

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice!*

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## STATE HOUSE NEWS

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### JUVENILE DETENTION FACILITIES

Thank you to Senator Linda Greenstein, Chairwoman of the Senate Law and Public Safety Committee, for her leadership in hosting a public hearing on March 20<sup>th</sup> to address the substantial challenges county governments across the State are facing with housing juvenile offenders. With only one-third of the State's twenty-one counties currently operating juvenile detention facilities, county governments across the State have been struggling to secure and maintain adequate housing and provide vital support services for juveniles taken into custody. County law enforcement officials, juvenile detention officers, social service professionals, and management attribute these struggles to a variety of factors that include an increase in serious crimes committed by juveniles, the housing of certain adults in juvenile detention facilities, inadequate staffing and training opportunities, lengthy case processing times, and a fragmented system for housing juveniles between counties that operate juvenile detention facilities and those that do not.

These long brewing challenges came to an unfortunate head late last year, when on multiple occasions, Atlantic, Cumberland, and Gloucester counties could not secure placement for juvenile offenders because "no beds were available" in any State or county facility. The matter in Atlantic County is now working its way through the courts as the County filed a lawsuit demanding that the Juvenile Justice Commission (JJC) is ultimately responsible for the placement of detained juveniles under the law. To further complicate the situation, and notwithstanding existing contractual agreements among county governments, the JJC subsequently issued an Administrative Order to cease all juvenile admissions in Atlantic County at the Harborfields Juvenile Detention Center as the facility is at maximum capacity. Moreover, the Administrative Order forced juvenile detention facilities in the six counties that operate such facilities to accept Atlantic County youth within five days. Although the Appellate Division must still consider several matters concerning civil rights violations, contractual obligations, and more, the Superior Court ultimately granted Atlantic County Declaratory Relief and held that the "JJC is responsible for placing detained juveniles ... pursuant to N.J.S.A. 2A:4A-37." County of Atlantic v. State of New Jersey No. ATL-L-1947-24 December 23, 2024.

Importantly note that as a result of the Juvenile Detention Alternatives Initiative (JDAI) and work of the JJC to provide effective alternatives for housing youthful offenders in secure detention facilities, the JDAI framework forced most counties to close their facilities within the past twenty

years as approved by the JJC. As noted above, only six counties currently operate juvenile detention facilities in Bergen, Camden, Essex, Middlesex, Morris, and Ocean with the JJC responsible for managing Harborfields in collaboration with the Atlantic County Department of Law and Public Safety. Each of the remaining fourteen counties must enter into a shared services agreement to house juveniles taken into custody in their counties with counties that operate a facility for either a guaranteed number of beds or on a per-diem basis. *For example, Cumberland County may enter into a shared services agreement with Ocean County for five guaranteed beds to house Cumberland juveniles when necessary. Cumberland and Ocean counties may also enter into a per diem agreement if Ocean County is currently housing the five guaranteed juveniles from Cumberland, but Cumberland needs an additional bed for a sixth juvenile.* However, if the Ocean County facility is at maximum capacity or cannot house additional juveniles for safety, staffing, or other reasons, Cumberland County must locate a separate facility to house the sixth juvenile through a per diem agreement. Herein lies an additional significant challenge that county governments are struggling to navigate and the basis for NJAC's Working Group recommendations of which include:

1. Prohibiting juvenile detention facilities from housing adults over the age of 18, where for example, approximately 25% of Hudson County's juvenile detention population is over the age of 18. NJAC recommends implementing an in the "Interest of Justice Hearing" process to determine if it's in the interest of justice to detain a juvenile in an adult jail or lockup when a juvenile reaches the age of 18; when a juvenile violates the conditions of probation after reaching the age of 18; and when an individual over the age of 18 incurs a legal charge while in custody in a juvenile detention facility.
2. Streamlining the intake, remand, and placement process as the average statewide length of stay for youth in a secure detention facility is nearly 6 months and well over 1-2 years in many cases. The process should model the adult Criminal Justice Reform timelines with the final disposition or trial to take place within 2 years following the initial intake and screening of a juvenile.
3. Having the State Legislature establish a Task Force to review the current juvenile detention facility structure and make recommendations on whether the JJC or existing county facilities should be selected to house juvenile detainees in three to four regional locations.

NJAC submits that these recommendations present fair and equitable solutions for housing adults in juvenile detention facilities by creating a process to protect juveniles in custody from those over the age of 18 and by further guaranteeing that all juveniles have the right to a speedy intake, remand, and placement process. *Special thanks to Mercer County Executive Dan Benson, Cumberland County Commissioner Director James Sauro, Atlantic County Sheriff James O'Donoghue, Camden County Deputy County Administrator Holly Cass, Atlantic County Sheriff William Reynolds, Bergen County Assistant County Counsel David Mateen, and Hudson County Director of Health and Human Services Darice Toon for taking the time out of their busy schedules to make the trip to Trenton and for their compelling testimony.*

## 911 FUNDING SLASHED

NJAC was disappointed to learn that Governor Murphy's proposed budget includes a 50% cut in funding for county 911 centers from \$10.0 million to \$5.0 million. Despite making monies available for county 911 centers in the last three budget cycles, the State of New Jersey has remained one of the worst offenders of diverting 911 fees in the entire nation.

As has been well documented, the State has collected approximately \$1.75 billion in 911 fees since 2006 with only 11% of these monies spent on federally eligible expenses pursuant to guidelines established under the NET911 Act. Moreover, the State failed to provide any funding for expenses incurred by local 911 centers operated by counties and municipalities until allocating \$10.0 million in annual grant funding under the "Public Safety Answering Upgrades and Consolidation" in the last three budget cycles as noted above. Although the stated intent of the 2004 law that imposed a monthly telecommunication surcharge of .90 cents on every telephone line in the State was to build a cutting edge and fully funded 911 system with revenues collected from the surcharge, administrations on both sides of the aisle have instead diverted most of these monies to pay for general operating expenses in the Department of Law and Public Safety.

In addition to laying the groundwork for an imminent public safety crisis, the State's continued misallocation of 911 fees has imposed an inequitable system of double taxation on residents already burdened with paying the highest property taxes in the land with no meaningful relief in sight. For the record, county governments alone spent an estimated \$175.0 million over the last several years on capital improvements for facility upgrades, telephone systems, computer aided dispatch, location mapping technology, voice recording technology, data analytics, and Next Generation 911 upgrades. Counties also spend an estimated \$100.0 million per year on general operating expenses for salaries, staff training, system maintenance, and network security. As concluded by of the "Ending 911 Fee Diversion Now Strike Force" (911 Strike Force) established by the Federal Communications Commission (FCC):

- 911 fee diversion negatively impacts the ability of the public to access emergency assistance via reliable 911 services and technology.
- 911 fee diversion negatively impacts public safety, 911 operations, first responders, and the fiscal sustainability of 911 service.
- 911 fee receipts and expenditures should be distinguishable and auditable to ensure 911 fees are used for eligible activities directly related to the provision of 911 services.
- 911 systems require significant capital and recurring operational investments to accomplish the mission.

For the reasons set forth above, NJAC is not only urging the Legislature to restore this critical funding, but to increase the amount to 21.0 million with a \$1.0 million grant being made available for each county to regionalize, upgrade, or maintain its 911 system with a precise, accurate, and reliable communications network.

## PRIVATIZATION CONTRACTS

NJAC is encouraging all twenty-one counties to adopt the following resolution in opposition to **A-919** (*Reynolds-Jackson D-15*), which would effectively prohibit the use of privatization contracts by requiring county governments to pay new employees' wages and benefits at a rate not less than the wages and benefits paid to displaced employees. **A-919** is currently in the Assembly Appropriations Committee and the companion version **S-1518** (*Turner D-15*) is in the Senate Labor Committee awaiting consideration.

**A RESOLUTION**, opposing **A-919/S-1518**, which would establish certain procedures and standards concerning public services privatization contracts.

**WHEREAS**, this legislation would effectively prohibit the use of privatization contracts by requiring county governments to pay new employees' wages and benefits at a rate not less than the wages and benefits paid to displaced employees; and,

**WHEREAS**, counties enter into privatization contracts to recognize important cost savings in salary, wage, pension, and health benefit costs that make up approximately 65% of overall operating budgets; and,

**WHEREAS**, counties, municipalities, and school districts across the State are struggling to provide essential services in the wake of double-digit health benefit increases, pension payments, utility expenses, property and casualty insurance coverage, and the cost of goods and services; and,

**WHEREAS**, this legislation would effectively eliminate one of the only mechanisms available for local governments to control the ever-increasing property tax burden; and,

**WHEREAS**, this legislation would create an overly burdensome, adversarial, and unnecessary level of bureaucracy by requiring the Office of the State Comptroller (OSC) to review and approve privatization contracts as local governments should retain autonomy to enter into such agreements that they believe serve in the best interest of constituents; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the New Jersey Association of Counties does in fact oppose **A-919/S-1518** (*Reynolds-Jackson D-15/Wimberly D-35*)(*Turner D-15/Greenstein D-14*), which would establish certain procedures and standards concerning public services privatization contracts.

**BE IT FURTHER, RESOLVED**, that certified copies of this Resolution shall be sent to Governor Phil Murphy, Senate President Nicholas Scutari, Speaker of the General Assembly Craig Coughlin, and the clerks of the boards of county commissioners in all twenty-one counties.

## STATE HEALTH BENEFITS PROGRAM TRANSPARENCY

On February 20<sup>th</sup>, Governor Murphy conditionally vetoed **S-3851/A-5039** (*Scutari D-22*)(*Coughlin D-19*), which would make various changes to the bill recently signed into law under **P.L. 2024, c.86** (*Scutari D-21/Coughlin D-19*).

As you may recall, this new law established a mechanism that now authorizes the Division of Pensions and Benefits to transfer surplus monies from the State portion of the State Health Benefits Program (SHBP) to the local portion of the SHBP if it appears that the local portion will not have enough funds to cover the demand in utilization. The measure requires the local portion to repay the State portion for the amount borrowed without having to pay interest on the transferred funds and within 120 without incurring any fees, penalties, or charges. **S-3851/A-5039** would require that prior to any transfer of funds under **P.L. 2024, c.86**, the Division must provide a report to the State Health Benefits Commission (SHBC) that includes claims payable, available fund balance, and anticipated premiums. The legislation would further require that on a monthly basis, the Division must provide a report to the SHBC that includes funds available, cash balances, claims costs incurred, and premiums collected.

The Governor's conditional veto would instead *"require the DPB to notify the State Treasurer and the Commission on the 15th of each month in which a transfer pursuant to P.L.2024, c.86 is made or anticipated. The amendments also would require a monthly accounting of any transfers initiated in the prior 30 days, the outstanding balances of all transfers, any repayments for past transfers received, and the current balance of the local health benefits funds."* The Governor reasoned that the *"recommended changes will strike an appropriate balance, providing accountability and transparency in the transfer process while still permitting the State to act decisively and with the speed necessary to ensure uninterrupted access to health benefits for local employers and employees."* The General Assembly concurred with the Governor's recommendation on February 27<sup>th</sup> and the Senate is expected to do the same at one of its upcoming voting sessions. NJAC supports this legislation as it would create greater transparency, accountability, and foresight to more accurately project rate increases where local governments participating SHBP are facing unsustainable double digit increases for the second time in three years.

## ELECTIONEERING AT POLLING LOCATIONS

On March 24<sup>th</sup>, the Senate passed **S-3850** (*Smith D-17/Scutari D-22*), which would permit county boards of elections to extend the distance within which electioneering is prohibited. Under current law, electioneering is prohibited inside any polling place or room, within 100 feet outside the entrance to a polling place or room, and within 100 feet of a ballot drop box in use during an election. This bill would grant county boards of elections the discretion to extend the distance from 100 feet to 200 feet. The bill would further require county boards of elections to place notice of these prohibitions and penalties for any violations in a clear and conspicuous manner outside the polling place, polling room, or ballot drop box. The On

March 20<sup>th</sup>, the Assembly State and Local Government Committee favorably reported the companion version **A-5356** (*Karabinchak D-18*), which is currently in the Assembly Appropriations Committee awaiting consideration.

#### **ADDITIONAL FY 26 STATE BUDGET MATTERS**

On March 25<sup>th</sup>, NJAC testified before the Assembly Budget Committee and respectfully requested that the Committee consider the following matters in addition to increasing monies for 911 centers as summarized above.

- **HOMELESS GRANTS:** NJAC's Transitional Housing Working Group reported that nonprofit organizations, civic centers, churches, and more are struggling to provide temporary shelter for those in need and have become more reliant on assistance from county governments. As such, the Working Group recommended increasing the State's annual appropriation for emergency shelters to include direct grants that a county may use to either operate, or contract with selected agencies to manage temporary shelters. The Working Group's recommendation is for the Department of Community Affairs (DCA) to allocate \$5,250,000.00 in emergency shelter funding for counties in fiscal year 2026 contingent on matching county funds of up to \$250,000.00 per county. The Working Group further reported that although services and resources may be readily available for individuals with no income, those with limited income are often ineligible for the same level of assistance and are in grave jeopardy of becoming homeless. With this in mind, the Group recommended increasing the State's annual appropriation and expanding the use of Social Services for Homeless Prevention (SSH) dollars to better capture this underserved population and provide enhanced transitional housing opportunities. The Working Group's recommendation is for the Department of Human Services (DHS) to allocate an additional \$5,250,000.00 in SSH funding for counties in fiscal year 2026 contingent on matching county funds of up to \$250,000.00 per county.
- **COUNTY COLLEGES:** NJAC urges the Legislature to restore the historic investment of \$169.0 million included in the last two budget cycles as it helped offset significant increases in operating costs faced by the State's 18 community colleges. Although county governments remain committed to supporting community colleges that provide residents with an affordable and quality education while building a skilled workforce, the proposed \$20.0 million reduction in this year's budget would carry long-term consequences for students, their families, and property taxpayers.
- **COUNTY REENTRY COORDINATOR:** NJAC supports the budget's continued commitment to grant funding of \$2.1 million, or \$100,000 per county, for each county to hire a re-entry coordinator responsible for helping inmates navigate the broad spectrum of services available upon release from a county jail such as reentry and rehabilitative programs, substance abuse initiatives, housing alternatives, food security, job training, and much more.

- **LOCAL PENSION OBLIGATIONS:** NJAC supports Governor Murphy's commitment to making full contributions to the State's pension systems of \$7.2 billion in this year's budget as it will help to preserve the long-term health, viability, and solvency of the retirement systems. Please note however that employer contributions for both the Public Employees Retirement System (PERS) and the Police and Firemen's Retirement System (PFRS) increased again this year at 17.11% and 37.0% respectively.

**UPCOMING NJAC EVENTS:** Don't miss NJAC's Annual Celebration of County Government set for 5/7 – 5/9 at Caesar's in Atlantic City with additional details about registration and the action-packed schedule of events at [www.njac.org](http://www.njac.org).

*As you're cruising around the marvelous Garden State this Spring from High Point to Fortescue and across the Pinelands to the Jersey Shore and back up to the Great Falls along with the countryside in between, make sure to avoid these perilous highways, byways, freeways, motorways, arteries, and of course toll roads at all costs.*

15. Route 29 at the Cass Street Tunnel in Trenton
14. Route 18 North and South in New Brunswick
13. Route 206 South in Hillsborough where the bypass fell short by a few miles
12. Route 3 in Secaucus whenever you can see MetLife Stadium
11. Route 55 from Bellmawr to wherever it ends at Route 147 in Port Elizabeth
10. The Somerville Circle in Raritan where routes 202, 206, and 28 collide
9. Route 37 from Toms River to Seaside Heights
8. McCarter Highway into and out of downtown Newark
7. Route 80 East and West from Paterson to Pennsylvania even before the potholes
6. Route 295 South from Cherry Hill to Camden and especially Exit 76/676/42/295
5. Route 1 in its entirety
4. The Pulaski Skyway in Jersey City especially the Sip Avenue Exit
3. The Driscoll Bridge North at Exit 9/287/440 in Sayreville
2. Route 287 South through Edison to the Parkway and everything North of Bridgewater
1. Route 22 from Springfield to Hillside on both sides of the highway and at all times

*"The challenge of leadership is to be strong, but not rude; be kind, but not weak; be bold, but not bully; be thoughtful, but not lazy; be humble, but not timid; be proud, but not arrogant; have humor, but without folly." Jim Rohn*