

**ATTORNEY GENERAL GUIDELINES FOR
STATIONHOUSE ADJUSTMENT OF JUVENILE
DELINQUENCY OFFENSES**



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Attorney General Guidelines for Stationhouse Adjustment of Juvenile Delinquency Offenses

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Attorney General Stationhouse Adjustment Guidelines

Stationhouse Adjustments

A stationhouse adjustment is an alternative method that law enforcement agencies may use to handle first-time juvenile offenders who have committed minor juvenile delinquency offenses within their jurisdiction. The intent of the stationhouse adjustment program is to provide for immediate consequences, such as community service or restitution and a prompt and convenient resolution for the victim, while at the same time benefitting the juvenile by avoiding the stigma of a formal juvenile delinquency record. In many instances, this early intervention will deter the youth from continuing their negative behavior and divert the youth from progressing further into the juvenile justice system.

In a stationhouse adjustment, the juvenile officer typically asks the juvenile, a parent or guardian/caregiver, or other responsible adult designated by the parent or guardian/caregiver (herein referred to as “designee”) and the victim to come to the stationhouse to discuss the offense. The officer may refer a juvenile for needed services, and, if property has been stolen or damaged, require the juvenile to make restitution in some form. Usually the officer will discuss the offense with the juvenile’s parent or guardian/caregiver and request assurances that the juvenile will not commit any future offenses. This process allows juvenile officers to resolve minor disputes without the need to file a complaint with the court. Victims of minor offenses are often better served since a matter can be resolved locally, providing for a more efficient and expeditious resolution. However, it is important to give the victim the opportunity to have input. Furthermore, the victim always has the right to sign a complaint if he or she objects to a stationhouse adjustment.

Mandatory Availability of Stationhouse Adjustments

All municipal and other law enforcement agencies having patrol jurisdiction within the State of New Jersey shall make stationhouse adjustments available as a method of handling minor juvenile delinquency offenses within their jurisdiction. The goal of standardized guidelines and use of a more uniform method of diverting eligible juveniles is to promote equality within the justice system by providing equivalent access to police diversionary programs regardless of domicile. Stationhouse adjustments shall be conducted in accordance with the standards set forth below. A model stationhouse agreement is attached hereto. Local stationhouse adjustment policies may be modified to account for the availability of local resources and community service opportunities, but all law enforcement agencies having patrol jurisdiction must implement the minimum stationhouse adjustment process described herein regardless of the availability of such resources.

As set forth in the “Quarterly Reports” section of these guidelines, these guidelines require the submission to each County Prosecutor’s Office of aggregate data regarding stationhouse adjustments in quarterly reports. This information is not contained in UCR reports. If the County Prosecutor finds that stationhouse adjustments are not being conducted by a particular law enforcement agency, the Prosecutor or his or her designee shall, after consultation



with the Chief Law Enforcement Executive of that agency, take immediate steps to implement a stationhouse adjustment program for that agency. If it appears that a State Police Road Station is not in compliance with this directive, the County Prosecutor's Office shall inform the Superintendent of State Police and the Attorney General of the specific deficiencies in the implementation of a stationhouse adjustment program in the State Police Road Station. Thereafter, the Superintendent shall implement a stationhouse adjustment program in the Road Station.

Stationhouse Adjustments to be Performed by Juvenile Officers

It is strongly recommended that designated juvenile officers¹ should perform stationhouse adjustments. These officers are best suited by training and experience to handle these matters. In instances where no juvenile officer is available it is recommended that the officer or detective handling the case should consult with a juvenile officer prior to conducting a stationhouse adjustment. However, if no juvenile officer is available to consult with or conduct a stationhouse adjustment the stationhouse adjustment should be conducted nevertheless.

List of Available Referral Agencies

The police shall provide, and agencies shall make available, existing lists of referral agencies, contacts and telephone numbers to which officers may refer juveniles. Such lists are usually available from County Youth Services Commissions, the Division of Criminal Justice, Juvenile Justice Commission, or other sources. Referrals may be made in conjunction with a stationhouse adjustment, but are not limited to the stationhouse adjustment process and may be provided immediately, before the process is completed.

Offenses to be Considered for Stationhouse Adjustment

Ordinance violations, petty disorderly persons offenses and disorderly persons offenses shall be considered for stationhouse adjustment. Fourth degree offenses may also be considered for stationhouse adjustment if the juvenile has no prior record that is known to the law enforcement agency.

Excluded Offenses

The following offenses are not subject to stationhouse adjustment and should result in the filing of a juvenile delinquency complaint:

1. Offenses involving the use or possession of a controlled dangerous substance or drug paraphernalia as defined under Chapters 35 or 36 of the Criminal Code shall not be adjusted without permission of the County Prosecutor's Office, as these

¹Every law enforcement agency having patrol jurisdiction is required to designate at least one sworn officer to handle and coordinate juvenile matters. *Attorney General Executive Directive 1990-1, page 12-3 Designation of Juvenile Officers.*



offenses may be evidence of a more serious drug problem requiring intervention by the Family Court.

2. Bias offenses shall not be adjusted without permission of the County Prosecutor's Office.
3. Sexual Offenses shall not be adjusted without permission of the County Prosecutor's Office.
4. Offenses resulting in serious and/or significant bodily injuries shall not be adjusted without permission of the County Prosecutor's Office. Such permission should only be given in cases where the criminal intent of the offender is in doubt and the injuries were unintended.
5. Third degree offenses shall not be adjusted without permission of the County Prosecutor's Office.
6. Offenses shall not be adjusted if the law enforcement agency is aware that the juvenile has other charges already pending before the court.
7. Offenses shall not be adjusted when the juvenile is currently on probation, parole, home detention or other court ordered disposition.

Other Factors to be Considered

Police shall also consider the following factors when determining the appropriateness of conducting a stationhouse adjustment:

1. Police shall consider the age of the offender. Younger offenders, particularly those who may be less able to understand the consequences of their actions may be more appropriate for stationhouse adjustment. However, no juvenile offender is automatically excluded due to age.
2. Police shall consider any record of prior juvenile complaints or stationhouse adjustments. Juveniles with a prior serious offense or more than two minor offenses should ordinarily not receive a stationhouse adjustment.
3. Police shall consider the cooperation and attitude of all parties (juvenile, parents or guardians/caregivers, or designee and victim).

Minimum Required Procedures

At a minimum, a stationhouse adjustment shall consist of:



1. The law enforcement officer warning the juvenile about the future consequences of continued delinquent activity.² Officers shall discuss possible Family Court dispositions such as fines, probation, loss of drivers license and incarceration. In addition, officers shall discuss the possible impact of a delinquency record, including fingerprint records and DNA records on future career options.
2. The law enforcement officer must notify the juvenile's parents or guardian/caregiver about the matter. A parent or guardian/caregiver or designee must be present. If a parent or guardian chooses to designate another adult (the designee) to attend the stationhouse adjustment with the juvenile, that person must be a responsible adult designated by the juvenile's parent or guardian/caregiver, such as a trusted relative, pastor or other mentor. In the event that a parent or guardian/caregiver does not respond to the law enforcement agency's inquiries, the designee may not be chosen by the juvenile or by the law enforcement agency. The willingness of a parent or guardian/caregiver or designee to participate in this process and act in partnership with law enforcement to hold the child accountable for his or her actions is vital to the success of a stationhouse adjustment.
3. If there is a known victim of the alleged offense, the victim must be notified and agree to the process. Where appropriate, victims should be informed that this process is a more efficient and expeditious process that enables a matter to be resolved locally. A stationhouse adjustment may proceed without the active participation of a victim, but shall not proceed over the objection of a victim. A victim who objects to a stationhouse adjustment should be permitted to sign a juvenile delinquency complaint, unless the complaint is clearly frivolous or lacking in probable cause, in which case, the police officer has the discretion pursuant to N.J.S.A. 2B:12-21(b) to refuse to accept the complaint.
4. The juvenile shall agree not to offend again and the juvenile and his or her parent or guardian/caregiver or designee shall be informed that a subsequent offense, or the failure to comply with agreed upon terms of the stationhouse adjustment agreement, may result in the filing of a juvenile delinquency complaint for the offense which has been the subject of the stationhouse adjustment.
5. The law enforcement officer shall complete a stationhouse adjustment form which must be signed by the juvenile and a parent or guardian/caregiver or designee. Two sample stationhouse adjustment forms are attached to these Guidelines. Law enforcement agencies may use either form, a form prescribed by the County Prosecutor, or develop their own form for this purpose.

²A sample warning form is attached to these guidelines.



Suggested Additional Techniques

Many police departments have been creative in developing additional stationhouse adjustment techniques that provide an additional degree of accountability and responsibility. Law enforcement agencies employing stationhouse adjustments pursuant to these guidelines are authorized to use other reasonable techniques to enhance the effectiveness of such adjustments.

Examples

- h** Some departments incorporate mediation into the process in order to assist in resolving neighborhood disputes.
- h** Departments also require juveniles to agree to make restitution in appropriate cases. This requires an additional time commitment on the part of the law enforcement agency, to follow-up as needed. Restitution plans should be simple and short-term, in order to avoid involving the law enforcement agency in drawn-out collection efforts.
- h** Some officers have asked the juvenile's parents, guardian/caregiver or designee to agree to deny the juvenile driving privileges for some period of time, as part of an agreement.
- h** A county-wide program run through a private non-profit, County Youth Services Commission or other governmental agency, to which police departments may send juveniles to perform some type of community service as part of a stationhouse adjustment.
- h** Performance of community service within the juvenile's municipality.
- h** Letters of apology or essays on the criminal justice topics are frequently requested by departments to force the juvenile to consider the consequences and the effect of his or her conduct on others.

Quarterly Reports

In addition to maintaining necessary departmental records on each stationhouse adjustment, each law enforcement agency having patrol jurisdiction within the State of New Jersey shall submit quarterly reports of all stationhouse adjustments conducted by that agency to their County Prosecutor's Office. Quarterly reports shall also be completed by State Police patrol units and shall be submitted directly to the Superintendent of State Police. **Since one of the primary benefits to a juvenile of a stationhouse adjustment is the avoidance of the creation of a juvenile delinquency record, no personal identifying information should be submitted in the quarterly reports.** For each stationhouse adjustment the quarterly report shall contain: juvenile's age at time of the offense, ethnicity (as reported by the juvenile), gender, the alleged offense and, if no stationhouse adjustment is conducted, indicate the reason(s) as provided on the form. County Prosecutors' Offices shall retain copies of the quarterly reports for five years. A copy of the quarterly report form is attached to these guidelines.



Appendix A

Sample Stationhouse Adjustment Agreement – Long Form

(Must be read to juvenile and parent/guardian/caseworker/designee)

Case No.: _____ Date of Incident: _____ Juv. ID No.: _____

Ethnicity* _____ D.O.B. _____ Age _____ Sex: M / F

* 1. Caucasian 2. Black 3. Hispanic 4. Asian/Pacific Islander 5. American Indian 6. Southern Asian 7. _____
(If ethnicity is not apparent, ask the subject or her/his parent/guardian/caregiver/designee.)

Juvenile: _____

Parent(s) /Guardian/Caregiver/Designee _____

Address: _____

Offense: _____

I wish to have this matter handled through the process of a stationhouse adjustment. I understand that if I am accepted by the program, a juvenile delinquency complaint will NOT be filed against me with the Superior Court, provided that the below terms and conditions of the program are satisfied.

Parent or Guardian/Caregiver or Designee’s and Juvenile’s Initials: _____

I understand that I have a right to discuss this matter with an attorney at law of my choosing. However, I also understand that the court will not appoint an attorney for me prior to the filing of a juvenile complaint and it is my responsibility to obtain my own attorney if I wish. I further understand that I do not have to discuss this matter with anyone, including members of the Police Department before I have an opportunity to discuss this matter with an attorney, if I choose to do so.

Parent or Guardian/Caregiver or Designee’s and Juvenile’s Initials: _____

I understand that participation in the stationhouse adjustment program is completely voluntary. I further understand that I may end my involvement in the program at any time and



have my case proceed in the Family Court as a juvenile delinquency matter. However, in order to participate in the program I must admit and do admit my involvement in the aforementioned offense(s), for which I was taken into custody.

Parent, Guardian/Caregiver or Designee's and Juvenile's Initials: _____

I understand that I have the right to have my matter processed by the Family Court and a request a hearing or a trial. By agreeing to participate in the stationhouse adjustment program, I am waiving my right to a hearing or trial in this matter, provided that the below terms and conditions are satisfied.

Parent, Guardian/Caregiver or Designee's and Juvenile's Initials: _____

I understand that information regarding this incident may be released to any other law enforcement agency, the Family Court, and/or any agency or department connected to the Family Court.

Parent or Guardian/Caregiver or Designee's and Juvenile's Initials: _____

I, _____, agree that I will abide by the following terms
juvenile's name
and/or conditions of the stationhouse adjustment program:

Terms and Conditions

1. _____

2. _____



3.

4.

5.

Juvenile’s Certification

(Read to Juvenile)

I, _____, do hereby certify that I have read this
juvenile’s name

entire agreement. I agree to the terms and conditions of this agreement and wish to have the above-captioned offense(s) processed by the stationhouse adjustment program. I make this decision freely and voluntarily, and I have not been forced or coerced in any manner.

Juvenile’s Signature

Date

Certification of Parent(s), Guardian/Caregiver(s) or Designee(s)

(Read to Parents/Guardian/Caregiver/Designee)

I/we, _____, do hereby certify that I/we are the parent(s) or guardian/caregiver(s) or designee(s) of _____. I/we have read the entire agreement between my child and the stationhouse adjustment program prior to my



child signing the agreement. I have assisted my child in reading this form if it was necessary and have explained the form to my child and have answered any questions that he or she may have had. I/we do hereby agree to support his/her participation and compliance in the program and will enforce this agreement by informing the police department of any violations of its terms and/or conditions.

Signature of Parent, Guardian/Caregiver or Designee *Date*

Signature of Parent, Guardian/Caregiver or Designee *Date*

Certification of Victim/Complainant

(Read to Complainant)

I agree to have the above juvenile offense handled through the stationhouse adjustment program.

Signature of Victim/Complainant (or telephone authorization) *Date*

Certification of Law Enforcement Officer

I hereby certify that I have read this agreement. I have checked or caused to be checked the juvenile's prior history and have determined that the juvenile is a suitable candidate for the stationhouse adjustment program.

Signature of Law Enforcement Officer *Date*



Appendix B

Sample Stationhouse Adjustment Agreement – Short Form

(Must be read to juvenile and parent/guardian/caseworker/designee)

Case No.: _____ Date of Incident: _____

Arresting Officer: _____

Complainant: _____

Juvenile: _____

Ethnicity* _____ D.O.B. _____ Age _____ Sex: M / F

* 1. Caucasian 2. Black 3. Hispanic 4. Asian/Pacific Islander 5. American Indian 6. Southern Asian 7. _____
(If ethnicity is not apparent, ask the subject or her/his parent/guardian/caregiver/designee.)

Parent(s)/Guardian(s)/Designee: _____

Address: _____

Offense: _____

I _____ agree to have the juvenile listed above guided through
complainant/victim
the stationhouse adjustment program by the _____
law enforcement agency

I understand that _____ cannot be prosecuted before the juvenile
juvenile's name
court if the juvenile fulfills the conditions agreed below.

I _____ admit to my involvement in this offense. I also waive my
juvenile's name
right to a trial in this matter and elect that the above offense be adjusted by the law enforcement agency in this community instead of filing a juvenile complaint with the court. I agree to abide by the following:

Terms and Conditions

1. _____

2. _____

3. _____



Signatures:

Victim/Complainant:
(or telephone authorization) _____

Parent/Guardian/Designee: _____

Juvenile: _____

Officer/Detective: _____

Date: _____



Appendix C

Model Stationhouse Adjustment Warning

Juveniles and their parents, guardians or caregivers or responsible adult designee who participate in a stationhouse adjustment should be warned that any further delinquent offenses may result in serious consequences. A stationhouse adjustment is a substantial benefit to the juvenile, which permits the juvenile to avoid those consequences. However, this benefit is rarely extended to a juvenile more than once.

Possible Consequences of Delinquent Acts

- Juveniles who are charged with serious offenses, or who cannot be relied on to voluntarily appear at future court dates, may be held in detention while awaiting adjudication. Juveniles do not have a right to bail.
- A juvenile delinquency record will be created that will be accessible statewide. While juvenile records are for the most part confidential, records of certain juvenile arrest or adjudications may disqualify a juvenile from owning a firearm or obtaining employment in law enforcement or other sensitive positions.
- Juveniles who are 14 or older and charged with a crime will be fingerprinted and photographed.
- All juveniles, regardless of age, who are adjudicated delinquent for an offense that would be a crime if committed by an adult will be fingerprinted and will have to provide a DNA sample. Both the fingerprints and DNA will be maintained in state and federal databases.
- Serious juvenile offenses will require adjudication by the Family Court. Adjudication is the process by which a judge decides whether a juvenile should be found to have committed a delinquent offense. Juveniles do not have a right to a jury trial but they do have a right to an attorney. If a family is not indigent, the judge may order the family to pay for an attorney to represent their child in serious cases.
- If a juvenile is adjudicated delinquent, the court then must order a disposition. A disposition is similar to the sentence that is imposed on an adult criminal. Some of the most common dispositions are incarceration, short-term incarceration, probation, fines, restitution, driver's license suspension or postponement, community service, or mandatory attendance at some type of treatment program. In some circumstances the judge may also order parents or guardians to participate in the disposition or to pay for the juvenile's treatment.



Appendix D

Stationhouse Adjustment Quarterly Report

Law Enforcement Agency: _____

Name of Person Completing Report: _____

Date: _____

- Check Quarter: 1st January 1 - March 31
- 2nd April 1 - June 30
- 3rd July 1 - September 30
- 4th October 1 - December 31

Completed reports must be submitted to the County Prosecutor’s Office by the 15th day of month following the close of each quarter. Complete one line of this report for each stationhouse adjustment (1) considered and accepted (2) considered and rejected and (3) completed (including unsuccessful terminations) by your agency during the quarterly reporting period. Indicate the outcome of the adjustment by entering the appropriate code in column five. Codes are listed at the bottom of this form.

Age at Time of Offense	Ethnicity <i>enter code</i>	Sex	Prior Contacts	Statutory Citation Offense Adjusted	Outcome <i>enter code</i>



Age at Time of Offense	Ethnicity <i>enter code</i>	Sex	Prior Contacts	Statutory Citation Offense Adjusted	Outcome <i>enter code</i>

Notes:

- Race = 1. Caucasian 2. Black 3. Hispanic 4. Asian/Pacific Islander 5. American Indian 6. Southern Asian 7. Other (specify above)
- Prior Contacts = Indicate "Y" or "N" for any prior juvenile delinquency complaints or stationhouse adjustments
- Statutory Cite = Indicate statutory citation for offense adjusted. If the offense is an ordinance violation simply write in "ordinance."
- Outcome = 1. Successfully Completed 2. Parent/Guardian/Caregiver not available or refused participation 3. Juvenile refused participation 4. Victim insisted on formal complaint 5. Not adjusted due to lack of resources 6. Juvenile either committed a new offense or did not complete terms of adjustment agreement, resulting in the filing of a juvenile delinquency complaint 7. Agency considered and rejected stationhouse adjustment

Attach additional sheets as necessary.

