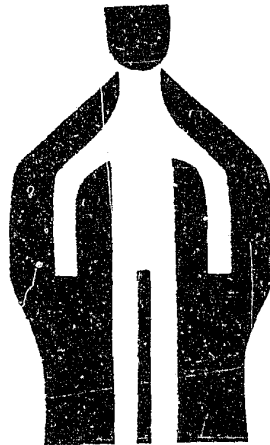


Juvenile Justice in New Jersey

An Assessment of the New Juvenile Code

Dale Dannefer and Joseph DeJames



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Task Force on the Juvenile Code
Department of Human Services

December 1979

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Dale Dannefer and Joseph DeJames

With the assistance of:
David Twain

Contributions By:
Joseph A. Ellman
Richard P. Lewis
Raymond Castro

Task Force on the Juvenile Code

Department of Human Services
222 S. Warren Street
Trenton, New Jersey 08625

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FOREWORD

The Department of Human Services played a major role in implementing provisions of New Jersey's new juvenile code, which became effective in March 1974. The Task Force on the Juvenile Code was created specifically to effectuate those provisions related to the Department and to conduct a comprehensive study of the code's impact. This study, Juvenile Justice in New Jersey: An Assessment of the New Juvenile Code, attempts to illuminate the impact of the code which, among other things, created the classification of juveniles in need of supervision (JINS). Without question, this was progressive legislation which halted the practice of incarcerating juveniles who had been neither accused nor convicted of delinquent or criminal-type behavior.

We should not, however, be complacent in thinking that the current juvenile code and juvenile justice system respond appropriately to the needs of all JINS and delinquents in the State. The system should be constantly reviewed and evaluated to better prepare for rational change in the future. This juvenile code study attempts to begin this process and provides an important resource for use by policymakers, planners, and juvenile justice professionals in New Jersey to improve the quality of juvenile justice.

A debt of gratitude is acknowledged to the staff of the Task Force on the Juvenile Code for their commitment to this project and also to the Law Enforcement Assistance Administration and the State Law Enforcement Planning Agency for their support of this effort.

Ann Klein
Commissioner
Department of Human Services

Department of Human Services
Task Force on the Juvenile Code

Director - Joseph DeJames

Research Coordinator - Dale Dannefer, Ph.D.

Consultant - David Twain, Professor
School of Criminal Justice
Rutgers University

Professional Staff

Joseph A. Ellman
Richard P. Lewis
Raymond Castro

Research Assistants

Susan Regan
Nicholas Ciocia
James Kassack
Ann Sarli
Diane Steelman
Gerald Greenfield
Alan Stoleroff

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Data was collected at juvenile aid bureaus, juvenile courts, and intake offices. Special assistance was provided to our field workers in many instances, both in locating records and interpreting information. We wish to thank the numerous clerical and administrative personnel for their time and kind assistance. In this regard, particular appreciation is extended to Sgt. Patrick Sovaia (Perth Amboy), Sgt. Bernard Szydowski (South River), Sgt. Robert Velloso (New Brunswick), Lt. Carl Schanbacher (Irvington), Deputy Chief George Hemmer (Newark), Det. Sgt. Charles W. Canary (Metuchen), and Sgt. Philip Bertolino (Maplewood), of their respective juvenile aid bureaus. Also, Walter Joyce (Essex) and Michael Ripatrazone (Morris), the directors of their respective juvenile court intake offices.

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EXECUTIVE SUMMARY

Major Findings of the Research

1. What Were the Effects of the Provisions of the New Code?

The new juvenile code mandated certain changes in New Jersey's juvenile justice system. This section highlights the implementation of those mandated changes.

- The New Juvenile Code Has Been Successful in Prohibiting the Placement of JINS in Secure Institutions

The most significant provision of the new code was the creation of the JINS classification and the concomitant prohibition of the placement of JINS in secure facilities - detention centers and training schools. Analysis of the 2,469 juvenile court cases surveyed indicates that the implementation of the code has been successful with regard to this provision. The Task Force's monitoring activities over several years also corroborate this study finding. Although an occasional JINS is placed in secure detention and on other occasions JINS allegations are upgraded to delinquent allegations to circumvent the law, compliance with this component of the legislation has been virtually universal.

In regard to the upgrading of offenses, the research findings and the Task Force's monitoring activities show that on occasion some jurisdictions have circumvented the spirit of the law by upgrading JINS cases to delinquency through technicalities. This situation is most likely to occur in rural jurisdictions which have a limited or non-existent shelter care program. When JINS must be placed outside their homes, and there are no shelter beds readily available, authorities sometimes upgrade the offense to delinquency in order to place the juvenile in detention "legally." Situations of this nature were more likely to occur soon after the legislation was implemented, but it occurs on occasion even at present.

- The Most Visible Change Resulting From the Legislation was the Creation of 20 JINS Shelters Across the State

Since very few shelter facilities existed in the State prior to the legislation, the JINS shelters were created in response to the legislative mandate to place JINS in unrestrictive shelter care facilities rather than detention. Although the creation of the 20 JINS shelters virtually doubled the number of predispositional holding facilities in the State (there are also 18 detention facilities), the total number of juveniles admitted to predispositional

holding facilities has not increased significantly. In 1977 there were a total of 15,217 admissions to all JINS and detention facilities. In 1973, before any JINS shelters were developed, there were a total of 14,893 admissions to detention facilities, which at that time admitted JINS-type offenders. Thus, the aggregate population in predispositional facilities has increased only 2.2% over a five-year period, even though there are now an additional 20 JINS shelters which were not in operation in 1973. The major point to be made in this regard is that the implementation of the legislation has been positive in the sense that the JINS were "drained off" from the detention population without an increase of delinquents to the detention population during this five-year period.

- The New Code Had a Relatively Small Impact on the Male Juvenile Population at the Training Schools, but a Major Impact on the Female Population

Some states which have passed status offender legislation prohibiting commitments of JINS-type offenders to correctional facilities have had severe problems in developing alternative resources. The prohibition presented virtually no problems in New Jersey since very few JINS-type offenders were being committed to training schools immediately prior to the code; of those juveniles being committed, most were females.

In order to look more closely at the impact of the juvenile code on the populations of the training schools, we analyzed individual case files of 130 juveniles from Skillman, Jamesburg, and the State Home for Girls, who were committed to these facilities approximately six months prior to the implementation of the new code. The data make clear that the juvenile code had no impact on the population of males at Jamesburg, since in our sample there were no JINS admitted prior to the code. In regard to the males at Skillman, the juvenile code seems to have had a relatively small impact, since only 14% of the admissions analyzed prior to the code were JINS. The juvenile code, however, had a significant impact on the population of females committed to the State Home for Girls, since 67% of the cases analyzed prior to the code were JINS. As a result, the population of this facility decreased rapidly after March 1974, a situation which significantly contributed to the closing of the facility and the transfer of the remaining delinquent females to a cottage at Jamesburg.

- Although the New Code Provides for the Placement of Minor Delinquent Offenders into JINS Shelters, in Practice This is Rarely Done

The new code limited the criteria for admission into detention to only two - when a juvenile is a threat to the

physical safety of the community and when detention is necessary to secure the presence of the juvenile at the next hearing. However, the findings show that relatively minor delinquent offenders are also placed in secure detention, even though the law allows for placement in the JINS shelters. In five of the six counties studied, those charged with minor delinquent offenses were almost never placed in JINS shelters; the exception is Middlesex County, where nearly half of the sampled delinquents held in custody in 1975 were placed in the JINS shelter.

- Other Provisions of the New Code

The new code incorporated several less publicized provisions intended to make the juvenile justice system more responsive to the needs of the State's juveniles. One of these was a prohibition of the placement of delinquent juveniles in county jails. Under the old code, 16 and 17-year-olds could be placed in county jails as long as they were separated from adults. The new code prohibited such jailing and thus New Jersey joined only a handful of states which have totally prohibited this practice. Except for implementation problems in several rural counties in the southern part of the State in 1974, compliance with this provision has been virtually universal. Only on an extremely rare occasion is a juvenile illegally placed in a county jail, and in no county in the State is the practice routine.

Under the waiver section of the new code (N.J.S.A. 2A:4-48), a criterion was added which provided that waiver to adult court could not be effectuated unless "there are no reasonable prospects for rehabilitation of the juvenile prior to his attaining the age of majority by use of the procedures, services and facilities available to the court." Also, the offenses for which waiver could be made are more specific in the new code. The sample data suggests that the more restrictive criteria for waiver resulted in fewer waivers after the implementation of the new code. Only six cases out of our sample of 2,469 juvenile court cases resulted in a transfer to adult court. However, five of these were in 1973 and only one was in 1975. Although this finding is based on rather limited evidence, it is consistent with the assessment of the judges whom we interviewed.

The new code also incorporated two additional dispositions not present under the previous legislation - placement of the juvenile under the Division of Mental Retardation and commitment to an institution for the treatment of mental illness. These dispositions, however, are virtually never used by the juvenile court. We found only three cases out of our sample of 2,469 cases where one of these dispositions was used. However, this is not to suggest that JINS and delinquents rarely find their way into psychiatric hospitals

or schools for the retarded. Rather, there are non-judicial routes into these facilities that were in existence prior to the new code. Clearly, the legislation has not altered the utilization of these non-judicial routes.

2. What Changes Occurred in Juvenile Justice Processing From 1973 to 1975?

The previous section highlighted the implementation of the mandated provisions of the new code. This section examines whether or not the code had an impact on juvenile justice processing generally, separate and apart from the mandated provisions of the law.

- At the Police Level, the Proportion of JINS Sent to Court Decreased in 1975, While the Proportion of JINS Referred to Social Services Increased

The sample data, based on an analysis of cases from seven juvenile aid bureaus, reveals that police significantly increased their referral of JINS to social service agencies after the enactment of the new code, while concomitantly decreasing the use of juvenile court for JINS. In 1973, 37% of the JINS-type offenders were sent to court for further processing, while in 1975, this proportion decreased to 29%. The decrease in the use of court was made up by the use of referrals to social service agencies; in 1973 only 2% of the JINS-type offenders were referred to social services, while in 1975, 11% were so referred.

- Juvenile Court Judges Made Substantially More Use of DYFS in the Disposition of JINS Cases in 1975 than 1973

In regard to processing at the juvenile court level, the most significant finding revealed by the sample data is the increased utilization of the disposition, "place under the care of DYFS." Overall, the proportions of JINS-type cases placed under DYFS's care increased from 7% in 1973 to 15% in 1975. Females were about twice as likely as males to receive this disposition, but both sexes showed large increases over the time period studied. About 2% of the delinquent cases studied were placed under the care of DYFS in 1973 and 3% in 1975. While the use of DYFS as a court disposition was uniform across the six sampled counties in 1973, the increase in 1975 results from relatively heavy use of this disposition in Essex, Middlesex and Union Counties. Its utilization actually decreased in Sussex and Hunterdon Counties. In addition to the formal disposition involving DYFS, an additional 12% of the 1975 JINS cases were identified as having been referred to the attention of DYFS without a formal disposition.

The increased reliance on DYFS in the disposition of JINS matters closely parallels the previously noted finding that

police referred more JINS to social services after the implementation of the code. It seems likely that the passage of the JINS legislation resulted in an increased awareness of the needs of JINS-type offenders with the recognition that in most cases they are not "offenders" in a legal sense, but are often enmeshed in a situation of family dysfunction.

- The Code Had No Effect on the Rates of Temporary Custody for JINS and Delinquents: JINS are Still More Than Twice as Likely as Delinquents to be Held in Temporary Custody

Although the nature of temporary custody for JINS has changed from a secure to non-secure setting, the proportion of JINS held in temporary custody did not change from 1973 to 1975. The research data from the six sampled counties shows that 34% of all JINS-type offenders were held in detention in 1973, while 32% were held in temporary custody in 1975. The corresponding rates for delinquents are 13% in 1973 and 15% in 1975. Aggregate statewide data from 1977 corroborates this general finding; this data shows that JINS were three times as likely to be held in temporary custody as delinquents.

3. What Are the Similarities and Differences between JINS and Delinquent Offenders?

The collection of data regarding personal and social characteristics and juvenile justice career characteristics permits us to analyze similarities and differences between JINS and delinquent offenders. Since analysis of data that relates to this question revealed no significant variation from 1973 to 1975, the findings reported here apply to both years.

- The Majority of Delinquent Offenders Are Male, While JINS Offenders Are Evenly Split Between Males and Females

Females comprise about half of the JINS offenders processed, but only about 20% of delinquent offenders. This finding is consistent with two popular notions about status offenders which have been addressed in the literature. First, some writers on the subject have suggested that female status offenders are more likely to come to the attention of the juvenile justice system than are males because of the concern with "protecting" females from premature sexual involvement and other perceived undesirable activities. In other words, it is argued that the sexual "double standard" is paternalistically applied in the administration of juvenile justice.

Second, many observers believe that status offenses typically result from individual behavior often reflecting a family problem or other immediate crisis. Males and females

are equally likely to be confronted with such situations. Thus, other things being equal, they should be equally represented as status offenders. Delinquent acts, by contrast, are frequently related to male peer group expectations, activities, and status. Thus, males and females are exposed equally to pressures to commit status offenses, while males often experience more peer group influence to engage in delinquent acts than do females.

- JINS and Delinquent Offenders Appear to be Similar in Ethnicity and Socioeconomic Status

In our samples of juvenile court cases, JINS and delinquents are not differentiated by ethnicity; approximately 60% of JINS and delinquents are white and 35% are black, with the small remainder being Hispanic.

In regard to indices of socioeconomic status, the findings suggest that JINS and delinquents are equally likely to be from families that suffer from economic hardships; JINS and delinquents are also equally likely to have a working mother (about 50% of all cases) and equally likely not to have a father in the home (about 40% of all cases). The father's occupation also does not distinguish JINS and delinquents for those juveniles whose fathers are in the home. Thus, by every available indicator of socioeconomic status, the data show that JINS and delinquents are similarly distributed according to this variable. This means that JINS, like delinquents, come disproportionately from the lower categories of socioeconomic status. Thus, the findings do not support the popular notion that JINS tend to be more middle class, while delinquents tend to be from lower class backgrounds.

- JINS Are More Likely Than Delinquents to Come From Troubled Families and to Have Emotional Problems in Their Backgrounds

From the court records, the family situation was classified as stable, turbulent, or unstable. JINS are more likely than delinquents to be from families known from court records to be "turbulent" or "unstable." About half of the delinquent offenders, but two-thirds of the JINS, live in such family situations. This finding is consistent in 1973 and 1975. Lack of parental support or involvement with the juvenile was also obtained from the court records, and showed JINS to be somewhat more likely than delinquents to be from such families. In about 25% of the JINS cases, but only 15% of the delinquent cases, was a lack of parental support or involvement with the juvenile noted in the court record.

In regard to personal characteristics, the data show JINS to be slightly more likely than delinquents to have a history

known to the court involving depression and to be substantially more likely to have a diagnosis of non-psychotic emotional disorder made by a psychologist or psychiatrist (20% for delinquents, 30% for JINS).

- Although JINS and Delinquents Show Little Difference in Their Likelihood of Prior Juvenile Justice Involvement, the Type of Prior Involvement Differs

More than half of both the JINS and delinquents are first offenders, with JINS more likely to be first offenders than delinquents (58% of the JINS vs. 52% of the delinquents). Thus, almost equal proportions of JINS (42%) and delinquents (48%) have had prior juvenile justice involvement. However, there is a difference in the type of involvement. Delinquents are more likely than JINS to have been charged with a prior delinquent offense (about 42% vs. 29%), while JINS are more likely than delinquents to have been charged with a prior JINS offense (about 25% vs. 13%). In either case, males are more likely than females to have been charged with a prior offense (about 50% vs. 35%). Male JINS are almost as likely as male delinquents to have been charged with a prior delinquent offense (44% for JINS vs. 49% for delinquents). The pattern for females, however, is not as strong -15% of the female JINS have prior delinquent histories, while 28% of female delinquents have prior delinquent histories.

- Generally, JINS are Handled More Stringently Than Delinquents by New Jersey's Juvenile Justice Agencies

In all agencies studied, with the exception of the juvenile aid bureau, JINS are handled more stringently than delinquents. At the point of police disposition at the juvenile aid bureau, delinquents are more likely to be sent to court than JINS. This finding is consistent across municipalities, although the proportion of cases sent to court varies jurisdictionally.

Once a case is forwarded to court, however, this pattern is reversed. At the court intake level, JINS cases disposed of at pre-judicial conferences are substantially more likely to be referred for social services than are delinquent cases (46% for JINS, 25% for delinquents). Delinquent cases, on the other hand, are more likely to be counseled and released (60% for delinquents, 45% for JINS). While referral to social services may not be strictly viewed as more stringent than "counsel and release," from purely a legal viewpoint, there is more intervention on the part of the judicial system on referral cases than on "counsel and release" cases. It should also be pointed out that voluntary referral is often, in actuality, nearly impossible for the juvenile to reject, since it is a mandatory part of the disposition of the case, despite the fact that there has been no formal adjudication.

In terms of custody, JINS are twice as likely as delinquents to be held in predispositional custody, as previously noted. At the court level, JINS are more likely than delinquents to be adjudicated (79% vs. 67%), and less likely than delinquents to have their cases dismissed or informally adjusted (42% vs. 54%). In addition, JINS are more likely than delinquents to receive probation as a disposition (37% vs. 26%). Thus, once a case is referred to the court by police, JINS receive more stringent treatment than delinquent offenders at every point--custody placement, intake pre-judicial disposition, and court adjudication and disposition. These patterns were not affected by the passage of the new juvenile code and they hold generally across jurisdictions.

A further important dimension of the differential processing of JINS and delinquent offenders is a consistent discrepancy in the processing of males and females. At each of the decision points just reviewed, female JINS receive more stringent treatment than male JINS. They are more likely to be placed in custody, to be ordered to receive social services at an intake pre-judicial conference, to be adjudicated, and to be placed on probation, than are male JINS. With few exceptions, this pattern is consistent across subsamples. On the other hand, female delinquent offenders tend to receive slightly but consistently more lenient treatment than male delinquent offenders. Thus, the observed differences in processing between JINS and delinquents can often be traced to rather dramatic differences between the processing of female JINS and delinquents; the differences between male JINS and delinquents considered alone are much less striking and disappear at the point of the court hearing.

4. What Accounts for the Apparent Inequities in Juvenile Justice Processing?

Thus far, two major findings have emerged which relate to differential processing and equity--JINS are handled more stringently than delinquents, and female JINS are handled more stringently than male JINS. This section attempts to respond to some of the issues which may relate to differential processing and apparent inequities.

The Parent-signed Complaint is an Important Factor in the Processing of JINS Offenders

Statistically, the most important antecedent factor that influences juvenile justice processing is the relationship of the juvenile to the complainant. A large proportion of JINS complaints are either parent or school-initiated, while very few delinquent complaints are so initiated. The salience of the complainant-juvenile relationship is corroborated and underscored by the additional finding that

parent or school-initiated JINS complaints yield a substantially greater likelihood of more stringent sanctions at every point in the process - police and court intake dispositions, custody placement, and juvenile court dispositions. For example, if the JINS complaint is signed by a parent, the juvenile is 50% more likely to be held in custody and twice as likely to be placed on probation than if the complaint is signed by a police officer.

The relatively stringent treatment of JINS with parent-signed complaints can be understood in terms of the legal and interpersonal circumstances that typically surround JINS cases. A factor that is generally regarded as important in the application of legal sanctions is the commitment of the offended party to prosecute. It often happens that parents who bring children to court may be dissuaded from pursuing such a path of action unnecessarily. However, the intensity of the parent-child relationship, the strong negative feelings generated by the signing of the complaint, and the parents' interest in face-saving by remaining committed to a line of action once undertaken, all tend to entrench the parent and child in nonconciliatory positions. Other factors have also been identified in encouraging prosecution by the parent - the possibility of "dumping" the child, of using the court as a means of getting social services or other resources, or of using the JINS shelter as a "babysitter." Our data do not directly address these possibilities, but they have been explored by other researchers, and are consistent with the empirical findings of this study.

In JINS cases particularly, courts tend to be governed more by the ideals of the parens patriae doctrine than in the case of delinquent offenders. The interviews conducted with judges and other official personnel support the claim of several writers on the subject that JINS tend to be regarded as troubled adolescents. Since the complainants are often parents or responsible official agencies and the juveniles are charged as "problem children" rather than criminal deviants, due process--including representation by counsel and attention to the juvenile's rights--is not emphasized. While some judges require counsel in any situation where removal from the home, or some other change in living arrangements is a possibility, the juvenile code requires it only in cases where the possibility of loss of liberty through institutional commitment exists. Accordingly, JINS are less likely than delinquents to be placed on the counsel mandatory calendar. The proportion of delinquent cases placed on the counsel mandatory calendar increased by 25% from 1973 to 1975. However, the proportion of JINS cases placed on the counsel mandatory calendar remained stable. The proportion of females charged with JINS offenses placed on the counsel mandatory calendar actually decreased from 27% in 1973 to 20% in 1975, although fewer female JINS cases were dismissed and informally adjusted in 1975.

These findings may indicate an increased level of concern with the rights of alleged delinquent offenders that has not been paralleled by an increased concern for juveniles charged as JINS.

To the extent that the calendaring decision may reflect concern with the rights of JINS, it is noteworthy that wide jurisdictional variation exists: In Essex, Union, and Hunterdon Counties, 35 to 40 per cent of JINS cases are placed on the counsel mandatory calendar and these proportions are stable across time. In the remaining counties, the figure is much smaller and shows a decrease in 1975.

In summary, it seems very likely that the differential treatment of JINS in the juvenile justice system represents a large number of instances where parents or officials perceive they are signing the JINS complaint for the juvenile's own good, and the court joins forces as a benevolent agent of authority and social control. In such situations the court is interposed in conflictive family relations that may not properly be handled as matters of justice, legality, or criminality. The pressure to remove JINS-type offenses from the juvenile court thus derives from the perceived inappropriateness of the juvenile court to respond to family conflict. Also, as previously noted, it is this same condition, the offender (JINS)-complainant (parent) relationship, that explains the relatively stringent treatment of JINS by the juvenile justice system.

- A "Double Standard" Apparently Exists Between Male and Female JINS in Regard to Perceived Standards of Acceptable Behavior

As noted earlier, at each major decision point in the juvenile justice system, female JINS receive more stringent treatment than male JINS. They are more likely to be placed in custody, to be ordered to receive social services at an intake pre-judicial conference, to be adjudicated, and to be placed on probation, than are male JINS. Previous researchers have reported similar patterns. Generally, it is agreed that different standards of "acceptable behavior" and of "protection" from the social environment are required in the case of girls, interpretations that have raised issues of "judicial paternalism" and of a "double standard" of justice. The findings reported here fail to demonstrate that such attitudes do not exist. In this regard, juvenile justice agencies mirror the traditional family which has always exerted greater control over the behavior of its daughters than its sons, especially in regard to adolescent sexuality. Often because of pressure brought by parents, the juvenile court and other juvenile justice agencies are forced to involve themselves in the enforcement of adolescent morality.

- Jurisdictional Differences Exist in the Processing of Juvenile Offenders

At all agency types studied--juvenile aid bureaus, court intake units, and juvenile courts--jurisdictional variation was found. This relates not only to the fact that different jurisdictions have different juvenile crime problems, but also to the fact that policies, procedures, and philosophies vary by jurisdiction. With respect to juvenile crime, it is clear that urbanized areas have more serious juvenile crime than more rural ones. Therefore, more cases are defined as requiring arrest and of those arrested, more juveniles are detained and sent to court. Thus, urban areas contribute disproportionately to the population of offenders in the juvenile justice system. This also means that urban police departments and courts lack the resources to prosecute or pay attention to minor offenders to the extent that rural ones do. Thus, the study findings show that less urban jurisdictions arrest larger proportions of juveniles on minor delinquent offenses, and are more likely to send minor offenders to the juvenile court.

The development of detention and commitment rates also reveals wide jurisdictional differences in the placement of juveniles in secure county detention facilities on a pre-dispositional basis, and the commitment of juveniles to State correctional facilities on a postdispositional basis. Detention admissions, based on 1977 data, ranged from 5.9% of all delinquency complaints filed in Cape May County to 30.2% in Salem County. Except for Hudson, the counties with the highest detention rates were rural in nature--Cumberland, Salem, Sussex, and Warren. The wide disparity in detention rates makes it apparent that the statutory detention admission criteria is not being uniformly followed across the State, and that for a given offense, a juvenile will be released pending a hearing in one county, and placed in secure detention in another.

Wide jurisdictional differences also exist in the commitment of juveniles to State correctional facilities by the juvenile courts. Commitment rates, using 1978 data, ranged from five commitments per 1,000 delinquency complaints disposed of in Gloucester County to 28 in Hudson County. One reason for the differences in commitment rates between counties is that juvenile crime varies by county. However, the wide differences in commitment rates between counties strongly suggests another explanation--dispositional disparity. For a given offense, a juvenile from one county may be committed to a correctional institution, while a juvenile from another county may receive probation or be diverted from a correctional institution for the same offense. For example, Salem and Gloucester Counties are neighboring counties, both with relatively low crime rates, yet a delinquent from Salem County is five times as likely

to be committed to a correctional institution than a delinquent from Gloucester County. Likewise, a juvenile from Mercer County is three times as likely to be committed to a correctional facility than a juvenile from neighboring Middlesex County.

Implications for Policy

The most significant components of the new juvenile code were the mandates that JINS were no longer to be locked up in secure detention facilities and training schools. In this regard, the legislation has been remarkably successful. Compliance with these prohibitions has been virtually universal and violations are almost nonexistent. Certainly, New Jersey's complete removal of status offenders from secure detention facilities and correctional institutions should be considered an accomplishment, since some states are still dealing with the problems associated with relatively young status offenders locked up in county jails.

In fact, the new juvenile code proved that there is no need to lock up children for noncriminal misbehavior. Officially, status offenders had been locked up in New Jersey since 1874 with the passage of the Compulsory Education Act. It is ironic that the prohibition against locking up these juveniles came exactly 100 years later. Each year, several thousand JINS are placed in non-restrictive JINS shelters across the State. If it were not for the new legislation, many of these juveniles would continue to be placed in secure detention. However, there are relatively few problems associated with their placement in non-secure facilities. True, occasionally a JINS absconds from a JINS shelter, but the incidence of such behavior is not alarming when viewed in terms of the entire JINS shelter network. The success of dealing with JINS in non-secure settings demonstrates that perhaps many minor and non-violent delinquent offenders also do not require secure custody, especially at the predispositional level.

The implementation of the new code was successful in regard to its mandated provisions. However, in regard to the processing of juvenile offenders through various juvenile justice agencies, which was not generally addressed by the new code, we note that JINS are more stringently dealt with than delinquents at almost every step in the juvenile justice process--intake, predispositional custody, adjudication, and court disposition. Out of all the possible effects the study examined, the code had relatively few effects on the processing of JINS at those agencies studied, other than the prohibition of secure custody.

The new juvenile code forced the juvenile justice system to address the most immediate of problems facing JINS-type offenders--namely, being locked-up for committing noncriminal offenses. However, the legislation did not address larger issues involving status offenders such as the problems and mechanisms

that bring JINS-type offenders to the attention of the court or whether or not the juvenile court is the appropriate agency to address the needs of status offenders. Perhaps these issues could not have been rationally discussed when the new code was being drafted, since we had to see the JINS legislation in operation before coming face-to-face with the larger issues. With six years of the juvenile code in operation now behind us, we have a unique opportunity to review the past in order to make whatever changes are necessary to respond to the present and future needs of status offenders. The following sections utilize the findings of the study to discuss policy implications and possible alternative courses of action.

The Role of the Juvenile Justice System in Regard to Status Offenders

In regard to the processing of JINS offenders, we have certainly changed labels and liberalized the rather harsh treatment JINS-type offenders have experienced over the years--placement in secure detention and commitment to training schools. But the fact remains that legally, JINS are still "offenders" and coercive sanctions are brought against them, even though the overwhelming evidence is that most of them are enmeshed in situations of family dysfunction. Almost by definition JINS come from troubled families. Our research shows that JINS are more likely than delinquents to come from troubled families and that most JINS complaints are parent-initiated. It should also be pointed out that while family problems cut across class lines, JINS are typically from lower class families. Middle class families have other mechanisms and outlets to deal with family dysfunction and adolescent misbehavior. Thus, while middle class juveniles often exhibit the same behavior as JINS brought to court, they are not subject to the coercive sanctions of the court.

One of the problems in New Jersey in regard to JINS processing is that JINS clearly do not wholly belong in either the juvenile justice system or the child welfare/social service system. Clearly, the juvenile court remains the focal point of JINS processing, even though it is not designed to address family problems. Rather, it has inherited this role from years of tradition. In recent years, attempts have been made to divert a number of JINS from the court process by referral to child welfare and social service agencies. However, there has never been a "master plan" in New Jersey addressing the provision of comprehensive services to JINS in lieu of, or to prevent, judicial involvement. While some form of intervention may be necessary on behalf of status offenders, a number of writers on the subject have questioned whether the juvenile court is the appropriate agency to address the needs of status offenders.

The Removal of JINS From the Jurisdiction of the Juvenile Court

At the national level, the most significant issue at the present time in regard to status offenders is the debate over the removal of status offenders from the jurisdiction of the court. Tradition is on the side of those who favor maintaining status offenders under the jurisdiction of the court, since they have been "offenders" in the eyes of the court since its creation at the turn of the century. However, pressure is clearly mounting to alter this trend, since a number of national organizations have more recently advocated the removal of status offenders from the jurisdiction of the juvenile court.

It is argued that since JINS-type offenses stem from family problems, the proper domain for the resolution of such problems rests with noncoercive voluntary social service agencies. Allowing coercive intervention in JINS matters undermines family autonomy and encourages parents to abdicate their responsibilities and roles to the court. Parents and children who are in conflict with each other, or children who are in conflict with society during adolescence in terms of noncriminal misbehavior, should have community resources available for their voluntary use to help them through this difficult period. Alternative services, including family-crisis intervention centers, adolescent shelters, and alternative educational programs are necessary. However, it is argued that the growth of such programs is dependent upon the removal of status offenders from the jurisdiction of the court, since this would stimulate the creation and extension of a wider range of voluntary services than is presently available.

Critics of the present system further argue that the juvenile court is not designed, equipped, or able to handle parent-child conflicts. In fact, at present, the juvenile court itself often acts as a referral agent. JINS complaints which come to the attention of court intake or juvenile court are often disposed of by referral to DYFS or some other child welfare or social service agency. Thus, there is recognition by the judicial system that in many cases the procedures and services of the court are of limited utility in addressing JINS matters.

Another pertinent issue in this regard is that although family problems are usually evident in JINS matters, it is the juvenile, not the parent, who gets labeled as an "offender," gets a court record, and may become stigmatized by the court process. It is interesting to note that the juvenile court has no jurisdiction over parents, even though the parents may play a large role in the juveniles' noncriminal misbehavior.

In New Jersey, the Governor's Adult and Juvenile Justice Advisory Committee recommended that status offenders should be removed from the juvenile court. However, it is clear that a number of issues would have to be addressed prior to this radical change in dealing with status offenders. While there are parents who sign

complaints against their children to "get rid of them" or to "punish" them, it is apparent that a number of parents sign complaints against their children seeking help, guidance, and the authority of the court. A more responsive system for addressing the needs of JINS may be one of non-judicial social service intervention, yet a comprehensive system of this nature is not yet in place.

Most judges operate under the assumption that JINS are different from delinquents and make dispositions accordingly. In this regard, our research shows that dispositions and referrals made to DYFS and other social service agencies have increased significantly for JINS. However, it is apparent that a number of juvenile court judges feel that without the authority of the court, child welfare and social service agencies would not be as responsive in dealing with the needs of JINS.

Also, before any plan to remove JINS from the jurisdiction of the court could be implemented, the issue of temporary shelter care for present-day JINS would have to be dealt with. This would clearly be the major issue to resolve in any planning process addressing removal of JINS from the court. From the Task Force's monitoring activity, it is evident that JINS charges are most likely to be upgraded to delinquent charges when JINS shelter services are not readily available. If JINS were removed from the jurisdiction of the court at the present time, a strong possibility exists that unless an alternate child-welfare based shelter system were available, many of today's JINS would be reclassified as delinquents and placed in secure detention.

Issues Surrounding Shelter Care

In most JINS shelters in the State, the admission of a juvenile can only be made when a complaint has been signed against him/her. If this practice is viewed in light of the reality that there are virtually no dependent/neglected shelters in the State for adolescents and foster care is limited for this age group, it is not surprising that some juveniles are being charged as JINS offenders solely to provide them with a place to stay until more permanent living arrangements are made.

Family problems often create situations where juveniles cannot or should not live at home, either for brief or extended periods of time. In some of these situations, juveniles must be immediately placed outside their homes. The only temporary alternative, given the lack of alternate resources, may be a JINS shelter, where juveniles must first be charged as "offenders" before they are admitted. This situation clearly increases the number of JINS complaints filed against juveniles. In some cases, it is quite apparent that the sequence of events involving the juvenile's misbehavior, the signing of the complaint, and the placement in custody is different for delinquents and JINS. In a typical delinquent situation, the juvenile commits an offense, is subsequently apprehended and a complaint signed, and then a

decision is made regarding the need for secure custody in detention. Many JINS cases, on the other hand, result from a much different sequence of events: The decision to place the juvenile in a JINS shelter is sometimes made before the decision regarding the need for a complaint. Thus, the complaint merely becomes the vehicle for admission into the JINS shelter. This is the primary reason why the proportion of JINS placed in temporary custody is two to three times higher than the comparable proportion of delinquents placed in detention. Clearly, if dependent/neglected shelters or foster homes were available, the total number of JINS complaints filed would inevitably decrease.

Limiting Judicial Involvement Over JINS

In lieu of removing JINS from the jurisdiction of the court, another alternative is one of limiting judicial involvement over JINS as much as possible. If dependent/neglected shelters were available in all jurisdictions, this in itself would inevitably decrease the number of JINS cases coming into the judicial system.

Also, attention could be given to preventing juveniles from being placed outside their homes into JINS shelters. The present system makes it very easy for parents to relinquish responsibility over their children by merely "dumping" them on official agencies and into JINS shelters. Crisis intervention could begin when the parent identifies the need to remove the child from the home, rather than when a court disposition is rendered. Often, the decision by parents to sign JINS complaints and subsequently place their children in JINS shelters is a plea for help which prompts the system to respond. If parents were assured that services were readily available, the need to sign JINS complaints and to place children in JINS shelters would diminish.

Another option which would decrease the number of JINS cases coming before the court would be to adopt a system of Families with Service Needs, which would jurisdictionally be under the auspices of a family court. This approach has been recommended by the National Advisory Committee on Juvenile Justice Standards and Goals. One of the components of this approach is that only repeated and habitual status offense behaviors would be eligible for court involvement. For example, only when a juvenile repeatedly runs away from home could judicial intervention be sought by a parent or agency. However, jurisdiction would extend not only to the child but also to the parents or guardians and any public institution or agency with the responsibility to supply services to help in dealing with the problems of status offenders. In this way, the family court would have a direct jurisdictional tie to any person, school system, treatment facility, or service associated with the child's behavioral problem.

Another provision which would decrease judicial involvement would be to limit judicial involvement to those cases where voluntary

child welfare and social service alternatives to assist the child and the family have been exhausted and have not worked. This provision would have the effect of greatly reducing the number of those situations where parents look to the court to impose coercive sanctions against their children in order to "get rid" of their children or to "punish" them.

In summary, even though the new legislation has been successful in prohibiting the secure custody of JINS offenders, the research has demonstrated that JINS are still processed rather stringently when compared to delinquents. Continued judicial intervention into noncriminal misbehavior and accompanying family problems should be looked at very closely, along with the present system of JINS shelter care, which encourages JINS complaints to be signed against juveniles.

INTRODUCTION

March 1, 1974 represents a significant date for New Jersey's juvenile justice system. On that date, the new juvenile code, which embodied the most significant changes in statutory law since 1929, became effective. The cornerstone of the law was the creation of the JINS (juvenile in need of supervision) classification for a juvenile who committed an offense which would not be a crime if committed by an adult, such as runaway, truancy, or incorrigibility. Such JINS-type offenses are commonly referred to as status offenses, since they result from the status of being a juvenile. Until 1974, JINS-type offenders were formally classified as delinquents, eligible for placement in secure detention and commitment to a training school. The purpose of developing the JINS designation was to spare juveniles who commit status offenses from being labeled and treated as delinquents, and make it easier for them to receive necessary social services.

In adopting the new juvenile code, New Jersey followed the lead of a number of other states by establishing a code which differentiates between status and delinquent offenders. However, a critical difference characterized New Jersey's approach toward status offender legislation; differential handling between status and delinquent offenders was mandated by statute, not merely differential classification, as many other states have done. This was achieved by prohibiting the placement of JINS in secure detention on a predispositional basis; rather, when JINS are held they must now be placed in shelter care without physical restriction. Also by statute, JINS can no longer be committed to correctional facilities established for the rehabilitation of delinquents. These two provisions represent the most significant changes in the juvenile code, since they mandate that JINS can no longer be "locked up" at any point in the system, either before or after disposition.

Since the provision for JINS represents a significant reform in New Jersey's juvenile justice system and the processing of JINS represents a significant component of virtually all juvenile justice and many child welfare agencies in the State, a research study focusing on the implementation and assessment of the law is certainly in order. On the State level, and more surprisingly on the national level, there is a paucity of empirical data regarding status offenders in the juvenile justice system and implementation of status offender legislation. From New Jersey's experience, this study attempts to fill gaps in that void.

The research project was carried out by the Task Force on the Juvenile Code, which was created in 1974 by Commissioner Ann Klein to implement provisions of the new code related to the Department. Between 1974 and 1978, the work of the Task Force centered around the development of JINS shelters across the State and included program evaluation and approval, grant administration, litigation, policy and legislative analysis, monitoring of

the new code, and research. Commissioner Klein first identified the need for a research project to study the impact of the legislation, and it was under her direction that the Task Force initiated the research project. A Research Coordinator, Dale Dannefer, Ph.D., was hired specifically for the project, and David Twain, Ph.D., Professor at the School of Criminal Justice, Rutgers University, served as a consultant to the project.

In developing the research design, an effort merely to document compliance with the law was deliberately avoided. For example, a major focus of the study could have been the review of detention admissions and commitments to training schools to determine if JINS were being inappropriately placed or committed, given the new code's prohibition on secure detention and correctional commitments. However, the Task Force's monitoring of the implementation of the law over several years showed that compliance had been virtually universal and, therefore, the results of such a survey would have limited utility.

Thus, the research design attempted to address the code's impact, not by statutory compliance, but rather, by a systematic, empirical investigation of the juvenile justice process as a whole to explore possible intended and unintended changes throughout the juvenile justice process. Additionally, the project was designed to provide a basic set of data on important related issues where knowledge is nonexistent in New Jersey. For example, the legislative adoption of a JINS classification implies that juveniles of this type are somehow different than delinquents. If this is the case, we would expect juvenile justice agencies to respond differently to JINS than delinquents. The research examined this issue in great detail in several agency types (juvenile court, court intake, and the juvenile aid bureau). The processing of juvenile offenders, both JINS-type and delinquent, was examined at these various agencies before and after the enactment of the legislation. Thus, the research design allows broad issues to be addressed: Are JINS different than delinquents? In what ways? Are JINS processed differently than delinquents by juvenile justice agencies? Is there sex differentiation in the processing of status offenders? Has the judicial processing of status offenders changed since the introduction of the new code?

Although the primary mission of the research project was to study the impact of the juvenile code, the research design facilitated a secondary purpose - the development of a rather detailed picture of the juvenile justice process in New Jersey. Thus, aside from data useful for analyzing the implementation of the code, the data may be viewed as informative in its own right and useful for a better understanding of the juvenile justice system in New Jersey.

The Executive Summary of the report provides the reader with a capsule view of the significant findings of the project and attempts to address some of the broad issues suggested above.

The New Jersey legislation certainly was not developed in a vacuum. Accordingly, the first chapter of the report, "Status Offenders and the Juvenile Justice System," places the New Jersey effort in a national context in terms of an evolutionary development toward status offender legislation. The development and implementation of the new code and its provisions are discussed in detail. Overall, the chapter should provide good background information on the historical developments, both prior to enactment of the legislation and subsequent to its adoption.

As noted earlier, the research study focuses on the juvenile justice process by addressing how JINS and delinquents are handled by various juvenile justice agencies. For this reason, a rather detailed narrative was developed on the juvenile justice system in New Jersey, which is presented in Chapter 2. This chapter should provide the reader with a basic understanding of the various agencies involved in the juvenile justice process, as well as the decision-making at each agency.

Chapter 3, "Research Design," develops the rationale for the particular research design which was utilized and describes the sampling process.

The presentation of empirical findings from the study begins with Chapter 4, which develops a comparative profile of JINS and delinquents. Chapters 5 through 8 present research findings regarding the various juvenile justice agencies which were studied.

The research report was written with various audiences in mind. The casual reader who is interested in a summary of the findings may wish to refer to the Executive Summary. Practitioners or laymen interested in gaining a better understanding of New Jersey's juvenile justice system may find the detailed narrative describing the system particularly useful. Those interested in specific issues addressed by the data may wish to refer to the several chapters presenting analysis of the research findings. In addition, the report may be viewed as a resource document for juvenile justice personnel, since it compiles a wealth of data from various juvenile justice agencies.

Given the broad range of juvenile justice issues that led to the decision to conduct the research, we chose a strategy of gathering a large amount of data in a number of settings, rather than a design of more limited scope. As a result, we developed a large body of data, some of which is still untapped, that can continue to be a source of information for researchers. The data analyses presented here address the primary questions of interest. In some cases they raise additional questions which might be illuminated by further analyses of these data. Thus, the constraints of the report are those of time and space as well as inquiry.

The report represents one of the most comprehensive analyses of New Jersey's juvenile justice system in recent years. The report not only describes the entire juvenile justice system, but also empirically documents the decision-making at various juvenile justice agencies. As such, the report should prove to be useful to policy-makers from the Executive, Judicial, and Legislative branches of government in providing a sound basis for rational decision-making regarding future changes in the juvenile justice system, especially changes regarding the processing of JINS. The report deliberately avoids developing specific recommendations. However, a section of the Executive Summary, "Implications for Policy," discusses some of the research findings in the context of possible directions for change.

1. STATUS OFFENDERS AND THE JUVENILE JUSTICE SYSTEM

This chapter views the new juvenile code and the policy issues surrounding it in the context of the development of juvenile justice in New Jersey, and in the United States as a whole. The influence of a number of historical developments upon the new legislation is analyzed. In addition, the chapter explicates the legislative processes which led directly to the enactment of the code, and outlines the salient provisions of the code itself.

From a policymaking perspective, it is particularly important to understand how the new code was implemented - a process that involved the close cooperation of the Department of Human Services and the counties. Accordingly, a discussion of the implementation follows. The JINS provisions in the new code are emphasized throughout the chapter, since this was the most significant reform in the new law and required the greatest changes in the processing of juveniles in the juvenile justice system.

An Historical Analysis of Status Offenders in the Juvenile Court

At present, the juvenile code of almost every state in the country retains jurisdiction over juveniles' noncriminal misbehavior, either through broad delinquency statutes or status offense classifications. Although the juvenile court movement in the early 20th century was responsible for the codification of new categories of youthful misbehavior into law, the roots of this development are found in colonial America. During this period, Protestants, particularly Puritans, viewed the household as an important agent of social and economic control. A primary task of the Puritan family was to discipline children and keep them under control. This was in keeping with the Puritan belief of the inherent evil of human nature; a function of the parents was seen as the repression of this evil in their children. Civil government was seen to perform a corresponding function, with sanctions imposed by society.

Accordingly, colonial laws regarding status offenses were rather harsh. In 1672 for example, a Massachusetts law was passed which provided for the death penalty when any child "shall curse or smite their natural father or mother." Although records do not reveal that any children were executed under this law, it may be viewed as symbolic of the prevailing reverence for family authority. The importance of children as an essential source of labor for the family economic unit may also have contributed to the development of such laws (Teitelbaum & Harris, 1977:9-10). Since labor, primarily in the form of farming, was a family enterprise, children were dependent upon their parents for longer periods of time than is now common.

Under the law, children whose parents failed to inculcate Puritan discipline could be placed with another family, ordinarily through the agency of involuntary apprenticeship. Thus, "the connection between youthful disobedience and parental failure [was] explicit" (Teitelbaum & Harris, 1977:12). Other imposed sanctions for children, as well as adults, included whippings, fines, or exhibition in stocks or pillories. Placements in institutions for punishment were not made, except for brief placements in jails while awaiting trial.

Influenced by the Enlightenment, a more humanistic concern for criminals as well as for juveniles who violated the law emerged after the American Revolution. This new concern was reflected in the construction of elaborate and massive prisons early in the 19th century which were hailed as models for penal reform both here and abroad. Despite this idealism, conditions for juveniles in these prisons were generally poor. Gradually, the belief that juveniles should be placed in more appropriate facilities became prevalent.

As an alternative to placing juveniles in the prisons with adults, several cities established special institutions for delinquent and nondelinquent children in the early 19th century. The first was the New York House of Refuge, which was founded in 1824 by members of the Society for the Reformation of Juvenile Delinquents, with the goal of emphasizing corrective treatment rather than punishment. Within three years, additional refuges opened in Philadelphia and Boston. These "refuges received children who were destitute and orphaned as well as those who were actually convicted of felonies in state and local courts. Some of the 'convicted' children were guilty of no greater crimes than vagrancy, idleness, or stubbornness" (Mennel, 1972:71). Despite this great diversity in the children placed in the houses of refuge, it was generally believed that all of these problems were the result of a poor environment and, therefore, could be remedied by placement in a common environment where they could learn socially acceptable behavior.

Industrialization and immigration during the middle and later 19th century created a host of problems which were perceived as threatening to the traditional values and structure of American society. Cities became overcrowded, slums developed and, with the breakdown of traditional forms of community, the breakup of the family unit became more and more common. Laissez-faire capitalism and individualism began to be perceived by some more as obstacles than guarantors of social progress and the public began to look towards government to ameliorate these socioeconomic problems - especially to protect the weak and the needy, many of whom were children (Teitelbaum & Harris, 1977:21).

The creation of compulsory education in the mid-nineteenth century demonstrated the public's belief that the state had a right to intervene significantly in the lives of children and their families in order to instill and preserve society's

dominant values and traditions, which were perceived as then being threatened in a changing, industrial society. Ironically, the creation of compulsory education also resulted in the creation of a new juvenile offense, truancy, which became a social problem during this time and another reason for committing juveniles to reformatories.

Despite the growing proliferation of houses of refuge and reformatories, there were only 17 such facilities in the country by 1857 (Rothman, 1971:209). Most juveniles were still housed with adults in prisons, a situation which a number of reformers addressed in the later 19th century along with efforts to separate juveniles from adults before and during trial as well. As an alternative to prison or a reformatory, juvenile probation was used in Chicago in 1861. Juveniles were required to have separate hearings in Boston in 1870; and by 1877, Massachusetts provided for separate sessions, dockets, and court records in juvenile cases, followed by New York in 1892 and Rhode Island in 1898. Rhode Island and Massachusetts also provided for the presence of public and private agents at court to protect the interests of the child (President's Crime Commission, 1967:3).

These reforms culminated in the Juvenile Court Act, which was passed by the Illinois Legislature in 1899, and created the first statewide court for juveniles. This Act, coupled with later amendments, was significant for status offenders in that "it brought within the ambit of governmental control a set of youthful activities that had been previously ignored or dealt with on an informal basis" (Platt, 1969:29). In 1901 and 1907, the legal scope of "delinquency" was expanded to embrace incorrigibility, running away from home, loitering, growing up in idleness or crime, gambling, and using profanity, as well as offenses which would be crimes if committed by adults.

The juvenile court was conceived as a specialized court which dealt only with juvenile matters, thereby shielding these children from the stigma of being tried in adult criminal courts. The child who broke the law was to be dealt with by the state as a wise parent would deal with a wayward child. Hearings were to be informal and confidential. Emphasis was not to be placed on the offense but, rather, on the child's environment and how he or she could be treated and helped. Rehabilitation, not punishment, was the official goal of the court. Because of this attitude, the normal due process safeguards applicable to adult criminal proceedings were considered irrelevant in the juvenile court and, therefore, were not extended to juveniles. The judge and the probation officer, not lawyers or juries, decided what was in the "best interest" of the child. Since the proceedings were civil in nature with rehabilitation rather than punishment as the goal of the court, it seemed justifiable to include such offenses as truancy, incorrigibility, and unruliness under the jurisdiction of the court.

The legal basis for the development of the juvenile court evolved from the concept of parens patriae (the court acting in the role of parents). This doctrine originally referred to the English chancery court's protective jurisdiction on behalf of the king over children of the realm whose property rights were jeopardized. When the English legal system was transplanted to the United States, the chancery court's activities were extended to include protection of minors in danger of personal injury as well as property loss (President's Crime Commission, 1967:2). Thus, it became the duty of the state to intervene in the lives of all children who might become a community crime problem, whether they be delinquents, status offenders, or merely neglected.

The juvenile court concept spread rapidly; by 1925 all but two states had juvenile courts. However, the proliferation of juvenile court statutes did not guarantee that the ideals of the juvenile court would be fulfilled. "A U.S. Children's Bureau survey in 1920 found that only 16 percent of all so-called juvenile courts in fact had separate hearings for children and an officially authorized probation service and recorded social information on children brought to court" (President's Crime Commission, 1967:3). The gap between what was promised and what was delivered in the juvenile court became a focus for public criticism in the late 1940's (see, e.g., Tappan, 1946; Ellrod & Melaney, 1950). During the 1950's, increased urbanization had created greater social problems and higher court caseloads. The result was that the juvenile court was subject to widespread criticism of being a quasi-criminal court with none of the safeguards of the adult criminal court, and simultaneously lacking the social and rehabilitative services which were supposed to be the cornerstones of the court. Thus, it was asserted that "the child receives the worst of both worlds... he gets neither the protection accorded to adults nor the solicitous care and regenerate treatment postulated for children" (Kent v. United States, 383 U.S. 541, 545 (1966)).

Criticism of the juvenile court, especially in regard to procedural due process, intensified in the 1960's and provided impetus for a trilogy of United States Supreme Court decisions which radically altered the juvenile court process (see Elson, 1962; Ketcham, 1965). Essentially, the decisions provided for minimal due process rights of juveniles and sharply curtailed the unbridled discretion that judges had traditionally exercised under the parens patriae doctrine.

In Kent v. United States, 383 U.S. 541 (1966), the court held that a waiver order transferring jurisdiction over a juvenile to an adult criminal court was invalid because there was no hearing or effective assistance of counsel, and thus constituted a denial of due process and fair treatment. This decision, the first juvenile court case decided by the U.S. Supreme Court, provided the basis for the landmark decision In re Gault, 387 U.S. 1 (1967), which ruled that in all cases in which juveniles are in danger of loss of liberty because of commitment, they are to be

afforded the following due process safeguards: the right to counsel, the privilege against self-incrimination, the right to confront and cross-examine witnesses, and the right to be given adequate notice of the charges. The third case, In re Winship, 397 U.S. 358 (1970), prescribed the "beyond a reasonable doubt" evidentiary standard for adjudications by the juvenile court.

Status offenders, as well as delinquents, were affected by the provisions of Gault, since most states had single-statute jurisdictions where JINS-type offenders were defined as delinquents and thus were subject to the same dispositions, including commitment to a training school. In New Jersey, for example, counsel was provided via Gault if there was a possibility of institutional commitment of a status offender. However, some states, including New Jersey, have adopted a bifurcated system (status offenders and delinquents) where commitment to a training school is prohibited for status offenders. Under this system, status offenders have no constitutional rights as prescribed by Gault, even though they may be placed in nonsecure residential facilities.

The narrow holding in Winship extended the "beyond a reasonable doubt" standard of proof only to a juvenile "charged with an act which would constitute a crime if committed by an adult" (397 U.S. at 359). Thus, status offenders have no constitutional right to the "beyond a reasonable doubt" standard of proof (see, e.g., In re Henderson, 199 N.W. 2d 111 (Iowa 1972); Warner v. State, 258 N.E. 2d 860 (Ind. 1970)). However, this right may be conferred by statute, although "only one-fourth of the states [including New Jersey] require adjudication of a need for supervision to be based upon proof beyond a reasonable doubt" (Institute of Judicial Administration-American Bar Association (IJA/ABA), 1977a:7).

While the Kent-Gault-Winship decisions did not specifically address the rights of status offenders, they did have one significant consequence beyond the specific extension of rights to alleged delinquents: exposing the shortcomings of the juvenile court. The concept which extended the jurisdiction of the juvenile court over all types of juvenile offenders, parens patriae, was attacked in the Gault decision as a "murky" concept with "historic credentials... of dubious relevance" (387 U.S. at 16). Thus, the issue of the appropriateness of processing status offenders through the juvenile court using both delinquency classifications and dispositions came into focus.

The classification of status offenders as delinquents and court jurisdiction over status offenders became important issues during the 1960's, amidst the dissatisfaction with the juvenile court and juvenile correctional facilities. Prior to Gault, only three states created separate categories for status offenders - California (1961), New York (1962), and Illinois (1966). The New York legislation is significant in that it provided that PINS

(persons in need of supervision) could not be committed to state training schools for delinquents and that alternate facilities would be developed. However, because of a lack of state funds, the alternate facilities were not developed and PINS continued to be placed in state training schools.

Another significant development during the 1960's was the recommendation by a number of national organizations that status offenders be treated differently than delinquents in the juvenile court system. In 1967, the President's Commission on Law Enforcement and Administration of Justice in its Task Force Report: Juvenile Delinquency and Youth Crime recommended that "consideration should be given to transferring the proceeding for considering noncriminal but seriously hazardous conduct to an agency other than the juvenile court" (1967:27). The National Conference of Commissioners on Uniform State Laws (1968) recommended in the Uniform Juvenile Court Act that status offenders should comprise a separate category and receive different treatment than juveniles who commit criminal acts. The Children's Bureau of the United States Department of Health, Education and Welfare (Sheridan, 1969) made a similar recommendation in the Legislative Guide for Drafting Family and Juvenile Court Acts. The Guide also recommended that no "person in need of supervision" should be placed in an institution established for delinquents unless after the first adjudication the child is found to have committed another PINS offense.

Various empirical studies and surveys have also documented the special problems of status offenders in the juvenile justice system. Lerman (1970) found that PINS in New York were detained more frequently and for longer periods of time than delinquents. Furthermore, he found that the status offenders were more likely to be committed to a juvenile correctional institution and for longer periods of time than delinquents. A review of ten studies made by the Children's Bureau of HEW in 1965 revealed that status offenders represented 48% of juveniles detained in state and local detention programs, including jails (Sheridan, 1967). Similar findings have been replicated by a number of researchers (cf., Ferster et al., 1969; Ariessohn & Gonion, 1973; Sarri, 1974; Howlett, 1973). In terms of postdispositional care, it has been estimated that between 25% and 50% of all juveniles in correctional facilities across the country are there for status offenses (Sarri et al., 1974; Wheeler, 1974).

"Labeling theory" has augmented concern about the stigmatizing effect of the court process on juveniles. Labeling theory argues that society's response to minor deviant behavior produces more serious deviance as the "misbehaving" individual comes to accept the assessment of others that he or she is deviant, and tends to act accordingly. Since the juvenile court process gives "official status" to the juvenile's deviance, it is especially difficult for the juvenile not to accept this self-definition at some level of awareness and hence to be "stigmatized." A significant number of studies have attempted to test this theory, with contradictory results (see, e.g., Culbertson, 1975; Mahoney,

1974). Nevertheless, the theory has often been used as an argument to minimize status offenders' as well as other juveniles' involvement in the juvenile court system. The labeling of status offenders as delinquents or JINS "offenders" (or PINS, MINS, etc.) has been seen as particularly problematical since they have not committed a "crime." The IJA/ABA Joint Commission on Juvenile Justice Standards (1977a:7) notes the following in this regard: "Given the lack of conclusive empirical data, it seems likely that (1) coercive judicial intervention in unruly child cases produces some degree of labeling and stigmatization; and (2) whatever effect this has on the child's self-perception and future behavior will be adverse."

The federal government gave added impetus to the deinstitutionalization of status offenders through the enactment of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. The Act provides federal funds to states for the prevention of delinquency, diversion of juveniles from the traditional juvenile justice system, deinstitutionalization, and improvement in the juvenile justice system. Regarding status offenders, the Act also requires that states receiving federal funds must make provision for status offenders to be placed in nonrestrictive shelters rather than detention or correctional facilities.

Spurred by the many developments noted above, status offender legislation proliferated during the late 1960's and early 1970's. More than 40 states now have separate categories for children's noncriminal misbehavior, such as JINS, MINS, PINS, wayward child, or unruly child.¹ However, many states have merely provided another classification of a juvenile "offender," thereby leaving the juvenile vulnerable to all the sanctions imposed upon delinquents, including placement in jails and secure detention facilities, and commitment to training schools. Until recently, spurred by the compliance requirements of the federal JJDP Act, relatively few states had statutorily or administratively adopted prohibitions against the placement of status offenders in secure facilities pending disposition or commitment to training schools.²

¹ For a state-by-state statutory breakdown of status offender jurisdiction, see Teitelbaum and Gough, Beyond Control: Status Offenders in the Juvenile Court, 1977, or IJA/ABA, Standards Relating to Noncriminal Misbehavior, 1977.

² According to a 1977 report from the National Center for Juvenile Justice regarding compliance with the Juvenile Justice and Delinquency Prevention Act of 1974, only six states--including New Jersey--were, at the time, in compliance with Section 223(a)(12) of the Act which provides that status offenders shall not be placed in juvenile detention or correctional facilities but, rather, shall be placed in shelter facilities.

While the past decade has been characterized by proliferation of legislation retaining jurisdiction of status offenders under the juvenile court, pressure is clearly mounting to alter this trend. A number of national organizations have more recently advocated the removal of status offenders from the jurisdiction of the juvenile court, including the National Council on Crime and Delinquency (1974); Department of Health, Education, and Welfare (Sheridan & Beaser, 1974); International Association of Chiefs of Police (1973); and the Institute of Judicial Administration/American Bar Association, Juvenile Justice Standards Project (1977a). In developing the position of removal of status offenders from the court's jurisdiction, the following arguments have been raised:

1. The juvenile court is unsuitable to handle status offender problems. Status offenders represent family problems and the proper domain for the resolution of such problems is in the social service sector, not the juvenile court, argue the proponents of eliminating court jurisdiction over these juveniles.
2. Labeling/stigmatization. Even if status offenders are treated differently than delinquents, as long as they are processed through the juvenile court they will become stigmatized. Labels like PINS or JINS in some ways may be even more stigmatizing than a delinquency label since they represent a pattern of problem behavior rather than an isolated deviant incident.
3. Status offenses reflect transitional or adjustment problems rather than pre-delinquent behavior. There is no data to indicate that a juvenile who commits a JINS offense is more likely to next commit a delinquent offense.
4. Status offender legislation is unconstitutional. Status offense legislation, which includes such terms as "incorrigibility" and "in danger of leading an idle, dissolute life," may be unconstitutional on the basis of the void-for-vagueness doctrine as defined by the U.S. Supreme Court. Status offense jurisdiction may also be in violation of the equal protection clause of the Constitution; although there is a shared responsibility between parents and children for many status offenses, only the child receives sanctions from the court.

³ For a detailed analysis of the issue to retain or remove status offenders from the jurisdiction of the juvenile court, see Jurisdiction - Status Offenses, a monograph of the National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, LEAA, January 1977.

5. Abuse of the status offense jurisdiction. Since it is easier to accuse a child than an adult, and due process rights are more relaxed in juvenile than adult court, neglected or abused children may be charged with a status offense rather than come under the court's jurisdiction through a neglect proceeding. Delinquent children also may be subject to the court's jurisdiction by means of a status offender petition. Some juveniles, accused of committing a delinquent offense, may not be adjudicated delinquent because of the relative difficulty in proving the commission of the offense "beyond a reasonable doubt." However, the definitional vagueness of status offenses, coupled with the lower standard of proof, makes certain delinquent offenses ideal targets for status offense jurisdiction.

Those in favor of retaining status offenders under the jurisdiction of the court argue that without court intervention these juveniles will not be helped since there are insufficient community resources to deal with their problems. The court can put pressure on social service programs to help children and their families while at the same time protect their rights. While there may be some stigma associated with the court process, it is argued that it is probably no worse than being associated with some social service programs. It is also argued that the coercive intervention of the court upholds the authority of the parents and, therefore, the family unit.

The arguments that status offenders must be either removed or retained under the court's supervision may cloud other critical issues. Many of the organizations which advocate removal of status offenders from the court's jurisdiction recommend alternative ways in which these juveniles who are in need of court intervention may be processed. The IJA/ABA Joint Commission on Juvenile Justice Standards (1977a) recommends the elimination of the general juvenile court jurisdiction over status offenders while permitting coercive intervention in the provisions for limited custody, for dealing with runaway youth, for court approval of substitute residential placement, and for emergency medical services to minors in crisis. For example, a police officer may place a child in custody if the child is in "circumstances which constitute a substantial and immediate danger to the juvenile's physical safety" (IJA/ABA, 1977a:23). Such custody may consist of placing a juvenile in a nonsecure facility, but in no event is it to exceed six hours.

The Department of HEW in its Model Acts for Family Courts and State-Local Children's Programs (Sheridan & Beaser, 1974) also calls for the elimination of status offenders from the juvenile court and referral to appropriate community agencies. However, when this referral is unsuccessful, the Act recommends that the definition of "neglect" be expanded in order that the court can have authority over these juveniles and their families. It is proposed that the definition of neglect be broadened by adding a child "whose parents, guardian, or other custodian are unable to

discharge their responsibilities to and for the child" (Sheridan & Beaser, 1974:15). One objection to this approach is that the blame for a child's noncriminal misbehavior appears to shift from the child to the parents rather than emphasizing that it is a family problem.

The National Advisory Committee on Criminal Justice Standards and Goals (1976) has recommended a new category called "Families with Service Needs", which attempts to strike a balance between the "either/or" approach - either retain court jurisdiction over status offenses in its traditional form or eliminate it entirely. Only status offenders with repeated or habitual acts of truancy, incorrigibility, etc. would be eligible for court jurisdiction and then "the crucial issue to be decided is whether or not the child or family relationship actually needs court intervention" (National Advisory Committee, 1976:312). In this regard, "the court should determine that all available voluntary alternatives to assist the child and the family have been exhausted" (National Advisory Committee, 1976:312). Under this approach, jurisdiction is extended not only to the child, but also to the parents or guardian and any public institution or agency which has the legal responsibility to supply appropriate services. Thus, parents would be required to accept treatment if needed just as the juveniles would.

The category of Families with Service Needs has an advantage over traditional status offender legislation (e.g. PINS) since the emphasis is on meeting family needs rather than supervision of the juvenile "offender." The court experience should also be less stigmatizing for the juvenile since he or she would no longer be labeled as an offender under this proposal. This approach would also have the effect of reducing the number of frivolous status offender complaints filed with the court, since parents may be more reluctant to file a complaint involving the entire family.

Critics, however, point out that implementation of the Families with Service Needs concept would continue the large amount of judicial discretion over noncriminal behavior which is not well-defined. Also, "the focus is on the child and whether or not he engaged in a certain behavior; this seems to necessarily place fault or blame on the child" (Adams, 1978:56), even though the Families with Service Needs concept was developed with the recognition that most status offense behavior is the result of family problems.

In regard to court jurisdiction over status offenders, the New Jersey Governor's Adult and Juvenile Justice Advisory Committee (1977) recommended that status offenders be removed from the jurisdiction of the court. The Committee did not recommend that a Family with Service Needs jurisdiction be created. Among other reasons, the Committee felt "that the problems of status offenders cannot be resolved through legal intervention and coercion" and that "removing court jurisdiction

would shift responsibility for dealing with these problems back to the families, schools, social welfare agencies and voluntary community programs" (N.J. Advisory Committee, 1977:297).

At the national level, it is clear that processing status offenders is one of the major issues of juvenile justice. The past decade has witnessed the development of status offender legislation in a considerable number of states. In addition, considerable inroads have been made towards the deinstitutionalization of status offenders, one of the major thrusts of the federal Juvenile Justice and Delinquency Prevention Act. Many states which have recently revamped their juvenile codes have restricted dispositional alternatives by prohibiting the secure confinement of status offenders. In regard to court jurisdiction, a growing number of national standard-setting and policymaking organizations have advocated either a significant reduction in the court's jurisdiction over status offenders or complete removal from the jurisdiction of the court. Legislative trends include the shifting of some status offense activities into the dependency category and totally eliminating court jurisdiction over other specific status offenses. One state, Washington, recently removed status offenders from the jurisdiction of the court. The future may well bring further movement in this direction.

A History of Juvenile Justice in New Jersey⁴

The history of juvenile justice in New Jersey parallels the historical developments nationally. During the colonial period in New Jersey, there was no distinction made between adult and juvenile offenders, except for common law principles such as one which dictated that a child under 7 years of age was deemed incompetent to commit a crime. Thus, most juveniles and adults were subject to the same punishment which varied from death, to whippings, fines or exhibitions in stocks or pillories.

Punishment by imprisonment was rare, and it was not until 1749 that an institution to which a criminal could be sentenced was established. At that time, Middlesex County established a workhouse which was used for this purpose as well as for housing dependent children, the insane, the poor, and runaway slaves who were also there for punishment. By the time of the Revolution, these multi-purpose facilities existed in several counties in New Jersey.

⁴ This section relies heavily on Justice and the Child in New Jersey (1939), a Report of the State of New Jersey Juvenile Delinquency Commission.

After the Revolution, New Jersey abolished capital punishment for all but a few offenses and substituted imprisonment at hard labor. This necessitated the building of a state prison at Trenton in 1797 which was used for both children and adults. An 1829 legislative committee supervising prison operations noted that some 12 to 14-year-old children were found chained and wearing iron neck yokes to prevent their possible escape through the gate.

The public became alarmed over the undifferentiated treatment of children in New Jersey's adult correctional facilities as early as the 1830's, largely through the efforts of humanitarians such as Louis Dwight and Dorothea Dix. Such leaders were instrumental in the formation of public groups that demanded special facilities for juvenile offenders or paupers with special needs. Judges became very reluctant to send juveniles to Trenton State Prison and instead placed them in county jails and workhouses where, unfortunately, the conditions were just as bad (N.J. Juvenile Delinquency Commission, 1939:37).

In 1850, the New Jersey Legislature initiated an effort to develop a state reform school for children. The effort was unsuccessful, however, since legislators from rural counties objected to the State investing its funds in a reform school that would benefit Essex County and its neighbors (Leiby, 1967:79). The legislature, however, did allow counties to build reformatories where the need existed, and in 1857 the Essex County Reform School opened. At the State level, the effort toward developing a separate institution for children continued unabated. The proposed facility was to be used mainly for children who committed offenses which were noncriminal in nature. A legislative commission of 1864 voiced its concern over delinquency and expressed the need to build an institution for children growing up without proper parental control, users of tobacco and intoxicating drinks, children who are absent from school or church, and children who congregate at street corners (Leiby, 1967:80).

The work of the legislative commission led to the establishment of the State Home for Boys at Jamesburg, which opened in 1867 for offenders between the ages of 8 and 16, and the State Industrial School for Girls at Trenton, established in 1871. At Jamesburg, the boys were placed in cottages which consisted of "families" of not more than 30 boys. Some academic schooling was provided in addition to instruction in trades and farm work. Boys remained at the institution until they were 21 years old, unless they were "bound out" as apprentices under the control of the trustees of the State Home. This form of conditional release was a precursor of parole. Life at Jamesburg did not meet the intentions of the founders, however. A legislative committee in 1886 found life at the institution "hard, routine, and monotonous, especially for boys under twelve. Neither work nor school offered any challenge...Jamesburg was not a family, nor a reformatory, but a boy's prison" (Leiby, 1967:82).

Although the establishment of the reformatories at Jamesburg and Trenton prevented the mixing of adults and children in the State Prison, such mixing continued to occur regularly in the local jails. Most juveniles sentenced by the court were sent to county jails and workhouses where they could mingle with adults, since both Trenton and Jamesburg were used only for children who were committed for a year or more. In 1888, the Legislature required that children under the age of 16 be kept separate from adults in the local jails and workhouses. The law stipulated that if the construction of a jail or workhouse precluded separation, then alterations would have to be made to separate the juveniles from the adult population. The extent of compliance with this law, however, is not known.

"The 1874 act making school attendance compulsory may have had a greater effect upon juvenile delinquency than almost any other New Jersey statute. With the passage of the Compulsory Education Act, truancy could be punished by commitment to Jamesburg or to local institutions. The influx of truants caused congestion in Jamesburg and in county institutions. Boys whose sole offense was a distaste for school were placed with older boys committed for more serious offenses" (N.J. Juvenile Delinquency Commission, 1939:39). This led to pressure for another institution to relieve Jamesburg of the responsibility for older boys. As a result, Rahway Reformatory was established in 1895 and opened in 1901.

Whereas the latter half of the 19th century was characterized by the creation of specialized institutions for juveniles, the early 20th century brought reforms which were noninstitutional in nature. In 1899, the Board of Children's Guardians (the precursor of DYFS) was established by the Legislature to respond to the needs of the State's dependent and neglected children. In 1900, New Jersey passed its first probation law. In 1903, influenced by experience in Chicago and elsewhere, New Jersey established a special juvenile court, with juvenile hearings conducted by designated juvenile court judges. In 1910, the Legislature authorized juvenile court judges to commit delinquent children to the Board of Children's Guardians as a dispositional alternative (N.J. Juvenile Delinquency Commission, 1939:41).

In 1905, the State Department of Charities and Corrections was created and had some authority over the State's penal and welfare programs. Each institution, however, retained considerable autonomy. As a result of two commissions which discovered that these institutions had little or no coordination with each other, the Department of Institutions and Agencies was established in 1918 to exercise greater control over them. This authority continued until 1976 when the adult and juvenile correctional facilities were placed under the new Department of Corrections and the Department of Institutions and Agencies was renamed the Department of Human Services.

In 1929, the then most comprehensive statutory revision regarding the court processing of juveniles in New Jersey was adopted. The Juvenile and Domestic Relations Court Law specified all juvenile offenses, which included both delinquent and status offenses in the same category; established the juvenile and domestic relations courts; provided for several dispositional alternatives; provided for the confidentiality of juvenile records; and provided that detention facilities shall be "separated entirely from any other place of confinement of adults." For most counties, however, this meant merely the demarcation of a juvenile section in the county jail, since most counties had no juvenile detention facility. The legislation specified the need to evaluate the child's environment, personality, and needs and for the court to act in a manner conducive "to the child's welfare" and "to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents" (Chapter 157, Laws of 1929). Under the 1929 legislation, both delinquent and status offenders were subject to the same kinds of detention, hearings, dispositions, and institutional commitment.

By 1939, four counties, Bergen, Essex, Hudson and Union, had full-time juvenile court judges. In the remaining 17 counties, a judge of the court of common pleas handled juvenile cases when court action was necessary (N.J. Juvenile Delinquency Commission, 1939:43). The basic goals of the juvenile court were not completely realized, however. The Juvenile Delinquency Commission (1939:7-8) found that courts often failed to utilize adequately clinical facilities and facilities for social investigation. Many magistrates' courts continued to hear juvenile cases which, by law, should have gone to the juvenile and domestic relations court. The Commission (1939:153) also noted that the public continued to view the juvenile court as a court of criminal law rather than as an agency for the protection and welfare of children. Further, the Commission noted a concern regarding the overutilization of juvenile detention facilities. Statistics from 1937 reveal that approximately 40 percent of all delinquent children who appeared before the State's juvenile courts were detained pending a hearing (Juvenile Delinquency Commission, 1939:177-179). Though the law prohibited placing a child in a jail "where the child can come in contact with any adult convicted of crime or under arrest and charged with crime", instances were known where juveniles and adults were placed in adjoining cells. However, only 2% of those juveniles under the age of 16 requiring predispositional placements were placed in jails in 1937 since most of the more populated counties had juvenile detention facilities (Juvenile Delinquency Commission, 1939:180). The lack of appropriate detention facilities, however, apparently was a concern during this period as evidenced by a survey of jails in New Jersey: "Juvenile detention homes, parental schools or shelters exist in Atlantic, Bergen, Camden, Essex, Hudson, Mercer and Monmouth Counties. Some counties have designated separate sections of the jail for juveniles or have made arrangements with other counties for their temporary care.

The majority of counties, however, have not provided adequate facilities" (N.J. Department of Institutions and Agencies, 1936; emphasis in the original).

The 1939 Commission affirmed the basic goals of the juvenile court, as well as the view that juveniles should not have the same rights in court as adults. Indeed, the Commission felt that too much emphasis was placed on whether or not the child was guilty rather than protecting and treating the child (Juvenile Delinquency Commission, 1939:7-8).

Under the 1929 legislation, the juvenile and domestic relations court had exclusive jurisdiction over children under 16 years of age. This jurisdiction remained intact until 1943 when the Legislature provided that "the court shall also have exclusive jurisdiction to hear and determine all cases of persons between the ages of sixteen and eighteen...if the complaint...shall be certified by the grand jury with the approval of the prosecutor...to the said judge of the juvenile and domestic relations court" (Chapter 97, Laws of 1943). A general extension of juvenile court jurisdiction to age 18 was provided by a 1946 statute (Chapter 77, Laws of 1946). This statute also provided for waiver of jurisdiction to adult court of juveniles between the ages of 16 and 18 who were habitual offenders or were charged with offenses of a heinous nature. The 1946 statute also had the effect of extending the jurisdiction of the juvenile court over status offenders between the ages of 16 and 18.

Other than the changes in legislation which extended jurisdiction to age 18, there were relatively few legislative changes in the Juvenile and Domestic Relations Court Law between 1929 and 1974. There were, however, changes in court procedure brought about by revisions of New Jersey's court rules promulgated by the Administrative Office of the Courts. The most significant changes in the court rules were made in 1967 and 1969 in response to the Supreme Court cases previously cited - Kent, Gault, and Winship. Provision of counsel was extended to cases where juveniles were waived to adult court or where the possibility of commitment existed. The court rules also established the "beyond a reasonable doubt" evidentiary standard. In 1971, the court rules developed criteria for placing juveniles in detention along with establishing detention hearings.

Setting aside the significant procedural changes adopted during the late 1960's, perhaps the most significant changes in New Jersey's juvenile justice system over the past several decades have been in the development of various facilities for juvenile offenders. The New Jersey Diagnostic Center at Menlo Park was established by statute in 1946 and opened in 1949. The facility, operated by the Department of Institutions and Agencies, was used primarily by the juvenile courts for in-patient diagnostic evaluations of males and females in order to assist judges in making dispositions. The proliferation of community mental health centers and out-patient diagnostic services prompted the closing of the facility in 1975.

As an alternative to a reformatory commitment, Highfields, the State's first residential group center for youthful offenders, opened in 1950. The short-term correctional program offered at Highfields is structured around "guided group interaction" and also emphasizes communication between staff and juveniles, and frequent contact with the community. Probationers, 16 and 17 years of age, not previously committed to a state training school, and not disturbed or retarded, are considered for admission (N.J. Department of Institutions and Agencies, 1968:87-88). Due to the acceptance of the Highfields model, two additional residential group centers were opened for males - Warren in 1960 and Ocean in 1963. In addition, the Turrell Residential Group Center for females opened in 1961, the first facility of its kind for female offenders in the United States.

The 1960's also saw the establishment of two additional correctional facilities for males - Skillman and Yardville. The Training School for Boys at Skillman was established in 1968 to accept male delinquents age 13 and under. Its immediate purpose was to separate the very young offender from the influences of the adolescent delinquent and to provide more flexibility in programs than was available at Jamesburg. The Youth Reception and Correction Center in Yardville, established for youthful offenders between the ages of 15 and 30, was also opened in 1968. It provides for reception and classification of all reformatory commitments in the State, in addition to a residential training section (N.J. Department of Institutions and Agencies, 1968:79, 89).

Although the 1960's were significant in terms of the establishment of new juvenile correctional facilities, the period also marked the beginning of a decade of decreased juvenile correctional commitments from 1965 to 1975. Although the decrease in commitments started shortly before the Gault decision, the landmark case provided impetus to this downward trend. After the decision, potential commitments had to withstand the test of an adversary proceeding with provision for procedural due process. As a result, commitments decreased. Another major factor in the decrease in commitments, however, was the increasing role of the Bureau of Children's Services (renamed DYFS in 1972) in the provision of private residential placements for juveniles. As Lerman et al. (1974:11) point out, "the concomitant growth of an alternative child welfare/correctional system [BCS] in the state" provided juvenile court judges with alternatives to correctional placements. BCS was able to provide funds for such private placements because "changes in the federal Social Security law in 1961, permitting funding for residential placements of 'potential' Aid to Dependent Children served as an impetus to a broadened role in placing out and subsidizing private institutional facilities.... The changes introduced by federal social welfare legislation and the implementing regulations had a direct impact on DYFS expansion of residential placement" (Lerman et al., 1974:55). For females especially, commitments to the State Home for Girls decreased to such low levels that the facility was

closed in 1974 and in its place a cottage was opened at the State Home for Boys at Jamesburg.

Since the late 1960's the State Law Enforcement Planning Agency (SLEPA) has played a major role in providing and upgrading institutional and non-institutional juvenile justice services. Under the jurisdiction of the federal Law Enforcement Assistance Administration (LEAA), SLEPA has distributed federal funds for the development of youth service bureaus, juvenile court intake units, juvenile aid bureaus in local police departments, innovative programs in probation departments, and programs in correctional facilities, group homes, JINS shelters, and detention facilities.

Development of the New Juvenile Code

As noted earlier, the mandate of the Gault decision in 1967 extended procedural due process rights to juveniles facing the possibility of incarceration. At that time, the New Jersey juvenile code did not differentiate status offenders from delinquents. Therefore, status offenders were subject to the same court sanctions, including commitment to a training school, and were given the same procedural rights as delinquents.

In response to the Gault decision, in 1967, the New Jersey juvenile and domestic relations courts began assigning private attorneys to defend unrepresented juveniles when required under the provisions of Gault. This arrangement continued until 1969 when the Office of the Public Defender established special units to represent juvenile cases. It soon became clear, however, that the new due process safeguards guaranteed by the Gault decision meant little for status offenders. The definition of a status offense was so vague that the rights to notice of charges, cross-examination, provision of counsel, and privilege against self-incrimination had little meaning. Because of the absence of protections for such juveniles, and their frequent estrangement from parents, they were often adjudicated and sometimes placed in state correctional facilities. The only solution to the problem, some public defenders believed, was to change the law to assure more appropriate treatment of status offenders (Kahn, 1975:20-21).

The Gault decision had resulted in substantial changes in the processing of juveniles through the court system. Further, the decision created an atmosphere for further legislative reform in the juvenile justice system nationally. A variety of studies and commissions such as the President's Commission on Law Enforcement and the Administration of Justice (1967), had concluded that the juvenile justice system was not effective and that reform was urgently needed. In New Jersey, the time for legislative reform was also ripe politically, since Governor William Cahill in January 1971 had called for "meaningful reform" of the juvenile justice system in his first Annual Message to the Legislature

(Cahill, 1971). A year later, in January 1972, the Juvenile Delinquency Committee of the New Jersey Bar Association, at the urging of some public defenders, submitted a proposal for reform of the juvenile code to the Governor. After changes were made by the Supreme Court Committee on the Juvenile and Domestic Relations Court, a revised proposal was submitted to the Governor in July 1972. Marcia Richman, who was Chairman of the Juvenile Delinquency Committee of the New Jersey Bar Association, led the effort to develop the new code and was also a moving force in obtaining passage of the legislation. Other instrumental committee members were John Cannel, a Public Defender, and Judge Yale Apter, a municipal court judge at the time and until recently, an Essex County Juvenile and Domestic Relations Court judge.

Since the movement to implement status offender legislation had gained impetus across the country, the New Jersey Bar Association Committee was able to review juvenile codes from states which had already revised their juvenile statutes to take into account status offenders. In addition, two model acts which addressed the need for status offender legislation were utilized: The Legislative Guide for Drafting Family and Juvenile Court Acts (1969), and The Uniform Juvenile Court Act (1968). The proposed legislation submitted to the Governor removed status offenses from the definition of juvenile delinquency and created a new category for status offenders, Persons in Need of Supervision (PINS). According to the proposal, PINS could not be held in secure juvenile detention facilities or be committed to institutions for juvenile delinquents. Of the juveniles committing PINS offenses, only runaways could be taken into custody by a police officer without a court order. Further, a PINS complaint could be made only by a social service or law enforcement agency. Parents would not be authorized to file a PINS complaint. This provision was intended to reduce the number of frivolous complaints and encourage parents to contact a social service agency or persuade a law enforcement official that a complaint was merited. The definition of a PINS was restricted to:

1. A juvenile who is habitually disobedient to the lawful commands of his parent or guardian when such disobedience makes him ungovernable or incorrigible;
2. A juvenile who is habitually and voluntarily truant; or
3. A juvenile who has committed an offense applicable only to juveniles.

In the definition, the word "habitual" was used to prevent one or two acts of truancy or disobedience from resulting in a PINS offense. Rather, a juvenile would have to display a pattern of truancy or disobedience before being adjudicated as a PINS. In addition to the proposed changes regarding status offenders, the proposed legislation also included due process rights established through case law and codified provisions of the New Jersey Rules of Court, especially amendments made in 1971.

In November 1972, the Office of Counsel to the Governor responded to the Juvenile Delinquency Committee of the New Jersey Bar Association with a redraft of the proposed legislation. The redraft relied heavily on comments and recommendations made by the New Jersey Administrative Office of the Courts. The new version of the bill expanded the definition of PINS (renamed JINS, Juveniles in Need of Supervision) to include a juvenile who is ungovernable or incorrigible rather than the more restrictive definition which was proposed in the draft which referred only to habitual disobedience to the lawful commands of the juvenile's parent or guardian. The revised draft of the bill allowed all appropriate JINS to be placed in temporary custody rather than only runaways. Parents were also authorized to sign JINS complaints. The major provisions regarding the prohibition of placing JINS in detention or state correctional facilities and many of the due process safeguards were retained. At a later meeting between the Juvenile Delinquency Committee and the Office of Counsel to the Governor, it was decided to require that all detention and shelter facilities be specified, or approved, by the Department of Institutions and Agencies.

On February 16, 1973, the proposed code was sent to the Legislature by the Governor's Office and was introduced by State Senator Peter Thomas as S2141 on February 22, 1973. After one brief session, the Senate Committee on the Judiciary recommended the bill's passage and amended only one provision regarding a violation of the Controlled Dangerous Substances Act. The amendment dealt with waiver to adult court for certain drug offenses committed by juveniles. The bill passed the Senate on April 16, 1973, with a vote of 35-0.

Introduced into the Assembly on April 16, 1973, the bill was immediately assigned to the Judiciary Committee. The bill languished in committee until the Juvenile Delinquency Committee urged the Judiciary Committee to consider the bill. In the Assembly, the bill was strongly supported by Assemblywomen Millicent Fenwick (presently a Congresswoman) and Ann Klein, a member of the Judiciary Committee. After a number of revisions, the Committee approved the bill on October 29, 1973. The most significant revision involved the inclusion of the following as evidence of incorrigibility or ungovernability:

1. Habitual vagrancy,
2. Immorality,
3. Knowingly visiting gambling places, or patronizing other places or establishments, the juvenile's admission to which constitutes a violation of law,
4. Habitual idle roaming of the streets at night,
5. Deportment which endangers the juvenile's own morals, health or general welfare.

These provisions were derived from the 1929 juvenile code definition of delinquency and thus perpetuated the same overly broad, outdated, and moralistic definition of a status offender

for which the original code had been criticized. Although this created a dilemma for proponents of legislative reform, opposition to the amendment would have meant the bill could not be considered for passage until the next legislative session under a new administration where its fate was unknown. There was no opposition to the amendment and the bill passed the Assembly on November 19, 1973, with a vote of 58-0. The legislation was signed into law by Governor Cahill on December 14, 1973 to become effective on March 1, 1974.

Provisions of the New Juvenile Code

Before proceeding to subsequent chapters which detail New Jersey's juvenile justice system and present research findings regarding the impact of the new juvenile code, the major provisions of the legislation will be reviewed, noting changes from the previous code.

Classification of Offenders

The most basic feature of the new statute is the differentiation between "delinquent" and "JINS" offenses. Delinquent offenses are acts which would be crimes if committed by an adult and include homicide or treason; high misdemeanors or misdemeanors; disorderly persons offenses; and violations of any other penal statutes, ordinances or regulations (N.J.S.A. 2A:4-44).

Essentially, status or "JINS" offenses are acts which would not be crimes if committed by an adult but, rather, involve the "status" of being a juvenile. These offenses, such as incorrigibility or truancy, are "unique" to juveniles (see Note, "The Dilemma of The 'Uniquely Juvenile' Offender," 1972). The juvenile code defines a juvenile in need of supervision as follows:

- a. A juvenile who is habitually disobedient to his parent or guardian;
- b. A juvenile who is ungovernable or incorrigible;
- c. A juvenile who is habitually and voluntarily truant from school; or
- d. A juvenile who has committed an offense or violation of a statute or ordinance applicable only to juveniles (N.J.S.A. 2A:4-45).

Prohibition Against Secure Custody and Commitment for JINS

In the passage of the juvenile code, New Jersey followed the lead of a number of states which differentiated between status offenders and delinquents. However, New Jersey mandated differential handling by statute and not merely differential

classification, as many other states had done. In fact, when the law was implemented in 1974, New Jersey was one of only a few states in the country which absolutely prohibited the placement of status offenders in detention or state correctional facilities. Two important provisions of the legislation required this. First, the statute created provision for shelter care, which means "the temporary care of juveniles in facilities without physical restriction pending court disposition" (N.J.S.A. 2A:4-43(d)). Shelter care is distinguished from detention, which means "the temporary care of juveniles in physically restricting facilities pending court disposition" (N.J.S.A. 2A:4-43(c)). When it is necessary to place a JINS (in accordance with criteria delineated in N.J.S.A. 2A:4-56) in a predispositional holding facility, the statute prohibits the placement of the JINS in secure detention.

The second provision in the statute which mandated differential handling between JINS and delinquents is contained in N.J.S.A. 2A:4-62, which prohibits the commitment of juveniles in need of supervision to institutions maintained for the rehabilitation of delinquents. Thus, these two provisions combined mandate that JINS are not to be "locked up" at any point in the juvenile justice process, either before or after adjudication and disposition.

Prohibition Against Jailing

Under the previous statute, a juvenile between the ages of 16 and 18 could be placed in a county jail to await court disposition as long as the juvenile was segregated from any adult prisoners. The new legislation prohibited this practice under the provision of N.J.S.A. 2A:4-57(c). Sarri and Levin (1974:32) noted that only five states had absolute prohibitions against detaining juveniles in jail. Thus, New Jersey joined a handful of states which have prohibited this practice.

Detention and Shelter Care

The new code delineates the criteria for placing a juvenile in detention or shelter care as follows:

A juvenile charged with delinquency may not be placed or retained in detention under this act prior to disposition, except as otherwise provided by law, unless:

- (1) Detention is necessary to secure the presence of the juvenile at the next hearing; or
- (2) The nature of the conduct charged is such that the physical safety of the community would be seriously threatened if the juvenile were not detained.

A juvenile may not be placed or retained in shelter care prior to disposition unless:

- (1) There is no appropriate adult custodian who agrees to assume responsibility for the juvenile, and the release on the basis of a summons to the juvenile is not appropriate; or
- (2) Shelter care is necessary to protect the health or safety of the juvenile; or
- (3) Shelter care is necessary to secure his presence at the next hearing; or
- (4) The physical or mental condition of the juvenile makes his immediate release impractical (N.J.S.A. 2A:4-56(b and c)).

Further, the code, in N.J.S.A. 2A:4-58, provides for detention or shelter care hearings to determine whether detention or shelter care is required. The criteria for placing juveniles in detention and the provision for detention hearings both derive from 1971 amendments to the Rules Governing the Courts of the State of New Jersey, and have been codified into statute.

Under the previous law, no state agency was authorized to approve county detention facilities. The new juvenile code authorized the Department of Institutions and Agencies to specify, or approve, all detention and shelter care facilities (N.J.S.A. 2A:4-57(a and b)). The Department of Corrections assumed the responsibility for specifying all juvenile detention facilities in November 1976, when the Department was created. The responsibility for specifying all shelters remained with the Department of Institutions and Agencies, renamed the Department of Human Services.

Waiver to Adult Court

The new code sharply restricted the conditions governing the referral of a juvenile case to an adult court. The previous statute provided that a 16 or 17-year-old juvenile could be referred if he was an "habitual offender" or the offense was of a "heinous nature." Under the new code, the juvenile and domestic relations court may refer a juvenile 14 years of age or older⁵ to adult court only under the following conditions:

⁵The new code was passed with the waiver age consistent with the previous statute--only 16 and 17-year-old juveniles could be so referred. An amendment to the code (P.L. 1977, Chapter 364), approved February 1, 1978, lowered this age to 14 years or older.

1. There is probable cause to believe that the juvenile committed a delinquent act which would constitute homicide, treason if committed by an adult or committed an offense against the person in an aggressive, violent and willful manner or committed a delinquent act which would have been a violation of Section 19 of the Controlled Dangerous Substances Act...; and
2. The court is satisfied that adequate protection of the public requires waiver and is satisfied there are no reasonable prospects for rehabilitation of the juvenile prior to his attaining the age of majority by use of the procedures, services and facilities available to the court (N.J.S.A. 2A:4-48(b and c)).

Limits on Probation and Commitment

The new code limits probation to a period not to exceed three years (N.J.S.A. 2A:4-61(c)). Depending on the juvenile's age, however, the maximum period of probation may be less, since N.J.S.A. 2A:4-63 provides that orders of disposition terminate when the juvenile attains the age of 18 or one year from the date of the order, whichever is later. In any event, orders for probation or other dispositions issued by the juvenile and domestic relations court have no effect on persons 19 years of age or older.

The law further specifies that indeterminate terms shall not exceed three years in cases where juveniles are committed to institutions maintained for the rehabilitation of delinquents, except in cases of homicide (N.J.S.A. 2A:4-61(h)).

Although the major components of the juvenile code have been addressed above, other new sections were added and existing sections modified or expanded; most notably, sections restricting disclosure of juvenile records (N.J.S.A. 2A:4-65), restricting fingerprinting (N.J.S.A. 2A:4-66), and providing for the sealing of records (N.J.S.A. 2A:4-67). In addition, the legislation provided, consistent with U.S. Supreme Court decisions, the juvenile's "right to be represented by counsel at every critical stage in the proceeding" (N.J.S.A. 2A:4-59), and "the right to be secure from unreasonable searches and seizures, the right not to be placed twice in jeopardy for the same offense, and the right of due process of law" (N.J.S.A. 2A:4-60).

Implementation of the New Juvenile Code

The new code became effective on March 1, 1974, approximately ten weeks after it was enacted. This was a transition period in state government, since Governor-elect Brendan Byrne was to be inaugurated in January 1974, succeeding William Cahill. In

January 1974, Governor Byrne appointed Ann Klein as Commissioner of the Department of Institutions and Agencies. With respect to the implementation of the new code, this appointment was significant since the Department was to "specify" all JINS shelter care facilities, which at the time were nonexistent. In accordance with the legislation, the shelters were to be developed and specified by March 1, 1974.

To oversee the Department's implementation effort, Commissioner Klein immediately established the Task Force on the Juvenile Code, whose advisory members included representatives from various juvenile justice and child welfare agencies, both within and outside the Department. The primary responsibility, however, for implementing the policies developed by the Commissioner and the Task Force was assumed by central office personnel of DYFS since the Task Force at that time had no staff of its own. Through January and February of 1974, negotiation teams were developed and contact was made with the boards of chosen freeholders in each of New Jersey's 21 counties in order to establish shelter care arrangements. In addition, the Department promulgated A Manual of Standards for Shelters Accepting Juveniles Awaiting Court Disposition, which is the manual of rules and regulations for the operation of the county JINS shelters. Although some county freeholders assumed that the establishment of a JINS shelter was not a county responsibility, this claim did not delay the overall development of the shelter facilities. The issue was clarified in an Attorney General's Opinion, dated April 1974, which noted that "county governing bodies may establish shelter care facilities if they deem it necessary or they must expend the sums necessary for maintaining county juveniles in other appropriate facilities" (Formal Opinion No. 7-1974).

Most counties opted to establish shelter facilities, while several rural counties opted to purchase shelter care services from neighboring counties. Counties were not permitted to establish shelter facilities in wings or sections of existing detention facilities, as some county officials had hoped. Thus, the challenge to the counties was great--the development of nonrestrictive shelter care facilities in a relatively short period of time. However, on March 1, 1974, virtually all of the counties had shelter care arrangements which were provisionally specified by the Department. Due to the time constraints, many of these newly created shelter facilities were temporary, pending the establishment of more appropriate, permanent shelter care arrangements. Some of these temporary facilities included the use of underutilized county buildings, YMCA's, mobile homes, existing child care facilities and, in one case, even a motel.

In addition to the statutory provision which led to the development of the shelters--the prohibition of secure detention for JINS--another provision of the code prohibited the commitment of JINS to institutions maintained for the rehabilitation of delinquents. Since the law did not provide for retroactive application, the release of incarcerated status offenders who

were committed to training schools prior to March 1, 1974 was not required. However, Commissioner Klein responded to this issue administratively. In March 1974, JINS-type offenders who were housed at Jamesburg, Skillman, and the State Home for Girls were identified by the Division of Correction and Parole. Commissioner Klein then contacted the appropriate juvenile and domestic relations court for each juvenile and requested a review of the record for possible recall. Very few JINS were recalled and released through this process, however, since the judges' review of their records indicated that most of the JINS also had delinquent offenses in their backgrounds. In other cases, the review revealed that juveniles who had been adjudicated delinquent on the basis of "incurability" had actually committed nonstatus offenses, such as armed robbery or sodomy. Finally, some of the "pure" JINS who were identified were not released because of their need, according to the judges, for "structure."

In addition to the Department, the Administrative Office of the Courts also had a role in implementing the new code. The appropriate sections of the Rules Governing the Courts of the State of New Jersey had to be modified, taking into account the statutory changes. The revised Rules of Court became effective on March 1, 1974 to coincide with the implementation of the legislation. Separate complaint forms had to be adopted for JINS and delinquents as well as new forms requesting detention or shelter care. In addition, changes in statistical reporting were adopted to reflect the bifurcated system.

On May 28, 1974, the Department of Institutions and Agencies sponsored the Governor's Conference on Juvenile Justice which brought together freeholders, judges, probation chiefs, police chiefs, and other juvenile justice personnel to acquaint them with the new legislation. At the Conference, the promise of the new legislation was hailed by Governor Brendan Byrne, Public Defender Stanley Van Ness, Chief Justice Richard Hughes, and Commissioner Ann Klein.

Also in May 1974, the Department was awarded a \$600,000 federal grant from the Law Enforcement Assistance Administration (LEAA) to provide assistance to the counties by expanding services at the JINS shelters. Between 1974 and 1976, 15 counties were awarded grants ranging up to \$30,000 which were used for such things as recreational and educational equipment, the purchase of vans for trips in the community, and the hiring of teachers and social workers. These funds proved to be critical in facilitating the development of viable shelter programs, since the juvenile code did not authorize any funds to establish shelters.

A three-member staff of the Task Force on the Juvenile Code was hired in June 1974. The staff was based in Commissioner Klein's office and its primary responsibilities included administration of the LEAA grant, evaluation and specification of the county JINS shelters, and monitoring the compliance to the new juvenile

code. Most counties complied immediately with the new code by establishing shelter facilities and transferring JINS from detention to shelter. A few counties which held 16 and 17-year-old juveniles in the county jail, a practice which was permitted under the previous statute, transferred these juveniles to juvenile detention centers, in accordance with the new code. Immediate compliance was not universal, however. Two rural counties in South Jersey continued to place 16 and 17-year-old juveniles in the county jail for lack of a juvenile detention facility. Since a detention facility opened a number of months later, however, litigation filed by the Department of the Public Advocate became moot.

Another county in South Jersey, which utilized the shelter facility of a neighboring county, occasionally placed a JINS in secure detention when the neighboring county's JINS shelter was at capacity. This practice was discontinued after intervention by the Department of the Public Advocate. One of the most blatant examples of noncompliance with the legislation was the practice of a northern rural county which had no JINS shelter services available for a number of months in 1974. The county claimed that since there were no JINS in the county, there was no need to develop JINS shelter services. In reality, JINS-type behavior was "upgraded" to delinquency in order to effectuate a "legal" placement in detention. For example, one young female interviewed by a representative from the Task Force had run away from home and in the process had stolen several dollars from her mother. Upon apprehension, she was charged with larceny and placed in the detention facility even though this was her first offense of any kind. In most counties with a JINS shelter, this situation would have warranted a JINS shelter placement rather than secure detention.

Since most counties established JINS shelters on March 1, 1974, "upgrading" of offenses has not been a statewide phenomenon. It appears to have been limited to those rural counties which at various times have had no shelter facility or were dependent upon another county for shelter care. At present, since all counties have some provision for shelter care, this practice is minimal.

Another area of potential noncompliance with the legislation was in regard to the prohibition against training school commitments for JINS. Although several other states have had difficulty implementing similar prohibitions, this did not prove to be the case in New Jersey for two primary reasons. First, there were relatively few status offenders already in training schools. For several years prior to the legislation, most judges had been utilizing alternatives to training schools for status offenders requiring out-of-home placement (see Lerman et al., 1974). Second, at approximately the same time the legislation was passed, the Bureau of Residential Services under the Division of Youth and Family Services (DYFS) began to intensify its efforts in regard to the development, coordination, and expansion of residential placements available to children. JINS who earlier

would have been sent to Skillman, Jamesburg, and the State Home for Girls, were now being placed in group homes and residential treatment centers. The Task Force has uncovered only several JINS who were committed to a training school after March 1, 1974. In all of these cases, the Department of the Public Advocate was able to effectuate release shortly after admission to the training school.

Upon implementation of the legislation, the not infrequent cases of juveniles running away from the JINS shelters posed an immediate problem. Some shelters experienced a significant number of runaways, others had very few. In May 1974, the Juvenile and Domestic Relations Court of Essex County in State of New Jersey In The Interest of M.S., 129 N.J. Super. 61 ruled that the unauthorized departure of a JINS from a shelter care facility constituted "escape," a delinquent offense. The Court held that "a JINS may be charged with and found delinquent for escaping from the shelter where [the juvenile] was placed by court order" (129 N.J. Super. at 76). This holding was upheld at the Appellate Division (State In Interest of M.S., E.O., D.K., and E.M., 139 N.J. Super. 503 (1976)), but was reversed by the New Jersey Supreme Court in State of New Jersey In The Interest of M.S., 73 N.J. 238 (1977). The Court concluded that the unauthorized departure of a JINS from a shelter "is not in the category of a criminal escape. The unauthorized leaving of a shelter is symptomatic of the very problem for which shelter care is being provided. It would be incongruous to classify a juvenile as a delinquent for the same kind of conduct which under the Act constitutes him or her being in need of supervision only" (73 N.J. at 244-245). Thus, since 1977, JINS who run away from JINS shelters can no longer be placed in secure detention upon apprehension. With excellent programs and close supervision, many of the JINS shelters experienced very few runaways. However, several shelters experienced a relatively large number of runaways, prompting the introduction in 1978 of Assembly Bill No. 1814, which developed the concept of "secured shelter care--the temporary care of juveniles in a portion of the living area of a shelter care facility with physical restriction limited to the locking or securing of that area to prevent an unauthorized absence pending court disposition." To date, this Bill has not been acted upon in the New Jersey Legislature, since the number of runaways from shelters seems to have decreased since the introduction of the Bill.

As noted earlier, many of the newly created JINS shelters were temporary in nature, pending the establishment of more permanent shelter care arrangements. Since March 1974, eight counties have relocated their JINS shelters; three counties which utilized a neighboring county's JINS shelter have established their own facilities; and three counties have built new shelter facilities. Clearly, the past several years has seen a move toward permanence in regard to the development and establishment of shelter care facilities. At present, there are 21 JINS shelter facilities across the State. The development of these shelter care facilities represents the most visible change resulting from the new legislation.

2. THE JUVENILE JUSTICE SYSTEM IN NEW JERSEY

The research design for this study was developed to examine the processing of juveniles through various juvenile justice agencies both before and after the enactment of the new code in order to explore changes in processing that might be associated with the code's implementation. However, in the context of examining the implementation of the legislation, the research design also permits a rather detailed focus on New Jersey's juvenile justice system. This may be viewed as a second major purpose of the research project. In order to complement the empirical data, this chapter attempts, in narrative form, to provide the reader with a fuller understanding of the processes, decision-making, and agencies of New Jersey's juvenile justice system.

The juvenile justice system in New Jersey encompasses numerous judicial, law enforcement, correctional, and child welfare agencies. These agencies exist at state, county, and municipal levels of government, as well as in the private sector. The law enforcement function is provided primarily by the municipalities, but the primary jurisdiction for the administration of juvenile justice is the county, which provides for both the juvenile court and probation. The State is responsible for maintaining correctional facilities as well as child welfare services through the Division of Youth and Family Services (DYFS). In addition to services provided through the various levels of government, private agencies also offer services to juveniles who have come into contact with the formal juvenile justice system. Within this complex system, substantial variation exists between jurisdictions in the availability of agencies and services for dealing with juvenile offenders. Jurisdictional variability also exists in the nature of dispositions made at various agencies. The following narrative describes the major components of the system.

Police

In most cases, the first contact an alleged delinquent or JINS has with the juvenile justice system is with the police. This contact may be initiated by a police officer in the field who has observed the juvenile engaging in illegal or suspicious behavior, or it may be initiated by a victim, parent, or other citizen who files a complaint against the juvenile. Complaints charging a juvenile with delinquency "may be signed by any person who has knowledge of the facts alleged to constitute delinquency or is informed of such facts and believes that they are true" (N.J.S.A. 2A:4-53(a)). Complaints charging juveniles with JINS offenses can, however, be initiated by only the following individuals: "a representative of a public or private agency authorized to provide care or supervision of juveniles; a representative of a public or private agency providing social services for families or children; a school official; a law enforcement, correction or probation officer; or a parent or guardian" (N.J.S.A. 2A:4-53(b)).

In the field, a police officer encountering an alleged juvenile offender has several alternatives. He may simply give the juvenile a warning or reprimand and release the juvenile (sometimes referred to as a "curbstone warning"); he may bring the juvenile in for an informal "station house adjustment;" he may refer the juvenile to a youth service bureau or other social welfare agency; or, finally, he may choose to bring the juvenile to the station for formal processing. Such a decision by police officers is not governed by established rules or regulations, but is a matter of discretion, involving the officer's subjective evaluation of the juvenile's demeanor and attitude, the seriousness of the offense, and previous police contact. Several studies have found that such factors as general demeanor may be important influences upon a police officer's decision to arrest a juvenile (Piliavin & Briar, 1964; Black & Reiss, 1970).

Although statistics regarding the incidence of arrest arising out of police/juvenile encounters are incomplete, it has been estimated that approximately one-half of all contacts between police and juveniles result in arrest nationwide (Monahan, 1976). When a juvenile is arrested, the filing of a formal complaint is only one option. More often, the matter is informally adjusted at the station house and no complaint is signed. In New Jersey, as in many other states, juvenile arrests are referred to as "taking into custody." The juvenile code specifies that all such actions "shall be deemed a measure to protect the health, morals and well being of the juvenile" and that "the taking of a juvenile into custody shall not be construed as an arrest" (N.J.S.A. 2A:4-54(c)).

There were 122,236 juveniles taken into custody in New Jersey during 1977 (Table 2.1). Over the 1974-1977 time period, juvenile "arrests" show a slight decrease, although a large increase occurred in 1974. The number of arrests in 1977, however, is still greater than in 1973, the year preceding enactment of the present juvenile code.

In analyzing juvenile arrests by county over the five-year period from 1973-1977, wide variations become quite evident. Significant increases were experienced by many rural counties (e.g., Salem 95.3%, Gloucester 93.8%, Cumberland 49.3%) while most urban counties experienced very small increases (e.g., Hudson 3.6%, Union 3.9%, Camden 4.3%). The significant increases in juvenile arrests in the rural counties may perhaps be partially explained by increases in population. Also, the increases may be related to the increased availability of detention and JINS shelter facilities, which in some counties were previously not available, expanded probation services, juvenile intake programs, juvenile conference committees, and other services or agencies.

Forty-three percent of all juvenile arrests in 1977 were from five contiguous, heavily populated, urban counties--Bergen, Essex, Hudson, Passaic, and Union. However, these five counties have 46% of the State's juvenile population (ages 7-17),

Table 2.1

Juvenile Arrests by County by Percent of Total
Juvenile Arrests by 1977 Rank by Percent Change (1973-1977)

COUNTY	1973		1974		1975		1976		1977		1977 Rank	% Change 1973-1977
	N	(%)	N	(%)	N	(%)	N	(%)	N	(%)		
Atlantic	3,502	3.2	4,215	3.4	4,329	3.4	4,374	3.5	3,977	3.3	13	+13.6
Bergen	11,842	11.0	13,535	11.0	13,738	10.9	13,086	10.6	12,806	10.5	2	+ 8.1
Burlington	3,890	3.6	3,496	2.8	4,001	3.2	3,888	3.2	4,365	3.6	12	+12.2
Camden	6,425	6.0	7,796	6.3	7,728	6.1	7,296	5.9	6,700	5.5	8	+ 4.3
Cape May	1,686	1.6	1,886	1.5	1,923	1.5	2,209	1.8	1,995	1.6	17	+18.3
Cumberland	1,991	1.8	2,514	2.0	2,770	2.2	2,974	2.4	2,972	2.4	15	+49.3
Essex	13,000	12.0	15,288	12.4	14,977	11.8	13,758	11.1	14,316	11.7	1	+10.1
Gloucester	1,523	1.4	1,939	1.6	2,864	2.3	2,899	2.4	2,951	2.4	16	+93.8
Hudson	6,401	5.9	7,069	5.7	7,952	6.3	7,644	6.2	6,633	5.4	10	+ 3.6
Hunterdon	658	0.6	721	0.6	553	0.4	693	0.6	684	0.6	21	+ 4.0
Mercer	6,154	5.7	6,717	5.5	6,214	4.9	6,544	5.3	6,082	5.0	11	- 1.2
Middlesex	9,394	8.7	10,142	8.2	10,683	8.4	9,852	8.0	10,346	8.5	3	+10.1
Monmouth	8,154	7.6	9,269	7.5	9,486	7.5	9,096	7.4	9,032	7.4	6	+10.8
Morris	6,169	5.7	6,825	5.5	7,130	5.6	7,223	5.9	6,666	5.5	9	+ 8.1
Ocean	4,029	3.7	5,516	4.5	5,334	4.2	5,400	4.4	6,903	5.6	7	+71.3
Passaic	8,470	7.8	9,438	7.7	9,889	7.8	9,754	7.9	9,582	7.8	5	+13.1
Salem	423	0.4	568	0.5	683	0.5	756	0.6	826	0.7	20	+95.3
Somerset	3,123	2.9	3,036	2.5	3,179	2.5	3,116	2.5	3,204	2.6	14	+ 2.6
Sussex	1,004	0.9	1,219	1.0	1,246	1.0	1,231	1.0	1,344	1.1	18	+33.9
Union	9,404	8.7	10,797	8.8	10,752	8.5	10,173	8.2	9,767	8.0	4	+ 3.9
Warren	729	0.7	1,238	1.0	1,086	0.9	1,263	1.0	1,085	0.9	19	+48.8
Total	107,971	100	123,224	100	126,517	100	123,229	100	122,236	100		+13.2%
	+ 8.2%		+14.1%		+ 2.7%		- 2.6%		- 0.8%			

Source: Uniform Crime Reports: State of New Jersey (1973 - 1977)

according to the 1970 census data. Thus, although these counties contribute a high volume of juvenile arrests, it is in keeping with the high population of juveniles.

Wide variation by county also exists when analyzing juvenile arrests as a percentage of total arrests (Table 2.2). For example, 48% of all arrests (juvenile and adult) in Bergen County in 1977 were of juveniles. However, only 21.7% of 1977 arrests in Salem County were of juveniles. Again, as in the case with Table 2.1, the most significant increases over the five-year period are found in rural counties (e.g., Cumberland, Gloucester, Salem), while most urban counties experienced very little change in this percentage (e.g., Bergen, Camden, Hudson).

Shifting from an analysis by county, Table 2.3 analyzes juvenile arrest trends by offense over the five-year period. From 1973 to 1977, the number of juveniles arrested decreased in four of the five violent index offense categories¹--murder, manslaughter, forcible rape, and robbery. The only violent offense category which registered an increase in juveniles arrested was atrocious assault, where there was a significant increase of 39.6% over the five-year period. The total percentage increase in arrests of juveniles with violent offenses was 14.5% over the five years. Table 2.3 also notes that the vast majority of juvenile arrests are for nonviolent offenses. In 1977, only 2.6% of all juvenile arrests were for violent offenses, and this percentage has decreased since 1975. Over the five-year period, arrests of juveniles charged with nonviolent index offenses rose 29.2%, while the total increase for all offense categories rose 13.4%.

As noted earlier, discretion is a key issue in the police handling of juveniles. Police discretion at the station house level is somewhat more formalized than discretion during a street encounter, but until recently, rules or guidelines were virtually nonexistent. Of the 31 New Jersey police departments with more than 100 sworn officers, only half have established written procedures and guidelines specifically for processing juveniles (Governor's Advisory Committee, 1977:248). Recently, however, since much attention has focused on the processing of juvenile offenders by the police, a manual entitled Practices and Procedures for Juvenile Officers has been developed and promulgated by the New Jersey Division of Criminal Justice and the County Prosecutors Association of New Jersey. The manual, "developed for juvenile officers, is designed to improve the officers' understanding of the system, improve communication between the policy makers and implementors and create uniform adherence to existing policies and laws" (N.J. Department of Law and Public

¹The classification of offenses as index or nonindex is in keeping with the New Jersey Uniform Crime Reports. Generally, index offenses are more serious in nature than nonindex offenses.

Table 2.2

Juvenile Arrests as a Percentage of Total Arrests (Juvenile and Adult)
by County by 1977 Rank by Percent Change (1973 - 1977)

COUNTY	1973 (%)	1974 (%)	1975 (%)	1976 (%)	1977 (%)	1977 Rank	% Change 1973 - 1977
Atlantic	27.6	29.0	29.4	31.1	31.2	16	+3.6
Bergen	48.7	50.1	50.6	48.3	48.0	1	-0.7
Burlington	29.1	26.5	28.7	27.4	28.6	19	-0.5
Camden	32.0	34.2	33.2	33.7	32.2	15	+0.2
Cape May	26.3	26.0	24.1	24.0	25.2	20	-1.1
Cumberland	25.4	29.5	29.6	31.2	33.7	12	+8.3
Essex	31.0	34.0	34.0	32.5	34.6	11	+3.6
Gloucester	24.0	26.9	30.7	31.6	32.8	14	+8.8
Hudson	33.0	32.2	32.9	33.4	32.9	13	-0.1
Hunterdon	25.2	33.1	23.8	31.1	29.6	18	+4.4
Mercer	38.1	40.8	39.6	41.2	38.8	9	+0.7
Middlesex	41.9	39.8	39.5	40.4	43.6	4	+1.7
Monmouth	37.3	38.6	37.5	37.6	39.3	8	+2.0
Morris	41.5	42.6	42.8	43.8	41.6	5	+0.1
Ocean	34.1	38.9	37.5	35.5	40.3	7	+6.2
Passaic	41.5	42.3	43.8	44.1	44.4	3	+2.9
Salem	14.6	17.7	18.5	19.3	21.7	21	+7.1
Somerset	44.8	41.1	40.4	39.9	40.9	6	-3.9
Sussex	30.5	32.6	31.3	32.9	36.5	10	+6.0
Union	47.2	46.9	45.5	46.6	46.1	2	-1.1
Warren	26.6	33.2	27.5	32.3	29.8	17	+3.2
Total	36.2	37.4	37.1	36.8	37.4		+1.2

Source: Uniform Crime Reports: State of New Jersey (1973 - 1977)

Table 2.3

Juvenile Arrest Trends by Offense by Percent Change (1973 - 1977)

OFFENSES	1973		1974		1975		1976		1977		Change 1973 - 1977	
	N	(%)	N	(%)	N	(%)	N	(%)	N	(%)	N	(%)
Index Offenses - Violent												
Murder	45	.04	61	.05	65	.05	50	.04	27	.02	-18	-40.0
Manslaughter	21	.02	21	.02	21	.02	21	.02	17	.01	-4	-19.0
Forcible Rape	165	.15	175	.14	160	.13	166	.13	164	.13	-1	-0.6
Robbery	1,438	1.33	1,694	1.37	1,905	1.50	1,657	1.34	1,416	1.16	-22	-1.5
Atrocious Assault	1,144	1.06	1,225	.99	1,469	1.16	1,524	1.23	1,597	1.30	+453	+39.6
Subtotal	2,813	2.6	3,179	2.6	3,620	2.9	3,418	2.8	3,221	2.6	+408	+14.5
Index Offenses - Nonviolent												
Breaking and Entering	8,547	7.9	10,947	8.9	11,718	9.3	10,785	8.7	11,037	9.0	+2,490	+29.1
Larceny - Theft	13,248	12.3	17,352	14.1	18,457	14.6	17,950	14.5	18,388	15.0	+5,140	+38.8
Motor Vehicle Theft	2,299	2.1	2,462	2.0	2,237	1.8	1,958	1.6	1,696	1.4	-603	-26.2
Subtotal	24,094	22.3	30,761	25.0	32,412	25.6	30,693	24.9	31,121	25.4	+7,027	+29.2
Non-Index Offenses												
Other Assaults	6,924	6.4	7,929	6.4	8,930	7.1	9,318	7.5	8,505	6.9	+1,581	+22.8
Stolen Property	3,956	3.7	4,800	3.9	4,584	3.6	4,308	3.5	4,145	3.4	+189	+4.8
Malicious Mischief	8,214	7.6	10,566	8.6	11,547	9.1	11,390	9.2	10,602	8.7	+2,388	+29.1
Weapons	1,277	1.2	1,569	1.3	1,804	1.4	1,651	1.3	1,502	1.2	+225	+17.6
Drug Abuse Violations	9,528	8.8	10,251	8.3	8,305	6.6	8,592	7.0	9,994	8.2	+466	+4.9
Liquor Laws	3,984	3.7	4,295	3.5	4,304	3.4	4,154	3.4	4,229	3.5	+245	+6.1
Disorderly Conduct	15,338	14.2	15,770	12.8	15,761	12.5	15,038	12.2	13,576	11.1	-1,762	-11.5
Curfew and Loitering	2,865	2.7	3,447	2.8	3,578	2.8	3,072	2.5	2,929	2.4	+64	+2.2
Runaways	7,619	7.1	7,403	6.0	7,241	5.7	7,009	5.7	8,083	6.6	+464	+6.1
All Other Offenses	21,359	19.8	23,254	18.9	24,431	19.3	24,817	20.1	24,515	20.0	+3,156	+14.8
Subtotal	81,064	75.1	89,284	72.5	90,485	71.5	89,349	72.4	88,080	71.9	+7,016	+8.7
Total	107,971	100	123,224	100	126,517	100	123,460	100	122,422	100	+14,451	+13.4

Source: Uniform Crime Reports: State of New Jersey (1973 - 1977)

Safety, 1978:vi). In regard to the diversion of juvenile offenders, the manual develops specific criteria to assist the juvenile officer in deciding which of several discretionary options is appropriate: curbstome warning, station house adjustment, referral to a social service agency, or the filing of a complaint.

The absence of formal criteria and procedures for police discretion and diversion has resulted in wide variations in discretionary decision-making and diversion policies throughout the police departments of New Jersey. In 1976, the percentage of juvenile arrests handled within the police department and released, ranged from 3.9% in the Newark Police Department to 87.9% in the Willingboro Police Department in one sample survey (Table 2.4). The comparability of such figures is limited, however, since each department has its own recordkeeping system. In some departments, many cases handled at the police level are not recorded at all, resulting in an artificially low rate of reported station house adjustments. Even with such limitations in recordkeeping, however, it is quite evident that wide disparity exists among the police departments in New Jersey in the processing of juvenile offenders.

The 1977 New Jersey Uniform Crime Reports shows that, statewide, 51.7% of the juveniles taken into custody were disposed of by referral to the juvenile court (Table 2.5). Examining dispositions over a five-year period shows an increase in the probability of referral to court of about 13%. Correspondingly, the percentage of cases handled within the department and released decreased from 52.5% in 1973 to 46.2% in 1977, a decrease of 12%. Referral to a welfare agency as a disposition is used infrequently; fewer than 1% of the 1977 cases were disposed of in this manner.

Station house adjustment may take several forms: a warning to the juvenile; a conference with the juvenile, parents, and/or complainant(s); restitution or compensation; counseling by a social service professional and/or informal referral to a social welfare agency in the community. Factors that may affect such decisions include seriousness of offense, previous delinquent history, demeanor and cooperativeness of the juvenile and parents, attitude of the complainant, general community and departmental attitudes and priorities, and the availability of resources and services within the department and community. The common denominator among station house adjustments is that "no complaints are filed nor are formal referrals made to police diversion programs or human service agencies" (N.J. Department of Law and Public Safety, 1978:50).

Whether the juvenile is eventually diverted from the juvenile justice system or processed through the court, the juvenile code (N.J.S.A. 2A:4-55) as well as the Rules of Court (5:8-2), provide that "any person taking a juvenile into custody shall immediately notify the parents, or the juvenile's guardian, if any, that the

Table 2.4

Police Disposition of Juveniles Taken Into Custody - 1976
for Departments Sampled with Juvenile Aid Bureaus

DEPARTMENT	Handled Within and Released		Referred to Court		Other Disposition *		Total	
	No.	%	No.	%	No.	%	No.	%
Camden	453	27.8	1,175	72.2			1,628	100
Cherry Hill	609	49.0	619	49.8			1,228	
Clifton	679	50.8	698	48.5	10	.7	1,387	
Englewood	209	46.1	238	52.4	7	1.5	454	
Edison	321	63.6	184	36.4			505	
Elizabeth	1,418	70.9	568	28.4	13	.7	1,999	
Franklin	208	40.6	286	55.9	18	3.5	512	
Hamilton Twp.	498	39.4	739	58.5	26	2.1	1,263	
Jersey City	539	20.0	2,156	80.0			2,695	
Kearny	683	64.9	367	34.8	3	.3	1,050	
Keansburg	143	28.4	356	70.8	4	.8	503	
Lyndhurst	318	76.3	97	23.3	2	.4	417	
Metuchen	202	41.1	190	38.7	99	20.2	491	
Newark	191	3.9	4,717	96.1			4,908	
Parsippany - T.H.	311	53.4	270	46.3	2	.3	583	
Paterson	2,542	61.7	1,489	36.1	90	2.2	4,121	
Plainfield	690	59.7	432	37.4	33	2.9	1,155	
Pennsauken	252	38.8	396	60.9	2	.3	650	
Phillipsburg	169	38.3	242	59.9	30	6.8	441	
Roselle	376	67.4	182	32.6			558	
Sayreville	166	39.5	251	59.8	3	.7	420	
South River	65	36.9	103	58.5	8	4.6	176	
Trenton	1,227	41.3	1,297	43.7	447	15.1	2,971	
Union Twp.	176	25.8	507	74.2			683	
Union City			385	99.7	1	.3	386	
Wayne	668	51.6	590	45.6	37	2.9	1,295	
Willingboro	575	87.9	69	10.5	10	1.6	654	
Woodbridge	985	58.5	682	40.5	18	1.1	1,685	

Note: From Governor's Adult and Juvenile Justice Advisory Committee, Standards and Goals for the New Jersey Criminal Justice System: Final Report, 1977, 245.

* Includes referral to a welfare agency, other police agency or to adult/criminal court.

Table 2.5

Police Disposition of Juveniles Taken Into Custody (1973 - 1977)

	Handled Within Department and Released		Referred to Juvenile Court or Probation Department		Referred to Welfare Agency		Referred to Other Police Agency		Referred to Criminal or Adult Court		Total Police Dispositions	
	N	(%)	N	(%)	N	(%)	N	(%)	N	(%)	N	(%)
1973	56,641	52.5	49,177	45.5	569	0.5	1,349	1.2	235	0.2	107,971	100
1974	63,944	51.9	56,598	45.9	653	0.5	1,317	1.1	712	0.6	123,224	100
1975	64,107	50.7	58,978	46.6	1,092	0.9	1,820	1.4	520	0.4	126,517	100
1976	57,427	46.6	63,237	51.3	1,082	0.9	1,067	0.9	416	0.3	123,229	100
1977	56,603	46.2	63,333	51.7	1,008	0.8	1,076	0.9	402	0.3	122,422	100

Source: Uniform Crime Reports: State of New Jersey (1973 - 1977)

juvenile has been taken into custody." New Jersey law also provides that the juvenile shall be released to his/her parents or guardian upon assurance by the responsible adult person(s) to bring the juvenile to court as ordered (N.J.S.A. 2A:4-56(a) and Rules of Court 5:8-2). However, the law specifies conditions under which the court may retain custody and place the juvenile in a detention or shelter care facility (see pp. 25-26). Traditionally, the decision to place a juvenile in detention or shelter care has been a police decision, but juvenile court intake units now make the decision, often with the recommendation of the police officer.

In most instances, juveniles who are taken into custody are brought to the police station for processing. Several hours may elapse before the juvenile can be either released to an adult or transported to an appropriate facility. Regardless of the nature of the conduct charged, no juvenile may be placed in any prison, jail, lockup, or detained in a police station (N.J.S.A. 2A:4-57(c)). However, the juvenile code makes one exception to this rule: "If no other facility is reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility" (N.J.S.A. 2A:4-57(c)).

Although more than a third of all arrests in New Jersey are of juveniles (Table 2.2), in most cases police officers receive no more than six hours of basic training in juvenile relations and handling (Governor's Advisory Committee, 1977:246). Until recently, no New Jersey police academy offered any additional training in juvenile matters. To compensate, the New Jersey State Police recently instituted a 40-hour in-service training program for juvenile officers. In terms of police department specialization, only 40 of New Jersey's 469 police departments have units which specialize in juvenile matters (Governor's Advisory Committee, 1977:246). These include all 31 of the departments having more than 100 sworn officers. In addition, however, the majority of police departments with more than 50 sworn officers have some capacity for specialized juvenile services which may range from a single part-time juvenile officer to more elaborate arrangements with several full-time juvenile officers.

In reviewing the overall picture of police-juvenile matters, the image which emerges is substantial inconsistency between jurisdictions in existing programs and procedures for dealing with juvenile matters and of a rather low-level commitment to addressing the problems and needs of juvenile offenders. These problems were noted by the N.J. Division of Criminal Justice and the N.J. Prosecutors Association in their report A Juvenile Justice Strategy (1977). The release of the manual titled Practices and Procedures for Juvenile Officers is an attempt to

address these problems by urging uniformity and an added degree of professionalism to this critical component of New Jersey's juvenile justice system.

Juvenile Court Intake

One of the more recent innovations in New Jersey's juvenile justice system is the development of juvenile court intake units, which operate at the county level. The court intake unit is responsible for screening all juvenile complaints and the subsequent diversion from court of those complaints which may be more effectively handled in an informal manner without court involvement. Generally, the intake services "are designed to divert from juvenile court first and minor offenders who do not require a court hearing of their cases but who may be in need of professional social services available in the community" (Administrative Office of the Courts (AOC), 1978:P-15). The intake programs serve as arms of the juvenile and domestic relations courts and are administered either through the juvenile probation office, with direct review of all policies, procedures, and decisions by the juvenile court, or directly within the juvenile court. Ultimate jurisdiction for intake programs rests with the New Jersey Supreme Court. Appropriate Rules of Court and policies are channeled through the Administrative Director of the Courts to the various assignment judges and finally to the individual presiding judges of the county juvenile and domestic relations courts.

Perhaps the key component of juvenile court intake services is "diversion," "the channeling of cases to noncourt institutions, in instances where these cases would ordinarily have received an adjudicatory (or fact-finding) hearing by a court" (Nejelski, 1976:396). The term was made popular by the recommendations of The President's Commission on Law Enforcement and Administration of Justice (1967). The National Advisory Commission on Criminal Justice Standards and Goals (1973) recommended the development of intake services as a mechanism for diverting as many appropriate juveniles as possible from the juvenile justice system.

Evaluation of the concept of intake and of its expanding implementation are matters of controversy. In a positive sense, juveniles diverted from formal court processing still may receive social welfare services consistent with the stated philosophy and goals of the court, while avoiding the costs, delays, and presumed stigmatization of courtroom processing (see, e.g., Cavan, 1975; and The President's Crime Commission, 1967). On the other hand, a number of concerns regarding negative aspects of diversion have also been voiced. A central issue is the lack of due process and the underlying presumption of guilt inherent in diversion programs.

Eligibility for diversion from court processing is dependent upon, among other things, an explicit admission of guilt. Thus, the alleged offender relinquishes his constitutional right to have all charges against him factually proven in an adversarial court proceeding. Critics are also troubled by the extensive involvement of juveniles who, were it not for the existence of the diversion programs, may have been released outright with no further involvement because of the trivial nature of their charges. Participation in and adherence to the recommendations of the various diversionary programs is claimed to be "voluntary," but, it is argued that these agencies actually command far-reaching coercive powers. Since the alternative to compliance with the diversion programs is referral to the court for what amounts to both the original charge plus refusal to "cooperate," these programs are able to compel participation in treatment programs without the safeguards of due process. Coupled with this concern is a widespread lack of confidence in the ability of treatment programs to effect positive behavioral changes.²

Whatever its effects for the accused juvenile, the use of intake services represents a practical response to overcrowded juvenile court calendars, allowing more time to be devoted to serious delinquent complaints and, consequently, greater judicial scrutiny. In reviewing every juvenile complaint and maintaining comprehensive centralized records of previous complaints, the intake office diverts minor cases away from court, and identifies those cases which do require special judicial attention.

The essential activities of juvenile court intake services include:

1. Approving all detention and shelter admissions on a 24-hour-a-day, 7-day-a-week basis;
2. Screening of complaints filed with the juvenile and domestic relations court;
3. Making recommendations to the juvenile court regarding the suitability of diversion for particular cases;
4. Recommending the court calendar (counsel mandatory, counsel not mandatory) for those cases which are not diverted;
5. Conducting intake conferences; and,
6. Making referrals to and coordinating the activities of juvenile conference committees.

²For extensive discussions regarding the diversion issue, see Crime and Delinquency (NCCD), October 1976, and Mullen, 1975:23-27.

In the early 1950's, Somerset County became the first county in New Jersey to implement a juvenile court intake service which included monitoring of detention admissions and diversion through a pre-judicial mechanism. The service was established as a function of the juvenile probation office, which is an arm of the juvenile court, and has remained there to the present time. However, the first federally funded intake program in New Jersey was established in Morris County in 1972. Since then, all counties have established juvenile intake offices, basically modeled after the Morris County program. In accordance with the Operations and Procedures Manual for Juvenile and Domestic Relations Court Intake Services, which was adopted in June 1977 by the New Jersey Supreme Court, all counties were required to have an intake service in operation by September 1978.

The Intake Manual establishes uniform operating procedures for the administration of the program, personnel requirements and job specifications, and also specifies particular forms to be used and information to be recorded. All juvenile court intake units throughout the State are governed by these standards. One of the key functions of the intake service is "the responsibility for monitoring, on a 24-hour-a-day, 7-day-a-week basis, the admission of juveniles to the detention or shelter care facility. No juvenile may be admitted to a detention or shelter care facility without the permission of the intake service" (AOC, 1977b:8). As noted in the previous section, admission decisions had traditionally been made by police officers.

The Manual requires that every complaint received by the clerk of the Juvenile and Domestic Relations Court "shall be reviewed by the intake service unless otherwise ordered by the court... The initial screening and review of matters brought to the attention of the juvenile court is a critical function of the intake service. The prompt and thorough review of these matters should result in the expeditious and effective handling of all juvenile matters" (AOC, 1977b:10). The Manual also requires the prosecutor to be informed immediately when a juvenile is charged with a delinquency offense which would be a crime (i.e., an indictable offense) if committed by an adult. In these instances, the prosecutor has the opportunity to raise any objections he may have regarding the appropriateness of diversion. In addition, the prosecutor may move for waiver of jurisdiction to adult court.

Once the complaint has been reviewed, the intake officer is required to advise the presiding judge of the intake service's recommendation, whereupon "the presiding judge will determine whether or not the complaint should be diverted" (AOC, 1977b:11). In cases which are not diverted by the court, the intake service is then required by the Manual to determine whether the matter will be listed on the counsel mandatory or counsel not mandatory calendar, subject to the approval of the judge.

For cases deemed not appropriate for court, the intake unit will arrange for the complaint to be diverted through either a pre-judicial intake conference or juvenile conference committee. According to the Manual, these are the only mechanisms for diverting complaints filed with the juvenile court. The entire diversion process is voluntary on the part of the juvenile and the parents. They may decide at any point not to continue with the procedure and, in such cases, the matter must then be referred back to the juvenile court for further judicial action.

The juvenile conference committee (JCC), first established in 1953, is one of the two major alternatives to court processing that is officially established in New Jersey. These committees consist of six to nine adults from the local community, who hear and dispose of juvenile cases referred to them by the court through the juvenile intake units. The Rules of Court authorize judges of the juvenile courts to establish such committees and to appoint members for terms of three years. At present, there are over 350 juvenile conference committees in operation throughout New Jersey.

Juvenile conference committees were established in New Jersey to serve two primary purposes: first, to provide an alternative mechanism for dealing with minor complaints; and second, to reduce the court caseload, leaving more time to deal with more serious and/or repeat offenders. The major function of the committee "shall be to set limits upon the behavior of the juvenile offenders before it by expressing, through its disposition of each case, the community disapproval of the behavior with which it deals" (R. 5:10-2(c)).

Most cases referred to juvenile conference committees are complaints charging minor delinquency rather than status offenses. Typical cases involve isolated charges, such as trespassing, petty theft, and minor vandalism, which are not indicative of an established pattern of misbehavior. The behavior of status offenders often reflects more serious problems within the home. Generally, it is assumed that such problems are less effectively dealt with by lay members of the community, and hence are not appropriate for juvenile conference committees. Nevertheless, status offenders whose misbehavior is sporadic and not indicative of deeper underlying problems are occasionally referred to juvenile conference committees.

The use of juvenile conference committees has developed into a major diversionary mechanism. During the 1977-1978 court year, 13,767 complaints, out of a total of 81,019 received by the juvenile courts, were referred to juvenile conference committees (see Tables 2.6 and 2.7). In responding to the referrals, the juvenile conference committee may choose from a range of alternative recommendations. Primarily, these include the following:

1. Counseling and warning;
2. Loss of privileges for a reasonable time (e.g., social events, movies, etc.);
3. Restitution, either in money or services; and,
4. Referral to an appropriate community social welfare agency for services (AOC, 1971:6-7).

However, juvenile conference committees may not impose any of the following:

1. Confinement to any institution;
2. Removal of any child from his/her family; or,
3. Placement on probation (AOC, 1977b:17).

After arriving at appropriate recommendations, a second conference is usually held at some time in the future to determine the success of its recommendations. If it is so determined, the juvenile court is notified and the judge must then dispose of the case as a matter of record. If the juvenile and/or parents have not satisfactorily complied with the committee's recommendations, the case is then referred back to the juvenile court intake service for further action. Final decisions regarding referrals to and recommendations by juvenile conference committees remain with the judge of the juvenile court who must approve all such matters.

The primary diversionary mechanism used by the court intake service is the use of intake conferences, or pre-judicial conferences, as they are often called. The intake conferences are used for more serious juvenile offenders who would be inappropriate for juvenile conference committees and for those juveniles who have already been referred to a JCC. The basic purposes of intake conferences are to prevent the stigmatization of formal court processing in those instances where it is determined to be in the best interests of the juvenile and the community to do so, and to allow the juvenile court to devote more time to serious matters by removing minor cases from the court caseload. During the 1977-1978 court year, 22,380 complaints out of 81,019 complaints received by the juvenile courts were diverted by the use of intake conferences (see Tables 2.6 and 2.7).

The decision to divert a case to a pre-judicial conference is based on the alleged offending behavior of the juvenile and such background factors as age, previous complaints, need for social services, cooperativeness of the juvenile and his/her parents, and an admission of guilt for the alleged offense. The intake conference has the same voluntary characteristics as those proceedings conducted by a juvenile conference committee,

Table 2.6
JUVENILE AND DOMESTIC RELATIONS COURT INTAKE SERVICES
JUVENILE DELINQUENCY COMPLAINTS SCREENED BY INTAKE
September 1, 1977 - August 31, 1978

COUNTY	COMPLAINTS SCREENED			COMPLAINTS DIVERTED FROM COURT						COMPLAINTS REFERRED TO COURT	
	Total Complaints	Juvenile Delinquency	Percent	Total Juvenile Delinquency	Percent Diverted	Intake Conference		Juvenile Conference Committee		Number	Percent
						Number	Percent	Number	Percent		
Atlantic	3,966	3,417	86%	1,386	41%	851	25%	535	16%	2,031	59%
Bergen	7,626	6,541	86%	1,987	31%	837	13%	1,150	18%	4,554	70%
Burlington	3,570	3,160	89%	1,399	44%	547	17%	852	27%	1,770	56%
Camden	5,146	4,853	94%	2,970	61%	1,454	30%	1,516	31%	1,883	39%
Cape May	1,698	1,448	85%	642	44%	642	44%	0	0	806	56%
Cumberland	2,244	1,949	87%	526	27%	387	20%	139	7%	1,423	73%
Essex	10,841	9,656	89%	4,801	50%	3,137	33%	1,664	17%	4,855	50%
Gloucester	2,913	2,722	93%	1,252	46%	681	25%	571	21%	1,470	54%
Hudson	5,801	4,908	85%	1,665	34%	907	19%	758	15%	3,243	66%
Mercer	4,708	4,285	89%	1,212	28%	895	21%	317	7%	3,073	72%
Middlesex	5,291	4,885	92%	2,530	52%	1,152	24%	1,378	28%	2,355	48%
Monmouth	7,402	6,633	90%	2,762	42%	1,388	21%	1,374	21%	3,871	58%
Morris	3,840	3,265	85%	2,123	65%	1,356	42%	767	23%	1,142	35%
Ocean	3,664	3,065	84%	1,611	53%	1,381	45%	230	8%	1,454	47%
Passaic	6,100	4,961	81%	1,771	36%	891	18%	880	18%	3,190	64%
Salem	976	782	80%	205	26%	56	7%	149	19%	577	74%
Somerset	1,214	1,087	90%	321	30%	321	30%	0	0	766	70%
Union	3,687	3,432	93%	2,080	61%	1,309	38%	771	23%	1,352	39%
Warren	232	220	95%	105	48%	95	43%	10	5%	115	52%
Total	81,019	71,278	88%	31,348	44%	18,287	26%	13,061	18%	39,930	56%

Note: From the Annual Report of the Administrative Director of the Courts: 1977-1978, P-62

Table 2.7

JUVENILE AND DOMESTIC RELATIONS COURT INTAKE SERVICES
JUVENILE IN NEED OF SUPERVISION COMPLAINTS SCREENED BY INTAKE

September 1, 1977 - August 31, 1978

COUNTY	COMPLAINTS SCREENED			COMPLAINTS DIVERTED FROM COURT						COMPLAINTS REFERRED TO COURT	
	Total Complaints	Juvenile In Need Of Supervision	Percent	Total Juvenile In Need Of Supervision	Percent Diverted	Intake Conference		Juvenile Conference Committee		Number	Percent
						Number	Percent	Number	Percent		
Atlantic	3,966	549	14%	254	46%	232	42%	22	4%	295	54%
Bergen	7,636	1,095	14%	230	21%	118	11%	112	10%	865	79%
Burlington	3,570	401	11%	250	62%	241	60%	9	2%	151	38%
Camden	5,146	293	6%	232	79%	158	54%	74	25%	61	21%
Cape May	1,698	250	15%	128	51%	128	51%	0	0	122	45%
Cumberland	2,244	295	13%	79	27%	64	22%	15	5%	216	73%
Essex	10,841	1,185	11%	624	53%	535	45%	89	8%	561	47%
Gloucester	2,913	191	7%	124	65%	84	44%	40	21%	67	35%
Hudson	5,801	893	15%	339	38%	328	37%	11	1%	554	62%
Mercer	4,798	513	11%	205	40%	160	31%	45	9%	308	60%
Middlesex	5,291	406	8%	237	58%	175	43%	62	15%	169	42%
Monmouth	7,402	769	10%	299	39%	299	39%	0	0	470	61%
Morris	3,840	575	15%	431	75%	286	50%	145	25%	144	25%
Ocean	3,664	599	16%	413	69%	404	67%	9	2%	186	31%
Passaic	6,100	1,139	19%	614	54%	600	53%	14	1%	525	46%
Salem	976	194	20%	75	39%	27	14%	48	25%	119	61%
Somerset	1,214	127	10%	44	35%	44	35%	0	0	83	65%
Union	3,687	255	7%	209	82%	202	79%	7	3%	46	18%
Warren	232	12	5%	12	100%	8	67%	4	33%	0	0
TOTAL	81,019	9,741	12%	4,799	49%	4,093	42%	706	7%	4,942	51%

Note: From the Annual Report of the Administrative Director of the Courts: 1977-1978, P-63

although its setting and atmosphere is more formal than a JCC. The dispositions available at pre-judicial conferences are similar to those provided at JCC's noted above; the intake officer does not have the authority to order the confinement of a juvenile, place a juvenile on probation, or remove a juvenile from his/her family (AOC, 1977b:15).

Unlike juvenile conference committees, the intake conferences are conducted by trained personnel from the county's intake office rather than laymen from the community. Compared to cases referred to juvenile conference committees, cases referred to intake conferences involve somewhat more serious offenses, and involve more serious conditions in the juvenile's family or environment. For this reason, status offenders are more likely to be referred to an intake conference, where professional services are available, rather than a juvenile conference committee (see Table 2.7). The intake officer is required to be fully informed of the social service agencies available in the community for possible referral and accordingly maintains a complete listing of available social, medical, welfare, educational, mental health, and family counseling services.

Since the effectiveness of an intake conference lies in the speedy delivery of services, the Intake Manual requires the intake conference to be held within 10 court days after the filing of the complaint. In addition, "the intake service has the responsibility for following up on the results of the intake conference to determine whether there is compliance with its recommendations and for filing a final report with the presiding judge within three months of the date of the intake conference. Upon receipt of this report the judge will enter an order dismissing the complaint if the juvenile has complied with the recommendations of the intake service" (AOC, 1977b:15).

In regard to the implementation of juvenile court intake units, the Administrative Office of the Courts indicates that positive effects have been demonstrated in regard to judicial processing for the 1977-1978 court year. In Ocean County, the number of counsel not mandatory cases pending was reduced by 60%. Bergen County increased the number of operational juvenile conference committees from 8 to 64. A follow-up study of juveniles diverted by referral to juvenile conference committees in Burlington County indicated that less than 6% of those juveniles have subsequent contact with the court. Union County has consistently diverted more than 55% of complaints screened through intake conferences or by referral to juvenile conference committees (AOC, 1979:P-27-33).

Tables 2.6 and 2.7 from the Annual Report of the Administrative Director of the Courts: 1977-1978, show the significant impact the court intake services have had on the diversion of juveniles from the formal court process. Table 2.6 notes that 44% of the delinquent complaints screened by the 19 operational intake units during the 1977-1978 court year were diverted. Of the two

diversionary mechanisms, the intake conference was used more often (18,287 delinquent complaints diverted) than the use of juvenile conference committees (13,061 delinquent complaints diverted). There was considerable county variation, ranging from the 26% rate of Salem County to the 65% of delinquent complaints diverted by Morris County.

By comparison, 49% of the total JINS complaints were diverted (see Table 2.7). Of the 4,799 JINS complaints diverted, 4,093 were diverted by use of intake conferences, whereas 706 were diverted by use of juvenile conference committees. As in the case with delinquent complaints, there was considerable county variation. Bergen County diverted only 21% of its JINS complaints, whereas Warren County diverted 100% of its JINS complaints, although there were only 12 JINS complaints filed during the year in Warren County. Other counties having high diversion rates for JINS were Union (82%), Camden (79%), and Morris (75%).

Juvenile Detention and JINS Shelter Facilities

As noted in Chapter 1, one of the most significant developments stemming from the new code has been the establishment of non-restrictive JINS shelters throughout the State. These facilities were developed to accommodate the placement of JINS who, prior to the legislation, were placed in detention centers which by definition are "physically restricting." Both JINS shelters and detention centers are temporary holding facilities for juveniles awaiting court disposition.

Specific criteria governing the placement of juveniles in detention facilities and JINS shelters is delineated in N.J.S.A. 2A:4-56 (see pp. 25-26). However, the Rules of Court also delineate the criteria for placement into these facilities and one of the criterion for placement into detention was changed, effective September 1, 1978, to the following: "the nature of the conduct charged is such that the physical safety of persons or property within the community would be seriously threatened if the juvenile were not detained" (R.5:8-6(e)(1)B); emphasis notes the significant change). In general, the juvenile code encourages the release of juveniles to parents or other responsible adults and attempts to limit the use of predispositional holding facilities. Whether a juvenile is placed in a secure detention facility or a non-secure JINS shelter is determined primarily by the nature of the offense. Generally, JINS are placed in JINS shelters and delinquents in detention facilities. The code prohibits the placement of JINS in secure detention facilities. However, the code makes provision for the placement of minor delinquent offenders in shelter care facilities.

In all cases where a juvenile is admitted to a shelter care or detention facility pending an adjudicatory hearing, it is required that the facility:

forthwith notify the presiding judge of the juvenile and domestic relations court or other designated judge. Immediately upon receiving such notification, the judge shall either

- (1) direct the juvenile's release on such terms as he may fix; or
- (2) direct the continued detention or shelter care and schedule a detention or shelter care hearing [to] be held no later than the following morning (R.5:8-2(d)).

In general practice, authority for this decision is delegated to the juvenile court intake service.

The purpose of a detention or shelter care hearing is to provide the juvenile a legal safeguard against inappropriate placement in such facilities. The court must find that the juvenile has been detained or placed in shelter in accordance with the criteria for placement in such facilities pursuant to N.J.S.A. 2A:4-56. "If the juvenile is not represented by counsel at the hearing and if the court continues his detention or shelter care after the hearing, the court shall forthwith schedule a second detention or shelter care hearing to be held within 2 court days thereafter at which the juvenile shall be represented by counsel" as provided by the Rules of Court (R.5:8-6(d)). In addition, a 1976 court rule revision requires the judge to also ascertain, at the second detention hearing, if there is probable cause to believe that the juvenile has committed an act of delinquency prior to approving continued detention (R.5:8-6). By contrast, it is important to note that there is no probable cause provision for JINS offenses and continued shelter care. If an order is made to continue detention or shelter care, provision must be made for periodic judicial review at intervals not to exceed 14 days.

Currently, 18 of New Jersey's 21 counties have secure juvenile detention facilities. Salem, Cape May and Hunterdon Counties do not have such facilities and purchase detention services from neighboring counties. The detention facilities are known by various designations: detention center, youth center, youth house, or juvenile shelter. The present juvenile detention facilities in New Jersey are relatively new when compared to their adult counterparts, county jails. Of the 18 facilities in New Jersey, seven facilities were built between 1970-1979; seven between 1960-1969; and three between 1955-1959. The oldest in the State is the Essex County Youth House which, when it opened in 1915, was one of the few juvenile detention facilities in the United States.

Each detention facility is funded and operated through the county in which it is located. Although a few detention facilities have boards of trustees which develop policy, final responsibility for the facilities' budgets and operations rests with the county

boards of chosen freeholders. Although a number of detention facilities have received federal funds from the State Law Enforcement Planning Agency (SLEPA) to upgrade detention services, the primary source of revenue is through county funds.

While several detention centers are located in residential areas, most facilities are situated on county complexes and are thus relatively isolated from the surrounding community. Generally, their appearances reflect the secure nature of their programs with security-type windows, doors, and fences. All juvenile detention facilities serve both male and female detainees, with each sex having separate living quarters. Coed activities, such as educational classes, arts and crafts, dining, etc., are utilized to varying degrees in each facility. All detention facilities provide basic programming incidental to a custodial/residential situation: 24 hour-a-day supervision, medical services, some form of leisure time activity, etc. However, in regard to physical plant, policies and procedures, daily programming, education and social services, etc., there is considerable disparity between facilities. The adoption on May 1, 1978 of the Department of Corrections' Manual of Standards for Juvenile Detention Facilities is intended to upgrade detention programming and to make the detention system more uniform across the State, as minimum standards are met. Pursuant to N.J.S.A. 2A:4-57, the Department of Corrections has the statutory authority to specify, or approve, all juvenile detention facilities in the State. Prior to the creation of the Department in November 1976, this authority rested with the Department of Institutions and Agencies.

In contrast to secure detention facilities for delinquent juveniles, JINS shelters are by statute "without physical restriction." In addition, JINS shelters provide on-going programs to maintain active ties between the juveniles and the surrounding communities. In accordance with N.J.S.A. 2A:4-57, JINS shelters must be specified for use by the State Department of Human Services. To carry out this function, the Department has promulgated A Manual of Standards for Shelters Accepting Juveniles Awaiting Court Disposition.

At present, there are 21 JINS shelters in operation in 18 of New Jersey's 21 counties. In addition, two rural counties, Warren and Sussex, have established foster homes to provide for the minimal JINS shelter needs of each of the counties. The remaining county, Gloucester, does not have a JINS shelter, but purchases services from Salem County. The JINS shelters are located on widely varying types of sites in the various counties. Locations range from isolated county complexes to wings or floors of urban community institutions such as YM/YWCA's and Boys' Clubs, to converted residential homes. In any case, the security-like nature of detention facilities is nonexistent in JINS shelters.

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As in the case of detention facilities, responsibility for funding and operating JINS shelters rests with the individual counties through the boards of chosen freeholders. Many JINS shelters have received federal grants through the State Law Enforcement Planning Agency (SLEPA), but the primary source of funds is through the allocations provided by the boards of chosen freeholders. Although the Manual of Standards governing JINS shelters ensures a certain degree of uniformity in regard to minimal necessities, substantial variations among the counties exist in the overall quality of the JINS shelter programs and in the services which they provide.

As noted above, the absence of security provisions and the emphasis on interaction with the local community are perhaps the most visible distinctions differentiating JINS shelters from detention centers. A number of further differences also distinguish JINS shelters from detention centers. The most important of these differences concern four aspects of the facilities: size, orientation, client characteristics and population characteristics. Each of these deserves a brief discussion.

In terms of facility size, JINS shelters are generally considerably smaller than detention centers. Most JINS shelters have approved population capacities of between 12 and 20 with a few facilities under 12. In accordance with the Manual of Standards, no JINS shelter can be approved for a population capacity exceeding 25 and only four shelters, located in the more heavily populated counties, are approved for the maximum of 25. Most detention facilities were established much earlier than JINS shelters and were intended to serve larger populations. Therefore, they generally are larger facilities than their JINS shelter counterparts. The largest juvenile detention facility in New Jersey is the Essex County Youth House which has a maximum population capacity of approximately 100 juveniles. Hudson County has the second largest juvenile detention center with a capacity of 80 juveniles. Most of the remaining facilities have capacities ranging from 20 to 50.

In regard to the orientation of JINS shelters, their non-secure nature is reflected in the programs they offer. As noted earlier, the utilization of community resources for various services and activities constitutes an important distinction between JINS shelters and detention centers. JINS shelters, most of which have their own passenger vans, provide periodic trips to parks, theaters, museums, and other community facilities. Also, some JINS attend public schools in the community while residing at the JINS shelter. A number of JINS shelters also permit juveniles to visit with their families on overnight passes and/or weekend furloughs and, in some instances, JINS may be permitted brief trips to the community without escorts.

In addition to community activities, JINS shelters also provide complete in-house programs for those children for whom community

programs are unsuitable (e.g., habitual runaways), and when utilization of community agencies is impractical. This is similar to detention facilities, where virtually all programming is provided within the facility. In-house programs for both facility types include education, recreation, social services, and medical services. In addition, a number of JINS and detention facilities have established active volunteer programs to provide further diversification in services and activities and more personal involvement with the juveniles.

In regard to client characteristics, the most basic difference characterizing juveniles placed in detention as opposed to JINS shelters is that the former have been charged with having committed a criminal act, such as robbery, or breaking and entering, whereas the latter are charged with noncriminal offenses, such as incorrigibility or runaway, or relatively minor delinquent acts such as shoplifting. Since some juveniles may be held for a delinquent offense on one occasion and a JINS offense on another, the populations in the two facility types are to some extent interchangeable. Thus, the "JINS/JD" dichotomy is not as clear in real life as it is in the new juvenile code.

The term "pure JINS" is commonly used to distinguish those juveniles who have either no previous record or only JINS histories, from juveniles with histories of delinquent behavior who are presently classified as JINS because of the present offense. Both types of juveniles may be processed as JINS and are eligible for admission to JINS shelters. Because of the inevitable involvement of such delinquents in JINS shelters, the appropriateness of open, non-secure settings and the non-correctional philosophy of the JINS shelters have been raised as issues. However, in view of the success with which delinquent offenders have been placed in shelters, the converse question of whether it might be desirable to place such delinquents in shelters routinely has also been raised.

In regard to population characteristics, Tables 2.8 and 2.9 provide a county by county breakdown of admissions to detention centers and JINS shelters in 1977. Also provided are the average daily populations and the average lengths of stay by county. As expected, the more urban counties generally have a higher number of admissions to JINS and detention facilities than more suburban or rural counties. However, there is considerable variation in the length of stay, which is not dependent upon county population, but rather, juvenile justice practices within the county. For example, in detention facilities the average length of stay ranges from 5.5 days in Hunterdon County to 25.3 days in Essex County. Likewise, JINS shelters also exhibit a wide variation in average lengths of stay.

In 1977 there were 10,687 juveniles admitted to detention facilities, a decrease of 7% from the 11,484 held in 1976 (see Table 2.10). Table 2.10 also notes that the number of juveniles admitted to detention has remained relatively constant from 1974

Table 2.8

Juveniles in Detention Facilities by County (1977)

COUNTY ^a	ADMISSIONS			AVERAGE DAILY POPULATION			AVERAGE LENGTH OF STAY (DAYS)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Atlantic	270	41	311	N/A	N/A	19.1	N/A	N/A	22.4
Bergen	466	152	618	15.9	3.0	19.0	12.5	7.3	11.2
Burlington	304	64	368	10.7	1.1	11.8	12.9	6.2	11.7
Camden	569	110	679	18.2	4.8	23.0	11.7	16.0	12.4
Cape May	86	11	97	2.2	.4	2.6	9.3	14.4	9.9
Cumberland	429	104	533	16.1	4.1	20.2	13.7	14.4	13.9
Essex	1,198	217	1,415	84.8	13.4	98.2	25.8	22.5	25.3
Gloucester	179	33	212	3.1	.4	3.4	6.3	4.0	5.9
Hudson	952	193	1,145	37.1	4.5	41.5	14.2	8.5	13.2
Hunterdon	37	8	45	.5	.2	.7	4.7	9.4	5.5
Mercer	507	155	662	21.0	6.6	27.6	15.1	15.6	15.2
Middlesex	576	230	806	20.0	4.5	24.5	12.7	7.1	11.1
Monmouth	487	148	635	12.5	3.5	15.9	9.3	8.5	9.1
Morris	287	133	420	N/A	N/A	13.9	N/A	N/A	12.0
Ocean	435	118	553	7.3	1.7	9.0	6.2	5.2	6.0
Passaic	607	158	765	19.3	8.2	27.5	11.6	19.0	13.1
Salem	173	83	256	5.1	1.9	7.0	10.7	8.4	10.0
Somerset	98	34	132	2.2	.8	3.1	8.4	8.9	8.5
Sussex	149	38	187	N/A	N/A	5.3	N/A	N/A	10.4
Union	460	165	625	N/A	N/A	28.8	N/A	N/A	16.8
Warren	171	52	223	8.8	1.8	10.6	18.8	12.4	17.3
Total ^b	8,440	2,247	10,687	340	73	413	14.3	11.9	14.1

^a All tables in this section show admissions by county rather than facility. For example, Salem County does not have a juvenile detention facility and sends juveniles to neighboring counties. These juveniles are listed under Salem County.

^b Although the average daily population (413) and the average length of stay (14.1 days) are based on all 21 counties, the breakdown for males and females represents a statistical projection based on 17 counties. N/A - Not available.

Source: Task Force on the Juvenile Code

Table 2.9

Juveniles in JINS Shelters by County (1977)

COUNTY ^a	ADMISSIONS			AVERAGE DAILY POPULATION			AVERAGE LENGTH OF STAY (DAYS)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Atlantic	159	111	270	N/A	N/A	10.8	N/A	N/A	14.6
Bergen	204	216	420	10.9	12.3	23.2	19.5	20.8	20.2
Burlington	258	204	462	9.0	4.6	13.8	12.7	8.7	10.9
Camden	146	182	328	7.1	6.1	13.2	17.6	12.3	14.7
Cape May	23	24	47	.5	.5	1.0	8.5	7.7	8.1
Cumberland	105	85	190	4.8	3.1	7.8	16.5	13.2	15.0
Essex	200	220	420	15.3	13.6	28.9	27.9	22.5	25.1
Gloucester	19	28	47	.3	.4	.6	5.0	4.8	4.9
Hudson	154	235	389	N/A	N/A	14.5	N/A	N/A	13.6
Hunterdon	7	9	16	N/A	N/A	1.0	N/A	N/A	22.5
Mercer	109	159	268	9.6	7.0	16.6	32.2	16.1	22.6
Middlesex	67	141	208	2.4	5.1	7.5	13.3	13.2	13.2
Monmouth	127	202	329	5.0	7.4	12.5	14.5	13.4	13.8
Morris	54	88	142	3.2	4.6	7.7	21.3	18.9	19.8
Ocean	117	198	315	2.8	5.1	7.9	8.7	9.5	9.2
Passaic	59	94	153	3.8	4.7	8.5	23.8	18.2	20.3
Salem	41	58	99	1.0	1.0	2.0	9.2	6.2	7.5
Somerset	3	6	9	N/A	N/A	1.0	N/A	N/A	40.4
Sussex	3	2	5	.2	.1	.3	30.0	16.0	24.4
Union	143	206	349	5.5	8.3	13.8	14.0	14.8	14.5
Warren	18	46	64	1.9	1.3	3.2	38.8	10.3	18.3

Total^b 2,016 2,514 4,530 97 99 196 17.8 14.5 15.8

^a The figures represent admissions by county rather than facility. For example, Essex County has two JINS shelters; the statistics from these facilities are combined into one county figure.

^b Although the average daily population (196) and the average length of stay (15.8 days) are based on all 21 counties, the breakdown for males and females represents a statistical projection based on 17 counties.

Source: Task Force on the Juvenile Code

Table 2.10

Admissions to Juvenile Detention Facilities
by County by Percent Change (1974 - 1977)

COUNTY	ADMISSIONS				% CHANGE 1974 - 1977
	1974	1975	1976	1977	
Atlantic	400	559	517	311	-22.3
Bergen	452	500	565	618	+36.7
Burlington	544	571	564	368	-32.4
Camden	980	863	683	679	-30.7
Cape May	184	110	79	97	-47.3
Cumberland	466	675	530	533	+14.4
Essex	1,580	1,613	1,388	1,415	-10.4
Gloucester	387	365	278	212	-45.2
Hudson	1,285	1,251	1,453	1,145	-10.9
Hunterdon	59	59	59	45	-23.7
Mercer	1,050	966	704	662	-37.0
Middlesex	635	748	738	806	+26.9
Monmouth	557	687	705	635	+14.0
Morris	309	387	368	420	+35.9
Ocean	370	717	789	553	+49.5
Passaic	730	824	703	765	+ 4.8
Salem	147	139	208	256	+74.1
Somerset	155	136	95	132	-14.8
Sussex	178	138	153	187	+ 5.1
Union	644	608	648	625	- 3.0
Warren	191	226	257	223	+16.8
Total	11,303	12,142	11,484	10,687	- 5.4

Source: Task Force on the Juvenile Code

Table 2.11

Admissions to JINS Shelter Facilities
by County by Percent Change (1975 - 1977)

COUNTY	ADMISSIONS			% CHANGE 1975 - 1977
	1975	1976	1977	
Atlantic	333	312	270	- 18.9
Bergen	319	394	420	+ 31.7
Burlington	501	459	462	- 7.8
Camden	363	355	328	- 9.6
Cape May	6	4	47	+683.3
Cumberland	156	228	190	+ 21.8
Essex	256	332	420	+ 64.1
Gloucester	85	213	47	- 44.8
Hudson	329	344	389	+ 18.2
Hunterdon	5	0	16	+220.0
Mercer	207	261	268	+ 29.5
Middlesex	319	273	208	- 34.8
Monmouth	322	419	329	+ 2.2
Morris	79	99	142	+ 79.7
Ocean	347	173	315	- 9.2
Passaic	128	125	153	+ 19.5
Salem	11	116	99	+800.0
Somerset	31	12	9	- 71.0
Sussex	9	0	5	- 44.4
Union	363	352	349	- 3.9
Warren	23	43	64	+178.3
Total	4,192	4,514	4,530	+ 8.1

Source: Task Force on the Juvenile Code

to 1977, decreasing 5.4% over the four-year period. However, there is considerable county variation, some counties having increased their admissions substantially, while others decreased admissions substantially. On an average day in 1977, there were 413 juveniles in detention; of this total, 340 (82%) were males and 73 (18%) were females (see Table 2.8).

The number of admissions to JINS shelters in 1977 remained virtually constant, when compared to 1976. In 1977 there were 4,530 admissions, compared to 4,514 in 1976, representing a slight increase of .3% (see Table 2.11). The number of juveniles admitted to JINS shelters increased 8.1% over the three-year period from 1975-1977 (see Table 2.11). As in the case with detention centers, there is considerable county variation, except that increases are much more pronounced since JINS shelters were still being developed in 1976 and 1977. For example, the large increases in admissions in Salem and Cape May counties are due to the fact that these counties opened JINS shelters in 1976 and 1977 respectively. On an average day in 1977, there were 196 juveniles in JINS shelters, evenly split between males (97) and females (99). This contrasts sharply with the detention facilities, where a majority of the population was comprised of males (82%). These patterns parallel the sex distribution of JINS and delinquent complaints signed against juveniles.

In regard to the average lengths of stay, Tables 2.8 and 2.9 note that males spent longer periods of time in detention in 1977 than females (14.3 days compared to 11.9 days), and also spent longer periods of time in JINS shelters in 1977 than females (17.8 days compared to 14.5 days). The 1977 data is consistent with data analyzed from 1975 and 1976. All of the data revealed that males spend longer periods of time in detention and JINS facilities than females. It is somewhat understandable that males spend longer periods of time in detention than females, since a higher proportion of males than females are on the counsel mandatory court calendar and also have higher commitment rates. Judicial processing is slower when legal counsel is provided and also when commitments to correctional institutions are made.

In regard to sex, there was a significant change between 1973 and 1975 in the female population in detention facilities (see Table 2.12). In 1973, 28% of the detention admissions were female; however, in 1975 this proportion dropped to 21% and has remained constant since then. One reason for the decrease may be the placement of female JINS-type offenders in detention in 1973, prior to the legislation. This interpretation is supported by Table 2.12, which shows the disparity between the proportion of male and female admissions to the two types of facilities. Approximately 55% of the admissions to JINS shelters are female, a proportion that has remained constant over a four-year period. Males, on the other hand, represent the majority of admissions to detention centers--approximately 80%. However, the high proportion of male admissions to detention is merely reflective of the higher proportion (80.5% in 1977) of male juvenile arrests. When

coupled with arrest data, Table 2.12 notes that when females are arrested, they are twice as likely than males to be detained in either detention or shelter facilities. In 1977, for example, there were 23,894 juvenile female arrests in New Jersey. Of these, 4,761 were placed in either a JINS or detention facility, for an overall detention/shelter rate of 20.0%. Males, on the other hand, had an overall detention/shelter rate of only 10.6% in 1977, since there were 98,528 juvenile male arrests and 10,456 of these resulted in placement in either a JINS or detention facility.

To summarize the sex differentiation in regard to JINS and detention facilities, the following findings should be noted:

- (1) When arrested, females are twice as likely to be detained in shelter or detention than males;
- (2) Males constitute 80% of the admissions to detention;
- (3) Females constitute 55% of the admissions to JINS shelters; and,
- (4) Males spend longer periods of time in JINS and detention facilities than females.

One potential danger of adopting status offender legislation which establishes new shelter facilities is that the proliferation of new shelter placement resources could merely "widen the net," and that more juveniles would be placed in the new shelter resources. Table 2.12, which provides aggregate admission statistics for JINS and detention facilities from 1973 to 1977, provides data on this issue. In 1977 there were a total of 15,217 admissions to all JINS and detention facilities, compared to a 1973 pre-legislation total of 14,893 admissions to the detention facilities, which at that time admitted JINS-type offenders. The aggregate population in predispositional facilities increased only 2.2% over a five-year period, even though there are now an additional 21 JINS shelters which were not in operation in 1973. Thus, it appears that the implementation of the legislation since 1974 has been positive in the sense that juveniles charged as JINS have been "drained off" from the detention population without an increase of delinquents to the detention population during this five year period.

In regard to predispositional facility admissions (JINS and detention), the "widening net" effect may in fact have occurred in 1975, the first full year of implementation of the new code. The proliferation of JINS shelters in 1974 and 1975, coupled with an increasing number of empty beds in detention due to the "draining off" of the JINS, probably contributed significantly to the increase of 13.7% in admissions to JINS and detention facilities in 1975. Perhaps the primary reason for the increase in 1975 is that police, intake workers, DYFS caseworkers, and judges made additional demands to place a considerable number of

Table 2.12

Admissions to JINS Shelters and Detention Centers
by Sex by Percent Change (1973 - 1977)

ADMISSIONS	1973	1974	1975	1976	1977
Detention					
Male	10,762 (72.3%)	8,753 (77.4%)	9,576 (78.9%)	8,998 (78.4%)	8,440 (79.0%)
Female	4,131 (27.7%)	2,550 (22.6%)	2,556 (21.1%)	2,486 (21.6%)	2,247 (21.0%)
Total	14,893 (100%)	11,303 (100%)	12,142 (100%)	11,484 (100%)	10,687 (100%)
JINS					
Male	(No JINS	1,421 (46.5%)	1,885 (45.0%)	2,002 (44.4%)	2,016 (44.5%)
Female	Law)	1,636 (53.5%)	2,307 (55.0%)	2,512 (55.6%)	2,514 (55.5%)
Total		3,057 (100%) ^a	4,192 (100%)	4,514 (100%)	4,530 (100%)
Total Admissions	14,893	14,360	16,334	15,998	15,217
% Change		-3.6	+13.7	-2.1	-4.9

^aThis figure represents only 10 months admissions, since the JINS law became effective on March 1, 1974.

Source: Task Force on the Juvenile Code

juveniles in JINS shelters who would not have been placed in detention facilities prior to the code. The admissions to JINS and detention facilities have leveled off since 1975, however, since there were overall decreases in 1976 and 1977.

The rate of detaining juveniles in JINS and detention facilities has also decreased over the past several years, as shown by Table 2.13. However, in all years the rate of detaining is higher than the rate of 10% recommended by the National Council on Crime and Delinquency (1961:157).

Table 2.13

Detention/Shelter Rates (1973 - 1977)

	1973	1974	1975	1976	1977
Detention and JINS Shelter Admissions ^a	14,893	14,360	16,334	15,998	15,217
Total Juvenile Arrests ^b	107,971	123,224	126,517	123,229	122,236
Detention/Shelter Rate - %	13.8	11.7	12.9	13.0	12.4

Note: The detention/shelter rates, based on arrest data, were determined by taking the number of juveniles admitted to JINS and detention facilities and dividing by the total juvenile arrests for the respective years.

^aSource: Task Force on the Juvenile Code

^bSource: State of New Jersey: Uniform Crime Reports (1973 - 1977)

Use of arrest data is appropriate for determining an overall detention/shelter rate. However, since arrest data is not broken down into delinquent/JINS categories, it cannot be used to determine detention center or JINS shelter rates separately. For this reason, the number of JINS or delinquent complaints filed with the respective county juvenile courts was utilized to allow comparisons between facility types (see Table 2.14).

The overall detention rate was 14.5% for 1977, but there was considerable county variation; Cape May had the lowest rate, 5.9%, while Salem had the highest, 30.2%. The sharp difference between these two counties is interesting, since each of them has no detention facility and must rely on neighboring counties for detention services. The lowest rate for a county with its own detention facility is the 7.9% for Gloucester County. The low detention rate for this county has been attributed to the establishment of an effective juvenile court intake service. For several years, the Gloucester County juvenile detention facility

Table 2.14

Juvenile Detention and JINS Shelter Rates (1977)

COUNTY	JUVENILE DETENTION CENTERS			JINS SHELTERS		
	Admissions *	Delinquency** Complaints Filed	Detention Rate %	Admissions *	JINS Complaints** Filed	Shelter Rate %
Atlantic	311	3,036	10.2	270	447	60.4
Bergen	618	6,652	9.3	420	1,218	34.5
Burlington	368	2,473	14.9	462	365 ^a	N/A
Camden	679	5,522	12.3	328	464	70.7
Cape May	97	1,651	5.9	47	262	17.9
Cumberland	533	1,854	28.7	190	434	43.8
Essex	1,415	9,705	14.6	420	938	44.8
Gloucester	212	2,686	7.9	47	190	24.7
Hudson	1,145	5,100	22.5	389	876	44.4
Hunterdon ^b	45	413	10.9	16	44	36.4
Mercer	662	4,143	16.0	268	429	62.5
Middlesex ^b	806	5,950	13.5	208	673	30.9
Monmouth ^b	635	5,722	11.1	329	411	80.0
Morris ^b	420	3,229	13.0	142	584	24.3
Ocean	553	2,775	19.9	315	347	90.8
Passaic	765	4,053	18.9	153	675	22.7
Salem ^b	256	847	30.2	99	211	46.9
Somerset ^b	132	1,209	10.9	9	186	4.8
Sussex	187	821	22.8	5	74	6.8
Union ^b	625	4,868	12.8	349	508	68.7
Warren	223	803	27.8	64	136	47.0
Total	10,687	73,512	14.5%	4,530	9,472	44.7%^c

*Source: Task Force on the Juvenile Code

**Source: AOC data and intake survey by the Task Force on the Juvenile Code

See page 64 for footnotes.

experienced severe overcrowding coupled with program problems. The establishment of an intake service which critically evaluates all detention requests made by the police, eliminated the severe overcrowding and assisted in stabilizing the program.

The statewide JINS shelter admission rate for 1977 was 44.7%, or three times the detention rate. Again, county variation was significant--the rates ranged from 4.8% in Somerset County to 90.8% in Ocean County. A detailed discussion of the significance of the relatively high shelter rate and county variation is warranted, since they involve major issues concerning the implementation of the JINS legislation.

The relatively high shelter rate, combined with the Task Force's knowledge of JINS shelter admission practices and interviews with JINS shelter and court intake personnel, suggests that a significant number of juveniles may have JINS complaints signed against them "inappropriately." In most JINS shelters in the State, the admission of a juvenile can only be made when a complaint has been signed against him/her. If this practice is viewed in light of the reality that there are virtually no

Footnotes - Table 2.14

Note: The juvenile detention and JINS shelter rates were determined by taking the number of juveniles admitted to the JINS or detention facility and dividing by the number of JINS or delinquency complaints filed in court. It should be noted that there is not strict comparability between admissions and complaints filed, since admissions represent individuals, while there may be more than one complaint filed against a juvenile at a given time. However, since this reporting inconsistency is common to all counties, it is appropriate to compare rates between counties.

^aBurlington County Juvenile Court Intake Office counts the number of juveniles, not individual complaints, per year. Hence, the figure 365 represents more than 365 total complaints. Accordingly, a shelter rate cannot be computed.

^bData regarding delinquent and JINS complaints from Mercer, Monmouth, Morris, Somerset, and Warren counties is derived from telephone surveys of the respective juvenile court intake units since the AOC data for 1977 does not include the number of diverted complaints.

^cThe calculation of the total JINS shelter rate excludes Burlington County.

dependent/neglected shelters in the State for adolescents, and foster care is limited for this age group, a dilemma that police officers and caseworkers often face is placed in bold relief: What shelter services can be provided for the neglected juvenile? According to our interviews with personnel from various agencies, some juveniles are charged as JINS offenders solely to provide them with a place to stay until more permanent living arrangements are made.

Family problems often create situations where juveniles cannot or should not live at home, either for brief or extended periods of time. In some of these situations, juveniles must be immediately placed outside of their homes. The only temporary alternative may be a JINS shelter, where the juvenile must first be charged as an "offender" before he/she is admitted. This situation clearly increases the number of JINS complaints filed against juveniles. If dependent/neglected shelters or foster homes were available, the total number of JINS complaints filed would inevitably decrease.

A close look at the JINS shelter admission practices in Somerset County illustrates this point. In 1977, there were nine JINS admissions to the Somerset Youth Shelter, a private facility which provides shelter care services for JINS and dependent/neglected youth without JINS complaints. In addition to the nine JINS admitted, there were an additional 77 juveniles admitted by the Division of Youth and Family Services (DYFS). However, since admission is not predicated on the filing of a JINS complaint, these 77 juveniles did not have a JINS complaint filed against them "inappropriately," solely to provide them with a place to stay. Hence, they were able to avoid formal involvement with the juvenile court.

There is no statutory prohibition against placing dependent/neglected juveniles in JINS shelters. Most shelters have established admission criteria which exclude juveniles with no complaints as a mechanism to ensure that DYFS does not over-utilize the JINS shelters for the placement of dependent/neglected children under its care. Even with this admission policy, however, one of the major issues confronted by many JINS shelter administrators is dealing with the problem of extended stays (more than 30 days) by juvenile offenders under DYFS supervision.

Juvenile Court

The juvenile court is the focal point for the processing of juveniles through New Jersey's juvenile justice system, if the juvenile has not already been diverted at the police or intake level. In general, the decision regarding diversion is determined by an assessment of whether or not the juvenile would be better served outside the formal court system. When formal processing of the juvenile by the court is deemed necessary, the juvenile court judge becomes the primary decision-maker regarding

further processing. In this regard, the judge conducts a series of court hearings including detention or shelter care hearings, if necessary; probable cause hearings; adjudicatory hearings; and dispositional hearings.

As noted in Chapter 1, New Jersey courts first began processing juveniles separately from adults in 1903 in the county courts. In 1929, a major statutory revision was adopted which created the State's current system of 21 county-based juvenile and domestic relations courts. Since their inception, the juvenile courts in New Jersey, as elsewhere, have been guided predominantly by the doctrine of "parens patriae." However, New Jersey juvenile courts have been undergoing a number of important changes since the 1967 Gault decision. This and other Supreme Court decisions have gradually transformed the courts' orientation from one of protective paternalism to one which seeks to strike a balance between due process considerations and the essential elements of "parens patriae." Although substantial change toward a consideration of due process has occurred over the past decade, the juvenile court's primary official mission is still regarded as the rehabilitation of juvenile offenders.

Each of New Jersey's 21 counties has a juvenile and domestic relations court, 10 of which are presided over by judges responsible solely for that function. However, in the remaining 11 counties, judges presiding over the county court are also responsible for the county's juvenile and domestic relations court (AOC, 1978:J/K 1-6). As of September 1978, there were 32 juvenile and domestic relations judgeships authorized in the State (AOC, 1978:8). Appointments to the juvenile and domestic relations court are made by the Governor, with senatorial consent, and judges serve for a term of five years. After ten years, and a third appointment to the juvenile court, the judges are granted tenure.

In terms of jurisdiction by offense, the New Jersey juvenile and domestic relations courts have exclusive jurisdiction in all cases where it is charged that a juvenile has committed an act of delinquency or is in need of supervision (N.J.S.A. 2A:4-46 (a)). This jurisdiction is consistent with other states, since virtually all juvenile courts presently retain jurisdiction over status offenders. In New Jersey, JINS-type cases were brought to the juvenile court under the delinquency classification until 1974. This procedure changed with the advent of the new code, which differentiated between offense types. In addition to juvenile delinquency and JINS cases, the juvenile and domestic relations courts also have jurisdiction over cases involving child abuse and neglect, child support, temporary child custody, and paternity.

The New Jersey juvenile courts have jurisdiction over juvenile offenders under age 18. Again, this is consistent with most juvenile courts in the country; a review of state statutes in 1977 noted that 36 states in addition to New Jersey separated

adult and juvenile offenders at age 18 for purposes of court jurisdiction (LEAA, 1977b:9). Although New Jersey statutes are silent in regard to the lower age limit for court jurisdiction, there is a presumption of incapacity for juveniles under age seven inherited from common law.

Exceptions may be made to these jurisdictional parameters in serious delinquency cases where the juvenile court waives jurisdiction and refers the case to the appropriate adult court and prosecuting authority. In these situations, the juvenile must be at least 14 years of age, the delinquent offense must be relatively serious, and the court must determine that there are no reasonable prospects for rehabilitation, utilizing the services of the juvenile court (N.J.S.A. 2A:4-48; see pp. 26-27 for specific statutory criteria).

A state-by-state review of waiver statutes in 1977 revealed that 35 states had set minimum ages below which juveniles could not be waived to adult court. Of these, two had set age 13 as the lower limit, seven allowed transfer at age 14, and the remaining 26 states used either age 15 or 16 as the lowest age for waiver (LEAA, 1977b:20). Thus, the statutory change in 1978 which lowered the waiver age from 16 to 14 provides New Jersey juvenile court judges the opportunity to send some of the youngest juveniles to adult court of any state in the nation. However, it is rarely utilized as will presently be shown.

The primary activity of the juvenile courts in New Jersey is the conducting of various types of hearings. Basically, there are five types of hearings conducted: waiver hearings, detention or shelter care hearings, probable cause hearings, adjudicatory hearings, and dispositional hearings.

Of the five types of hearings, the type most infrequently conducted is the waiver hearing, since this is usually reserved for rather serious delinquent offenses such as homicide, rape, or armed robbery. The Task Force on the Juvenile Code reviewed records maintained by the Office of the Public Defender and found only 47 cases waived to adult court represented by that office in fiscal year 1978, out of a total juvenile caseload of 8,888 cases. We would expect this number to be close to the actual number of waiver cases, since the Public Defender represents virtually all juveniles in the State requiring counsel. For comparative purposes, there were 48 and 43 cases waived to adult court represented by the Public Defender in fiscal years 1976 and 1977 respectively. Over 50% of the waiver cases over the three year period came from three counties - Essex (21%), Passaic (21%), and Hudson (14%). Counsel is constitutionally required in waiver cases pursuant to Kent v. United States, 383 U.S. 541 (1966). In New Jersey, however, counsel has been provided to juveniles at waiver hearings since 1962 pursuant to State v. Tuddles, 38 N.J. 565 (1962).

Detention or shelter care hearings are mandated for any juveniles placed in detention or JINS shelter facilities, to provide the juvenile a legal safeguard against inappropriate placement in such facilities. Statute and Rules of the Court require that counsel³ be provided at the second detention or shelter care hearing.

Probable cause hearings are provided only for juveniles in detention. They are usually conducted at the second detention hearing, with the assistance of counsel. "No juvenile may be held in a detention center for more than a reasonable period of time, unless, from the evidence, it appears that there is probable cause to believe that the juvenile has committed an act of delinquency" (R. 5:8-6(f)).

The adjudicatory hearing has received major attention at the national and state levels because of the focus upon the constitutional requirements of due process. This hearing serves to determine the guilt or innocence of the juvenile, and is thus comparable to an adult criminal trial. An adjudication as a delinquent or JINS may be made by the juvenile's admission of the allegations or by the finding of a judge following litigation of the case. In the latter situation, evidence must be presented to support the allegation against the juvenile.

Because of extensive diversion which takes place at the police and juvenile court intake levels, fewer than fifty percent of the juveniles arrested in New Jersey receive an adjudicatory hearing. According to the Institute of Judicial Administration, "cases pursued to adjudication are the most important cases handled in the juvenile system," with the exception of those waived to adult court:

They are the cases that are too serious to ignore, the cases in which the juvenile denies guilt, the cases involving recidivistic behavior, the cases in which the juvenile's actual or potential threat to self or the community indicates a need for the secure environment of a correctional institution, or the cases in which the juvenile's home environment is so destructive as to indicate placement elsewhere (IJA/ABA, 1977b:1).

It is at this point in the juvenile court process that the court may take coercive measures against the juvenile involving a "loss of liberty." For this reason, legal counsel is of paramount importance. In New Jersey, counsel has been provided since 1967, in response to the Gault decision, to those juveniles whose cases may result in "institutional commitment." Amendments to the New Jersey Court Rules in 1967 included provision for a

³See page 51 for a further discussion of detention and shelter care hearings.

bifurcated calendaring system to address the constitutional requirement for legal counsel. Under the amendments, those cases which in the opinion of the judge might result in an institutional commitment, were to be placed on the "formal" calendar, which required representation by counsel. All other cases, i.e., those cases which clearly would not result in institutional commitment, were assigned to the "informal" calendar, which did not require counsel to be provided.

When New Jersey's present juvenile code became effective in March 1974, the bifurcated formal/informal calendaring terminology was officially discontinued. However, the provisions regarding representation by counsel continued, and the standard for counsel, threat of institutional commitment, did not change. Although not provided by the Court Rules, an administrative calendaring system of counsel mandatory/counsel not mandatory was created. In cases where the court determines that the matter may result in institutional commitment, the juvenile is assigned to the counsel mandatory calendar. If a juvenile or his/her parents have not secured their own counsel, the court must provide for legal representation (R. 5:9-1(b)). Assigned counsel for juveniles is usually provided by the Office of the Public Defender which provides attorneys in each of the court jurisdictions. "It is estimated that, state-wide, 90% of the juveniles appearing before the court at counsel-required adjudicatory hearings are currently represented by the Office of Public Defender" (Governor's Advisory Committee, 1977:292).

There is wide disparity in the interpretation and application of the threat of "institutional commitment" standard for counsel. Although the Commentary in the annotated version of the Court Rules provides a meaning for the term "commitment," "a transfer of custody to any institution, whether correctional, treatment or diagnostic" (Pressler, 1977:922), there is still ambiguity. Some judges apply the standard solely to correctional facilities, while others apply it more broadly to include various residential facilities or any placement outside of the juvenile's home. Accordingly, some judges routinely place JINS cases on the counsel mandatory calendar. Currently, such interpretations are left largely to the individual judge's discretion.

In addition, judges differ on the need for due process generally; some judges require legal counsel even if there is no threat of "institutional commitment." Thus, a rather wide disparity exists throughout the 21 counties regarding which cases require counsel mandatory hearings. Table 2.15 clearly shows the variation which exists among the counties with regard to the provision of counsel in both delinquency and JINS matters. Essex County, for example, requires an attorney at virtually all adjudicatory hearings involving delinquents and JINS. Surely, the court is going beyond the "institutional commitment" standard for counsel and is requiring counsel for due process considerations. Other counties, such as Camden and Passaic, require counsel at most hearings involving delinquents, but have a different standard

regarding counsel at hearings for JINS matters. Several counties, e.g., Cumberland and Monmouth, are consistent in that relatively few delinquent or JINS complaints are disposed of with the assistance of counsel.

Table 2.15 also shows that, statewide, the incidence of counsel representation for both delinquent and JINS complaints has increased significantly over the past several years. Counsel representation at hearings for delinquency complaints rose from 41% during the 1974-1975 court year to 58% during the 1977-1978 court year, an increase of 41%. Similarly, counsel representation at hearings for JINS complaints rose from 23% to 39% during the same period, an increase of 70%.

Clearly, the juvenile courts are requiring counsel for many more delinquent and JINS cases at present than in the past. However, the increasing proportion of delinquency cases disposed of with counsel is also partly explained by the increased use of juvenile court intake which diverts cases from the hearing stage. Table 2.16 shows that 51,811 delinquency complaints were disposed of by hearings (both with and without counsel) in 1974-1975. In 1977-1978, however, only 47,416 delinquency complaints were disposed of by hearings. The courts' reliance on hearings decreased, even though there was an overall increase of 3,406 cases disposed of. If the trend toward reliance on intake continues, we would expect to see an even larger proportion of juveniles represented by counsel at hearings, since an increasing number of non-counsel hearing cases are being diverted from the hearing stage.

Growing concern over intercounty inequities in mandatory-counsel standards has led to the recommendation by the Governor's Adult and Juvenile Justice Advisory Committee that would liberalize and clarify the standard:

After much debate, the Committee reached the conclusion that the bifurcated counsel mandatory - no counsel mandatory calendaring system should be abolished. New Jersey's standard for a juvenile's right to counsel is not sufficiently clear, and this has resulted in unequal application, especially in situations where an out of home placement or a custody change may be contemplated. At the very minimum, the Committee advises counsel should be mandatory in such cases... With an effective intake operation, matters scheduled for a court hearing will be only those that require a full, formal hearing and those that do not will be diverted (Governor's Advisory Committee, 1977:299).

Table 2.17 presents the county variation in the number of delinquent and JINS complaints disposed of from the 1974-1975 court year through the 1977-1978 court year. Over the four-year period, delinquent complaints disposed of increased by 4.6%, while JINS complaints disposed of increased by 21.4%.

Table 2.15

Percent of Complaints Disposed of at a Hearing^a with
Counsel Representation by County by Court Year^b by Offense Type (1974/75 - 1977/78)

COUNTY	Delinquent Complaints		JINS Complaints	
	1974-1975 (%)	1977-1978 (%)	1974-1975 (%)	1977-1978 (%)
Atlantic	35	57	29	56
Bergen	23	47	26	43
Burlington	39	51	44	43
Camden	58	77	21	14
Cape May	25	46	7	24
Cumberland	38	21	1	19
Essex	73	99	29	90
Gloucester	37	54	27	41
Hudson	57	70	29	52
Hunterdon	82	63	64	49
Mercer	37	59	20	34
Middlesex	17	41	11	9
Monmouth	24	24	8	1
Morris	56	57	20	29
Ocean	27	51	6	22
Passaic	53	80	12	41
Salem	48	73	22	52
Somerset	55	55	63	79
Sussex	35	32	10	17
Union	53	49	39	27
Warren	14	43	0	35
Total	41	58	23	39

^aThe calculation for this table only includes those complaints which were disposed of by a court hearing, either with or without counsel. Hence, complaints diverted by intake are not included.

^bCourt year - September 1 - August 31

Source: Annual Reports of the Administrative Director of the Courts

Table 2.16

Total Delinquent and JINS Complaints Disposed of
by Court Year by Hearing/Non Hearing (1974/75 - 1977/78)

	Delinquent Complaints		JINS Complaints	
	1974-1975	1977-1978	1974-1975	1977-1978
Hearing with Counsel	21,213	27,285	1,410	2,448
Hearing without Counsel	30,598	20,131	4,668	3,863
Total by Hearing	51,811	47,416	6,078	6,311
Non Hearing Cases ^a	22,082	31,234	1,774	3,540
Total Cases Disposed of	73,893	78,650 ^b	7,852	9,851 ^b

^aThese cases include mainly cases diverted by intake to juvenile conference committees or pre-judicial conferences, but also include "inactive" cases and cases transferred to adult court or another county juvenile court.

^bThese figures are not consistent with the statistics released by the AOC for 1977-1978. See footnote for Table 2.17.

Source: Annual Reports of the Administrative Director of the Courts

Table 2.17

Total Delinquent and JINS Complaints Disposed of by County by Court Year (1974 - 1978)

COUNTY	DELINQUENT COMPLAINTS				JINS COMPLAINTS			
	1974-1975	1975-1976	1976-1977	1977-1978	1974-1975	1975-1976	1976-1977	1977-1978
Atlantic	2,476	3,574	3,154	3,819	507	579	439	598
Bergen	7,040	6,379	7,118	7,177	828	749	1,057	1,301
Burlington	1,866	2,158	2,607	3,316	206	307	447	353
Camden	5,655	6,678	6,648	7,191	1,007	808	569	485
Cape May	1,741	2,056	1,951	1,693	239	387	490	316
Cumberland	2,596	2,831	2,381	2,297	305	439	473	525
Essex	11,180	11,130	10,938	10,808	915	997	901	1,230
Gloucester	2,278	2,370	3,217	2,748	196	292	302	194
Hudson	5,840	6,899	5,818	5,606	1,114	1,093	1,020	1,028
Hunterdon	433	376	374	464 ^a	15	21	26	50
Mercer	4,093	2,791	2,810	3,487 ^a	300	267	245	367 ^a
Middlesex	6,476	6,668	5,756	6,846	430	619	628	677
Monmouth	5,985	5,523	4,981	4,983 ^a	117	208	180	213 ^a
Morris	813	968	996	1,414 ^a	154	140	183	201 ^a
Ocean	2,696	2,577	2,676	3,541	266	258	221	526
Passaic	4,226	3,727	3,734	5,076	487	481	668	852
Salem	591	669	836	907	87	196	248	214
Somerset	1,197	957	929	917	145	111	70	66
Sussex	918	799	925	898	51	52	57	93
Union	5,169	4,960	4,410	4,595	470	503	436	508
Warren	624	662	727	867	13	17	29	54
Total	73,893	74,752	72,986	78,650	7,852	8,524	8,689	9,851

^aSee page 74 for footnote.

Source: Annual Reports of the Administrative Director of the Courts

Table 2.18 combines the delinquent and JINS complaints to allow a composite view of the total complaints disposed of over a six-year period. It is significant to note the dramatic increases during the 1973-1974 court year (14.9%) and the following year (12.6%). Since the new code was introduced on March 1, 1974, court records reflect six months of the code's implementation during the 1973-1974 court year. The following court year, 1974-1975, was the first full year the code was in operation in regard to court recordkeeping. The dramatic increases over the two court years (1973-1975) suggest that the new code may have acted as a catalyst in increasing the number of complaints signed against juveniles, especially those alleged to be JINS.

As shown in Table 2.19, JINS complaints constitute only 11% of the total complaints (delinquent and JINS) processed by the court. This proportion has remained virtually constant over the past four years, although there is considerable county variation. The small proportion of JINS cases is interesting in light of several estimates, based on national studies, that put the proportion of juvenile court cases that are status offenders at 25% to 40% (see, e.g., Sarri, 1978:66). Several factors may account for the apparent discrepancy between the New Jersey proportion and various national estimates.

First, numerous new or expanded resources have been developed for addressing the problems of status offenders over the past decade and these have relieved some of the burden of the juvenile court. For example, the increased role of DYFS as a comprehensive, statewide child welfare agency, the proliferation of local out-patient mental health clinics, and the rapid expansion of juvenile aid bureaus at the municipal police level all have contributed alternatives to the juvenile court for the processing of status offenders.

^a Footnote - Table 2.17

It should be noted that the 1977-1978 AOC Report contains inconsistent reporting on diverted cases for three counties. Therefore, in order to eliminate artificial increases which were the result of changes in county recordkeeping practices, to calculate diverted cases in 1977-1978, we used the number of diverted cases from the 1976-1977 AOC Report for Mercer, Monmouth, and Morris counties. Hence, these county statistics, and the total, will differ slightly from the official 1977-1978 AOC Report. As an example, Morris County disposed of 3,371 cases during the 1977-1978 court year, according to the AOC Annual Report. However, there were only 996 cases disposed of the preceeding year, for a seemingly significant increase of 238%. The 1977-1978 diverted cases were officially listed as "disposed of", while the 1976-1977 diverted cases were not part of the official records noting "disposed of" cases. After standardizing the recordkeeping for the two court years, the increase for Morris County is 42%, not 238%.

Table 2.18

Total Delinquent and JINS Complaints Disposed of by Court Year by Percent Change (1972 - 1978)

TYPE OF COMPLAINT	Total Complaints Disposed of					
	1972-1973	1973-1974	1974-1975	1975-1976	1976-1977	1977-1978
Delinquent	63,175	69,451	73,893	74,752	72,986	77,299
% Change	-	+9.9	+6.4	+1.2	-2.4	+5.9
JINS	-	3,122	7,852	8,524	8,689	9,534
% Change	-	-	+25.8 ^a	+8.6	+1.9	+9.7
Total Complaints Disposed of	63,175	72,573	81,745	83,276	81,675	86,833
% Change	-	+14.9	+12.6	+1.9	-1.9	+6.3

^aThe increase of 25.8% is a projection derived by doubling the number of JINS complaints (3,122) which were filed in the six month period after the effective date of the code, March 1, 1974 - August 31, 1974.

Table 2.19

JINS Complaints as a Percentage of Total Juvenile Complaints
Disposed of by the Juvenile Court by County by Court Year (1974 - 1978)

COUNTY	1974-1975 (%)	1975-1976 (%)	1976-1977 (%)	1977-1978 (%)
Atlantic	17	14	12	14
Bergen	11	11	13	15
Burlington	10	12	15	10
Camden	15	11	8	6
Cape May	12	16	20	16
Cumberland	11	13	17	19
Essex	8	8	8	10
Gloucester	8	11	9	7
Hudson	16	14	15	15
Hunterdon	3	5	7	10
Mercer	7	9	8	11
Middlesex	6	8	10	9
Monmouth	2	4	4	4
Morris	16	13	16	15
Ocean	9	9	8	13
Passaic	10	11	15	14
Salem	13	23	23	19
Somerset	11	10	7	7
Sussex	5	6	6	9
Union	8	9	9	10
Warren	2	3	4	6
Total	10%	10%	11%	11%

Source: Annual Reports of the Administrative Director of the Courts

Second, the new code had the effect of developing "pure types" out of the delinquent and JINS classifications, a situation which may have lowered the proportion of cases labeled as JINS. For example, 1973 records reviewed by the Task Force staff indicated that sometimes a juvenile was "incorrigible" in that he/she committed an act of shoplifting, or was in possession of marijuana, etc. At that time it did not matter whether a juvenile was labeled an "incorrigible" or a delinquent, since all juvenile offenders could be placed in detention or a training school. Thus, on the above cases, the "official" record would reveal a status offense when, in fact, the cases are really delinquent in nature. This situation changed with the advent of the new code.

As noted earlier, it is at the adjudicatory hearing where evidence is presented against the juvenile in an attempt to support the delinquent or JINS allegation. The Rules of Court provide that the court must find beyond a reasonable doubt that the evidence is sufficient to support an adjudication (R. 5:9-1(d)). The judge may then either adjudicate the matter immediately or postpone adjudication to a later date. At his discretion, the judge may order a medical, psychological, and/or social investigation of the child to assist him in making a dispositional decision (R. 5:9-1(d)), and is required to order a predispositional investigation prior to making any disposition committing a juvenile to a correctional institution (R. 5:9-10(b)). The predispositional investigations are completed by the county probation department and "shall be made only after findings sufficient to support an adjudication or after an adjudication that the juvenile is delinquent or is in need of supervision" (R. 5:3-6).

Juveniles who are adjudicated delinquent or in need of supervision move on to the next phase of the judicial proceedings -the dispositional hearing. The dispositional hearing in the juvenile court is analagous to the sentencing hearing in adult court. The judge, often relying on a predisposition investigation report, is to make a decision about the course of action to take with the juvenile, that takes into account the juvenile's age, sex, offense, prior record and dispositions, maturity, social/emotional needs, attitude of the juvenile, and the protection of society. According to the Governor's Advisory Committee, "the purpose of dispositions are generally regarded as two-fold: to rehabilitate the juvenile and to protect the public, primarily by deterring future delinquent behavior or outright removal from the community" (1977:304). In cases involving minor offenses where extensive background information on the child and family is not necessary, the disposition may be made during the same hearing directly following adjudication. In some cases, a separate hearing is held to render the disposition for an adjudicated delinquent or JINS.

If a juvenile is adjudged delinquent, the juvenile and domestic relations court may order any of the following dispositions pursuant to N.J.S.A. 2A:4-61:

- a. Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; or
- b. Release the juvenile to the supervision of his or her parent or guardian; or
- c. Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed 3 years upon such written conditions as the court deems will aid rehabilitation of the juvenile; or
- d. Transfer custody of the juvenile to any relative or other person determined by the probation department to be qualified to care for the juvenile; or
- e. Place the juvenile under the care of the Division of Youth and Family Services...; or
- f. Place the juvenile under the care and custody of the Commissioner of the Department of Institutions and Agencies for the purpose of receiving the services of the Division of Mental Retardation of that department, provided that the juvenile has been determined to be eligible for those services...; or
- g. Commit the juvenile to a suitable institution for the treatment of mental illness if after hearing it is determined from psychiatric evidence that the juvenile does or may constitute a danger to himself or to other persons if not so committed; or
- h. Commit the juvenile to a suitable institution maintained for the rehabilitation of delinquents for an indeterminate term not to exceed 3 years; except, that, any time an adjudication of juvenile delinquency is predicated upon an offense which, if committed by a person of the age of 18 years or over would constitute any form of homicide as defined in N.J.S.A. 2A:113-1, 2A:113-2, 2A:113-4 or 2A:113-5 then the period of confinement shall be indeterminate and shall continue until the appropriate paroling authority determines that such person should be paroled; and, except that in any case the period of confinement and parole

shall not exceed the maximum provided by law for such offense if committed by a person of the age of 18 years or over.

Any juvenile committed under this act who is released on parole prior to the expiration of his maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term.

- i. Such other disposition not inconsistent with this act as the court may determine.

In regard to the disposition of cases of juveniles in need of supervision, N.J.S.A. 2A:4-62 provides the following:

- a. If a juvenile is adjudged to be in need of supervision the juvenile and domestic relations court may order any disposition provided for in the disposition of delinquency cases, except subsection h. of [2A:4-61].
- b. No juvenile in need of supervision shall be committed to or placed in any institution or facility established for the care of delinquent children or in any facility, other than an institution for the mentally retarded, a mental hospital or facility for the care of persons addicted to controlled dangerous substances, which physically restricts such juvenile committed to or placed in it.

In regard to the termination of orders of disposition, the new juvenile code provides that "any order of disposition entered in a case under this act shall terminate when the juvenile who is the subject of the order attains the age of 18, or 1 year from the date of the order whichever is later unless such order is pursuant to subsection h. of [2A:4-61] or is sooner terminated by its terms or by order of the juvenile and domestic relations court" (N.J.S.A. 2A:4-63).

Juvenile court hearings are legally required to be confidential, and hence are closed to the press and the general public. However, a law which became effective in October 1977 permits, at the discretion of the judge, the disclosure of juveniles' names, charges, adjudications, and dispositions to any victim or member of a victim's immediate family, and to the general public in cases involving juveniles 14 years of age or older adjudicated delinquent for offenses involving violence to a person, high misdemeanor if committed by an adult, murder, manslaughter, destruction or damage to property to an extent of \$500 or more, or the manufacture or distribution of a narcotic drug. Disclo-

sure is not required under any circumstances. The law also provides for the disclosure of juvenile records to law enforcement agencies when necessary in conducting investigations of particular crimes or acts of delinquency or when necessary to assist in the protection, apprehension, or location of a juvenile (N.J.S.A. 2A:4-65).

Probation

As noted in the previous section, the final decision which is made through the juvenile court process is the rendering of a disposition. The disposition most widely utilized in New Jersey for adjudicated juveniles is placement on probation. The heavy reliance on probation is not a recent development, but dates back to 1900 when the legislature passed the first probation law in New Jersey. Since that time, the probation departments have operated as arms of the courts, providing predispositional investigation reports to the judges, and providing community supervision for juveniles placed on probation.

Initially, probation as a juvenile court disposition was used as a suspended sentence to a correctional facility. Under probation, the juvenile offender's freedom in the community was continued, subject to supervision and certain conditions established by the court. Thus, it was viewed as a "lenient" disposition. In more recent years, however, the use of probation has been viewed as a rehabilitative disposition in its own right. In this regard, conditions or limitations are imposed upon the juvenile's activities with the aim of encouraging positive behavior and developing individual responsibility through the use of social services and/or counseling.

Probation departments in New Jersey are administratively located within each of the 21 county court systems. The Rules of Court provide that all probation officers and volunteers in probation are responsible to and under the supervision of the Chief Probation Officer of the county, who in turn is responsible to a designated County Court judge (R. 1:34-4). In each county, one probation department serves all of the various courts. Thus, investigations and supervision are provided for both adults and juveniles under one administrative structure. Virtually all probation departments, however, have created a separate juvenile division or unit, which provides probation services solely to juveniles. Although most counties receive federal grants of various amounts for special projects, such as family counseling, pretrial intervention, and volunteers in probation, the responsibility for providing basic operational funds rests with the individual county boards of chosen freeholders.

One of the major functions of juvenile probation is to assist the juvenile court judge by providing the court with an in-depth predispositional investigation report. The Rules of Court provide that the judge may "order an inquiry into the habits,

mode of life, physical or mental condition of the juvenile and such other matters as may be of assistance to the court in determining the disposition of the complaint that will best serve the welfare of the juvenile" (R. 5:9-1(d)). Although predispositional investigations are optional for routine cases, they are required before a juvenile is committed to a correctional institution (R. 5:9-10(b)).

The predispositional report is to provide the court with a picture of the juvenile's background and a recommended disposition to be made by the court. It typically includes information concerning the juvenile's home life, previous delinquent or JINS behavior, school or employment status, emotional problems, attitude, and motivation, as well as any other particularly relevant information about the juvenile, his behavior, and needs. The report will usually indicate whether the juvenile is an appropriate candidate for probation, and will also give some indication as to the presumed causes of the delinquent or JINS behavior, and the possibility of "rehabilitation." Statewide, the number of predisposition reports completed during the 1977-1978 court year was 7,503 compared to 7,361 the year before. By county, the number of such reports varied widely, from a low of 30 in Sussex County to the 1,182 investigations completed in Monmouth County.

The major official function of juvenile probation is to provide community supervision for juveniles placed on probation by the juvenile court. Pursuant to the juvenile code, delinquents or JINS may be placed on probation "for a period not to exceed 3 years upon such written conditions as the court deems will aid rehabilitation of the juvenile" (N.J.S.A. 2A:4-61(c)). However, in any event, juvenile probation cannot extend beyond the juvenile's 19th birthday (N.J.S.A. 2A:4-63). Each juvenile placed on probation is assigned to a probation officer, who is to "supervise" the juvenile and "monitor" his or her behavior and adherence to the conditions of probation. The conditions of probation are often general in the sense that the juvenile must observe all laws, keep good company, report as required, and attend school or work regularly. However, more specific conditions may be attached to probation by the court depending on the individual situation. In any event, the juvenile receives a copy of the applicable conditions, which are read and explained by the probation officer, whereupon they both sign a statement that the probation officer has complied with the reading and explanation requirement (R. 3:21-7).

Frequency of contact varies from bi-weekly to monthly or longer intervals, and depends on such factors as the seriousness of the offense, previous history, family situation, special needs, and the amount of time available to the probation officer. In some cases, the probation officer may have the juvenile report very frequently in the early stages and, as the juvenile begins to show progress, increase the length of time between visits. Reporting may sometimes be permitted by way of a telephone call.

During the reporting session, the probation officer typically questions the juvenile about his activities since he last reported, who he has been associating with, how he has been doing in school and/or his job, etc. The probation officer may also require the juvenile to bring written reports with him concerning his conduct at school or job.

For each juvenile placed under the supervision of a probation officer, a specific plan is to be developed to assist the juvenile in adopting a more socially acceptable life-style. The plan may require individual or group counseling, family counseling, vocational counseling and job placement, tutoring and/or other education services, psychiatric or psychological therapy, residential placement, or any combination of these or other services. At a minimum, knowledge is required of the types of services available in the community, the particular agencies established, and the mechanisms for referring clients.

Juveniles who fail to comply with the conditions of probation or cooperate with the probation officer may be charged with "violation of probation." N.J.S.A. 2A:168-4 provides that:

at any time during the probation period the court may issue a warrant and cause the probationer to be arrested for violating any of the conditions of his probation, or any probation officer, police officer, or other officer with power of arrest, upon the request of the chief probation officer, may arrest the probationer without a warrant.

Juveniles taken into custody by a probation officer may be placed, pending a court hearing, in either a secure or nonsecure holding facility, depending on the original complaint (delinquent or JINS) for which he was placed on probation and the nature of the violation. At the hearing, the probation officer will be called upon to present to the court a report concerning the specific violations, his or her assessment of the juvenile's progress in general, and recommendations concerning the disposition of the current matter.

A juvenile adjudicated to be in violation of the probation conditions may have his/her probation revoked by the juvenile court and receive an alternative disposition for the original charge. However, in no case may the court impose any disposition to which the juvenile could not have originally been subjected (N.J.S.A. 2A:4-52(b)). This means, for example, that a juvenile whose original offense was a JINS offense cannot be sentenced to a correctional facility simply because he violated the conditions of probation. Of course, if the JINS committed a delinquent act during the course of violating his probation, he may then be sent to a correctional facility on the basis of an adjudication of delinquency.

Although the maximum period of probation is three years, juveniles who are evaluated as having made a "positive adjustment" to probation may be discharged sooner, pursuant to N.J.S.A. 2A:168-4:

Upon a report from the chief probation officer that the probationer has complied with the conditions of probation and that the best interests of the public and the probationer will be subserved thereby or for other good cause, the court may, at any time, discharge a person from probation.

Although the probation departments are operated at the county level, some technical assistance and support services are provided by the State, through the Administrative Office of the Courts (AOC). The Probation Administrative Management System, under the AOC, collects and analyzes information and statistics regarding probation activity, personnel, appropriations, etc. The Probation Training Unit provides a variety of on-the-job training courses to probation personnel throughout the State, for both newly appointed probation officers and investigators and more experienced personnel.

In addition to full-time probation officers, there are volunteer programs in each county probation department except Sussex and Warren. Camden County developed New Jersey's first Volunteers in Probation program in 1970. "One goal of the Volunteers in Probation programs is to secure willing and fit individuals from the community to aid and supplement the work of the professional probation officer. Another goal is to expand rehabilitation services for offenders with minimum expenditures" (AOC, 1979:P-15). Most volunteers for juveniles on probation work in a one-to-one relationship providing supervision and counseling. Volunteers providing supervision for juveniles are required to meet weekly with their clients, to contact the volunteer supervisor regularly, and to submit monthly reports on the probationer's status and progress. As of August 31, 1978, there were 712 juvenile delinquents and 166 JINS under volunteer supervision (AOC, 1979:P-17), which represented 7% and 12% respectively, of the total delinquents and JINS under probation supervision at the time. The counties with the highest number of delinquents and JINS assigned to volunteers were Camden (167), Mercer (83), Burlington (68), and Bergen (61).

Counties are required to follow the Guidelines for Establishing and Operating Volunteer Probation Programs, which was approved by the N.J. Supreme Court on March 16, 1976. These guidelines establish specific procedures and standards to be followed for recruitment, screening, training, organization and administration, and assignment supervision. In addition, the Volunteer Services Unit of the AOC provides technical assistance and monitors the work of the county volunteers in probation programs and provides consultation services in developing new volunteer programs.

In analyzing the juvenile court's reliance on probation as a disposition for the past several years, one finding is quite evident: The placement of JINS on probation has decreased dramatically. As shown in Table 2.20, 23% of the JINS complaints disposed of during the 1974-1975 court year were with the use of probation. This proportion dropped to 10% during the 1977-1978 court year. Over this period of time, the proportion of delinquents placed on probation has remained relatively constant, approximately 10%. Table 2.20 also notes that the total number of juveniles placed on probation has been generally decreasing. There were 9,804 juveniles placed on probation during the 1974-1975 court year, and only 8,841 during the 1977-1978 court year.

Several reasons may account for the dramatic decrease in the proportion of JINS placed on probation. Perhaps the primary reason is the proliferation of juvenile court intake units across the state since the 1974-1975 court year. A significant number of JINS complaints are now disposed of through the use of prejudicial intake conferences, which are only a recent development in New Jersey's juvenile justice system. Perhaps another reason for the decrease in JINS placed on probation is the increased use of DYFS as a disposition for adjudicated JINS. Since the new code became effective, there has been an increasing reliance by the courts on DYFS to provide services for JINS, since many of these cases are viewed by judges as appropriate for the child-welfare system.

Table 2.21 analyzes the decrease in reliance on probation for JINS in another way, by showing that the previous discrepancy between JINS and delinquents in the use of probation has steadily declined over the past five years. For example, at the end of the 1974-1975 court year, 20.1% of the juveniles on probation were JINS, although only 9.6% of the total juvenile complaints disposed of were JINS. This meant that a JINS was much more likely than a delinquent to be placed on probation. This disparity has been virtually eliminated when we analyze the data from the 1977-1978 court year. Of the juveniles on probation, 12.4% were JINS, whereas 11.1% of the total complaints disposed of during the court year were JINS.

In regard to the placement of JINS on probation, there is considerable county variation. As shown by Table 2.20, some counties had a relatively high rate of placing JINS on probation during the 1977-1978 court year (Gloucester, Monmouth and Somerset), while others rarely used probation as a disposition for JINS (Atlantic, Camden, Essex, and Hudson). In regard to the placement of delinquents on probation, there is not as much county variation as with JINS.

Table 2.20

Juveniles Placed on Probation as a Percentage of Total Complaints Disposed of by County by Offense Type by Court Year (1974/75 - 1977/78)

COUNTY	1974 - 1975				1977 - 1978			
	Delinquent		JINS		Delinquent		JINS	
	Number ^a	% ^b	Number ^a	% ^b	Number ^a	% ^b	Number ^a	% ^b
Atlantic	246	9.9	30	5.9	235	6.2	17	2.8
Bergen	444	6.3	134	16.2	491	6.8	54	4.2
Burlington	352	18.9	75	36.4	322	9.7	29	8.2
Camden	614	10.9	123	12.2	412	5.7	12	2.5
Cape May	187	10.7	37	15.5	268	15.8	11	3.5
Cumberland	482	18.6	83	27.2	398	17.3	75	14.3
Essex	613	5.5	85	9.3	699	6.5	22	1.8
Gloucester	128	5.6	19	9.7	152	5.5	71	36.6
Hudson	544	9.3	57	5.1	471	8.4	30	2.9
Hunterdon	44	10.2	6	40.0	64	13.8	11	22.0
Mercer	923	22.6	65	21.7	736	21.1	77	21.0
Middlesex	752	11.6	136	31.6	462	6.7	86	12.7
Monmouth	503	8.4	341	N/A	532	10.7	95	44.6
Morris	165	20.3	95	61.7	286	20.2	53	26.4
Ocean	413	15.3	96	36.1	392	11.1	33	6.3
Passaic	735	17.4	189	38.8	679	13.4	139	16.3
Salem	90	15.2	20	23.0	145	16.0	10	4.7
Somerset	245	20.5	53	36.6	258	28.1	25	37.9
Sussex	53	5.8	0	0	165	18.4	6	6.5
Union	362	7.0	144	30.6	589	12.8	127	25.0
Warren	110	17.6	11	84.6	95	11.0	7	13.0
Total	8,005	10.8%	1,799	22.9%	7,851	10.0%	990	10.0%

Note: It should be noted that the statistical units are different for "complaints disposed of" and "juveniles placed on probation," since a juvenile may have more than one complaint lodged against him at the same time. When a juvenile is placed on probation, two or three complaints may be disposed of at the same time.

^aIndicates number of delinquents or JINS placed on probation during court year.
^bIndicates percentage of delinquent or JINS complaints disposed of during court year.

Source: Annual Reports of the Administrative Director of the Courts

Table 2.21

JINS Complaints as a Percentage of Total Juvenile Complaints
Disposed of Compared to Percentage of Total Juvenile
Probationers Who are JINS by Court Year (1973 - 1978)

	1973- 1974 ^a	1974- 1975	1975- 1976	1976- 1977	1977- 1978
JINS Complaints as a Percentage of Total Juvenile Complaints Disposed of	8.5%	9.6%	10.2%	10.6%	11.1%
JINS as a Percentage of Total Juvenile Probationers	23.0%	20.1%	15.3%	14.4%	12.4%

^aBased on the period from 3/1/74 to 8/31/74.

Source: Annual Reports of the Administrative Director of the
Courts

Postdispositional Placements and Services

As noted in the previous section, probation is a primary dispositional alternative utilized by the juvenile courts in New Jersey. The juvenile court may also refer juveniles to various types of agencies and programs, both residential and non-residential, for specific services. Among the more important agencies which provide services to juveniles referred or disposed of by the courts are the Division of Youth and Family Services (DYFS) and the Division of Mental Health and Hospitals, both of which are under the N.J. Department of Human Services. The N.J. Department of Corrections provides correctional and parole services to juveniles committed to its care by the juvenile courts. In addition, a myriad of other public and private social service agencies provide services to juveniles processed by the juvenile courts.

In some instances, juveniles are referred to the above agencies as an alternative to a correctional placement and their participation may be required as a condition of probation, or of parole for those released from correctional institutions. In other instances, referrals to some agencies represent a judge's evaluation that the juvenile is better served by a child welfare or counseling agency than either by no intervention or by a formal juvenile justice agency such as probation or a correctional facility. In the remainder of this section, each of the major agencies and the services they provide will be discussed.

The State's primary agency for the delivery of social services to children and families is the Division of Youth and Family Services (DYFS) under the jurisdiction of the Department of Human Services. DYFS was created in 1972, succeeding the Department's Bureau of Children's Services (BCS). Services provided by DYFS include adoption, foster care, and residential placement; protective services for abused, abandoned, and neglected children; day care services; and counseling and homemaker services for families in their own homes. As the Bureau, and subsequently the Division, expanded its services and programs, it became a major provider of social services to juveniles processed through the juvenile justice system, especially through the expansion of residential services, as noted in Chapter 1.

In the context of the juvenile justice system, juveniles may be referred to the Division by the police, juvenile court intake, probation, or the juvenile court. Adjudicated delinquents and JINS can be officially placed under the care of DYFS by the juvenile courts as a formal disposition, as previously indicated (N.J.S.A. 2A:4-61(e)). To facilitate the processing of juveniles involved with both DYFS and the juvenile courts, most of the DYFS district offices located throughout the State utilize court liaisons to process court referrals and provide information to the court on juveniles supervised by DYFS.

Juveniles referred to DYFS by any juvenile justice agency are eligible for any of the services provided by the Division. However, the Division's two primary responsibilities in the juvenile justice system are providing treatment oriented residential services for juveniles, sometimes as an alternative to incarceration, and providing parole supervision for juveniles up to the age of 16.

Placements in group homes or residential treatment centers are made in accordance with the child's individual needs and family situation. Accordingly, many of the juveniles admitted to such facilities have had no court or juvenile justice involvement. However, in a recent study of DYFS residential practices in six counties, the Office of Legislative Services found that among residentially placed children in their sample, 26 percent had delinquent complaints in their backgrounds, 30 percent had JINS complaints, and 3 percent had both types of complaints filed against them (Office of Legislative Services, 1979). For some of the juveniles with delinquent histories, the residential placement represents an alternative to a correctional placement.

As of November 30, 1978, DYFS utilized 87 group homes and residential treatment facilities, both within and outside of New Jersey. Of these, four are Division-operated residential treatment facilities located in Cedar Grove, Vineland, Ewing Township, and Woodbridge, and three are Division-operated group homes located in Mantoloking, Morristown, and Ewing. Table 2.22 delineates the residential facilities by type, along with the number of children in each category on November 30, 1978. It

should be noted, however, that 11 of the out-of-state facilities are no longer utilized by DYFS for new placements, since they are beyond 50 miles of the State.

Residential treatment facilities provide a therapeutic milieu for children who are in need of special treatment services. Most children requiring residential treatment by DYFS are diagnosed as emotionally disturbed, socially maladjusted, or neurologically impaired. The facilities range in size from under 20 beds up to 100 or more beds, and provide most services, including education, at the facility. Various forms of therapy are generally provided at the facilities because of their treatment focus, and juveniles generally spend one to two years at the facility, although lengths of stay longer than two years are not uncommon.

Group homes, which are a relatively recent innovation in New Jersey dating from 1972, are usually much smaller than residential facilities. None of the group homes presently utilized by DYFS have population capacities of more than 12 children. Children living in group homes usually do not require the intensive care and supervision provided in the residential treatment centers. For the most part, children in group homes attend community schools and receive counseling and other services as needed through community guidance clinics and other social service programs in the community.

Table 2.22

DYFS Children in Residential Facilities (November 30, 1978)

<u>Facility Type</u>	<u>Number of Facilities</u>	<u>Number of DYFS Children</u>
DYFS Residential Facilities	4	160
DYFS Group Homes	3	24
In-State Private Residential Treatment Facilities	29	774
In-State Private Group Homes	22	185
Out-of-State Private Residential Treatment Facilities		
(a) Within 50 miles	16	307
(b) Beyond 50 miles	13	63
Total	87	1,513

Source: Residential Census Report, DYFS (November 30, 1978)

One of the most significant changes in residential placement practices over the past several years has been the decreased utilization of out-of-state residential facilities. Growing criticism over the use of out-of-state residential facilities for juveniles from New Jersey prompted DYFS, in September 1977, to develop a plan which greatly restricted the use of such facilities which were further than 50 miles from New Jersey. The plan provided for the suspension of referrals to all facilities beyond 50 miles from New Jersey, except for two highly specialized treatment facilities. In addition, the plan provided for the development of several new residential treatment facilities in New Jersey.

Statistics from 1978 indicate that the Division has made significant progress in reducing the number of children residing in distant out-of-state placements. On May 31, 1977, a total of 1,793 children were placed in residential facilities by the Division. Of these, 372 (21%) were in out-of-state facilities located within 50 miles of New Jersey's border and 223 (12%) were in out-of-state facilities located beyond 50 miles. The remaining 1,198 children (67%) resided in in-state facilities. Comparable data for November 30, 1978 indicates that of 1,526 DYFS children in residential placement, 307 (20%) were in out-of-state facilities within 50 miles of New Jersey's border, 63 (4%) were in out-of-state facilities beyond 50 miles of the border, and 1,156 (76%) were residing in in-state facilities.

As indicated in Table 2.23, the number of DYFS children in residential facilities increased until 1976, but has decreased each year since then. The largest increase in the use of residential facilities took place between June 30, 1974 and June 30, 1975, when an increase of 20% occurred. The implementation of the new juvenile code appears to be associated with this increase.

A number of JINS requiring out-of-home placement after the code was implemented were placed in residential facilities by DYFS, since they could no longer be committed to training schools. As Table 2.30 reveals, the effect mainly involved females; no comparable shift in the placement of males occurred. It appears that a number of female JINS who formerly would have been committed to the State Home for Girls, were placed in the DYFS residential sector between 1974 and 1975. Although we do not have a sex breakdown for the residential population on 6/30/75, the changes between 6/30/73 and 6/30/74 noted in Table 2.23, support the conclusion that more females were coming into the residential system during this time period. Between 1973 and 1974, the number of males in residential placement increased by 9.7%, whereas the number of females increased by 18.8%. Table 2.23 also shows that the use of both private group homes and DYFS facilities has increased over 150% between 1973 and 1978. The use of out-of-state facilities has decreased by almost 20% over the same period, while the use of in-state residential facilities has increased only slightly.

Table 2.23

DYFS Children in Residential Facilities by Year by Percent Change (1973 - 1978)

FACILITY TYPE	6/30/73			6/30/74			6/30/75	6/30/76	6/30/77	6/30/78	% Change 1973-1978
	M	F	(71)	M	F	(100)					
N.J. Group Homes-Private	35	36	(71)	37	63	(100)	136	160	171	182	+156.3
In-State Residential	543	173	(716)	640	184	(824)	911	842	757	773	+8.0
DYFS Facilities ^a	51	22	(73)	109	38	(147)	175	171	169	186	+154.8
Out-of-State Residential	394	105	(499)	336	114	(450)	603	675	527	400	-19.8
Total	1,023	336		1,122	399						
	1,359			1,521			1,825	1,848	1,624	1,541	+13.4
% Change	-			+11.9			+20.0	+1.3	-12.1	-5.1	

^aIncludes DYFS group homes and residential treatment facilities.

Source: DYFS Monthly Institution Report (1973-1974); DYFS Residential Census Reports (1975-1978)

In addition to providing residential services for juveniles processed through the court, DYFS provides another specific juvenile justice service, parole supervision for certain juveniles released from the training schools at Skillman and Jamesburg. Although the official parole function is under the jurisdiction of the Department of Corrections, an administrative agreement between the Department and DYFS allows the Division to provide parole services for all juveniles under age 14 and those between 14 and 16 who can benefit from parole supervision by DYFS. General casework services are usually provided for juveniles under DYFS parole supervision. On December 31, 1977, DYFS was providing parole supervision to 150 juveniles: 75 males paroled from Skillman, 57 males paroled from Jamesburg, and 18 females paroled from Jamesburg.

Another component of the Department of Human Services designed to provide services to juveniles, including those processed through the juvenile justice system, is the Division of Mental Health and Hospitals. However, the number of JINS and delinquents served by this Division is relatively small in comparison to the number served by DYFS. The juvenile court often refers juveniles in need of mental health services to DYFS, which in turn coordinates the provision of mental health services.

In cases where a juvenile's behavior suggests a serious mental disorder, the juvenile court judge may commit the juvenile to an in-patient psychiatric facility on temporary commitment status for a 15-day psychiatric evaluation. Three state-operated psychiatric hospitals with children's units are available for these evaluations: Greystone Park, Trenton, and Marlboro State hospitals. On any given day, a total of approximately 105 children are housed in these units, 10%-25% of whom have been referred by the juvenile courts. If a regular commitment is sought, there must be a finding by the court that the juvenile "is in need of intensive psychiatric therapy which cannot practically or feasibly be rendered in the home or in the community or on any out-patient basis" (R. 4:74-7(b)).

In addition to the state-operated psychiatric units, other facilities and services are available at the local and county level. Bergen Pines Hospital and Essex County Hospital receive children from the juvenile courts in their respective counties for 15-day evaluations and extended psychiatric treatment. Also, a number of public and private hospitals and mental health clinics offer out-patient treatment and counseling services.

The N.J. Department of Corrections is one of the primary State agencies involved in the postdispositional phase of the juvenile justice system in New Jersey. The Department is relatively new, having been created in November 1976. Its predecessor, the Division of Correction and Parole, was under the administrative umbrella of the former Department of Institutions and Agencies. More recently, in September 1978, the Division of Juvenile Services was created in the Department of Corrections to

consolidate juvenile correctional services, which presently consist of correctional institutions, community-based correctional programs, and parole supervision. The juvenile code provides that as a disposition for delinquents, the judge may "commit the juvenile to a suitable institution maintained for the rehabilitation of delinquents for an indeterminate term not to exceed 3 years" (N.J.S.A. 2A:4-61(h)). The institutions referred to in this disposition are facilities under the jurisdiction of the Department of Corrections.

Postdispositional placements to such non-secure settings as DYFS residential facilities and drug rehabilitation programs are sometimes made by the court as alternatives to placements in correctional facilities. Juveniles whom the courts feel cannot be effectively served in such settings are committed to a correctional facility. The proportion of cases which result in a correctional commitment is small, about two percent. For example, during the 1977-1978 court year, there were 78,650 delinquent complaints disposed of by the juvenile courts. However, during fiscal year 1978, there were 1,546 juvenile admissions to New Jersey's correctional facilities (see Table 2.27).

At present, there are a total of 16 juvenile correctional facilities in the State, as noted in Table 2.24. The Department maintains two training schools, one for younger males at Skillman and another at Jamesburg for males and females. At Skillman, since virtually all the boys will return to the public school system, the remedial education system is the major focus of the Training School program. Jamesburg also emphasizes education, and each juvenile is assigned to one of three education departments: Special Education (an intensive basic skills course), Academic, or Vocational. A female cottage at Jamesburg opened in 1974, when the State Home for Girls at Trenton closed, due to the significant decrease in commitments of female juveniles. At that time, female juveniles between the ages of 16 and 18 were housed at the Clinton Reformatory for Women. This practice, however, discontinued in December 1977, and females between these ages are now housed at Jamesburg. More recently, in early 1979, half of the female juveniles at Jamesburg were transferred to a female cottage on the grounds of the Training School for Boys at Skillman.

A survey by the Department of Corrections of the age distribution among residents in the various correctional institutions on July 31, 1978 revealed the following regarding the Training Schools:

Skillman -	130 residents; 26% between the ages of 8-12; 74% between the ages of 13-15;
Jamesburg Boys -	261 residents; 41% between 13-15; 47% between 16-17; 12% between 18-20;

Table 2.24

Juvenile Correctional Facilities in New Jersey

<u>FACILITY</u>	<u>Sex</u>	<u>Ages Generally Served</u>	<u>Juvenile Population in Residence on December 11, 1978</u>
<u>Training Schools</u>			
Training School for Boys - Skillman	M	8-14	132
Training School for Boys and Girls - Jamesburg	M/F	M 14-16 F 8-18	M 242 F 26
<u>Youth Correctional Institution Complex (YCIC)^a</u>			
Annandale	M	16-18	97
Yardville (Reception & Correction)	M	16-18	156
<u>Satellite Units to YCIC</u>			
Wharton Tract	M	16-18	47
Stokes Forest	M	16-18	44
Jamesburg Cottages	M	16-18	60
Stuyvesant Avenue Project	M	16-18	12
<u>Residential Group Centers</u>			
Highfields	M	16-18	20
Ocean ^b	M	16-18	0
Warren	M	16-18	18
Turrell	F	16-18	11
<u>Community Treatment Centers</u>			
Camden Community Service Center	M	14-18	28
Plainfield (Shepherd House)	M	14-16	6
Paterson Boys' Community	M	14-16	13
Alpha House	F	14-18	7
Total			919

^aBoth Yardville and Annandale also house adults up to age 30.

^bThis facility was reopened in February 1979 as a separation project for juvenile commitments to Yardville.

Jamesburg Girls - 29 residents; 14% between 13-15; 69% between 16-17; 17% between 18-20.

The ethnic composition of the populations of these institutions, based on the same survey, is as follows:

Skillman - 130 residents; 30% White, 56% Black, and 14% Hispanic;

Jamesburg Boys - 261 residents; 31% White, 58% Black, and 11% Hispanic;

Jamesburg Girls - 29 residents; 30% White, 60% Black, and 10% Hispanic.

Another characteristic, in addition to age and ethnicity, which describes the population of the Training Schools is the committing offense. Although this information is not compiled on a regular basis, information from the New Jersey Correctional Master Plan: Data is useful. The following represents the most serious offense for each admission to the Training Schools, averaged for fiscal years 1974 and 1975:

Public Policy and Other	27%(n=112)
Juvenile Offenses (includes truancy, running away, incurrigibility, trespassing, hitchhiking, etc.)	20.8%(88)
Disorderly Conduct and Other	5.7%(24)
Property Offenses	49%(208)
Stolen Property	2.2%(9)
Larceny or Theft	13.6%(57)
Auto Theft	8.3%(35)
Breaking and Entering	25.2%(106)
Narcotics Law Violations	2%(8)
Less Serious Offenses vs Persons	9%(40)
Assault and Battery	8.3%(35)
Other (includes weapons offenses, and less serious sex offenses)	1.0%(5)

More Serious Offenses vs Persons	13%(54)
Robbery	6.5%(27)
Atrocious Assault	4.4%(19)
Forcible Rape	.9%(4)
Murder, Non-negligent manslaughter	.9%(4)

Average Annual Admissions - 422 100%(422)

(Department of Corrections, 1976:12-13)

The analysis shows that 22% of the admissions into the Training Schools during fiscal year 1974 and 1975 were for violent offenses, 9% for less serious, and 13% for more serious violent offenses. Almost half (49%) of the admissions were for property offenses. A sizable proportion of the admissions (20.8%) were for "juvenile" (i.e., JINS) offenses, since the new juvenile code was not implemented until late in fiscal year 1974.

As noted earlier, the Training Schools admit juveniles up to the age of 16. Males age 16 and 17 who require secure custody are placed in either Yardville or Annandale, Yardville being the more secure of the two institutions. Yardville and Annandale are two of three facilities, the other being Bordentown, which comprise the Youth Correctional Institution Complex (YCIC). These institutions admit youthful offenders between the ages of 16 and 30, except Bordentown, which no longer admits juveniles. However, the large majority of the population in Yardville and Annandale is adult. In addition, there are four satellite programs under which juveniles with a YCIC commitment can be placed: Stokes Forest, the Stuyvesant Avenue Project (Trenton), the Jamesburg Cottages Program, and the Ocean Residential Group Center. All four of these programs are minimum security in nature, and all house only juveniles.

Juveniles between the ages of 16 and 18 with no previous correctional commitment or evidence of psychosis, retardation or sexual maladjustment may be placed in one of the three residential group centers. Two of the facilities are for males (Highfields and Warren), and one is for females (Turrell). Typically, the juveniles placed in these facilities have been placed on probation, and as a condition of probation the juvenile must voluntarily submit to treatment and supervision, for a period not to exceed four months (N.J.S.A. 30:4-177.32). Each of these centers has a capacity of approximately 20 juveniles and all provide short-term intensive counseling based on the guided group interaction model. The other major component of the program is the daily work experience required of all juveniles.

Similarly, the four community treatment centers (Shepherd House, Paterson Boys' Community, Alpha House, and Camden Community Service Center), also serve as alternative programs to the regular juvenile correctional facilities. These programs are

also short-term and provide intensive counseling for juveniles between the ages of 14 and 18, as well as education, recreation and other services. Each of these facilities has a capacity of between 17 and 30 residents.

Perhaps the most significant juvenile corrections project being implemented by the Department of Corrections is the separation of adults and juveniles in several correctional institutions. State law permits the mixing of juveniles and adults in the Youth Correctional Institution Complex (N.J.S.A. 30:4-147). However, a federal law, the Juvenile Justice and Delinquency Prevention Act of 1974, prohibits such mixing if a state receives funds under the Act. Since New Jersey receives federal funds pursuant to the Act, it is required to separate totally juveniles and adults in the YCIC by September 1980. It also should be pointed out that the statute which created the Department of Corrections mandates that the Commissioner shall "provide for the separation of juvenile offenders from the adult offender population" (N.J.S.A. 30:1B-6(n)).

Significant progress has been made by the Department in achieving separation between juveniles and adults. The previously mentioned satellite units of the YCIC (Stokes Forest, Stuyvesant Avenue, Jamesburg Cottages, and Ocean Group Center), only admit juveniles into their programs. The Jamesburg Cottages Program and the Stuyvesant Avenue project are new programs, having opened in 1977 and 1978 respectively, thus providing alternatives to Yardville and Annandale. In November 1977, 45 (10%) of the 430 juveniles in the YCIC were considered to be totally separated from adults. By December 1979, the number of separated juveniles rose to 300 (66%) out of the total of 452 juveniles in the YCIC (Department of Corrections, 1979).

One of the major separation projects which has been implemented is in Yardville, where all the juveniles on non-reception status (approximately 120) are housed on a separate wing, apart from any adults. All juvenile activities, including education, work, recreation, and dining are totally separate from comparable adult activities. In a sense, the juvenile component of Yardville has become "an institution within an institution." Comparable separation at the Annandale Reformatory will be more difficult to achieve because of Annandale's open physical setting. Although the juveniles (approximately 80 out of a total population of 400) are housed in two separate cottages, they invariably come into contact with adults when involved in daily programming such as work, dining, and recreation.

Most of the juveniles who come to the attention of the Department of Corrections are committed to either one of the Training Schools (Skillman or Jamesburg) or the Youth Correctional Institution Complex (Yardville or Annandale). Table 2.25 reports the juvenile commitments to the various correctional institutions for 1976, 1977, and 1978. Juvenile commitments have remained relatively constant during this period, rising from 1,184 in

fiscal year 1976 to 1,209 in fiscal year 1978, an increase of 2%. The most dramatic change was in the number of juvenile females committed to the Department of Corrections; there were 75 such commitments in 1976 and 52 in 1978, a decrease of 30.1%.

Table 2.25 also shows the commitments to the various correctional institutions by county. The rank order of counties with the most juvenile commitments over the past three-year period is Essex, Hudson, Camden, and Passaic, all of which have major urban areas. In fiscal year 1978, commitments from these four counties represented 46.9% of the total juvenile commitments in the State. Although total juvenile commitments have remained relatively constant over the three-year period, county variation is significant. For example, of the counties noted above, Essex County has decreased juvenile commitments by 16.2%, while Camden County has increased commitments by 19.8%. Commitments by rural counties generally increased over the period (e.g., Cape May, Gloucester, Salem, Sussex, and Warren). Among counties with a significant population, Mercer had the largest increase in juvenile commitments (95%), while Middlesex had the largest decrease (50%).

While these figures provide a description of the contribution of each county to the correctional population, it is also important to consider intercounty differences in the proportion of juveniles who are committed to correctional institutions. To provide such information, commitment rates are presented in Table 2.26. The commitment rate is defined as the number of juveniles committed to the Training Schools and Youth Correctional Institution Complex per 1000 delinquency complaints disposed of. The utilization of commitment rates permits more informed comparisons between counties and their commitment patterns. For example, in fiscal year 1978, Essex and Hudson Counties committed a similar number of juveniles to state correctional institutions (166 and 160 respectively). However, in Essex County there were 10,766 delinquency complaints disposed of in fiscal year 1978, while in Hudson County there were only 5,671. As a result, the rates between the two counties are quite different - 15 commitments per 1000 delinquency complaints disposed of in Essex County and a corresponding figure of 28 in Hudson County, the highest rate in the State.

Analysis between counties proves interesting. Salem and Gloucester Counties are neighboring counties, both with relatively low crime rates, yet a delinquent from Salem County is five times more likely to be committed to a correctional institution than a delinquent from Gloucester County. Likewise, a juvenile from Mercer County is three times more likely to be committed to a correctional facility than a juvenile from neighboring Middlesex County.

Two primary reasons account for the differences between counties in commitment rates. The first is that some counties experience more serious juvenile crime than others. Of the four counties

Table 2.35

Juvenile Commitments^a to Correctional Institutions
by County by Fiscal Year by Percent Change (1976-1978)

COUNTY	1976				1977				1978				%Change 1976-1978
	Training ^b Schools - Males	YCIC ^c	Female ^d Facilities	Total	Training Schools - Males	YCIC	Female Facilities	Total	Training Schools - Males	YCIC	Training School - Girls	Total	
Atlantic	35	29	6	70	28	25	4	57	33	30	0	63	-10.0
Bergen	14	11	2	27	10	13	1	24	16	24	1	41	+51.9
Burlington	14	40	1	55	5	24	0	29	13	36	1	50	-9.1
Camden	41	67	8	116	41	73	4	118	36	95	8	139	+19.8
Cape May	4	7	4	15	4	1	4	9	3	17	2	22	+46.7
Cumberland	22	38	7	67	14	32	6	52	24	31	2	57	-14.9
Essex	59	129	10	198	66	141	4	211	57	103	6	166	-16.2
Gloucester	0	7	0	7	0	4	1	5	2	13	0	15	+114.3
Hudson	59	79	9	147	53	66	6	125	69	83	8	160	+8.8
Hunterdon	2	2	0	4	4	0	1	5	2	1	0	3	-25.0
Mercer	18	19	3	40	14	23	2	39	29	47	2	78	+95.0
Middlesex	29	48	1	78	23	24	4	51	21	18	0	39	-50.0
Monmouth	26	49	6	81	52	32	2	86	40	38	4	82	+1.2
Morris	6	11	1	18	6	7	2	15	7	8	2	17	-5.6
Ocean	18	26	2	46	24	32	1	57	16	29	1	46	0
Passaic	50	38	10	98	44	49	3	96	50	48	4	102	+4.1
Salem	2	9	1	12	3	8	2	13	2	17	5	24	+100.0
Somerset	5	18	0	23	3	18	2	23	3	20	1	24	+4.3
Sussex	3	0	0	3	2	6	2	10	1	6	1	8	+166.7
Union	16	52	3	71	14	35	4	53	20	37	3	60	-15.5
Warren	0	7	1	8	1	9	2	12	3	9	1	13	+62.5
Total	423	686	75	1,184	411	622	57	1,090	447	710	52	1,209	+2.1%

^aIncludes new commitments, recommitments and parole violators, and for the YCIC also includes transfers.

^bIncludes Training Schools for Boys at Skillman and Jamesburg.

^cYouth Correctional Institution Complex.

^dIncludes juvenile females committed to Clinton (1976-14; 1977-17) and Training School for Girls at Jamesburg (1976-61; 1977-40).

Source: Skillman, Jamesburg, Clinton, and Correctional Information Systems, Department of Corrections

Table 2.26

Juvenile Commitment Rate by County by Fiscal Year (1976 - 1978)

COUNTY	1976	1977	1978
Atlantic	20	18	18
Bergen	4	3	6
Burlington	26	12	15
Camden	18	17	19
Cape May	7	4	12
Cumberland	23	23	25
Essex	18	20	15
Gloucester	3	2	5
Hudson	22	21	28
Hunterdon	10	12	8
Mercer	14	13	20
Middlesex	11	9	6
Monmouth	14	17	21
Morris	18	14	6
Ocean	18	21	13
Passaic	27	28	19
Salem	19	17	25
Somerset	24	25	27
Sussex	3	11	9
Union	14	12	13
Warren	12	16	17
<hr/>			
State Average	15	15	15

Note: The juvenile commitment rate is the number of juveniles committed to the Training Schools and Youth Correctional Institution Complex per 1000 delinquency complaints disposed of.

Source: AOC Monthly Reports (7/75-6/78) and Department of Corrections

with the highest number of commitments (Essex, Hudson, Camden, and Passaic), all but Essex County have relatively high commitment rates. However, high commitment rates are also in existence in more rural counties (e.g., Cumberland, Salem, and Somerset). In fact, of the four counties with the highest commitment rates in 1978, only one is urban - Hudson County. Thus, the high commitment rates in certain rural counties suggest an additional explanation for large differences between counties - dispositional disparity. For a given offense, a juvenile from one county may be committed to a correctional institution, while a juvenile from another county may receive probation or be diverted from a correctional institution for the same offense.

As noted previously, most of the juveniles who come to the attention of the Department of Corrections are committed to one of the Training Schools or the YCIC. However, an additional number of juveniles are admitted to one of the residential group centers or community treatment centers. Table 2.27 shows the number of admissions into these community correctional centers in fiscal year 1978 by county, along with the juveniles committed to the Training Schools and the YCIC. Thus, Table 2.27 represents the total number of juvenile admissions in fiscal year 1978 into all juvenile correctional facilities under the Department of Corrections. There were a total of 1,546 admissions, of which 1,209 (78.2%) were admissions into the Training Schools and the YCIC, while admissions into the community correctional centers totaled 337(21.8%). For purposes of comparison with the commitment rates noted in Table 2.26, admission rates are presented which include admissions into the community correctional centers.

If the new juvenile code had an impact on the population of juveniles admitted to the correctional system, we would expect that impact to be most pronounced at the Training School level, since juveniles under age 16 are admitted into these facilities. For this reason, we have looked at admissions into the Training Schools over time; the findings are shown in Table 2.28. Mainly for comparative purposes, we have included the admissions from 1965 and 1970. The dramatic decrease in admissions of both males and females between 1965 and 1970 is largely the result of the Gault decision in 1967, the most significant juvenile court related case decided by the U.S. Supreme Court (see pp. 8-9).

The total admissions between 1973 and 1978 reveal only a slight overall decrease of about 4%, but more significant changes occur in specific institutions. The number of admissions to Skillman decreased by 14% between 1973 and 1978, while admissions to the Training School for Boys at Jamesburg increased by 13.9% over the same period. The most dramatic change occurred at the Training School for Girls, where there was a 50.5% decrease in admissions over the five-year period. It is plausible to assume that much of the decrease in female admissions is directly attributable to the juvenile code, since female admissions dropped from 105 in 1973 to 46 in 1975. Since 1975, female admissions have remained

Table 2.27

Juvenile Admissions to Correctional Facilities by County (Fiscal Year 1978)

COUNTY	CORRECTIONAL INSTITUTIONS				COMMUNITY CORRECTIONAL CENTERS				
	Skillman	Jamesburg-Boys	Jamesburg-Girls	YCIC	Residential Group Centers-Male ^a	Turrell R.G.C.- Females	Community Treatment Centers ^b	Total	Admission Rate ^c
Atlantic	8	25	0	30	0	2	5	70	20
Bergen	0	16	1	24	8	0	0	49	7
Burlington	1	12	1	36	7	1	3	61	19
Camden	8	28	8	95	8	5	35	187	26
Cape May	1	2	2	17	3	2	3	30	17
Cumberland	6	18	2	31	4	5	6	72	32
Essex	12	45	6	103	24	3	0	193	18
Gloucester	0	2	0	13	3	2	1	21	7
Hudson	16	53	8	83	19	0	0	179	32
Hunterdon	0	2	0	1	1	1	0	5	13
Mercer	2	27	2	47	24	4	3	109	28
Middlesex	5	16	0	18	2	1	14	56	9
Monmouth	2	38	4	38	7	0	4	93	24
Morris	2	5	2	8	3	3	0	23	8
Ocean	0	16	1	29	5	1	5	57	16
Passaic	16	34	4	48	8	0	54	164	31
Salem	0	2	5	17	6	2	0	32	34
Somerset	0	3	1	20	4	1	0	29	32
Sussex	1	0	1	6	1	1	0	10	12
Union	6	14	3	37	14	3	16	93	21
Warren	0	3	1	9	0	0	0	13	17
Total	86	361	52	710	151	37	149	1,546	20

^aIncludes Highfields, Ocean, and Warren Residential Group Centers.

^bIncludes Community Treatment Centers in Camden (Camden Community Service Center); Paterson (Boys' Community) and Plainfield (Shepherd House). All admissions into the Paterson CTC were from Passaic County, and all admissions into the Plainfield CTC were from Middlesex and Union Counties. Although the Camden CTC served primarily Camden County, juveniles from other counties were admitted.

^cNumber of juveniles admitted to all juvenile correctional facilities per 1000 delinquency complaints disposed of.

relatively constant as indicated in Table 2.28. The reason for the rapid decrease in female admissions during fiscal years 1973 and 1974 is that female JINS could no longer be committed to the Training School after March 1, 1974.

The admission pattern at Skillman and the Training School for Boys at Jamesburg, however, was quite different. Both facilities experienced temporary decreases in admissions during 1975, but in 1976 admissions to these facilities increased to their pre-JINS law levels. Statistics from 1976 to the present show that the practice of committing fewer male delinquents was rather short-lived and was confined to approximately a 12 to 15-month period following the implementation of the new juvenile code.

The same conclusions are reached by analyzing Table 2.29, which looks at juveniles in residence in the Training Schools on selected days over time. For Skillman and the Training School for Boys at Jamesburg, there are virtually no differences when we look at the populations on June 30th of 1973, 1974, and 1975. Thus, it is apparent that the juvenile code had virtually no impact on the size of the populations. When we shift the analysis to females, however, we note a significant change beginning in 1973 and extending to 1975. The population of females decreased 75.9% between these two years, primarily because JINS could no longer be committed to training schools.

In order to look more closely at the impact of the juvenile code on the populations of the Training Schools, we analyzed individual case files of 130 juveniles from Skillman, Jamesburg - Boys, and Jamesburg - Girls who were committed to these facilities prior to the implementation of the new code. In order to compare results, we also analyzed 129 individual case files of juveniles who were committed to these facilities after the implementation of the code. The results of this analysis are presented in Table 2.30.

The data makes clear that the juvenile code had no impact on the population of males at Jamesburg. The review of 47 admissions prior to the new code failed to disclose a single JINS-type admission. Most of the juveniles in both time periods were committed for breaking and entering, larceny, or car theft, with some juveniles having committed more serious offenses such as rape, robbery, or assault and battery.

In regard to Skillman, the juvenile code seems to have had a relatively small impact on the population. Of 50 cases reviewed prior to the code, 7 cases were JINS (14%) and 43 cases were delinquent (86%). However, it should be noted that the offense patterns for delinquents committed to Skillman for both time periods were much different than those of Jamesburg cases. Many juveniles committed to Skillman had a mixture of JINS and delinquency complaints in their backgrounds. In addition, a number of juveniles at Skillman were committed for relatively minor offenses, when compared to Jamesburg cases. There were

Table 2.28

Juvenile Admissions to Training Schools by Sex by Fiscal Year by Percent Change (1965 - 1978)

FACILITY	1965	1970	1973	1974	1975	1976	1977	1978	% Change 1973-1978
Skillman - Boys ^a	-	134	100	100	71	94	84	86	-14.0
Jamesburg - Boys	940	431	317	317	250	329	327	361	+13.9
Total Male Admissions	940	565	417	417	321	423	411	447	+7.2
% Change	-	-39.9	-26.2	0	-23.0	+31.8	-2.8	+8.8	-
Jamesburg - Girls ^b	283	116	105	58	46	61	40	52	-50.5
% Change	-	-59.0	-9.5	-44.8	-20.7	+32.6	-34.4	+30.0	-
Total Admissions	1,223	681	522	475	367	484	451	499	-4.4
% Change	-	-44.3	-23.3	-9.0	-22.7	+31.9	-6.8	+10.7	-

^aThis facility opened in 1968.

^bPrior to November 1974 the females were housed at the State Home for Girls - Trenton.

Source: New Jersey Correctional Master Plan (1976) and the Training Schools at Skillman and Jamesburg

Table 2.29

Juveniles in Residence in Training Schools by Year by Percent Change (1965 - 1978)

FACILITY	6/30/65	6/30/70	6/30/73	6/30/74	6/30/75	6/30/76	6/30/77	6/30/78	% Change 1973-1978
Skillman-Boys	-	175	134	135	138	137	138	139	+3.8
Jamesburg-Boys	638	283	225	207	215	295	288	262	+16.4
Jamesburg-Girls	244	106	87	45	21	37	27	27	-69.0
Total	882	564	446	387	374	469	453	428	-4.0
% Change		-36.1	-20.9	-13.2	-3.4	+25.0	-3.4	-5.5	

Source: New Jersey Correctional Master Plan (1976) and Correctional Information Systems,
Department of Corrections

Table 2.30

Commitments to Training Schools by Offense Type by Time Period

	Pre-Juvenile Code			Post-Juvenile Code		
	JD	JINS	Total	JD	JINS	Total
	%	%	%	%	%	%
Skillman	86	14	100 n=50	96	4 ^a	100 n=50
Jamesburg-Males	100	0	100 n=47	100	0	100 n=50
State Home-Girls	33	67	100 n=33	86	14 ^b	100 n=29

^aTwo juveniles were returned to Skillman for "adjustment"; they were committed to Skillman prior to March 1974 on JINS offenses.

^bTwo females were committed for "escape" from a JINS shelter, which was a delinquent offense in 1975. Two females were committed for violation of probation, even though they had no delinquent history.

Methodology

Skillman - 50 admissions between 7/1/73 and 12/31/73 were selected for study (pre-juvenile code) as well as 50 cases between 7/1/74 and 3/1/75 (post-juvenile code).

Jamesburg - 47 admissions between 7/1/73 and 12/31/73; another 50 admissions between 7/1/74 and 12/31/74.

State Home for Girls - 33 admissions between 7/1/73 and 2/28/74; another 29 admissions between 7/1/74 and 6/30/75. In November 1974, the State Home for Girls at Trenton closed, and in its place, a cottage on the grounds of the Training School for Boys at Jamesburg was opened.

The entire case history of each juvenile was reviewed. If a juvenile was committed for incorrigibility and had a delinquent history in his background, he was classified as a delinquent (JD), unless the delinquent charges were relatively minor, such as malicious damage or trespassing. Thus, the JINS in the sample are "pure types."

more cases of shoplifting, malicious damage, malicious mischief, and petty larceny among the Skillman cases than the Jamesburg cases, even among the post-juvenile code cases. The relatively minor nature of the committing offenses did not change with the implementation of the code.

It is clear, however, that the juvenile code had a significant impact on the population of females committed to the State Home for Girls. The review of 33 admissions prior to the new code revealed that 67% were JINS and 33% were delinquent. Since two-thirds of the females were JINS, and the new code prohibited new commitments of such cases, the admissions and population of the State Home for Girls decreased greatly after March 1, 1974 (see Tables 2.28 and 2.29).

In addition to providing juvenile correctional services through secure institutions and community-based correctional programs, the Department of Corrections provides parole supervision to juveniles paroled from the various correctional institutions. Under the juvenile code, delinquents may be committed to a training school or the Youth Correctional Institution Complex for an indeterminate term not to exceed three years. In most cases, juveniles serve a portion of their term in the institution, are paroled by the appropriate Board of Trustees on the condition of maintaining good behavior in the community, and remain under the supervision of the Bureau of Parole until discharged.

Most juveniles committed to the Training Schools or the Youth Correctional Institution Complex stay from seven months to one year (Department of Corrections, 1976:71). Juveniles who have shown positive behavior in the institution have their cases reviewed for possible parole by one of two Institutional Boards of Trustees. The Boards are given the authority to grant parole when it appears "that such action will further the rehabilitation of the offender and that his release under supervision will not be incompatible with the welfare of society" (Department of Corrections, 1977:20). The Board of Trustees at Jamesburg makes parole decisions for males from Skillman and Jamesburg as well as females from Jamesburg. The Board of Trustees for the Youth Correctional Institution Complex makes parole decisions for juveniles at Yardville, Annandale, and their various satellite units. Conditions of parole are imposed at the time of release and include such things as obeying all laws, requiring steady attendance at school or work, reporting regularly to a parole officer, and whatever special conditions are appropriate. The parolee must agree to the conditions and a certificate is then signed by both the paroling authority and the juvenile.

As noted earlier, juveniles released on parole from Skillman, as well as selected juveniles released from Jamesburg, receive parole supervision by DYFS. The remainder of the Jamesburg parolees, in addition to the juveniles paroled from the YCIC, receive parole supervision by the Departments' Bureau of Parole, which provides parole services and supervision to both adults and

juveniles. These services are provided through nine district offices located throughout the State. Parole officers are responsible for direct supervision of parolees, which involves service and surveillance. "The service function includes provision of assistance to the parolee in finding work, obtaining education, and dealing with personal concerns including living arrangements, inter-personal relationships, etc. The surveillance function is designed to assure that parolees meet the conditions of their parole, such that they do not present a danger to themselves or the community" (Department of Corrections, 1977:93).

Juveniles remain under the supervision of the Bureau of Parole for the maximum period of three years or until they are discharged from parole. If the juvenile has seriously violated the conditions of parole, parole revocation proceedings may be initiated. In proceedings of this type, the juvenile is required to appear at a probable cause hearing, the procedures of which must provide for due process in conformance with the U.S. Supreme Court decision, Morrissey v Brewer, 408 U.S. 471 (1972). In cases where parole is revoked by the appropriate Board of Trustees at a final revocation hearing, the juvenile is returned to the institution.

The total number of juveniles on parole on August 1, 1978 was 1,122, of whom 972 were under parole supervision by the Bureau of Parole. The remaining 150 juveniles were under parole supervision by DYFS. Male and female juveniles released from Jamesburg accounted for 250 of the 972 Bureau of Parole cases. Virtually all of the remaining 722 juveniles on parole were released from Annandale or Yardville. It should be noted, however, that although the above cases were officially "juvenile cases" in the sense that their commitments were from juvenile court, most of them were 18 years of age or older but not at the time of commitment. For example, 1975 data from the Bureau of Parole shows that 553 juveniles were paroled from various institutions during that year to the Bureau of Parole. Only 60, or 11%, of the "juveniles" were under age 18. Most of the "juveniles" were age 18-20 (426 cases; 77%), while a smaller number (67 cases; 12%) were age 21 or older.⁴ The 1975 data also shows that 97% of the total juveniles paroled were male.

In general, the number of juveniles paroled from the Training Schools and the Youth Correctional Institution Complex has been relatively constant since 1975. During fiscal year 1975, 258 juveniles were paroled from the Training Schools while the comparable figure for 1978 was 230, a decrease of 11%. Likewise, the parole releases from the YCIC decreased 2% during the same period, although this figure includes both juveniles and adults

⁴Juvenile parolees recommitted to the institution on a new offense retain their juvenile status. This is why some juvenile parolees are age 21 or older.

(Department of Corrections, 1978d). The 230 juveniles paroled from the Training Schools during fiscal year 1978 included 195 males paroled from Jamesburg, 20 females paroled from Jamesburg, and 15 males paroled from Skillman.

3. RESEARCH DESIGN

As noted in the Introduction, the primary research mission for the Task Force was to study the impact of the juvenile code, which became effective in New Jersey on March 1, 1974. Thus, the basic design of the study involves the systematic analysis of a sample of juveniles who were processed by the juvenile justice system in 1973, prior to the new code, and a comparable sample of juveniles from 1975, after the introduction of the code. The comparison of these two samples provides a basis for viewing what impact the code had upon the population from which the samples were drawn.

Since the focal point of the juvenile justice system is the juvenile court, our study focuses on juvenile court processing of JINS and delinquents for the two time periods.¹ However, despite its centrality, the juvenile court is only one of many interrelated agencies directly involved in the juvenile justice process. Any reasonably comprehensive study of change in the juvenile justice system must include an examination of some of these other agencies. For this reason, we have included an analysis of decision-making at two other critical agencies in New Jersey's juvenile justice system - the juvenile aid bureau of the municipal police department, and the juvenile court intake unit.

This chapter briefly reviews the major aspects of the research design, including the overall sampling design, the types of data collected, and the procedures of sampling and data collection. In addition, several socio-demographic characteristics of the sampled counties and municipalities are presented.

¹For the sake of simplicity, we will often use the abbreviation "JD" in the following chapters to note juvenile delinquent. In addition, technically speaking, the JINS and JD's are alleged offenders until adjudication by the juvenile court judge. For the sake of readability, we often omit the word "alleged" in the preadjudicatory analysis. Also, we make constant reference to JINS in 1973, although the classification was not in existence at that time. Juveniles who committed JINS-type offenses were coded as JINS in 1973. For both time periods, the offense-type was sampled after making a determination of the behavior reported on the complaint form. Thus, if a complaint reported that a juvenile was incorrigible in that he committed an assault and battery, the case was sampled as a JD rather than a JINS. However, there was virtually universal consistency between the type of complaint filed (JINS or JD) and the offending behavior, since there were only several such inconsistencies in the data collection effort.

Quantitative and Qualitative Data

Accurate information about the nature of the juvenile justice population and its processing by the juvenile justice system requires the examination of large numbers of actual cases processed by juvenile justice agencies. Case-file data offers relatively complete and generally accurate data on the background or demographic "profile" of each juvenile, and authoritative information on the facts of the court processing of the case. The salience of the profile information in relation to the legal processing data is enhanced as the profile data afford exactly the same picture of the juvenile upon which the legal processing decisions are based. An added important advantage of case-file records is their permanence; they do not change over time, and hence they contain the most accurate available record of completed juvenile cases.

Even if we had the resources to examine every case processed by juvenile justice agencies in New Jersey, such an undertaking would not be practical since information which accurately represents the total can be obtained from a carefully and deliberately selected sample of cases. Although we lacked the resources to obtain the ideal sample, the design set forth below has resulted in a large sample of carefully selected cases that maximizes our ability to represent the nature of juvenile justice in New Jersey, given the substantial constraints of time, resources, and staff within which the study was completed.

At each agency, quantitative case data was collected on four kinds of characteristics:

1. Offense-related characteristics--nature of the alleged offense, relationship of the complainant to the accused juvenile, and date of the alleged offense.
2. System processing characteristics--decisions made by official agencies in handling the case, and the time periods involved.
3. Juvenile career characteristics--alleged offender's prior involvement with juvenile justice, social service, or other official agencies, and subsequent alleged offenses (recidivations).
4. Personal and social characteristics--"background" demographic and psychosocial variables.

The extent of available information, as well as specific processing decisions, vary from agency to agency. Therefore, separate data collection instruments were devised for cases from juvenile aid bureaus (JAB), juvenile courts, and juvenile court intake units. A set of the actual forms used is included in Appendix B. All of the quantitative data collection instruments were pre-coded, structured forms designed to facilitate computer

analysis. To ensure uniformity of coding between jurisdictions, a full-day training session was conducted for the benefit of the field researchers responsible for coding. In addition, periodic conferences were held with the field researchers in order to deal with problems, questions, or coding issues. Again, these conferences assisted in developing uniform coding across jurisdictions. It should also be noted that virtually all of the field researchers were graduate students from the Rutgers School of Criminal Justice.

Because of its importance and because of the amount of work required to obtain it, quantitative data on case processing comprises the major component of the research effort. However, the firsthand reports of juvenile justice professionals and experts comprise another valuable source of knowledge of the nature of the system and of the population of juveniles processed, and particularly of underlying processes that influence or determine the workings of the system, and the processes by which juveniles are selected for insertion into the system. Taken alone, however, such reports cannot be used confidently as accurate indicators of what is going on. As many juvenile justice personnel indicated, they often lack a sense of the overall dimensions and contours of the juvenile justice process outside of their own specializations and jurisdictions. Thus, there is the not unlikely possibility that juvenile justice personnel sometimes "can't see the forest for the trees"--the demands of daily exigencies may obscure subtle and mundane events that form patterns of considerable magnitude over a longer period of time. Particularly, when we are interested in change, and hence in the character of the system at an earlier period of time (before the implementation of the juvenile code on March 1, 1974) the inevitable biases of perception are reinforced and compounded by the biases of memory.

On the other side of the ledger, the firsthand knowledge of experts is particularly valuable in revealing the hidden factors responsible for observed changes in system processing, such as local policy changes, the effect of political pressures, or the characteristics of the population served. The study makes use of the knowledge of such personnel to illuminate the quantitative data collection. Forty intensive interviews were conducted with official representatives of each agency studied, as well as a number of related agencies. Those interviewed include police officers, court intake personnel, juvenile court judges, detention administrators, JINS shelter administrators, probation personnel, and DYFS personnel. The interview guide is presented in Appendix B. As in the case with the quantitative instruments, a full-day training session was conducted with all of the field researchers to insure uniformity between interviews.

Sample Design

The fundamental concern of the earlier discussion of the issues to be addressed by the present study requires a thorough and systematic examination of changes in the juvenile justice system that may have been associated with, or attributable to, the enactment and implementation of the new code. The focus upon change dictates, as a first requirement for the research design, that the study examine at least two periods of time -- in this case, comparable time periods both prior and subsequent to the implementation of the juvenile code.

Since the code was implemented March 1, 1974, the time periods of January 1 to August 31, 1973, and January 1 to August 31, 1975 were selected for scrutiny. Several conflicting constraints resulted in the selection of these two time periods. August 1973 was selected as a pre-legislation cutoff point because all cases coming to court at that time should have been disposed of well before the implementation of the legislation on March 1, 1974.

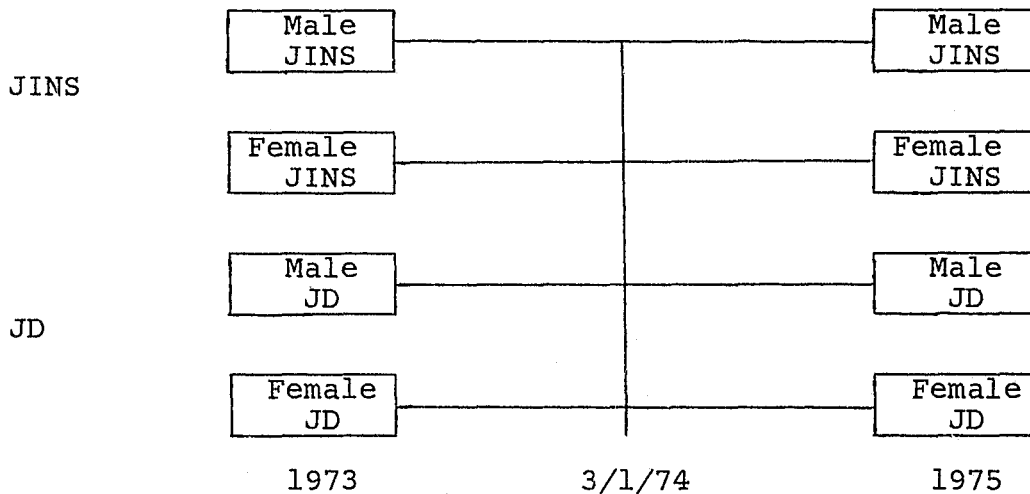
Based on the preliminary research, knowledge of the volume of cases in various agencies, and the experience of previous studies, eight months was deemed an appropriate time span to ensure an adequate number of cases. Starting the post-legislative sample in 1975 provides a ten month lead time for the initial adjustment period inevitably experienced by courts faced with a substantial change in rules and procedures. Finally, it is important to minimize the time span between the sample time periods to reduce external sources of variation, such as changing social conditions and other governmental policies which unavoidably affect the phenomena under study. As will be explained below, court intake services are one such extraneous factor which intervenes in the processes under study and hence must systematically be considered, despite our minimizing the interim time span.

Another central question raised in the foregoing discussion of issues concerns how JINS and JD's are different. Since JINS constitute only about 10 percent of New Jersey's juvenile justice population, it was necessary to "oversample" JINS to ensure an adequate number of cases for analysis. A third case characteristic central to the study is sex. Since females are under-represented in the juvenile justice system, it was also necessary to oversample females, again to ensure an adequate base for analysis.

Within this framework, a sample that represents the population is best obtained by random selection, so that each case has an equal chance of being selected. This design is called a "stratified random" sample, since we are breaking the population into strata according to sex and offender type, and then choosing randomly within those types. Figure 3.1 graphically portrays the composition of the resultant sample.

Figure 3.1

Diagram of the Stratified Random Sample Design



Within each cell of this paradigm, a number of cases were randomly selected at each agency where data was collected. The sampling design facilitates analysis on several dimensions. First, moving on the horizontal axis, offender types of each sex may be analyzed over time. For example, 1973 JINS may be compared to 1975 JINS, or male 1973 JINS may be compared to male 1975 JINS. Second, moving on the vertical axis, offender types may be compared, at either time period, or combining time periods.

The Sample of Counties

The final set of sampling decisions related to jurisdiction. The limited time and resources allocated for the study and other practical considerations dictated that the research efforts be focused upon a sample of counties rather than attempting to cover the entire State. The county is the obvious choice for a basic sampling unit within the State, since juvenile court jurisdiction is coterminous with the geographic boundaries of the county.

The selected counties are Essex, Hunterdon, Middlesex, Morris, Sussex, and Union. These counties were chosen to facilitate a comparative analysis, and their selection was made on the basis of the following factors:

1. Population density: Two counties (Essex and Union) are heavily urban, two are rural (Hunterdon and Sussex) and two are intermediate (Middlesex and Morris). Table 3.1 notes the population and population density for each of the six sampled counties, and how they compare to the remaining counties. Also, since Chapter 2 describes and analyzes the various juvenile justice agencies by county, Table 3.1 may be useful for comparative purposes.

Table 3.1

Population Distribution and Density in New Jersey by County (1976)

COUNTY	Population (1976 est.)	Rank in State	Density Per Sq. Mile	Rank in State
Atlantic	178,850	15	316	15
Bergen	910,865	2	3,882	4
Burlington	331,745	10	406	14
Camden	484,305	6	2,182	6
Cape May	63,590	21	313	16
Cumberland	129,795	16	259	17
Essex ^a	924,830	1	7,257	2
Gloucester	185,300	14	564	12
Hudson	606,190	4	13,059	1
Hunterdon ^a	74,525	19	174	20
Mercer	321,050	11	1,421	8
Middlesex ^a	612,370	3	1,969	7
Monmouth	482,190	7	1,023	9
Morris ^a	406,665	9	865	10
Ocean	261,750	12	411	13
Passaic	471,175	8	2,454	5
Salem	63,815	20	184	19
Somerset	207,315	13	679	11
Sussex ^a	87,390	17	166	21
Union ^a	550,515	5	5,315	3
Warren	77,520	18	214	18
Total	7,431,750	-	990	-

^aThese counties were included in the study sample.

Source: Crime in New Jersey: 1976 Uniform Crime Reports

New Jersey's proportionately low rural population would hardly warrant sampling two rural counties, except that the number of juveniles processed through the juvenile court in these counties was so small that one county would not provide an adequate sample. It should also be noted that the two rural counties were without JINS shelters during 1975, when the post-legislation sampling was completed. However, they did have shelter services available; Hunterdon utilized the Somerset County JINS shelter, while Sussex utilized foster homes.

2. Existence and time of implementation of court intake service: Interpretation of observed changes between the two time periods is complicated by the nearly simultaneous implementation of the juvenile code and the establishment of court intake services, which divert from the court system juveniles who may be appropriately handled by an initial screening and counseling process. Since a substantial proportion of juveniles are thus diverted by counties with a court intake service, this factor must be systematically considered in any comparison of 1973 and 1975.

One of the urban counties (Essex) and one of the "suburban" counties (Morris) had operational court intake services in 1975. Morris County's service was the only one operational in 1973, and hence Morris County provides our only opportunity to observe the impact of the legislation in a situation where court intake service preceded it. In effect, this permits a look at the impact of the legislation while the factor of intake diversion is "held constant." All other counties that have a court intake service established it subsequent to the implementation of the code.

3. Existence of a county JINS shelter: Since one of the most visible effects of the legislation has been to create JINS shelters in most counties, the sample should facilitate a comparison between counties with and those without JINS shelters. Sussex and Hunterdon Counties had no JINS shelter in 1975. These are necessarily rural counties, since no urban or "suburban" counties lack a JINS shelter.
4. Practical considerations: The geographically remote southern counties were eliminated from consideration since, particularly in view of their low populations, studying them would have required an unjustifiably large commitment of the study's limited resources in time and travel expenditures. Some counties were eliminated from consideration because the records were not detailed enough to yield the data required for the study.

Although ethnicity was not used as one of the factors for the selection of counties, several tables throughout the report provide for ethnicity as a variable. For this

reason, Table 3.2 presents ethnicity by the sampled counties. Essex, one of the sampled counties, has the highest concentration of Blacks and Hispanics in the State (39%), while Sussex, another sampled county, has the lowest (2%).

Table 3.2

Ethnic Distribution in Sampled Counties (1970)

COUNTY	White and Other-%	Black %	Hispanic %
Essex	61.2	30.0	8.8
Hunterdon	97.3	1.7	1.0
Middlesex	90.5	4.5	5.0
Morris	95.5	2.2	2.3
Sussex	98.3	.4	1.3
Union	84.1	11.2	4.7
State Total	83.9	10.4	5.7

Source: 1970 U.S. Census

The Sample of Juvenile Courts

In the juvenile courts, chronological records of incoming cases are kept in docket books. A systematic stratified random sampling procedure was employed to select cases for analysis. This involved determining the total number of cases docketed in the sample time period, and dividing by 50 (the minimum number of cases for each cell or stratum needed for the analysis) to obtain the interval at which cases were selected. Since the first case was selected randomly, all cases were selected randomly, and they were spread evenly over the eight-month time period.

In small counties, the volume of cases handled by some courts was fewer than 50 cases per cell. For example, Hunterdon County had only seven JINS in 1975. In such cases, 100% samples were obtained. In some of the larger counties, 50 is an unrealistically small number of cases to represent adequately the population of male JD's -- always the largest subcategory. As a result, such cells were oversampled in Essex, Union, and Middlesex Counties, increasing subsample size to about 150 in Essex and about 100 in Middlesex and Union Counties. This substantially strengthens the representativeness of the sample. The resultant juvenile court sample is presented in Table 3.3.

Table 3.3

Basic Presentation of Stratified Sample of Juvenile Court Cases

JINS

COUNTY	1973			1975		
	Male	Female	Total	Male	Female	Total
Essex	53	48	101	44	48	92
Union	48	53	101	48	66	114
Middlesex	67	52	119	41	57	98
Morris	34	40	74	30	45	75
Sussex	27	24	51	18	16	34
Hunterdon	28	22	50	4	3	7
(n)	(257)	(239)	(496)	(185)	(235)	(420)

JD

COUNTY	1973			1975		
	Male	Female	Total	Male	Female	Total
Essex	163	49	212	151	49	200
Union	101	51	152	102	48	150
Middlesex	113	63	176	90	39	129
Morris	66	27	93	64	30	94
Sussex	63	28	91	69	38	107
Hunterdon	53	31	84	51	14	65
(n)	(559)	(249)	(808)	(527)	(218)	(745)

The Sample of Juvenile Court Intake Units

The sample of juvenile court intake units was determined by the sampled counties which had operational intake units by August 1975, which were Essex and Morris. However, only Morris had a court intake unit in 1973. Hence, we have data for both years on only one agency in this substudy. Table 3.4 presents the sample of juvenile court intake cases.

A chronological record of court intake cases was available in Essex County, but in Morris County an alphabetical listing of intake cases was utilized. A stratified random sampling procedure, similar to that used for juvenile court cases, was utilized for court intake cases.

Table 3.4

Basic Presentation of Stratified Sample of Juvenile Court Intake Cases

COUNTY	1973					
	JINS			JD		
	Male	Female	Total	Male	Female	Total
Essex	--	--	--	--	--	--
Morris	17	9	26	48	14	62
(n)	(17)	(9)	(26)	(48)	(14)	(62)

COUNTY	1975					
	JINS			JD		
	Male	Female	Total	Male	Female	Total
Essex	51	50	101	83	48	131
Morris	39	68	107	68	42	110
(n)	(90)	(118)	(208)	(151)	(90)	(241)

The Sample of Juvenile Aid Bureaus

Since our sample of six counties contains dozens of juvenile aid bureaus, it was necessary to sample these within each county. The resources of the project permitted only a very limited sample here, so this study was limited to two counties, Middlesex (suburban) and Essex (urban). The municipalities chosen from Essex County were Irvington, Maplewood, and Newark; those from Middlesex were Metuchen, New Brunswick, Perth Amboy, and South River. Preference was given to urban municipalities (Newark, Irvington, New Brunswick, and Perth Amboy) to afford a

more general picture of them, while the sampled suburban municipalities (Maplewood, Metuchen, and South River), offer a look at juvenile aid bureaus in smaller communities. Table 3.5 presents the populations of the sampled municipalities.

Table 3.5

Populations of Sampled Municipalities (1976)

<u>MUNICIPALITY</u>	<u>Population (1976 est.)</u>	<u>Density Per Square Mile</u>
<u>Essex County</u>		
Newark	373,025	15,453
Irvington	58,420	20,864
Maplewood	24,485	6,121
<u>Middlesex County</u>		
New Brunswick	42,790	7,780
Perth Amboy	39,760	8,739
Metuchen	16,260	5,913
South River	15,840	5,657

Source: Crime in New Jersey: 1976 Uniform Crime Reports

Again, sampling procedures similar to those in the juvenile court study were used in selecting individual cases for study. Of the seven juvenile aid bureaus studied, only Newark maintains a chronological record of offense reports, which is kept in the Monthly Assignment Book. However, signed complaints which did not result in arrests were not entered in this log, nor were cases handled only by referral to a social worker for counseling. Thus, the Assignment Book sample was supplemented by a sample of cases from these other sources, the proportionate size of which was estimated from available police records. Since these estimates were not finalized until after data collection was completed, proportional size was determined by weighting the sample according to a carefully computed formula.

In other municipalities, it was necessary to sample from an alphabetical card file, but the systematic stratified random procedure set forth above was readily adapted to this use. At each sampling interval, cases selected which did not fall within the time frame were simply put back and the next case taken, until one was found within the time frame. While slightly less efficient, this procedure retained all the advantages of the court sampling procedure described above. The resultant sample is presented in Table 3.6.

Table 3.6

Basic Presentation of Stratified Sample of Juvenile Aid Bureau Cases

JINS

MUNICIPALITY	1973			1975		
	Male	Female	Total	Male	Female	Total
Newark	53	67	120	39	26	65
Irvington	18	26	44	29	25	54
Maplewood	15	13	28	24	12	36
New Brunswick	15	22	37	11	16	27
Perth Amboy	16	23	39	30	33	63
Metuchen	28	30	58	26	30	56
South River	19	16	35	12	21	33
(n)	(164)	(197)	(361)	(171)	(163)	(334)

JD

MUNICIPALITY	1973			1975		
	Male	Female	Total	Male	Female	Total
Newark	90	61	151	111	99	210
Irvington	58	40	98	49	51	100
Maplewood	42	17	59	36	25	61
New Brunswick	63	35	98	88	48	136
Perth Amboy	43	27	70	40	33	73
Metuchen	55	26	81	41	16	57
South River	32	5	37	27	14	41
(n)	(383)	(211)	(594)	(392)	(286)	(678)

4. RESEARCH FINDINGS: JINS AND JD'S: A COMPARATIVE PROFILE

One objective of the study was to gather data that would provide a basic profile of the juveniles who are charged with JINS complaints and how their involvement in the juvenile justice system develops. What specific behaviors bring juveniles into contact with the justice system as JINS? Who is offended by the behavior? Who are these juveniles? Beyond the immediate allegations, how do they differ from juvenile delinquents in terms of prior court or social service involvement, sociodemographic characteristics, or psychological and other personal characteristics? This chapter presents data that bear upon these questions.

As explained in Chapter 3, Research Design, information was obtained on these issues from three types of juvenile justice agencies -- county juvenile courts, juvenile court intake units, and juvenile aid bureaus (JAB) of municipal police departments.

Offense-Related Characteristics

JINS Allegations

Status offenses fall into three basic categories: runaway, incorrigibility, and non-family offenses such as truancy and violations of curfew or alcoholic beverage ordinances. Of the three categories, the least specific in reference to actual behavior is incorrigibility, which usually involves conflict between a juvenile and his/her parents. Such conflicts typically center around refusing to obey, sexual activity, staying out late, or some other behavior which strains, or reflects a strain in, the family relationship. Sometimes, the charge of incorrigibility is used when some other specific behavior is identified in the complaint. For example, some runaway allegations are officially charged as incorrigibility. For research purposes, such offenses were coded according to the specific behavior, (e.g., runaway) rather than the official but general charge of "incorrigibility." JINS complaints, unlike JD complaints, often contain the additional feature of allegations of repeated offenses, usually incorrigibility and/or runaway. For example, a complaint may indicate that a juvenile has repeatedly or consistently stayed out late or disobeyed parents. For this study, when both runaway and incorrigibility were alleged, runaway was counted as the primary offense, since the behavior is more specific than that of incorrigibility.¹

¹We make constant reference to JINS in 1973, although the classification was not in existence at that time. Juveniles who committed JINS-type offenses were coded as JINS in 1973. See Footnote 1 on page 109 for a further discussion of the sampling of offense-types.

Overall, study findings indicate that approximately equal proportions of complaints involved allegations in these three categories, with runaway marginally but consistently more prevalent than the other two. This is consistent with the findings of Andrews and Cohn in their study of two New York counties (1977:95, 99). As Table 4.1 shows, female JINS are more likely than males to be charged with runaway, while males are more likely than females to be charged with non-family JINS offenses.

Table 4.1

JINS Allegation by Sex by Year

JUVENILE COURT STUDY

ALLEGATION	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Runaway	27	52	39	30	48	40
Incorrigibility	28	32	30	30	29	30
Non-family JINS Offenses	44	17	31	40	23	31
Total	100	100	100	100	100	100
(n)	(257)	(239)	(496)	(185)	(235)	(420)

JUVENILE AID BUREAU STUDY

ALLEGATION	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Runaway	43	43	43	33	51	42
Incorrigibility	28	40	34	26	31	28
Non-family JINS Offenses	29	17	23	41	18	30
Total	100	100	100	100	100	100
(n)	(164)	(197)	(361)	(171)	(163)	(334)

Truancy is by far the most frequent non-family status offense, more than twice as prevalent as liquor law violations. Other status offenses, such as curfew violations, are rarely cited as the basis for a complaint. The findings show that wide variation between jurisdictions exists in the frequency of various status offenses, as shown in Table 4.2.

No interpretable relationship between the specific status offense alleged and the jurisdiction can be identified. More intensive analysis, however, produced a minor pattern which does not appear

in Table 4.2, due to the collapsing of specific offense categories: The proportion of status offenses charged for alcoholic beverage ordinance violations varies inversely with the population density of the jurisdiction. For example, the proportion of status offense complaints that are liquor law violations ranges from about 5% of all JINS complaints in Essex County to 56% in Hunterdon County. A similar pattern exists among municipalities in the juvenile aid bureau (JAB) data. Thus, behavior which results in police or court intervention varies greatly from jurisdiction to jurisdiction.

The overall distribution of JINS allegations is similar in 1973 and 1975, as shown in Table 4.1. The finding of wide variation between jurisdictions also appears in both years, with the added dimension that substantial variations between 1973 and 1975 occur in most jurisdictions studied. Again, however, no pattern to this variation can be identified. Thus, the most important overall finding with respect to alleged status offenses is simply that widespread variation exists in their incidence, both between jurisdictions, and at different times within any one jurisdiction. Overall, however, it appears to balance out to roughly equal proportions of each of the three types.

The research activities revealed that allegations of liquor law violations, such as drinking under age, were still written up as JD complaints in 1975 in some jurisdictions. Although these constitute "an offense or violation of a statute or ordinance applicable only to juveniles" (N.J.S.A. 2A:4-45(d)), offenses of this nature have not been uniformly processed as JINS offenses, since some juvenile justice personnel do not think of them in the same class as the traditional JINS offenses such as runaway, incorrigibility, and truancy. (As indicated earlier, offenses of this nature are counted as status offenses in this study, regardless of the type of official complaint form used.)

JD Allegations

The following is a comparative examination of the patterning of JD allegations in 1973 and 1975. The comprehensive list of allegations employed in the data collection was collapsed, to facilitate analysis, into six inclusive categories. The general allegation categories are presented in Figure 4.1. Although assault and battery is technically a violent act, this allegation is often used to denote relatively minor offenses, such as schoolyard or family fights; hence it is considered separately.

Table 4.2

JINS Allegation by Jurisdiction by Year

ALLEGATION	JUVENILE COURT STUDY													
	1973							1975						
	COUNTY													
	Essex	Union	Middlesex	Morris	Hunterdon	Sussex	Total	Essex	Union	Middlesex	Morris	Hunterdon	Sussex	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Runaway	53	31	25	58	16	55	39	35	35	40	55	0	44	40
Incorrigibility	39	39	29	23	24	10	30	42	42	29	8	29	3	30
Non-family JINS Offenses	8	30	46	19	60	35	31	23	23	31	37	71	53	31
Total (n)	100 (101)	100 (101)	100 (119)	100 (74)	100 (50)	100 (51)	100 (496)	100 (92)	100 (114)	100 (98)	100 (75)	100 (7)	100 (34)	100 (420)

ALLEGATION	JUVENILE AID BUREAU STUDY															
	1973								1975							
	MUNICIPALITY															
	Newark	Irvington	Maplewood	N. Brunswick	Perth Amboy	Metuchen	S. River	Total	Newark	Irvington	Maplewood	N. Brunswick	Perth Amboy	Metuchen	S. River	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Runaway	32	75	57	67	28	27	46	43	21	72	33	67	33	36	52	42
Incorrigibility	64	7	21	14	42	26	6	34	49	13	8	22	40	30	12	28
Non-family JINS Offenses	4	18	22	19	30	47	48	23	30	15	59	11	27	34	36	30
Total (n)	100 (120)	100 (44)	100 (28)	100 (37)	100 (40)	100 (58)	100 (35)	100 (362)	100 (65)	100 (54)	100 (36)	100 (27)	100 (63)	100 (56)	100 (33)	100 (334)

Figure 4.1

List of JD Allegations by Category

Violent Offenses	Murder/Attempted Murder Manslaughter/Attempted Manslaughter Forcible Rape/Other Violent Sex Crimes Attempted Forcible Rape/Other Violent Sex Crimes Kidnapping Robbery/Attempted Robbery Atrocious Assault and Battery
Assault and Battery	Assault/Assault and Battery Threatened Assault and Battery Threatened Atrocious Assault and Battery Extortion/Attempted Extortion
Property Offenses	Breaking and Entering/Attempted Breaking, Entering and Larceny/Attempted Grand Larceny/Attempted Auto Theft/Attempted Stolen Property: Buying, Receiving, Possessing, Attempted Purchase
Minor Property Offenses	Petty Larceny/Attempted Shoplifting Unauthorized Use of Motor Vehicle
Drug Offenses	Possession of Marijuana/Intent to Sell or Sale Possession of Narcotics/Intent to Sell or Sale Possession of Other Controlled Dangerous Substances (CDS)/Intent to Sell or Sale Marijuana Usage Narcotics Usage Other CDS Usage
Minor Offenses	Vandalism Failure to Give Good Account Disorderly Conduct Trespassing Sexual Deviance Giving False Information Loitering Escape Public Intoxication Prostitution/Soliciting Weapons ^a Arson/Attempted Arson ^a Other JD Allegations

^aVery few of these allegations were found, and a review of their circumstances indicated that they were minor in nature.

Table 4.3 indicates that, like the distributions of JINS allegations, JD allegations remain fairly stable over time, except for an overall decrease in drug offenses. Thus, the major finding here with regard to the juvenile code is that it had no measurable impact on the distributions of either JINS or JD offenses, since they are quite similar in 1973 and 1975.

Table 4.3

JD Allegation by Sex by Year

JUVENILE COURT STUDY

ALLEGATION	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Violent Offenses	6	2	5	9	7	8
Assault & Battery	13	14	14	12	20	15
Property Offenses	27	12	23	31	10	24
Minor Property Offenses	13	26	17	15	32	20
Drug Offenses	17	27	20	10	10	10
Minor Offenses	24	19	22	23	21	23
Total (n)	100 (541)	100 (247)	100 (788)	100 (518)	100 (217)	100 (735)

JUVENILE AID BUREAU STUDY

ALLEGATION	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Violent Offenses	6	5	5	5	5	5
Assault & Battery	16	24	19	14	28	20
Property Offenses	18	3	13	21	4	14
Minor Property Offenses	16	38	24	17	27	21
Drug Offenses	8	8	8	6	5	5
Minor Offenses	36	22	31	37	31	35
Total (n)	100 (379)	100 (209)	100 (588)	100 (388)	100 (285)	100 (673)

Table 4.3 also reveals a consistent pattern of variation by sex with regard to property offenses. Males are more likely than females to be charged with property offenses, while females are more likely to be charged with minor property offenses, which includes shoplifting. From 1973 to 1975, the proportion of females charged with serious personal offenses and with assault and battery also increases substantially. These changes are

consistent with the general trend of increasing serious and violent criminal activity on the part of females, both juvenile and adult (see, e.g., Adler, 1975).

Table 4.4 shows that significant variation exists in the jurisdictional distribution of JD allegations. Unlike the variations of JINS allegations, however, these are stable over time, and limited to a few offense categories. Violent offenses are most frequently alleged in urban jurisdictions and seldom in the small towns and the rural counties. On the other hand, rural jurisdictions account disproportionately for the drug-related offenses in our sample. As in the aforementioned case of alcohol offenses, this probably does not indicate that more drug-related offenses occur in rural jurisdictions. Rather, when fewer serious offenses occur, the minor offenses that are committed represent a greater proportion of the total, and the lower incidence of more serious offenses permits stricter enforcement of minor offenses. Local community values and attitudes may also exert pressure for stricter enforcement of these offenses in small towns.

The juvenile aid bureau substudy distribution, presented in Table 4.4, again shows a pattern similar to the court distribution. However, the JAB data shows a larger proportion of minor charges than the court data in both years. This is probably because minor allegations are more likely than more serious ones to be handled at the police level without being forwarded to court. Like drug offenses in the court substudy, the proportion of minor offenses is related to small municipality size in the juvenile aid bureau substudy. In sum, then, the data provide no indication that the distribution of JD and JINS allegations and complaints changed significantly from 1973 to 1975.²

Summary: Offense-Related Characteristics

Several noteworthy findings emerge from the analysis of JINS and JD allegation patterns. First is the finding that the juvenile code had no apparent impact on the patterning of allegations, either at the juvenile aid bureau or the juvenile court. Second, the data show wide variations in the distribution of JINS allegations from jurisdiction to jurisdiction, and over time, with no overall discernible pattern. JD allegations also vary according to jurisdiction, but in a clearly patterned way that remains stable over time: Serious offenses are more likely to come from densely populated jurisdictions. This suggests that the specific allegation may be a more meaningful indicator of the nature of the problem behavior for alleged JD offenders than it is for JINS.

²This analysis does not address a related question of equal importance: the question of whether some former "incorrigibles" or other juveniles who formerly would have been charged with status offenses are now being charged with minor JD allegations.

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Table 4.4

JD Allegation by Jurisdiction by Year

ALLEGATION	JUVENILE COURT STUDY													
	1973							1975						
	COUNTY													
	Essex	Union	Middlesex	Morris	Hunterdon	Sussex	Total	Essex	Union	Middlesex	Morris	Hunterdon	Sussex	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Violent Offenses	16	2	1	3	1	0	5	19	7	4	7	0	2	9
Assault & Battery	13	19	16	12	4	10	14	12	22	18	15	9	11	15
Property Offenses	34	18	15	19	14	30	22	24	23	22	30	29	22	24
Minor Property Off.	15	22	17	13	10	22	17	19	19	14	11	27	33	20
Drug Offenses	5	12	28	35	39	18	20	3	7	12	21	19	11	10
Minor Offenses	17	27	23	18	32	20	22	23	22	30	16	16	21	23
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(206)	(146)	(176)	(91)	(81)	(87)	(787)	(196)	(148)	(128)	(89)	(63)	(107)	(731)

ALLEGATION	JUVENILE AID BUREAU STUDY															
	1973								1975							
	MUNICIPALITY															
	Newark	Irvington	Maplewood	New Brunswick	Perth Amboy	Metuchen	South River	Total	Newark	Irvington	Maplewood	New Brunswick	Perth Amboy	Metuchen	South River	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Violent Offenses	17	4	0	2	0	1	0	5	11	3	2	4	0	4	0	5
Assault & Battery	19	21	12	14	43	9	13	19	18	22	0	23	36	7	29	20
Property Offenses	17	11	9	20	5	9	11	13	18	15	8	16	8	7	12	14
Minor Property Off.	22	44	10	34	14	9	22	24	19	34	17	25	15	15	12	21
Drug Offenses	2	7	2	3	4	31	19	8	4	1	9	2	4	24	7	5
Minor Offenses	23	13	67	27	34	41	35	31	30	25	64	30	37	43	40	35
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(150)	(98)	(57)	(98)	(70)	(77)	(37)	(587)	(210)	(100)	(59)	(136)	(73)	(54)	(42)	(674)

Consistent sex differences in the distribution of allegations were also noted, and here there is a definite pattern for JINS: Males are more likely to be charged with non-family JINS offenses than females, while females are more likely to be charged with runaway. Both sexes are charged with incorrigibility at about the same rate. Alleged male JD's are more likely than females to be charged with more serious property offenses, while females are more likely to be charged with minor property offenses and assault and battery.

The Offended Party: Complaint Patterns

As shown in Table 4.5, the pattern of complainants for both JINS and JD offenses has not changed from 1973 to 1975.³ Slightly more than half of all JINS complaints are signed by parents; most of the remainder are signed by police officers or school officials. Further analysis shows that parents are most likely to accuse their children of incorrigibility, police officers to sign complaints against runaways and alcoholic beverage statute violators, and school officials against truants. For comparative purposes, the distribution of JD complainants is also presented in Table 4.5. It should be noted that the pattern of JINS complainants contrasts sharply with that for JD complainants, almost all of whom are police officers or victims. A high proportion of parent-signed complaints is also reported in other studies of status offenders (e.g., Andrews & Cohn, 1977: 78-80).

It is recognized that parents may resort to the legal process in response to intrafamilial tension or crisis. Mahoney (1977:162-67) suggests several distinct conditions within the family which may result in a parent-signed status offense allegation. First, parents may feel powerless to discipline and control maturing adolescents who may be less reliant on parent-offered rewards than pre-teenagers, and at the same time less fearful of parental threats. Deprived of both threat and reward, parents may believe that legal sanction is the only kind of power they have left to cope with relatively independent adolescents. Second, for some parents, the juvenile court is used as a "dumping ground" for children who are unwanted for any number of reasons, varying from being a bad example for younger siblings to being a general nuisance. In some cases, "dumping" may occur when an attractive daughter is perceived as threatening the mother's sexual relationships (Andrews & Cohn, 1974:1395). Third, and perhaps most frequently, a complaint simply indicates a call for help in coping with an immediate crisis in the parent-child relationship, or with the child's behavior.

³ All tables in this section are based on data from the juvenile court study unless otherwise noted. Similar patterns were found in the other substudies.

Table 4.5

Source of Complaint by Sex by Year by Offense Type

SOURCE OF COMPLAINT	JINS					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Police	40	25	32	26	22	23
Victim	5	3	4	3	1	2
Parents	32	57	44	45	56	52
School	20	9	15	23	15	19
DYFS	3	6	5	3	6	4
Total	100	100	100	100	100	100
(n)	(197)	(184)	(381)	(137)	(180)	(317)

SOURCE OF COMPLAINT	JD					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Police	70	64	68	74	47	65
Victim	26	32	28	23	43	29
Parents	2	3	2	1	6	3
School	2	1	2	2	3	2
DYFS	0	0	0	0	1	1
Total	100	100	100	100	100	100
(n)	(385)	(192)	(577)	(371)	(156)	(527)

A clear implication of the fact that JINS complaints are initiated by parents is that the same behavior that gets some juveniles involved in the juvenile court will not get other juveniles so involved. Behavior that leads to a crisis resulting in juvenile court action in some families can be handled internally by others. Economically advantaged families have access to alternative resources for coping with crises that poor families lack. In addition, very few legal constraints on the way parents handle their children exist. The resultant "inequality" in treatment of children by their parents has the consequence of giving some children a much greater probability than others of being brought to court by the parents.

Table 4.5 shows that female JINS are more likely to be charged by their parents than are males; male JINS complaints are more likely than female complaints to be signed by police officers or by school officials. About 4% of all JINS complaints are signed by DYFS caseworkers, and this proportion is stable from 1973 to 1975. Females are about twice as likely as males to have their complaints signed by DYFS caseworkers. Virtually no JD complaints were signed by DYFS officials.

Data from our interviews with DYFS personnel and others indicate that when DYFS caseworkers sign complaints, it is usually to obtain emergency shelter care for a juvenile who has no other place to stay, or to involve the court in ordering services. The availability of non-secure JINS shelters and shelters operated by DYFS or other agencies affects the extent to which such practices occur. Most county JINS shelters have an admission policy prohibiting the placement of juveniles with no presenting complaint. Some counties, such as Union, have access to a separate emergency shelter facility, eliminating the need to use the JINS shelter in this way. Essex and Middlesex, on the other hand, lack such shelters,⁴ and DYFS must occasionally resort to placing juveniles in the JINS shelter if emergency out-of-home placement is warranted. Hence a formal complaint is necessary in order to provide the necessary shelter care.⁵

It is DYFS policy for caseworkers not to sign a complaint unless it is "absolutely necessary" to obtain shelter care or other services for a juvenile. According to DYFS personnel, the case-worker usually gets a parent or police officer to sign the

⁴The Children's Shelter of Essex County is an emergency shelter facility operated by the County. However, admission is usually reserved for younger children.

⁵For a further discussion on the ramifications of this practice, see pp. 64-65.

complaint, in the case of such necessity. Substantial differences in the application of this policy exist from county to county. In Essex County, DYFS personnel claim that it is never done. In Middlesex County, some caseworkers indicate that it is occasionally done with juveniles in dangerous or abusive family situations. In counties that lack a JINS shelter, this has presented a special problem. For example, a probation official from one such county reported:

We had a running battle with DYFS regarding the placement of JINS. They wanted to lodge kids in detention and our objections were that this is probably illegal. As individuals, we get along, but a lot of times their policies don't jive with ours. Placement problems result in battles over JINS. They can't place them in detention and ask "where are the JINS shelters?" Division of Youth and Family Services wants juveniles housed and probation won't lodge them in detention. They end up being lodged in detention on JD complaints. JD complaints are solicited from the parents or whoever the original complainant is, in order to lodge the kid for a few days.

In this county, the lack of JINS shelter care thus created tension between agencies that shared the common goal of providing needed services to troubled juveniles.⁶

Because of such realities as these, the 4 percent figure may underestimate substantially the role of DYFS in involving JINS in the juvenile justice system as a means of obtaining needed services for them. The necessity of resorting to such means - signing a legal complaint against a juvenile who has "offended" no one, but merely needs services, or one who may be the victim of an inappropriate placement or destructive family situation - points to a significant gap in public child welfare services. Prior to the new code, this practice occurred with the consequence that such juveniles were placed in secure detention. Interview data indicate that the relatively "homelike" atmosphere of the JINS shelters has made the signing of the complaint an easier step to take, however. Thus, by facilitating the availability of nonsecure shelter care through a measure short of the filing of a delinquent charge against the juvenile (i.e., the JINS complaint), the juvenile code has had the unintended consequence of encouraging the judicial involvement of juveniles who may be merely in need of social services. Although this practice may be seen as objectionable, it has had the very real benefit of providing emergency shelter care and other social services to

⁶In this particular county, the situation has since been alleviated due to the development of a "JINS foster home" program operated by the county.

juveniles for whom they otherwise would be unavailable. Nevertheless, the passport to shelter care is generally a formal complaint which, in the case of a juvenile who needs only emergency child welfare services, is inappropriate, and possibly stigmatizing.

Tables 4.6 and 4.7 provide jurisdictional breakdowns of the findings presented in Table 4.5. Table 4.6 suggests that police are more likely, and parents less likely, to sign JINS complaints in the small towns and rural counties than in the more urban jurisdictions. This appears to be a general pattern despite some clear exceptions (e.g., Morris County 1973, New Brunswick 1975). This finding is related to the allegation pattern mentioned earlier--a large proportion of the JINS complaints filed in rural jurisdictions are for alcoholic beverage possession, a "non-family" status offense. For JD complainants, there is no interpretable pattern by municipality. For both JINS and JD complaints, there is no interpretable pattern by municipality. For both JINS and JD complaints, some of the manifest variation reflects differences in procedure. In Morris County, for example, police from a number of jurisdictions normally sign complaints in lieu of victims or other complaining individuals.

Summary: Complaint Patterns

Case-file data reflect no significant change in the pattern of complainants between 1973 and 1975. However, information obtained through interviews indicate that DYFS may now play a greater role than before in involving JINS in the juvenile justice system as a last resort in efforts to obtain services for them. It must be emphasized, however, that such practices involve only a small proportion of the overall population processed by the juvenile justice system.

The data show a marked difference between JINS and JD cases in the patterns of complainants. Parents are more likely than anyone else to initiate a JINS complaint. Police sign approximately two-thirds of the complaints against JD's. In many of these cases, however, the police officer is bringing the complaint for another party, depending on the policies of the specific police department. Leaving aside the complaints signed by police officers, JINS complaints are usually signed by parents or school officials, whereas JD complaints are usually signed by victims.

Background Characteristics of JINS and JD Offenders

This section examines additional characteristics of JINS and JD offenders which fall into four categories: prior juvenile justice involvement, prior social welfare agency involvement, sociodemographic, and personal/ social. In addition, there were a number of personal and social characteristics studied which did not distinguish between JINS and JD offenders.

Table 4.6

Source of JINS Complaint by Jurisdiction by Year

JUVENILE COURT STUDY

SOURCE OF COMPLAINT	1973						1975					
	Union	Middlesex	Morris	Hunterdon	Sussex	Total	Union	Middlesex	Morris	Hunterdon	Sussex	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Police	19	26	33	58	48	33	15	26	25	40	35	23
Victim	4	5	1	0	8	4	3	1	0	0	6	2
Parents	53	43	53	32	28	44	68	46	42	40	38	52
School	22	23	7	8	2	15	13	23	22	20	18	19
DYFS	2	3	6	2	14	4	1	4	11	0	3	4
Total	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(92)	(116)	(73)	(50)	(50)	(381)	(109)	(96)	(73)	(5)	(34)	(317)

JUVENILE AID BUREAU STUDY

SOURCE OF COMPLAINT	1973							1975						
	Irvington	Maplewood	New Brunswick	Perth Amboy	Metuchen	South River	Total	Irvington	Maplewood	New Brunswick	Perth Amboy	Metuchen	South River	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Police	21	23	7	10	61	38	31	15	51	44	21	61	30	35
Victim	2	11	7	15	9	0	7	0	3	0	2	12	0	4
Parents	77	62	43	47	30	56	52	85	37	56	58	23	64	54
School	0	0	43	28	0	6	9	0	0	0	19	4	6	6
Witness	0	4	0	0	0	0	1	0	9	0	0	0	0	1
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(43)	(26)	(14)	(40)	(56)	(34)	(213)	(54)	(35)	(9)	(62)	(56)	(33)	(249)

Note: Newark and Essex County are omitted from Tables 4.6 and 4.7 because of coding problems.

Table 4.7

Source of JD Complaint by Jurisdiction by Year

SOURCE OF COMPLAINT	JUVENILE COURT STUDY											
	1973						1975					
	COUNTY						COUNTY					
	Union	Middlesex	Morris	Hunterdon	Sussex	Total	Union	Middlesex	Morris	Hunterdon	Sussex	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Police	54	57	94	66	88	68	62	64	92	48	60	66
Victim	42	38	4	25	11	28	31	28	3	48	37	29
Parents	1	2	1	6	1	2	3	6	1	0	1	2
School	3	3	1	3	0	2	4	2	3	0	1	2
DYFS	0	0	0	0	0	0	0	0	0	3	1	1
Total	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(141)	(173)	(92)	(80)	(91)	(577)	(141)	(125)	(90)	(64)	(107)	(527)

SOURCE OF COMPLAINT	JUVENILE AID BUREAU STUDY													
	1973							1975						
	MUNICIPALITY							MUNICIPALITY						
	Irvington	Maplewood	New Brunswick	Perth Amboy	Metuchen	South River	Total	Irvington	Maplewood	New Brunswick	Perth Amboy	Metuchen	South River	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Police	27	29	60	28	85	70	48	32	41	54	32	64	47	43
Victim	68	46	30	53	9	30	41	62	36	37	46	22	53	44
Parents	3	0	7	1	4	0	2	0	2	9	3	7	0	3
School	2	2	3	13	0	0	4	6	7	0	16	2	0	6
Witness	0	23	0	5	2	0	5	0	14	0	3	5	0	4
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(92)	(52)	(30)	(64)	(80)	(37)	(355)	(94)	(58)	(43)	(71)	(56)	(40)	(362)

Prior Juvenile Justice Involvement

The problem inherent in the practice of labeling individuals as "delinquents" or "JINS" on the basis of one act, the "instant offense," is highlighted by the pattern of prior allegations, as presented in Table 4.8. The table shows that nearly two-thirds as many JINS have prior JD allegations as the JD's themselves. In 1975, for example, 30% of the JINS had prior JD allegations in their court histories, while 44% of the JD's had prior JD allegations. It should be noted, however, that JD allegations include all delinquent offenses, both serious and non-serious. We did not look at the issue of whether or not the JD priors in the JINS cases were less serious in nature than in the JD cases. Table 4.8 also notes that more than half of the JINS and JD's are first offenders, with JINS more likely to be first offenders than JD's; 58% of the JINS are first offenders, while 52% of the JD's are in this category.

Table 4.8

Percent of Juveniles Having Prior Allegations
by Year by Offense Type

	JD		JINS	
	1973 (%)	1975 (%)	1973 (%)	1975 (%)
Prior JD Allegation(s)	40	44	28	30
Prior JINS Allegation(s)	12	15	26	23
Prior Allegation(s) of Either Kind	44	48	44	42
(n)	(808)	(745)	(496)	(420)

Note: The allegation categories in Tables 4.8 and 4.9 are overlapping, so they are not summed.

Since the findings for the two years are very similar on this item, Table 4.9 combines the time periods in order to highlight variations in prior offense patterns by sex.

Table 4.9

Percent of Juveniles Having Prior Allegations
by Sex by Offense Type

	JD		JINS	
	M (%)	F (%)	M (%)	F (%)
Prior JD Allegation(s)	48	28	44	15
Prior JINS Allegation(s)	11	20	22	27
Prior Allegation(s) of Either Kind	49	38	52	34
(n)	(1,086)	(467)	(442)	(474)

Table 4.9 shows that regardless of the present offense, males are substantially more likely than females to have prior JD allegations, whereas females are more likely than males to have prior JINS allegations. By comparing down the columns of female cases, it can also be seen that females are more likely to commit the type of offense for which they were earlier arrested. In other words, males are more likely to have prior involvement as JD's regardless of the present allegation. Females, on the other hand, are more likely to have prior involvement of the same type as their present allegation. Thus, sex is a better predictor of the type of prior involvement for males, while the present allegation is the better predictor of the type of prior involvement for females.

Tables 4.10 and 4.11 show the extent of prior juvenile justice involvement for JINS and JD's. One important point reflected in these two tables is that most juveniles with prior offenses, including males and females, JINS and JD's, have only one prior offense, and very few have more than two.

Prior Social Service Agency Involvement

Information was obtained on any prior social service agency contact known to the juvenile court. JINS are slightly, but consistently, more likely than JD offenders to have a record of prior social service agency involvement, as indicated by Table 4.12. The table also shows an increase in such involvement in 1975 over 1973 for both JD and JINS offenders.

Analysis by type of agency shows that this increase is almost entirely accounted for by increases in cases coming to court which have prior involvement with DYFS. This suggests that DYFS became more involved with the juveniles processed by the juvenile justice system from 1973 to 1975. There may be two reasons for this increasing role of DYFS. First, over the past several years, DYFS has become the conduit for substantial amounts of federal funds distributed by HEW for purposes of providing social services and developing social service programs. As a result, more resources and more services are available to the juvenile justice system from DYFS. Secondly, judges may feel that JINS and minor delinquent offenders are better served by a child welfare agency such as DYFS rather than by the provision of probation services and may initiate the involvement of DYFS.

Approximately 5% of all cases have had prior involvement with both DYFS and county agencies. Again, JINS are more likely than JD's and 1975 cases more likely than 1973 cases, to have such

⁷Since only involvement known to the court was recorded, the data underreport actual social service agency involvement--especially in the case of county welfare. In most cases, DYFS involvement was indicated in the court records if it was of any significance.

Number of Prior JINS Allegations by Sex by Year by Offense Type

PRIOR OFFENSES	JINS					
	1973			1975		
	M (%)	F (%)	Total (%)	M (%)	F (%)	Total (%)
None	77	71	74	79	76	77
One	15	18	16	14	12	13
Two	5	7	6	4	6	5
Three	1	2	2	2	3	3
Four +	2	2	2	1	3	2
Total	100	100	100	100	100	100
(n)	(257)	(239)	(496)	(185)	(235)	(420)

PRIOR OFFENSES	JD					
	1973			1975		
	M (%)	F (%)	Total (%)	M (%)	F (%)	Total (%)
None	90	82	88	88	79	85
One	6	12	8	7	11	8
Two	2	2	2	2	6	3
Three	1	2	1	2	2	2
Four +	1	2	1	1	2	1
Total	100	100	100	100	100	100
(n)	(559)	(249)	(808)	(527)	(218)	(745)

Table 4.11
Number of Prior JD Allegations by Sex by Year by Offense Type

PRIOR OFFENSES	JINS					
	1973			1975		
	M (%)	F (%)	Total (%)	M (%)	F (%)	Total (%)
None	59	86	72	53	83	70
One	17	10	14	22	12	16
Two	9	2	6	8	2	5
Three	5	1	3	4	2	3
Four +	10	1	6	13	1	6
Total	100	100	100	100	100	100
(n)	(257)	(239)	(496)	(185)	(235)	(420)

PRIOR OFFENSES	JD					
	1973			1975		
	M (%)	F (%)	Total (%)	M (%)	F (%)	Total (%)
None	53	75	60	51	69	56
One	17	13	16	16	16	16
Two	9	4	7	7	6	7
Three	7	2	5	4	5	4
Four +	14	6	12	22	4	17
Total	100	100	100	100	100	100
(n)	(559)	(249)	(808)	(527)	(218)	(745)

Table 4.12

Prior Social Service Agency Involvement
by Year by Offense Type

	JD		JINS	
	1973 (%)	1975 (%)	1973 (%)	1975 (%)
Any Prior Social Service Involvement	14	22	21	25
Prior DYFS/BCS Involvement	9	16	14	21
Prior County Welfare Involvement	6	10	9	5
(n)	(109)	(110)	(164)	(114)

Note: Since the categories overlap, they are not summed.

dual involvement. Approximately 2% of all cases have a record of prior involvement with a private social service agency.

These patterns hold with little variation between males and females. Analyzed by county, the increase in JINS with prior social service involvement occurs most dramatically in Middlesex and Essex Counties. A decrease in JINS with prior DYFS involvement occurs in Union County. For JD's, the finding of increased prior social service involvement in 1975 is a general phenomenon. With regard to county-by-county differences, variation is minimal. Most county subsamples are close to the overall average of about 20%. Exceptions are the most and least populous counties: 38% of Essex JINS have had prior DYFS involvement in 1975; only about 15% of the total sample (both JINS and JD's) from Hunterdon County have had such involvement.

In sum, the increase in prior involvement with DYFS constitutes the most noteworthy change from 1973 to 1975. This may reflect a general trend, occurring quite apart from any effects of the juvenile code. At least one way DYFS workers may have actively participated in the increased juvenile justice involvement of some juveniles under their care was outlined in the foregoing discussion of patterns of complainants.

Sociodemographic Characteristics

In this section, JINS and JD offenders will be compared with regard to a range of social and demographic characteristics.

Sex - Since male offenders outnumber female offenders by a substantial margin, the sampling procedure overselected females to facilitate comparative analysis. Because of this sampling technique, the data cannot be used to compare the sex compositions of offender populations in some jurisdictions. However, some of the information gathered does bear upon this question.

A complete docket book survey was conducted in Essex County, and 100% samples were taken in a number of smaller jurisdictions. The relevant findings show that alleged JINS are divided evenly by sex, whereas about twice as many males as females are charged as JD's. No change in this pattern occurs from 1973 to 1975. Statistics on the sex breakdown of JINS as opposed to delinquent offenders are not available from the New Jersey Administrative Office of the Courts. The only available data comparing the sex ratios of JINS and JD offenders are based on arrest statistics of the N.J. Uniform Crime Reports. This data is limited, however, in regard to JINS in that there is not a complete differentiation between JINS and JD offenses. The only JINS offense we can compare by sex, runaway, shows that approximately 55% of the juvenile runaway arrests are of females. In regard to delinquency, the data shows that 80% of the arrests for juvenile delinquency are of males. Thus, data from several corroborative sources indicate that the great majority of JD's are males, while JINS are more nearly evenly split between males and females.

These findings are consistent with two popular notions about JINS offenders. First, some juvenile justice personnel have suggested that female status offenders are more likely to come to the attention of the juvenile justice system than are males because of the concern with "protecting" females from premature sexual involvement and other perceived undesirable activity. In other words, it is argued that the sexual "double standard" is paternalistically applied in the administration of juvenile justice. To the extent that this occurs, it merely extends a tendency that typically exists in the family; girls are more likely than boys to be brought to court by their parents for sexual activity (Goldman, 1971:33). A number of the interview respondents acknowledged the reality of differential treatment by sex. For example, one JINS shelter administrator said:

...now girls are doing the same (behavior as boys) and parents can't deal with it. Society is more tolerant of boys' behavior unless it is really poor.

This point has also been documented and considered in detail by Reiss (1960:309-333), Sussman (1977:179-199), Armstrong (1977:109-120), Chesney-Lind (1977:121-130), Conway & Bogdan (1977:131-135), and Klein & Kress (1976:34-49).

This finding is also consistent with a second distinct, prevalent idea about status offenders: Many observers believe that status offenses should not be evaluated solely in terms of individual behavior, since they often result from family problems or some other socially generated crisis. Males and females are equally likely to be confronted with such situations. Thus, other things being equal, they should be equally represented as status offenders. Delinquent acts, by contrast, are frequently related

to male peer group expectations and activities.⁸ Thus, males and females are exposed equally to pressures to commit status offenses, while males often experience more peer group influence to engage in delinquent acts than do females.

Age - Of those juveniles handled by the juvenile aid bureau, or diverted by court intake units, JINS offenders are slightly older than JD's. Of the complaints forwarded to juvenile court, JINS are slightly younger than JD's as indicated by the mean⁹ ages presented in Table 4.13. A New York study comparing PINS⁹ and JD's produced the same finding -- that status offenders processed by the juvenile court are slightly, but consistently, younger than JD's (Twain & Scott, 1975:20).

The age difference between the juvenile aid bureau and the juvenile court is primarily due to the fact that young JD's are more likely than older JD's to be released by juvenile aid bureaus; thus it appears that the JD population "ages" slightly as processing moves from police to court agencies.

Table 4.13

Mean Age by Year by Offense Type by Substudy

	JUVENILE AID BUREAU		COURT INTAKE		COURT	
	1973	1975	1973	1975	1973	1975
JINS	14.2	14.8	13.2	14.4	15.0	14.8
JD	13.7	14.2	12.4	14.2	15.3	15.3

As explained in the study description (Chapter 3), the sample of court intake cases consists only of those diverted from court to be processed and disposed of pre-judicially. It is clear from Table 4.13 that juveniles diverted and processed through intake are younger than either the police or court populations, which is consistent with the rationale of intake as a means of processing young first offenders.

This pattern also holds for both sexes, although there are age differences by sex for JINS offenders, as shown in Table 4.14. JINS males are more likely than JINS females to be age 11 or younger, and 16 or older. More than half of the females are in the 14-15 age category. These age patterns remain unchanged from

⁸ Although female delinquency and female peer group support for it are increasing, such activities are still predominantly male.

⁹ PINS (Persons in Need of Supervision) is the New York legal designation for status offenders.

1973 to 1975 and suggest that the age range for identifying problem behavior of females is substantially narrower than for males. The age distribution depicted in Table 4.14 is similar to those reported in other studies of juvenile court populations, in New Jersey and elsewhere (see, e.g., Andrews & Cohn, 1977; Chused, 1973; Cohen, 1975c; Twain & Scott, 1975).

Table 4.14

Age by Sex by Year by Offense Type

AGE	JINS					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
7-9	2	0	1	2	0	1
10-11	2	1	1	4	1	2
12-13	11	11	11	15	11	12
14-15	46	54	50	40	56	49
16-17	40	35	38	40	32	36
Total (n)	100 (257)	100 (239)	100 (496)	100 (185)	100 (235)	100 (420)

AGE	JD					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
7-9	0	0	0	1	1	1
10-11	2	1	2	3	3	3
12-13	10	10	10	8	8	8
14-15	33	38	34	31	42	34
16-17	55	51	54	57	46	54
Total (n)	100 (553)	100 (247)	100 (800)	100 (524)	100 (217)	100 (741)

Ethnicity

In our samples of juvenile court cases, JINS and JD's are not differentiated by ethnicity, as shown in Table 4.15. Approximately 60% of JINS and JD offenders are white and 35% are black, with the small remainder being Hispanic. A similar finding occurred in the court intake study. With the exception of New Brunswick, this pattern holds in the juvenile aid bureau study as well.

In the juvenile court study, the overall figures presented in Table 4.15 obscure substantial jurisdictional variation: In Essex and Union Counties, where higher proportions of the county populations are black, approximately 60% of the cases are black, while no more than 20% are black in the other counties. The pattern holds for both time periods, and generally reflects demographic variation. Chused's (1973:540) study found a pattern of ethnic distribution in the Essex County juvenile court similar to the findings we obtained in Essex County in our study.

Table 4.15

Ethnicity by Sex by Year by Offense Type

ETHNICITY	JINS					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Black	32	37	34	28	43	36
Hispanic	7	7	7	5	5	5
White	61	57	59	68	52	59
Total	100	100	100	100	100	100
(n)	(215)	(183)	(398)	(131)	(170)	(301)

ETHNICITY	JD					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Black	34	40	35	35	37	36
Hispanic	6	2	5	8	7	8
White	60	59	60	57	56	57
Total	100	100	100	100	100	100
(n)	(470)	(177)	(647)	(429)	(155)	(584)

Personal/Social Characteristics

Several other characteristics serve to differentiate JINS from JD offenders; the patterns are consistent in both 1973 and 1975.

School Status - In both years, JD's are about twice as likely as JINS to be school dropouts. This contrasts with Twain and Scott's (1975) New York comparison, which showed no difference between JINS and JD offenders in school status. It should be noted that the overall findings indicate that only a small number of juveniles (less than 10 percent) are not enrolled in school, in both 1973 and 1975. This finding is based on data available from complaint forms or other official documents. These sources

may overestimate the actual level of school enrollment or attendance since the entry is often based on the statement by the juvenile taken by the arresting officer. Chused's (1973:541) study of three New Jersey courts found somewhat lower levels of attendance.

Intelligence¹⁰ - Where diagnostic reports or other authoritative information was available, the juvenile's intelligence was coded as above average, average, below average, or retarded, using the ranges stipulated by conventional intelligence tests. Male and female JINS and male JD's show similar distributions on intelligence (about 6% above average, and 30% below average or retarded); female JD's are consistently higher on intelligence scores (13% above average, and 20% below average or retarded). Male JINS have slightly, but consistently, higher scores than male JD's. Very few juveniles were diagnosed as retarded. These findings were consistent in both years.

Family Characteristics - Information was collected on the nature of the juveniles' family environment where such data was available. Based on narrative information provided in social histories, pre-sentence reports, recent psychiatric or psychological evaluations, or other information, the family situation was classified as stable, turbulent (stable but chronically tense or hostile), or unstable (apparently in the process of disintegration). JINS are more likely than JD's to be from families known to the court to be "turbulent" or "unstable." About half of the JD offenders, but two-thirds of the JINS, live in such family situations. This finding is consistent in 1973 and 1975. From the same kinds of documents, evidence of lack of parental support or involvement was recorded, and showed JINS to be somewhat more likely than JD's to be from such families. In about 25% of the JINS cases, but only 15% of the JD cases, was a lack of parental support or involvement with the juvenile noted in the court record. To our knowledge, no previous study has attempted to compare delinquents and status offenders on these characteristics, so no basis for comparison is available.

¹⁰ Information on intelligence and family, personal, and social characteristics is rarely available in police records and hence not collected in the JAB study. This information was obtained on about 1/3 of the cases from the intake and juvenile court studies. Thus, the findings may not precisely reflect the actual proportions of these characteristics. The fact that the findings are based on only cases for which such data are available tends to underestimate their incidence. On the other hand, the cases on which such data are available may be juveniles with more serious problems, which would tend to push the findings in the opposite direction. Within the limitations of the present study, unfortunately, there is no effective way to estimate the extent to which these counteractive sources of bias "cancel" each other.

Other Personal/Social Characteristics - If the juvenile's record contained a predispositional report, social history, or other relevant material, such documents were examined for evidence of a number of personal and social characteristics. Overall, the incidence of such characteristics may be underreported since evidence is present only where such supplementary information has been ordered. In particular, minor JD offenders and one-time JINS offenders may be underrepresented, since predispositional reports are often not ordered for these juveniles. The data show JINS to be slightly more likely than JD's to have a history known to the court involving depression and to be substantially more likely to have a diagnosed non-psychotic emotional disorder (20% for JD's, 30% for JINS). These factors were also found to discriminate JINS from JD's in Twain and Scott's (1975) study of New York juvenile offender characteristics. This finding also is consistent with the impression of the JINS shelter administrators whom we interviewed. For example, one administrator stated that the code responded to a need to recognize there are differences between an emotionally disturbed child and a child who is delinquent and needs different kinds of treatment. While typical of shelter administrators, such a view does not characterize the views of juvenile justice personnel more generally, as revealed by the interview responses. The following statement, made by a court intake official, is more representative:

Generally, there are very few differences (between JINS and JD's)... they just merely serve as legalistic designations...

On the issue of JINS-JD differences, a few persons echoed the view of one judge who said that "JINS is the embryonic stage of the juvenile delinquent." This notion will be examined in detail in a later section.

Factors Not Distinguishing JINS from JD Offenders

No meaningful differences between JINS and JD's in the incidence of several other factors was found. These included drug and alcohol abuse, destructiveness against self or others, mental retardation, and learning disabilities. It is important to keep in mind that data on these characteristics was available in only about 1/3 of the total number of cases. However, the finding of "no difference" is consistent with the findings of a comparable study done in New York (Twain & Scott, 1975:34-35). Slightly over half of all juveniles processed, both JINS and JD's, are from two-parent families. The most important variation on this item is geographic. In urban areas, substantially fewer juveniles are living in two-parent households than in more rural areas. Similar patterns were found in Chused's (1973:542) study of three New Jersey juvenile court populations.

Where available, information on the financial condition of the juvenile's family was obtained. This was coded from information on parents' occupation and/or monetary income or assets contained

in comprehensive pre-sentence and social history reports. The category "economic hardship" was primarily used for families receiving some form of financial public assistance; the "affluent" category was reserved for families of unusually high income or assets; all other cases were located in the middle category, "adequate financial means." The "affluent" category was utilized very rarely. The data show that 30% of the total sample (both JINS and JD's) are from families who suffered from economic hardship. Similarity of JINS and JD's on this item was also found in Twain and Scott's (1975:22) study of New York.

Just over half of all cases, both JINS and JD, on whom such data is available have working mothers, while about 10% have no mother in the home. The presence of the father in the home (about 60%) does not distinguish JINS from JD offenders, nor does the occupation of the father: For those cases on which such data were available, about three times as many juveniles have fathers from blue-collar as are from white-collar occupations.

By every available indicator of socioeconomic status (SES), the data thus show that JINS and JD's are similarly distributed. This means that JINS, like JD's, come disproportionately from the lower categories of SES. This raises questions of interpretation. Both economic and cultural factors have been adduced to account for the extensive finding that delinquents come disproportionately from the lower SES ranks (see, e.g., Cloward & Ohlin, 1960; Sutherland & Cressey, 1974; Matza, 1964). By contrast, JINS offenses are associated with personal and familial problems, and JINS complaints are generally believed to result from individual or familial crises, rather than peer-group behavior. If JINS are not subject to the same kinds of subcultural, peer-group pressures as JD's, however, why should the population of JINS offenders include a similarly disproportionate number of lower-class individuals? Mahoney (1977:164-165) suggests several reasons for this; the discussion that follows is indebted to her work.

She argues that the key factor is the inordinate pressures upon the economically disadvantaged family unit. Such families lack the financial resources and, often, the knowledge of how to obtain individual or family counseling or therapy. More importantly, poor families lack the resources to offer positive material rewards (cars, clothes, travel, etc.) that middle-class families are able to offer to their adolescents. Such rewards often gain critical importance in controlling maturing adolescents as parents are increasingly unable to control them through the use of force (see Goode, 1971). Lack of financial resources also denies poor families alternatives such as vacations or babysitting that offer a reprieve from the normal intensity and tension of parent-child relations. In contemporary America, a critical means of getting needs met is money; lacking it, lower-status parents may feel trapped when conflict escalates, and resort to the juvenile court. Immigrants from Puerto Rico and other traditional cultural settings are accustomed to extended

family structures that provide means to share the burden of child care, and to mediate family conflicts; such persons acutely feel the need for support and may seek it from official agencies, including the juvenile justice system (Glazer & Moynihan, 1970:125).

Summary: Background Characteristics

Sex is the most significant individual characteristic differentiating the population of status offenders from the population of juvenile delinquents in New Jersey, as elsewhere; females constitute approximately 20 percent of the population of alleged JD's, but about half of the population of alleged JINS.

Alleged JINS processed by juvenile aid bureaus tend to be slightly older than JD's, but older JD's are diverted less frequently by the JAB so that the court population of JINS is slightly younger than JD's. The differences in age are not great although these patterns appear to hold generally.

It appears that JINS are less likely to be school dropouts, are more likely to be from problem families, and to lack the support of or involvement with parents. JINS are slightly more likely to be known to be depressed or to have a record of a diagnosed non-psychotic emotional disorder. The sample of female JD's is slightly more intelligent than either female JINS or male JD's or JINS.

It may be of interest that the findings discriminate JINS from JD's on relatively few of the social and personal characteristics examined; no interpretable differences were found with respect to family configuration, parents' occupation, or the financial condition of the family. No differences were found regarding a number of personal characteristics, including drug and alcohol abuse, hostility, psychotic disorders, and learning disabilities.

The findings occurred with consistency in both 1973 and 1975. The results are significant in that they suggest that there has been no dramatic redefinition of certain juveniles as either JINS or JD's as a result of the enactment of the code; the same types of juveniles were charged in the same proportions as JINS and JD's in both 1973 and 1975.

Patterns of Recidivism

Data collected from individual files also permit an assessment of recidivism, defined in terms of subsequent contact¹¹ or reappearances, by the juvenile with each respective agency.

¹¹To permit comparisons between 1973 and 1975, this analysis included contacts of 1973 cases only through February 1975, 18 months after the end of the sample time period for 1973 cases. This served to standardize the time at risk for the two samples.

Reappearance at the Juvenile Aid Bureau

Table 4.16 presents the analysis of the recidivism data at the juvenile aid bureau. The table indicates that JINS are slightly

Table 4.16

Subsequent Complaints by Offense Type by Year

	1973		1975	
	JINS (%)	JD (%)	JINS (%)	JD (%)
None	62	65	67	70
One	17	15	17	14
Two +	21	20	16	16
Total (n)	100 (362)	100 (593)	100 (334)	100 (677)

more likely than JD's to have subsequent encounters with the same JAB in both years, but these differences are not significant. It should be noted that overall, approximately two-thirds of the juveniles have no subsequent contact.

Table 4.17 introduces sex into the analysis, which reveals that males are generally about twice as likely to reappear as are females. The table also indicates female JINS are 50 percent more likely than female JD's to reappear, while the difference between JINS and JD males remains minimal.

Table 4.17

Reappearance by Sex by Offense Type by Year^a

	1973		1975	
	JINS	JD	JINS	JD
Male	48% (164)	44% (382)	42% (171)	39% (392)
Female	30% (198)	20% (211)	24% (163)	18% (286)
(n)	(362)	(593)	(334)	(678)

^aCells contain proportion who have subsequent contact with the JAB.

Reappearance at Juvenile Court Intake

Our sample data do not reflect all subsequent police referrals, but only the number which are returned to the intake unit for screening and disposition. Some more serious offenses are not included since they are referred directly to court for resolution. Thus, the data presented here must be interpreted with special caution: The "none" category includes both those who do not get into trouble again and those who get into more serious trouble and are forwarded immediately to court. This makes the unusually high proportion of return to Essex intake of particular interest, since it underestimates the actual number of recidivists.

Table 4.18 suggests that juveniles processed by intake in Essex County have a high probability of being returned to intake again. In comparison to Morris County, this may reflect both high recidivism rates and crowded courts in Essex County; both of these factors would contribute to an increased return of cases to intake.

Table 4.18

Subsequent Contacts at Intake by Offense Type by Year

SUBSEQUENT CONTACTS	Essex 1975		Morris 1973		Morris 1975	
	JINS	JD	JINS	JD	JINS	JD
	(%)	(%)	(%)	(%)	(%)	(%)
None	24	52	81	71	70	86
One	41	21	19	24	21	14
Two +	35	27	0	5	9	0
Total	100	100	100	100	100	100
(n)	(101)	(131)	(26)	(62)	(107)	(110)

Table 4.18 shows that JINS offenders are more likely than JD's to reappear at intake on additional offenses in both counties in 1975. The direction of difference here is the same as in the JAB substudy, but the difference is now significant. This finding, that JINS offenders return more often to intake than delinquent offenders, is consistent with interviews of intake officials who suggested that JINS offenders are much more difficult to handle (hence, they are more likely to return to intake) because of underlying family problems and/or emotional problems. This finding is also consistent with the broader recidivism data of Andrews & Cohn (1977:53, 94) and Thomas (1976:446-447).

Intake reappearance data are more straightforward when we turn to the question of how these juveniles who are returned to intake are processed. When analyzing the screening decision by intake for each subsequent offense, we find that almost 100% of the returning JD's and JINS in Morris are scheduled for a pre-judicial conference. This pattern holds for both 1973 and 1975 as shown in Table 4.19. The increased proportion of subsequent allegations screened to pre-judicial conferences is offset by a decrease in JCC referrals. In Morris County this reflects a policy, reported in the course of the interviewing phase, that a juvenile can go before a JCC only once before being dealt with in a more formal way. The reduction of JCC referrals also holds in Essex County.

Table 4.19

Screening Decision by Subsequent Offenses
by Year by Offense Type

SCREENING DECISION	ESSEX					
	JINS 1975			JD 1975		
	SUBSEQUENT OFFENSES					
	One (%)	Two (%)	Three + (%)	One (%)	Two (%)	Three + (%)
Court	29	50	94	32	71	100
Pre-judicial Conference	51	44	0	68	29	0
JCC	20	6	6	0	0	0
Total (n)	100 (41)	100 (18)	100 (17)	100 (28)	100 (14)	100 (21)

SCREENING DECISION	MORRIS							
	1973				1975			
	JINS		JD		JINS		JD	
	One (%)	Two + (%)	One (%)	Two + (%)	One (%)	Two + (%)	One (%)	Two + (%)
Court	20	-	7	33	5	0	0	-
Pre-judicial Conference	80	-	87	67	95	100	100	-
JCC	0	-	7	0	0	0	0	-
Total (n)	100 (5)	- (0)	100 (15)	100 (3)	100 (22)	100 (10)	100 (15)	- (0)

Analysis of the Essex County data also reveals a relationship between the number of subsequent contacts and the likelihood of being sent to court. Morris County data suggest a similar relationship, but the number of reappearances is too small to permit the formulation of a clear pattern. Overall, for both JD's and JINS from Essex County, the rate of court referral increases with the number of subsequent offenses. On the first subsequent offense, nearly one-third are referred to court; on the second, half or more are referred to court; and with three or more subsequent offenses, court referral is almost certain. This pattern resembles findings reported by Ferster and Courtless (1971:1140).

Thus, it appears that the number of chances a juvenile is given by intake is limited. After the first and second additional appearance for a pre-judicial hearing, the next step is juvenile court for repeat offenders. Interviews with intake officials confirm that court referral is appropriate for juveniles who are habitual offenders or when previous diversion attempts have failed.

Reappearance at Juvenile Court

Table 4.20 shows that JINS are slightly more likely than JD's to be charged with further offenses, after the disposition of the sampled offense. The differences are not great, but are consistent, and increase from 1973 to 1975. In the overall data, no significant difference exists between 1973 and 1975 in the pattern of reappearance.

Table 4.20

Number of Reappearances at Juvenile Court
by Offense Type by Year

	1973		1975	
	JINS (%)	JD (%)	JINS (%)	JD (%)
None	65	72	62	75
One	19	14	18	13
Two +	16	14	20	12
Total	100	100	100	100
(n)	(496)	(808)	(420)	(745)

Table 4.21 shows that both JINS and JD males are more likely than females to be subsequently charged, although the difference is slightly narrower in 1975. Table 4.21 also shows that JINS of both sexes are more likely than JD's to be subsequently charged. Female JINS are twice as likely to be subsequently charged in the 1973 sample, and 50 percent as likely in the 1975 sample.

Table 4.21

Reappearance by Offense Type by Year by Sex^a

	1973		1975	
	JINS	JD	JINS	JD
Male	40%	33%	42%	27%
	(257)	(559)	(185)	(527)
Female	29%	15%	34%	20%
	(239)	(249)	(235)	(218)
(n)	(496)	(808)	(420)	(745)

^aCells contain proportion who are subsequently charged.

Further analysis of reappearance data revealed that JINS offenders are about as likely as JD's to commit subsequent JD offenses, raising the fundamental question of what it means to be a "JINS." Let us turn now to an analysis that bears upon this issue.

The Juvenile Justice Career

One potential limitation of the foregoing analysis is that juveniles are classified and defined as "JINS" or "JD's" on the basis of a single allegation. As mentioned earlier, both previous research and the firsthand knowledge of juvenile justice officials indicate that there is a substantial degree of interchangeability between the two charges. As a result, some people feel that there is no such thing as a "pure" JINS.

The data of this study permits an examination of this issue, since information was collected on prior, intervening,¹² and subsequent offenses, as well as the sampled offense itself. By examining the offense pattern for each individual, a "career profile" can be constructed. Table 4.22 presents the profiles of individuals sampled from¹³ juvenile court records as JINS and JD offenders, respectively.

¹²Intervening offenses are those which were committed near the time of the sampled complaint and disposed of conjointly with it.

¹³It is necessary to keep those sampled as JINS and those sampled as JD's separate, since the original sampling process was stratified on this basis. The time differential is collapsed in this table because it is not conceptually important, and because similar patterns were found for the two time periods.

Table 4.22

Juvenile Justice Career Distribution by Offense Type

JINS				
	Single Offenses	Multiple Offenses "JINS" Only	Multiple Offenses JINS and JD	Total
Male %	25	11	64	100% (n=442)
Female %	37	26	37	100% (n=474)
Total Sample %	31	19	50	100% (n=916)

JD				
	Single Offenses	Multiple Offenses "JD" Only	Multiple Offenses JINS and JD	Total
Male %	30	54	16	100% (n=1,096)
Female %	51	23	26	100% (n=467)
Total Sample %	37	45	18	100% (n=1,553)

The table reveals several interesting findings. The most straightforward finding relevant to the issue of "pure JINS" is that 50% of the total sample of JINS have been charged only with JINS offenses. However, this overall figure masks important differences by sex: Nearly two-thirds of the female JINS cases, compared with just over one-third of the male JINS, have been charged with JINS offenses only. Furthermore, 26%, or one in every four, of all female JINS offenders is a repeat "pure JINS" violator.

The same male-female difference is reflected in the findings with respect to JD's. Female JD's are much more likely than male JD's to have been charged with JINS offenses. In fact, female JD's who are repeat offenders are as likely as not to have been charged with JINS offenses; male JD repeaters are less than a third as likely to have been charged with JINS offenses (54% vs. 16%).

Summary: The Juvenile Justice Career

Table 4.22 shows that a substantial proportion of JINS offenders have not been charged with JD offenses. Females are much more likely than males to be "pure JINS" in this sense. The table also shows that alleged JD's are quite unlikely to have been charged with JINS offenses. Again, sex is a factor; female JD's are more likely than males to have been charged with one or more status offenses at some point, whereas the great majority of male JD's are pure JD's. Both JD and JINS male career patterns are skewed toward JD involvement, while both female patterns are skewed toward JINS involvement. Male JD and female JINS are thus closer to being pure types; male JINS and female JD cases are more likely to have mixed careers.¹⁴

¹⁴One cautionary note: The actual percentages in the distributions presented in Table 4.22 should not be regarded as the career distribution the juvenile has attained upon reaching age 18, since not all of those sampled had done so at the time of data collection. Rather, it represents the distribution of careers in the juvenile justice population at any one point in time. The real value of this analysis lies in the relative distributions, comparing JINS and JD's, males and females.

5. RESEARCH FINDINGS: JUVENILE AID BUREAUS

This chapter presents findings with regard to the processing of juveniles from the initial stages of police involvement to the point of disposition by the juvenile aid bureau.

The juvenile's involvement in the juvenile justice system typically begins with an encounter involving a police officer. When confronted with an alleged juvenile offender, the officer is faced with the alternatives of either: 1) immediately releasing the juvenile for lack of evidence, lack of seriousness of the incident, or other extenuating circumstances; 2) bringing the juvenile to the police station for reprimanding and subsequent release to parents (station house adjustment); or 3) bringing the juvenile to the station in order to sign a formal complaint against the juvenile. Our study provides no new data on this initial point of contact; previous studies have estimated that only 10% to 20% of all such initial encounters result in the filing of a formal complaint (see, e.g., Black & Reiss, 1970:63-77).

Most of the larger police departments in New Jersey have juvenile aid bureaus established to deal exclusively with juvenile problems. When juvenile matters come to the attention of the juvenile aid bureau (hereafter written JAB), a dispositional decision must be made.¹ Decision-making at this point usually involves one of three options: 1) handle within the department and release the juvenile; 2) refer the matter to juvenile court; or 3) refer the matter to a social service agency or rehabilitation program.

Unlike many police departments without JAB's, most bureaus keep records on individual juveniles with whom they have contact. This represents the earliest point in the juvenile justice process at which systematic records are kept. As explained in Chapter 3, data was collected on approximately 2,000 juveniles from seven juvenile aid bureaus in Middlesex and Essex Counties. The study provides data on decision-making at the juvenile aid bureau. Data on allegations and characteristics of alleged offenders handled by the JAB were reported in Chapter 4.

¹In some urban jurisdictions, complaints are often sent directly from police headquarters to court or court intake without the involvement of the JAB. Information provided by police and court officials indicates that this is done for very serious complaints that seem obviously to require court action as well as for JINS complaints that are not regarded as appropriate for an overburdened agency whose primary responsibility is law enforcement.

Processing Time

Processing time is the period of time from the point at which the juvenile is taken into custody to the disposition of the case at the juvenile aid bureau. In cases where the juvenile must be placed in a JINS or detention facility, there is a higher likelihood of the case being processed immediately, since the officer must file a complaint "forthwith" in accordance with the Rules of Court. In most delinquency and JINS matters, however, there is no urgency to file a complaint immediately or at all, since the presenting behavior is usually of a relatively minor nature and the case will usually be diverted without court involvement. In many of these minor infractions, parents are called to the police station and the juvenile is released to the parents with a warning; thus, the disposition will be "handled in the department." In other cases, the disposition will not be rendered until perhaps a week later, after the parents and the juvenile come to the station for a conference.

As indicated in Table 5.1, most JINS and JD cases are disposed of within one day. However, processing time at the JAB is somewhat faster for JINS cases than it is for JD's. Nearly 10% more JINS cases than JD cases receive same-day processing and more JD's than JINS take over a week to reach disposition. However, the proportion of both JINS and JD's receiving same-day processing decreased by about 10% in 1975. The mean processing times are 6.0 days for JINS and 8.2 days for JD's in 1973, and 6.2 days for JINS and 9.5 days for JD's in 1975.

The findings appear to reflect the more serious nature of many JD allegations, the processing of which may require the double-checking of identification, the gathering of evidence, or even the apprehension of the juvenile. JINS complaints which are usually filed by a parent or other person with some authority over the alleged offender, as well as being of a more minor nature, often can be disposed of immediately.

Disposition at the Juvenile Aid Bureau

The overall pattern of dispositions suggested by the data is similar to that found in statistics available from the New Jersey Uniform Crime Reports (1976:68); roughly half of all juveniles taken into custody are handled by police without a court referral. The study also corroborates the UCR's (1976:87) finding of wide inter-jurisdictional variation in police handling of juveniles. Research in other states (see, e.g., Andrews & Cohn, 1977; and Pawlak, 1972) suggests that widespread jurisdictional variation in juvenile justice processing exists throughout the nation. For these reasons, the discussion of dispositions will focus on jurisdiction-specific variations and changes, and hence will rely heavily on Table 5.3, which presents the distribution of dispositions by jurisdiction.

Table 5.1

Processing Time by Sex by Year by Offense Type

PROCESSING TIME	JINS					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Same Day	56	63	60	48	53	50
One Day	8	8	8	6	14	10
2 to 3 Days	14	9	11	21	18	20
4 to 6 Days	5	8	7	12	6	9
7 to 13 Days	11	6	9	4	4	4
Two Weeks or Longer	6	6	6	9	5	7
Total (n)	100 (152)	100 (179)	100 (331)	100 (161)	100 (145)	100 (306)

PROCESSING TIME	JD					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Same Day	54	50	52	47	35	42
One Day	12	7	11	9	13	11
2 to 3 Days	9	13	10	16	14	16
4 to 6 Days	10	10	10	13	17	14
7 to 13 Days	10	13	11	7	13	10
Two Weeks or Longer	6	7	6	9	7	8
Total (n)	100 (320)	100 (178)	100 (498)	100 (293)	100 (235)	100 (528)

First, however, it is helpful to look at Table 5.2, which presents data across jurisdictions and provides a useful summary of some patterns that hold generally. First, substantially more juveniles were referred to various agencies and programs in 1975 than in 1973. This is true for both JD's and JINS, but the increase in the rate of referral for JINS is greater than for JD's. For JD's, the increase in referral is sex-specific; it is accounted for by a large increase for females, while male JD's are referred at the same rate in 1973 and 1975. For JINS, however, the increase occurs at the same rate for both sexes. Thus, it seems that police are relying increasingly on social services for dealing with the problems of juveniles, both JINS and JD's. This may be due, at least in part, to the increased availability of social services.

Second, it is clear that juveniles charged with JINS offenses are more likely to be released than are JD offenders, both before and after the enactment of the code. Table 5.2 shows that this is a general pattern.

Table 5.2

JAB Disposition by Sex by Year by Offense Type

DISPOSITION	JINS					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Handled in Department	58	64	61	57	64	60
Referred To Court	2	3	2	11	10	11
Total (n)	40	34	37	32	26	29
	100	100	100	100	100	100
	(164)	(193)	(357)	(170)	(160)	(330)

DISPOSITION	JD					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Handled in Department	52	42	48	41	38	40
Referred To Court	5	4	4	5	12	8
Total (n)	44	54	47	54	50	52
	100	100	100	100	100	100
	(382)	(208)	(590)	(390)	(286)	(676)

Third, female JINS are more likely to be handled at the police level without referral of the complaint to court than males. By contrast, female JD's were more likely than males to be sent to court in 1973. This changed in 1975, with the increased diversion of females to social agencies, so that the sex differences in court referral rates vanishes. JINS are referred for social services at about the same rate, whether male or female.

Table 5.3 reveals that variation in the proportion sent to court is not random, but is related to the size of the municipality. The proportion of complaints sent to court is low in the small and suburban towns studied (15% in Maplewood and 30% in Metuchen for 1975 JD's), and is higher in the larger municipalities, especially in Newark and New Brunswick, both sending 70% of 1975 JD's to court. This municipality variance exists for both JINS and JD cases, and is fairly constant over the two time periods. The lower diversion rate in urban areas is probably due, in part at least, to the greater incidence of serious offenses in those areas. Relatively few serious offenses are committed in small towns.

Table. 5.3

JAB Disposition by Municipality by Year by Offense Type

MUNICIPALITY	JINS									
	1973					1975				
	DISPOSITION									
	Handled in Department	Referred	To Court	Total	(n)	Handled in Department	Referred	To Court	Total	(n)
Newark	(%) 39	0	61	100	(120)	51	5	44	100	(65)
Irvington	(%) 73	4	23	100	(44)	59	28	13	100	(54)
Maplewood	(%) 93	4	4	100	(28)	97	3	0	100	(36)
New Brunswick	(%) 53	3	44	100	(36)	37	0	63	100	(24)
Perth Amboy	(%) 74	0	26	100	(38)	53	11	36	100	(62)
Metuchen	(%) 85	3	12	100	(58)	84	11	5	100	(56)
South River	(%) 56	6	38	100	(34)	30	9	61	100	(33)
(n)					(358)					(330)

MUNICIPALITY	JD									
	1973					1975				
	DISPOSITION									
	Handled in Department	Referred	To Court	Total	(n)	Handled in Department	Referred	To Court	Total	(n)
Newark	(%) 43	0	57	100	(150)	25	5	70	100	(210)
Irvington	(%) 42	7	51	100	(98)	42	23	35	100	(100)
Maplewood	(%) 81	7	12	100	(58)	84	2	15	100	(61)
New Brunswick	(%) 36	0	64	100	(96)	30	0	70	100	(135)
Perth Amboy	(%) 54	20	26	100	(70)	48	16	36	100	(73)
Metuchen	(%) 48	1	51	100	(81)	65	5	30	100	(57)
South River	(%) 56	0	44	100	(36)	34	5	61	100	(41)
(n)					(589)					(677)

To our knowledge, no previous study has examined the relationship between municipality size and police disposition of juveniles, so no basis for comparison is available. In Controlling Delinquents, Wilson (1968:73-104) found clear differences in two police departments that differed in the level of professionalization, but not municipality size.

Table 5.3 also reveals some significant changes within municipalities over time. In 1975, a smaller proportion of JINS were sent to court in the municipalities of Essex County and in Metuchen. However, a larger proportion were sent to court from New Brunswick and Perth Amboy.² With respect to JD offenders, a higher proportion were sent to court in 1975 than in 1973, except in Metuchen and Irvington. These complex findings are difficult to interpret in a way that is not specific to municipalities. Caution is also advised in attributing observed changes to the implementation of the code, since many other factors, such as the establishment of court intake in Essex County, also probably had some influence on police processing.

Factors Associated with JAB Dispositions

A number of offender characteristics are associated with the manner in which the case is disposed of at the JAB. In most cases, the patterns of association are consistent over time. Thus, the following discussion will not emphasize 1973-1975 comparisons, except where meaningful variation exists.

JINS Allegations

Table 5.4 reveals that no clear-cut association between the specific JINS allegation and its disposition exists in the data, except that incorrigibility cases are more likely to be sent to court. This finding holds for both males and females, and for both time periods. It is largely accounted for by the fact that since most incorrigibility complaints are signed by parents, there is a greater likelihood of their insistence on referring the matter to the juvenile court.

In addition, a change in 1975 occurs in the case of runaways; the proportion of runaways sent to court decreased from 36% to 20% (combining males and females together) and the proportion referred for social services increased from virtually none to 13 percent. A smaller increase in the referral rate for incorrigibility cases occurs, whereas very few truants, alcohol or other status offender violators are referred for social services. This change seems to represent a fairly general pattern as it occurred in four of the seven municipalities.

²Because of a change in bookkeeping procedures, figures for South River for the two years are not directly comparable.

Table 5.4

JINS Allegation by Disposition by Sex by Year

ALLEGATION	1973									
	MALE					FEMALE				
	DISPOSITION									
	Handled in Department	Referred	To Court	Total	(n)	Handled in Department	Referred	To Court	Total	(n)
Runaway (%)	61	3	36	100	(71)	62	1	37	100	(83)
Incorrigibility (%)	49	0	51	100	(45)	56	5	39	100	(79)
Truancy, etc. (%)	61	2	37	100	(48)	87	0	13	100	(32)
(n)	(164)					(194)				

ALLEGATION	1975									
	MALE					FEMALE				
	DISPOSITION									
	Handled in Department	Referred	To Court	Total	(n)	Handled in Department	Referred	To Court	Total	(n)
Runaway (%)	57	14	29	100	(57)	74	13	13	100	(80)
Incorrigibility (%)	48	9	43	100	(44)	47	12	41	100	(50)
Truancy, etc. (%)	62	10	28	100	(69)	64	0	36	100	(30)
(n)	(170)					(160)				

JD Allegations

As shown in Table 5.5, a clear association exists between the seriousness of the JD allegation and the decision to forward a case to court; this is a general pattern across municipalities and in both years. This is consistent with the finding reported by Hohenstein's (1969:138-149) study of police processing. Using only the gross categories of offenses "against persons," "against property," and "other," Ferdinand and Luchterhand (1970:511-513) report that property offenses consistently result in more serious

Table 5.5

JD Allegation by Disposition by Sex by Year

ALLEGATION	1973									
	MALE					FEMALE				
	DISPOSITION									
	Handled in Department	Referred	To Court	Total	(n)	Handled in Department	Referred	To Court	Total	(n)
Violent Offenses (%)	27	0	73	100	(23)	56	0	44	100	(10)
Assault and Battery (%)	58	0	42	100	(61)	44	2	54	100	(51)
Property Offenses (%)	25	5	70	100	(69)	34	0	66	100	(6)
Minor Property (%)	56	8	36	100	(60)	33	5	62	100	(78)
Drug Offenses (%)	36	0	64	100	(31)	30	6	64	100	(17)
Minor Offenses (%)	67	7	26	100	(134)	60	5	35	100	(44)
(n)					(378)					(206)

ALLEGATION	1975									
	MALE					FEMALE				
	DISPOSITION									
	Handled in Department	Referred	To Court	Total	(n)	Handled in Department	Referred	To Court	Total	(n)
Violent Offenses (%)	10	5	85	100	(21)	12	11	77	100	(13)
Assault and Battery (%)	44	5	51	100	(52)	44	7	49	100	(80)
Property Offenses (%)	23	0	77	100	(83)	28	18	54	100	(11)
Minor Property (%)	37	8	55	100	(64)	22	21	56	100	(77)
Drug Offenses (%)	13	9	78	100	(23)	51	0	49	100	(14)
Minor Offenses (%)	59	6	35	100	(143)	49	9	42	100	(90)
(n)					(386)					(285)

dispositions than offenses against persons. Collapsed data based on Table 5.5 would show a similar pattern, since few offenders are charged with violent offenses.

Several other factors were found to be associated with severity of disposition. As other research has shown (see, e.g., Terry, 1967a), the number of prior allegations is directly and substantially related to severity of police disposition; that is, the likelihood of being sent to court from the JAB increases with the number of prior allegations at the JAB level. If only prior JD allegations are considered, the relationship becomes even stronger. Age is also related to disposition at the JAB, but only for JD's. Our data shows that for JD's under age 14, approximately one-third were sent to court; this finding holds for both 1973 and 1975. However, for 16 and 17 year-olds, the proportion sent to court in both 1973 and 1975 increases to two-thirds of the juveniles. For JINS, however, no relationship exists between age and disposition.

Family configuration is also related to disposition at the JAB; juveniles with two parents in the home are less likely to be sent to court than those with one parent, and those who live with guardians or relatives are most likely to be sent to court. Ethnicity also appears to be related to dispositional severity; blacks are more likely than Hispanics to receive severe dispositions, and Hispanics more likely than whites. This finding is statistically related to those on family configuration, municipality, offense severity and prior offense record, but after these were controlled, an effect was still visible for ethnicity.

Summary: Juvenile Aid Bureau Processing

The data suggest several trends from 1973 to 1975, some of which may be related to the new juvenile code. First, it appears that there is a slight but consistent increase in the time required for processing cases. This is difficult to interpret unless it reflects the generally increasing demands placed on JAB personnel by increasing caseloads.

Of more interest are trends in disposition patterns. An increase in social service referral rates occurs for both offender types, but this increase is more substantial for JINS and for female JD's. While other trends in available services and in the role of juvenile aid bureaus were important here, it seems probable that the code facilitated this trend by prohibiting detention for JINS and, perhaps, by heightening awareness and sensitivity to the special nature and problems of JINS offenders--especially "pure" JINS.

The special importance of this finding for JINS is further suggested by analysis of where the expanding number of referrals comes from: Since the same proportion of JINS are handled in the

department and released outright in both years, it appears that the JINS who are referred for services in 1975 come from the number who were sent to court in 1973. On the other hand, most of the JD's referred appear to come from the number who would have been released in 1973. This is especially true for male JD's; females appear to come equally from the "handled in department" and "to court" categories. Thus, the findings indicate a trend toward greater leniency in JINS dispositions accompanied by a slight shift toward sterner treatment for JD's.

The overall trend thus appears to be toward more lenient--but not casual--treatment of alleged JINS offenders, with no comparable change for alleged JD's. As noted above, the law may have encouraged and reinforced special attention for JINS.

6. RESEARCH FINDINGS: JUVENILE COURT INTAKE

Traditionally, complaints forwarded to juvenile court typically received only cursory screening before being docketed and scheduled for a hearing before the juvenile court judge. As a result, judges and court personnel often found minor complaints to be inappropriate for a juvenile court hearing, in view of the overloaded court schedule and the possible stigmatizing effects of juvenile court involvement. Such inappropriate cases included JINS complaints provoked by family crises, and minor JD complaints -- relatively harmless but annoying acts of the type that virtually all adolescents occasionally commit.

As explained in Chapter 2, the juvenile court intake unit was designed to address this problem. The intake unit's purpose is to rationalize and systematize decision-making at the point of court referral, to divert inappropriate cases from the court process altogether, and to provide social services for those juveniles who need them. As one intake worker described his task:

...what is important is that a lot of cases are family problems. These cases should be heard in intake ... our goals ... are to refer juveniles out of the system and into the community.

At present, all counties have established intake units in accordance with the Operations and Procedures Manual for Juvenile and Domestic Relations Court Intake Services, which was approved by the New Jersey Supreme Court in June 1977. The Manual required that every county have an operational intake unit no later than September 1978.

The present study of intake processing of complaints is limited to two counties, Morris and Essex. Morris County's Juvenile Court Intake Unit was established in January 1972; thus, Morris County had an intake service in both 1973 and 1975. Essex County's intake unit was created in March 1974; thus, data for Essex County was available in only one of the two study years. As in the case with the other substudies, a stratified sampling procedure was utilized. In all, there were 537 intake cases studied--88 from Morris County in 1973; 217 from Morris in 1975; and 232 from Essex in 1975 (see Table 3.4). Since only two of the six sampled court jurisdictions had intake units during the time period covered by the study, the findings are particularly limited and must be viewed as suggestive.

Most studies of juvenile court intake have focused on the factors associated with the screening decision, which is the earliest decision made by a juvenile court intake unit. Basically, the screening decision determines whether the juvenile will be formally processed through the juvenile court or diverted through intake. Some of the factors which have been found to be related to the screening decision are seriousness of the offense, prior

record, and age. However, in New Jersey as in some other states, another point of decision-making exists: After the screening process a disposition is rendered. A juvenile may be diverted to a juvenile conference committee (JCC) or through a pre-judicial conference (PJC). Each of these alternatives has several dispositions which may be utilized. Upon the successful completion of the disposition, the complaint against the juvenile is dismissed. The present study, then, focuses upon the decision-making after the screening decision has been made and attempts to isolate the factors associated with this decision-making.

Screening: Proportion Diverted

According to the statistics available from the intake units of Morris and Essex Counties and from the Administrative Office of the Courts, Morris County diverted from court 68% of all cases forwarded to the intake unit for court processing in 1973, and 72% of JD cases and 74% of JINS cases in 1975. The Essex County unit diverted from court 42% of the JD cases and 48% of the JINS cases during 1975, its first full year of operation. These figures are summarized in Table 6.1. Overall, these findings suggest that intake has significantly helped to relieve pressure on the juvenile court. It appears that Morris may be able to divert a larger proportion of cases because the complaints forwarded to court are more likely to be of a minor nature. The diversion rates reported in two other studies, Ferster and Courtless's (1971:1127) Affluent County study and Andrews and Cohn's (1977:96) study in New York, fall between the rates found in Essex and Morris County. Ferster and Courtless found that 50% of all juvenile cases were handled informally, while Andrews and Cohn report that 57% of all juvenile cases were adjusted by intake.

Table 6.1

Proportion of Total Complaints Diverted by Intake Units
by Offense Type by Court Year

Essex 1975		Morris 1973	Morris 1975	
JINS	JD	JINS and JD	JINS	JD
48%	42%	68%	72%	74%
(n = 953)	(n = 10,693)	(n = 2,941)	(n = 532)	(n = 2,951)

Note: The figures in Tables 6.1 and 6.2 are derived from statistical compilations of the Morris and Essex County Intake Units from the total number of all complaints diverted and screened and hence are more comprehensive than study samples for the respective intake units.

The findings indicate little difference in diversion rates between JD's and JINS. By contrast, substantial variation was found in New York, where 41% of all status offenders were informally adjusted by intake, compared with 57% of all JD complaints (Andrews & Cohn, 1977:45, 96).

Those cases not forwarded to court at the point of intake screening were either scheduled for a hearing at a pre-judicial conference or by a juvenile conference committee. Table 6.2 shows the proportion of juveniles diverted to each of the alternatives, based on the total population of diverted juveniles for the respective court years.

The diversionary mechanism most frequently used for both JINS and JD's is the pre-judicial conference (PJC). However, JINS are more likely than JD's to be handled at pre-judicial conferences, while JD's are more likely than JINS to be handled by juvenile conference committees (JCC). As shown in Table 6.3, this finding holds for the study sample as well. In addition, the sample data provide information on the relation of the offender's sex and the handling of the case. This data (not included in Table 6.3) shows that equal proportions of male and female JD offenders are sent to JCC's, but JINS males are about twice as likely as JINS females to be sent to JCC's.

This substantial difference in the handling of JINS and JD complaints is consistent with what might be expected. JINS complaints, which frequently reflect family problems are most often not appropriate for the JCC, since it is made up of lay members of the community for the purpose of bringing community pressure to bear on the juvenile. By contrast, the intake units are staffed by experienced and trained personnel, often with special training for intervening in family crises. Hence, they are seen as better equipped to handle JINS cases.

Table 6.2

Screening Decision for Diverted Cases
by Offense Type by Court Year - Total Population

	Essex 1975		Morris 1973	Morris 1975	
	JINS (%)	JD (%)	JINS and JD (%)	JINS (%)	JD (%)
Pre-judicial Conference	82	67	56	100	52
JCC	18	33	44	0	48
Total (n)	100 (453)	100 (4,500)	100 (2,007)	100 (384)	100 (2,185)

Table 6.3

Screening Decision for Diverted Cases
by Offense Type by Year - Study Sample

	Essex 1975		Morris 1973	Morris 1975	
	JINS (%)	JD (%)	JINS and JD (%)	JINS ^a (%)	JD (%)
Pre-judicial Conference	75	60	85	93	74
JCC	25	40	15	7	26
Total (n)	100 (101)	100 (131)	100 (87)	100 (133)	100 (109)

^aThe discrepancy between the population and the sample in the figures for 1975 JINS from Morris County screened to JCC may be due to several factors. Nearly half of the 7% screened to JCC are not counted as JCC cases in the county statistics because they were later returned to PJC for a disposition (see Table 6.4). One possible additional explanation is that, while sampled as JINS, intervening JD allegations were alleged against these juveniles, so that they were counted as JD's in the county records despite the presence of sampled JINS allegations.

The interviews conducted with intake/probation officers indicate that many of them regard status offenders as having emotional problems and special needs and as being distinct from delinquents. As one intake worker stated:

JINS are separated from delinquents on the premise that emotionally disturbed kids need help rather than punishment.

Because of this perception of a fundamental difference, Morris County has a policy of not sending JINS to local JCC's. JCC's are generally not authorized to refer a juvenile to a social service agency; they can only suggest it. In interviews with intake officials from Essex and other counties, it was estimated that perhaps 10% to 15% of the JINS cases are referred to JCC's.

Andrews and Cohn (1977:65-66) also reported that probation staff believe that status offenders have more serious personal problems, are more difficult to work with, and hence more in need of "probation guidance."

Disposition at the Juvenile Conference Committee

Typically, complaints sent to JCC's are of a minor nature, more in the realm of adolescent misbehavior than serious criminal activity. At the JCC, the juvenile and his parents will be asked to meet voluntarily with a panel of community members. As described in Chapter 2, the proceedings are of a non-adversary nature, and usually result in one of the following dispositions: 1) counsel and release with follow-up; 2) referral (which can only be of a voluntary nature); 3) other disposition which may include loss of privileges or restitution; or 4) referral back to intake (pre-judicial level).

JD cases are substantially more likely to be released after counseling than JINS cases. As Table 6.4 shows, JINS cases are more likely than JD cases to be referred to social service agencies and to be returned to intake for further processing, as might have been predicted from the earlier discussion of the inappropriateness of the JCC for handling JINS.

Table 6.4

JCC Disposition by Offense Type by Year

DISPOSITION	Essex 1975		Morris 1975	
	JINS (%)	JD (%)	JINS (%)	JD (%)
Counsel and Follow-up	35	70	29	69
Referral	29	7	28	12
Other	12	9	0	0
Return to Intake	24	14	43	19
Total (n)	100 (17)	100 (44)	100 (7)	100 (26)

Note: The 1973 Morris County cases were eliminated from Table 6.4 since there were relatively few JCC dispositions in our sample.

Of the 20 cases returned to intake from the JCC, over two-thirds were disposed of through pre-judicial conferences and another third were referred to social service agencies. Only one case, a Morris County JD, actually progressed from the JCC to juvenile court.

Two points emerge from this analysis: First, JCC's are seen as more appropriate for handling JD than JINS complaints, since the latter require special expertise and are more likely returned to PJC. Second, when a complaint is referred back to PJC, the fact that almost all complaints are disposed of there indicates that intake workers regard their work as effective in resolving cases that the JCC's could not satisfactorily dispose of.

Disposition at the Pre-Judicial Conference

At the pre-judicial conference, a trained intake officer meets with the juvenile and his/her parents to decide how the problem should be resolved, in view of the juvenile's situation. The following dispositions are available: 1) the case may be sent to juvenile court; 2) the juvenile may be counseled, often together with parents, and released with subsequent follow-up of the case¹; or, 3) the juvenile may be referred for social service agency involvement. One other possible outcome occasionally occurs: If the juvenile fails to appear at the pre-judicial conference, the complaint will be marked "inactive" and effectively dropped--especially in urban counties where the intake unit is overburdened and juvenile justice agencies lack the resources to pursue such cases. Therefore, as long as the juvenile refrains from further problems, the case will remain "inactive."

The use of "informal probation" by the intake staff can be a condition of a "referral" disposition as well as a disposition of "counsel, release and follow-up." As such, it is used for cases where outright dismissal is inappropriate, but further contact and/or counseling by intake staff is needed in order to make certain the juvenile refrains from additional violations of the law. Again, since most serious cases have been screened for court prior to the pre-judicial conference, relatively few conferences result in the forwarding of complaints to the juvenile court.

Overall, some significant differences exist in the handling of JINS and JD offenders. JINS cases disposed of at pre-judicial conferences are substantially more likely to be referred for social services than are JD cases, as Table 6.5 indicates. JD's are more likely to be counseled and released than JINS. Nearly half of the JINS cases, but only 18% to 31% of JD cases, are referred for services. JINS cases are referred to DYFS and to mental health clinics more frequently than JD's. Mental health agencies, whether public or private, are the dominant referral agencies for both JD's and JINS. The data from our study sample show that 48% of all referrals in Morris County in 1975, and 37%

¹A case is usually "followed-up" for a period of three, six, nine, or twelve months, depending on the other conditions of the disposition. A letter is sent to the juvenile's parents at appropriate intervals in order to determine if the juvenile is adhering to the conditions of the disposition (e.g., attend counseling or make restitution payments), and/or to determine the juvenile's behavior at home by requesting a response from the parents to the follow-up letter. Additional conferences may also be held.

of all referrals in Essex County in 1975, were to mental health agencies. According to the annual reports of the intake units studied, two-thirds of the referrals to local mental health agencies are for counseling services while the remaining one-third involve diagnostic services.

Table 6.5

Pre-Judicial Disposition by Offense Type by Year

DISPOSITION	Essex 1975		Morris 1973		Morris 1975	
	JINS (%)	JD (%)	JINS (%)	JD (%)	JINS (%)	JD (%)
Counsel and Follow-up	38	60	50	59	47	60
Referral	55	31	42	28	42	18
Other	4	5	0	2	4	10
Return to Court	3	4	8	10	7	12
Total	100	100	100	100	100	100
(n)	(60)	(78)	(26)	(58)	(100)	(82)

Note: Twenty cases were originally sent to JCC's, but returned to pre-judicial conferences. Their dispositions are included in Table 6.4.

As noted earlier, informal probation is used as a condition of the "referral" and "counsel, release and follow-up" dispositions. The paradox surrounding the use of informal probation is worthy of further comment. In actuality, "voluntary" referral often is nearly impossible for the juvenile to avoid, since it is a mandatory part of the disposition of the case, despite the fact that there has been no formal adjudication. On the other hand, the follow-up by the intake staff, by either telephone calls or infrequent conferences, is often superficial, or even non-existent. In other words, because these cases have already been diverted from court, and the initial pre-judicial conference has been completed, they are not seen as a priority of overworked intake officers. Interviews with probation and intake staff in our study (especially in urban areas) suggested that as long as the juvenile stays out of trouble, little attempt is made by the

intake staff to initiate contact. Thus, the case is effectively closed.²

This is consistent with the finding of Ferster and Courtless (1971:1141-1145), whose three-month follow-up study found the two major reasons for removing a juvenile from informal probation to be: 1) "no additional problems;" and 2) "no new complaint filed," with no further reason given. As they describe it, informal probation "seems to be a waiting period to see if the child encounters further difficulties." Thus, it may be conceived as a pre-adjudicatory parallel to the judicial disposition, "hold in abeyance," yet it can hardly be called a form of "official" treatment, since it lacks both due process safeguards and the force of a judicial order.

Factors Associated with Pre-Judicial Dispositions

Compared with the juvenile aid bureau findings, the court intake data reveal relatively few factors that are associated with the pre-judicial disposition made by intake. It should be emphasized that the intake study included only juveniles who were diverted from court at the initial point of screening. Hence, those juveniles referred to court are not included in the analysis. Thus, one important reason for the fact that there are relatively few factors associated with the intake disposition is probably the more homogeneous population handled pre-judicially. Only minor JD offenders, less serious JINS cases, and those without long records are sent to pre-judicial conferences; the more serious cases are sent to court. Another reason is the relatively narrow range of available dispositions. Thus, the bases of discretion at the pre-judicial conference are fewer, subtler, and hence more difficult to identify. Four factors, however, were shown by the data to be related to disposition at the pre-judicial conference: source of complaint, sex, age, and living arrangement.

²One intake official in an urban county suggested that due to a shortage of staff and the tremendous number of cases their unit had to screen, follow-up and/or "informal probation" was rarely done. In other words, referrals to community agencies were virtually on a "voluntary basis" as long as the juvenile was not returned to intake with a new complaint. Only in "borderline court cases" (i.e., cases where the juvenile barely met the diversion criteria -- but was sent to intake to give the juvenile a break) did the intake unit take an active interest in the follow-up of the case.

It should be cautioned, however, that this situation is most acute in urban counties where heavy caseloads and shortages of staff result in an overemphasis of the screening function and an underutilization of the corresponding treatment function of the intake unit.

Source of Complaint - There is a substantial relationship for both Morris and Essex JINS between the source of complaint and the disposition at the pre-judicial conference. JINS complaints initiated by parents or schools are more likely to be referred to court or social service agencies than those signed by police. Also, parent-initiated complaints are more likely to result in referrals to court or social service agencies than school-initiated complaints.

Apparently, intake workers are more likely to respect the wishes of parents and school officials who are directly and intensely involved, than they are those of indirectly involved third parties, such as police. Andrew and Cohn's (1977:76-81) study of PINS processing in New York yielded a similar finding. In the present study no comparable relationship was found for delinquents.

Sex - In general, female JINS are more likely to be referred to social service agencies than counseled and released, while male JINS are more likely to be counseled and released than referred. This holds for both years and both counties.

Age - Younger JINS offenders are more likely to be referred to social services than are older JINS in both counties in 1975. Younger JD's are more likely to be counseled and released in 1975 than older JD's, who are more likely to be referred to social services. Similarly, Thomas and Sieverdes (1975:423), Andrews and Cohn (1977:71), and Sheridan (1962:150) found that younger juveniles were more likely diverted by intake, while older juveniles were more likely referred to court. A contrasting finding was reported by Ferster and Courtless (1971:1137), who found that age was not a significant factor.

Living Arrangement - The statement of one intake worker illustrates the importance given to the family situation as a criterion for diversion:

The family situation relates to the relationships among members, particularly parents and child. Family problems are taken into consideration ... the family structure is basically the feelings on the workings of the family ... A functioning family is usually cooperative and responsibility is recognizable.

The data indicate that this is often a significant factor in making the pre-judicial disposition. JD's from one-parent households are more likely to be referred for social services or to have their cases forwarded to juvenile court than are JD's from two-parent households, who are more likely to receive the disposition "counsel and follow-up." This association holds generally in both years and both jurisdictions. This pattern holds for JINS in Morris County, but not in Essex County. A similar relationship was found by Thomas and Sieverdes

(1975:423). Cohn (1963) found that the family situation was related to the intake screening decision for minor offenders, but not for serious offenders.

Regardless of whether one's focal point is the screening decision or the disposition decision at intake, the question remains the same: What criteria are utilized by the intake staff in making their decisions? A number of studies have attempted to answer this question by reviewing such factors as offense, prior record, race, age, attitude of juvenile/parents, etc. (see, e.g., Thomas & Sieverdes, 1975; Ferster & Courtless, 1971; Gross, 1967; Williams & Gold, 1972; Terry, 1967a and 1967b; Cohn, 1963; and Barton, 1976). In spite of the inconclusive evidence so far, one fact is agreed upon by most researchers and practitioners in the field of juvenile court intake: In the absence of written, formal criteria, the use and abuse of discretion by probation/intake staff in the decision-making process is not only prevalent, but encouraged as well (Ferster & Courtless, 1971:1133-34; Nejelski, 1976:404-05; and Maron, 1976:463).

As Thomas & Sieverdes (1975:418) state, the inherent flexibility in the referral process of intake workers "also leaves the door open for the utilization of 'screening criteria' that are far removed from what we have termed legal factors" (that is, offense, prior record, etc.). Hence, the danger of social factors (that is, the juveniles' age, sex, race, class background, etc.) interfering with this process is not only "uncontrolled, but is not subject to either review or challenge" (Thomas & Sieverdes, 1975:428-429; see also Andrews & Cohn, 1977:54-57, 71; Nejelski, 1976:402; Lundman, 1976:436-437; and Barton, 1976:475-476).

Thus, despite the best intentions of proponents of the intake concept--the quest for a more equitable, just and informed juvenile court process on the one hand and a more cost-efficient one on the other--the reality of intake may well be a mixed blessing.

Summary: Juvenile Court Intake Processing

If the juvenile court is being overburdened with too many inappropriate complaints which may be more properly resolved by either a parent/intake conference or a referral to a social service agency, then the court intake unit represents the first line of defense for the judicial system.

Although our study of court intake is necessarily limited to only two counties, several important points can be made. First, a high percentage of the court caseload is diverted through both intake units. This screening process is the prime function of the intake unit. In Morris, 72% of all complaints were diverted, while in Essex, 42% of all complaints were diverted in 1975. This rate was the same for both JINS and JD's. As one judge stated:

It serves no purpose to put a kid through the juvenile justice system and give him the stigmatization of having a juvenile record if we can accomplish our purpose without doing so. I think it is much better to divert the child whenever it is possible.

Second, of those complaints that are diverted by intake, JD's are substantially more likely than JINS to be screened to JCC's, while JINS are more likely to be screened to PJC's. This is in recognition of the fact that JINS complaints are the result of family crises and symptomatic of family problems, and hence require the authority of the pre-judicial conference in order to make the appropriate referral. Many JD complaints, on the other hand, are more in the realm of adolescent misbehavior than serious delinquent or JINS violations, and hence are often resolved by the juvenile conference committee which relies on community pressure in correcting the misbehavior of the juvenile.

Third, in reference to the disposition that is made at intake, whether for JCC's or PJC's, JD's are more likely to be counseled and released, while JINS are more likely to be referred to a social service agency. Our data indicates that one-half of the JINS, but only one-quarter of the JD's are referred to social service agencies by pre-judicial conferences. This is consistent with our finding noted above, concerning the underlying family problems of JINS.

Several factors were found to be associated with the decision-making process at intake. These included allegation type (JINS or JD), age, and family arrangement. The source of complaint and sex, however, were found only to be related to JINS, not JD's.

An overall pattern to the findings, as they relate to the new juvenile code, is the adoption and continual separation of the JINS category which further opens the way for the status offender to be removed from the formal, adjudicatory atmosphere of the court into the more informal, referral and counseling atmosphere of the intake service. Minor JD offenders have long benefited from the above by being diverted to the JCC, and JINS offenders are now being given a comparable opportunity to receive needed social services one step removed from the formal atmosphere of the juvenile court. Although there are dangers involved in this process (mainly the possible loss of due process rights in intake hearings), this procedure moves the system closer to the removal of JINS from the jurisdiction of the juvenile court, about which some court intake workers have expressed a favorable attitude.

7. RESEARCH FINDINGS: TEMPORARY CUSTODY

After a juvenile has been taken into custody for a JINS or delinquent offense, a major decision to be made at the police level is whether or not a formal complaint, resulting in juvenile court action, should be signed against the juvenile. If a formal complaint is filed, the next decision to be made concerns whether or not the juvenile should be placed in temporary custody pending the court hearing. As noted in Chapter 2, this decision had previously been made by the police, but is now the responsibility of the court intake unit in all jurisdictions. Facilities for temporary custody in New Jersey's juvenile justice system are the JINS and detention facilities, the admission to which is governed by statute and Rules of Court (see pp. 25-26).

Temporary Custody Placement

Table 7.1 presents the findings on the proportion of our overall sample who were placed in detention or JINS shelter custody.¹ The table shows that the proportion of both JINS and JD's held in custody has remained stable from 1973 to 1975. However, JINS are more than twice as likely as JD's to be placed in custody.

Table 7.1 also indicates the lack of utilization of JINS shelters for minor JD offenders. Although the juvenile code provides for

Table 7.1

Temporary Custody by Year by Offense Type

TYPE OF CUSTODY	JINS		JD	
	1973 (%)	1975 (%)	1973 (%)	1975 (%)
Detention	34	7	13	14
JINS Shelter ^a	--	25	--	1
Not Held	66	68	87	85
Total (n)	100 (493)	100 (420)	100 (807)	100 (745)

^aJINS shelters were nonexistent in 1973.

¹All findings presented in this section are based on data from the juvenile court substudy, since juvenile court was the only agency where this information was readily available.

the placement of minor delinquent offenders in shelter care, only 10 of 745 (slightly more than 1%) alleged JD's were placed in a JINS shelter rather than detention in 1975.

Table 7.1 documents the major impact that the establishment of JINS shelters has had upon the custody of alleged JINS offenders. In both 1973 and 1975, 33% of all juveniles charged with status offenses were held in custody. In 1975, 25% of the total, or more than 3/4 of all JINS held, were placed in JINS shelters rather than in detention.

The table also shows that in 1975, 7% of all those charged with JINS offenses were placed in secure custody, which represents 22% of all JINS held in custody in 1975. This seems to contradict the provision of the juvenile code that no juvenile charged with a status offense shall be held in a secure facility. Further analysis reveals that about half of these juveniles had JD charges pending at the time of detention in addition to the sampled JINS charge. Thus, eliminating those with JD charges, about 11% of all JINS held in custody (which means about 4% of all alleged JINS) were held in detention facilities on JINS charges only in 1975.

Two factors account for this finding. First, a substantial proportion of these cases were from Morris County where, in 1975, JINS admitted to the shelter were required to spend the first night in the detention facility for the purpose of medical screening. This practice has since been discontinued. The second circumstance accounting for the placement of JINS in detention facilities results from the practice of some judges occasionally holding out-of-state runaways in detention facilities until the juveniles are released to appropriate custodians.

Table 7.2 shows considerable variation in the rate of custody placement by county. However, the county variation is generally similar in 1973 and 1975. The custody rates for Morris County are quite high relative to other counties, which may suggest the more serious nature of the caseload after the intake service has screened out minor complaints. However, the 1975 data show no comparable increase in Essex County with the establishment of an intake unit there in 1974.

Table 7.2 shows that, in both years, the higher overall custody rates for JINS holds in each individual county except the most urban county, Essex.² This is consistent with Chused's (1973:546) findings in his study of three New Jersey counties.

²It should be pointed out that Hunterdon County in 1975 is also an exception, but the custody for JINS is based on only seven cases.

Table 7.2 Temporary Custody by County by Year by Offense Type

TYPE OF CUSTODY	JINS													
	1973							1975						
	COUNTY													
	Essex	Hunterdon	Middlesex	Morris	Sussex	Union	Total	Essex	Hunterdon	Middlesex	Morris	Sussex	Union	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Detention	19	16	23	60	46	46	34	3	0	4	15	12	7	7
JINS Shelter	--	--	--	--	--	--	--	14	0	21	29	3	43	25
Not Held	81	84	77	40	54	54	66	83	100	75	56	85	50	68
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(101)	(50)	(117)	(74)	(50)	(101)	(493)	(92)	(7)	(98)	(75)	(34)	(114)	(420)

TYPE OF CUSTODY	JD													
	1973							1975						
	COUNTY													
	Essex	Hunterdon	Middlesex	Morris	Sussex	Union	Total	Essex	Hunterdon	Middlesex	Morris	Sussex	Union	Total
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Detention	19	11	7	19	13	6	13	23	9	6	22	9	9	14
JINS Shelter	--	--	--	--	--	--	--	0	0	5	0	0	2	1
Not Held	81	89	93	81	87	94	87	77	91	89	78	91	89	85
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(212)	(84)	(175)	(93)	(91)	(152)	(807)	(200)	(65)	(129)	(94)	(107)	(150)	(745)

He found that status offenders were much more likely than JD's to be detained in Bergen and Mercer Counties; in Essex County, status and JD offenders were detained at about equal rates. Sumner (1971:175) found that charges of runaway or incorrigibility were two of the six best predictors of detention in California. Cohen's study of three juvenile courts in other states found status offenders substantially more likely to be detained in only one of them; the custody rates for status and JD offenders were similar in the other two (1975b:29-32).

Factors Associated with Placement in Custody

Allegation

Tables 7.3 and 7.4 present the relation between allegation and custody decisions. The tables indicate that a relationship exists between the seriousness of offense and the probability of custody placement for alleged JD offenders. Juveniles charged with violent offenses--e.g., robbery, rape, atrocious assault and

Table 7.3

Temporary Custody by Allegation by Year - JD Offenders

	JD ALLEGATIONS					
	Violent Offenses (%)	Assault and Battery (%)	Property Offenses (%)	Minor Property Offenses (%)	Drug Offenses (%)	Minor Offenses (%)
1973	33	14	11	12	12	10
(n)	(40)	(107)	(177)	(131)	(157)	(174)
1975	33	11	16	14	15	10
(n)	(61)	(108)	(179)	(146)	(75)	(166)

battery--are more than twice as likely to be held as juveniles charged in any other offense category. At the other extreme of the seriousness continuum, alleged minor offenders are least likely to be held, although the magnitude of difference is not great between most of the offense categories. Again, Chused (1973:546) found a similar pattern.

Table 7.4 presents the custody patterns for alleged JINS offenders. Those charged with runaway are more likely to be held than are incorrigibles, and incorrigibles in turn are more likely to be held than are truants and other non-family status offenders. The most dramatic difference is between runaway and incorrigibility on one hand, and the typically non-family JINS allegation on the other. This further reflects the intrafamilial

crisis conditions that often prompt parents to sign runaway and incorrigibility complaints against their children. In many incorrigibility cases, parents insist on the immediate removal of the juvenile from the home situation. Likewise, in many runaway cases, parents refuse to take back their children when they are apprehended.

Table 7.4

Temporary Custody by Allegation by Year - JINS Offenders

TYPE OF CUSTODY	1973			1975		
	Run-away %	Incorri-gible %	Non-Family Offenses %	Run-away %	Incorri-gible %	Non-Family Offenses %
Detention	47	38	8	12	4	4
JINS Shelter	--	--	--	34	34	6
Not Held	53	62	92	54	62	90
Total	100	100	100	100	100	100
(n)	(192)	(149)	(154)	(167)	(125)	(128)

Table 7.4 further shows that, of those held in custody, runaways are more than twice as likely as incorrigibles, truants, or others to be held in detention in 1975; many runaways held in detention are from out of State, and hence are sometimes regarded as a special category by juvenile court judges, as explained above.

It is noteworthy that the custody rate for non-family JINS allegations is very low, and if this category is excluded from the analysis, the overall custody rate for status offenders increases from 33% (see Table 7.1) to 43%. As noted, a relatively high detention rate for runaways and incorrigibles was also reported by Sumner.

Overall, one of the most striking findings of this analysis is the fact that runaway and incorrigible offenses are more likely to result in custody than all categories of JD offenses, including the most serious. This pattern occurs in both years.

Sex

For JD offenders, there is no association of custody placement with sex. However, female JINS overall are more likely placed in custody than male JINS. This finding is consistent over time. For example, as noted in Table 7.5, in 1973, 44% of all female

JINS were held in detention compared to only 24% of the male JINS; while in 1975, 30% of all female JINS were placed in JINS shelters compared to 19% of the male JINS. Male JINS, on the other hand, were more likely held in detention in 1975 than female JINS.

Chused (1973:550) found similar patterns in two of the three New Jersey counties he studied. Cohen (1975b:38-40) found some indication that females were more likely to be held in custody, without regard for the type of allegation. This pattern can be understood as a further reflection of traditional sex-specific notions, currently under attack as "paternalism." Discrepant behavioral expectations for females, and issues related to the special problems of adolescent females were reported and discussed in detail in Chapter 4. Further analysis revealed that the sex differential in custody rates is found only in complaints signed by police. There is no difference by sex when the parent signs the complaint. Nevertheless, as will now be shown, custody is more likely when the parent signs the complaint against a juvenile of either sex.

Table 7.5

Temporary Custody by Sex by Year by Offense Type

TYPE OF CUSTODY	JINS					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Detention	24	44	34	9	5	7
JINS Shelter	--	--	--	19	30	25
Not Held	76	56	66	72	65	68
Total (n)	100 (255)	100 (236)	100 (491)	100 (184)	100 (235)	100 (419)

TYPE OF CUSTODY	JD					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Detention	12	13	13	15	12	14
JINS Shelter	--	--	--	1	2	1
Not Held	88	87	87	84	86	85
Total (n)	100 (539)	100 (247)	100 (786)	100 (518)	100 (215)	100 (733)

Complainant

Table 7.6 presents findings on the relation between the complainant and the custody decision. For both JD and JINS alleged offenders, complaints signed by public welfare officials (includes DYFS) and parents are substantially more likely to result in custody than are complaints signed by police officers and victims. Complaints signed by school officials are least likely to result in custody. Again, the greater likelihood of custody placement when parents sign the complaint generally reflects the presence of intrafamilial crisis. The very act of signing the complaint both reflects and reinforces a substantial degree of estrangement between juvenile and parent. Andrews and Cohn (1977:80) and Chused (1973:559) also found parent-signed complaints most likely to result in detention for the alleged offender.

This pattern is consistent with the finding reported in Table 7.5, which documents that the typical parent-initiated charges of incorrigibility and running away are most likely to result in custody. It seems clear that the explanation for this persistent pattern lies in the nature of familial crises that often result in a JINS complaint. Typically, the family is experiencing an unmanageable amount of conflict; the parent is the legal guardian, the child the legal dependent, and a structural tendency exists for the court to accept the parental definition of the circumstances. This structural alliance between court and parent is sometimes resisted by judges and other court personnel when it is evident that the problem lies largely with the parent; nevertheless, the data show that persistent parents are able to bring legal sanctions against their children. Qualitative data gathered in this and other studies (e.g., Mahoney, 1977; Andrews & Cohn, 1977) corroborate the suggestion of the quantitative data that parents frequently cannot be dissuaded from their determination to have the complaint processed and the juvenile detained. Compared to other complainants, parents have more authority over their children, and they have more intense and sustained relations with them as well. When the relationship is going badly, this puts the juvenile in an especially vulnerable position. As Andrews and Cohn (1977:79-80) point out, their resoluteness may only be intensified after the drastic initial steps of filing a complaint and requesting that the child be detained have been taken. After this line of action has been taken by the parents, it often is at least mildly humiliating for the parent to withdraw.

In response to this pattern of JINS complaints, several counties with court intake units have staff workers trained in family crisis counseling, with claims of substantially successful results. While commendable, this raises, once again, the question of whether the accusatory and possibly stigmatizing connotations of the court system constitute an appropriate forum for the mediation of such family disputes. The salience of this question is heightened in view of Andrews and Cohn's (1977:80)

Table 7.6

Temporary Custody by Complainant by Year by Offense Type

JINS

TYPE OF CUSTODY	1973					1975				
	Police (%)	Victim (%)	Parent (%)	School (%)	Welfare (%)	Police (%)	Victim (%)	Parent (%)	School (%)	Welfare (%)
Detention	26	32	41	8	82	8	6	9	0	19
JINS Shelter	--	--	--	--	--	16	15	39	5	56
Not Held	74	68	59	92	18	76	79	52	95	25
Total (n)	100 (133)	100 (22)	100 (245)	100 (60)	100 (17)	100 (80)	100 (80)	100 (165)	100 (67)	100 (16)

JD

TYPE OF CUSTODY	1973					1975				
	Police (%)	Victim (%)	Parent (%)	School (%)	Welfare (%)	Police (%)	Victim (%)	Parent (%)	School (%)	Welfare (%)
Detention	14	7	57	8	--	17	7	23	7	25
JINS Shelter	--	--	--	--	--	1	1	23	0	0
Not Held	86	93	43	92	--	81	92	54	93	75
Total (n)	100 (538)	100 (213)	100 (14)	100 (13)	-- (0)	100 (436)	100 (249)	100 (13)	100 (15)	100 (4)

finding that most parent-signed complaints are withdrawn or dismissed if the juvenile is detained for a period of time. To the extent that this is generally true, it can be interpreted to signal the need for temporary facilities to shelter juveniles from intolerable situations, within the social service spectrum rather than the juvenile justice system.

It bears repeating here that an inability to cope with or tolerate an immediate situation is not the only reason parents may request temporary custody; it can be used as a convenience, to "babysit" for a few days, or as a power play by a parent whose attempts at exercising authority through conventional parental means are thwarted (see Mahoney, 1977:163-166). Since JINS shelters are more "homelike" than their detention counterparts, some parents may now be more likely than in the past to sign JINS complaints against their children in order to get them out of the home, and officials may now more readily comply. Since many of the JINS shelters are viewed as "nice facilities," the guilt felt by parents who refuse to take back their JINS children into their homes may be substantially diminished. In fact, we are aware of a number of cases where the parents immediately regained custody of their children when it was learned they were to be transferred to detention for committing a delinquent act at the JINS shelter. At the other end of the spectrum are some parents who sign incorrigibility complaints against their children hoping they will be "punished" by placement in detention. When they learn their children are to be placed in JINS shelters, they are somewhat disturbed because they feel their children are not being appropriately "punished" for disregarding parental authority.

Table 7.6 also provides another perspective on the earlier discussion of the signing of complaints by DYFS caseworkers: As noted, occasionally they sign complaints only as a last resort, to provide shelter care or other services for juveniles in crisis. Correspondingly, the great majority of JINS cases where complaints are signed by caseworkers result in custody placement.

Prior Offenses

Table 7.7 shows that custody is related to the number of prior allegations for alleged JD offenders. This pattern is consistent for both 1973 and 1975. No association is found for JINS offenders. Other studies have consistently found prior offense record to be one of the most important factors associated with detention (Sumner, 1971:174-175; Chused, 1973:548; Cohen, 1975b:28).

Age

Age is not associated with the likelihood of temporary custody placement for JD offenders; the absence of a meaningful relationship here was also the finding of Chused (1973:555-556) and Cohen (1975b:19-21).

Table 7.7

Temporary Custody by Prior JD/JINS Allegations
by Year - JD Offenders

TYPE OF CUSTODY	1973							Total (%)
	None (%)	One (%)	Two (%)	Three (%)	Four (%)	Five (%)	Six+ (%)	
Detention	8	11	12	17	23	33	34	13
JINS Shelter	--	--	--	--	--	--	--	--
Not Held	92	89	88	83	77	67	66	87
Total	100	100	100	100	100	100	100	100
(n)	(455)	(132)	(60)	(48)	(31)	(15)	(67)	(808)

TYPE OF CUSTODY	1975							Total (%)
	None (%)	One (%)	Two (%)	Three (%)	Four (%)	Five (%)	Six+ (%)	
Detention	10	9	16	18	23	15	30	14
JINS Shelter	1	1	2	7	2	5	1	1
Not Held	89	90	82	75	75	80	69	85
Total	100	100	100	100	100	100	100	100
(n)	(390)	(124)	(55)	(28)	(40)	(20)	(88)	(745)

Table 7.8 reveals that few JINS offenders are younger than 10 years of age. However, of the eight JINS sampled under this age, five were placed in custody, an inordinately large proportion compared to the other age categories. A possible explanation is that those who resort to filing a complaint against so young a child regard the situation or the juvenile's behavior as desperate, and hence may persuade police or intake personnel that custody is necessitated by the acuteness of the situation. Added support is given to this interpretation by the fact that it occurs in both years and by the fact that there are relatively few cases of under 10-year-olds processed by the juvenile court. Other than this special situation for young juveniles, no meaningful relationship between the custody decision and age can be discerned.

Ethnicity

No overall relationship exists between ethnicity and custody, when prior record and offense severity are controlled. This finding is repeated in 1973 and 1975 and is consistent with those reported by Chused (1973:508) and Cohen (1975b:22).

Table 7.8

Temporary Custody by Age by Year by Offense Type

TYPE OF CUSTODY	JINS											
	1973						1975					
	7-9 (%)	10-11 (%)	12-13 (%)	14-15 (%)	16-17 (%)	Total (%)	7-9 (%)	10-11 (%)	12-13 (%)	14-15 (%)	16-17 (%)	Total (%)
Detention	50	50	33	33	34	34	25	0	8	7	6	7
JINS Shelter	--	--	--	--	--	--	50	20	31	24	24	25
Not Held	50	50	67	67	66	66	25	80	62	68	70	68
Total (n)	100 (4)	100 (6)	100 (54)	100 (244)	100 (185)	100 (493)	100 (4)	100 (10)	100 (52)	100 (205)	100 (149)	100 (420)

TYPE OF CUSTODY	JD											
	1973						1975					
	7-9 (%)	10-11 (%)	12-13 (%)	14-15 (%)	16-17 (%)	Total (%)	7-9 (%)	10-11 (%)	12-13 (%)	14-15 (%)	16-17 (%)	Total (%)
Detention	0	14	6	13	13	13	0	9	5	17	14	14
JINS Shelter	--	--	--	--	--	--	0	0	2	1	2	1
Not Held	100	86	94	87	87	87	100	91	93	82	85	85
Total (n)	100 (2)	100 (14)	100 (78)	100 (275)	100 (430)	100 (799)	100 (6)	100 (22)	100 (58)	100 (254)	100 (401)	100 (741)

School Status

Table 7.9 shows school status is related to custody for JD offenders in both years, and for JINS in 1975; the 1975 pattern for JINS is not as strong as it is for JD's. By virtue of being in school, juveniles show more evidence of stability to the court than do juveniles who have dropped out. Since the norm for most juveniles is school attendance, the fact of having dropped out becomes a negative factor in the decision regarding temporary custody. As shown in Table 7.9, for both 1973 and 1975, JD's who are not in school are substantially more likely detained than JD's who are in school. This finding is consistent with Chused (1973:555) and Cohen (1975b:27-28).

Table 7.9

Temporary Custody by School Status
by Year by Offense Type

TYPE OF CUSTODY	JINS					
	1973			1975		
	SCHOOL STATUS					
	In School (%)	Drop Out (%)	Total (%)	In School (%)	Drop Out (%)	Total (%)
Detention	34	32	34	6	25	7
JINS Shelter	--	--	--	25	17	25
Not Held	66	68	66	68	58	68
Total (n)	100 (411)	100 (28)	100 (439)	100 (358)	100 (24)	100 (382)

TYPE OF CUSTODY	JD					
	1973			1975		
	SCHOOL STATUS					
	In School (%)	Drop Out (%)	Total (%)	In School (%)	Drop Out (%)	Total (%)
Detention	10	27	12	12	22	13
JINS Shelter	--	--	--	1	4	2
Not Held	90	73	88	87	74	85
Total (n)	100 (589)	100 (68)	100 (657)	100 (551)	100 (68)	100 (619)

Family Factors

Three other factors are associated with the custody decision. These are lack of parental support, family financial condition, and family stability.

A record of lack of parental support or involvement increases the likelihood that both alleged JINS and JD's will be held in custody. If this were true only for JINS, it might be interpreted as a mere accommodation to parental preference, since many JINS complaints are initiated by parents. Since it clearly holds for JD's as well, it is more likely that the pattern reflects the effect of parental care upon official decision-making. Such an interpretation is consistent with the interview data, which indicate that family situation is an important determinant of decision-making by police and intake. If evidence is shown to police and/or intake officials that the parents are willing to assume responsibility for dealing with their child's misbehavior, there is less of a perceived need for temporary custody.

Alleged offenders from "unstable" and/or "turbulent but stable" families are more likely to be detained than those from stable families. Alleged JD offenders from families with financial hardship are more likely to be held in custody than those with adequate means. No interpretable pattern occurs for JINS offenders. Sumner (1971) found an association between family financial condition and detention, without regard for the type of offense. This may be related to the official perception of the level of parental support, school status, nature of offense, or possibly some other factors.

Family configuration was not found to be related to the custody decision. This finding contrasts with the findings of Sumner (1971:175), Chused (1973:557), and Cohen (1975b:26-27); these studies all found an association between living with two parents and not being held in detention.

Summary: Temporary Custody

The major finding of the analysis of custody placement is that alleged JINS are more than twice as likely to be detained as alleged JD's, although the nature of the placement has changed from secure detention to non-secure shelter facilities for nearly all those charged only with JINS offenses. Thirty-three percent of JINS are held in custody in both 1973 and 1975, and this rate holds generally across jurisdictions. Most status offenders held in custody are charged with incorrigibility or runaway; few held are charged with truancy, liquor law violations, or other status offenses. For runaways and incorrigibles, the custody rate is substantially higher; nearly one of every two runaways is held in custody. The finding that the JINS held in custody are disproportionately female cannot really be separated from the

major finding of higher custody rates for JINS than for JD's and contributes further to the overall pattern of sexual inequities documented in Chapter 4.

On the basis of previous research and of our knowledge of the pressures upon the juvenile justice system in New Jersey, it is possible to suggest with some confidence some of the processes responsible for these marked differences. They stem, first of all, from parental insistence that their legal dependent requires custody placement. Because this insistence very frequently results from familial tensions that can often be ameliorated or resolved through counseling, this pattern provides yet another basis for questioning whether the juvenile court is an inappropriate agency to deal with such problems.

Several factors were found to be associated with custody placement for both types of offenders: source of complaint, school status, lack of parental support, and unstable or turbulent family situation. Seriousness of allegation, extent of prior record, and family financial situation are factors associated with custody for alleged JD offenders but not for JINS.

8. RESEARCH FINDINGS: JUVENILE COURT

As noted in Chapter 2, the juvenile court is the focal point for the processing of juveniles through New Jersey's juvenile justice system. The primary activities of court processing are conducted in various hearings, the most important of which are the adjudicatory and dispositional hearings. This chapter focuses on decision-making at the juvenile court, based on the study sample of approximately 2,500 juvenile court cases from six juvenile courts (see Table 3.3).

Type of Hearing

Once a case is forwarded to juvenile court, the first decision to be made determines the type of hearing for which the case will be scheduled. If a possibility of incarceration exists, judges are required to hold a counsel mandatory (formal) hearing. If such a possibility does not exist, the case may be scheduled for a counsel not mandatory (informal) hearing. Wide jurisdictional variation in the scheduling of cases for the two types of hearings is reported in the annual compilation of statistics published by the Administrative Office of the Courts (see Table 2.15); findings consistent with the AOC figures appear in our data. The proportion of JD cases heard with counsel mandatory ranges from 12% in Middlesex County, to about 70% in Essex County, with others falling in between. Similar variation exists for JINS complaints.

Table 8.1

Counsel Mandatory Hearings by Year by Offense Type

<u>YEAR</u>	<u>JINS</u> <u>(%)</u>	<u>JD</u> <u>(%)</u>
1973	27 (n=436)	39 (n=718)
1975	26 (n=349)	49 (n=645)

Table 3.1 shows that the proportion of JD complaints handled "formally" increased from 39 percent in 1973 to 49 percent in 1975. The role of intake may be a factor in contributing to this increase. Since intake diverts minor JD offenders from the juvenile court, the major role of the court becomes one of dealing with more serious delinquent offenders. Of all JINS complaints, approximately 26 percent were scheduled for counsel mandatory hearings in both 1973 and 1975. One interesting aspect of this finding is that the proportion of JINS cases heard with

counsel mandatory remained at the 1973 level, even though the 1974 statute prohibited the commitment of a JINS to an institution maintained for the rehabilitation of delinquents.¹

One provision of the juvenile code bearing directly upon the court processing of alleged JD's concerns the conditions under which juveniles can be waived to adult court. According to the code, a case may be waived to adult court without the juvenile's consent only if the juvenile is at least 14 years of age, and if there is probable cause to suspect the juvenile committed homicide, treason, some other violent act, or a drug offense without being an addict her/himself, and "the court is satisfied that adequate protection of the public requires waiver and is satisfied there are no reasonable prospects for rehabilitation of the juvenile prior to his attaining the age of majority by use of the procedures, services and facilities available to the court" (N.J.S.A. 2A:4-48). The significance of this provision was clarified in the course of the interviewing phase of the study, as several juvenile court judges identified this restriction as the most important change brought about by the code.² Only six cases out of our sample of 2,469 juvenile court cases resulted in a transfer to adult court. However, only one of these was in 1975, thus suggesting a decrease in waivers to adult court. Although this finding offers rather limited evidence, it is consistent with the assessment of the judges.

Processing Time

Figure 8.1 provides a graphic illustration of the mean lengths of time for various components of case processing. Clearly, most of the processing time is spent between the docketing of the complaint and the adjudication. Additional time is spent between the adjudication and disposition since a separate hearing is

¹As explained in Chapter 2, the Court Rules [5:9-1(b)] mandate that if the possibility of institutional commitment exists, the juvenile must be represented by an attorney in any court proceeding. The term "institutional commitment" is left undefined and, consequently, differences of interpretation exist. Clearly, some judges are giving priority to due process in the interpretation, and hence require counsel whenever there is a potential loss of liberty. Accordingly, they believe that the juvenile should be represented by an attorney in any court proceeding that could result in removal from the home--a condition which applies to many JINS as well as JD's.

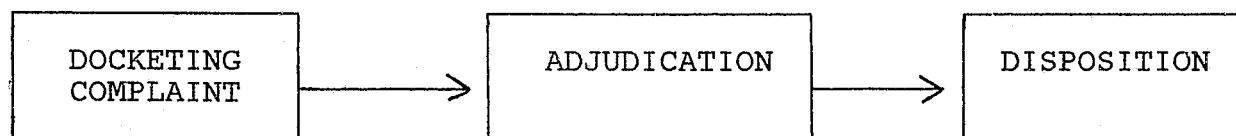
²The waiver age was 16 when the juvenile court judges were interviewed. The age was lowered to 14 on February 1, 1978.

often held for these two functions. Prior to disposition, judges often order predisposition reports on adjudicated juveniles to be completed by the probation department. JINS cases are processed substantially more quickly than JD's in both years. This is consistent with the findings reported in Chapter 5 regarding processing time at the juvenile aid bureau. A New York study (Twain & Scott, 1975:33) found that both PINS and JD's took approximately 110 days to process on the average; PINS were processed slightly, but not significantly faster than JD's.

Figure 8.1

Mean Juvenile Court Processing Time in Days

				<u>Total</u>
JD Cases	1973.	93	18	111
	1975	98	14	112



JINS Cases	1973	55	22	77
	1975	56	9	65

Table 8.2 further documents the above findings by time periods. The table shows that, for instance, in 1975, 49% of all delinquent cases, compared to 24% of all JINS cases, took three months or longer from the docketing of the complaint to the disposition by the judge. Likewise, in 1975, 44% of all JINS complaints, compared to only 14% of all delinquent complaints, were processed in less than four weeks.

While there has been a slight decrease in processing time for JINS from 1973 to 1975 (29% to 24% in three or more months), there has been a corresponding increase in the processing time of delinquent cases (43% to 49%) during the same time period. Nevertheless, the difference between JINS and JD's remains substantial. The time difference in the processing of delinquent and JINS cases was discussed with a number of court personnel in various court jurisdictions. There was a unanimity of opinion that two factors were generally responsible for delinquent complaints taking a longer period of time to be processed than JINS complaints.

Table 8.2

Processing Time by Sex by Year by Offense Type

PROCESSING TIME	JINS					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
0-2 Weeks	15	23	19	27	37	32
3-4 Weeks	16	13	15	14	11	12
5-8 Weeks	24	19	21	23	20	21
2-3 Months	18	15	16	12	9	11
3-6 Months	20	17	19	14	15	15
6 Months +	7	13	10	10	8	9
Total (n)	100 (229)	100 (211)	100 (440)	100 (174)	100 (220)	100 (394)

PROCESSING TIME	JD					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
0-2 Weeks	7	4	6	5	9	6
3-4 Weeks	11	14	11	8	9	8
5-8 Weeks	21	17	20	18	23	20
2-3 Months	19	20	20	17	18	17
3-6 Months	29	27	28	33	31	33
6 Months +	13	18	15	19	10	16
Total (n)	100 (512)	100 (207)	100 (719)	100 (494)	100 (197)	100 (691)

NOTE: Processing time refers to the time from the filing of a complaint at the court to the disposition at court.

First, delinquent complaints are often more complex than JINS complaints and are more likely to be placed on the counsel mandatory calendar. Hence, they may require the services of an attorney, usually a public defender. Consequently, additional time is usually necessary to prepare the case, call witnesses, etc., and the judge is likely to adjourn the case more frequently. JINS cases, on the other hand, were viewed as "open and shut cases" by the juvenile justice personnel we interviewed. The facts are usually much clearer than with JD allegations, no witnesses or lawyers are usually necessary, and only the parents' or guardian's presence is usually warranted.

The second factor involves the calendaring of JINS and JD complaints. Since court personnel anticipate that JINS cases can be disposed of more quickly than JD cases, the scheduling of JINS cases is often accelerated.

Adjudication at the Juvenile Court

If a juvenile is not detained or placed in shelter care when a complaint is signed, the juvenile's first hearing is the adjudicatory hearing, at which the guilt or innocence of the juvenile is determined. When juveniles are placed in detention or shelter care pursuant to the signing of a complaint, the New Jersey Court Rules provide for detention or shelter care hearings, at which the appropriateness of continued detention or shelter care is determined. In addition, the Court Rules provide for probable cause hearings for alleged delinquents held in detention centers at which time complaints may be withdrawn or dismissed. Under the Court Rules, JINS are not afforded probable cause hearings. For juveniles in detention or shelter facilities, the probable cause and/or detention/shelter hearings are followed by the adjudicatory and dispositional hearings. Depending on the individual circumstances surrounding each case and the established procedure in each juvenile court, the adjudication and the resultant disposition of the case may be treated as part of the same decision, or they may be treated as two separate decisions. Since technically and often actually they are distinct decisions, the following analysis treats them as such.

Our data indicate that an overall average of about 72 percent of all juvenile cases result in an adjudication. There are a number of reasons why a case will not result in an adjudication. For example, a complaint may be withdrawn, the case may be dismissed, the juvenile may be found "not guilty," or the complainant may not appear at the juvenile court hearing. Most of the cases not adjudicated are given an official disposition of "dismissed" and are presented as such in our data on disposition.

Some consistent differences exist in adjudication rates between JINS and JD's and males and females, as shown in Table 8.3. A lower proportion of cases was adjudicated in 1975 than in 1973, a finding consistent for both JD's and JINS. Female JINS are more

Table 8.3

Adjudication Rates by Sex by Year by Offense Type

	JINS		JD	
	1973 (%)	1975 (%)	1973 (%)	1975 (%)
Total Sample	77	72	73	65
Male	74	67	74	66
Female	80	77	71	62
(n)	(496)	(419)	(791)	(737)

likely to be adjudicated than JD's--a finding that holds for both years. Further analysis reveals that female JD's are adjudicated less often than male JD's whereas female JINS are adjudicated more often than male JINS.

Focusing on sex differences in Table 8.3, first consider variation among males. Although there is a reduction in adjudication rates from 1973 to 1975, male JINS and male JD's are adjudicated at the same rate within each year. For females, there is a significant reduction in JD adjudications, but only a slight reduction in JINS adjudications from 1973 to 1975.

While a limited amount of county variation exists for adjudication (see Table 8.4), the patterns of higher adjudication rates for JINS females than for males or for JD females, and of lower rates in 1975 than in 1973 hold generally. These findings are consistent with other data that have suggested higher adjudication rates for female than male status offenders. One possible reason for the higher adjudication rate for female JINS is that parents may be less likely to withdraw complaints against female than male status offenders, especially when sexual misbehavior is involved.

Among JD offenders, those charged with violent offenses, assault and battery and minor offenses are less likely to be adjudicated than those in other offense categories.

Disposition at the Juvenile Court

Once the evidence is heard and the case is adjudicated, the judge orders a disposition for the case. Although the Administrative Office of the Courts has attempted to compile data on the patterns of dispositions throughout the State, their efforts have been plagued by inconsistencies in county record keeping. The task of compiling accurate data is also impeded by the complex nature of the dispositions themselves. For example, many cases receive multiple dispositions, such as "place on probation" and

Table 8.4

Adjudication Rates by County by Sex by Year by Offense Type

	1973							1975						
	COUNTY							COUNTY						
	Essex	Union	Middlesex	Morris	Hunterdon	Sussex	Total	Essex	Union	Middlesex	Morris	Hunterdon	Sussex	Total
(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Total Sample	90	63	67	96	76	74	77	68	62	65	99	86	71	72
Male	87	65	64	97	79	56	74	66	54	58	97	100	61	67
Female	94	62	71	95	73	96	80	71	68	70	100	67	81	77
(n)	(101)	(101)	(119)	(74)	(50)	(51)	(496)	(92)	(114)	(98)	(75)	(7)	(34)	(420)

	1973							1975						
	COUNTY							COUNTY						
	Essex	Union	Middlesex	Morris	Hunterdon	Sussex	Total	Essex	Union	Middlesex	Morris	Hunterdon	Sussex	Total
(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
Total Sample	79	69	54	85	66	95	73	51	57	62	85	70	86	65
Male	79	70	55	88	65	95	74	51	61	63	86	75	84	66
Female	81	69	52	78	67	96	71	49	48	59	83	50	89	62
(n)	(207)	(147)	(176)	(92)	(82)	(87)	(791)	(199)	(148)	(128)	(92)	(63)	(107)	(737)

"place under the care of DYFS." Such cases could either be counted as probation, DYFS, or as both. Also, dispositions may be based on multiple offenses, including multiple JINS, JD's, or both together.

In our sample of 2,469 cases, the most frequent dispositions were "dismissal," "adjourn formal entry" (or "adjusted," or "held in abeyance") conditional upon the satisfactory behavior of the juvenile, and "place on probation." The distribution of dispositions is presented in Table 8.5; several findings from the table deserve comment. First is the frequent use of probation for JINS, in comparison to its use for JD's. This is a finding that holds across counties in both time periods. Morris County places the largest proportion of both JINS and JD's on probation--over half in both years; the most rural counties--Hunterdon and Sussex--the smallest proportion. The only noteworthy change in the pattern by jurisdiction for the two years is in Essex County, where the proportion of JINS placed on probation reduced from 46% in 1973, to 17% in 1975. Instead of probation, more JINS cases were adjourned or referred for social services in 1975, a second finding that requires comment.

A notable increase in the reliance on DYFS in dealing with JINS cases can be seen from the table. The breakdown by sex shows that this increase occurred for both sexes, although females are roughly twice as likely as males to be referred to DYFS. "Place under the care of DYFS" is used most frequently as a disposition in Essex, Union, and Middlesex counties, the three most urban and populous counties in our sample. Analysis by county shows that the increase in social service referrals is largely confined to these counties; the most dramatic increase occurred in Essex County.

In addition to the formal disposition, an additional 12% of the JINS cases and 3% to 4% of the JD cases were referred to the attention of DYFS without a formal disposition charging DYFS with responsibility for the juvenile (not shown in Table 8.5). Combining these cases formally placed under DYFS's care, it would appear that more than one-fourth of all JINS cases heard by the court were referred to DYFS by the court in 1975.

Although the category "all other dispositions" is quite sizeable (approximately 13%), it includes a number of dispositions which were used relatively infrequently. The dispositions in this category include such things as "transfer custody to relative," "transfer to adult court," and "transfer to another juvenile court jurisdiction." It should be noted that two new dispositions incorporated in the juvenile code, specifying 1) commitments to mental institutions and 2) placement under the care of the Division of Mental Retardation, were almost never used. We found only one case and two cases respectively that had received such dispositions. This is not to suggest that JINS and delinquents rarely find their way to psychiatric hospitals or schools for the retarded, since there are routes into these facilities which do not involve a disposition by the juvenile court.

Table 8.5

Disposition by Sex by Year by Offense Type

DISPOSITION	JINS					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Dismissed/Withdrawn	25	21	23	28	19	23
Adjourn Formal Entry	23	18	20	17	17	17
Place Under the Care of DYFS	2	4	3	5	11	8
Place Under the Care of DYFS and Place on Probation	2	7	4	6	9	7
Probation	32*	36*	34*	27*	30	29*
Suspended Commitment	2*	2	2*	4*	0	2*
Commitment	1	0	1	1	0	1
All Other Dispositions	13	12	13	12	14	13
Total (n)	100 (247)	100 (228)	100 (475)	100 (179)	100 (230)	100 (409)

* These dispositions were given in conjunction with dispositions for JD complaints.

DISPOSITION	JD					
	1973			1975		
	M (%)	F (%)	TOTAL (%)	M (%)	F (%)	TOTAL (%)
Dismissed/Withdrawn	26	30	27	20	31	23
Adjourn Formal Entry	25	30	27	30	29	30
Place Under the Care of DYFS	1	1	1	1	2	1
Place Under the Care of DYFS and Place on Probation	1	1	1	2	3	2
Probation	28	20	25	24	21	23
Suspended Commitment	5	1	4	9	3	7
Commitment	2	0	2	4	0	3
All Other Dispositions	12	17	13	10	11	11
Total (n)	100 (541)	100 (230)	100 (771)	100 (518)	100 (208)	100 (726)

Some systematic patterns of sex variation by disposition were found. Most are consistent from 1973 to 1975. As in the case of adjudication, female JD's are more likely than males to be dismissed, but female JINS are less likely than male JINS or JD's to have their cases dismissed. It is also significant that female JINS are more likely than male JINS or JD's to be placed on probation. JD males are more likely than females to receive suspended sentences or to be committed to a correctional facility. Thus, as with adjudication, the dispositional stage of processing also reflects the most stringent treatment for JINS females. A considerable body of literature has shown this differential treatment of females to be a general phenomenon (see, e.g., Reiss, 1960; Gold, 1971; Goldman, 1971; Greene & Esselstyn, 1972; and Sussman, 1977). One previous study (Chused, 1973) has documented this situation in New Jersey.

In the context of a 1,500-case study of one juvenile court, Reiss (1960:316) provides an explicit account of the prevailing attitude:

... the judge refused to treat any form of sexual behavior on the part of boys, even the most bizarre forms, as warranting more than probationary status. The judge, however, regarded girls as the "cause" of sexual deviation of boys in all cases of coition involving an adolescent couple and refused to hear the complaints of the girl and her family; the girl was regarded as a prostitute.

Sussman (1977:184) offers additional insight into an important component of the rationale for this practice:

A special concern for women, which sometimes results in higher acquittal rates for adult female offenders and leniency in their sentencing, has come to be known as the "chivalry factor" in law. The chivalry factor seems, however, to disappear or cut the opposite way in cases of female juvenile offenders. Perhaps because the primary purpose of intervention in cases involving children is considered protective rather than punitive, judges and probation officers in some jurisdictions are less hesitant to take drastic actions against females (particularly those in need of supervision).

The sources cited here are part of a wider body of literature expanding sex discrimination in the juvenile justice and in the justice system more generally (see, e.g., Armstrong, 1977; Chesney-Lind, 1977; and Conway & Bogdan, 1977).

In view of the clear evidence presented for differential treatment by sex in Tables 8.3 and 8.5, a comment on the relation of this differential to the juvenile code is in order. It does not appear that the code affected the treatment of either delinquent or JINS females, since the observed patterns are consistent in 1973 and 1975.

Factors Associated with Juvenile Court Dispositions

A number of factors are associated with the court disposition of the complaint. In most cases, the patterns of association are consistent over time. Consequently, the following narrative will not routinely focus upon 1973-75 comparisons, although data for each year will be presented. In order to make this analysis manageable, DYFS referral and all other social service agency referrals were classified as "referral." Suspended commitment and commitment are classified together as "commitment." Cases that were placed both on probation and under the care of DYFS are classified "probation," since it is the more severe of the two dispositions. Some of the "other dispositions" were referrals to private agencies and were classified as referral; the few remaining cases were omitted from the analysis.

Complainant

For JD offenders, the signer of the complaint has little apparent relation to disposition. For JINS offenders, as Table 8.6 shows, complaints signed by police officers are less likely to result in stringent dispositions (referral for social service or probation) than are those signed by parents, school, or welfare agencies. Nearly half of the police-signed complaints received the disposition, "hold in abeyance" compared to less than 20 percent of parent-signed JINS complaints. This pattern is consistent in both study years and for both sexes.

The apparent reasons for this pattern are much the same as those discussed in the analysis of the custody decision. The police officer probably has less personal involvement and less prolonged or repeated contact with the alleged JINS than do the other complainants. For parents, the complaint reflects a problem that they have a personal interest in seeing solved. Andrews and Cohn (1977:76-81) found a similar result in their study of two New York counties. They report that schools are regarded by the courts as "sister" institutions, and hence their complaints receive serious attention. In some cases, this may also be true of social service agencies.

Custody

Table 8.7 shows that a substantial relationship exists between being held in custody and severity of disposition. This relationship holds in both years for both JD's and JINS, regardless of whether they are held in a detention facility or JINS shelter. However, the relationship is weak in the case of JINS, while it is substantial for JD's.³ As an example, only 6% of the

³As noted in the analysis of temporary custody placement, most of the JINS in the detention category in 1975 are there as a result of having JD offenses pending at the time of the sampled JINS offense.

Table 8.6

Disposition by Source of Complaint by Year by Offense Type

DISPOSITION	JINS											
	1973						1975					
	Police (%)	Victim (%)	Parent (%)	School (%)	DYFS (%)	Total (%)	Police (%)	Victim (%)	Parent (%)	School (%)	DYFS (%)	Total (%)
Dismissal	17	55	27	18	23	24	18	22	29	19	25	23
Adjournment	43	11	20	14	12	25	48	32	13	23	0	25
Referral	6	6	4	2	18	5	1	21	7	5	19	9
Probation	32	28	46	66	41	43	28	22	50	50	56	40
Commitment	2	0	3	0	6	3	5	3	1	3	0	3
Total	100	100	100	100	100	100	100	100	100	100	100	100
(n)	(126)	(18)	(232)	(50)	(17)	(443)	(79)	(74)	(158)	(64)	(16)	(391)

DISPOSITION	JD											
	1973						1975					
	Police (%)	Victim (%)	Parent (%)	School (%)	DYFS (%)	Total (%)	Police (%)	Victim (%)	Parent (%)	School (%)	DYFS (%)	Total (%)
Dismissal	25	45	17	10	--	30	16	38	46	13	67	25
Adjournment	36	25	25	30	--	33	38	31	23	40	33	35
Referral	1	2	0	20	--	1	0	3	0	0	0	1
Probation	32	23	50	40	--	30	34	22	31	40	0	29
Commitment	6	5	8	0	--	6	12	6	0	7	0	10
Total	100	100	100	100	--	100	100	100	100	100	100	100
(n)	(491)	(180)	(12)	(10)	(0)	(693)	(409)	(231)	(13)	(15)	(3)	(671)

Table 8.7

Disposition by Temporary Custody by Year by Offense Type

DISPOSITION	JINS						
	1973			1975			
	Not Detained (%)	Detention Center (%)	Total (%)	Not Detained (%)	JINS Shelter (%)	Detention Center (%)	Total (%)
Dismissal	25	23	24	25	19	25	24
Adjournment	29	17	25	32	10	7	25
Referral	5	6	5	7	16	4	9
Probation	40	48	43	34	54	53	40
Commitment	1	5	3	2	1	11	2
Total (n)	100 (294)	100 (161)	100 (455)	100 (273)	100 (102)	100 (28)	100 (403)

DISPOSITION	JD						
	1973			1975			
	Not Detained (%)	Detention Center (%)	Total (%)	Not Detained (%)	JINS Shelter (%)	Detention Center (%)	Total (%)
Dismissal	32	16	30	26	20	17	25
Adjournment	35	17	32	37	0	23	34
Referral	1	3	2	2	10	2	2
Probation	28	43	30	29	50	26	29
Commitment	4	21	6	6	20	32	10
Total (n)	100 (622)	100 (90)	100 (712)	100 (591)	100 (10)	100 (94)	100 (695)

JD's who were not detained in 1975 received commitment to a correctional institution as a court disposition, while one-third of those JD's held in custody received a similar disposition. The findings for "dismissal" suggested a similar pattern; 26% of those JD's not in custody compared to 17% in custody had their cases dismissed.

A similar association between custody and disposition was found by several other studies, including Chused's (1973:526) study of three New Jersey counties, and Cohen's (1975a:37) study of three juvenile courts in Colorado, Tennessee, and Pennsylvania.

This may indicate an appropriate use of detention and shelter custody. On the other hand, it may be argued that the fact of custody biases the judge and encourages more severe dispositions. Because few legal safeguards protect a juvenile from custody placement, which in turn is one of the best predictors of a severe disposition, Chused (1973:535-537) suggests that this is a critical area for policy review.

Type of Hearing

Table 8.8 presents data on the relation of the type of hearing and disposition. Docketing of the case for a counsel mandatory rather than a counsel not mandatory hearing is related to severity of disposition for JD offenders, but not for JINS offenders. This difference holds both in 1973 and 1975. Thus, analysis of the docketing of cases reveals a pattern similar to the custody decision.

Adjudicated Offense

Overall, a substantial relationship exists between the seriousness of an adjudicated charge and the severity of the disposition, presented in Table 8.9. The three most serious JD offense categories account for nearly all commitments or suspended commitments, while the less serious types of offenders are generally dismissed or "adjourned." However, about the same proportion of cases are placed on probation, regardless of the offense committed. Adjudicated JINS are more likely to be placed on probation than are adjudicated JD's.

Prior Offense

Table 8.10 shows that the severity of disposition is related to the number of prior offenses for JD offenders. This has been the finding of virtually all studies that have examined this relationship (see, e.g., Scarpitti & Stephenson, 1971; Arnold, 1971; Thornberry, 1973; Chused, 1973; Cohen, 1975c; and Cohen & Kluegel, 1977). For JINS-type offenders, however, no such relationship exists. This can be partially attributed to two factors already discussed. First, JINS are more likely to receive more stringent sanctions, whether the juvenile is a first or repeat offender. Second, there is a narrower range of sanctions to

Table 8.8

Disposition by Type of Hearing by Year by Offense Type

DISPOSITION	JINS					
	1973			1975		
	Counsel Mandatory (%)	Counsel Not Mandatory (%)	Total (%)	Counsel Mandatory (%)	Counsel Not Mandatory (%)	Total (%)
Dismissal	35	21	24	26	25	26
Adjournment	9	31	25	14	32	27
Referral	7	2	4	10	10	10
Probation	41	45	44	38	33	34
Commitment	8	1	3	12	0	3
Total (n)	100 (112)	100 (305)	100 (417)	100 (87)	100 (249)	100 (336)

DISPOSITION	JD					
	1973			1975		
	Counsel Mandatory (%)	Counsel Not Mandatory (%)	Total (%)	Counsel Mandatory (%)	Counsel Not Mandatory (%)	Total (%)
Dismissal	27	32	30	20	26	23
Adjournment	21	40	33	22	49	36
Referral	2	0	1	3	1	2
Probation	35	27	30	34	23	28
Commitment	15	1	6	21	1	11
Total (n)	100 (262)	100 (394)	100 (656)	100 (300)	100 (311)	100 (611)

Table 8.9

Disposition by Adjudicated Offense by Year by Offense Type

ADJUDICATED OFFENSE	JINS													
	1973							1975						
	DISPOSITION													
	Dismissal	Adjournment	Referral	Probation	Commitment	Total	(n)	Dismissal	Adjournment	Referral	Probation	Commitment	Total	(n)
Runaway (%)	9	26	5	56	4	100	(157)	7	30	10	52	1	100	(117)
Incorrigibility (%)	16	20	6	55	3	100	(97)	3	29	23	43	2	100	(77)
Truancy, etc. (%)	5	45	5	44	1	100	(109)	6	33	3	55	3	100	(98)
(n)							(363)							(292)
ADJUDICATED OFFENSE	JD													
	1973							1975						
	DISPOSITION													
	Dismissal	Adjournment	Referral	Probation	Commitment	Total	(n)	Dismissal	Adjournment	Referral	Probation	Commitment	Total	(n)
Violent Offenses (%)	16	4	8	36	36	100	(25)	7	28	3	38	24	100	(29)
Assault & Battery (%)	22	44	0	33	2	100	(55)	12	41	2	33	12	100	(49)
Property Offenses (%)	11	34	3	41	11	100	(131)	4	38	0	45	13	100	(120)
Minor Property (%)	15	34	3	43	4	100	(93)	15	44	2	32	6	100	(99)
Drug Offenses (%)	8	49	0	38	5	100	(104)	4	50	0	37	9	100	(54)
Minor Offenses (%)	11	54	0	28	7	100	(102)	2	57	2	35	4	100	(95)
(n)							(510)							(446)

CONTINUED

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Table 8.10

Disposition by Prior JD Allegations by Year - JD Offenders

DISPOSITION	1973								Total (%)
	None (%)	One (%)	Two (%)	Three (%)	Four (%)	Five (%)	6-10 (%)	11+ (%)	
Dismissal	31	31	37	28	24	7	21	8	30
Adjournment	44	24	18	10	7	0	7	8	32
Referral	2	0	0	0	0	7	4	15	2
Probation	21	41	41	46	45	64	39	23	30
Commitment	2	4	4	16	24	22	29	46	6
Total (n)	100 (421)	100 (116)	100 (54)	100 (39)	100 (29)	100 (14)	100 (28)	100 (13)	100 (714)

DISPOSITION	1975								Total (%)
	None (%)	One (%)	Two (%)	Three (%)	Four (%)	Five (%)	6-10 (%)	11+ (%)	
Dismissal	27	23	25	18	30	24	18	18	25
Adjournment	44	31	26	11	12	6	21	12	34
Referral	1	1	0	4	0	6	3	3	2
Probation	25	35	45	52	28	29	30	21	29
Commitment	3	10	4	15	30	35	28	46	10
Total (n)	100 (395)	100 (110)	100 (47)	100 (27)	100 (33)	100 (17)	100 (33)	100 (33)	100 (695)

apply in JINS cases; probation is the most restrictive disposition available. Thus, those with priors cannot be given a more severe disposition than about half of those without priors already receive. Being a repeat offender does not increase the likelihood that much. As Table 8.10 shows, adjudicated JD's must have at least two priors before approaching a 50 percent probability of being placed on probation.

Age

Our analysis of JAB dispositions indicated a direct relationship between age and severity of disposition for JD's. No comparable relationship exists for juvenile court dispositions as noted in Table 8.11. However, the analysis of court dispositions does reveal two noteworthy patterns: Most of the juveniles receiving commitments or suspended commitments to correctional facilities are age 16 or 17, and almost all of them are age 14 or older. The second pattern pertains to JINS offenders: Most JINS offenders placed on probation are between 10 and 15 years old, and relatively few of those younger than 10 or older than 15 are placed on probation. It may be that judges are reluctant to place very young juveniles on probation. (Even fewer 7 to 9-year-old JD's are placed on probation than are JINS.) At the other end of the age range, judges may tend to be more lenient with 16 and 17-year-olds who are before the court for status offenses stemming from family problems, since they will soon be beyond the legal reach of age-specific statutes and their parents.

This finding of no relationship between age and severity of disposition is consistent with the findings of Chused (1973), Scarpitti and Stephenson (1971), and Cohen (1975c).

Ethnicity

One of the most controversial factors often claimed to be associated with court disposition is ethnicity (see, e.g., Arnold, 1971; Terry, 1967b; Thornberry, 1973; Cohen, 1975c; and Cohen & Kluegel, 1977). Contrary to earlier findings, the most recent and statistically sophisticated examinations of this relationship have failed to uncover any significant relationship. Black (1976) identifies a further significant variable which other studies do not take into account: the relationship between the offender's social status and the victim's social status. Until this relationship is examined, the lack of ethnic bias cannot be confidently claimed on the basis of the current research literature.

No overall patterns of association between ethnicity and severity of court disposition exists. This is particularly interesting in view of the relationship found to exist between ethnicity and police disposition. However, for one of the dispositions, commitment, Table 8.12 reveals that blacks have a higher commitment rate than whites in both 1973 and 1975. It should be

Table 8.11

Disposition by Age by Year by Offense Type

DISPOSITION	JINS											
	1973						1975					
	AGE						AGE					
	7-9 (%)	10-11 (%)	12-13 (%)	14-15 (%)	16-17 (%)	Total (%)	7-9 (%)	10-11 (%)	12-13 (%)	14-15 (%)	16-17 (%)	Total (%)
Dismissal	0	0	22	25	25	24	50	22	15	24	26	24
Adjournment	25	50	19	19	33	25	0	22	24	19	33	25
Referral	50	0	2	6	5	5	25	11	18	11	3	9
Probation	25	50	53	48	34	43	25	45	41	45	33	40
Commitment	0	0	4	2	3	3	0	0	2	1	5	2
Total (n)	100 (4)	100 (6)	100 (47)	100 (227)	100 (171)	100 (455)	100 (4)	100 (9)	100 (46)	100 (200)	100 (144)	100 (403)

DISPOSITION	JD											
	1973						1975					
	AGE						AGE					
	7-9 (%)	10-11 (%)	12-13 (%)	14-15 (%)	16-17 (%)	Total (%)	7-9 (%)	10-11 (%)	12-13 (%)	14-15 (%)	16-17 (%)	Total (%)
Dismissal	0	17	32	28	31	30	50	35	32	22	25	25
Adjournment	50	58	33	35	30	32	33	45	36	33	35	34
Referral	50	0	7	1	1	2	0	0	2	3	1	2
Probation	0	8	27	32	30	30	17	20	28	32	28	29
Commitment	0	17	1	4	8	6	0	0	2	10	11	10
Total (n)	100 (2)	100 (12)	100 (70)	100 (255)	100 (368)	100 (707)	100 (6)	100 (20)	100 (56)	100 (244)	100 (366)	100 (692)

Table 8.12

Disposition by Ethnicity by Year by Offense Type

JINS

DISPOSITION	1973				1975			
	Black (%)	Hispanic (%)	White (%)	Total (%)	Black (%)	Hispanic (%)	White (%)	Total (%)
Dismissal	31	30	15	21	21	23	19	20
Adjournment	15	9	30	24	21	23	22	21
Referral	6	4	3	4	20	15	5	11
Probation	46	52	48	48	35	39	51	45
Commitment	2	4	4	3	3	0	3	3
Total (n)	100 (128)	100 (23)	100 (220)	100 (371)	100 (101)	100 (13)	100 (175)	100 (289)

JD

DISPOSITION	1973				1975			
	Black (%)	Hispanic (%)	White (%)	Total (%)	Black (%)	Hispanic (%)	White (%)	Total (%)
Dismissal	31	41	26	28	24	33	20	22
Adjournment	22	14	32	28	28	30	38	34
Referral	3	3	1	2	5	0	0	2
Probation	33	28	36	35	26	30	32	30
Commitment	11	14	5	7	17	7	10	12
Total (n)	100 (199)	100 (29)	100 (353)	100 (581)	100 (192)	100 (40)	100 (309)	100 (541)

cautioned, however, that this finding does not take into account the effects of other related variables, severity of offense and the number of prior offenses.

For JINS, two comments may be made about the findings presented in Table 8.12. First, a smaller proportion of black and Hispanic JINS were dismissed and placed on probation in 1975 than in 1973, while a higher proportion of their cases were adjourned (held in abeyance). Second, referral rates tripled from 1973 to 1975 for black and Hispanic JINS, from 6% to 20% and 4% to 15% respectively. Thus, the dramatic increase in referrals from 1973 to 1975 (from 4% to 11%) is accounted for almost entirely by black and Hispanic JINS. Although not reported in Table 8.12, further analysis revealed that the dramatic increase in referrals is the result of an extremely high increase in the referral rate for females.

School Status

Our analysis indicates that being enrolled in school is associated with leniency in the court disposition. The relationship holds for both JD's and JINS. In both years, for example, about 37% of the JD offenders who were enrolled in school were placed on probation or committed or given a suspended commitment, while more than 60% of those not enrolled received these dispositions.

Family Factors

Several of the judges interviewed indicated that the family living environment was an important consideration in making dispositions. However, our data show no relationship between either family configuration or family stability and disposition. Other studies that have examined this issue have produced conflicting results (Arnold, 1971:219; Cohen, 1975a:28-29). Cohen's analysis of processing in three juvenile courts found the number of parents present to be a factor in only one of them.

Summary: Juvenile Court Processing

Relatively few interpretable changes in juvenile court processing patterns occurred from 1973 to 1975. An increase in the use of the counsel mandatory calendar for JD offenders was noted, perhaps due to the effects of intake in removing minor cases from the docket.

Adjudication rates show a small but consistent reduction from 1973 to 1975. This occurred for both JINS and JD offenders, and it is difficult to know how it might be interpreted.

Several noteworthy findings correlated to change over time emerged from the analysis of adjudication; JINS are more likely to be adjudicated than JD's. Female JINS are more likely to be adjudicated than male JINS, but male JD's are more likely to be adjudicated than female JD's.

The most important change in dispositional patterns was the dramatic increase (about 100%) in the use of DYFS as a dispositional alternative, often in conjunction with probation. This disposition is used primarily for JINS cases. The increase in its use also occurred primarily--but not exclusively--in the case of JINS.

Several new dispositional alternatives available since 1974, specifying placement in a mental institution or under the care of the Division of Mental Retardation, were rarely used in the sample; a total of only three cases had these dispositions.

As in the case of adjudication, the dispositional analysis revealed several noteworthy findings that remained consistent from 1973 to 1975. With the exception of commitments, it was observed that JINS tend to get more stringent dispositions than do JD offenders. Moreover, JINS females are more likely to be placed on probation than males whereas JD females are less likely to be placed on probation than males. In the case of both adjudication and disposition, these patterns appear to reflect such factors as parental pressure for the disciplining of JINS, and the perception of JINS as having "problems"--factors whose effects may be compounded in the case of female offenders.

Numerous factors are associated with dispositional severity, but these are not the same for JINS and JD offenders. The following factors are related to severe dispositions for JD's, but not for JINS offenders: being placed on the counsel mandatory calendar; number of prior offenses; and severity of offense. The complainant's relation to the offender has no interpretable effect for JD's, but it does for JINS: The disposition is more likely to be stringent if a parent or school or welfare official signs the complaint than if a police officer does so. For both JD and JINS offenders, being held in temporary custody and not being enrolled in school are related to more stringent dispositions.

It will be recalled that the findings emerging from the analysis of characteristics (Chapter 4) showed that juveniles charged with JINS offenses were somewhat more likely than JD's to have histories of family or emotional problems. In the analysis of juvenile court processing, it was consistently found that JINS are handled more stringently than all except serious JD offenders at every decision point in the system: detention, adjudication, and disposition. The finding emerging here is, therefore, consistent with those of other aspects of the study: Whether due to individual turmoil, family problems or tension, or even scapegoating by parents or others, individuals charged with JINS offenses are perceived as more troubled and become more deeply involved in the juvenile court system than do alleged JD's. Thus, a critical problem imparting juvenile justice policy is whether the juvenile justice system is the optimal means of dealing with these juveniles. Obviously, the answer to this question involves careful consideration of the possible alternative mechanisms that could feasibly be created, as well as those already in operation.

APPENDIX A

New Jersey's Juvenile Code

2A:4-42. Purposes

This act shall be construed so as to effectuate the following purposes:

a. To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of juveniles coming within the provisions of this act;

b. Consistent with the protection of the public interest, to remove from children committing delinquent acts certain statutory consequences of criminal behavior, and to substitute therefor an adequate program of supervision, care and rehabilitation;

c. To separate juveniles from the family environment only when necessary for their health, safety or welfare or in the interests of public safety.

2A:4-43. General definitions

As used in this act:

a. "Juvenile" means an individual who is under the age of 18 years.

b. "Adult" means an individual 18 years of age or older.

c. "Detention" means the temporary care of juveniles in physically restricting facilities pending court disposition.

d. "Shelter care" means the temporary care of juveniles in facilities without physical restriction pending court disposition.

e. "Commit" means to transfer legal custody to an institution.

f. "Guardian" means a person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent.

2A:4-44. Definition of Delinquency

As used in this act, "delinquency" means the commission of an act by a juvenile which if committed by an adult would constitute:

- a. A homicide or act of treason;
- b. A high misdemeanor or misdemeanor;
- c. A disorderly persons offense; or
- d. A violation of any other penal statute, ordinance or regulation.

But, the commission of an act which constitutes a violation of chapters 3, 4, 6 or 8 of Title 39, Motor Vehicles, of the Revised Statutes, or of any amendment or supplement thereof, by a juvenile of or over the age of 17 years shall not constitute delinquency as defined in this act.

2A:4-45. Definition of "juvenile in need of supervision"

As used in this act, "juvenile in need of supervision" means:

- a. A juvenile who is habitually disobedient to his parent or guardian;
- b. A juvenile who is ungovernable or incorrigible;
- c. A juvenile who is habitually and voluntarily truant from school; or
- d. A juvenile who has committed an offense or violation of a statute or ordinance applicable only to juveniles.

Evidence of conduct which is ungovernable or incorrigible may include but shall not be limited to:

- (1) habitual vagrancy,
- (2) immorality,
- (3) knowingly visiting gambling places, or patronizing other places or establishments, the juvenile's admission to which constitutes a violation of law,
- (4) habitual idle roaming of the streets at night,
- (5) deportment which endangers the juvenile's own morals, health or general welfare.

2A:4-46. Exclusive jurisdiction of juvenile and domestic relations court

- a. Except as stated in sections [2A:4-48] and [2A:4-49] of this act, the juvenile and domestic relations court shall have

exclusive jurisdiction in all cases where it is charged that a juvenile has committed an act of delinquency or is in need of supervision.

b. The juvenile and domestic relations court shall have jurisdiction in respect to the custody of any juvenile who may be held as a material witness in any case pending in the juvenile and domestic relations court. Whenever a juvenile is a material witness in any other court, the procedures established by this act shall be followed.

c. Nothing in this act shall affect the jurisdiction of other courts over offenses committed after a juvenile under the jurisdiction of the juvenile and domestic relations court reaches the age of 18 years.

2A:4-47. Transfer from other courts

Except as provided in section [2A:4-44], and unless jurisdiction has been waived under section [2A:4-48], if during the pendency in any other court of a case charging a person with a crime, offense or violation, it is ascertained that such person was a juvenile at the time of the crime, offense or violation charged, such court shall immediately transfer such case to the juvenile and domestic relations court having jurisdiction. The juvenile and domestic relations court shall thereupon proceed in the same manner as if the case had been instituted in that court in the first instance.

2A:4-48. Referral to other court without juvenile's consent

The juvenile and domestic relations court may, without the consent of the juvenile, waive jurisdiction over a case and refer that case to the appropriate court and prosecuting authority having jurisdiction if it finds, after hearing, that:

a. The juvenile was 14 years of age or older at the time of the charged delinquent act;

b. There is probable cause to believe that the juvenile committed a delinquent act which would constitute homicide, treason if committed by an adult or committed an offense against the person in an aggressive, violent and willful manner or committed a delinquent act which would have been a violation of section 19 of the Controlled Dangerous Substances Act (P.L. 1970, c. 226; C. 24:21-19) if committed by an adult and the juvenile, at the time he committed the act, was not addicted to a narcotic drug as that term is defined in section 2 of the Controlled Dangerous Substances Act (P.L. 1970, c. 226; C. 24:21-2); and

c. The court is satisfied that adequate protection of the public requires waiver and is satisfied there are no reasonable

prospects for rehabilitation of the juvenile prior to his attaining the age of majority by use of the procedures, services and facilities available to the court.

2A:4-49. Referral to other court at election of juvenile

Any juvenile, 14 years of age or older, charged with delinquency may elect to have the case transferred to the appropriate court having jurisdiction.

2A:4-50. Effect of referral to other court

Whenever a case is referred to another court as provided by section [2A:4-48] or [2A:4-49], that case shall thereafter proceed in the same manner as if the case had been instituted in that court in the first instance.

2A:4-51. Use of juvenile's testimony at referral hearing

No testimony of a juvenile at a hearing pursuant to section [2A:4-48] shall be admissible for any purpose in any hearing to determine delinquency or guilt of any offense.

2A:4-52. Retention of jurisdiction

a. The court shall retain jurisdiction over any case in which it has entered a disposition under subsections g. or h. of section [2A:4-61] for the duration of that disposition and may at any time, in accordance with the Rules of Court, reconsider the disposition of commitment and substitute any disposition available to it under section [2A:4-61], other than under subsection h. of section [2A:4-61].

b. The juvenile and domestic relations court shall retain jurisdiction over any case in which it has entered a disposition under subsection c. of section [2A:4-61] or section [2A:4-62] and may at any time for the duration of that disposition, if after hearing, it finds violation of the conditions of the order of disposition, substitute any other disposition which it might have made originally.

c. The juvenile and domestic relations court may by its order retain jurisdiction in any other case.

2A:4-53. Complaints

a. Complaints charging delinquency may be signed by any person who has knowledge of the facts alleged to constitute delinquency or is informed of such facts and believes that they are true.

b. Complaints charging that a juvenile is in need of supervision may be signed by any of the following: a representative of a public or private agency authorized to provide care or supervision of juveniles; a representative of a public or private agency providing social services for families or children; a school official; a law enforcement, correction or probation officer; or a parent or guardian.

c. Complaints shall be in such form as prescribed by the Rules of Court.

2A:4-54. Taking into custody

a. A juvenile may be taken into custody:

- (1) Pursuant to an order or warrant of the juvenile and domestic relations court or other court having jurisdiction; or
- (2) For delinquency, when there has been no process issued by a court, a law enforcement officer may take any juvenile into custody without process, pursuant to the laws of arrest and the Rules of Court.

b. A juvenile may be taken into custody if the law enforcement officer has reasonable cause to believe that the juvenile is in need of supervision.

c. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well being of the juvenile.

2A:4-55. Release from custody; notice to parents

a. Any person taking a juvenile into custody shall immediately notify the parents, or the juvenile's guardian, if any, that the juvenile has been taken into custody.

b. A person taking a juvenile into custody shall comply with the Rules of Court relating thereto.

2A:4-56. Criteria for placing juvenile in detention or shelter care

a. Where it will not adversely affect the health, safety or welfare of a juvenile, he or she shall be released pending the disposition of a case to one or both parents or guardian, if any, upon assurance being received that such responsible person or persons accept responsibility for the juvenile and will bring him before the juvenile and domestic relations court as ordered.

b. A juvenile charged with delinquency may not be placed or retained in detention under this act prior to disposition, except as otherwise provided by law, unless:

- (1) Detention is necessary to secure the presence of the juvenile at the next hearing; or
- (2) The nature of the conduct charged is such that the physical safety of the community would be seriously threatened if the juvenile were not detained.

c. A juvenile may not be placed or retained in shelter care prior to disposition unless:

- (1) There is no appropriate adult custodian who agrees to assume responsibility for the juvenile, and the release on the basis of a summons to the juvenile is not appropriate; or
- (2) Shelter care is necessary to protect the health or safety of the juvenile; or
- (3) Shelter care is necessary to secure his presence at the next hearing; or
- (4) The physical or mental condition of the juvenile makes his immediate release impractical.

2A:4-57. Place of detention or shelter

a. The State Department of Institutions and Agencies shall specify the place where:

- (1) A juvenile may be detained; and
- (2) Where a juvenile may be placed in shelter.

b. No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Department of Institutions and Agencies as provided in a. (1) and (2) above.

c. A juvenile, being held for a charge under this act, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is

¹In November 1976, the Department of Corrections was created and the Department of Institutions and Agencies was renamed the Department of Human Services. The Department of Corrections presently specifies (approves) the place where a juvenile may be detained, and the Department of Human Services has the corresponding function for shelter care.

reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility.

2A:4-58. Detention or shelter care hearing

a. When a juvenile is taken into custody a complaint shall be filed forthwith as provided by the Rules of Court. The juvenile and domestic relations court shall determine whether detention or shelter care is required.

b. Notice of the detention or shelter care hearing, either oral or written, stating the time, place, and purpose of the hearing shall be given to the juvenile and to his or her parent or parents, or guardian, if any, if they can be found.

c. The detention or shelter care hearing shall be conducted in accordance with the Rules of Court and shall be attended by the juvenile and one or both parents, or guardian, but may take place in the absence of parent or guardian if such notice or process fails to produce their attendance.

d. When the judge finds that detention or shelter care is not necessary or required, the court shall order the juvenile's release and may place such conditions, if any, upon release as are consistent with the purposes of this act and the Rules of Court.

2A:4-59. Right to counsel

A juvenile shall have the right to be represented by counsel at every critical stage in the proceeding as provided by the Rules of Court.

2A:4-60. No jury trial for juveniles

All defenses available to an adult charged with a crime, offense or violation shall be available to a juvenile charged with committing an act of delinquency.

All cases arising under this act not referred as provided by sections [2A:4-48] or [2A:4-49] shall be heard and decided by the juvenile and domestic relations court without a jury. The right to be secure from unreasonable searches and seizures, the right not to be placed twice in jeopardy for the same offense, and the right of due process of law shall be applicable in cases arising under this act as in cases of persons charged with crime.

2A:4-61. Disposition of delinquency cases

If a juvenile is adjudged delinquent the juvenile and domestic relations court may order any of the following dispositions:

a. Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; or

b. Release the juvenile to the supervision of his or her parent or guardian; or

c. Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed 3 years upon such written conditions as the court deems will aid rehabilitation of the juvenile; or

d. Transfer custody of the juvenile to any relative or other person determined by the probation department to be qualified to care for the juvenile; or

e. Place the juvenile under the care of the Division of Youth and Family Services pursuant to P.L. 1951, c. 138, s. 2(c) (C. 30:4C-2(c)).

f. Place the juvenile under the care and custody of the Commissioner of the Department of Institutions and Agencies for the purpose of receiving the services of the Division of Mental Retardation of that department, provided that the juvenile has been determined to be eligible for those services under P.L. 1965, c. 59, s. 16 (C. 30:4-25.4); or

g. Commit the juvenile to a suitable institution for the treatment of mental illness if after hearing it is determined from psychiatric evidence that the juvenile does or may constitute a danger to himself or to other persons if not so committed; or

h. Commit the juvenile to a suitable institution maintained for the rehabilitation of delinquents for an indeterminate term not to exceed 3 years; except, that, any time an adjudication of juvenile delinquency is predicated upon an offense which, if committed by a person of the age of 18 years or over would constitute any form of homicide as defined in N.J.S.A. 2A:113-1, 2A:113-2, 2A:113-4 or 2A:113-5 then the period of confinement shall be indeterminate and shall continue until the appropriate paroling authority determines that such person should be paroled; and, except that in any case the period of confinement and parole shall not exceed the maximum provided by law for such offense if committed by a person of the age of 18 years or over.

Any juvenile committed under this act who is released on parole prior to the expiration of his maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term.

i. Such other disposition not inconsistent with this act as the court may determine.

2A:4-62. Disposition of cases of juveniles in need of supervision

a. If a juvenile is adjudged to be in need of supervision the juvenile and domestic relations court may order any disposition provided for in the disposition of delinquency cases, except subsection h. of section [2A:4-61].

b. No juvenile in need of supervision shall be committed to or placed in any institution or facility established for the care of delinquent children or in any facility, other than an institution for the mentally retarded, a mental hospital or facility for the care of persons addicted to controlled dangerous substances, which physically restricts such juvenile committed to or placed in it.

2A:4-63. Termination of orders of disposition

Any order of disposition entered in a case under this act shall terminate when the juvenile who is the subject of the order attains the age of 18, or 1 year from the date of the order whichever is later unless such order is pursuant to subsection h. of section [2A:4-61] or is sooner terminated by its terms or by order of the juvenile and domestic relations court.

2A:4-64. Effect of disposition

No disposition under this act shall operate to impose any of the civil disabilities ordinarily imposed by virtue of a criminal conviction, nor shall a juvenile be deemed a criminal by reason of such disposition.

The disposition of a case under this act shall not be admissible against the juvenile in any criminal or penal case or proceeding in any other court except for consideration in sentencing.

2A:4-65. Disclosure of juvenile records; penalties for disclosure

a. Social, medical, psychological, legal and other records of the court and probation department, and records of law enforcement agencies, pertaining to juveniles charged under this act, shall be strictly safeguarded from public inspection. Such records shall be made available only to:

- (1) Any court or probation department;
- (2) The Attorney General or county prosecutor;
- (3) The parents or guardian and to the attorney of the juvenile;
- (4) The Division of Youth and Family Services, if providing care or custody of the juvenile;
- (5) Any institution to which the juvenile is currently committed;
- (6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown; and
- (7) Any law enforcement agency when such records are necessary in connection with the investigation of particular acts of delinquency or crime, or when such records are necessary to assist in the protection, apprehension or location of a particular juvenile.

b. Information as to the identity of a juvenile, the offense charged, the adjudication and disposition may be disclosed to the victim or a member of the victim's immediate family.

c. Information as to the identity of a juvenile 14 years of age or older adjudicated delinquent, the offense, the adjudication and the disposition may be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent involved violence to the person or, if committed by an adult, would constitute a high misdemeanor, murder, manslaughter, destruction or damage to property to an extent of \$500.00 or more, or the manufacture or distribution of a narcotic drug, unless upon application at the time of disposition and for good cause shown, or upon its own motion, the court orders the withholding from public dissemination of all or a portion of such information on the grounds that public disclosure would not serve the best interests of the juvenile and the public.

d. Whoever, except as provided by law, knowingly discloses, publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a. or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly person's offense.

2A:4-66. Fingerprints, photographs of juveniles

a. Fingerprints of a juvenile under age 16 may be taken only in the following circumstances:

- (1) Where latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of a juvenile, he may fingerprint the juvenile for the purpose of comparison with the latent fingerprints.

- (2) Where a juvenile is detained in or committed to an institution, that institution may fingerprint the juvenile for the purpose of identification.

b. All records or copies of the fingerprints of juveniles shall be retained by the department, agency or institution taking them and shall be forwarded to the court for destruction when the court determines that the purpose for the taking of the fingerprints has been fulfilled, except that fingerprints taken of a juvenile of more than 16 years of age may be retained by a law enforcement agency for criminal identification purposes if such juvenile is adjudged delinquent.

c. No juvenile under the age of 16 shall be photographed for criminal identification purposes without the consent of the juvenile and domestic relations court.

2A:4-67. Sealing of records

a. On motion of a person who has been the subject of a complaint filed under this act or on its own motion, the juvenile and domestic relations court may vacate its order and findings and order the nondisclosure of social, medical, psychological, legal and other records of the court and probation services, and records of law enforcement agencies if it finds:

- (1) Two years have elapsed since the final discharge of the person from legal custody or supervision, or 2 years have elapsed after the entry of any other court order not involving custody or supervision; and
- (2) He has not been convicted of a crime, or a disorderly person's offense or adjudged delinquent, or in need of supervision, during the 2 years prior to the filing of the motion, and no proceeding or complaint is pending seeking such conviction or adjudication.

b. In any case wherein an adjudication has been entered upon the status of a juvenile under 18 years of age, and said juvenile intends to enlist in any branch of the Armed Forces of the United States, he may at any time after the date of such adjudication present a duly verified petition to the court wherein such adjudication was entered, setting forth all the facts in the matter, including his intention to enlist in said armed forces, and praying for the relief provided in this section and subject to the limitations hereinafter provided in this section, an order may be granted to seal all the records concerning such adjudication including records of the court, probation services and law enforcement agencies.

c. Reasonable written notice of the motion shall be given to:

- (1) The Attorney General and the county prosecutor;
- (2) The authority granting the discharge if the final discharge was from an institution, parole, or probation; and
- (3) The law enforcement office, department, and central depository having custody of the files and records if such files and records are included in the motion.

d. Upon the entry of the order, the proceedings in the case shall be sealed and all index references shall be marked "not available" or "no record" and law enforcement officers and departments shall reply and the person may reply to any inquiry that there is no record with respect to such person, except that records may be maintained for purposes of prior offender status. This section shall not apply to reports required under the Controlled Dangerous Substances Registry Act of 1970, P.L. 1970, c. 227 (C.26:2G-17 et seq.). Copies of the order shall be sent to each agency or official named therein.

Inspection of the files and records included in the order may thereafter be permitted by the court only upon motion and only to those persons named in the motion; provided, however, the court, in its discretion, may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital, or agency which has the person under care or treatment or to individuals or agencies engaged in fact-finding or research.

e. Any adjudication of delinquency or in need of supervision or conviction of a crime subsequent to sealing shall have the effect of nullifying the sealing order.

APPENDIX B

DATA COLLECTION INSTRUMENTS

Juvenile Aid Bureau Substudy

Juvenile Court Intake Substudy

Juvenile Court Substudy

Interview Guide

DEPARTMENT OF HUMAN SERVICES
TASK FORCE ON THE JUVENILE CODE - JUVENILE CODE STUDY
JUVENILE AID BUREAU SUBSTUDY

INSTRUCTIONS

1. Municipality: [1]

- 1 Newark
- 2 Irvington
- 3 Maplewood
- 4 New Brunswick
- 5 Perth Amboy
- 6 Metuchen

2. Project number: [2-4]

This will be the identifying number for the project of each individual included in the sample. Number your first case 001 and continue numbering sequentially. Sequential numbering extends through both "disposition time" samples.

3. Disposition time: [5]

- 3 Prior to 3/1/74
- 4 After 3/1/74

4. Sex: [6]

- 1 Male
- 2 Female

5. Juvenile's age at intake: [7-8]

Record 2-digit age as given on complaint. If juvenile is less than 10, code 0 in first box. Example: A 9 year-old would be coded 0 9.

_____ PROCESSING OF COMPLAINT _____

6. Date of alleged offense: [9-13]

Record month, day, and last digit of year. Example: January 3, 1975 would be coded 0 1 0 3 5. This will be indicated on the complaint.

7. Date of final disposition by JAB: [14-18]

Follow the same procedure; record date of disposition.

8. Disposition at JAB: [19]

- 1 Handled within department and released
- 2 To court, released to parent/guardian
- 3 To court, placed in detention
- 4 To court, placed in JINS shelter
- 5 To court, interim placement unknown
- 6 Restitution/compensation
- 7 Referral to intensive social or rehabilitative program
- 8 Other
- 9 None/unknown

9. Handling of Original Allegation: [20]

- 1 No change
- 2 Upgraded, no change of status
- 3 Downgraded, no change of status
- 4 Upgraded from JINS-type to JD-type
- 5 Downgraded from JD-type to JINS-type
- 9 Unknown

10-13. Allegations: (from complaint form) [21-28]

If only one allegation is indicated, it would be coded as #10, and #11-13 would each be coded [9] [9]. If more than one allegation is made, list in order of importance (seriousness). If more than four are indicated, omit the least serious.

Allegations:

Typical juvenile delinquent (JD) allegations:

- 11 Murder
- 12 Attempted Murder
- 13 Manslaughter
- 14 Attempted Manslaughter
- 15 Forcible Rape/Other violent sex crimes
- 16 Attempted Rape or other violent sex crimes
- 17 Kidnapping
- 18 Robbery
- 19 Attempted Robbery
- 20 Atrocious Assault and Battery
- 21 Threatened AA and B
- 22 Assault/Assault and Battery
- 23 Threatened Assault and Battery
- 24 Breaking and Entering/Attempted
- 25 Breaking, Entering and Larceny
- 26 Petty Larceny/Attempted
- 27 Grand Larceny/Attempted
- 28 Auto Theft
- 29 Attempted Auto Theft
- 30 Unauthorized use of motor vehicle
- 31 Arson/Attempted Arson
- 32 Stolen Property: Buying, Receiving, Possessing, Attempted Purchase
- 33 Prostitution/Soliciting
- 34 Weapons
- 35 Possession of Marijuana
- 36 Possession of Marijuana/Intent to sell or sale
- 37 Possession of Narcotics
- 38 Possession of Narcotics/Intent to sell or sale
- 39 Possession of other controlled dangerous substances

- 40 Possession of other controlled dangerous substances/Intent to sell or sale
- 41 Extortion/Attempted Extortion
- 42 Illegal Gambling
- 43 Vandalism
- 44 Forgery
- 45 Public Intoxication
- 46 Motor Vehicle Violations
- 47 Shoplifting
- 48 Failure to give a good account
- 49 Disorderly Conduct
- 50 Trespassing
- 51 Sexual deviance (exhibitionism, voyeurism, statutory rape, etc.)
- 52 Giving False Information
- 53 Violation of Probation
- 54 Escape
- 55 Marijuana Usage
- 56 Narcotics Usage
- 57 Controlled dangerous substance usage
- 59 Other JD allegations

Typical JINS Allegations:

- 60 Runaway
- 61 Refusal to obey parent/guardian
- 62 Staying out late
- 63 Using obscene/abusive language
- 64 Curfew
- 65 Sexual Acting Out
- 66 Incurrigibility, other
- 67 Truancy
- 68 Liquor Law Violation (under age)
- 69 Other JINS allegations
- 99 None

14. Type of complaint: [29]

- 1 JINS
- 2 JD

15. Disposition: [30-31]

- 11 Withdrawn
- 12 Dismissed
- 13 Adjourn formal entry/suspend disposition
- 14 Release to parent/guardian
- 15 Place under supervision of suitable person
- 16 Place under supervision/care/custody of Juvenile Conference Committee (JCC)
- 17 Place under supervision of suitable person and refer for outpatient treatment
- 18 Place under care of DYFS
- 19 Place under care of DYFS and refer for outpatient treatment
- 20 Place under supervision of private agency
- 21 Place under supervision of private agency and refer for outpatient treatment
- 22 Place under supervision of private agency and under care of DYFS
- 23 Transfer custody to relative/other suitable person
- 24 Transfer custody to relative/other suitable person and place under care of DYFS
- 25 Probation
- 26 Probation and refer for outpatient treatment
- 27 Probation and place under care of suitable person
- 28 Probation and place under care of DYFS
- 29 Probation, place under care of DYFS and refer for outpatient treatment
- 30 Probation and place under care of private agency
- 31 Probation, place under care of private agency and refer for outpatient treatment
- 32 Probation and transfer custody to relative/guardian
- 33 Place under care of Commissioner of Institutions and Agencies for services of the Division of Mental Retardaion
- 34 Commit to institution for treatment of mental illness
- 40 Commit to correctional institution, suspended, probation
- 41 Commit to correctional institution, suspended, probation and other conditions
- 42 Commit to correctional institution, suspended, probation and Highfields-type placement
- 50 Commit to Skillman
- 51 Commit to Jamesburg
- 52 Commit to Clinton
- 54 Commit to Yardville for classification and assignment
- 55 Commit to correctional institution, unspecified or other
- 80 Other
- 81 No disposition, continue on probation
- 82 No disposition, continue on parole
- 83 Transfer to adult court
- 90 Suspended dispositions (Narcotics) N.J.S.A. 24:21-27(a)(1)
- 97 Never apprehended, case open
- 98 Never apprehended, case closed
- 99 None/unknown

These are ranked in order of increasing seriousness. They are official dispositions taken from the law and their combinations. If some other combined disposition occurs, code it in the category of the most serious one that closely resembles it.

16. Source of complaint: [32]

- 1 Police officer
- 2 Injured individual/parent, relative or guardian
- 3 Parent, relative or guardian of juvenile
- 4 Probation/parole
- 5 School
- 6 Public welfare agency
- 7 Authorized private agency
- 8 Individual witness
- 9 Other

PRIOR JAB INVOLVEMENT

17. Age at which juvenile became known to JAB: [33-34]

Subtract date of birth from date of earliest offense recorded for the individual.

18. Number of prior JD-type allegations: [35]

- 1 One
- 2 Two
- 3 Three
- 4 Four
- 5 Five
- 6 Six to ten
- 7 Eleven or more
- 9 None

19. Number of prior JINS-type allegations: [36]

Same categories as #32. Pre-legislation status offenses would be coded here rather than in #32.

20. Most serious prior disposition: [37-38]

Code from list of dispositions.

BACKGROUND CHARACTERISTICS

GENERAL INSTRUCTION: When the word "current" is used, it refers to the situation that was current at the time of complaint. Code the data accordingly. EXAMPLE: In #23, if the record indicates that the juvenile lives in 1976 with his/her mother only, but lived with both natural parents at the time of the present offense, it should be coded "1 - both natural parents."

21. Ethnicity: [39]

- 1 Black
- 2 Hispanic
- 3 White
- 4 Oriental
- 9 Other/unknown

22. Religion: [40]

- 1 Protestant
- 2 Catholic
- 3 Jewish
- 4 Muslim
- 9 Other/unknown

23. Currently living with: [41]

- 1 Both natural parents
- 2 Single parent (separated/divorced)
- 3 Single parent ("normal" or widowed)
- 4 One natural parent/one substitute parent
- 5 Relative(s) or guardian(s)
- 6 Foster parents
- 7 Institution (permanent)
- 8 No legally responsible adult, lives alone
- 9 Unknown

24. Current school status: [42]

- 1 Enrolled in day school
- 2 Enrolled in special day school
- 3 Enrolled in night school
- 4 Dropped out
- 5 Suspended/expelled
- 8 Other
- 9 Unknown

25. Last grade completed: [43]

- 1 5th or less
- 2 6th
- 3 7th
- 4 8th
- 5 9th
- 6 10th
- 7 11th or higher
- 9 Unknown

----- SUBSEQUENT JAB CONTACTS -----

	#1	#2	#3	#4
Date of Incident:	26. [44-46]	31. [53-55]	36. [62-64]	41. [71-73]
Code month and last digit of year of complaint. Example: A complaint docketed June 15, 1974 should be code <input type="text" value="0"/> <input type="text" value="6"/> <input type="text" value="4"/> .				
Allegations:	27. [47-48]	32. [56-57]	37. [65-66]	42. [74-75]
Code the most serious only.				
Type of complaint:	28. [49]	33. [58]	38. [67]	43. [76]
1 JINS 2 JD				
Disposition:	29. [50-51]	34. [59-60]	39. [68-69]	44. [77-78]

Living arrangement at 30. [52] 35. [61] 40. [70] 45. [79]
time of complaint:

- 1 Both natural parents
- 2 Single parent (separated or divorced)
- 3 Single parent ("normal" or widowed)
- 4 One natural parent/one substitute parent
- 5 Relative(s) or guardian(s)
- 6 Foster parents
- 7 Institution (permanent)
- 8 No legally responsible adult, lives alone
- 9 Unknown

DEPARTMENT OF HUMAN SERVICES
TASK FORCE ON THE JUVENILE CODE - JUVENILE CODE STUDY
COURT INTAKE SERVICE SUBSTUDY

INSTRUCTIONS

1. County: [1]

- 1 Essex
- 4 Morris

2. Project number: [2-4]

This will be the identifying number for the project of each individual included in the sample. Number your first case 700 and continue numbering sequentially. Sequential numbering extends through both "disposition time" samples.

3. Disposition time: [5]

- 1 Prior to 3/1/74
- 2 After 3/1/74

4. Sex: [6]

- 1 Male
- 2 Female

5. Juvenile's age at intake: [7-8]

Record 2-digit age as given on complaint. If juvenile is less than 10, code 0 in first box. Example: A 9-year-old would be coded .

COURT PROCESSING OF COMPLAINT

6. Date of alleged offense: [9-13]

Record month, day, and last digit of year. Example: January 3, 1975 would be coded . This will be indicated on the complaint.

7. Date of referral: [14-18]

Follow procedure for #6.

8. Date of intake screening: [19-23]

Follow procedure for #6, record date upon which parents are notified or referral to JCC is made.

9. Date of disposition at prejudicial conference or juvenile conference committee: [24-28]

Follow the same procedure; record date of official disposition.

- 1 Juvenile conference committee
- 2 Prejudicial conference
- 3 To juvenile conference committee, return for prejudicial conference
- 8 Other
- 9 None/unknown

11. Disposition at prejudicial conference or juvenile conference committee: [30]

- 1 Reprimand, counsel and release
- 2 Refer to DYFS for service
- 3 Refer to volunteers in probation
- 4 Refer to mental health agency or guidance program
- 5 Refer to job training program
- 6 Refer to family or youth service bureau
- 7 Return to juvenile court
- 8 Other
- 9 None/unknown

12-15. Allegations: (from complaint form) [31-38]

If only one allegation is indicated, it would be coded as #12, and #13-15 would each be coded [9] [9]. If more than one allegation is made, list in order of importance (seriousness). If more than four are indicated, omit the least serious.

Typical juvenila delinquent (JD) allegations:

- | | |
|---|---|
| 11 Murder | 41 Extortion/Attempted Extortion |
| 12 Attempted Murder | 42 Illegal Gambling |
| 13 Manslaughter | 43 Vandalism |
| 14 Attempted Manslaughter | 44 Forgery |
| 15 Forcible Rape/Other violent sex crimes | 45 Public Intoxication |
| 16 Attempted Rape or other violent sex crimes | 46 Motor Vehicle Violations |
| 17 Kidnapping | 47 Shoplifting |
| 18 Robbery | 48 Failure to Give a Good Account |
| 19 Attempted Robbery | 49 Disorderly Conduct |
| 20 Atrocious Assault and Battery | 50 Trespassing |
| 21 Threatened AA and B | 51 Sexual Deviance (exhibitionism, voyeurism, statutory rape, etc.) |
| 22 Assault/Assault and Battery | 52 Giving False Information |
| 23 Threatened Assault and Battery | 53 Loitering |
| 24 Breaking and Entering/Attempted | 54 Escape |
| 25 Breaking, Entering and Larceny | 55 Marijuana Usage |
| 26 Petty Larceny/Attempted | 56 Narcotics Usage |
| 27 Grand Larceny/Attempted | 57 Controlled Dangerous Substance Usage |
| 28 Auto Theft | 59 Other JD Allegations |
| 29 Attempted Auto Theft | |
| 30 Unauthorized use of motor vehicle | Typical JINS allegations: |
| 31 Arson/Attempted Arson | 60 Runaway |
| 32 Stolen Property: Buying, Receiving, Possessing, Attempted purchase | 61 Refusal to Obey Parent/Guardian |
| 33 Prostitution/Soliciting | 62 Staying Out Late |
| 34 Weapons | 63 Using Obscene/Abusive Language |
| 35 Possession of Marijuana | 64 Curfew |
| 36 Possession of Marijuana/Intent to sell or sale | 65 Sexual Acting Out |
| 37 Possession of Narcotics | 66 Incurrigibility, Other |
| 38 Possession of Narcotics/Intent to sell or sale | 67 Truancy |
| 39 Possession of other controlled dangarous substances | 68 Liquor Law Violation (Under Age) |
| 40 Possession of other controlled dangerous substances/Intent to sell or sale | 69 Other JINS Allegations |
| | 80 Violation of Probation (Original JD offense) |
| | 81 Violation of Probation (Original JINS offense) |
| | 99 None |

16. Type of complaint: [39]

- 1 JINS
- 2 JD
- 3 JINS upgraded to JD
- 4 JD reduced to JINS

17. Adjudication based on: [40]

- 1 Present offense only
- 2 Present offense only (custody)
- 3 Multiple JINS offenses
- 4 Multiple JD offenses
- 5 JINS and JD offenses
- 6 JINS offenses including custody offense(s)
- 7 JD offenses including custody offense(s)
- 8 JINS offenses and JD offenses including custody offense(s)
- 9 None/unknown

The record will indicate whether adjudication is based on additional offenses. If both JD and JINS offense(s) are alleged in addition to the present offense, code into the above as "other JD offense(s)." "Custody" refers to offenses committed while in custody at JINS shelter or detention center.

18. Disposition based on: [41]

- 1 Present offense only
- 2 Present offense only (custody)
- 3 Multiple JINS offenses
- 4 Multiple JD offenses
- 5 JINS and JD offenses
- 6 JINS offenses including custody offense(s)
- 7 JD offenses including custody offense(s)
- 8 JINS offenses and JD offenses including custody offense(s)
- 9 None/unknown

The record will indicate whether the disposition was based on additional offense(s).

19. Source of complaint: [42]

- 1 Police officer
- 2 Injured individual/parent, relative or guardian
- 3 Parent, relative or guardian of juvenile
- 4 Probation/parole
- 5 School
- 6 DYFS or DYFS through police
- 7 Authorized private agency or other public welfare agency
- 8 Individual witness
- 9 Other

PRIOR COURT INVOLVEMENT

20. Age at which juvenile became known to court: [43-44]

Subtract date of birth from date of earliest offense recorded for the individual.

21. Number of prior JD-type adjudications: [45]

- 1 One
- 2 Two
- 3 Three
- 4 Four
- 5 Five
- 6 Six to ten
- 7 Eleven or more
- 9 None

22. Number of prior JINS-type adjudications: [46]

Same categories as #21. Pre-legislation status offenses would be coded here rather than in #21.

23. Most serious prior disposition: [47-48]

If juvenile has previously been in juvenile court, code from list of court dispositions; if not, code from list of intake dispositions.

BACKGROUND CHARACTERISTICS

GENERAL INSTRUCTION: When the word "current" is used, it refers to the situation that was current at the time of complaint. Code the data accordingly. EXAMPLE: In #26, if the record indicates that the juvenile lives in 1976 with his/her mother only, but lived with both natural parents at the time of the present offense, it should be coded "1 - both natural parents."

24. Ethnicity: [49]

- 1 Black
- 2 Hispanic
- 3 White
- 4 Oriental
- 9 Other/unknown

25. Religion: [50]

- 1 Protestant
- 2 Catholic
- 3 Jewish
- 4 Muslim
- 9 Other/unknown

26. Currently living with: [51]

- 1 Both natural parents
- 2 Single parent (separated/divorced)
- 3 Single parent ("normal" or widowed)
- 4 One natural parent/one substitute parent
- 5 Relative(s) or guardian(s)
- 6 Foster parents
- 7 Institution (permanent)
- 8 No legally responsible adult, lives alone
- 9 Unknown

27. Number of siblings in home: [52]

- 1 One
- 2 Two
- 3 Three
- 4 Four
- 5 Five
- 6 Six or more
- 8 None - only child
- 9 Unknown

28. Stability of present family situation: [53]

- 1 Stable
- 2 Unstable
- 3 Turbulent but stable
- 9 Unknown

29. Father/father substitute's occupation: [54]

- 1 No father at home
- 2 Father unemployed
- 3 White collar
- 4 Blue-collar skilled
- 5 Blue-collar unskilled
- 6 Seasonal worker
- 9 Unknown

30. Mother/mother substitute's occupation: [55]

Same categories as #29.

31. Current school status: [56]

- 1 Enrolled in day school
- 2 Enrolled in special day school
- 3 Enrolled in night school
- 4 Dropped out
- 5 Suspended/expelled
- 6 Graduated
- 7 Not in school, reason unknown
- 9 Other/unknown

32. Last grade completed: [57]

- 1 5th or less
- 2 6th
- 3 7th
- 4 8th
- 5 9th
- 6 10th
- 7 11th or higher
- 9 Unknown

33. Behavior problems in school: [58]

- 1 Not in school
- 2 Truancy only
- 3 Acting out only
- 4 Truancy and acting out
- 5 Withdrawal (social or alcohol/drug induced)
- 6 Truancy and withdrawal
- 7 Acting out and withdrawal
- 8 Truancy, acting out and withdrawal
- 9 None/unknown

34. Intelligence: [59]

- 1 Above average
- 2 Average/normal
- 3 Below average
- 4 Retarded
- 9 Unknown

35. Employment status: [60]

- 1 Employed, full time
- 2 Employed, part time
- 3 Employed, # hrs. unknown
- 4 Unemployed
- 9 Unknown

36. Prior social service agency involvement: [61]

- 1 DYFS/BCS
- 2 County department of welfare
- 3 Private agency
- 4 DYFS and county
- 5 DYFS and private
- 6 County and private
- 7 DYFS, county and private
- 9 Unknown

37. Family financial condition: [62]

- 1 Economic hardship
- 2 Adequate financial means
- 3 Affluent
- 9 Unknown

38. History of hospitalization for emotional disorder: [63]

- 1 Extensive
- 2 Minimal
- 9 None/unknown

39. History of outpatient treatment: [64]

- 1 Extensive
- 2 Minimal
- 9 None/unknown

NOTE: Items 40-54 are individual characteristics; all are to be coded:

- 1 Yes
- 2 No/unknown

Code each item "1" only if there is authoritative evidence for the presence of the characteristic in the history of the juvenile. Speculation, rumors, or unsubstantiated allegations do not count.

40. Drug usage: [65]

41. Alcoholism: [66]

42. Destructiveness against property: [67]

43. Destructiveness against persons: [68]

44. Destructiveness against self: [69]

45. Arson: [70]

46. Depressiveness: [71]

47. Hostility: [72]

48. Diagnosed emotional disorder, psychotic: [73]

49. Diagnosed emotional disorder, non-psychotic: [74]

50. Physical disorder or disability: [75]

51. Sexual deviance: [76]

52. Pregnancy: [77]

53. Mental retardation: [78]

54. Learning disability: [79]

- 55. Repeat County code (#1). [1]
- 56. Repeat Project number (#2). [2-4]
- 57. Repeat "Disposition Time" code (#3). [5]

NOTE: Items 58-65 are special situational characteristics; all are to be coded:

- 1 Yes
- 2 No/unknown

"Recent" means within one year prior to date of incident. Code each item "1" only if there is clear evidence for the presence of the condition.

- 58. Abuse/neglect: [6]
- 59. Recent death/illness in family: [7]
- 60. Recent separation/divorce of parents: [8]
- 61. Recent unemployment of breadwinner: [9]
- 62. Recent move of juvenile: [10]
- 63. Acting out/other emotional behavior by sibling or sibling equivalents: [11]
- 64. Siblings adjudicated JINS/JD: [12]
- 65. Lack of parental support/involvement: [13]

SUBSEQUENT COURT CONTACTS

	#1	#2	#3	#4	#5
Date of referral:	66. [14-16]	72. [23-25]	78. [32-34]	84. [41-43]	90. [50-52]
Allegation:	67. [17-18]	73. [26-27]	79. [35-36]	85. [44-45]	91. [53-54]
Intake screening:	68. [19]	74. [28]	80. [37]	86. [46]	92. [55]

- 1 Juvenile conference committee
- 2 Prejudicial conference
- 3 Juvenile court
- 8 Other
- 9 None/unknown

Type of Complaint:	69. [20]	75. [29]	81. [38]	87. [47]	93. [56]
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- 1 JINS
- 2 JD
- 3 JINS upgraded to JD
- 4 JD reduced to JINS

Disposition:	70. [21]	76. [30]	82. [39]	88. [48]	94. [57]
Living arrangement at time of complaint:	71. [22]	77. [31]	83. [40]	89. [49]	95. [58]

- 1 Both natural parents
- 2 Single parent (separated or divorced)
- 3 Single parent ("normal" or widowed)
- 4 One natural parent/one substitute parent
- 5 Relative(s) or guardian(s)
- 6 Foster parents
- 7 Institution (permanent)
- 8 No legally responsible adult, lives alone
- 9 Unknown

DEPARTMENT OF HUMAN-SERVICES
TASK FORCE ON THE JUVENILE CODE - JUVENILE CODE STUDY

INSTRUCTIONS

1. County: [1]

- 1 Essex
- 2 Hunterdon
- 3 Middlesex
- 4 Morris
- 5 Sussex
- 6 Union

2. Project number: [2-4]

This will be the identifying number for the project of each individual included in the sample. Number your first case 001 and continue numbering sequentially. Sequential numbering extends through both "disposition time" samples.

3. Disposition time: [5]

- 1 Prior to 3/1/74
- 2 After 3/1/74

4. Sex: [6]

- 1 Male
- 2 Female

5. Juvenile's age at intake: [7-8]

Record 2-digit age as given on complaint. If juvenile is less than 10, code 0 in first box. Example: A 9-year-old would be coded .

COURT PROCESSING OF COMPLAINT

6. Date of alleged offense: [9-13]

Record month, day, and last digit of year. Example: January 3, 1975 would be coded . This will be indicated on the complaint.

7. Date complaint docketed: [14-18]

Follow procedure for #6.

8. Date of adjudication: [19-23]

Follow procedure for #6, record date that adjudication was made. If adjudicatory hearing was adjourned (continued): Record the date on which adjudication was actually made.

9. Date of disposition: [24-28]

Follow the same procedure; record date of official disposition.

10. Type of judicial calendar: [29]

- 1 Counsel mandatory/formal
- 2 Counsel not mandatory/informal
- 9 Unknown/not applicable

11. Prosecutor present at: [30]

- 1 Both adjudicatory and dispositional hearings
- 2 Adjudicatory hearing only
- 3 Dispositional hearing only
- 4 Neither
- 9 Unknown/not applicable

This information will be indicated on the documents detailing adjudicatory and dispositional hearings. If hearings are adjourned (continued) and there is more than one of either type, record prosecutor's presence at the last one. Example: If adjudicatory hearing is adjourned pending more information, and then a second adjudicatory hearing is held, record prosecutor's presence/absence at second hearing only.

12. Defense counsel present at: [31]

- 1 Both adjudicatory and dispositional hearings
- 2 Adjudicatory hearing only
- 3 Dispositional hearing only
- 4 Neither
- 9 Unknown/not applicable

13. Type of defense counsel: [32]

- 1 Private
- 2 Public defender
- 3 Court appointed
- 4 No counsel
- 9 Unknown

14-16. Allegations: (from complaint form) [33-38]

If only one allegation is indicated, it would be coded as #14, and #15-16 would each be coded [9] [9]. If more than one allegation is made, list in order of importance (seriousness). If more than three are indicated, omit the least serious.

Allegations:

Typical juvenile delinquent (JD) allegations:

- 11 Murder
- 12 Attempted Murder
- 13 Manslaughter
- 14 Attempted Manslaughter
- 15 Forcible Rape/other violent sex crimes
- 16 Attempted Rape or other violent sex crimes
- 17 Kidnapping
- 18 Robbery
- 19 Attempted Robbery
- 20 Atrocious Assault and Battery
- 21 Threatened AA and B
- 22 Assault/Assault and Battery
- 23 Threatened Assault and Battery
- 24 Breaking and Entering/Attempted
- 25 Breaking, Entering and Larceny
- 26 Petty Larceny/Attempted
- 27 Grand Larceny/Attempted
- 28 Auto Theft
- 29 Attempted Auto Theft
- 30 Unauthorized use of motor vehicle
- 31 Arson/Attempted Arson
- 32 Stolen Property: Buying, Receiving, Possessing, Attempted Purchase
- 33 Prostitution/Soliciting
- 34 Weapons
- 35 Possession of Marijuana
- 36 Possession of Marijuana/Intent to Sell or Sale
- 37 Possession of Narcotics
- 38 Possession of Narcotics/Intent to Sell or Sale
- 39 Possession of other controlled dangerous substances

- 40 Possession of other CDS/Intent to Sell or Sale
- 41 Extortion/Attempted Extortion
- 42 Illegal Gambling
- 43 Vandalism
- 44 Forgery
- 45 Public Intoxication
- 46 Motor Vehicle Violations
- 47 Shoplifting
- 48 Failure to give a good account
- 49 Disorderly Conduct
- 50 Trespassing
- 51 Sexual Deviance (exhibitionism, voyeurism, statutory rape, etc.)
- 52 Giving False Information
- 53 Loitering
- 54 Escape
- 55 Marijuana Usage
- 56 Narcotics Usage
- 57 Other CDS Usage
- 59 Other JD allegations

Typical JINS Allegations:

- 60 Runaway
- 61 Refusal to obey parent/guardian
- 62 Staying out late
- 63 Using obscene/abusive language
- 64 Curfew
- 65 Sexual acting out
- 66 Incurability, other
- 67 Truancy
- 68 Liquor Law Violation (under age)
- 69 Other JINS allegations
- 80 Violation of Probation (JD offense)
- 81 Violation of Probation (JINS offense)
- 99 None

17-19. Finding of fact: [39-44]

Same instruction; list in order of seriousness.

20. Type of complaint/adjudication: [45-46]

- 11 JINS
- 12 JD
- 13 JINS upgraded to JD
- 14 JD reduced to JINS
- 15 JD complaint, no adjudication
- 16 JD complaint, dismissed
- 17 JINS complaint, no adjudication
- 18 JINS complaint, dismissed
- 19 JINS complaint, diverted by intake or sent to JCC
- 20 JD complaint, diverted by intake or sent to JCC
- 21 JINS complaint, adjudication deferred
- 22 JD complaint, adjudication deferred

This item combines two pieces of information: a) whether the original complaint was a JINS or JD complaint and b) the court processing of complaint to adjudication stage.

21. Most serious intervening allegation: [47-48]
If other allegation(s), either prior or subsequent to the sampled offense, are considered by the judge in making disposition, this item serves to indicate the most serious one.
22. Most serious intervening finding of fact: [49-50]
Same instruction as #21.
23. Adjudication based on: [51]
- 1 Present offense only
 - 2 Present offense only (custody)
 - 3 Multiple JINS offenses
 - 4 Multiple JD offenses
 - 5 JINS and JD offenses
 - 6 JINS offenses including custody offense(s)
 - 7 JD offenses including custody offense(s)
 - 8 JINS offenses and JD offenses including custody offense(s)
 - 9 None/unknown

The record will indicate whether adjudication is based on additional offenses. "Custody" refers to offenses committed while in custody at JINS shelter or detention center.

24. Disposition: [52-53]
- | | |
|--|--|
| 11 Withdrawn | 31 Probation, place under care of private agency and refer for outpatient treatment |
| 12 Dismissed | 32 Probation and transfer custody to relative/guardian |
| 13 Adjourn formal entry/suspend disposition | 33 Place under care of Commissioner of Institutions and Agencies for services of the Division of Mental Retardaion |
| 14 Release to parent/guardian | 34 Commit to institution for treatment of mental illness |
| 15 Place under supervision of suitable person | 40 Commit to correctional institution, suspended, probation |
| 16 Place under supervision/care/custody of Juvenile Conference Committee (JCC) | 41 Commit to correctional institution, suspended, probation and other conditions |
| 17 Place under supervision of suitable person and refer for outpatient treatment | 42 Commit to correctional institution, suspended, probation and Highfields-type placement |
| 18 Place under care of DYFS | 50 Commit to Skillman |
| 19 Place under care of DYFS and refer for outpatient treatment | 51 Commit to Jamesburg |
| 20 Place under supervision of private agency | 52 Commit to Clinton |
| 21 Place under supervision of private agency and refer for outpatient treatment | 54 Commit to Yardville for classification and assignment |
| 22 Place under supervision of private agency and under care of DYFS | 55 Commit to correctional institution, unspecified or other |
| 23 Transfer custody to relative/other suitable person | 80 Other |
| 24 Transfer custody to relative/other suitable person and place under care of DYFS | 81 No disposition, continue on probation |
| 25 Probation | 82 No disposition, continue on parole |
| 26 Probation and refer for outpatient treatment | 83 Transfer to adult court |
| 27 Probation and place under care of suitable person | 90 Suspended dispositions (Narcotics) N.J.S.A. 24:21-27(a)(1) |
| 28 Probation and place under care of DYFS | 97 Never apprehended, case open |
| 29 Probation, place under care of DYFS and refer for outpatient treatment | 98 Never apprehended, case closed |
| 30 Probation and place under care of private agency | 99 None/unknown |

These are ranked in order of increasing seriousness. They are official dispositions taken from the law and their combinations. If some other combined disposition occurs, code it in the category of the most serious one that closely resembles it.

25. Additional court order: [54]

- 1 Refer to DYFS for service
- 2 Refer to DYFS for service and specify placement in residential institution
- 3 Refer for inpatient diagnostic services
- 4 Refer to DYFS for service and refer for inpatient diagnostic service
- 5 Refer to DYFS for service and specify placement in residential institution and refer for inpatient diagnostic service
- 8 Other
- 9 None

These are not official dispositions but are sometimes issued prior to or in conjunction with official dispositions. Code them if they appear as part of the court record.

26. Disposition based on: [55]

- 1 Present offense only
- 2 Present offense only (custody)
- 3 Multiple JINS offenses
- 4 Multiple JD offenses
- 5 JINS and JD offenses
- 6 JINS offenses including custody offense(s)
- 7 JD offenses including custody offense(s)
- 8 JINS offenses and JD offenses including custody offense(s)
- 9 None/unknown

The record will indicate whether the disposition was based on additional offense(s).

27. Source of complaint: [56]

- 1 Police officer
- 2 Injured individual/parent, relative or guardian
- 3 Parent, relative or guardian of juvenile
- 4 Probation/parole
- 5 School
- 6 DYFS
- 7 Other public agency or authorized private agency
- 8 Individual witness
- 9 Other

This item refers to the person who brought the offender to the attention of the authorities, not necessarily the officer who signs the complaint.

28. Court-ordered temporary placement: [57]

- 1 JINS shelter
- 2 Detention center
- 3 JINS shelter to detention center
- 4 Detention center to JINS shelter
- 5 Alternating
- 9 Other/none

29. Length of stay in JINS shelter: [58]

- 1 1-2 days
- 2 3-5 days
- 3 6-10 days
- 4 11-20 days
- 5 21-30 days
- 6 31-60 days
- 7 61-90 days
- 8 More than 90 days
- 9 None/unknown

In computing length of stay: count the day of admission as one day but do not count the day of release.

30. Length of stay in detention: [59]

Same categories and instructions as #29.

PRIOR COURT INVOLVEMENT

31. Age at which juvenile became known to court: [60-61]

Subtract date of birth from date of earliest offense recorded for the individual.

32. Number of prior JD-type adjudications: [62]

- 1 One
- 2 Two
- 3 Three
- 4 Four
- 5 Five
- 6 Six to ten
- 7 Eleven or more
- 9 None

33. Number of prior JINS-type adjudications: [63]

Same categories as #32. Pre-legislation status offenses would be coded here rather than in #32.

34. Most serious prior disposition: [64-65]

Code from list of dispositions.

BACKGROUND CHARACTERISTICS

GENERAL INSTRUCTION: When the word "current" is used, it refers to the situation that was current at the time of complaint. Code the data accordingly. EXAMPLE: In #37, if the record indicates that the juvenile lives in 1976 with his/her mother only, but lived with both natural parents at the time of the present offense, it should be coded "1 - both natural parents."

35. Ethnicity: [66]

- 1 Black
- 2 Hispanic
- 3 White
- 4 Oriental
- 9 Other/unknown

36. Religion: [67]

- 1 Protestant
- 2 Catholic
- 3 Jewish
- 4 Muslim
- 9 Other/unknown

37. Currently living with: [68]

- 1 Both natural parents
- 2 Single parent (separated/divorced)
- 3 Single parent ("normal" or widowed)
- 4 One natural parent/one substitute parent
- 5 Relative(s) or guardian(s)
- 6 Foster parents
- 7 Institution (permanent)
- 8 No legally responsible adult, lives alone
- 9 Unknown

38. Number of siblings in home: [69]

- 1 One
- 2 Two
- 3 Three
- 4 Four
- 5 Five
- 6 Six or more
- 8 None - only child
- 9 Unknown

39. Stability of present family situation: [70]

- 1 Stable
- 2 Unstable
- 3 Turbulent but stable
- 9 Unknown

40. Father/father substitute's occupation: [71]

- 1 No father at home
- 2 Father unemployed
- 3 White collar
- 4 Blue-collar skilled
- 5 Blue-collar unskilled
- 6 Seasonal worker
- 9 Unknown

41. Mother/mother substitute's occupation: [72]

Same categories as #40.

42. Current school status: [73]

- 1 Enrolled in day school
- 2 Enrolled in special day school
- 3 Enrolled in night school
- 4 Dropped out
- 5 Suspended/expelled
- 6 Graduated
- 7 Not in school, reason unknown
- 8 Other
- 9 Unknown

43. Last grade completed: [74]

- 1 5th or less
- 2 6th
- 3 7th
- 4 8th
- 5 9th
- 6 10th
- 7 11th or higher
- 9 Unknown

44. Behavior problems in school: [75]

- 1 Not in school
- 2 Truancy only
- 3 Acting out only
- 4 Truancy and acting out
- 5 Withdrawal (social or alcohol/drug induced)
- 6 Truancy and withdrawal
- 7 Acting out and withdrawal
- 8 Truancy, acting out and withdrawal
- 9 None/unknown

45. Intelligence: [76]

- 1 Above average
- 2 Average/normal
- 3 Below average
- 4 Retarded
- 9 Unknown

46. Prior social service agency involvement: [77]

- 1 DYFS/BCS
- 2 County department of welfare
- 3 Private agency
- 4 DYFS and county
- 5 DYFS and private
- 6 County and private
- 7 DYFS, county and private
- 9 Unknown

47. Family financial condition: [78]

- 1 Economic hardship
- 2 Adequate financial means
- 3 Affluent
- 9 Unknown

48. Employment status of juvenile: [79]

- 1 Employed full time
- 2 Employed part time
- 3 Employed, # hours unknown
- 4 Unemployed
- 9 Unknown

49. Repeat County code (#1). [1]

50. Repeat Project number (#2). [2-4]

51. Repeat "Disposition Time" code (#3). [5]

52. History of hospitalization for emotional disorder: [6]

- 1 Extensive
- 2 Minimal
- 9 None/unknown

53. History of outpatient treatment: [7]

- 1 Extensive
- 2 Minimal
- 9 None/unknown

NOTE: Items 54-68 are individual characteristics; all are to be coded:

- 1 Yes
- 2 No/unknown

Code each item "1" only if there is authoritative evidence for the presence of the characteristic in the history of the juvenile. Speculation, rumors, or unsubstantiated allegations do not count.

54. Drug abuse: [8]

55. Alcohol abuse: [9]

56. Destructiveness against property: [10]

57. Destructiveness against persons: [11]

58. Destructiveness against self: [12]

59. Arson: [13]

60. Depressiveness: [14]

61. Hostility: [15]

62. Diagnosed emotional disorder, psychotic: [16]

63. Diagnosed emotional disorder, non-psychotic: [17]

64. Physical disorder or disability: [18]

65. Sexual deviance: [19]

66. Pregnancy: [20]

67. Mental retardation: [21]

68. Learning disability: [22]

NOTE: Items 69-76 are special situational characteristics; all are to be coded:

- 1 Yes
- 2 No/unknown

"Recent" means within one year prior to date of incident. Code each item "1" only if there is clear evidence for the presence of the condition.

- 69. Abuse/neglect: [23]
- 70. Recent death/illness in family: [24]
- 71. Recent separation/divorce of parents: [25]
- 72. Recent unemployment of breadwinner: [26]
- 73. Recent move of juvenile: [27]
- 74. Acting out/other emotional behavior by sibling or sibling equivalents: [28]
- 75. Siblings adjudicated JINS/JD: [29]
- 76. Lack of parental support/involvement: [30]

SUBSEQUENT COURT CONTACTS

	#1	#2	#3	#4	#5
Date complaint docketed:	77. [31-33]	82. [40-42]	87. [49-51]	92. [58-60]	97. [67-69]

Code month and last digit of year of complaint. Example: A complaint docketed June 15, 1974 should be coded

0	6	4
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Finding of fact:	78. [34-35]	83. [43-44]	88. [52-53]	93. [61-62]	98. [70-71]
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If there is a finding of fact on more than one allegation, code the most serious only.

Type of complaint/adjudication:	79. [36]	84. [45]	89. [54]	94. [63]	99. [72]
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- 1 JINS
- 2 JD
- 3 JINS upgraded to JD
- 4 JD reduced to JINS
- 5 JD complaint, no adjudication
- 6 JD complaint, dismissed
- 7 JINS complaint, no adjudication/dismissed
- 8 JINS complaint, diverted by intake
- 9 JD complaint, diverted by intake

Disposition;	80. [37-38]	85. [46-47]	90. [55-56]	95. [64-65]	100. [73-74]
Living arrangement at time of complaint;	81. [39]	86. [48]	91. [57]	96. [66]	101. [75]

- 1 Both natural parents
- 2 Single parent (separated or divorced)
- 3 Single parent ("normal" or widowed)
- 4 One natural parent/one substitute parent
- 5 Relative(s) or guardian(s)
- 6 Foster parents
- 7 Institution (permanent)
- 8 No legally responsible adult, lives alone
- 9 Unknown

JUVENILE CODE STUDY

INTERVIEW GUIDE

I. Program

1. How would you describe the basic goals and objectives of the (agency) in (relation to juvenile offenders?) (Probe to obtain goals and objectives of the program.)
2. In relation to these goals and objectives, what kinds of services or other activities does your program offer?
3. Could you trace the process that a typical juvenile offender goes through in your program from the point of entry to the point of release?
4. Do you see your program as being different in any significant way from other (comparable agencies) in New Jersey?
5. How would you describe your (agency's, program's, court's) relationship with the other juvenile justice agencies in your county?

Get response for: police
 court intake service
 shelter and detention facility
 DYFS
 probation
 juvenile court

6. What do you think about the quality of services provided to those juveniles who are referred to DYFS by the court?
7. In your experience, what are the major factors that influence the decision to place a juvenile in custody while awaiting disposition? (Probe for both JINS shelters and detention facilities.)

II. Effect of the law on the program

1. The new juvenile code which became effective in 1974 provided for several changes in the previous legislation. What would you say was the single most important new provision of the code? What other provisions do you regard as especially important?

2. (OMIT FOR JINS SHELTER PERSONNEL, AND GO TO 2a)

Were any changes made in your policies or procedures when the juvenile code was first implemented? (Probe for detail.) Were any further changes made? (If so): What prompted these further changes?

(FOR JINS SHELTER PERSONNEL ONLY - 2a)

2a. Since the initial development of the JINS program here, have there been any significant changes in your policies or procedures? (SKIP OVER TO III.)

3. In your judgement, what is the single most important overall consequence the new juvenile code has had on your (agency) ? (Probe to obtain specifics and evidence.) Have any other significant consequences for your program resulted from the enactment of the law?

III. Description of offenders and dispositional criteria

(FOR JUDGES ONLY):

1a. Other than the offense itself, what one single factor would you identify as most important in helping you to make dispositions? What other factors are helpful in making your decision?

(INTAKE ONLY):

1b. Other than the offense itself, what one single factor would you identify as most important in helping you to decide whether to divert juveniles from court? What other factors are helpful in making your decision?

(PROBATION OFFICERS ONLY):

1c. Other than the offense itself, what one single factor would you identify as most important in helping you to decide what recommendation you will make to the judge? What other factors are helpful in making your decision?

(POLICE ONLY):

1d. Other than the offense itself, what one single factor would you identify as most important in helping to decide whether to sign a complaint? What other factors are helpful in making your decision?

(DYFS ONLY):

1e. Other than the offense itself, what one single factor would you identify as most important in determining that a child will be referred to the Division of Youth

and Family Services by the court? What other factors are helpful in making your decision?

Does your office ever refuse a child referred by the court? Under what circumstances? Does your office utilize a court liaison? (If yes): What influence does the liaison have in determining the placement of a child under DYFS? How are differences of opinion between the judge and your office worked out?

2. Do you perceive any real difference between JINS and delinquent offenders?
3. What would you identify as the significant characteristics of children who are placed in JINS shelters? Detention centers? (Probe beyond present offense.)

(OMIT FOR SUSSEX AND HUNTERDON COUNTIES):

4. There generally is a higher proportion of females in the JINS shelter than there is in the detention facility. Why do you think this is the case in your county?

(FOR SUSSEX AND HUNTERDON COUNTIES ONLY - 4a)

- 4a. Very few JINS from your county are placed in shelters. Why do you think this is the case?
5. What action is taken and what procedures are followed when a juvenile runs away from the shelter?
6. JINS are occasionally transferred from the shelter to the detention center. Under what circumstances does this occur? How often?
7. Are children charged with delinquent offenses ever placed in the JINS shelter? (If yes): What types of children? How often? Why so often/infrequent? (If no): why not?

IV. Diversion

A. General Issues

1. Do the police divert juveniles from the court process? (Probe: What do most of them do? Which ones do and which don't, etc.)
2. Do the police refer juveniles to community agencies in lieu of the juvenile court? (Probe: What do most of them do? Which ones do and which don't, etc.)

3. Do the police use any specific guidelines for referring juveniles to community agencies? (Probe: What are the guidelines, etc.)...for deciding whether or not to sign a complaint against a juvenile?
4. In regard to screening for court, what procedures are followed when a juvenile's case is referred to the (intake, probation) office? (Probe to get full process.)
5. In general, do you regard the practice of diverting juveniles prior to court involvement as a desirable component of the juvenile justice system? (Probe for court intake diversion and police diversion.)

(THE FOLLOWING QUESTIONS 1-3 ARE FOR MIDDLESEX, MORRIS AND ESSEX COUNTIES ONLY.)

B. Juvenile Court Intake Units

1. When the court intake service was first established, what were the initial effects on the operation of your (agency)? (Exactly what policies or procedures, etc., were changed? Probe for specifics and the reasons for any changes that don't have an obvious rationale.)
2. Subsequent to the initial development of the intake service, have any further policy or procedural changes been made in your (agency). (Have there been any other kind of effects as a result of the court intake service?)
3. With regard to juveniles who are not diverted - who are referred to court - has the intake service had any impact on the way they are viewed or processed?

V. Relation of the code's impact to what is needed

1. Do you believe there was a need for the new juvenile code?
2. Do you believe the new juvenile code has had any effect on the extent of JINS and other minor offenders becoming involved in subsequent delinquency?
3. Suppose that you were asked to suggest revisions to the current juvenile code. In view of your experience and the particular needs of your (agency), what changes would you recommend?

4. In your opinion, should JINS be removed from the jurisdiction of the juvenile court? (Probe: Why or why not?)

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