

***MONMOUTH COUNTY SHERIFF'S OFFICE
KIM GUADAGNO, SHERIFF***



***REPORT TO THE MONMOUTH COUNTY BOARD OF
CHOSEN FREEHOLDERS***

***MONMOUTH COUNTY
YOUTH DETENTION CENTER***

January 22, 2009

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REPORT TO THE MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS

MONMOUTH COUNTY YOUTH DETENTION CENTER

Executive Summary

During budget hearings in January 2008, the Board of Chosen Freeholders ["Board"] raised questions about the apparently high cost of operating the Monmouth County Youth Detention Center ["YDC"]. Prior to my tenure as Sheriff, the Board was presented with information that suggested that the cost of operating the YDC was as much as \$225,000 per juvenile detainee, per year. The high cost was due in large part to increasing operating costs set against a significant decrease in the juvenile population at the YDC. The dramatic decrease in population was caused by the innovative adoption of the Juvenile Detention Alternative Initiative ["JDAI"], which is a program essentially designed to keep only those juveniles charged with the most serious offenses or who are a risk of flight in detention.¹ At the time of the 2008 budget hearings, the mean average daily count at the YDC was 22 and the operational costs were reportedly over \$5 million. The Board quite naturally questioned the efficacy of such expenditures.

Monmouth County is just one of five counties in New Jersey to pilot the JDAI. It is generally described in the pages that follow.² For the moment, it is enough to note that the JDAI counties have experienced a significant reduction in the juvenile detainee population since the program was implemented. The high cost of operating juvenile detention facilities statewide versus a statewide drop in juvenile population combined with legislative action urging shared services has resulted in the recent regionalization of Warren and Hunterdon Detention Centers in Morris County.³ Gloucester County is also apparently sending its population to Camden.
www.courierpostonline.com/article/20090117/NEWS01/901170361.

1. The Population at the YDC is and will remain under capacity.

As a direct result of the success of the JDAI, our YDC's population has gone from dangerously overcrowded in 2001 to what it is today; a facility with an average annual mean population well-under our present capacity of 40. Because of the success of the JDAI, there is

¹ A complete explanation of the JDAI program and its successes throughout the country is beyond the scope of this report. More detailed information about the program and its operation on a state and national level can be found on the Anne E. Casey Foundation website. www.aecf.org/MajorInitiatives.

² See Footnote 1, *supra*.

³ See Appendix A (collecting documents on the regionalization of Warren/Hunterdon and Morris County).

every reason to expect that juvenile population levels at the YDC will stay at, or even below, present levels.

2. The Cost of Operating the YDC will continue to rise.

While we have seen the population move downward, the cost of operating the facility is rising. As will be discussed below, despite the best efforts of the staff, these costs are not expected to drop by any significant amount. Thus, the cost per detainee was over \$200,000 in 2006-07⁴ and at least \$195,967.89 in 2007-08. We expect that the cost per detainee will continue to rise both as a result of the generally rising costs of operating the facility and because the juvenile detainee population is expected to level out.

3. The Board should consider shared services for the YDC.

These costs must be viewed in the context of recent legislation that virtually mandates a review of potential savings through shared services arrangements. In 2007, the State enacted the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, *et seq.* This statute authorizes the County to consider the regionalization of its detention center and encourages the Board to consider shared services that would provide property tax relief to its residents.

Like most businesses and governments, Monmouth County is facing very difficult budgeting issues in 2009. Thus, as recently as January 9, 2009, the County asked its union employees to forego raises – just as its non-union employees will be doing – to ease the burden on taxpayers and to minimize the need for layoffs. Tough choices will have to be made. Regionalization of our violent and dangerous juvenile detainees in order to ease the burden must be considered.

4. The concerns of the stakeholders can be addressed and, if the plan provides for transportation, then regionalization will provide better service than exists for families now.

Many meritorious concerns have been raised about moving our population to Middlesex. They are included in this report. Perhaps, the greatest concern, beyond the obvious loss of jobs, is that the facility is too far away and too inaccessible for families, social workers, professionals and police. The Middlesex YDC is approximately 22 miles away from the Monmouth County YDC. Assuming the Board considers transportation as a legitimate concern, a plan that includes a transportation component will provide better service than presently exists for the families in the county *and* save jobs.

4. Regionalization will save between \$1.17 and \$2.17 million.

In December 2008, the Board authorized the County Administrator to conduct preliminary negotiations with Middlesex County and its Youth Detention Center [collectively “Middlesex”] to determine what it would cost to regionalize our youth services. Using those preliminary numbers, it appears that the County could recognize from \$1.17 to \$2.17 million in annual savings. The million dollar difference in potential savings depends entirely on what level of

⁴ The numbers presented to the Board in 2006 are provided in Appendix B.

service the County chooses to provide to transport families, social workers and other professionals from Monmouth to Middlesex.

We believe that the projected savings are conservative. First, they do not reflect the 3 year savings of approximately \$450,000 for food service at the YDC. Further, certain funded capital projects like the fencing and the roof repairs will no longer be necessary. Neither the cost of the food contract or capital projects is included in the projected savings. Thus, the projected savings figures are conservative.

5. A shared service arrangement will provide equal to or better services to the juveniles.

The Freeholders have visited, or are scheduled to visit, the Middlesex facility. As will be discussed below, the Middlesex facility was state of the art when built in 1998. As a matter of law, Middlesex must provide the same minimum services to any juvenile in its facility as is presently provided to Monmouth County juveniles. While they each provide the same basic services, Middlesex arguably provides better services to the juveniles in custody than Monmouth. For instance, Middlesex has 7 classrooms with 6 teachers and 1 educational supervisor. Monmouth has 3 classrooms with 2 teachers and no educational supervisor. Middlesex has a full size indoor basketball court and gymnasium. Monmouth has a weight room and no indoor basketball. Middlesex has a full size cafeteria. Monmouth uses a dayroom. Middlesex has a medical clinic. Monmouth has a treatment room and triage room. Middlesex has full booking and processing areas. Monmouth does its booking and processing in a hallway. A full comparison of the differences is set out below at page 12.

The question therefore is whether the Board should order the regionalization of Monmouth County's YDC when a regional program will provide equal to or better services to our children, their families and their service providers while saving the taxpayers from \$1.17 to \$2.17 million dollars every year thereafter?

Perhaps it is best to note now that during the course of this study, several public claims have been made about the accuracy of the numbers used in this report. All the numbers in this report can be supported by the facts. Further, our goal was to speak personally and on the record to all interested parties. Certainly, we tried. We continue to invite a sincere discussion based on relevant facts with the key issue being the best interests of the juvenile detainees and the taxpayers of the County.

Overview of the project

We were asked by the Board to examine benefits and disadvantages of closing the YDC and to present the impact of the closing that facility will have on the YDC stakeholders.

Objectives

The objectives of this report are:

- To provide a background on the YDC.
- To give an overview of the JDAI Initiative that had a dramatic impact on the YDC population and cost per client ratio.
- To examine potential cost savings that can be realized with regionalization.
- To provide the Board with the arguments in favor of keeping the facility open.
- To provide the Board with a balanced look at the possible closing of the Monmouth County YDC.

Executive Undersheriff Clifford Daniels was reassigned in June 2008 to gather information regarding the impact regionalization would have on the stakeholders. Undersheriff Daniels worked first as a corrections officer and then became the warden of the Monmouth County Correctional Institution in 1991. In 2002, Mr. Daniels was then appointed as undersheriff in charge of supervising corrections and youth services. He served in this capacity until 2005. He is a past president of the New Jersey Warden's Association and former member of the American Correctional Association Board of Directors. The Undersheriff was also named Correctional Administrator of the Year by the American Jail Association.

From July through the beginning of December 2008, Undersheriff Daniels interviewed YDC workers as well as state, county and local officials from numerous youth service agencies. He personally interviewed virtually every individual or stakeholder who expressed a willingness to participate. With the aid of Jeff Sauter, the Sheriff's Office Business Manager, Undersheriff Daniels also gathered financial information regarding the costs of operation for 2008.

Background information about our YDC

The YDC is a division of the Monmouth County Sheriff's Office and operates pursuant to the New Jersey State Corrections Law. The YDC is staffed and maintained by the Office of the Sheriff. Like all juvenile detention centers in the state, the YDC must meet and maintain standards set forth by the New Jersey Juvenile Justice Commission ["JJC"].

The YDC provides detention for males and females between the ages of 11 and 18 who are either awaiting trial or sentencing and are deemed flight risks, or are accused of crimes so serious that they pose a risk to society if released pending trial. Although our staff provides some education and mental health counseling, its primary function is to hold juveniles who are too violent or too

much of a flight risk to keep in their community. Though some juveniles do stay for significant periods, the YDC is not designed to provide long term rehabilitation.

The YDC was officially opened to accept juveniles on March 9, 1970. It is located at 119 Dutch Lane Road in the township of Freehold adjacent to the Borough of Freehold. The institution is a one story, brick-faced, cinder block building. When opened, the facility had a capacity of twenty boys and thirteen girls. In 1986, the County made major renovations to the facility including the addition of a new wing giving it its present capacity of 40 beds.

By 2001, the facility was dangerously overcrowded. At that time, a \$12 million renovation was proposed. Those renovations did not occur both because of the drop in population due to the implementation of the JDAI program and because of a County-wide freeze on all capital projects.

It is the mission of the YDC to provide safe and secure detention for juveniles remanded to the care of the agency by the Monmouth County Superior Court, Family Division and other referral agencies. It is a temporary holding facility and the admissions and discharge of juveniles are controlled by the Monmouth County Superior Court, Family Division. The agency's objectives are to minimize the potentially damaging effects of confinement in a secure and non-threatening atmosphere as possible by supporting the juveniles' physical, emotional and social development; and to meet the needs of juveniles through a constructive program.

Within the scope of its mission, the YDC provides medical, educational, recreational, correctional, mental health and social services. The medical department provides nursing care between the hours of 7:00 a.m. and 11:00 p.m., seven days a week and provides in-house mental health services which are comprised of individual, group and substance abuse counseling, as well as weekly psychiatric services. The YDC social service department provides coverage seven days a week, including holiday services: Monday to Friday from 9:00 a.m. to 10:00 p.m. and Saturdays and Sundays from 3:30 p.m. to 7:30 p.m.

Programs and services are delivered in a scheduled format intended to meet the basic needs of the juvenile without regard to race, creed, age, economic status, judicial status or sexual orientation. Within the framework of security procedures, the YDC utilizes a Behavior Management System; provides a daily school program; recreation (indoor/outdoor); and, special programs from community agencies such as the County Parks System, Department of Human Services and local religious organizations.

These programs and services meet the State of New Jersey Standards as documented in the Manual of Standards for Juvenile Detention Facilities and are provided by trained staff in a professional and caring modality.

Specifically, New Jersey Statute 2A:4A-34 provides that:

- Detention is necessary to secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent willful failure to appear at juvenile court proceedings or to remain where placed by the court intake service or the

juvenile is subject to current warrant for failure to appear at court proceedings which is active at the time of arrest; or

- The physical safety of persons or property of the community would be seriously threatened if the juvenile were not detained and the juvenile is charged with an offense in which, if committed by an adult would constitute a crime of the first, second or third degree or one of the following crimes of the fourth degree: aggravated assault; stalking; criminal sexual contact; bias intimidation; failure to control or report a dangerous fire; possession of a prohibited weapon or device in violation of N.J.S.A. 2C:39-3 or; unlawful possession of a weapon in violation of N.J.S.A. 2C:39-5.

The YDC has been fully accredited by the National Commission on Correctional Health Care and the American Correctional Association since 2003. That accreditation was renewed as recently as August 2006. Our accreditation is due to be renewed this year.

The JJC is the state agency directly responsible for the oversight of Juvenile Detention facilities statewide. During its regular compliance audit in April 2008, the JJC found that “the Monmouth County Youth Detention Center is a well-operated facility and has many noteworthy program components.” While the audit found some minor issues, those issues have been resolved. Appendix C.

Juvenile Detention Alternative Initiative and Population at the YDC

The Juvenile Detention Alternatives Initiative was designed with the vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults. After more than a decade of innovation and replication, JDAI is one of the nation’s most effective, influential, and widespread juvenile justice system reform initiatives.

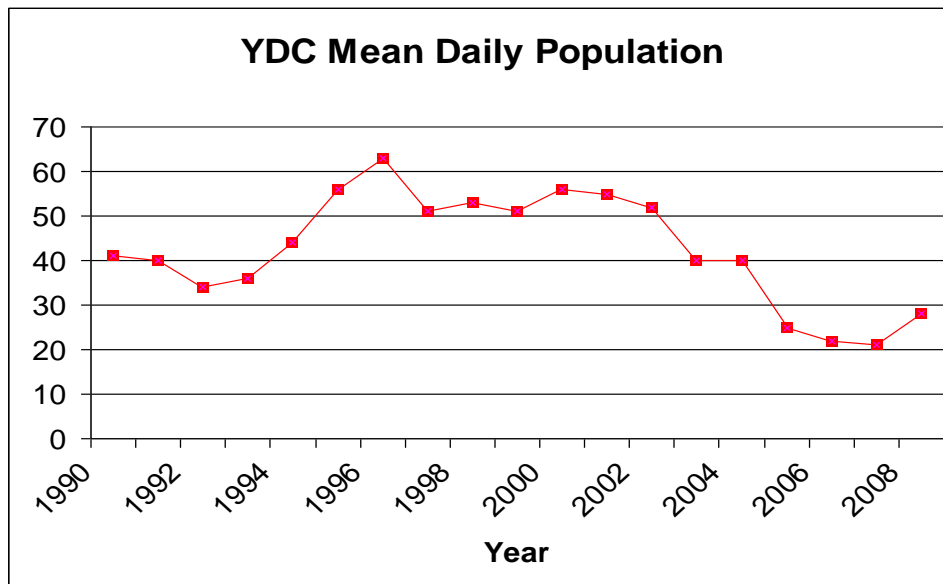
According to the JDAI website, see footnote 1, above, stated goals of the JDAI are to:

- reduce reliance on secure confinement;
- improve public safety;
- reduce racial disparities and bias;
- save taxpayers’ dollars; and
- stimulate overall juvenile justice reforms.

The JDAI program has proved extremely successful throughout New Jersey. See September/October Report of the JDAI, Appendix D. In 1996, the Monmouth County YDC had

an average annual population over 60 children.⁵ Since then, the population of children has fallen to a mean average of 22 in 2006. That number rose to 28 in 2007 to 2008.

According to the New Jersey Attorney General's Office Report on the JDAI's success, Monmouth County has seen a 45.5 % drop in population at the YDC pre-JDAI in 2003 to post-JDAI in 2007. See Report of August 2008, www.state.nj.us/lps/jjc/pdf/JDAI-2008-Aug-SitesResultReport.pdf. The same report shows that the Monmouth County juveniles are spending 27 percent less time in the YDC when they *are* detained. *Id.* According to the report, Monmouth County is one of the most successful applications of the JDAI program in the state. *Id.* In fact, the Chief Justice and the Attorney General reported in November 2008, that New Jersey on the whole is considered a model state for the success of the JDAI program on a national basis. www.thedefenders.nj.gov/news/JDAI_ModelState_20081121.pdf. The following chart shows the population trend at the YDC.



Summer months have seen a spike in the population and length of stay at the YDC when Judges are on vacation and there are fewer Judges to handle the case load for those accused of crimes. See Appendix D and the Monthly Report of the JJC on JDAI July/August 2008; also, online www.njpublicsafety.org/jjc/pdf/JDAI-2008-May-June-MonthlyData.pdf. As a result, both the population increases and the length of stay appear to regularly increase in the summer months. In 2008, the population also may have risen because of the temporary transfer of the JDAI Judge to another vicinage. The JDAI Judge returned to Monmouth County in October.⁶

It appears that the experience in Monmouth County is consistent with what is occurring in each county that has adopted the JDAI. In addition to the five original JDAI counties, Mercer, Union,

⁵ In a 40 bed facility, this meant that juveniles had to be double-bunked. This overcrowded situation resulted in the 2001 expansion plan. The 2001 plan is no longer necessary because of the low population.

⁶ While it is possible that the uncertainty of the future of the YDC had some impact on the 2008 population, that impact, if any, cannot be measured and should not be considered by the Board.

Bergen, Ocean and Burlington counties have also begun JDAI programs. They too have begun to see populations trending lower. Appendix D. In fact, Union County has so much open bed space that earlier this month it invited us to transfer juveniles to their facility.

As a result of a statewide drop in population, counties have begun to consolidate their juvenile detention programs. A plan to provide a regional youth detention center housing juveniles from Hunterdon and Warren Counties in the Morris County juvenile facility was approved by the State in December 2008. See Appendix A.⁷ Gloucester County is sending its population to Camden. www.courierpostonline.com/article/20090117/NEWS01/901170361.⁸

As a result of the JDAI program, only the most serious offenders who pose a true flight or safety risk to the public are now housed at the YDC. Thus, typical detainees are offenders charged with serious crimes:

- A 16 year old charged with murder while using a Beretta 9mm semi automatic hand gun to commit a murder;

- A 14 year old, after stealing a car in North Carolina, committed a robbery with a deadly weapon by striking his victim with a sawed-off shotgun;

- At least four 18 year olds waiting transfer to adult court on charges related to robbery with a firearm;

- A 15 year old charged with violating probation, resisting arrest and aggravated assault;

and

- Another 15 year old is charged with felony murder.⁹

The Board should be aware that the juvenile population both in Monmouth County and on a statewide basis is overwhelmingly male and minorities. These statistics are collected by the JJC. See www.njpublicsafety.org/jjc/pdf/JDAI-2008-May-June-MonthlyData.pdf.

COST ANALYSIS

In 2008, Monmouth County spent **\$5,487,101** to operate the YDC facility. This total cost includes not only the dollars reflected in the 2008 budget submission but all the costs associated with the operation of the facility. The reader must add these costs to the line items presented in the budget submitted to the County in order to realize the total cost of operating the facility. So for example, fringe benefits estimated by the County to be valued at 41.173% are reflected in our calculations but not in the documents submitted for budgetary purposes.

⁷ Cape May shares detention services with Atlantic County. Somerset County has been sending its juvenile offenders to the Middlesex County Youth Detention Center for years.

⁸ Sussex has closed its shelter and sent its children to the Morris County Shelter. Shelters are independent of the Detention Centers. www.njherald.com/story/news/18FREEHOLDER-web

⁹ Privacy laws protect the identities of these juveniles but redacted files can be made available to the Board and, by OPRA request, to the public. The Youth Services Commission of Monmouth County also tracks this information. www.njpublicsafety.org/jjc/pdf/JDAI-2008-May-June-MonthlyData.pdf.

It has been suggested that the numbers submitted are somehow inflated.¹⁰ We are prepared to respond to any question about the source of the numbers provided in this report.¹¹

The 2008 operating costs of the facility are as follows:

YDC Salary (60 f/t & p/t positions)	3,034,027	
YDC Fringe on paid salaries (2008 rate 41.173%)	1,249,200	
YDC Overtime	475,000	
YDC Fringe on overtime (2008 rate 10.338%)	49,106	
B&G Salary (3 f/t positions)	159,643	
B&G Fringe (2008 rate 41.173%)	65,730	
YDC operating expenses	366,895	
YDC Contracted Healthcare	265,000	
YDC Staff/Resident meals charged to MCCI	74,500	
YDC Janitorial supplies charges to MCCI	25,000	
Subtotal		\$5,764,100
YDC Grant Offset Funding		\$276,999
Total		\$5,487,101

We have not projected the cost of next year’s operation and instead chose to rely on “actual” numbers and our most recent experience rather than a projection of the future.

As noted earlier, reports that there is an additional \$12 million dollar renovation planned are outdated. The renovation was planned in 2001 if the facility were expanded. With the successful decrease in population, such expansion is no longer necessary.

Attempts to Cut Costs

With the trend toward lower populations, the effort of the Monmouth County Sheriff’s Office has been to cut costs. Streamlining our operations at the YDC began in mid-2006 and continues today. In 2006, we instituted the demotion, i.e. effective layoff, of the Senior Juvenile Detention Officer [“JDO”] positions. A total of seven (7) positions were eliminated and the staff was

¹⁰ Former YDC Superintendent Gary Linington, for example, said at a Youth Services Meeting in the spring of 2008 that the numbers were inflated. Setting aside the fact that the numbers were obtained from budget documents *he* submitted while he was the superintendent, Mr. Linington was unable to point to a single error when questioned about his statement during Undersheriff Cliff Daniels’ review.

¹¹ Additional expenditures NOT considered as part of the 2008 budget and therefore NOT included in this total are: 1) the roof needs repair; 2) the fencing around the sally port must be replaced; 3) we anticipate using the existing generator at the nearby nursing facility to operate the air conditioning which regularly fails when there are summer brown outs; and 4) the food contract of \$150,000/year for the next three years. These items reflect additional possible savings if the facility is closed but were not included in the estimated savings. Further, any potential use of the property has also *not* been considered in this report.

demoted to vacated JDO positions. This resulted in a net savings to the County of \$263,316 and more importantly eliminated a layer of supervision resulting in more efficient operations.

From 2006 to date, the YDC has not filled non-essential positions. These unfilled positions include an Analyst who was earning \$22,162 and a Superintendent who was earning \$156,517 in 2007 (both figures include fringe costs).¹² More recently at the end of 2008, the Assistant Superintendent who was earning \$131,487 (including fringe benefits) transferred out of the county.

Buildings & Grounds is planning to eliminate a position in early 2009 savings an additional \$50,778 (including fringe benefits).

The total savings achieved by eliminating 10 positions over a two year period is \$624,260.

In another measure to off-set operating costs, agency staff has been in regular contact with other county youth centers inquiring about consolidating services. Through a shared service agreement, it was hoped that additional out-of-county juveniles could be brought to Monmouth as means to generate revenue. Outside revenue has generated millions of dollars at the adult correctional institution. With statewide juvenile detainee populations at a record low, we have been unsuccessful in “renting space.” An explanation of these efforts including a recent request to be the overflow provider when Gloucester regionalizes its YDC is included at Appendix F.¹³

In addition to bringing juveniles into Monmouth, discussions involving the housing of Monmouth juveniles in Middlesex County occurred in 2006. As a neighboring county, Middlesex operated a relatively new state-of-the-art facility with ample bed space to house Monmouth juveniles. An initial agreement was struck and additional discussions were in progress for backup/overflow bed space in Union County and other neighboring counties to Monmouth. These efficiencies were presented to the Freeholders in 2006 but no action was taken. See Appendix B.

The main reason for the high cost of operation is the high staff to juvenile population mandated by the JJC. In particular the JJC mandates a rate of 1:8 worker to juveniles during the day and 1:16 worker to juveniles at night with a class size of 1:12 teacher to juveniles. These mandates have not kept up with modern technology and place unwarranted costs on the operation of the facility. Yet, the JJC has refused our requests to waive a high staff to juvenile ratio which would reduce overhead costs. See Appendix E.

The only other potential cost savings measures are the reduction in services to our detained juvenile population. We could, for example, cut back on transportation, or medical and social services. From the standpoint of the juvenile detainees, we cannot make such a

¹² Instead of filling the Superintendent position, the Board approved a plan to assign the Warden of the adult institution to supervise the YDC.

¹³ The facility cannot be used to house adults because of the JJC rule that requires the total separation of adults from juveniles by both sight and sound. In addition, not all the cells meet the requirement for adult detention. There was one suggestion by a stakeholder that the facility be operated as an after school program. This is not practical from either a security or planning perspective.

recommendation. Moreover, such reductions will certainly put our accreditation in jeopardy and expose the County to issues of liability.

Notwithstanding our cost-saving efforts, the cost of operating the facility continues to be high when compared to the population. Due at least in part to this study and the concomitant uncertainty associated with the potential loss of jobs, we have seen a dramatic rise in sick time at the facility. Sick time and the resulting overtime increased dramatically from 2007 to 2008. Sick time taken in 2008 went up to 6,779 hours or 9.8% increase from the previous year (6,176), and overtime hours increased to 12,881 or 31.2% from 2007 (9,818) and dollars increased to \$510,909 or 33.3% from 2007 (\$383,341).

Regionalization Plan

We are, therefore, faced with the question of whether we can provide equal, if not better service, to our juvenile population by regionalizing. It should be noted at this juncture that while the convenience of the stakeholders is relevant, the issue --like all issues in New Jersey involving children-- should be the “best interests” of the child. If it is in the “best interests” of the juvenile detainee to be housed at a different facility and also result in significant savings to the taxpayers, then the Board should regionalize.

The high cost of operation versus the low population must also be viewed in the context of recent legislation that virtually mandates a review of potential savings through shared services arrangements. The “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, *et seq.*, arguably, requires the County to consider the merits of sharing duplicate services with an adjoining county in order to provide property tax relief to its residents.

Because Middlesex County Youth Detention Center is the closest juvenile detention facility to our YDC and because it also has space for our juveniles, it is the obvious place to look to for regionalization.

For our purposes, there are certain standards established by the state that require that juvenile detainees receive mandatory care. Those standards are found in:

- N.J.S.A. 2A:4A-37
- Juvenile Justice and Delinquency Prevention Act of 1974
- New Jersey Juvenile Justice Commission, Manual of Standards for Juvenile Detention Centers

As it concerns the requirements of the law, the Middlesex County facility is fully compliant with these standards and meets --if not exceeds-- all of the legal requirements. When the Freeholders visit the facility, they will see a bright, clean, orderly center that provides everything Monmouth County provides -- and more.

As described by its architect, see www.designideasgroup.com/PDF/31.pdf, the Middlesex facility was designed in 1998 to be a state-of-the-art juvenile detention center. Id. The architect states that the building is designed around a classification system separated into seven residential units supported by a variety of educational, recreational and service spaces. In addition to the seven residential units, the facility is designed with over 30% of its area in program space. Active recreation is accommodated in a full size gymnasium that is divisible into two teaching stations with a motorized partition. Id.

The educational needs of the juveniles are provided for in seven classroom spaces, one of which is outfitted as a computer room, one as a library and one for arts and crafts. The center also contains a 60 seat cafeteria with full a service kitchen utilized also for visitation, an activities room and numerous interview and conference spaces. It was opened in 1998.

Given that JJC requirements are fully met by both institutions, below is a comparison of what we believe to be the other relevant aspects of the Middlesex facility:

Factors	Monmouth	Middlesex
State compliance [JJC]	Full	Full
National Accreditation	Yes	No
Number of Beds	40 [26 filled on Jan. 19]	80 [48 filled on Jan. 14]
Housing units	3	7
Age of facility	1984/1970	1998
Food Service	Dayroom	Full cafeteria
Medical	1 treatment rm./ 1 triage rm.	Clinic
Counseling	Fully compliant	Fully compliant
Educational	Fully Compliant	Fully compliant
Classrooms	3 w/ 2 teachers	7 w/6 teachers & 1 ed. Supervisor
Videoconferencing	Capable	Somerset juveniles use now
Library	Yes, but in trailer	Yes
Indoor Recreation	Yes, but limited	Full size Gymnasium
Outdoor Recreation	Yes	Yes
JDAI services	Yes	Does not participate
Segregation areas	No	Yes
Facilities for Model Juveniles	No	Yes outdoor lounge and housing

It is important to note that although Middlesex does not currently participate in JDAI, the JDAI program has clearly been endorsed by the JJC, the Attorney General and the Court. . www.thedefenders.nj.gov/news/JDAI_ModelState_20081121.pdf As a result, it is likely going to be adopted on a statewide basis. Id. In the meantime, all Monmouth County juveniles will continue to participate in a Monmouth County based JDAI program which will include home detention and house arrest alternatives. JDAI and all of its components will continue to be done at the Courthouse in Monmouth County [with support staff based either in the Sheriff’s Office as it is now or in the Department of Human Services] or services can be provided at the Middlesex County facility. Should the Board decide to move the juveniles to Middlesex, there will be no change in these services.

Again, we encourage the Board to visit the Middlesex facility. As a matter of fact, it is a larger, more modern facility with the same, if not better, services in a more welcoming setting than that provided by our YDC.

We are also arranging to bring some of the concerned community leaders to tour both the Middlesex and the Monmouth County facilities so they can better understand the services provided to our youthful offenders in both centers.

Arguments in favor of keeping the YDC Open

Any proposed regionalization plan must make economic sense but more importantly we must be assured that Monmouth County children receive the same --if not better-- services if the Board does decide to adopt a regionalized detention model.

We have made every effort to reach all stakeholders in this study. Certainly, the fact that the study is ongoing has been well publicized. All responses except one,¹⁴ raised objections to the regionalization of the County's juvenile detention facilities. The stakeholders who were interviewed, along with an outline of their comments and their contact information, is contained in Appendix G. What we have tried to do in the text of this report is synthesize and address the recurring concerns to highlight them for the Board. The fact that a single concern is not addressed in the text is not intended to diminish its importance in the eyes of the stakeholder. We simply address the recurring comments below:

1. Most of the concerns appear to arise out of travel time to any new facility -

First and foremost, the County should continue to provide for regular transportation to and from the Monmouth County Courthouse with as many trips as is necessary to serve the court, the juvenile offenders, their families, and service providers. The Middlesex County Detention Center is 19.72 miles from the courthouse. Our YDC is 1.62 miles from the Courthouse. It is estimated that a transportation detail of 6 Juvenile Detention Officers will be required. The remaining concerns regarding transportation are addressed below.

A. Attorneys

If the YDC juveniles are transferred to Middlesex County, their attorneys will not be able to service their clients due to the distance the attorneys will have to travel.

The YDC maintains a log of all visitors. In 2008, the YDC logged only 85 total attorney visits. Even accounting for a single attorney visit for multiple juveniles, the number of attorney visits at the facility is not significant. So, for example, when the average population of the YDC

¹⁴ One stakeholder argued that the juveniles should not be detained and that the facility should be closed with the funds then spent on programs that will directly benefit the children. Appendix G at p. 11.

jumped to a mean average of 40 *a day* in the month of August, only 11 attorneys visited the YDC for the *entire month*. From a review of the logs, it appears that most attorneys meet with their juvenile clients in the courthouse prior to their court appearance. This will not change if the Board regionalizes.

Further, Middlesex has confidential videoconferencing for the Somerset inmates and would require a minimal investment to establish a similar service for Monmouth juveniles. We already provide videoconferencing services at the adult jail. Videoconferencing could be made available not only for attorneys but for families and friends. Both the Monmouth County Courthouse and the Monmouth County adult jail have confidential videoconferencing facilities. Numerous municipalities in the county have videoconferencing capabilities.

Thus, to the limited extent that attorney visits are an issue, attorneys can avail themselves of readily accessible videoconferencing. It is used in our adult institution and is already a part of the juvenile program in Middlesex County. In any event, as noted, below in B, attorneys can avail themselves of transportation may be provided for family, friends and other professional visitation.

B. Relatives and Friends. The juveniles will be transferred far from their home communities. Thus, parents will not be able to visit their children.

There is no public transportation to our YDC now. Thus, the transfer of juveniles to Middlesex may exacerbate the already existing problem. Any plan should include a provision for transportation of families and friends to and from the Middlesex facility. If a transportation detail is included as part of the regionalization plan, Monmouth County would be providing better services for families and friends than presently exists. As discussed below, a transportation detail will also save anywhere from 6 to 17 YDC jobs depending on the amount of transportation the Board determines to provide.

Further, videoconferencing of family and professional visits is already being discussed at Middlesex. It is clear that new technology which allows real time communication through desktop computers will be explored in the detention setting by Middlesex. Such conferencing will make visitation more available to all family and professionals no matter where they live and, from a detention standpoint, will also be more secure.

C. Police will have to travel to Middlesex rather than Freehold to process the arrested juveniles.

Presently, juveniles are transported from the local police departments to the YDC. These trips often result in short handed shifts or overtime shifts in the local department while the officers transport juveniles to the YDC in Freehold. Most of our juveniles are from Asbury Park and Long Branch. The distance from Asbury Park's Police Station to the Monmouth County YDC is 17.42 miles. The distance from Asbury Park's Police station to the Middlesex County YDC is 39 miles – an additional 21.58 miles. Certainly, more cost will be associated with the additional 22 miles and this will add to overtime costs in the municipalities. In this economic environment, municipalities cannot afford the expense.

A transportation detail will provide *better* service to the municipalities than the County presently provides.¹⁵ Thus, regionalization, with a transportation component will actually lower the cost to municipal police departments by saving local officers the trip to a detention center with a juvenile.

As note in B, above, such a plan will also save some of the jobs that would otherwise be lost with regionalization.

In any event, transportation detail to and from the Middlesex facility and the Monmouth County courthouse will have to occur. Family, friends and professional visits will also have to be arranged. We estimate that 6 JDOs will be required to make these trips. We also estimate that a total of 17¹⁶ JDOs are required for a full service transportation detail. A cost estimate for a plan with 6 and 17 JDO's respectively is provided in a later section of this report.

2. Other concerns –

A. **Mixing juveniles from multiple counties may lead to increased behavior problems, fights, gang related problems and possibly new charges while in custody.**

Gangs and gang activity are not new to Monmouth or Middlesex. As in our facility, Gang members are classified and categorized. They are then

¹⁵ A transportation detail of Juvenile Detention Officers would avoid some layoffs. However, because of the low number of juveniles transported --- especially at night--- a 24/7 would detail would include large periods in which the JDO's have nothing to do. JDOs are not sworn law enforcement officers and so do not have the training to fill-in as corrections, sheriff or police officers. So, for example, Somerset County presently uses prosecutor investigators transport their juveniles after hours. Middlesex uses Sheriff's Officers to transport their juveniles all the time. The use of Sheriff Officers, as opposed to Juvenile Detention Officers, to man the transportation detail would provide more flexibility. Sheriff Officers, who were not transporting the juveniles at night for example, could serve warrants or even help satisfy the state mandate that every court office and judge have security. The configuration of a transportation detail and the contractual issues involved is not within the scope of this report.

¹⁶ These staffing numbers come from a commonly accepted manpower formula. A full service detail requires 16.5 JDO's. Obviously, the number must be rounded up to 17.

monitored closely for gang signs and communication with disciplinary consequences. If anything, the size of the Middlesex facility makes it easier to separate any inmates with behavior problems/gang issues than in Monmouth. Indeed, Middlesex County has an entire housing unit devoted to such problems while Monmouth has only one cell. We invite the Board to observe first hand the way Middlesex manages its gang issue in its YDC by visiting the facility.

B. By transferring the juveniles out of county, constitutional rights are being denied or other laws are being violated.

While no constitutional right was identified by the stakeholders nor was any legal case cited to support this position, we note that the state JJC withdrew its objection to the regionalization of the Warren County and Hunterdon Detention Centers in late 2008. See Appendix A. According to published reports, both Warren and Hunterdon Counties moved their juvenile population to Morris County on December 30, 2008 for estimated annual savings of \$1.23 million. www.lehighvalleylive.com/warren-county/index.ssf/2008/12/state_signs_off_on_closing_war.html. Certainly, the JJC will be apprised of all steps relating to the regionalization of the facility. See Appendix H.

C. The Youth Detention Center provides a safe environment to assess and intervene with delinquent youths from the County and develop plans that best meet their rehabilitation needs.

All Juvenile facilities in the state must provide for the needs of any juvenile in its care. The closure of any such facility and the transfer of juveniles will be consistent with JJC regulations. Appendix H.

Further, the YDC is not designed for rehabilitation. This is a site designed to hold juveniles who are deemed a flight risk, or a danger to society. No matter which facility the juveniles are in, under the law, they will be provided education, counseling, medical care and mental health counseling which fully meets the state standards.

D. Some of the residents of the YDC are strictly drug users and do not have criminal behavioral issues.

There will be no change to services to juveniles who are a part of the juvenile justice system but are not actually institutionalized. It appears that some of the remarks received were premised on a juvenile detention system that may have existed prior to the institution of the JDAI program. The JDAI program will continue in Monmouth.

Today, under the JDAI program, only the most dangerous or those juveniles who are flight risks are now housed in our facility. Other juveniles will continue to be monitored by case workers and any plan should provide for these services and concomitant staff to continue to provide JDAI services to our youth. These staff members could either be housed at the Monmouth County Sheriff's Office Identification Bureau which is scheduled to be closed or could be transferred to the Department of Human Services where secretarial staff could also be shared.

E. Jobs will be lost.

The actual number of jobs lost will be between 40 and 51 and will depend on the nature of the transportation detail negotiated by the County Administrator. Certainly, any plan should include a provision that Monmouth County employees be considered by Middlesex over other applicants.¹⁷ Also, all jobs relating to JDAI will be maintained. Finally, any transportation plan will save jobs. A complete list of the jobs that will stay is provided for in the next section dealing with costs.

F. Services will be lost.

All juveniles must be provided services in the detention centers. The standards are set by law. Any plan will provide for full compliance with the law including all social, educational, medical and emotional counseling required by law.

To the extent any services are paid for with JDAI grants, those services will continue for the non-custodial juveniles. Any services provided by the JDAI grant to juveniles housed in Middlesex will be made available to the Monmouth County juvenile in Middlesex. The local service provider can use County transportation or can provide services to the juvenile at the Monmouth County Courthouse.¹⁸

G. JDAI will be lost.

All services provided under the JDAI program will continue. The employees could be managed by the Sheriff's Office and housed in the facility now occupied by the Identification Bureau [which is scheduled to be closed] or the services could be transferred to the Human Services Department and managed from there. JDAI will still operate and the YDC property can then be used for another purpose or sold.

¹⁷ There are a number of issues that would be provided for in a detailed agreement. For example, we would seek a one time waiver of the Middlesex residency requirement to hire our JDOs.

¹⁸ If the 911 Communication Center is built, the plans call for a separate juvenile detention area that could also be used.

Projected Cost Savings Based on Talks with Middlesex

The County Administrator has provided this Office with tentative numbers and has asked for a cost comparison. First, we estimated the savings assuming the bare minimum transportation. Such a plan reflects the greatest savings to the county but is the least responsive to the major concerns of the stakeholders. Second, we estimated a full transportation detail that would be the most responsive to the concerns of the stakeholders and also is the most expensive. While a number of issues must be negotiated,¹⁹ the **annual** projected savings based solely on the information provided to this Office, ranges from a high of \$2,175,255 to a low of \$1,177,271. These are annual, or recurring, savings.²⁰ The estimated loss of jobs is 50 to 41 respectively.

Those comparisons are as follows:

- A. The County will save \$2,175,255 annually if the transportation detail provides the minimum number of trips; that is, court to Middlesex and visitation only.

2008 Actual operating costs of the YDC [from page 9 above]		<u>\$5,487,101</u>
<u>Middlesex County Juvenile Detention Center [From County Admin]</u>		
\$176 per jv with guaranteed minimum of 35 for 365 days	2,248,400	
\$176 per jv overage charge (203 in 2008 over 35)	35,728	
Subtotal		(2,284,128)
<u>Monmouth County</u>		
Contract/Court Liaison (1)	85,000	
JDAI / Case Monitors (2)	120,080	
JDAI Social Worker - House Calls (1)	40,398	
JDAI Clerk Typist (1)	35,000	
JDO Salary (6 @ 2008 rate of \$67,326 ea.)	403,956	
Motor Vehicle Operator – Bus (p/t 25 hrs weekly)	15,925	
Fringe (2008 rate 41.173%)	288,359	
Wristlet Rentals	12,000	
9 Passenger Van	22,000	
Transportation vehicle fuel & service	<u>5,000</u>	
SubTotal		<u>(\$1,027,718)</u>
Total 1st Year Savings	39.6%	\$2,175,255

¹⁹ To name just a few issues, we need to look at the duration of the contract, the cost of living increases, and the details of the medical service provisions.

²⁰ Since we do not know what, if any plans, there would be for the vacated property, these savings do not account for sale or redevelopment of the property by the County.

If the Board were to transfer juveniles to Middlesex and provide only the bare minimum transportation service for juveniles, family, friends, professionals and police, it could recognize a 39.6% savings over last year or, \$2,175,255 million. This figure does not include any of the savings outlined in footnote 11. The figure represents only the first year of projected savings. This amount is the amount expected to be saved every year.

B. The County will save \$1,177,271 annually if the transportation detail is for trips for police, family, court, attorneys and services.

2008 Actual operating costs of the YDC [from page 9 above]		<u>\$5,487,101</u>
<u>Middlesex County Juvenile Detention Center</u>		
\$176 per jv with guaranteed minimum of 35 for 365 days	2,248,400	
\$176 per jv overage charge (203 in 2008 over 35)	35,728	
SubTotal		(2,284,128)
<u>Monmouth County</u>		
Contract/Court Liaison (1)	85,000	
JDAI / Case Monitors (2)	120,080	
JDAI Social Worker - House Calls (1)	40,398	
JDAI Clerk Typist (1)	35,000	
JDO Salary (16.5 @ 2008 rate of \$67,326 ea.)	1,110,879	
Motor Vehicle Operator - Bus (p/t 25 hrs weekly)	15,925	
Fringe (2008 rate 41.173%)	579,420	
Wristlet Rentals	12,000	
9 Passenger Van	22,000	
Transportation vehicle fuel & service	<u>5,000</u>	
SubTotal		<u>(\$2,025,702)</u>
Total 1st Year Savings	21.5 %	\$1,177,271

If the Board were to transfer juveniles to Middlesex and provide transportation service for juveniles, family, friends, professionals and police, on a daily basis and around the clock, it could recognize a 21.5.6% savings over last year or, \$1,177,271 million. This figure does not include any of the savings outlined in footnote 11 nor does it allow for any savings as the result of combining services outlined in footnote 15. Finally, the figure represents only the first year of savings. This amount is expected to be the savings every year.

CONCLUSION

With the average cost of housing a juvenile of roughly \$200,000 annually compared to the reported potential savings of from \$1.17 million to \$2.17 million every year thereafter, the cost saving to the taxpayers is significant. Middlesex County's YDC is a modern facility that is completely accredited by the state of New Jersey. The objection to regionalization seems to be the loss of jobs and the added distance between facilities. The issue of transportation can be solved both with videoconferencing and with some provision for physical transportation both on behalf of the police and the families, friends and professionals who meet with the detainees. Given a transportation detail, the regionalization of our juvenile facilities may well provide better service to our juveniles and municipalities than is presently provided by the county. A transportation detail will also save some county jobs thereby addressing at least some concerns about job loss.

There will be no change in services for our juveniles. As a matter of law, services will be at least the minimum because these services are mandated by the JJC. Because of the more modern facilities in Middlesex, services to the juveniles themselves will, in some ways, be even better. A significant annual cost savings can be realized by the consolidation of the YDC with another county. Shared services have been endorsed by the State as a way to provide property tax relief. Regionalization is the trend in juvenile detention services and, arguably, anticipated by the JDAI program as one of its goals to save tax payers dollars while at the same time better serving our juvenile population. Middlesex County already houses Somerset County juveniles. Atlantic and Cape May Counties share facilities. Morris County now houses Warren and Hunterdon juveniles. Gloucester County is transferring its juveniles to Camden.

The question therefore is whether the Board should order the regionalization of Monmouth County's YDC when, as set out above, a regional program will provide equal to or better services to our children, their families and their service providers, while at the same time save the taxpayers, conservatively, from \$1.17 to \$2.17 million dollars every year thereafter?