

LAW AND PUBLIC SAFETY

JUVENILE JUSTICE COMMISSION

Classification Assignment Process for Juveniles

Proposed New Rules: N.J.A.C. 13:100

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Peter C. Harvey, Attorney General and Chair, Markus Green, Attorney General's Designee.

Authority: N.J.S.A. 52:17B-170e(5) to (9), (14), (18), (20) to (22); N.J.S.A. 52:17B-175(e); N.J.S.A. 52:17B-176; N.J.S.A. 52:17B-178; and N.J.S.A. 52:17B-186.

Calendar Reference: See Summary below for explanation of exception to calendar requirements.

Proposal Number: PRN 2005-135.

Submit written comments by June 17, 2005 to:

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The agency proposal follows:

Summary

The Juvenile Justice Commission is proposing new rules at N.J.A.C. 13:100 pertaining to the classification and assignment of juveniles sentenced by the Family Court to a term of incarceration to be served under the supervision of the Commission.

In December 1995, Governor Whitman signed a series of bills reforming the juvenile

justice system, P.L.1995, c. 280 through c. 284. The reform initiatives resulted from recommendations made in December 1994, by the Governor's Council on Juvenile Justice. In its recommendations, the Governor's Advisory Council recognized the need to consolidate all aspects of the juvenile justice system, various parts of which then existed under the jurisdiction of the Department of Corrections, the Department of Human Services, and the Department of Law and Public Safety, by centralizing authority over juveniles in the justice system in a new agency, the Juvenile Justice Commission (hereinafter referred to as the "Commission").

The Commission was created by N.J.S.A. 52:17B-169 et seq., in but not of the Department of Law and Public Safety, as the single agency of State government responsible for the planning, implementation and operation of a comprehensive program of sanctions and services for juveniles, to protect the public, ensure accountability and promote rehabilitation of juvenile offenders, with broadly defined powers to accomplish these goals.

The proposed new rules at N.J.A.C. 13:100 were originally adopted in 1987 and readopted in 1992 as Subchapters 9, 10 and 11 of N.J.A.C. 10A:9 when the Division of Juvenile Services was under the jurisdiction of the Department of Corrections. In 1997 when the Department of Corrections readopted Chapter 9, it repealed Subchapters 9,10, and 11 due to the creation of the Juvenile Justice Commission, since all of these subchapters dealt with juvenile offenders. The Commission is proposing new rules at N.J.A.C. 13:100, Classification Assignment Process for Juveniles, because it finds it appropriate and relevant to its responsibilities to protect the public, hold juveniles accountable for their behavior and provide these juvenile offenders with an effective

rehabilitative experience while under the supervision of the Commission. The Classification Assignment Process provides for a structured, orderly procedure to receive juveniles into the Juvenile Justice Commission, assess their strengths, needs and risks and use that information to make informed decisions relevant to their placement and the nature of their rehabilitative programming within the Commission.

An explanation of the proposed new rules are as follows:

Subchapter 1, General Provisions, provides the purpose, scope and definitions used in the chapter.

Subchapter 2, Reception and Assignment Process, provides the criteria for assigning juvenile offenders received in the Commission's Reception and Assessment Facilities (RAF). N.J.A.C. 13:100-2.1 provides separate and distinct reception, assessment and assignment processes for male and female juveniles and requires that except for educational and recreational activities, the male and female facilities shall be sight and sound separated. The rule further provides time limits by which reception, and assessment activities shall be completed and outlines the activities which shall be completed during the reception, assessment and assignment process. The rule also provides that each juvenile shall be provided with an orientation to explain the juvenile's rights, privileges and responsibilities and the process that shall be followed to develop an admissions summary to determine the risk factors and rehabilitative needs of the juvenile. N.J.A.C. 13:100-2.2 establishes the composition of the Juvenile Classification Committee (JCC). N.J.A.C. 13:100-2.3 explains the responsibilities of the JCC related to the initial classification, assignment, transfer and reassignment of juvenile offenders within the Commission or to the Department of Corrections. The rule further provides the decision-making criteria to

be used by the JCC for making initial assignments to the appropriate secure or non-secure Commission facility and provides a description of the eligibility requirements for assignment to the Commission's secure and non-secure facilities. N.J.A.C. 13:100-2.4 sets forth the criteria for juveniles ineligible for assignment to a non-secure facility. N.J.A.C. 13:100-2.5 and 2.6 delineate the process that shall be followed to facilitate both emergency and non-emergency transfers of a juvenile. N.J.A.C. 13:100-2.7 provides the procedure to be used if a juvenile requests a transfer to another Commission facility. N.J.A.C. 13:100-2.8 provides for the location where classification folders will be maintained for all juveniles assigned to a term of incarceration under the supervision of the Commission and also requires that an electronic back-up file shall be maintained at the Commission's Office of Classification.

The proposal is not subject to the calendar requirements of N.J.S.A. 52:14B-3(4) and N.J.A.C. 1:30-3.3(a)5 because the agency is providing a 60-day comment period.

Social Impact

The proposed new rules ensure that juveniles are provided classification services from admission to the Juvenile Justice Commission to discharge. The rules also assure that the Juvenile Justice Commission carefully reviews the case of each committed juvenile upon admission into the Commission's Reception and Assessment Facilities and on an on-going basis. The classification process provides a framework for making decisions related to the selection of the appropriate Juvenile Justice Commission facility, custody level, services, housing unit, job and program assignment for juveniles to best facilitate their rehabilitation and reintegration back into their communities. The use of these

rules will assist staff and administrators in the management of juvenile populations so that security and the orderly operation of Juvenile Justice Commission facilities can be maintained.

Economic Impact

The proposed new rules will have no new or additional economic impact because the facilities under the jurisdiction of the Juvenile Justice Commission are already adhering to these standards.

The costs of meeting and maintaining the requirements established by the proposed new rules will be met by the Commission through the established budget process with funds allocated by the State.

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rules are not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The proposed new rules will not result in an increase or decrease in the number of jobs in New Jersey.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The proposed new rules will impose no reporting, recordkeeping or other compliance requirements upon small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules affect employees and juveniles under the supervision of the Juvenile Justice Commission and will have no effect on small businesses. Therefore, a regulatory flexibility analysis is not required.

Smart Growth Impact

The proposed new rules will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the proposed new rules follows:

CHAPTER 13:100
CLASSIFICATION ASSIGNMENT PROCESS
FOR JUVENILES

SUBCHAPTER 1. GENERAL PROVISIONS

13:100-1.1 Purpose

The purpose of this chapter is to establish uniform procedures governing the assignment, reassignment and transfer of juveniles to and from Commission facilities.

13:100-1.2 Scope

This chapter shall apply to all juveniles committed to the custody of the Commission.

13:100-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Commission” means the New Jersey Juvenile Justice Commission.

“Director of Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s secure and non-secure facilities.

“Executive Director” means the Executive Director of the New Jersey Juvenile Justice Commission.

"Facility" means any facility operated by or contracted with the New Jersey Juvenile Justice Commission which houses juveniles.

“Initial Classification Custody Document (ICCD)” means the instrument used to guide the selection of a custody level for all newly committed juveniles. The ICCD is a scale to assess the severity of a juvenile’s current and prior record, and the juvenile’s cooperation with past correctional interventions. The instrument is used as an aid in determining placement.

“Initial Classification Custody Document Score” means the numerical value derived from the Initial Classification Custody Document.

“Institutional Classification Committee (ICC)” means a group of Commission staff members that have been designated to make decisions related to the assignment or reassignment of juveniles to programs and activities within a Commission facility and to conduct initial reviews of juvenile requests for transfer to another such facility.

“Juvenile” means an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the New Jersey Juvenile Justice Commission, and who is residing in a Commission facility.

“Juvenile Classification Committee (JCC)” means a group of Commission staff members that have been designated to make decisions related to the assignment or reassignment of juveniles to Commission facilities.

“Non-secure facility” means a Commission or Commission-contracted community program that does not employ custody officers and whose security is provided by civilian staff.

“Reception and Assessment Facility (RAF)” means a secure facility to which newly admitted juveniles are assigned pending classification and placement within the

Commission.

“Reclassification and Custody Document (RCCD)” means the instrument used to review each juvenile’s adjustment to the initial classification assignment, and to subsequent reclassification assignments, to determine whether movement to a new custody level is warranted.

“Reclassification Score” means the numeric value derived from an objective classification scoring instrument (the RCCD) to evaluate a juvenile’s adjustment subsequent to initial classification to determine custody level and assignment.

“Secure facility” means any New Jersey Juvenile Justice Commission facility which houses juveniles and employs custody personnel (N.J.S.A. 52:17B-174) to provide security.

“Superintendent” means the chief executive officer of any Commission facility, which houses juveniles.

SUBCHAPTER 2. RECEPTION AND ASSIGNMENT PROCESS

13:100-2.1 Initial reception

(a) The Commission shall operate separate and distinct reception and assessment facilities (RAFs) for males and females. Except for educational and recreational activities, sight and sound separation shall be maintained between male and female juveniles.

(b) Upon admission to an RAF, a juvenile shall be assigned to a housing unit within the facility.

(c) The reception process shall be completed as soon as possible after a juvenile

is admitted to an RAF, and in any event within three weeks from the date of admission.

(d) Each juvenile shall be provided with an orientation session as soon as possible, and in any event within one week of admission to an RAF unless compelling security or safety reasons dictate otherwise, or if to do so would adversely affect the orderly operations of the facility. Topics of orientation sessions shall include, but shall not be limited to:

1. Rights and privileges of juveniles;
2. Work opportunities;
3. Secure facility services;
4. Recreation and leisure time activities;
5. Grooming and hygiene;
6. Personal property;
7. Housekeeping;
8. Juvenile discipline; and
9. Time and sentences.

(e) During the initial reception process, a detailed social history and medical/dental examination, including a substance abuse evaluation, shall be completed for each juvenile, and assessments shall be made with respect to the juvenile's psychological, educational and vocational needs. All results shall be recorded on the juvenile's Initial Classification Custody Document (ICCD).

(f) An admissions summary for each juvenile shall be developed from a compilation of the information identified in (e) above, which shall include, but not be limited to, the juvenile's:

1. Current offense;
2. Length of sentence;
3. Prior court history, if any;
4. Family situation;
5. Psychiatric or psychological report summaries;
6. Medical condition; and
7. Academic and vocational assessment.

(g) The needs of the juvenile shall be determined by reviewing the results of the assessments in (e) and (f) above. The issues to be considered when identifying a juvenile's needs shall include, but need not be limited to, the juvenile's:

1. Family situation;
2. Social, emotional and psychological profile;
3. Medical and dental condition;
4. Educational and vocational profile;
5. Peer relationships;
6. Substance abuse evaluation; and
7. Current and prior facility adjustment.

(h) At the end of the reception and assessment process, the juvenile shall appear before the JCC for assignment to an appropriate Commission facility.

13:100-2.2 Juvenile Classification Committees

(a) A separate Juvenile Classification Committee shall be established for male and for female juveniles, each of which shall be chaired by the Director of Operations or his or

her designee. Additional members shall be appointed by the Executive Director, or his or her designee, and shall include representatives from:

1. Secure facilities;
2. Non-secure facilities; and
3. The Commission's Office of Substance Abuse.

(b) In addition to the members in (a) above, the Executive Director or his or her designee shall appoint one or more representatives from the Commission's Life Skills and Leadership Academy to the JCC for male juveniles.

(c) The JCC shall meet as needed, but in any event not less frequently than biweekly. Minutes shall be kept of all meetings and shall be maintained on the Juvenile Information Management System (JIMS), or on such other computerized information management system as may be determined by the Executive Director.

13:100-2.3 Responsibilities of a Juvenile Classification Committee

(a) Each Juvenile Classification Committee shall be responsible for determining the classification, initial assignment and transfer of juveniles to, between and from Commission facilities. Assignments and transfers contemplated herein include, but are not necessarily limited to those:

1. Between secure facilities, including an RAF;
2. Between a non-secure facility and a secure facility; and
3. From a secure facility to the Department of Corrections.

(b) The initial assignment of a juvenile shall be based on the information secured in accordance with N.J.A.C.13:100-2.1(e) through (g), and on the juvenile's Initial

Classification Custody Document Score.

(c) Subsequent reassignment and transfer of a juvenile through a Juvenile Classification Committee shall be based upon:

1. The factors set forth in N.J.A.C. 13:100-2.1(e) through (g);
2. The juvenile's Reclassification and Custody Document Score;
3. The ongoing assessments of the juvenile's needs and progress;
4. The safety and security of the juvenile, other juveniles, staff and the public;
and
5. The need for secure and orderly operation of Commission facilities.

13:100-2.4 Juveniles ineligible for assignment to non-secure facilities

(a) Assignment of a juvenile to a non-secure facility is prohibited when:

1. The commitment being reviewed involves a homicide, a sex offense or an offense involving fire-setting behavior;
2. There is currently pending against the juvenile in New Jersey, or in any jurisdiction, either a juvenile charge that in New Jersey would be classified as a first or second degree offense, or any non-municipal adult charge; or
3. The juvenile has a current sentence involving a term of incarceration to an adult State or county correctional facility.

13:100-2.5 Emergency transfer procedures

(a) A request for an emergency transfer of a juvenile may be made by the Superintendent, and shall be directed to the Director of Operations or his or her designee,

in such form and with such supporting documentation as the Director of Operations shall require.

(b) The Director of Operations or his or her designee shall immediately review a request and approve or reject the transfer of the juvenile in writing setting forth the reasons for approval or rejection. If approved, the requesting facility shall notify the receiving facility in order to make the arrangements necessary to effectuate the transfer.

(c) The Superintendent of the receiving facility shall schedule the transferred juvenile for review by the next meeting of the JCC.

13:100-2.6 Non-emergency transfers

A staff recommendation for a non-emergency transfer of a juvenile shall be referred to the appropriate Institutional Classification Committee, which shall make a decision on the appropriateness of the recommendation at its next scheduled meeting.

13:100-2.7 Juvenile requests for transfer

(a) A juvenile has the right to make a request for transfer to another Commission facility. All such requests shall be in writing and submitted to a social worker. The written request shall include the juvenile's name, current facility, the name of the facility the juvenile is seeking to transfer to and the reason for the transfer request. The social worker shall forward the juvenile's written request to other personnel, as appropriate, and to the appropriate Institutional Classification Committee for further consideration.

(b) If the Institutional Classification Committee determines that the juvenile may satisfy the criteria for assignment to the requested facility, the request shall be referred to

the appropriate JCC for further consideration.

(c) When considering a juvenile's request for transfer to another facility, the Institutional Classification Committee and the JCC shall consider the same factors as set forth in N.J.A.C 13:100-2.3(c)

(d) Any determination by a classification committee to grant or to deny a juvenile's request for transfer shall promptly be communicated to the juvenile.

13:100-2.8 Juvenile classification files

Juvenile classification files shall be maintained at each facility with respect to the juveniles housed therein, or at such other location as may be determined by the Executive Director. An electronic back-up file shall be maintained at the Commission's Office of Classification.

Peter C. Harvey
Attorney General
Chair, Juvenile Justice Commission
Executive Board

By: Markus Green
Attorney General's Designee

Date: