2	33	3,337
Diverted Juveniles	285	912	158	14	1	2	18	1,390
	57%	38%	45%	50%	20%	100%	55%	42%
<u>CY 05/06</u>								
All Juveniles	497	2,493	396	27	3	0	30	3,446
Diverted Juveniles	257	1,019	160	10	2	0	18	1,466
	52%	41%	40%	37%	67%	n/a	60%	43%
<u>CY 06/07</u>								
All Juveniles	510	2,482	373	16	3	0	32	3,416
Diverted Juveniles	240	818	141	5	1	0	9	1,214
	47%	33%	38%	31%	33%	n/a	28%	36%
<u>CY 07/08</u>								
All Juveniles	425	2,203	373	25	3	0	44	3,073
Diverted Juveniles	155	815	134	16	1	0	20	1,141
	36%	37%	36%	64%	33%	n/a	45%	37%
<u>CY 08/09</u>								
All Juveniles	384	2148	324	19	2	0	26	2,903
Diverted Juveniles	148	877	136	11	1	0	12	1,185
	39%	41%	42%	58%	50%	n/a	46%	41%

Source Data: FACTS "Data on Demand" Figures are based on Filing Dates

Table 13
Number and Ratio of Juveniles Diverted by Gender

<u>Category</u>	<u>Court Year (July 1 - June 30)</u>				
	<u>04/05</u>	<u>05/06</u>	<u>06/07</u>	<u>07/08</u>	<u>08/09</u>
<u>Male</u>					
All Juveniles	2,509	2,665	2,600	2,333	2,161
Diverted Juveniles	943	1,042	870	804	825
	38%	39%	33%	34%	38%
<u>Female</u>					
All Juveniles	828	781	816	740	742
Diverted Juveniles	447	424	344	337	360
	54%	54%	42%	46%	49%
<u>All Age Groups</u>					
All Juveniles	3337	3446	3416	3073	2903
Diverted Juveniles	1390	1466	1214	1141	1185
	42%	43%	36%	37%	41%

Source Data: FACTS "Data on Demand" Figures are based on Filing Dates

Table 14
Municipality of Residence of Diverted Youths

	MUNICIPALITY	CY 04/05	CY 05/06	CY 06/07	CY 07/08	CY 08/09
1	Belleville Township	40	39	40	29	28
2	Bloomfield Township	54	41	41	40	21
3	Caldwell Borough	5	8	2	8	5
4	Cedar Grove Township	6	11	4	3	1
5	East Orange City	135	128	104	135	126
6	Essex Fells Borough	0	2	2	0	0
7	Fairfield Township	9	4	6	4	11
8	Glen Ridge Borough	13	7	18	9	0
9	Irvington Township	89	98	75	86	65
10	Livingston Township	17	9	18	10	8
11	Maplewood Township	42	39	26	21	22
12	Milburn Township	26	6	9	4	10
13	Montclair Township	86	81	70	52	48
14	Newark City *	486	578	543	467	391
15	North Caldwell Borough	5	6	4	4	5
16	Nutley Township	45	51	26	20	21
17	Orange City	36	57	41	65	42
18	Roseland Borough	1	0	4	2	2
19	South Orange Village	14	11	8	6	3
20	Verona Borough	6	17	29	10	5
21	West Caldwell	9	9	7	5	0
22	West Orange	71	75	41	36	55
	Essex County Total	1195	1277	1118	1016	869
	Out of County Total	20	10	2	5	9
	Missing Data	175	179	94	120	307
	Grand Total	1390	1466	1214	1141	1185

* ***NOTE:*** Includes Newark Central, Newark East, Newark North, Newark South, and Newark West JCCs combined.

Table 15
Number of Juveniles and Cases in JCC Sample

Category	# Of Juveniles	% Juveniles	Total Cases	% Cases
Juveniles With 1 Case	321	98.5%	321	97.0%
Juveniles With 2 Cases	5	1.5%	10	3.0%
TOTAL	326	100.0%	331	100.0%

Table 16
Number of Juveniles and Cases in ISC Sample

Category	# Of Juveniles	% Juveniles	Total Cases	% Cases
Juveniles With 1 Case	335	98.0%	335	95.7%
Juveniles With 2 Cases	6	1.7%	12	3.4%
Juveniles With 3 Cases	1	0.3%	3	0.9%
TOTAL	342	100.0%	350	100.0%

Table 17
Race/Ethnicity of Diverted Juveniles - JCC Sample
n = 326 Juveniles

Race/Ethnicity	#	%
White	59	18.1%
Black	224	68.7%
Hispanic	34	10.4%
Asian/Oriental	4	1.2%
American Indian	0	0.0%
Other/Not Specified	5	1.5%
TOTAL	326	100.0%

Table 18
Gender of Diverted Juvenile – JCC Sample
n = 326 Juveniles

Gender	#	%
Male	232	71.2%
Female	94	28.8%
TOTAL	326	100.0%

Table 19
Age of Diverted Juveniles - JCC Sample

Age Range	# of Juveniles	%
6 – 10 Years	5	1.5%
11 – 12 Years	21	6.4%
13 – 14 Years	56	17.2%
15 – 16 Years	129	39.6%
17 Years and Up	115	35.3%
Total	326	100.0%

Mode = 14.5	Mean = 15	Median = 15.2
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Table 20
Municipality of Residence of Diverted Juveniles - JCC Sample

Municipality	# of Kids	%
1. Belleville	9	2.80%
2. Bloomfield	10	3.10%
3. Caldwell	1	0.30%
4. Cedar Grove	1	0.30%
5. East Orange	34	10.40%
6. Essex Fells	0	0.00%
7. Fairfield	5	1.50%
8. Glen Ridge	2	0.60%
9. Irvington	25	7.70%
10. Livingston	5	1.50%
11. Maplewood	12	3.70%
12. Milburn	2	0.60%

Municipality	# of Kids	%
13. Montclair	22	6.70%
14. Newark	133	40.80%
15. North Caldwell	1	0.30%
16. Nutley	9	2.80%
17. Orange	12	3.70%
18. South Orange	1	0.30%
19. Roseland	4	1.20%
20. Verona	2	0.60%
21. West Caldwell	1	0.30%
22. West Orange	16	4.90%
23. Out of County	19	5.80%
TOTAL	326	100.00%

Table 21
Number of Cases with Prior Court Involvement - JCC Sample
n = 331 Cases

Number of Priors	# of Cases	%
0	249	75.2%
1	51	15.4%
2	16	4.8%
3	6	1.8%
4	3	0.9%
5	2	0.6%
6	2	0.6%
7	0	0.0%
8	2	0.6%

Table 22
Number of Charges per Case - JCC Sample
n = 331 Cases

Number of Charges	Frequency	Percent
1	261	78.9%
2	46	13.9%
3	12	3.6%
4	9	2.7%
5	2	0.6%
6	1	0.3%
Total	331	100.0%

Table 23
Most Serious Charges per Case – JCC Sample
n = 331 Cases

Most Serious Charge	Description	#	%
Category I Offenses	Any 1° Offense, 2° Violent/Persons Offense, 2° Weapons, 2° Arson, 2° Eluding.	17	5.1%
Category II Offenses	All Other 2° Offenses, 3° Violent/Persons Offense, 3° Weapons, 3° Arson, 3° Eluding.	33	10.0%
Category III Offenses	All Other 3° Offenses, 4° Violent/Persons Offense, 4° Weapons.	72	21.8%
Category IV Offenses	All Other 4° Offenses.	40	12.1%
Category V Offenses	DP/PDP Offenses	164	49.5%
None of the Above	None of the Above	6	1.5%
	Total	331	100.0%

Table 24
Diversion Decision Maker - JCC Sample
n = 331 Cases

Decision-Maker	Frequency	Percent
Intake	129	39%
Referee	13	13%
Judge	189	57%
Total	331	100%

Table 25
Diversion Decision Maker - ISC Sample

Decision-Maker	# of Cases	Percent
Intake	124	35.4%
Referee	2	0.6%
Judge	224	64.0%
Total	350	100.0%

Table 26
Incident to Filing Timeframe - JCC Sample
n = 331 Cases

Timeframe	# of Days	%
0 – 10	173	52%
11 – 20	49	15%
21 – 30	44	13%
31 – 40	25	8%
41 – 50	10	3%
51 – 60	7	2%
61 – 70	2	1%
71 – 80	7	2%
81 – 90	4	1%
91 – 100	2	1%
100+	8	2%

Mode = 1	Mean = 22	Median = 9
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Table 27
Filing to Diversion Decision Timeframe - JCC Sample
n = 331 Cases

TIMEFRAME (# of Days)	# Cases	%
0 – 10	129	39%
11 – 20	47	14%
21 – 30	44	13%
31 – 40	29	9%
41 – 50	19	6%
51 – 60	12	4%
61 – 70	9	3%
71 – 80	8	2%
81 – 90	4	1%
91 – 100	7	2%
100+	23	7%

Mode = 0	Mean = 46	Median = 17
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Table 28
Diversion Decision to Judicial Review of Program Recommendation Timeframe
JCC Sample
n = 331 Cases

TIMEFRAME (# of Days)	# Cases	%
0 – 30 Days (Under 1 Months)	5	1.5%
31 – 60 Days (1 – 2 Months)	24	7.3%
61 – 90 Days (2 – 3 Months)	34	10.3%
91 – 120 Days (3 – 4 Months)	24	7.3%
121 – 150 Days (4 – 5 Months)	24	7.3%
151 – 180 Days (5 – 6 Months)	26	7.9%
Over 180 Days (Over 6 Months)	81	24.5%
Missing Data	113	34.1%

Mode = 61	Mean = 192	Median = 146
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Table 29
Diversion Decision to Judicial Review of Program Recommendation
ISC Sample
n = 350 Cases

TIMEFRAME (# of Days)	# Cases	%
0 – 30 Days (Under 1 Months)	21	6.0%
31 – 60 Days (1 – 2 Months)	111	31.7%
61 – 90 Days (2 – 3 Months)	48	13.7%
91 – 120 Days (3 – 4 Months)	13	3.7%
121 – 150 Days (4 – 5 Months)	6	1.7%
151 – 180 Days (5 – 6 Months)	2	0.6%
Over 180 Days (Over 6 Months)	42	12.0%
Missing Data	107	30.6%

Mode = 38	Mean = 414	Median = 57
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Table 30
Most Recent Prior Incident Timeframe
JCC Sample
n = 82 Cases with Priors

Time Between This Incident and Most Recent Prior Incident	# of Cases	%
0 – 90 Days (Within 3 Months)	17	20.7%
91 – 180 Days (3 – 6 Months)	12	14.6%
181 – 270 Days (6 – 9 Months)	9	11.0%
271 – 360 Days (9 – 12 Months)	9	11.0%
361 – 450 Days (12 – 15 Months)	8	9.8%
451 – 540 Days (15 – 18 Months)	6	7.3%
Over 540 (Over 1½ Years)	21	25.6%

Mean = 435 Days	Median = 311 Days
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Table 31
Number of Cases with Subsequent Incident(s)
JCC Sample
n = 331 Cases

Number of Subsequent Incidents	#	%
0	200	60.4%
1	54	16.3%
2	20	6.0%
3	15	4.5%
4	10	3.0%
5	8	2.4%
6	3	0.9%
7	7	2.1%
8	4	1.2%
9	4	1.2%
10	2	0.6%
Over 10	4	1.2%

Table 32
Sample Case to 1st. Subsequent Incident Timeframe
JCC Sample
n = 131 Cases with New Incidents

Time Between This Incident and Most Recent Prior Incident	# of Cases	%
0 – 90 Days (Within 3 Months)	28	20.7%
91 – 180 Days (3 – 6 Months)	23	14.6%
181 – 270 Days (6 – 9 Months)	13	11.0%
271 – 360 Days (9 – 12 Months)	13	11.0%
361 – 450 Days (12 – 15 Months)	9	9.8%
451 – 540 Days (15 – 18 Months)	9	7.3%
Over 540 (Over 1½ Years)	36	25.6%

Mean = 420 Days	Median = 293 Days
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Table 33
Type of JCC Diversion
n = 331 Cases

Type	# of Cases	%
JCC with no Additional Conditions/Referrals	306	92.4%
JCC with One Additional Condition/Referral	23	6.9%
JCC with Two Additional Conditions/Referrals	2	0.6%

Table 34
Use of Additional Conditions and/or Service Referrals
JCC Sample

Conditions/Service Referrals	Used as a 1st. Condition or Service Referral	Used as a 2nd Condition or Service Referral
Project Pride	4	-
FCIU	3	1
Community Service	3	-
Restitution	8	-
Anger Management	-	1
Deferred Disposition	1	-
No Contact with Victim	6	-
TOTAL	25	2

Table 35
Type of ISC Diversion
n = 350 Cases

Type	# of Cases	%
In-Court Conference with no Additional Conditions/Referrals	202	57.7%
In-Court Conference with Additional Conditions/Referrals	113	32.3%
No Conference, Only Conditions/Referrals	35	10.0%

Table 36
Use of Additional Conditions and/or Service Referrals
ISC Sample

Conditions/Service Referrals	Used as a 1st. Condition and/or Referral	Used as a 2nd Condition and/or Referral	Used as a 3rd Condition and/or Referral
JCC	2	-	-
PIE	51	-	-
JATPP	45	1	-
Project Pride	3	-	-
MDT	11	-	-
FCIU	11	2	-
Consequences of Crime	7	-	-
Community Service	3	1	-
Restitution	4	14	-
Deferred Disposition	1	-	-
Anger Management	1	3	1
Fire Starters Program	-	1	-
Shoplifting Program	1	-	-
Substance Evaluation Program	1	1	-
No Contact with Victim	6	1	-
TOTAL	147	24	1

Table 37
Diversion Outcome - JCC Sample
n = 331 Cases

Program Recommendation	#	%
Juvenile in Compliance/Dismiss	178	53.8%
Juvenile not in Compliance and/or Return to Court	63	19.0%
Case Pending as of Date	27	8.2%
Unknown	63	19.0%
TOTAL	331	100.0%

Table 38
Diversion Outcome - ISC Sample
n = 350 Cases

Program Recommendation	#	%
Juvenile in Compliance/Dismiss	232	66.3%
Juvenile not in Compliance and/or Return to Court	65	18.6%
Case Pending as of Date	1	0.3%
Unknown	52	14.9%
TOTAL	350	100.0%

Table 39
JCC Members by Race/Ethnicity

Race/Ethnicity	#	%
White	102	70.3%
Black	36	24.8%
Hispanic	7	4.8%
Total	145	100.0%

Table 40
JCC Members by Gender

Gender	#	%
Males	58	40.0%
Females	87	60.0%
Total	145	100.0%

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