

Note: This is the program description, objectives, criteria, and procedures related to the Essex County Probation Detention Alternative Program, implemented in December, 2005.

Essex Vicinage Probation Detention Alternative Program

Goal:

The mission of the Probation Detention Alternative is to reduce the population at the Essex County Detention Center, consistent with the two goals of detention: protecting public safety and ensuring court appearance. The goal is to provide the Essex Vicinage Family Court with a release option for youth who are deemed to be at significant risk based on their offense and/or failure to appear in court history.

Objectives:

1. Provide an option that will accommodate the release of 20 to 25 juveniles at any given time under an acceptable level of supervision, and permit their release into the community until the disposition of their case.
2. Establish a set of expectations that will increase the likelihood of future court appearances via frequent contact, both in person and by telephone, and curfew.
3. Monitor juveniles' compliance with the conditions of release and immediately inform the Court of any serious occurrence of noncompliance.
4. Work closely and in cooperation with other agencies to ensure a favorable outcome during this predispositional period.
5. Monitor and assist in the timely adjudication and disposition of the matter by the Family Court.

◆ Selection Process:

The target population is juveniles in custody at the Essex County Juvenile Detention Center who are awaiting disposition. The Family Court Judge at the initial detention hearing can make direct referrals to the Probation Division by ordering an assessment of the juvenile's suitability for the Probation Detention Alternative. After completing the screening process (see below), the Probation Release Officer (staff) will make a recommendation to the Court. The Court's order of release to the Probation Detention Alternative Program will effectuate the juvenile's release and commencement of supervision. At both stages in the process – referral for evaluation and placement in the program – the discretion will be solely the Court's.

We need to acknowledge the fact that the target group for this program is juveniles who pose a more significant risk than those juveniles presently being released to the current HD/EM program. These juveniles thus would benefit from the additional monitoring and supervision offered through this program. The program is targeted for juveniles whose disposition is likely to include probation, not those juveniles likely to be sent to Jamesburg or another JJC program. The program is designed to provide an alternative option for juveniles whom the judiciary does not consider suitable for the current HD/EM program, not to provide additional supervision to juveniles who would be considered appropriate candidates for the current program.

The program will be limited to 45 days, with short (perhaps 7-day) extensions permitted only by court order. Of course, the faster juveniles' cases can be processed the more frequently the slots in this program will be able to be "turned over" and the more juveniles per year the program will be able to serve.

PDA staff will develop a system to notify the Court, the prosecutor and defense attorney, and the detention review group when a juvenile reaches the 30-day point in the program. It is hoped that these reports will assist the Court and the parties in moving the case to disposition within the 45-day timeframe, obviating the need for program extensions in all but exceptional cases.

The Probation Detention Alternative Program (PDA) as presently proposed and staffed, has the potential to service 200 juveniles per year who would otherwise remain in detention.

◆ **Screening Process:**

Upon receipt of a referral from the Court, the probation officer will conduct an interview with the juvenile at the detention center. The probation officer will review prior histories of detention, check FACTS and CAPS for prior court involvement, and confer with detention personnel for additional relevant information.

The probation officer also will make a home visit and interview the juvenile's parents or guardian, enabling the officer to further assess the suitability of release. During this interview, the PDA release conditions will be reviewed.

Appropriate evaluation criteria, set forth in the attached document ("Essex County Probation Detention Alternative Program, Eligibility Criteria"), will be employed.

This screening process should be completed and the Court should receive a request for a detention review hearing within 72 hours after the probation release officer receives the Court referral.

◆ **Detention Release Supervision:**

Juveniles will be required to follow the conditions of release. They will be instructed and required to sign an acknowledgement of receipt and understanding (see attached "Participation Agreement"). A copy of the release conditions will be provided to both the juvenile and the parent/guardian. Parents or guardians will be required to co-sign the acknowledgement form and additionally to agree to cooperate with the probation detention alternative.

The program will include the following elements:

- The probation officer will contact the juvenile at least four times per week, including at least two face-to-face contacts which can occur in the office, home, school or program site.
- The juvenile will be required to report to the probation office at 60 Evergreen Place, East Orange, at least once per week.

- The juvenile will remain on a home confinement status unless granted permission to leave the residence. It is expected that the juvenile will be permitted to attend school and employment, and to meet other obligations that are approved by parent/guardian and the probation officer.
- Special conditions may be imposed at the discretion of the Court including, for example, substance abuse monitoring, electronic monitoring, and psychological evaluation/assessment.

◆ **Revocation:**

The PDA staff will immediately report to the Court the occurrence of any new offense for which the juvenile has been charged or when there is a significant noncompliance with the conditions of release.

During the supervision period, if there is no contact with the juvenile for more than 48 hours the PDA officer will petition the Court for a revocation hearing.

◆ **Program Outcomes:**

The probation division will maintain a database of all juveniles referred to PDA. A methodology to measure outcomes will need to be developed (this will be done in conjunction with the ongoing data work of the JDAI program). The data collection should enable us to determine the effectiveness of PDA and to make any appropriate program modifications.

Weekly status reports will be developed and provided to the Court, the prosecutor's office, the public defender's office and the JDAI Subcommittee on Alternatives to Detention, so all parties can monitor the program's progress and any modifications deemed necessary – in either the programmatic model and/or the screening or referral processes – can be proposed.

**Essex County Probation Detention Alternative Program
Eligibility Criteria**

NOTE: The below criteria are intended to provide guidance, not to supersede judicial discretion. Exceptions to any and all the criteria will be acceptable if deemed appropriate by the Court in individual cases.

1. Age: Any child under the jurisdiction of the Family Division is eligible.
2. Gender: Both boys & girls are eligible.
3. Residence:
 - a. Youth must reside in Essex County.
 - b. Youth must have a stable residence with a supportive adult.
4. Mental Health Issues: Youth with severe mental health problems for whom adequate support is not available are not eligible.

5. Participation Agreement:
 - a. Youth must be willing to abide by the terms of the Participation Agreement (attached).
 - b. Youth's supportive adult must be willing to abide by the terms of the Participation agreement.
6. Pending Charges: Youth charged with first degree offenses are ineligible, except on judicial order; youth charged with all other offenses are eligible.
7. Detention & Offense History:
 - a. Youth with more than three detention admissions during the prior twelve months are ineligible.
 - b. Youth with more than three adjudications for delinquent acts of at least the fourth degree (involving separate incidents) within the past eighteen months are ineligible.
 - c. Youths' prior probation history will be considered, but youth with prior VOPs will not be presumptively ineligible.

**Essex County Probation Detention Alternative Program
Procedure for Accessing the Program**

1. Either party (defense counsel or the prosecutor), the Detention Review Committee, or the Court acting of its own volition may deem a youth a potential candidate for the Probation Detention Alternative (PDA) program.
2. Youth will be identified mindful of the criteria for the program, which describe the type of youth for whom the program was designed, though these criteria shall not be deemed to supplant judicial discretion.
3. Every attempt will be made to identify potential candidates for the program as early as possible following their placement in detention, and to identify youth whose disposition is likely – this determination being non-binding on any party and subject to intervening information – to include probation in the community.
4. The parties and Court shall endeavor to identify youth whose cases it is anticipated can be resolved within the program's target limitation of 45 days, thus enabling more youth to be served over a span of time.
5. If the Court deems a youth a potential candidate for the PDA program, the Court will ask Probation to conduct a review.
6. Probation will conduct this review, including reviewing the youth's history, meeting the youth and visiting the home. Within 72 hours, a written report from Probation will be presented to the

Court, the prosecutor and defense counsel stating whether the youth is deemed an appropriate candidate for the program and the reason therefore.

7. Upon receipt of the report, the Court will schedule a detention review hearing for as soon as possible, ideally within 24 hours. All reasonable efforts will be made to secure the presence of a parent or guardian.
8. At the detention review hearing, the parties will have an opportunity, in light of the Probation report, to discuss whether or not they consider the youth to be an appropriate candidate for the program.
9. The Court, in its sole discretion, will determine whether to place the youth in the program.
10. If a youth is ordered into the program, a copy of the order will be immediately delivered to the PDA coordinator by the Court's probation liaison. Probation and detention center staff will work with the parent/guardian to coordinate the release of the juvenile within 24 hours.
11. For all youth placed in the program, Probation will immediately apprise the parties and the Court of any significant development in the youth's situation (e.g., re-arrest, AWOL, etc.). As with all youth under Probation's supervision, Probation shall have the right to request that a warrant be issued when deemed appropriate.
12. Probation will provide a reminder to the parties and the Court when a youth has been in the program for 30 days, with the goal of resolving the case within the 45-day period.
13. If a youth has been in the PDA program for 45 days, the youth has been successful in the program, and the youth's case has not yet been disposed, Probation will consider requesting that the Court – with notice and an opportunity to be heard for both the prosecutor and defense counsel – transition the youth to another detention alternative, including but not limited to electronic monitoring and/or home detention. The authority to order any such transition shall remain exclusively with the Court.