Investing in Kids, Not Prisons:

The Urgency of Transformative Youth Justice Reform in New Jersey

April 2022

Introduction

The murder of George Floyd, which sparked a national racial reckoning, has caused us all to take a renewed look at how structural racism is embedded within our nation’s very foundation. The conversation of what investments are truly necessary to make Black Lives Matter has also taken place here in New Jersey, part of an ongoing dialogue to repair the harm of generations of racial oppression and divestment from Black communities.

The awareness of racism’s impact on the Garden State was also heightened by the COVID-19 pandemic. At the beginning of the pandemic, the cracks in our state’s foundation erupted into earthquakes as New Jersey led the nation in the highest rate of death in our adult prisons. Advocates and family members encouraged the state to Say Their Names, leading to New Jersey releasing over 100 young people early from juvenile facilities in response to the pandemic. Advocacy also led New Jersey to become the first state in the country to test its entire youth prison population for COVID-19 and to the appropriation of $8.4 million for the development of youth restorative justice hubs in four pilot cities disproportionately impacted by youth incarceration.

And now, although Governor Murphy has declared the end of the public health emergency, New Jersey is still suffering from another emergency – one that began over 150 years ago with the groundbreaking of our first youth prison. Four years ago, former Governor Chris Christie announced the closure of Jamesburg and Hayes – two of New Jersey’s three youth prisons. Four years later, all of the state’s youth prisons remain open with costs that compound with each passing year and little to show in furthering public safety.

To make Black lives really matter in the Garden State and to truly keep communities safe, New Jersey must act and finally close its three youth prisons.
Why we must close New Jersey’s youth prisons now

New Jersey’s youth incarceration system is a failure:

- New Jersey currently has the worst racial disparities among its incarcerated Black and white youth in the nation. In our state, a Black child is, incredibly, almost 18 times more likely to be detained or committed to a youth facility than a white child. As a result, as of February 9, 2022, 102 kids were incarcerated in New Jersey – 65 are Black and only 11 are white. These staggering racial disparities persist even though Black and white youth commit most offenses at similar rates. These racial disparities in our state’s youth prisons reflect racially discriminatory decisions about which kids deserve incarceration, and which deserve rehabilitation and second chances.

- New Jersey’s current youth incarceration system is a waste of precious taxpayer dollars, funneling millions each year into largely empty youth prisons. Currently, the state spends approximately $576,737 each year to incarcerate each young person in a state youth prison – a cost expected to rise to $608,095 per young person in Fiscal Year 2023. And this is so even though New Jersey’s youth prisons are largely empty. For example, the New Jersey Training School for Boys (also known as “Jamesburg”), which has a capacity of 285, incarcerated only 65 boys as of February 9, 2022. And the Female Secure Care and Intake Facility (also known as “Hayes”), which has a maximum capacity of 48, incarcerated six girls at that time. In contrast to this exorbitant spending on youth prisons, New Jersey spends only around $25 million each year on community-based programs to keep kids out of the youth justice system.

- At a time when public safety is at the forefront, New Jersey needs to look beyond youth incarceration, which does not significantly reduce recidivism or increase public safety. Of the 336 youth released from commitment in state youth facilities in 2015, 78% had a new court filing or arrest, 61.3% had a new adjudication or conviction and 28% were recommitted within three years of release. Studies show that children who are incarcerated in the youth justice system are also much more likely to be incarcerated as adults.

- New Jersey’s youth prisons are not safe places for children. In 2022, a former JMSF corrections officer pled guilty to aggravated assault for slamming a 16-year-old child to the ground and twisting his wrist, causing it to fracture. Children should not be subjected to harm by adults in places that are intended to rehabilitate and protect them.

- Youth mental health concerns are also compounded and exacerbated by time in secure confinement. Young people in confinement generally have higher rates of mental health issues than their peers in the general community. Incarcerating youth with mental health issues also worsens those issues as they progress through the system and is more expensive overall than community-based youth mental health services.

Youth Justice Transformation Action Plan

To fully transform New Jersey’s youth justice system, the Governor and Attorney General must immediately commit to three actions:

First, New Jersey must set a closure timeline this year for closing our state’s three youth prisons.
Second, New Jersey must make a $100 million investment in community-based youth programs.

Third, New Jersey must transform its youth facilities.

(1) New Jersey Must Set a Closure Timeline

New Jersey must set a closure date and timeline by the end of 2022 for closing Jamesburg, Hayes and the Juvenile Medium Security Facility (JMSF) – the state’s most secure youth prison for boys. The timeline should ensure that all three facilities will be closed by the end of 2024.

For each youth transitioning from these youth prisons, and for all young people in Juvenile Justice Commission (JJC) custody moving forward, the state must develop a transition plan that prioritizes “pushing down” as many kids as possible out of youth facilities and into community-based programs as the default placement. By strengthening available community-based programs, described further below, we can begin to phase out the need for out-of-home placements and envision a day where there are no kids in prison.

The closure process should include a workers’ transition plan to accommodate the possibility of retraining youth prison workers for new positions within other facilities, programs and/or state agencies. No young person should be transitioned from a JJC facility to a Department of Corrections facility due solely to the closure of any youth prison.

(2) New Jersey Must Invest $100 Million in Community-Based Youth Programs

To ensure that youth reentering society are equipped with the tools they need to stay in their communities and to address the needs of youth susceptible to youth justice involvement, New Jersey must commit $100 million to fund community-based youth services. These services should be part of a larger community-based continuum of care for our young people that is designed in partnership with communities that have been devastated by youth incarceration. This continuum should include, but not be limited to, robust mental health services, restorative justice options and family-centered care. To house these programming funds, the state should create the Youth Justice Transformation Fund – a $100 million “lockbox fund.” This fund will build upon the $8.4 million investment allocated to the Restorative and Transformative Justice for Youth and Communities Pilot Program which will provide youth prevention, diversion and reentry services. Restorative justice programs have been successful in reducing school suspensions in Oakland, California by 87% and deescalating hundreds of critical incidents in Chicago. Investing in restorative justice creates pathways for youth that do not default to incarceration. New Jersey’s pilot program stands as a model for what is possible in a full continuum of care. Programs that expand access to front-end services will significantly reduce New Jersey’s reliance on punitive measures. For example, studies have shown that mental health treatment can contribute to reductions of up to 70% in rates of rearrest for youth that have committed serious offenses – a statistic that should be strongly

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1 New Jersey must think creatively about what resources are available and what investments are needed at the front-end to keep young people out of the youth justice system. To that end, the 150 Years is Enough Campaign collaborated with communities most impacted by youth incarceration to develop the Restorative and Transformative Justice for Youth and Communities Pilot Program. The Campaign encourages New Jersey to utilize the expertise of impacted communities to continue to develop additional community-based alternatives to incarceration.
considered for investments in front-end support.

To finance this fund, New Jersey should use all closure-related cost savings and any additional funding opportunities available – including cannabis revenue. Fund monies should primarily go to youth in the communities with the highest youth incarceration rates. To ensure the funding is effectively used, the state should also perform a comprehensive review of the state’s Youth Services Commissions.

(3) New Jersey Must Transform its Youth Facilities

To truly keep New Jerseyans safe during these extraordinary times, we must not double down on antiquated youth prisons and knee-jerk policies of mass incarceration which harm our communities, particularly communities of color, and do little to keep us safe.

There is a more effective way to keep youth and communities safe and that is by transforming youth facilities. For the few youth who may require a secure placement, we propose the creation of publicly run, treatment-focused, child-centered, Youth Resource Centers (YRCs). Following national best practices, and in partnership with impacted communities, YRCs should be repurposed facilities that are close to the communities which are most impacted by youth incarceration. These centers must focus on current restorative and transformative justice practices and should be home-like, provide comprehensive holistic services and mirror the community-based resources available to the youth once released to ease the transition back into their communities.

Both the Hogan Street Regional Youth Center in St. Louis, Missouri, a former church school that was renovated to be more secure, and the New York Close to Home initiative give New Jersey examples to consider in developing these centers. It is critical that impacted community member input and feedback is centered in the process.

The proposed centers should have no more than 30 beds and should be tied to financial incentives to reduce the youth population in the centers on an annual basis. After a date in time, to be set in agreement with the community, the center should be closed forever as a youth facility and should be transitioned into a community resource center open to all community residents.

The JJC should assess the extent to which existing non-secure Residential Community Homes (RCHs) are already within impacted communities and determine whether these RCHs can be repurposed into YRCs. As part of this process, the JJC should also consider which RCHs are far from home, expensive to run and do not mirror the community-based resources available to youth; these RCHs should be closed to align with the transformation occurring in secure facilities.

After the YRCs are created, youth that require secure treatment will be transitioned to these centers, followed by closure of the state’s three youth prisons.

All three youth prisons should be repurposed to benefit the surrounding communities, such as for education, youth and economic development, workforce investment, agriculture, parks and recreational purposes. For example, as outlined by the Institute in our report Bring Our Children
Home: A Prison-to-School Pipeline for New Jersey’s Youth, Hayes’ former site could be transitioned into a modern and integrated Bordentown School. The sale of any land for development purposes should be put into the Youth Justice Transformation Fund to support community-based programs, services and opportunities for impacted youth.

150 Years is Enough.