

Note: This document contains recommendations as to detention alternative criteria and policies and procedures, prepared by a working group of the alternatives to detention subcommittee. As of February 1, 2006, this document has been approved by the subcommittee and a meeting has been scheduled at which the working group will present this to the juvenile court judges for their approval.

**ESSEX COUNTY
JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI)
DETENTION ALTERNATIVE SUBCOMMITTEE**



**WORKING GROUP
TO DEVELOP CRITERIA, POLICIES, AND PROCEDURES
FOR ELECTRONIC MONITORING
AND HOME DETENTION
ALTERNATIVES TO DETENTION**

**RECOMMENDATIONS
FOR CALENDAR YEAR 2006**

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“Detention” is defined as the temporary care of juveniles in physically restricting facilities pending court disposition (N.J.A.C. 13:91-1.2).

An objective of detention is to provide secure custody for those juveniles who are deemed a threat to the physical safety of the community and/or whose confinement is necessary to ensure their presence at the next court hearing (N.J.A.C. 13:92-1.3).

Detention Alternatives provide supervision to juveniles who would otherwise be placed in a secure detention facility while awaiting their adjudicatory hearing, expanding the array of pre-adjudication placement options available to the judiciary. The programs are designed to provide short-term levels of supervision sufficient to safely maintain appropriate youth in the community while awaiting the final disposition of their case. As such, these programs reduce the overall detention population and relieve detention overcrowding and its related problems where it exists.

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PART I: **DETENTION ALTERNATIVE CRITERIA**

1. **PURPOSE:**

The purpose of the Electronic Monitoring and Home Detention alternatives is to supervise youth in the community pending the disposition of their juvenile court cases, and in the process, to:

- (a) Help to ensure that the public is protected;
- (b) Ensure the youth's future appearance at court hearings; and
- (c) Maintain public safety by assisting the youth in remaining arrest free.

These purposes also maximize cost-efficiency by reserving costly secure detention beds for youth who represent the greatest risk to public safety.

2. **DETENTION ALTERNATIVE ADMISSION CRITERIA:**

Juveniles may only be placed in a detention alternative by order of the Court. The following criteria shall be considered for admission/placement in a detention alternative.

Primary Criteria

- But for the youth's enrollment in the detention alternative, he or she would remain in the custody of the Essex County Juvenile Detention Center.
- The nature and circumstances of the youth's current offense shall be carefully considered (consistent with N.J.S.A. 2A:4A-34(e)(1)).
- The youth has adequate adult supervision (consistent with N.J.S.A. 2A:4A-34(e)(3)).
 - The youth's household must contain a parent or other identifiable adult guardian capable of rendering an account of the youth's whereabouts at all times and must be present in the household.
- The youth's household is situated in Essex County (consistent with N.J.S.A. 2A:4A-34(e)(3)).
- The nature and circumstances of the youth's offense history shall be carefully considered (consistent with N.J.S.A. 2A:4A-34(e)(4)).

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- ❑ The youth's record of appearance or nonappearance at previous court proceedings shall be carefully considered (consistent with N.J.S.A. 2A:4A-34(e)(5)).
- ❑ The youth's history of compliance with prior detention alternative placements shall be carefully considered.
- ❑ The youth's parent(s) or guardian(s) must agree to allow spontaneous, unimpaired access to the home for purposes of verifying the minor's compliance with the terms and conditions of the detention alternative.

Detention Alternative Selection Criteria

Based upon a review of all of the above factors, juveniles at a greater risk of rearrest and/or failing to appear at future court hearings should be considered for placement in the electronic monitoring detention alternative. Juveniles at a lesser risk should be considered for placement in the home detention alternative.

- Electronic Monitoring alternative: The juvenile's household must contain a working telephone line/instrument free of any features such as call forwarding and call waiting. However, for juveniles who, based on the above alternative selection criteria, are more appropriate for the electronic monitoring alternative than for the home detention alternative, but who do not meet this criterion for good reason, may qualify for a wireless electronic monitoring device. The criteria used for determining which youth are able to receive a wireless electronic monitoring unit are appended to this document at **Attachment 1**.
- Home Detention alternative: The juvenile should (a) maintain his or her educational status (if currently regularly attending school) or (b) have the potential to return to school (if not currently attending or enrolled in school). Juveniles who are not able to comply with these criteria should be considered for admission to the electronic monitoring detention alternative.

Juveniles will be admitted to the detention alternative following a determination by the court that the youth is likely to appear for subsequent court hearings and that public safety would be protected in that supervision under one of the alternatives to detention would likely prevent the juvenile from reoffending while his or her case is pending disposition.

3. **POPULATIONS TO BE SERVED:**

Consistent with (1) and (2) above, the populations for each of these two alternatives to detention will be as follows:

- (a) Juveniles in the electronic monitoring detention alternative will be considered at a greater risk of rearrest and/or failing to appear at future

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court hearings, based on careful consideration of the criteria set forth in (2) above.

(b) Youth in the home detention alternative will be considered at a less significant risk of rearrest and/or failing to appear at future court hearings, based on careful consideration of the criteria set forth in (2) above. These youth should attend school while enrolled in the detention alternative.

4. **RATIONALE:**

The rationale for serving the above populations are as follows:

(a) Youth will be placed in the electronic monitoring detention alternative if they are at a greater risk (based on careful consideration of the criteria set forth in (2) above) because this detention alternative is able to offer them more supervision than the home detention alternative. This increased supervision should ensure that the youth will not be rearrested and will not fail to appear for court hearings.

(b) Youth will be placed in the home detention alternative if they are at a lesser risk (based on careful consideration of the criteria set forth in (2) above), because they will require a lower level of supervision. This lower level of supervision should still ensure that the youth will not be rearrested and will not fail to appear for court hearings.

5. **DEFINITIONS OF COMPLIANCE AND OUTCOME MEASURES:**

A youth will be considered “compliant” in either of these detention alternatives if:

- (a) He or she remains arrest free;
- (b) He or she attends all scheduled court hearings (no documented failures to appear); and
- (c) He or she follows the rules and conditions of the alternative to detention, as determined by staff in accordance with alternative policy and procedures (see **Part II** of this document).

6. **DEFINITIONS OF NONCOMPLIANCE AND OUTCOME MEASURES:**

Noncompliance is defined by presence of any of the following factors:

- (a) The youth is rearrested while under the supervision of one of the alternatives to detention.
- (b) The youth fails to appear for subsequent court hearing(s).
- (c) The youth violates alternative to detention rules and conditions of release, as determined by staff in accordance with alternative policy and procedures and the juvenile’s signed contract (see **Part II** of this document).

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7. **LENGTH OF STAY:**
The anticipated length of stay in both of these alternatives to detention is up to 60 days. See the policy and procedures manual (**Part II** of this document) at Section VII, for procedures related to monitoring a juvenile's length of stay in the alternatives.

8. **DETENTION ALTERNATIVE REPORTING:**
The detention alternative staff will provide a regular report to the Court, prosecutor, defense attorney, and detention review committee documenting detention alternative enrollment and participation.

9. **ADMINISTRATION:**
Both the Home Detention and Electronic Monitoring alternatives are administered by the Essex County Youth Services Commission, under the direction of the Director of the Essex County Division of Youth Services, (973)497-4720.

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PART II. DETENTION ALTERNATIVES POLICIES & PROCEDURES

I. PROJECT DESCRIPTION:

The program is comprised of two independently operated components: Home Detention and Electronic Monitoring, which are designed to provide services for up to eighty (80) and fifty (50) at risk youth respectively.

Home Detention uses the services of the Community Youth Workers to check on the behavior of each enrollee through the use of surprise visits to the home conducted randomly for three days during Monday through Friday and on both Saturday and Sunday. The outcome of each visit is documented and any violations are reported to the Supervising Community Youth Workers for follow-up.

Electronic Monitoring provides an alternative to detention for youth and families that require a higher level of supervision. Youth participating in this service must wear an electronic monitoring device on their wrist or ankle. The device is inserted into a receiver unit attached to the family's telephone system to monitor the detainee's whereabouts at various times of the day. Community Youth Workers are responsible for installing the transmitters into the homes of participating detainees. Thereafter, the Supervising Community Youth Worker receives e-mail reports from the contracted vendor who provides the electronic equipment and monitors each detainee's response to daily computer-generated telephone calls.

In-school youth are required to attend school. Both in-school and out-of-school youth are required to follow the service provisions outlined on their program contract. The Supervising Community Youth Worker will monitor school attendance and compliance with other program services.

II. REFERRAL/INTAKE PROCEDURES

On a daily basis, staff will review all admissions to the detention center and produce a report to assist the Court in the alternative referral process. That report will document all prior enrollments in either Home Detention or Electronic Monitoring for each youth (if such enrollments exist). If the youth has previously been admitted to an alternative, the report will document the youth's performance in the alternative. Performance indicators may include, for example, compliance in the alternative, or program violations during a previous enrollment.

The programs have only one referral mechanism: a Court Order from a Family Court Judge. Once the Supervising Community Youth Worker receives a Court Order for service, the detainee's caregiver is contacted and provided with a brief

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overview of the program's requirements. An intake appointment is then scheduled.

Each of the four Essex County Family Court Judges is a potential referral source. Statistical information on the number of juveniles referred by each Judge is recorded in the Home Detention and Electronic Monitoring database (further described in Section **VIII: DETENTION ALTERNATIVE REPORTING**, below).

Essex County Family Court has implemented a two-level system for classifying juvenile detainees. "Class A" indicates the juvenile is to remain in secure detention. A "Class B" designation authorizes a juvenile to be processed for the Home Detention alternative. The Court may also stipulate that a youth is to be processed for Electronic Monitoring as opposed to regular Home Detention. The appropriate classification category is recorded on the juvenile's Court Order after each hearing.

Upon receipt of a Court Order indicating either a "Class B" release or release to electronic monitoring, the Supervising Community Youth Worker will then conduct a conference with parents and the youth to determine if the detainee is an appropriate candidate for the detention alternative. If a juvenile is referred to the electronic monitoring alternative, upon receipt of that Court Order a Community Youth Worker will go to the youth's home to conduct a site visit to determine if the home is equipped with appropriate phone and electrical services.

The Supervising Community Youth Worker will also review the juvenile's detention files to ensure that there are no prior actions that prohibit the youth's eligibility for placement. Program staff may report back to the referring judge if any of the following conditions are present:

- Violent or seriously disruptive behavior while in detention.
- Program violations during a previous enrollment.
- Caregiver unwilling or unable to provide supervision as mandated in the program contract.
- Juvenile unwilling to comply with the rules and regulations of the program.
- Home lacking telephone and/or electrical services necessary for electronic monitoring.
- Juvenile not residing in the County of Essex.

If any of the aforementioned conditions are present, the Supervisor may request that the juvenile not be considered for enrollment. In the event that the referring judge determines that the youth should be precluded from enrollment, another court order indicating a "Class A" custody status shall be issued.

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If the juvenile is considered for enrollment after the above steps are taken, the following occur:

1. The Supervisor schedules an appointment for the parent, legal guardian, or other Court-authorized individual to come to the Essex County Juvenile Detention Center for a home detention or electronic monitoring interview.

2. The parent/guardian and juvenile are advised of the requirements for their detention alternative activity, and receive an orientation on the appropriate rules and regulations. The caretaker must provide identification for both the juvenile and his/herself. If all requirements are agreed to, the caretaker and juvenile complete the Home Detention or Electronic Monitoring Contract (see **Attachments 2 and 3**) and the Intake Section of the Juvenile Justice Commission Client Information Form (see **Attachment 4**). The parent/guardian must present the following documents at that time:

- a. Juvenile's valid birth certificate;
- b. Juvenile's social security card;
- c. Parent/guardian's form of legal identification; and
- d. Parent/guardian's social security card.

3. The parent and juvenile also complete a Court form that documents the name, relationship and address of the adult responsible for the custody of the juvenile during his stay in non-secure detention (see **Attachment 5**). It also acknowledges the juvenile and custodian adult are aware of the requirements to notify of Family Court of address changes and to ensure that the child is made available to the Court during schedule hearings.

4. A juvenile admitted to the home detention alternative is released into the custody of his/her parent/guardian.

5. When a juvenile is admitted to the electronic monitoring alternative, a Community Youth Worker, who installs the monitoring equipment to the family's telephone and instructs the youth on how to handle those calls, drives the participating youth home in an authorized vehicle.

6. Notice of the juvenile's intake is forwarded to the Family Court by fax.

III. LEVEL OF SERVICE:

a. Home Detention:

Each juvenile under the supervision of the Home Detention alternative receives five (5) random visits per week, including Saturday and Sunday. Each of those visits lasts an average of ten (10) minutes (during which the monitor performs the functions cited in Section V

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(a) below). Therefore, each youth receives an average of **50 minutes of monitoring per week.**

Based upon staffing levels and delegation of fixed geographical areas for each monitor, an average of five (5) additional minutes is allotted for monitor travel time for each monitoring visit. Therefore, each monitor should travel an average of 25 minutes per youth, per week.

After considering monitoring time and travel time, monitors will allocate an average of 75 minutes per week to each youth under the supervision of the Home Detention alternative. At maximum capacity of 80 youth, all program monitors together will spend 6000 minutes (or 100 hours) performing their monitoring and travel functions. Each Community Youth Worker works 25 hours per week. Therefore, in order to provide this service to 80 enrolled youth, **four (4) Community Youth Workers must be employed at all times.**

With four (4) monitors serving 80 youth, the ratio of service is 20 youth for every monitor, which is sufficient to perform the functions enumerated in this manual.

b. Electronic Monitoring:

The overall monitoring and review of youth in the electronic monitoring alternative is conducted by the Supervising Community Youth Worker. 50 electronic monitoring transmitters and field monitoring devices are available for use at one time. Youth do not receive random monitoring visits, but do receive an initial home site visit and will be visited by a Community Youth Worker in the event that the contracted vendor indicates a monitoring problem. Monitoring procedures are described in Section V (b) below.

IV. STAFFING LEVELS:

Sufficient to sustain the levels of service as cited in Section III above, staffing levels are as follows:

- (1) Supervising Community Youth Worker – Full-time
- (1) Clerical position – Full-time
- (4) Community Youth Workers (part-time monitors) – Part-Time

Full-time staff work a forty-hour (40) week, and part-time staff work twenty-five hours (25) per week.

V. SUPERVISION AND ROUTINE MONITORING:

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a. **Home Detention:**

During each monitoring session, the Community Youth Worker (part-time monitor) will perform the following responsibilities:

1. Physically identify the juvenile in the juvenile's home or in an approved location.
2. Obtain signatures from both the juvenile and the juvenile's parent or guardian, to be recorded on the home detention monitoring form (see **Attachment 6**).
3. Observe the home condition/environment (or the condition/environment of the approved location) sufficient to complete the home detention monitoring form.
4. Maintain and report accurate and complete records of each monitoring session.

If pursuant to a monitoring session a monitor observes condition(s) warranting further intervention, the monitor will bring the condition(s) to the attention of the Supervisor. The Supervisor will thereafter bring the condition(s) to the attention of the court for consideration (*e.g.*, for provision of additional resources).

The outcome of each home visit is recorded on the juvenile's home detention monitoring form, and that form will be immediately thereafter (*i.e.* at the end of each day) provided to the Supervisor.

Home Detention supervision terminates upon the disposition of the youth's court case or at any other point in the pre-dispositional phase pursuant only to Court Order.

b. **Electronic Monitoring:**

The electronic monitoring device provides supervision for each enrolled youth. The electronic supervision is monitored by a contracted vendor, who keeps track of each juvenile's response to daily computer-generated telephone calls.

The vendor provides daily faxes or e-mail progress reports to the Supervisor for each youth participating in electronic monitoring. If these reports indicate that there is a problem with a monitoring device or that a juvenile might not be in compliance, a community youth worker will visit the youth's home or school to investigate the problem. Monitors may at any time make periodic unannounced visits to ensure compliance.

VI. **PROGRAM COMPLETION**

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Program completion is defined as ending services as a result of case disposition or a Court-ordered early release. The assessment of a youth's compliance or noncompliance with either alternative is made by the Supervising Community Youth Worker.

a. Compliance:

A youth will be considered "compliant" in either of these detention alternatives if:

1. He or she remains arrest free;
2. He or she attends all scheduled court hearings (no documented failures to appear); and
3. He or she follows the rules and conditions of the alternative to detention or responds to graduated sanctions imposed for rule violations.

b. Noncompliance:

Noncompliance is defined by presence of any of the following factors:

1. The youth is rearrested while under the supervision of one of the alternatives to detention.
2. The youth fails to appear for subsequent court hearing(s); or
3. The youth violates alternative to detention rules and conditions of release repeatedly and fails to respond to graduated sanctions imposed for rule violations.

c. Noncompliance definitions: Electronic Monitoring:

Noncompliance with the rules and conditions of electronic monitoring (as referred to in b(3) above), are as follows:

1. Being out of the equipment's range;
2. Absconding from supervision;
3. Possessing or using alcohol or drugs, or related contraband;
4. Possessing unlawful weapons;
5. Not attending school (if part of the youth's electronic monitoring contract);
6. Willful destruction of electronic monitoring equipment; and
7. Failure to comply with the rules and conditions of the Contract as executed.

If the youth is in noncompliance with any of the foregoing rules and conditions, the Supervisor may execute a pre-signed warrant by dating the

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warrant. The warrant is then faxed and forwarded via hand delivery to the Sheriff's Department for execution, and a copy is faxed to the authorizing Judge.

d. Noncompliance procedures: Home Detention:

For youth in the Home Detention alternative, staff will immediately report to the Court the occurrence of any new offense with which the juvenile has been charged or upon repeated noncompliance with the detention alternative rules and conditions of release and failure to respond to graduated sanctions. All program infractions are reported via memorandum to the Juvenile Prosecutor, Family Court Judge, Public Defender, and the youth's Probation Officer (if applicable), on the Alternative to Detention Warning Memorandum (see **Attachment 11**).

e. Step-up and step-down procedures:

Alternative restrictiveness may be increased or decreased according to the youth's performance. A youth may still be considered "compliant" if he or she moves between the two detention alternatives. For example, if a youth is initially admitted to the home detention alternative, and it is determined by the court that he or she needs more supervision, he or she may later be admitted to the electronic monitoring alternative (STEP UP). If the youth is successful in the electronic monitoring alternative, he will be considered compliant (even though he was not successfully discharged from the home detention alternative). Similarly, if a youth is initially admitted to the electronic monitoring alternative, and it is determined by the court that he or she does not require that level of supervision, he or she may later be admitted to the home detention alternative to detention (STEP DOWN). If the youth is compliant in the home detention alternative, he will be considered compliant overall.

Step-ups/step-downs may be initiated by alternative staff at 30, 45, and 60 day intervals. Staff shall forward a memorandum to the Public Defender, Prosecutor, and Probation Officer (if applicable) advising as to the youth's compliance in the alternative. This may trigger the parties to schedule a hearing, at which step-up/step-down may be considered.

f. Successful completion procedures:

Successful completion procedures for each of the alternatives are as follows:

1. Home Detention: Upon receipt of the court order from Family Division indicating that the youth has been released from home detention, staff will contact the parent/guardian

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via telephone. Staff will verify that the youth has been released from the alternative, and will advise the parent/guardian that monitoring will procedures be immediately discontinued. Staff will also reiterate the terms of the court order releasing the juvenile from the alternative, and any other conditions set forth therein.

2. Electronic Monitoring: When the Court orders the juvenile to be released from electronic monitoring, the court shall advise the juvenile and the juvenile's parent/guardian to go home and immediately contact program staff via telephone. The juvenile shall be advised to remain home until the monitor comes to the home to remove the bracelet and the monitoring unit. Program staff, upon receipt of the order from the Court and upon contact from the juvenile/parent/guardian, will immediately schedule a time to pick up the bracelet and unit. At that time, the youth will also complete the Client Information Form (see **Attachment 7**). This home visit shall be done the same day that the youth is released from electronic monitoring.

VII. LENGTH OF STAY:

The home detention and electronic monitoring alternatives are designed to monitor youth for up to 60 days. That length of stay will be monitored as follows:

- Alternative to detention staff will notify the prosecutor, the defense attorney, and the detention review committee when a juvenile reaches the 30, 45, and 60-day points in the detention alternative. These reports should assist the Court and involved parties in moving the case to disposition within the 60-day timeframe, obviating the need for alternative to detention extensions in all but exceptional cases.
- At 60 days in the alternative, staff will forward a written request to the public defender, requesting that a hearing be scheduled before the Court to determine if continued alternative monitoring is necessary.

VIII. DETENTION ALTERNATIVE REPORTING:

The detention alternatives will provide a report to the detention review committee at bi-weekly intervals, documenting detention alternative enrollment and participation. This report will, at a minimum, include the following elements:

- (a) Alternative of enrollment.
- (b) Names of youth presently enrolled.

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- (c) Lengths of stay in the alternative to detention.
- (d) Detention alternative progress.
- (e) Number of youth enrolled.

The detention alternatives will provide a separate report to the Court, prosecutor, defense attorney, detention review committee, and JDAI Alternatives to Detention Subcommittee, measuring and monitoring detention alternative outcomes. This report will, at a minimum, include the following elements:

- (a) Level of alternative to detention utilization.
- (b) Completion rates.
- (c) Technical violation rates.
- (d) Failures to appear.
- (e) Arrest rates.

These reports will further determine the effect of the detention alternatives on the population of the Essex County Detention Center.

IX. RECORD KEEPING

The Supervising Community Youth worker is responsible for the following record-keeping:

1. Maintain accurate case files, records, and statistical information on all detention alternative participants.
2. Enter all JAMS Intake & Completion forms into JJC database.
3. Provide Family Court with timely progress or violations reports of all detainees prior to the juvenile's court date.
4. Maintain an inventory of electronic monitoring units in use or on shelves, always reconciling serial number to the enrollee.
5. Prepare all monthly and quarterly reports in a timely manner for the Youth Services Commission, New Jersey DYFS, and Juvenile Justice Commission.

The program uses a number of forms to document client services during each phase of the program. Some documents were recently and others were newly created to ensure the collection of information requested by the Youth Services Commission and Juvenile Justice Commission. Samples of each are appended to this report.

These attachments are as follows:

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Attachment 1:	Criteria for Wireless Electronic Monitoring Units
Attachment 2:	Home Detention Contract
Attachment 3:	Electronic Monitoring Contract
Attachment 4:	JAMS Client Information Form (Intake Section)
Attachment 5:	Receipt into Custody and Promise to Produce Youth
Attachment 6:	Home Detention Monitoring Form
Attachment 7:	JAMS Client Information Form (Completion Section)
Attachment 8:	Computer Generated Client History Report
Attachment 9:	Daily Capacity Report
Attachment 10:	Detainee Release Clearance Form
Attachment 11:	Alternative to Detention Warning Memorandum