

EXECUTIVE ORDER NO. 42

WHEREAS, through a partnership led by the Juvenile Justice Commission ("JJC") and the Judiciary, New Jersey is recognized as a national leader in the Juvenile Detention Alternatives Initiative ("JDAI") as a result of successfully, sustainably, and safely reducing its incarcerated youth population; and

WHEREAS, while in 2003, the year before the JJC launched JDAI, there were approximately 12,000 youth admitted to county detention centers pending the resolution of their court cases, that number has dropped by almost 80% and, today, approximately 2,500 youth are admitted to such facilities pending the resolution of their cases; and

WHEREAS, a major focus of JDAI has been to reduce the disparate use of pretrial detention for minority youth, with youth of color accounting for 80% of the approximately 9,500-person reduction in youth incarcerated pending the outcomes of their cases; and

WHEREAS, while in 2003, the courts committed approximately 1,200 young people to the care of the JJC, by 2017, this number was reduced by 85%, to approximately 176 statewide, with youth of color accounting for 85% of this reduction; and

WHEREAS, the JJC has not only led efforts to impact meaningful legislative change and amend state regulations, but also has reevaluated its own classification process and the criteria used in placement decisions for community residential homes, to allow the transfer of more youth from secure care to residential programs; and

WHEREAS, as a result of these changes, the percentage of JJC's youth in a community residential home instead of a secure facility has increased from 26% to 37% since September 2017; and

WHEREAS, through its partnership with the Annie E. Casey Foundation, a national leader in improving outcomes for young people, the JJC is committed to safely and significantly reducing out of home placement and incarceration, particularly for youth of color, in the most difficult cases; and

WHEREAS, for example, reforms in Camden, including changes to diversion practices that narrow the prison pipeline, enhanced community-based programs, and innovative probation practices, have reduced out of home placements between 2014 and 2017 by 33%, with youth of color accounting for 92% of the decrease; and

WHEREAS, in 2017, New Jersey committed to closing the New Jersey Training School for Boys, known as Jamesburg, and replacing it with smaller, regional facilities; and

WHEREAS, New Jersey is now the only state to be designated as a national model for juvenile detention reform by the Annie E. Casey Foundation; and

WHEREAS, although New Jersey is making significant strides, there is still significant work to be done, as the State, despite the efforts of all involved, currently has extreme racial disparities in youth incarceration rates, with a black child significantly more likely to be detained or committed than a white child, even though research shows black and white youth commit most offenses at similar rates; and

WHEREAS, the effectiveness and transparency of county Youth Services Commissions in creating impactful community-based programs varies across counties, and certain mandatory preventive and diversionary programs, such as the Attorney General Directive on Stationhouse Adjustments, are not being uniformly implemented across law enforcement agencies;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Task Force for the Continued Transformation of Youth Justice in New Jersey (the "Task Force"), which shall be responsible for providing recommendations to

the Governor's Office, the Department of Law and Public Safety, other Executive Branch departments and agencies, and the Legislature on strategies and actions to continue the reform of New Jersey's Youth Justice System, including but not limited to the following:

a. Racial Disparities: Exploring an innovative and multifaceted approach to addressing New Jersey's severe racial disparities, drawing upon national best practices and community input;

b. Stationhouse Adjustments: Reviewing stationhouse adjustment data and developing standards to increase uniformity and accountability;

c. Youth Services Commissions and Community-Based Programs: Evaluating the current Youth Services Commission scheme and identifying areas to be strengthened and strategies to increase accountability, including funding, community member involvement, and data reporting;

d. Residential Facilities: Engaging in a comprehensive review of JJC non-secure facilities to ensure that those facilities are appropriate placements for youth and evaluating how they can more effectively be used as rehabilitative settings;

e. Reinvesting Funds into the Creation of a Community-Based System of Care: Conducting a fiscal analysis to determine the potential reinvestment of current youth incarceration funds into community-based programming, particularly programs in those communities most impacted by youth incarceration. The Task Force shall analyze funding streams and costs to provide for an appropriate reinvestment plan that reflects the realities of our current Youth Justice system, including the possibility of creating a dedicated funds lockbox for innovative community-based programs;

f. Facility Closure: Developing a deadline for the closure of the New Jersey Training School for Boys and the Female

Secure Care and Intake Facility, and making recommendations on subsequent land use after the facilities have closed, and assessing the potential for closure of the Juvenile Medium Security Facility;

g. New Youth Facilities: Conducting a comprehensive review of national best practices in the development of secure youth facilities and making recommendations that will inform the creation of the new youth rehabilitation centers; and

h. The System of Granting Juvenile Parole: Conducting an analysis of national models for granting early release to youth in state custody, analyzing current practice in New Jersey, and making related recommendations.

2. Members of the Task Force will be appointed as follows:

a. A representative from the JJC, appointed by the Governor;

b. The Attorney General, or his designee;

c. A representative of the New Jersey Institute for Social Justice, appointed by the Governor;

d. A representative from the Division of Criminal Justice, appointed by the Governor;

e. A representative from the County Prosecutors Association of New Jersey who is actively and presently involved in juvenile matters, appointed by the Governor;

f. A representative from the New Jersey Juvenile Officers Association, appointed by the Governor;

g. One representative each from the Annie E. Casey Foundation and Vera Institute of Justice, both appointed by the Governor;

h. The Public Defender, or his designee;

i. The Commissioner of the Department of Children and Families, or her designee;

j. The Commissioner of Education, or his designee;

k. A current Family Court Judge, to be chosen by the Administrative Director of the Administrative Office of the Courts;

l. The Chair of the Governor's Juvenile Justice Delinquency and Prevention Committee;

m. Two members appointed by the Governor upon the recommendation of the President of the Senate;

n. Two members appointed by the Governor upon the recommendation of the Speaker of the General Assembly;

o. A representative of the NAACP New Jersey State Conference, appointed by the Governor;

p. A representative of Salvation and Social Justice, appointed by the Governor;

q. A representative from the faith-based/ethical community in New Jersey, appointed by the Governor;

r. A representative from the County Youth Services Commission Administrators, appointed by the Governor;

s. A representative of an employee organization representing employees who work at juvenile justice facilities, appointed by the Governor; and

t. Three representatives who have been involved with the New Jersey juvenile justice system, appointed by the Governor, including at least one representative of a non-profit organization that deals with juvenile justice issues and at least one individual who has been subject to the custody of the juvenile justice system.

3. All appointees by the Governor shall serve at the pleasure of the Governor. The Governor may, as determined to be appropriate, appoint additional members to the Task Force, who shall also serve at the pleasure of the Governor.

4. The Governor shall select a chairperson from among the members of the Task Force.

5. Task Force members shall be appointed within 30 days of this Order and the first meeting of the Task Force shall occur within 60 days of this Order.

6. The members of the Task Force shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the Task Force for its purposes.

7. The Task Force shall hold no less than three public hearings, with no less than one public hearing each in the northern, central, and southern regions of the State.

8. The Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with information or other assistance as the Task Force determines to be necessary to discharge its duties under this Order. Each Executive Branch department and agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force within the limits of the department or agency's statutory authority and to furnish the Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledgeable individuals in the public or private sector with respect to any aspect of its mission.

9. The Task Force shall issue a report of its findings and recommendations to the Governor, the Attorney General, and the Legislature no later than six months after the effective date of this Order. The report shall be made available to the public at the same time.

10. Nothing in this Order shall be construed to supersede any federal, State, or local law.

11. Nothing in this Order shall be construed to halt progress on any reforms currently underway under the purview of the Juvenile Justice Commission.

12. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

13. This Order shall take effect immediately.

[seal] GIVEN, under my hand and seal this
26th day of October,
Two Thousand and Eighteen, and
of the Independence of the
United States, the Two Hundred
and Forty-Third.

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Deputy Chief Counsel to the Governor