

# THE EVOLUTION OF JUVENILE JUSTICE AND PROBATION PRACTICES IN CALIFORNIA

*A history and review of juvenile justice as administered by county probation departments in California (1994–2019)*

2022

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## EXECUTIVE SUMMARY

This report outlines how juvenile justice in California has changed over the past 25 years. It tracks how state law and funding allocations, as well as other policy and practice drivers, have influenced these changes. The report specifically examines how juvenile probation policies and practices across the state shifted during this time period and the impact this has had on youth, families, and communities.

## METHODOLOGY

Research for this report included the review of data and existing research produced by government entities including the California Board of Corrections, the California Board of State and Community Corrections, the California Legislative Analyst's Office, the California Bureau of State Audits, the Little Hoover Commission, the California Department of Justice, and the federal Office of Juvenile Justice and Delinquency Prevention.

Reports produced by research, trade, and non-profit organizations such as the Chief Probation Officers of California, Annie E. Casey Foundation, RAND Corporation, Resource Development Associates, Center on Juvenile and Criminal Justice, W. Haywood Burns Institute, Robert F. Kennedy National Resource Center for Juvenile Justice, Lucille Packard Foundation for Children's Health, and Commonweal provided additional data, information, and background.

Unless otherwise noted, the following data sources are used in this report:

- Juvenile arrest rates for 1994–2014 are from the Office of Juvenile Justice and Delinquency Prevention at [https://www.ojjdp.gov/ojstatbb/ezaucr/asp/ucr\\_display.asp](https://www.ojjdp.gov/ojstatbb/ezaucr/asp/ucr_display.asp).
- Juvenile arrest rates for 2015–2018 were calculated using data from the California Department of Finance and the California Department of Justice.
- The number of arrests of youth under 18 and the number of youth under 18 referred to probation between 1994–2001 are from the California Department of Justice's "Open Justice" website at <https://openjustice.doj.ca.gov/>. Numbers for 2002–2019 are found in the California Department of Justice, Criminal Justice Statistics Center *Juvenile Justice in California* annual reports at <https://oag.ca.gov/cjsc/pubs#juvenileJustice>.
- Detention rates from 1997–2017 are from the Annie E. Casey Foundation Kids Count Data Center at <https://datacenter.kidscount.org/>. These rates include persons under age 21 detained, incarcerated, or placed in residential facilities. This includes both pre- and post-adjudication detentions in state and county facilities. Kids Count relies on "Easy Access to the Census of Juveniles in Residential Placement," that provides data from a survey conducted approximately every two years by the federal government's Office of Juvenile Justice and Delinquency Prevention (OJJDP). The most recent data available is from 2017.
- Average Daily Population in county facilities from 2002–2019 is from the Board of State and Community Corrections Juvenile Detention Profile Survey at <http://www.bscc.ca.gov/wp-content/uploads/JDPS-Trends-1Q2002-3Q2019.pdf>.

An anonymous survey, developed with assistance from the Robert F. Kennedy National Resource Center for Juvenile Justice and distributed with assistance from the Chief Probation Officers of California, was conducted among county probation chiefs and long-serving probation managers and supervisors from around the state. The survey yielded 138 responses. The authors note that the survey design did not include input from current case-carrying probation officers nor current youth or families involved with the juvenile justice system. The authors also conducted personal interviews with current probation chiefs, former probation chiefs, retired judges, district attorneys and public defenders, juvenile justice advocates, legislators, legislative staff, and former juvenile probationers. Capturing diverse perspectives was essential to the pursuit of a balanced examination of juvenile justice over the past several decades.

## SUMMARY OF FINDINGS

The California juvenile justice system is comprised of a variety of entities including juvenile courts, county probation departments, and, until recently, a state agency providing secure confinement for the most serious offenders. County probation departments have long been responsible for the largest number of youth, as almost every juvenile who comes into contact with law enforcement through arrest will interact with their local county probation department to some degree. Local responsibility for juveniles has increased over the past twenty-five years, with additional expansion resulting from the upcoming closure of the state's Division of Juvenile Justice.

Juvenile probation functions are strongly influenced by state policy and funding priorities as well as priorities within local communities. As rising juvenile crime in the early 1990s ushered in a phase of punitive policies at the federal, state, and local levels, a large number of youth were confined in local and state facilities—a number that was projected to increase as the juvenile population grew. However, the predicted wave of increasing violent juvenile crime in the new millennium never materialized. As juvenile arrest rates decreased, the state enacted a series of policy and funding measures to incentivize and support probation departments in promoting diversion, rehabilitative programming, and positive youth development. State policies influencing probation practice over the past 25 years include:

- **The Repeat Offender Prevention Program** (est. 1994) funded multidisciplinary efforts to develop programs targeting high-risk juvenile offenders, providing them with intensive supervision and a wide array of services. Evaluation showed that program youth received more services than non-program youth and experienced improved educational outcomes and reduced severity in future sustained charges.
- **Challenge Grants** (est. 1996) allowed counties to develop a multi-disciplinary approach for at-risk youth, utilizing a comprehensive planning process that included community participation. Programs promoted multi-disciplinary teaming, graduated responses to offending, use of assessment instruments for tailoring interventions, and investment in evidence-based practice. Programs were unique to each community but overall produced positive results related to recidivism and successful completion of probation for older and/or higher risk youth.

- **The Comprehensive Youth Services Act** (est. 1997) provided funding to probation departments to develop a continuum of community-based services to prevent recidivism among probation-involved youth. Probation departments again engaged in multi-agency coordination to develop programs and some used funds to partner with local service providers to develop needed services. Evaluation of this funding stream concluded that probation departments were evolving from a philosophy of surveillance and monitoring to one more focused on rehabilitation.
- **The Juvenile Justice Crime Prevention Act** (est. 2000) provided a stable and flexible funding source for juvenile probation, emphasizing prioritization of community-based alternatives over incarceration. With continued focus on multi-agency collaboration and coordination in identifying service needs, county probation departments led efforts to ensure programming incorporated research and best practice. Youth benefiting from these programs have demonstrated lower rates of arrest and incarceration over the course of many years.
- **Realignment and the Youthful Offender Block Grant** (est. 2007) banned commitments of non-serious offenders to state facilities, giving responsibility for the vast majority of youth to county probation departments. This policy recognized better outcomes were possible with local supervision and treatment. The Youthful Offender Block Grant thus provided financial support for counties absorbing this greater portion of juvenile offenders in the form of funds for facilities as well as community-based programs. The policy successfully reduced the number of youth in state facilities and spurred development of a wide variety of local programs and services.
- **The Youth Reinvestment Grant** (est. 2018) is a recent funding stream intended to support development of diversion and community-based services including mentoring, educational, and behavioral and mental health programs.

With these state investments as well as evolving research in the areas of adolescent development and effective probation practice, juvenile probation departments have increased emphasis on diversion, alternatives to detention, community supervision, and developmentally-appropriate services and supervision. There is evidence that over the past 25 years, probation departments have increased commitment to the following:

- **Promoting prevention and alternative responses to formal prosecution and justice system involvement.** Survey respondents indicate a shift in the culture of juvenile probation departments over the past several years toward reducing the number of youth formally processed. State funding through competitive grants supported the development of prevention and early intervention efforts in a number of counties, promoting increased collaborative multi-disciplinary service planning and community- and family-based interventions.
- **Using validated risk and need assessments to guide decision-making and case planning.** In recent years, county adoption of such tools has been near-universal. Survey results suggest these tools are utilized by probation officers in developing individualized case plans and identifying individually tailored interventions and services.
- **Developing and promoting alternatives to detention.** The number of detained youth has decreased significantly over the past two decades. While certainly attributable to a reduction in

arrests, over the same period probation departments have used state funding to develop a variety of alternatives to detention.

- **Redesigning or repurposing facilities.** With the decrease in the number of youth detained and a recognized willingness to make change, some counties in recent years have either transformed corrections-oriented facilities into more rehabilitative environments or are considering repurposing or closing their nearly empty facilities.
- **Shifting toward a supervision approach that balances oversight and the promotion of behavior change using evidence-based practice.** Survey respondents overwhelmingly indicate that facilitating positive behavioral change among youth is a key goal of the juvenile probation officer. In support of this goal, the vast majority of those surveyed note that their department focuses on matching youth needs with appropriate services and utilizes a system of graduated responses to probationer transgressions. In addition, almost all counties report implementing some evidence-based practices within their departments.

As these state priorities and local probation practices have evolved, arrest and detention rates have continued to decrease. Although cause-and-effect has not been demonstrated, the policy and practice developments of the past 25 years correspond with a significant decrease in juvenile offending and incarceration. In addition, some of the limited program evaluation data available provides modest evidence of positive outcomes related to programming supported by state funds. Notably, as more youth within the juvenile justice system have been served closer to home and detained and formally processed less frequently, juvenile crime, as measured by juvenile arrests, has not increased. This suggests that the combination of policy, funding, and practice change supporting a more rehabilitative and local approach to juvenile justice has not had an adverse effect on public safety; rather, there is reason to believe this approach has enhanced public safety.

Finally, as juvenile justice in California continues to evolve, this report highlights several important considerations for the future:

- **Investment on the local level is necessary to supporting the advancement of best practice.** With the flexibility allowed within most state funding streams, local county governments and probation departments must make a commitment to utilizing funds to continue promoting best practice and evidence-based programming. Survey respondents indicate that resources continue to be limited in some counties, particularly small and rural counties. With low numbers of detained youth in recent years resulting in a number of nearly empty facilities, and relatively limited funding invested in community-based organizations in general as well as underspending of allocated state funds in some counties, it is vital that counties and local departments commit to the most advantageous use of any available funds.
- **Systemic culture change is essential to continuing improvement in juvenile justice practice.** The county-based juvenile justice structure in California promotes flexibility and an ability to respond to local issues and priorities, but also produces varying experiences and outcomes among California's youth, which may reflect local juvenile justice culture. The disparities among

counties regarding the rate of detention for minor infractions and the rate of commitments to the state affirms the need for the state and local governments to ensure sufficient resources are available in all areas and to vigorously promote implementation of research-based and effective policy and practice throughout county juvenile justice systems. In addition, defining the role of today's juvenile probation officer remains an ongoing conversation. The juvenile probation officer must balance social work and law enforcement responsibilities in order to ensure rehabilitation and safety of youth as well as the safety of the community. Doing so most effectively requires ongoing commitment of leaders to comprehensive training and implementation of research-based practice.

- **Enhanced data and evaluation can support continued system improvements.** Although juvenile probation and juvenile court practices have evolved over the past few decades, the lack of meaningful data continues to hinder efforts to clearly determine what is and what is not working. Following the shuttering of DJJ facilities, the state must prioritize the reporting and analysis of comprehensive data, and counties must be accountable for collecting and utilizing it.
- **Racial and ethnic disparities must be addressed throughout the juvenile justice system.** Despite the continued decrease in arrests and detention, racial disparities persist. Local departments, driven by state prioritization, and in conjunction with schools, law enforcement, state and local agencies, and juvenile courts, must make a greater commitment to incorporating a racial disparity lens in practice in order to address this ongoing issue.

## UNDERSTANDING JUVENILE JUSTICE AND PROBATION

Today's juvenile justice system is comprised of a variety of entities addressing delinquent behavior, including juvenile courts, probation departments, prosecutors, defense attorneys, and agencies providing services and placement. California's earliest legislative enactment pertaining to delinquent children was the establishment of the San Francisco Industrial School in 1858. Prior to this, youth who broke the law were routinely housed in adult prisons with adult offenders. The Industrial School provided an option for children apart from adults, where they could ideally be reformed and educated. However, the Industrial School, like other reform schools, largely failed to improve circumstances for children. Furthermore, such facilities were rife with mistreatment and abuse. Public concern mounted, and the San Francisco Industrial School closed in 1892. In order to provide an alternative to the grim institution, the legislature passed the first probation act in 1883. This act allowed counties to place youth with philanthropic agencies—the first iteration of probation and group home placements.<sup>1</sup>

In 1899, Illinois passed the nation's first juvenile court act, codifying the role of the state in providing oversight of abused or neglected (dependent) and delinquent children. In 1903, California joined a growing number of states in passing similar legislation. The purpose of the juvenile court was to train these youth "to good habits and correct principles."<sup>2</sup> The doctrine of *parens patriae*, which grants the

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<sup>1</sup> Center on Juvenile & Criminal Justice, *Renewing Juvenile Justice* (Sacramento: Sierra Health Foundation, 2011).

<sup>2</sup> *Nicholl v. Koster*, 108 P. 302, 303 (Cal. 1910).

state the power to act as a parent, provided wide latitude for juvenile court judges to direct the management of youth accused of delinquent offenses. During the early part of the century, court procedures were characterized by informality and a lack of oversight, resulting in significant disparity in the treatment of youth. Later in the 20<sup>th</sup> century this discretion was somewhat reined in by U.S. Supreme Court decisions requiring due process protections for juveniles accused of criminal acts.

The juvenile court is required to consider the best interests of the juvenile as well as the protection of the public and the restoration of victims.<sup>3</sup> California law requires that juveniles adjudicated delinquent “shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances.”<sup>4</sup> The duties established by this juvenile court mandate are primarily carried out by the juvenile probation department.

## THE JUVENILE PROBATION DEPARTMENT

Almost every youth who comes into contact with law enforcement through arrest will interact with their local county probation department. Despite the significant role probation plays in California’s juvenile justice system, its purpose and function are generally not well understood. The term “probation” often evokes images of corrections officers in secure facilities or parole officers monitoring the formerly incarcerated. In the juvenile system, these roles represent only a portion of a probation department’s functions. Juvenile probation departments perform a wide array of duties including providing services to the court, managing secure facilities, and providing community supervision and prevention/early intervention programming.

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“Probation’s role is to prevent entry into the adult system by reducing juvenile recidivism; to heal and reconnect families; and to respond to youth behavior with interventions that reduce re-offense and teach youth healthy and positive tools for dealing with adversity.” – Chief Probation Officers of California\*

\*Chief Probation Officers of California, *2018 California Probation Summary* (Sacramento: Winter 2019), available at [www.cpoc.org](http://www.cpoc.org).

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## COURT SERVICES

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When a youth is referred to the probation department, the intake officer can decide to divert<sup>5</sup> the youth in certain circumstances, engaging the youth in community-based alternatives to detention and formal processing through the juvenile court. If the youth is formally processed, the department compiles information about the youth, including their family and social circumstances, details of the offense, and

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<sup>3</sup> California Welfare & Institutions Code § 202(d).

<sup>4</sup> California Welfare & Institutions Code § 202(b).

<sup>5</sup> There are many forms of “diversion” within the juvenile justice system. In this report, “diversion” is defined in its broadest sense, meaning any decision or program with the purpose of directing youth away from involvement with the juvenile justice system.

any history of offending. The juvenile probation department then provides the court with a report containing recommendations on disposition. At disposition, the court can determine whether a youth will remain at home with probation supervision or whether they will be placed outside of their home in a foster placement or facility. Probation as a disposition is intended to be an alternative to incarceration, requiring youth to comply with court-ordered conditions while being supervised in the community.

## SUPERVISION

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The juvenile probation department supervises juvenile probationers in the community, including youth who were never detained in a juvenile facility as well as those who have been released from one. Probation officers make regular contact with youth on probation to promote accountability and youth development as well as monitor and support compliance with court-ordered conditions of probation. Some conditions are standard, such as attending school, while others are specifically tailored to the offense, such as drug treatment. The probation officer may provide services to the youth directly or may refer the youth to other public agencies or service providers in the community. Supervision is a vital and extensive function within the juvenile justice system. In 2018, Juvenile Probation Departments in California provided supervision for 27,570 youth. The majority of this supervision was ordered by the court. In 2019, more than half of the 19,216 youth under court-ordered supervision in California were supervised in the community by probation rather than placed in a secure or non-secure facility.<sup>6</sup>

## DETENTION

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In addition to providing court and supervision services, probation departments manage local facilities for secure confinement of youth who are awaiting court hearings or are incarcerated as part of their disposition. California statute requires each county to provide and maintain, at county expense, a facility for the detention of wards (*i.e.*, juveniles found to be delinquent by the court).<sup>7</sup> These facilities are known as juvenile halls. County probation departments also run ranches and camps intended to provide direct supervision by the court and local programming targeted to the youth's "capacities, interests, and responsiveness to control and responsibility."<sup>8</sup> Probation departments conduct assessments to identify a youth's needs and provide an array of services to meet those needs within facilities and ranch or camp placements, including health and mental health services, education services and recreational activities. Although probation departments have the responsibility of detaining youth, probation departments are also engaged in the development and provision of alternatives to detention such as home supervision, electronic monitoring, and day or evening reporting centers. In 2019, the combined average daily population of youth in juvenile facilities statewide was 3,632, a number that has declined each year since 2006, when the total was more than 11,000.<sup>9</sup>

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<sup>6</sup> California Department of Justice, *Juvenile Justice in California* (Sacramento, CA: 2018), p. 42.

<sup>7</sup> California Welfare & Institutions Code § 850.

<sup>8</sup> California Welfare & Institutions Code § 880.

<sup>9</sup> Board of State and Community Corrections, *Juvenile Detention Profile Survey*, <http://www.bscc.ca.gov/wp-content/uploads/JDPS-Pop-Trends-Through-Q2-2020.pdf>.

## THE JUVENILE PROBATION OFFICER

Early probation work was primarily done by volunteers or non-profit organizations, but in 1909, the California Legislature authorized the professionalization of this role within juvenile court law. The role of the probation officer is multi-faceted, including both social work and law enforcement components. The probation officer functions as a case worker, focused on the youth's rehabilitation and the development of competencies such as communication skills, problem solving, and conflict management. The effective probation officer has the skills and tools necessary to identify criminogenic risks and needs—those associated with delinquent behavior—as well as the skills to build rapport and engage with the youth and family. At the same time, the probation officer functions as an agent of the court, monitoring compliance with conditions of probation and dispensing rewards and sanctions.

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“Probation brings something really different to the table. The probation officer is a highly trained professional that looks at one individual, their criminogenic needs, and addresses those needs while paying close attention to the numerous other system interfaces.” — Linda Penner, Chair, Board of State and Community Corrections; former Chief of Probation, Fresno County

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It is well recognized that the juvenile probation officer can play a pivotal role in the success of a probationer. The quality of the interaction between the youth and the probation officer is key. Interviews conducted for this report with individuals involved with the juvenile probation system as youth reflect this. Interviewees noted that when their probation officer listened to them and cared, it made a difference in how they felt and consequently, in how they behaved. The effectiveness of probation also depends on the officer's ability to identify needed resources and services and connect a youth and family to them. This can often be a challenge, particularly in under-resourced communities.

### What Works in Probation Practice

Brain research over the past several decades became a catalyst for the adoption of what is referred to as a “developmental approach to juvenile justice.” Recognizing that the brain does not fully mature until one's mid-twenties, strategies for responding to delinquency recently became refocused on understanding the differences between youth and adults. The National Research Council articulated the following key differences in a 2013 report:

1. Adolescents are less able to regulate their own behavior in emotionally charged contexts
2. Adolescents are more sensitive to external influences such as the presence of peers and the immediacy of rewards
3. Adolescents are less able to make informed decisions that require consideration of long-term consequences<sup>10</sup>

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<sup>10</sup> National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (Washington DC: The National Academies Press, 2013).

In 2014, the National Research Council produced a second report, identifying seven hallmarks of a developmental approach to juvenile justice. These include:

1. accountability without criminalization
2. alternatives to justice system involvement
3. individualized approach based on assessment of risks and needs
4. confinement only when necessary for public safety
5. a genuine commitment to fairness
6. sensitivity to disparate treatment
7. family engagement<sup>11</sup>

Many juvenile probation departments around the nation have begun to embrace this developmental approach, emphasizing the adoption of evidence-based practices and a commitment to youth development as effective methods of promoting public safety. Key strategies of this approach include:

**Decision-making and case planning based on validated risk/need assessments.** The principles of Risk, Need, and Responsivity (RNR) provide a foundation for best practice in juvenile probation. RNR focuses supervision and services on youth at higher risk to offend, crafts responses that address the youth's criminogenic needs, and identifies barriers unique to the youth and tailors services to overcome them.<sup>12</sup> Assessment processes help determine a youth's risks and needs in order to guide decision-making and case management and to identify necessary resources and services to support a youth's development. Essential in this strategy is the adoption of validated tools and the training required to implement them with fidelity. For example, numerous jurisdictions have instituted the use of a detention risk assessment instrument to provide structured and objective decision-making regarding the possible pre-adjudication detention of a youth. In addition, mental health and substance abuse screening and assessment are used by departments to help identify service and treatment needs that can benefit from intervention.

**Diverting moderate- to low-risk youth.** Research shows that targeting services to youth identified as high-risk to reoffend while diverting moderate- and low-risk youth from the juvenile justice system promotes public safety while being cost-effective. Some research indicates that when low-risk youth are diverted from formal system involvement they are less likely to reoffend as compared to low-risk youth formally processed through the court system.<sup>13</sup> In fact, researchers have found that system involvement including confinement of low-risk youth can be counter-productive, leading to adverse outcomes among these youth in some cases.<sup>14</sup> Therefore, the limited resources available to juvenile probation and other juvenile justice partners are best spent on services for high-risk youth, and are more cost-effective when provided outside of secure facilities.

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<sup>11</sup> National Research Council, *Implementing Juvenile Justice Reform: The Federal Role* (Washington DC: The National Academies Press, 2014).

<sup>12</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York; Council of State Governments Justice Center, 2014), pp. 7–8.

<sup>13</sup> The Annie E. Casey Foundation, *Transforming Juvenile Probation: A Vision for Getting it Right* (Baltimore, MD: 2018), pp. 8–9.

<sup>14</sup> Seigle, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*, p. 9.

**Developing alternatives to detention.** Youth held in secure facilities while awaiting court hearings have been shown to experience significant negative impacts as a result of incarceration. Research highlights the traumatizing effect of detention on youth and the poor educational and employment outcomes of detained juveniles. Studies also show that incarceration may increase recidivism.<sup>15</sup> Research indicates that youth placed in juvenile facilities were 38 times more likely than peers with similar backgrounds and self-reported histories of offending to be arrested as adults.<sup>16</sup> Therefore, detention should only be utilized when there is risk of flight or when a youth poses a potential danger to oneself or the community. Otherwise, detention should be avoided due to the human and fiscal costs associated with its use. Studies have found that alternatives to detention that include mental health services, substance abuse treatment, and special education are better at reducing recidivism than traditional detention programs.<sup>17</sup>

**Secure facilities should be developmentally appropriate and close to home.** When detention is necessary, it should be in facilities that have a therapeutic milieu. In addition, facilities should be close to the youth's home in order to facilitate connection with supportive individuals within the family and community. For example, the widely touted Missouri model provides facilities with a home-like environment and trauma-informed programming. Facilities are decentralized, allowing for secure confinement close to a youth's home. Services are primarily provided by social services staff rather than correctional professionals. The Missouri model has produced more positive outcomes with regard to recidivism as compared to traditional correctional models.<sup>18</sup>

**Coordination and collaboration between families, communities and partner systems.** Historically, service systems such as child welfare, mental health, and juvenile justice have operated in silos, despite the concurrent or sequential involvement of youth and families in various systems and the overlap of services and programs provided. In order to reduce the duplication of services, simplify service delivery, and identify service gaps, coordination and collaboration is essential. In addition, outcomes for youth—both confined youth and those supervised in the community—are shown to be better when families are involved and engaged in case planning.

**Monitoring that is paired with services and programs aimed at positive behavior change.** Best practice requires probation officers to go beyond providing surveillance and perfunctory check-ins with youth. The probation officer is expected to identify and develop targeted responses to address a youth's criminogenic factors. Research has shown that services aimed at addressing dynamic risk factors (the primary causes of the delinquent behavior) are more effective at reducing recidivism than punitive

<sup>15</sup> Barry Holman & Jason Ziedenberg, *The Dangers of Detention* (Washington DC: Justice Policy Institute, 2006), p. 4.

<sup>16</sup> The Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration* (Baltimore, MD: 2011), p. 12, citing Uberto Gatti, Richard E. Tremblay, and Frank Vitaro, "Iatrogenic effect of juvenile justice," *Journal of Child Psychology and Psychiatry* 50, no. 8 (2009), pp. 991–998.

<sup>17</sup> Holman, *The Dangers of Detention*, p. 6.

<sup>18</sup> The Annie E. Casey Foundation, *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders, Summary Report* (Baltimore, MD: 2010), available at [www.aecf.org/m/resourcedoc/aecf-missourimodelsummary-2010.pdf](http://www.aecf.org/m/resourcedoc/aecf-missourimodelsummary-2010.pdf).

interventions.<sup>19</sup> In addition, probation ideally supports youth in developing competencies such as cognitive and decision-making skills.

**Data driven policy and practice development.** In order to be effective, it is crucial for county probation departments to use data to guide their work. Tracking recidivism—often measured by rearrests or new charges—as well as youth outcomes such as educational success, behavioral health improvement, and engagement with prosocial peers and activities, are key to understanding the long-term effect of interventions. However, juvenile justice systems have traditionally struggled to collect and analyze data to assess such outcomes or system performance.

Sources:

- Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York, NY: Council of State Governments Justice Center, 2014).
- Resource Development Associates, *LA Probation Governance Study: Review of Best Practices in Probation* (Oakland, 2017).
- John A. Tuell and Kari L. Harp, *Letting Go of What Doesn't Work for Juvenile Probation, Embracing What Does*, JJIE.org, June 22, 2016.
- John A. Tuell, with Jessica Heldman and Kari Harp, *Translating the Science of Adolescent Development to Sustainable Best Practice* (Boston, MA: Robert F. Kennedy National Resource Center for Juvenile Justice, 2017), available at <https://rfkncrjj.org>.

## THE STRUCTURE OF JUVENILE JUSTICE IN CALIFORNIA

Each county in California operates its juvenile justice system independently rather than as part of a centralized state system. In all but one county (San Francisco), adults and juveniles are handled within the same department. Each county probation department is led by a Chief Probation Officer who is appointed by the judges of the Superior Court, or by provisions of a special charter, with the Board of Supervisors setting the salary and benefit levels.<sup>20</sup>

California's state juvenile justice agency has traditionally had responsibility for maintaining secure facilities for youth committed to state custody for the most serious offenses. The state agency was established in 1941 with the intent of supporting local probation departments in providing individualized rehabilitative services. However, following scandals at the state's institutions, which were run largely autonomously, the governor changed the purpose of the agency and instead authorized it to run the state facilities. The agency was named the California Youth Authority (CYA), later becoming the Division of Juvenile Justice (DJJ) within the Department of Corrections and Rehabilitation. In 2019, only 345 youth were placed with DJJ, representing less than 2% of the youth made wards of the court across the state.<sup>21</sup>

<sup>19</sup> Seigle, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*, p. 12.

<sup>20</sup> California Gov. Code § 27770.

<sup>21</sup> California Department of Justice, *Juvenile Justice in California 2019* (Sacramento, CA: 2020).

In 2019, Governor Newsom proposed a restructuring of the state juvenile justice agency, shifting responsibility for juvenile facilities from DJJ to a new department within the state’s human services agency. Before the shift fully took effect, the governor unexpectedly announced the closure of all state juvenile justice facilities as part of his May 2020 state budget revision. The legislature endorsed this plan, passing SB 823 in August 2020, prohibiting future juvenile court commitments of youth to DJJ as of July 1, 2021. Courts must now order youth to programs operated by county probation departments.

## THE ROLE OF FUNDING, LAW, AND POLICY

Juvenile probation activities and programs are supported through a combination of federal, state, and local funds. Government funding supports core probation functions and policy priorities and provides grants to departments to support policy and practice change and innovation. The federal government influences juvenile justice policy by providing funding to states and local governments conditioned on implementing certain policies. Federal funding through the Juvenile Justice and Delinquency Prevention Act (JJDP) requires states to comply with four core requirements addressing youth detention and racial and ethnic disparities in the juvenile justice system. A number of state agencies administer JJDP and other federal grant funds. Administration may include selecting recipients and providing technical assistance and evaluation. Local governments receive the funds and implement the programs through local departments or community-based organizations.

The state legislature and the governor can also drive juvenile justice policy by allocating funding to promote a particular state interest. At various times, the state has made long-term funding commitments to support core probation activities statewide as well as short-term investments in initiatives supporting innovative programming in select jurisdictions. Counties also commit local funds to support programs and operations within their county probation departments and local facilities.

Tracking county-level expenditures is challenging due to the variance in county accounting procedures, but the investment by local governments is considered a significant part of a probation department’s budget. A 2009 report by the State Commission on Juvenile Justice determined that State General Funds contributed just over 24% of local juvenile justice funding and federal funding contributed about 12%, with the remainder provided through the County General Fund and other local revenue sources.<sup>22</sup> According to the 2019 survey of county probation chiefs undertaken for this report, county probation departments rely least on federal funding, with state and local funding comprising relatively equal portions of a department’s budget.

In addition to committing funds, the state legislature and the governor can enact legislation in order to direct how various parts of the juvenile justice system operate and respond to youth within the system and at risk of involvement. For example, at various times throughout the past 25 years, the legislature has required or incentivized county probation departments to take responsibility for supervising

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<sup>22</sup> State Commission on Juvenile Justice, *Juvenile Justice Operational Master Plan* (2009), p. 19, available at [https://dornsife.usc.edu/assets/sites/972/docs/CJJ\\_final\\_report\\_master\\_plan\\_Jan\\_2009.pdf](https://dornsife.usc.edu/assets/sites/972/docs/CJJ_final_report_master_plan_Jan_2009.pdf).

particular subsets of youth, including less-serious offenders and parolees. The state legislature and the governor have also defined, again and again, the parameters of youth sentencing and how children are treated in the custody of the juvenile justice system—for example, when and how youth can be subject to room confinement.

Voters have also directly impacted juvenile justice policy in California. The state allows for individual voters to propose a change to state law by placing an initiative or referendum on a statewide general election ballot. For example, California Proposition 21 passed in 2000, making detention of certain juveniles mandatory, prohibiting the use of informal probation for juvenile felons, and allowing prosecutors to directly file charges against juveniles in adult court for certain serious offenses. In 2016, the same voter initiative process resulted in the passage of Proposition 57, which ended the process of direct filing of juveniles in adult court by prosecutors established through Proposition 21.

## TIMELINE OF JUVENILE JUSTICE LAW, POLICY, AND FUNDING IN CALIFORNIA (1994–2019)

### PRE-1994

Concerns about the number of youth sent to state custody drove much of the state policy through several decades leading up to the time period this report explores. As far back as 1945, the state offered payments to counties to subsidize the costs of probation in order to keep low-level juvenile offenders out of state facilities and in local programs. In 1957, state bonds funded the construction of local facilities such as ranches and camps to house these youth.<sup>23</sup> However, when caseloads began to increase, capacity challenges in local probation departments kept officers busy with routine check-ins and paperwork, leaving little time for rehabilitative programming. As a response to the unmanageable caseloads, some counties began to send more youth to state facilities despite the poor outcomes associated with these institutional placements. To keep pace with this trend, the state invested in the construction of new secure facilities, eventually becoming one of the leading states in the nation in spending for this purpose.<sup>24</sup>

In 1965, the legislature again aimed to reduce the number of youth in state facilities by passing the California Probation Subsidy Act, which paid counties up to \$4,000 for each adult or juvenile who could be diverted to probation instead of incarcerated. The goal was to incentivize counties to use probation rather than rely on state corrections. This would save the state money and the county probation departments could use the savings to hire more staff to reduce caseloads.<sup>25</sup> Counties reduced their institutional commitments significantly and received more than \$18 million from the state as a

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<sup>23</sup> Marcus Nieto, *The Changing Role of Probation in California's Criminal Justice System* (Sacramento: California Research Bureau, 2012), p. 8.

<sup>24</sup> Douglas N. Evans, *Pioneers of Youth Justice Reform: Achieving System Change Using Resolution, Reinvestment, and Realignment Strategies* (New York: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York, 2012), p. 13.

<sup>25</sup> Evans, *Pioneers of Youth Justice Reform*, p. 13.

reinvestment of these savings. Probation departments developed new approaches including increased diversion and development of therapeutic community models.<sup>26</sup>

In 1978 the subsidy was replaced by the County Justice System Subvention Program, which provided state grants for local programming.<sup>27</sup> This funding covered less than 10% of county probation expenditures across the state at a time when the number of youth within the juvenile justice system began to increase.<sup>28</sup> Sending youth to state prison became relatively inexpensive compared to maintaining them at the county level. The number of youth sent to state facilities began to rise, although this varied among counties. Some counties invested in prevention programming (e.g., Ventura County) and saw their arrest rates decline even while their population increased.<sup>29</sup>

In 1974, Congress passed its first comprehensive federal juvenile justice legislation, the Juvenile Justice and Delinquency Prevention Act (JJDPA).<sup>30</sup> The JJDPA provided support to state juvenile justice systems and developed core mandates for states receiving funds. These mandates have evolved since 1974 and currently include: 1) keeping status offenders (youth who commit an offense that would not be a crime if committed by an adult) out of secure facilities; 2) prohibiting confinement of juveniles in facilities in which they would have sight or sound contact with adults; 3) prohibiting the confinement of juveniles in adult jails or lockups; and 4) demonstrating efforts to address racial and ethnic disparities among the juvenile justice population. Amendments to the JJDPA in 1992 established the Title V Formula Grant program as the first federal program specifically designed to prevent delinquency at the local level.

Even as federal funding provided incentives for delinquency prevention programming, the political environment of the 1980s focused on deterring delinquent behavior by increasing penalties and making conditions of confinement in state facilities more adult-like and less rehabilitative.<sup>31</sup> California entered the mid-1990s with increasing pressure to address concerns about rising juvenile crime and to avoid responses perceived as too lenient.

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<sup>26</sup> *Id.* at 13–14.

<sup>27</sup> *Id.* at 24–25.

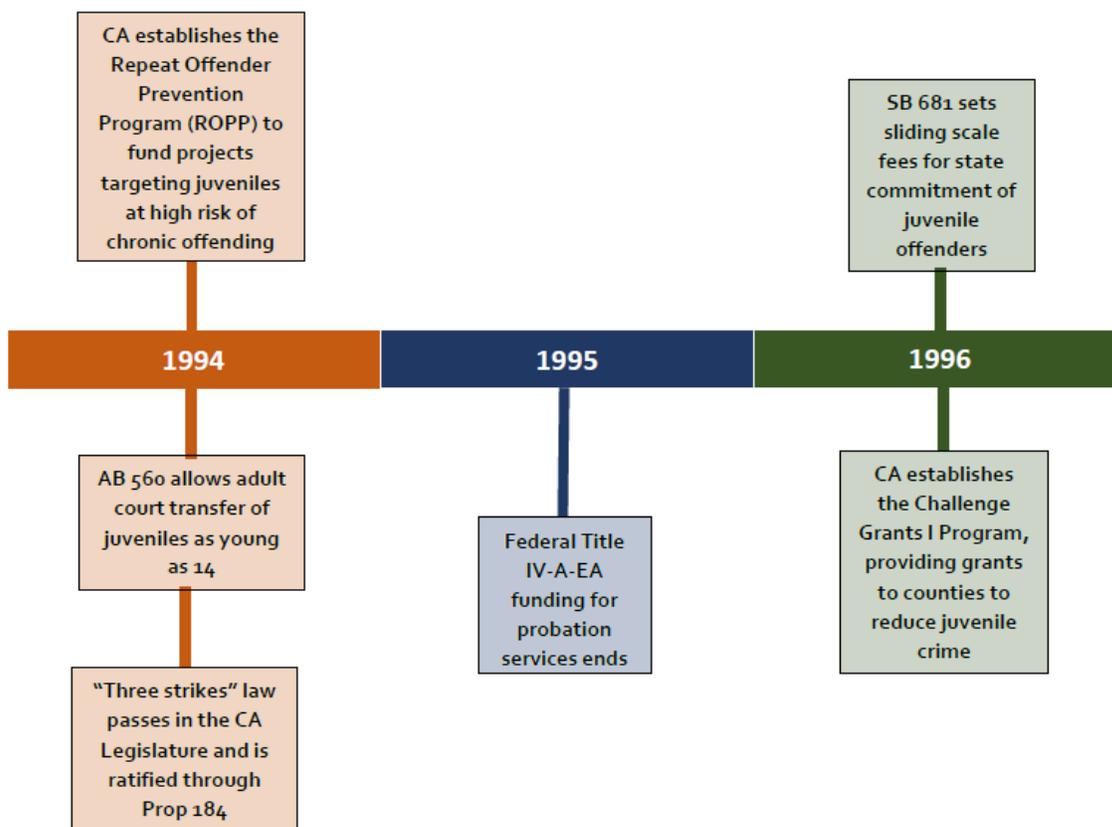
<sup>28</sup> Nieto, *The Changing Role of Probation in California's Criminal Justice System*, p. 9.

<sup>29</sup> Legislative Analyst's Office, *Juvenile Crime: Outlook for California* (Sacramento, CA: May 1995), available at [https://lao.ca.gov/1995/050195\\_juv\\_crime/kkpart2.aspx](https://lao.ca.gov/1995/050195_juv_crime/kkpart2.aspx).

<sup>30</sup> 42 USC § 5601 *et seq.*

<sup>31</sup> Barry Krisberg, *Reforming the Division of Juvenile Justice*, *McGeorge Law Review*, Vol. 46 (2014), p. 776.

## 1994–1996: A PUNITIVE SHIFT



Between 1994 and 1996, the populace, media, and lawmakers were alarmed at the recent increase in rates of adult and juvenile crime. Juvenile crime rates spiked in the late 1980s and early 1990s, with a substantial rise in the rate of juvenile arrests for violent crimes. Between 1987 and 1992, the rate of juvenile arrests for violent offenses in California increased by almost 64%.<sup>32</sup> Particularly alarming was the quadrupling of the rate of homicides committed by juveniles in California between 1986 and 1994.<sup>33</sup> Between 1979 and 1994, the proportion of gang-related homicides in Los Angeles County increased from 18% to 43%.<sup>34</sup> The myriad gangs throughout the state created complex issues for probation departments related to incarceration and supervision that would persist throughout the coming decades.

These statistics, as well as research that was later debunked, gave rise to a narrative about a new breed of violent and remorseless juvenile offenders, branded “superpredators.” The public anxiety over the perceived growing threat of the “superpredator,” coupled with the forecasted continued increase in

<sup>32</sup> California Legislative Analyst’s Office, *The State of California’s Probation System* (Sacramento, CA: Elizabeth G. Hill, March 2014) available at [https://lao.ca.gov/1994/reports/state\\_of\\_cal\\_probation\\_system\\_281\\_0394.pdf](https://lao.ca.gov/1994/reports/state_of_cal_probation_system_281_0394.pdf).

<sup>33</sup> Evan Sernoffsky and Joaquin Palomino, “Vanishing Violence: Locked up, left behind,” *San Francisco Chronicle*, October 3, 2019, available at <https://www.sfchronicle.com/bayarea/article/California-once-sent-thousands-of-juveniles-to-14480958.php>.

<sup>34</sup> HR Hutson, *et al.*, “The epidemic of gang-related homicides in Los Angeles County from 1979 through 1994,” *JAMA* 274, 13 (October 4, 1995), pp. 1031–6, available at <https://www.ncbi.nlm.nih.gov/pubmed/7563453>.

California's youth population by 2020 and surging rates of violent crime committed by juveniles, led to a shift in juvenile justice policy toward a more punitive "tough on crime" approach.<sup>35</sup> This philosophy took hold not only in California, but also on the national level, with the passage of the Violent Crime Control and Law Enforcement Act of 1994 providing a federal model of adult sentencing for juveniles.

Also in 1994, California Governor Pete Wilson signed AB 560 into law, allowing children as young as 14 to be tried as adults and expanding the list of crimes qualifying for transfer to the adult court. The law marked the first time in California history 14- and 15-year-olds could be tried and sentenced as adults. California's "three strikes" law was enacted during this period, significantly increasing prison terms for those with prior convictions for violent or serious offenses, or "strikes." There was strong controversy over whether or not a prior juvenile adjudication could be counted as a strike, since juvenile adjudications are substantially different in purpose, intent, and procedure than adult convictions.<sup>36</sup>

By the mid-1990s, California's juvenile justice spending patterns had shifted over the course of the two preceding decades from supporting prevention and early intervention programs to prioritizing incarceration.<sup>37</sup> This shift and the uptick in juvenile arrests had practical consequences for probation departments. The increased number of juveniles arrested during this period led to large caseloads for probation officers at a time when funding was stagnant. The Little Hoover Commission observed:

The pivotal player that is well positioned to make a difference in the life of juvenile delinquents is the probation officer—but probation budgets have been compressed and outreach efforts stripped to the point where many probation officers can do little more than keep track of overwhelming caseloads on paper. While tight fiscal constraints make it difficult to put prevention first, such a shift in priorities is crucial to halting the increasing amounts of violent juvenile crime.<sup>38</sup>

Probation departments considered different approaches to address their expanding caseloads. Some approaches were influenced by funding made available for alternative incarceration programs such as boot camps.<sup>39</sup>

Ultimately, the increase in violent juvenile crime and the proliferation of "tough on crime" legislation led to an increase in youth incarceration. Local juvenile halls were overcrowded and expected to be inundated with increasing numbers of violent youth.<sup>40</sup> Overcrowding was also a serious issue at state

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<sup>35</sup> The Little Hoover Commission, *The Juvenile Crime Challenge: Making Prevention a Priority* (Sacramento, CA: September 1994), pp. 11–15, available at <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/127/Report127.pdf>.

<sup>36</sup> Thomas Farragher, "'3 Strikes' 1st Week: Challenges, Satisfaction Critics Take Aim," *San Jose Mercury News*, March 12, 1994.

<sup>37</sup> Richard R. Terzian, The Little Hoover Commission, *The Juvenile Crime Challenge: Making Prevention a Priority* (Sacramento, CA: September 1994), p. 5/190, available at <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/127/Report127.pdf>.

<sup>38</sup> *Id.*

<sup>39</sup> The Little Hoover Commission, *Boot Camps: An Evolving Alternative to Traditional Prisons* (Sacramento, CA: January 1995), available at <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/127/Report127.pdf>.

<sup>40</sup> Legislative Analyst's Office, *1997–98 Budget Analysis: California's Jails and Juvenile Detention Facilities* (Sacramento, CA: February, 1997), p. D-44, available at [https://lao.ca.gov/reports/1997/californias\\_jails\\_and\\_juvenile\\_detention\\_facilities.pdf](https://lao.ca.gov/reports/1997/californias_jails_and_juvenile_detention_facilities.pdf).

facilities. The high number of youth sent to state facilities suggests counties responded to their high caseloads, overcrowding in their facilities, and stagnant funding by committing an increasing number of youth to state custody, including less serious offenders. This practice differed across the state, with counties such as Alameda, Santa Cruz and Los Angeles generally sending only serious offenders to state facilities, while 20 other counties' total commitments consisted of 50% or more of less serious offenders, largely due to their lack of local ranch or camp programs as options.<sup>41</sup>

The California Legislature enacted several measures intended to discourage counties from sending less serious offenders to the state facilities run by the California Youth Authority (CYA). Senate Bill 681 enacted in 1996 is one example. The law set a sliding-scale fee for county probation departments when committing youth to state custody. The minimum a county would be required to pay was \$150 per month per youth. After that, the less serious the offender, the higher the cost would be; the least severe offenders cost counties \$2,600 per month to house at CYA. In 1996, the legislature furthered its efforts to stem the rising population at state facilities by enacting AB 2312, authorizing \$33 million to support local juvenile justice programs.

During this period federal Title IV-A-EA (Emergency Assistance) funding was available to probation departments. Youth removed from their homes by the juvenile court were eligible for programming under this funding stream. The funds could also be used to provide services to juveniles who were considered "candidates for foster care." This allowed probation departments to fund preventative programs, such as gang intervention programs and parenting classes, among others. When this major source of funding ended in 1995, probation departments were forced to cut back drastically on the services they funded until new revenue sources were developed.

Despite the focus on punitive legislation, the state also made investments in early intervention programs during this timeframe. In 1994, the California Legislature undertook passage of the (first) Repeat Offender Prevention Program (ROPP) to support early intervention targeting youth determined to be at high risk of becoming chronic offenders (see sidebar). The Challenge Grant Program was established in 1996, providing a source of funding for demonstration grants in several counties (see sidebar).

The collection of reliable, accurate data to reflect which programs were effective (and which were not) would have been valuable given the upheaval in the juvenile justice system in the mid-1990s, the "tough on crime" legislation, the increasing numbers of incarcerated youth, and the emerging legislation and funding focused on prevention and intervention programs. However, such data was either nonexistent or was not reported in a way that would allow for consistent comparison and study.<sup>42</sup>

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<sup>41</sup> California Legislative Analyst's Office, *1994 Budget Analysis: Judiciary and Criminal Justice Chapter* (Sacramento, CA: 1994), p. D-81, available at [https://lao.ca.gov/analysis\\_1994/criminal\\_justice\\_anl94.pdf](https://lao.ca.gov/analysis_1994/criminal_justice_anl94.pdf).

<sup>42</sup> California Legislative Analyst's Office, *Juvenile Crime, Outlook for California* (Sacramento, CA: Clifton Curry, 1995), p. 66, available at [https://lao.ca.gov/1995/050195\\_juv\\_crime/kkpart1.aspx](https://lao.ca.gov/1995/050195_juv_crime/kkpart1.aspx).

## Repeat Offender Prevention Program

The Repeat Offender Prevention Program (ROPP), established in 1994, was one of several state legislative initiatives intended to address the increase in juvenile crime. The program was developed on the basis of the Orange County Probation Department's 8% Solution—establishing programming to address the small number of juveniles responsible for the majority of repeat offending. Studies by the Orange County Probation Department found that approximately 8% of juveniles were responsible for more than half of all repeat offenses, utilizing more than 50% of available resources. The ROPP aimed to determine whether targeting a subset of high-risk youth would be effective in curbing juvenile crime.

Through this initiative, the state funded demonstration projects in eight counties: Fresno, Humboldt, Los Angeles, Orange, San Diego, San Francisco, San Mateo, and Solano. Although counties had some flexibility to develop projects tailored to meet their specific jurisdictional needs, each county was required to utilize a multidisciplinary case management and multi-agency service delivery approach. In addition, all counties had to develop programs targeting youth identified as being at high-risk of chronic delinquency. For a youth to be categorized as high-risk, he or she had to be a first time offender, 15.5 years old or younger, demonstrating at least three of the following risk factors: school behavior and performance problems; family problems, such as a history of child abuse or domestic abuse; substance abuse problems; and high-risk behaviors, such as gang membership or a history of running away.

Youth who met the criteria were referred to a multi-agency team that collaboratively assessed youth needs and created a case planning strategy. The youth and family received integrated services, building on the Youth and Family Resource Center model developed in Orange County that utilized services such as an onsite school, transportation provision, mental health evaluation and services, substance abuse treatment, job training services, and counseling. Some counties created a "one-stop center" while others relied on a network of regional service hubs. But in every county, the youth received intensive probation supervision and a wide array of services. Examples of programs funded by ROPP include:

- Humboldt County developed Neighborhood Service Hubs located in four regions and staffed by probation officers, mental health case managers and clinicians, Child Welfare Services, a school counselor, health professionals, and other service providers. Probation officers had smaller caseloads, focusing on probation conditions while a facilitator developed a strength-based service plan to meet family needs.
- San Francisco County developed an Integrated Arts Education program supported by the probation department, Children's Mental Health Services, Department of Human Services, and the school district. A team including a child welfare worker and family therapist provided in-home services, and clinical staff provided on-site weekly therapy. In addition, the program employed a substance abuse counselor to provide drug assessment and therapy.
- San Diego County created four multi-agency teams comprised of a Probation Officer, Protective Services Worker, Community Family Monitor, Alcohol and Drug Specialist, and Student Worker, all supported by a Clinical Psychologist and Family Counselor. The program was located in a newly-developed Outreach Center.

The initial allocation in the 1996–97 Budget Act was \$3.325 million to fund three-year demonstration projects in seven counties identified by statute. The 1997–98 Budget Act added \$3.35 million in funding and extended the grant until 2000. San Francisco later became eligible for the funds, which were again augmented by \$3.8 million in the 1998–99 Budget Act and extended until 2001. The grant was extended one more time in the 2000–01 Budget Act until 2002, accompanied by an appropriation of \$3.8 million.

In developing and implementing these local projects, counties reportedly struggled with common challenges including staff turnover, transportation issues among participants, engaging parents and keeping them involved, language and cultural barriers, the complex nature of substance abuse issues, and data collection. At the same time, counties reported on successful aspects of the new model. Participating counties asserted that due to improved collaboration, ROPP youth and families had access to services that would not ordinarily be available. In many counties, ROPP funding drove the development and implementation of new training that increased staff skills and effectiveness. Several counties reported that despite the challenges associated with lack of parental involvement, efforts to achieve effective family engagement were extremely valuable. Counties were also able to experiment with new and innovative interventions, some of which proved successful.

The legislation required the Board of Corrections to evaluate the initiative through a research design comparing outcomes for juveniles who received ROPP enhanced services and a group of juveniles who did not. Youth were tracked for two years and were assessed every six months. Data clearly indicated that the youth in ROPP programs received more services than non-ROPP program youth. ROPP youth and families were also contacted more frequently by their probation officers. This evaluation yielded some positive results, including the following findings:

- ROPP youth experienced better educational outcomes, such as attending more days of school, improving grades more immediately, and being less likely to fall below grade level.
- ROPP youth successfully completed restitution and service requirements quicker and reduced the rate of positive drug tests.
- ROPP youth were less likely to abscond and be on warrant status.

Other results were mixed or not significant. ROPP youth had more petitions filed for probation violations than those in the comparison group, yet the severity of sustained charges was less than those of comparison youth. There was not a statistically significant difference between groups related to time in custody.

Counties were also required to evaluate their local programs. Counties experienced different levels of success with regard to the various outcome measures. For example, ROPP youth in Humboldt County experienced significant reductions in risk factors such as family issues, substance abuse, and pre-delinquent behavior. In San Diego County, ROPP youth had an increased number of probation violations, but proportionally fewer felonies. ROPP youth in Los Angeles had better educational outcomes than comparison youth. Other measures showed early promise but positive effects dissipated by the later stages of evaluation. Researchers studying the Los Angeles program cautioned that in order to have

lasting juvenile justice system effects, interventions must focus not only on the individual, but on the societal conditions contributing to high-risk behaviors.

The grant period concluded in 2002. The Board of Corrections deemed the grant program a success. At least 4 of the 8 counties agreed, electing to continue or expand programs with other available funds.

Sources:

- California Board of Corrections, *Repeat Offender Prevention Program: Final Report to the Legislature* (December 2002).
- Susan Turner & Terry Fain, *Juvenile Probation Initiatives in California and Their Effects* (Santa Monica, CA: RAND Corporation, 2005), available at [https://www.rand.org/pubs/research\\_briefs/RB9130.html](https://www.rand.org/pubs/research_briefs/RB9130.html).
- San Diego Association of Governments, *San Diego County Probation Department's Repeat Offender Prevention Program Final Evaluation Report* (San Diego, CA: SANDAG, 2002), available at [https://www.sandag.org/uploads/publicationid/publicationid\\_753\\_1432.pdf](https://www.sandag.org/uploads/publicationid/publicationid_753_1432.pdf).
- Repeat Offender Prevention Project, CA AB 2594 (1997–1998).
- Sheldon X. Zhang & Lening Zhang, "An Experimental Study of the Los Angeles County Repeat Offender Prevention Program: Its Implementation and Evaluation," *Criminology & Public Policy* 4, 2 (2005).

### **Juvenile Crime Enforcement and Accountability Challenge Grant Program (Challenge Grants) Challenge Grant I**

The Juvenile Crime Enforcement and Accountability Challenge Grant Program was established in 1996 in response to rising rates of juvenile crime and the accompanying concern about a continuing increase as the juvenile population grew. The program intent was to help counties develop and implement strategies for reducing juvenile crime and delinquency, targeting at-risk youth and youth within the juvenile justice system between the ages of 11–17. The initiative promoted the concept of a multi-disciplinary approach to juvenile crime prevention, in partnership with families and communities, informed by an assessment of a youth's risk and protective factors (*i.e.*, strengths). Lawmakers anticipated that evaluation of the counties' programs would yield findings regarding which strategies were most effective, thus informing practice statewide.

To be eligible for a demonstration grant, counties were required to establish a coordinating council including representatives from probation, law enforcement, the district attorney, social services, community-based organizations, and education agencies. The local councils were tasked with developing a comprehensive plan for juvenile crime prevention in their community. The program generated great interest statewide, with 49 of 58 counties submitting demonstration grant proposals. Fourteen counties were selected, each receiving funding for a three-year period beginning in July, 1997. The initial appropriation was \$50 million, later supplemented by an additional \$11 million to provide continued support for operating programs.

Participating counties were required to provide 25% matching funds, and grants were to be used to supplement rather than supplant any existing programs. The programs were required to identify goals related to outcome measures including rate of juvenile arrests, rate of successful completion of probation, and rate of successful completion of restitution and court-ordered services. Counties were also required to develop data systems to enable outcome measurement.

The projects undertaken by grantee counties promoted graduated responses to offending, incorporating strategies of prevention, intervention, supervision, treatment, and/or incarceration. The 28 programs developed among these counties varied and included truancy prevention, day reporting, and restorative justice. The programs served almost 20,000 youth during the grant term.

The state Board of Corrections noted that this initiative was characterized by an embrace of a new approach with clear objectives:

- Systemic change—emphasizing collaborative and integrated prevention efforts.
- Local discretion—permitting counties to design and implement programs tailored to their own unique needs and strengths.
- Rigorous evaluation—requiring counties to include a research component to evaluate the impact of the program on specified outcomes.

The Board of Corrections was mandated to create an evaluation design to assess program effectiveness. In its final report to the legislature in 2002, the Board of Corrections deemed the initiative a success, highlighting the following findings:

- Programs produced reductions in both the number and severity of post-program arrests as well as the number and severity of sustained petitions.
- Programs produced increases in the rates of successful completion of probation and court ordered restitution and service obligations.
- 75% of the programs continued or expanded following the conclusion of funding.

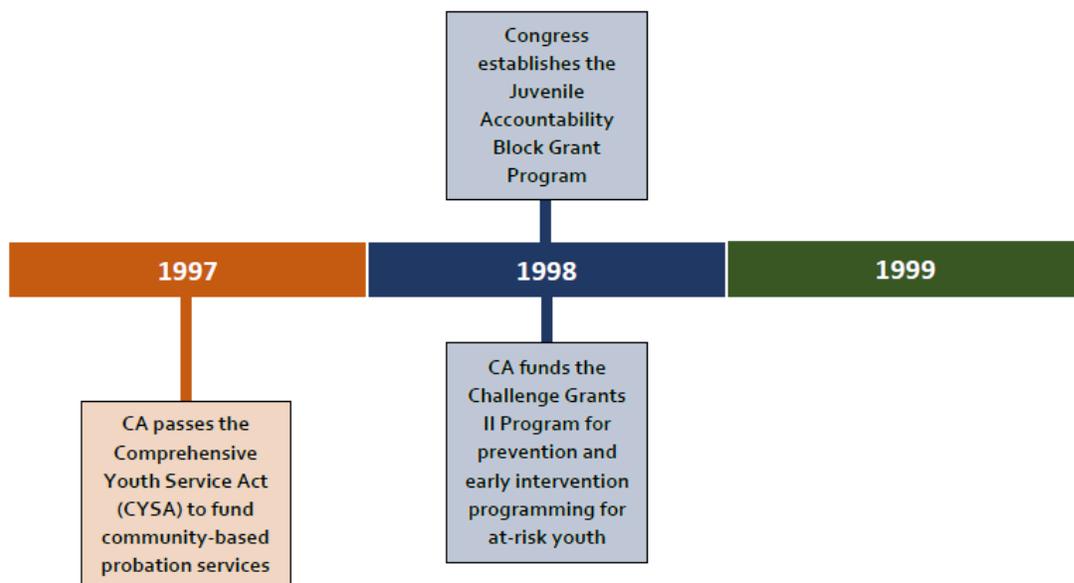
The Board of Corrections highlighted several of the most successful strategies and program elements in its final report to the legislature. Most impactful was the comprehensive planning process that focused on identifying the unique needs and assets of a particular jurisdiction. Even counties that were not awarded demonstration grants benefitted from the required planning process. Most notable was the value of incorporating community members into the planning process, recognizing their expertise in developing plans responsive to the unique needs of local youth and families. Similarly, the initiative highlighted the value of multi-agency collaboration. Every county reported that collaboration was key to successful programming, even if most identified it as difficult to achieve. Counties that developed multi-disciplinary teams to engage in case planning and to deliver services reported that this approach resulted in higher-quality assessments as well as easier access to a wider array of services. Assessment of risks and resiliencies proved to be effective in matching youth and families with the most effective resources, and successful engagement of the family resulted in positive outcomes.

Sources:

- California Board of Corrections, *Juvenile Crime Enforcement and Accountability Challenge Grant I Program Final Report* (Sacramento, CA: 2002).
- California Board of Corrections, *Juvenile Crime Enforcement and Accountability Challenge Grant II Program Final Report* (Sacramento, CA: 2004).
- Susan Turner & Terry Fain, *Juvenile Probation Initiatives in California and Their Effects* (Santa Monica, CA: RAND Corporation, 2005), available at [https://www.rand.org/pubs/research\\_briefs/RB9130.html](https://www.rand.org/pubs/research_briefs/RB9130.html).
- Karen Hennigan, et al., *Five Year Outcomes in a Randomized Trial of a Community-Based Multi-Agency Intensive Supervision Juvenile Probation Program* (December 2010), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/232621.pdf>.

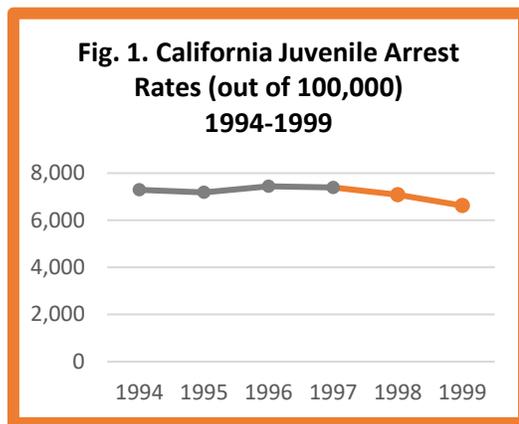
The policies of the mid-1990s had a resounding impact on California’s juvenile probation system. Punitive laws and high arrest rates resulted in overcrowding at both county and state juvenile facilities and high caseloads for county probation departments. The state responded with policies to incentivize counties to manage youth locally and supplied funding to promote local cross-disciplinary demonstration projects, many of which focused on prevention and intervention. Most counties pursued these opportunities, which provided the impetus for developing local, multi-agency councils to drive local reform efforts. As probation departments managed high caseloads, juvenile crime actually began to decrease. Yet, the public perception of surging juvenile crime and media coverage of it would continue to drive law, policy, and practice for several years to come.

1997–1999: EXPANDING PREVENTION AND INTERVENTION



The years between 1997 and 1999 saw an increasing dichotomy between decreasing juvenile crime and the public perception of it. The Legislative Analyst’s Office noted: “Regardless of the data, there is a strong public perception that juveniles are responsible for a disproportionate amount of crime. For example, in a 1996 survey, two-thirds of those sampled responded that they believed that youth violence had increased in their communities.”<sup>43</sup> In fact, juvenile arrest rates and correspondingly, juvenile detention rates, began to decline during this period.

State facilities, which were dangerously overcrowded in the early and mid-1990s, reduced their population as the sliding scale legislation enacted in 1996 (SB 681) took effect. As noted above, several counties anticipated a surge in juvenile crime and the legislature appropriated millions of dollars to counties to expand local juvenile facilities in the wake of SB 681.<sup>44</sup> At the same time, a substantial amount of state and federal funding flowed to



a number of counties to encourage and assist in the creation of innovative prevention and intervention programs. Continuing investment in the ROPP supported counties in identifying and treating youth at risk of becoming repeat offenders. The legislature continued the Challenge Grant program for a second round of funding for select counties to address gaps in the juvenile justice system (see sidebar below). According to the Legislative Analyst’s Office, in 1997, the state would spend over \$500 million to support more than 34 different juvenile crime prevention and intervention programs.<sup>45</sup> However, the Blue Ribbon Task Force found that funding for juvenile justice programs was fragmented and uncoordinated among the various agencies that serve the youth.<sup>46</sup> In addition, probation departments struggled to effectively serve less serious but chronic offenders.<sup>47</sup>

In 1997, California’s Welfare-to-Work Act created the Comprehensive Youth Services Act (CYSA) to fund juvenile probation services (see sidebar below). In 1998, California passed the Juvenile and Gang Violence Prevention, Detention, and Public Protection Act, which authorized the Department of the Youth Authority to award grants to nonprofit agencies serving youth for the purpose of acquiring, renovating, or constructing youth centers.

<sup>43</sup> California Legislative Analyst’s Office, *Analysis of the 1997–1998 Budget Bill: Judiciary and Criminal Justice: Reforming California’s Juvenile Justice System* (Sacramento, CA: February 1997), p. D-26.

<sup>44</sup> Legislative appropriations included, for example, more than \$370 million in federal TANF funds, \$65 million of which was earmarked for camps and ranches, with the rest supporting a continuum of resources such as prevention programs and residential treatment and \$221 million in state and federal funds for building and updating juvenile halls. See California Legislative Analyst’s Office, *Analysis of the 1999–2000 Budget Bill: Board of Corrections* (Sacramento, CA: February 1999), p. D-98, available at [https://lao.ca.gov/analysis\\_1999/crim\\_justice/crim\\_just\\_anl99.pdf](https://lao.ca.gov/analysis_1999/crim_justice/crim_just_anl99.pdf).

<sup>45</sup> California Legislative Analyst’s Office, *Analysis of the 1997–1998 Budget Bill: Judiciary and Criminal Justice: Reforming California’s Juvenile Justice System* (Sacramento, CA: Clifton John Curry, February 1997), p. D-27, available at [https://lao.ca.gov/reports/1997/reforming\\_californias\\_juvenile\\_justice\\_system.pdf](https://lao.ca.gov/reports/1997/reforming_californias_juvenile_justice_system.pdf).

<sup>46</sup> *Id* at D-35.

<sup>47</sup> California Legislative Analyst’s Office, *Analysis of the 1999–2000 Budget Bill: Board of Corrections* (Sacramento, CA: February 1999), p. D-103, available at [https://lao.ca.gov/analysis\\_1999/crim\\_justice/crim\\_just\\_anl99.pdf](https://lao.ca.gov/analysis_1999/crim_justice/crim_just_anl99.pdf).

Federally, in 1998, Congress established the Juvenile Accountability Block Grant Program, allocating funds to states and units of local government to reduce youthful offending. Grantees were required to create a local multi-agency advisory board to develop a plan for reducing juvenile crime. Grantees had to provide a cash match of 10%, or 50% if funds were used for construction of facilities. The grant program specified several purpose areas, including implementing risk and needs assessments, developing graduated sanctions,<sup>48</sup> establishing drug courts, or creating restorative justice programs. Funds could be used to support juvenile courts, prosecutors, probation departments, and facilities.<sup>49</sup>

## Challenge Grant II

In 1998, the California Legislature built on the success of the Challenge Grant I program by providing funding for a new round of programming, referred to as Challenge Grant II. With this program, the legislature continued to promote the importance of systemic change and evidence-based practice. By the time Challenge Grant II was enacted, the juvenile crime rate—and violent crime in particular—had begun to decline. This reduction in serious crime provided an opportunity for probation departments to allocate more resources towards prevention and early intervention programming for at-risk youth.

Thirty-four counties applied for planning grants to develop local action plans. In reviewing these plans, the Board of Corrections noted common gaps in juvenile justice programming, including a lack of options for intermediate sanctions (day reporting, day treatment, home supervision, and electronic monitoring<sup>50</sup>), a dearth of needed substance abuse services, too few education and/or training programs, and an absence of mental health services in day treatment settings. It was clear by this time that mental health issues were prevalent among the juvenile justice population, with research indicating that as many as 80% of youth within the juvenile justice system had a mental health disorder. Notably, a need for more probation officers was identified in twice as many small counties as compared to mid-sized counties, with no large counties identifying this as a need.<sup>51</sup>

The Board of Corrections awarded grants to 17 counties, many of which previously received grants under the Challenge Grant I program. Challenge Grant II counties responded to the findings in the planning process by developing projects focusing on youths' mental health issues, providing alternatives to out of home placements, and designating a central location for the provision of services and interventions. A key component in most programs included the use of assessments to assist in tailoring

<sup>48</sup> Graduated sanctions is defined as “an accountability-based, graduated series of sanctions (including incentives, treatment and services) applicable to juveniles...” 34 USC § 11103(24).

<sup>49</sup> Board of State and Community Corrections, *Juvenile Accountability Block Grant (JABG)*, available at [http://www.bscc.ca.gov/s\\_jabg/](http://www.bscc.ca.gov/s_jabg/) (accessed on 02/24/2020).

<sup>50</sup> Electronic monitoring is a method of supervising a juvenile at home through the use of an electronic device equipped with GPS. It is used as an alternative to detention. The use of electronic monitoring is controversial, with proponents noting cost savings, while opponents voice concerns about the emotional effects, the costs to indigent families, and the potential for inaccuracies in reporting the youth's location. For more, see Development Services Group, Inc., *Home Confinement and Electronic Monitoring* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2014), available at [https://www.ojjdp.gov/mpg/litreviews/Home\\_Confinement\\_EM.pdf](https://www.ojjdp.gov/mpg/litreviews/Home_Confinement_EM.pdf).

<sup>51</sup> California Board of Corrections, *Building Safer Communities: An Analysis of Local Action Plans for Curbing Juvenile Crime* (Sacramento, CA: December 1999), p. 8–9.

interventions for at-risk youth. Counties developed school-based prevention programs and community- or family-based interventions. Several counties provided intensive supervision facilitated through day reporting or treatment centers, efforts that proved effective in reducing the numbers of out of home placements and stays in juvenile hall. An emerging focus area was the increase in delinquency cases involving girls and the need for gender-specific programming. Two counties used this funding to develop such programs.

As with the Challenge I Grant Program, the legislature mandated several outcome variables for evaluation, including arrests, petitions, and completion of court obligations. Evaluation results revealed significant impact on the reduction of arrests, specifically felonies, and an increase in the rate of successful completion of probation for males age 15 or older. In addition, when drug abuse was identified as a risk factor, the data indicated that the programs made a significant difference for older youth. The statewide evaluation also showed that the programs did not have a significant effect on the tendency to offend among younger males and females. However, county-based evaluations showed positive outcomes related to school attendance, family functioning, and psychological adjustment for the younger set. A multi-disciplinary approach and family involvement identified as valuable in Challenge Grant I were again considered successful.

Importantly, evaluation of particular programs noted negative effects on low-risk or younger juveniles. For example, the Youth Family Accountability Model (YFAM) in Los Angeles targeted youth with at least two arrests or one felony arrest who were placed on probation. These youth received intensive supervision through daily attendance at an after-school program in a community reporting center run by social services. Evaluation of this program supported emerging research indicating that lower-risk youth were not a good match for intensive supervision programs that served higher-risk youth. For lower-risk youth, these programs resulted in increased offending and incarceration rates.

The Challenge Grant II program ended in 2003 after serving more than 6,600 youth. Counties reported that the projects resulted in cost savings by focusing on prevention and intervention rather than more costly court processing, detention, and placement. For example, Sacramento County reported that youth spent 11,840 fewer nights in juvenile hall as a result of the county's programming, with total savings reaching more than \$1,800,000. This funding provided the impetus for many counties within the state to delve into what research and practice encouraged at the time—collaborative, multidisciplinary planning and service delivery, aimed at at-risk youth. Probation departments around the state responded to this legislative priority with an investment in program development and evaluation, setting the stage for future investments.

Sources:

- California Board of Corrections, *Juvenile Crime Enforcement and Accountability Challenge Grant II Program Final Report* (Sacramento, CA: 2004).
- Susan Turner & Terry Fain, *Juvenile Probation Initiatives in California and Their Effects* (Santa Monica, CA: RAND Corporation, 2005), available at [https://www.rand.org/pubs/research\\_briefs/RB9130.html](https://www.rand.org/pubs/research_briefs/RB9130.html).
- Karen Hennigan, *et al.*, *Five Year Outcomes in a Randomized Trial of a Community-Based Multi-Agency Intensive Supervision Juvenile Probation Program* (December 2010).
- California Legislative Analyst's Office, *Crime Prevention in California: Building Successful Programs* (Sacramento, CA: Elizabeth G. Hill, August 24, 2000).

## **Comprehensive Youth Services Act**

The Comprehensive Youth Services Act (CYSA) was enacted in FY 1997–98 as part of California's Welfare-to-Work Act of 1997, providing funding to probation departments through 2004. The intent of the Act was to allow county probation departments to provide a continuum of community-based services tailored to the needs of youth and families, using family-focused and case-specific services. The goals of the Act were to keep youth on probation from recidivating, to help them learn skills necessary to become self-sufficient, and to help achieve the goals of federal welfare reform.

Under CYSA, counties were required to establish a local multi-agency planning council, obtain approval from their Board of Supervisors on the spending plan developed by the council, and implement programs from a list of twenty-three service areas authorized in the legislation. These program service areas included after-care services, anger management, counseling, drug and alcohol education, parenting skills, and pre-vocational training, among others. The services were intended to emphasize personal responsibility and self-reliance, use community resources, and be family-focused.

Funding for CYSA came from the federal Temporary Aid to Needy Families Block Grant (TANF) following the end of federal funding under Title IV-A-EA. In its first year, the CYSA allocation was approximately \$141 million. This funding comprised about 10–15% of county probation department budgets, with allocations varying greatly based on county size. In addition, because smaller counties tend to have fewer sources of revenue, the CYSA allocation made up a greater proportion of their funding. As with other state funding streams, CYSA required counties to engage in local multi-agency coordination and planning to ensure that grant funds would be used to address the jurisdiction's particular needs.

Funds were initially directed to programs for serious offenders and later tended to cover a broader range of youth, including habitual truants, runaways, and youth and families in the community. Counties used CYSA funds across various types of programs, including prevention and supervision as well as programming within custodial facilities. Many counties used the funding to continue existing programs, particularly those in danger of losing funding. For example, programs developed as part of the Challenge Grant initiatives were still in place in many counties and CYSA provided welcomed continuing support.

Funding was used in some counties to support operational changes in probation departments such as hiring new probation officers and updating policies and procedures. Numerous departments contracted with local agencies or service providers to provide programs and services, particularly mental health treatment and life skill development. For smaller counties that often lacked sufficient service options, CYSA provided funding to develop new services to meet the need.

The Chief Probation Officers of California commissioned a study of the program six years after its enactment, focusing on a small number of counties. Researchers found that modest positive outcomes in reducing recidivism resulted in each of the counties, whereas evidence of future self-sufficiency among youth would necessarily require later study. Researchers identified several takeaways from the study, including the need to demonstrate program effectiveness in order to keep probation programming competitive among local

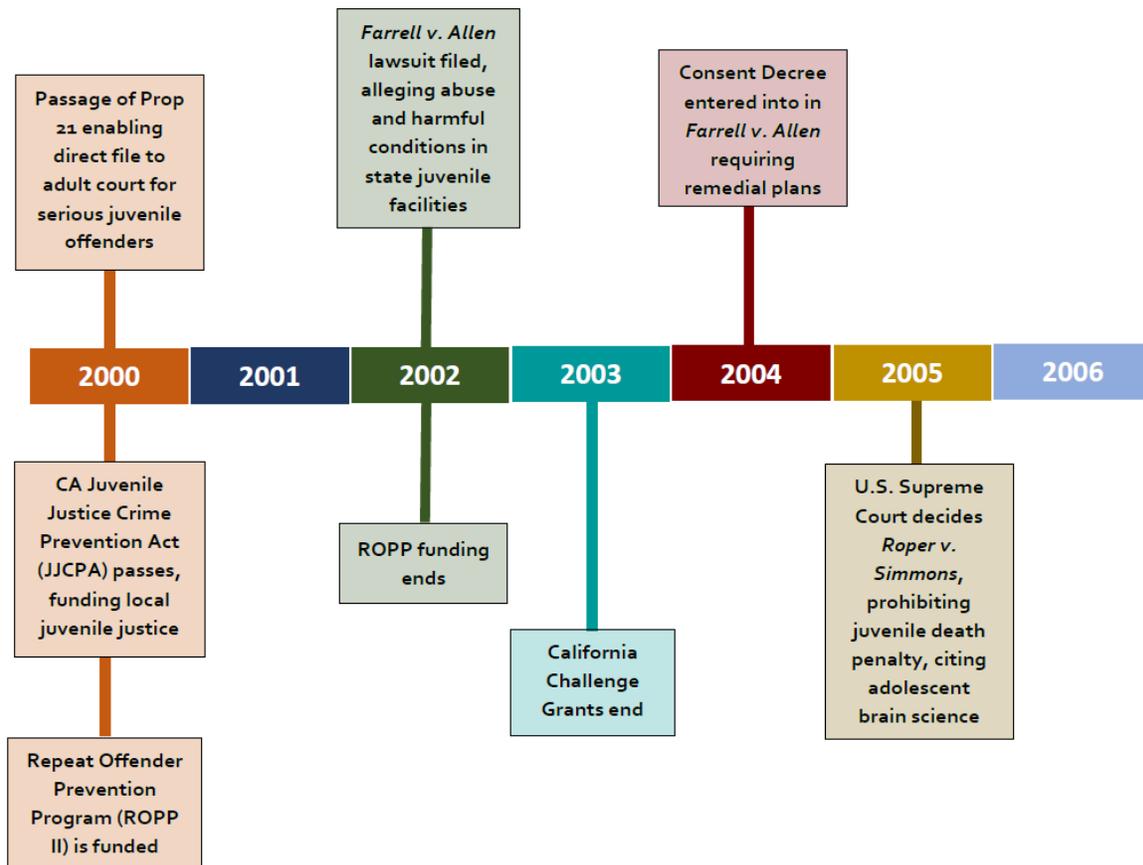
funding priorities, the need for probation departments to make better use of community-based organizations, and the need to take into account the differences in implementation capacity between large and small counties. This study concluded that the CYSA continued to promote the evolution of probation from a surveillance and monitoring philosophy to one that embraced rehabilitative and therapeutic approaches. The CYSA funding ended in 2004, replacing TANF funds with General Fund dollars to support juvenile probation services.

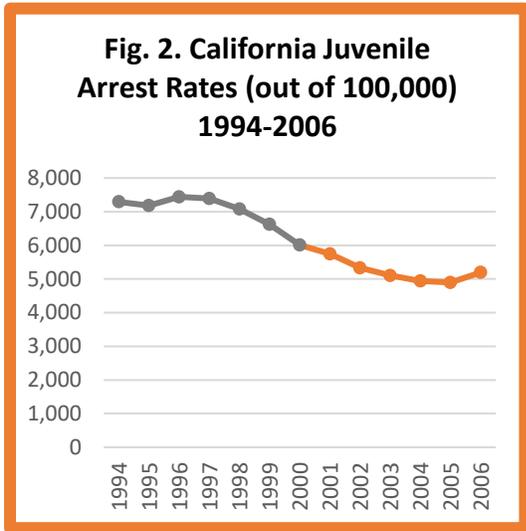
Source

- Susan Turner *et al.*, *Evaluation of the CYSA/TANF Program in California: Final Report*, (Santa Monica, CA: RAND, 2002), available at [https://www.cpoc.org/sites/main/files/file-attachments/rand\\_3rd\\_year\\_report\\_final.pdf](https://www.cpoc.org/sites/main/files/file-attachments/rand_3rd_year_report_final.pdf).

The period between 1997 and 1999 was characterized by county probation departments adapting to increased responsibility for youth. State and federal funding aided probation departments in both increasing facility capacity and developing multi-disciplinary community programs. County probation departments developed a spectrum of programs, ranging from those designed to prevent recidivism and address the needs of serious offenders to others focused on prevention and intervention programs for at-risk youth.

### 2000–2006: INCREASING INVESTMENT IN LOCAL SYSTEMS

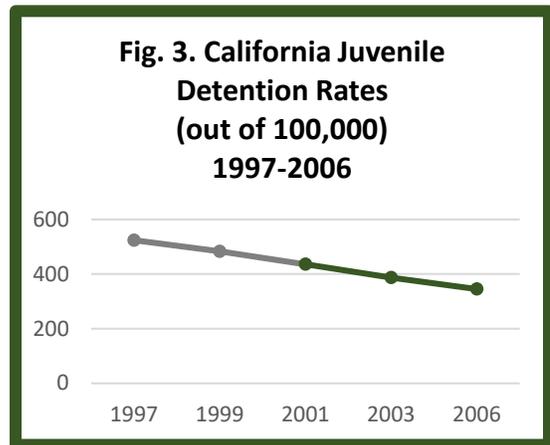




The continuing public misperception regarding juvenile crime rates is reflected in the laws that passed during this time period—most notably, Proposition 21 in 2000. This measure increased penalties for certain crimes; imposed harsh sentences for current and former gang members, including for minor offenses; and authorized prosecutors to directly file cases in adult court for minors 14 and older charged with specific serious offenses. The authors of the proposition argued that although overall crime was declining, juvenile and gang crime would not decline without active intervention because the juvenile population was growing and violent juvenile crime was “burgeoning and more brutal.”<sup>52</sup> Proposition 21 passed by a wide margin.<sup>53</sup>

Even as the public supported increased penalties, polls taken during the same time period showed that California voters favored investing in prevention as well.<sup>54</sup> Research supported the cost effectiveness of investing in prevention, specifically estimating that the “three strikes” law would reduce crime at approximately the same rate as prevention programs, but at five times the cost.<sup>55</sup> Consequently, funding flowed to counties for juvenile crime prevention programs. During this period, the California Legislature established an important long-term, stable funding source for a variety of probation programming, the Juvenile Justice Crime Prevention Act.

Meanwhile, the sliding scale legislation (SB 681) passed in 1996 continued to yield results. There was a sustained reduction in admissions to state facilities (CYA) for less serious offenses and many counties developed local programs to address the needs of the expanded population of juveniles.<sup>56</sup> In response to the anticipated rise in the juvenile population at county facilities, most counties invested in expanding or building new juvenile halls. Between 1997 and 2007, the legislature appropriated about \$450 million in funds to counties to



<sup>52</sup> Dave Matthews and Kerri Ruzicka, *Proposition 21: Juvenile Crime—California Initiative Review* (Sacramento, CA: McGeorge School of Law, 2000), available at <https://www.mcgeorge.edu/publications/california-initiative-review/initiatives-prior-to-november-2005/march-2000-initiatives/proposition-21>.

<sup>53</sup> Proposition 21 passed 62% to 38% in March 2000. Source: League of Women Voters, *Election: Proposition 21 Juvenile Crime* (March 7, 2000), available at: <http://www.smartvoter.org/2000/03/07/ca/state/prop/21/> (accessed on 02/24/2020).

<sup>54</sup> Editorial, “Prevention, not prison,” *San Jose Mercury News*, April 3, 2000.

<sup>55</sup> California Legislative Analyst’s Office, *Crime Prevention in California: Building Successful Programs* (Sacramento, CA: August 2000), p. 3, available at [https://lao.ca.gov/2000/824\\_crime/082400\\_crime\\_prevent.pdf](https://lao.ca.gov/2000/824_crime/082400_crime_prevent.pdf).

<sup>56</sup> California Legislative Analyst’s Office, *Analysis of the 1999–2000 Budget Bill: Board of Corrections* (Sacramento, CA: February 1999), p. D-103, available at [https://lao.ca.gov/analysis\\_1999/crim\\_justice/crim\\_just\\_anl99.pdf](https://lao.ca.gov/analysis_1999/crim_justice/crim_just_anl99.pdf).

support the building and renovation of juvenile halls and camps.<sup>57</sup> Even as these investments were made, juvenile arrests and detention rates continued to drop.

Of concern at this time was the issue of youth ending up in juvenile halls due to a lack of available mental health services in the community. According to the San Jose Mercury News, a 2003 survey of county juvenile facilities found 800 youth awaiting mental health services due to a lack of residential treatment and community programming.<sup>58</sup> Disproportionality was also a significant issue. A 2002 report described the problem of disproportionate minority confinement as “a crisis” in the state and the nation.<sup>59</sup>

State facilities run by the CYA were a growing source of controversy and concern. Investigations undertaken by the legislature, the Office of the Inspector General, and the Attorney General all reported abuse and troubling conditions inside CYA. The Office of the Inspector General’s Management Review of CYA’s Preston Youth Correctional Facility found significant issues in the areas of mental health and use-of-force by staff.<sup>60</sup> The report made disturbing findings about the facility’s approach to mental health: “A significant number of wards are being managed by 23-hour lockup where counseling and drug therapy are provided only sporadically.”<sup>61</sup>

In 2002, the Prison Law Office filed a lawsuit against CYA. *Farrell v. Allen* alleged harmful conditions and abuse in CYA facilities and challenged several practices of CYA such as the safety of wards, medical care, mental health care, education, and programming. The parties to *Farrell* entered into a consent decree in November 2004. The state agreed to develop and implement remedial plans to address six areas: 1) education; 2) sex behavior treatment; 3) disabilities; 4) health care; 5) mental health; and 6) general corrections.<sup>62</sup>

In 2005, following the consent decree in *Farrell v. Allen*, Governor Schwarzenegger eliminated CYA and created the Division of Juvenile Justice (DJJ) under the new California Department of Corrections and Rehabilitation (CDCR). Also in 2005, the U.S. Supreme Court decided *Roper v. Simmons*, ruling that it is unconstitutional to impose capital punishment for crimes committed by juveniles.<sup>63</sup> Here the Court

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<sup>57</sup> California Legislative Analyst’s Office, *Analysis of the 2007-08 Budget Bill: Judicial and Criminal Justice* (Sacramento, CA: 2007), available at [https://lao.ca.gov/analysis\\_2007/crim\\_justice/cj\\_06\\_anl07.aspx](https://lao.ca.gov/analysis_2007/crim_justice/cj_06_anl07.aspx).

<sup>58</sup> Karen de Sá, “California’s locked-up children languish without mental health services,” *San Jose Mercury News*, June 15, 2009.

<sup>59</sup> Ying-sun Ho & C. Lenore Anderson, eds. *Alameda County At The Crossroads Of Juvenile Justice Reform: A National Disgrace – Or A National Model?* (Center on Juvenile and Criminal Justice, Ella Baker Center for Human Rights / Books Not Bars Campaign, National Center for Youth Law, National Council on Crime and Delinquency, Youth Law Center: April 2002), p. 14, available at [http://www.cjcj.org/uploads/cjcj/documents/alameda\\_cross.pdf](http://www.cjcj.org/uploads/cjcj/documents/alameda_cross.pdf).

<sup>60</sup> Office of the Inspector General, Steve White, Inspector General: *Management Review Audit: Preston Youth Correctional Facility* (February 2000), available at <https://www.oig.ca.gov/wp-content/uploads/2019/05/Preston-Youth-Correctional-Facility.pdf>.

<sup>61</sup> *Id.*

<sup>62</sup> *Farrell v. Allen*, 2004 Cal. Super. LEXIS 2978 (2004), the final consent decree and other case documents are available at <https://dralegal.org/case/farrell-v-allen/> (accessed 02/24/2020). Note that the name of this case changed over time to recognize the new directors of CYA / DJJ as the defendant. Originally it was referred to as *Farrell v. Harper*.

<sup>63</sup> *Roper v. Simmons*, 543 U.S. 551 (2005).

considered studies on adolescent development in coming to its decision. These studies on adolescent development, particularly adolescent brain development, would play an increasingly important role in the evolution of the juvenile justice system in the years to come.

### **Juvenile Justice Crime Prevention Act**

California's Juvenile Justice Crime Prevention Act (JJCPA) was enacted as part of the Crime Prevention Act of 2000. The intent of the Act was to provide a stable funding source to counties for programs that have proven effective in curbing crime among at-risk youths and youth involved in the juvenile justice system. The funding allowed counties to expand the range of services available for these youth, prioritizing investment in community-based alternatives over incarceration. The aim was to serve youth close to home, allowing flexibility for counties to spend funds in accordance with local needs.

The JJCPA provides counties with non-competitive state funding allocated on the basis of overall county population. JJCPA funds are administered by the Board of State and Community Corrections and allocations are determined by formula. Funding is generated from vehicle license fees and sales tax, with contingencies in place if these sources were to fall short of planned funding. JJCPA funding allocations, like Youthful Offender Block Grant (below) funding allocations can be rolled over into subsequent years if a county does not spend down its funds.

The JJCPA, like other funding streams before it, promoted collaboration and coordination by requiring counties to form a multiagency Juvenile Justice Coordinating Council, with members identified in the statute. The Council is required to identify service needs and to develop and update a comprehensive plan to fill those needs. The Chief of Probation for the county chairs the Council, which meets annually. Counties are required to ensure that programming is based on research and best practice. Otherwise, counties have a great deal of flexibility for use of JJCPA funds. Programs touch all aspects of the juvenile justice system, including prevention, intervention, supervision, and incarceration. Examples include anti-truancy programs, after-school programs, drug court programs, mental health services, substance abuse treatment, job skills programs, and employment and vocational training. Many of these programs incorporate evidence-based treatments delivered through partnership with community-based organizations.

The JJCPA originally required the Board of Corrections to track specified outcome measures and report findings to the legislature. These six outcome measures were: 1) successful completion of probation; 2) arrests; 3) probation violations; 4) incarcerations; 5) successful completion of restitution; and 6) successful completion of community service. Counties were encouraged to track additional outcomes tailored to the goals of their own community, such as school attendance, academic performance, and drug use.

The first year's allocation was \$121 million, with counties reporting that a total of 98,703 minors participated in JJCPA programs. Participants reportedly experienced lower arrest rates and increased completion of restitution and community service rates. In JJCPA's second year, the allocation of \$116.3 million served 110,658 participating youth. The Board of Corrections reported that JJCPA programs had made a significant difference in reducing juvenile crime and delinquency, evidenced by 11% lower arrest rates and 5% lower incarceration rates among JJCPA youth as compared to a comparison group of youth. The Board of State and Community Corrections reported positive results among these mandated outcomes as recently as 2016. It found that youth in JJCPA programs had statistically significant lower rates of arrest and incarceration than a group of comparable youth. These youth also had fewer violations of probation and higher rates of probation completion.

In 2016, AB 1998 changed reporting requirements. The original six categories posed challenges due to differences in data collection and reporting among counties. The new reporting requirements were less structured, asking counties to provide information on how the funded programs may have impacted outcomes. In addition, AB 1998 required that annual plans for JJCPA and the Youthful Offender Block Grant (YOBG) be combined, describing programs, services, placements, system enhancements and strategies for which JJCPA and YOBG funds will be used in the next fiscal year. End of Year Expenditure and Outcome reports detailing funded activities of the past year and summaries of data analysis are now combined for JJCPA and YOBG as well.

In FY 2017–18, the JJCPA supported 151 programs in 56 counties, serving almost 90,000 juveniles within the juvenile justice system or at risk of involvement. In FY 2017–18, JJCPA funds available to counties totaled \$149.3 million, and in FY 2018–19 the allocation was over \$159 million. In 2018, it was reported that the majority of JJCPA and YOBG funds (discussed below) were spent on probation department staffing, programs, and secure placements rather than on services provided by community-based organizations. While probation department funding is an appropriate use of these funds, some researchers and advocates support greater investment in community-based providers to promote development and availability of a more comprehensive continuum of services outside of secure facilities. Additionally, it has been reported that not all counties fully use the funds allocated to them. For example, in Los Angeles, a 2017 auditor report identified millions in unspent JJCPA funds, triggering a reexamination of county spending.

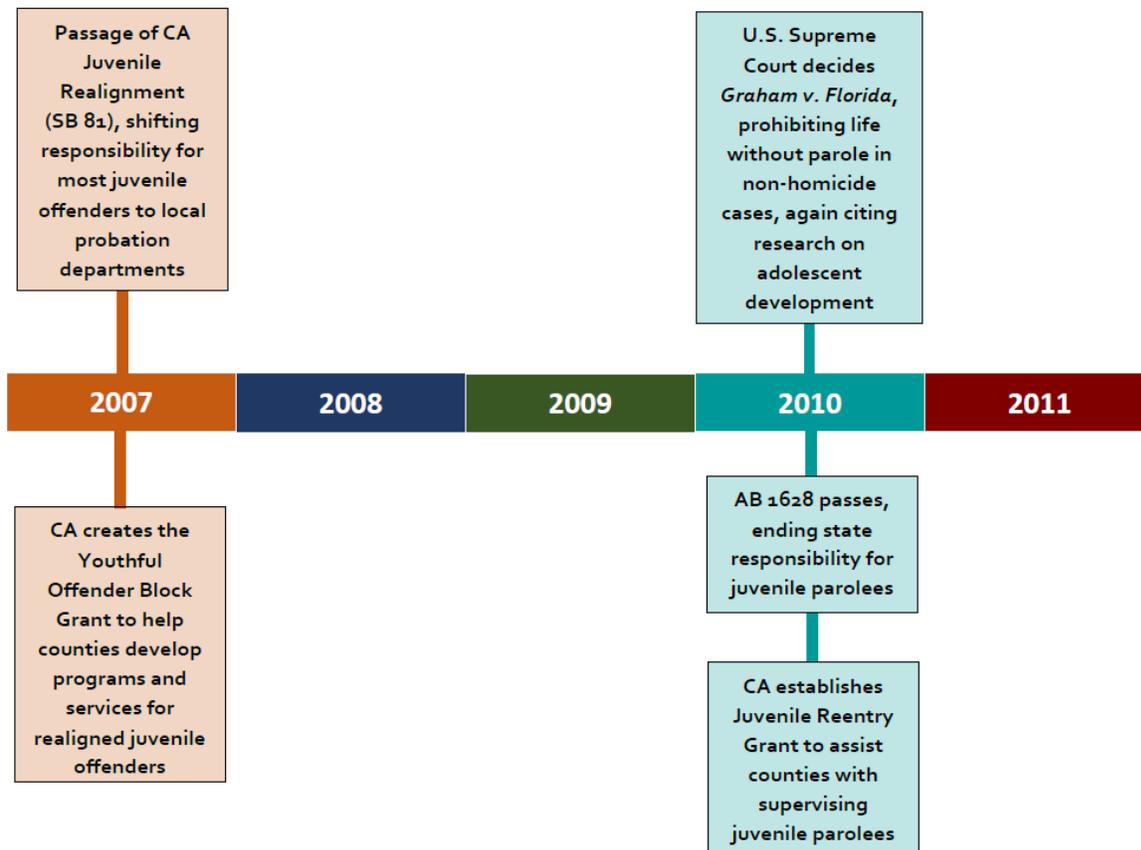
In 2020, the California State Auditor began an examination of the use of JJCPA funding in several counties. The 2020 report noted that eleven California counties either lacked a Coordinating Council or failed to indicate the existence of one. The report also noted that the five counties audited generally made only limited revisions to their comprehensive plans over the past couple of decades, despite significant changes to state juvenile justice law and policy. Ultimately, the report highlighted the need to ensure collaboration in developing updated plans within all counties and meaningful analysis of the impact of JJCPA programming.

Sources:

- Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant: Annual Report to the Legislature* (Sacramento, CA: March 2019).
- Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act: Annual Report to the Legislature* (Sacramento, CA: March 2016).
- Renee Menart & Brian Goldstein, *An Opportunity for Reinvestment: California State Juvenile Justice Funding in Five Bay Area Counties* (San Francisco, CA: Center on Juvenile and Criminal Justice, May 2018).
- Susan Turner & Terry Fain, *Accomplishments in Juvenile Probation in California Over the Last Decade* (Santa Monica, CA: RAND, 2005).
- California State Auditor, *Juvenile Justice Crime Prevention Act* (May 2020).

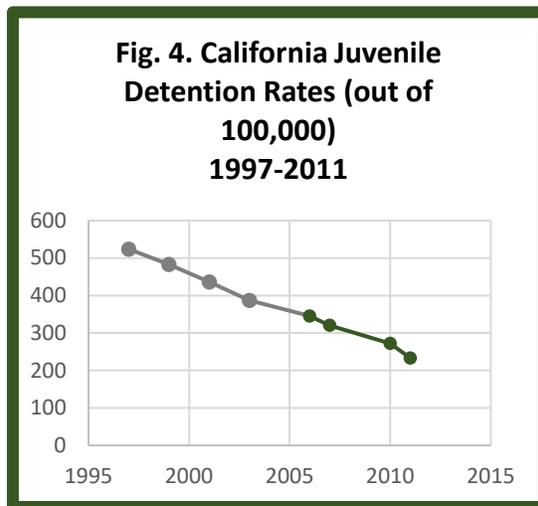
Although juvenile crime was in sharp decline during this period, the public continued to support “tough on crime” laws like Proposition 21. At the same time, the state continued to invest in prevention and intervention programs. Although some funding streams ended, the JJCPA was passed, providing a more flexible and stable source of funding statewide. Increasingly, county probation departments began to focus on emerging research-supported best practices as they developed programs, as required by the JJCPA. Programming for at-risk youth provided services and support to the youth, their families, and their communities, yielding positive outcomes.

2007–2011: REALIGNMENT



The period between 2007 and 2011 saw rapid and dramatic shifts in the structure, funding, and population of the juvenile justice system. State costs increased significantly as a result of the *Farrell* consent decree. Consequently, the state sought to reduce the cost burden through a policy of “realignment.” In 2007, the legislature passed SB 81, the juvenile realignment bill. SB 81 banned future commitments of non-serious (non-707(b)) offenders to state facilities, thus giving the responsibility for the majority of youth in the juvenile justice system to county probation departments. Realignment was based on the concept that local communities are best suited to provide supervision and treatment, resulting in better outcomes.<sup>64</sup>

To compensate counties for the increased costs related to the supervision of more youth, the legislature created the Youthful Offender Block Grant (YOBG). The intent of the YOBG was to help counties develop community-based programs and services for youth who could no longer be sent to state facilities (see sidebar). In addition, \$300 million was allocated to counties on a competitive basis for construction or renovation of juvenile facilities under the Local Youthful Offender Rehabilitative Facility Construction Funding Program. County probation departments were newly able to provide services to youth up to the age of 21 and allow these youth to remain in county youth facilities until age 21 (as opposed to age 18 under previous law).<sup>65</sup>



Realignment was implemented days after it was signed into law. Counties had to quickly develop community-based supervision and treatment programs as youth were returning to their local communities.<sup>66</sup> SB 81 lacked any system of state oversight or guidelines for counties in developing these local programs and services.<sup>67</sup> Nevertheless, realignment quickly showed promise. In 2009, the first year after enactment, twelve California counties did not send any juveniles to the state system.<sup>68</sup> This kept youth closer to their families, who could engage in services and assist in gradual transitions home.

<sup>64</sup> Douglas N. Evans, *Pioneers of Youth Justice Reform: Achieving System Change Using Resolution, Reinvestment, and Realignment Strategies* (New York, NY: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York, July 2012), p. 43.

<sup>65</sup> Daniel Macallair, Mike Males, Dinky Manek Enty, and Nataxha Vinakor, *Renewing Juvenile Justice* (San Francisco, CA: Center on Juvenile & Criminal Justice, March 2011), p. 17, available at [http://www.cjcj.org/uploads/cjcj/documents/Renewing\\_Juvenile\\_Justice.pdf](http://www.cjcj.org/uploads/cjcj/documents/Renewing_Juvenile_Justice.pdf).

<sup>66</sup> Evans, *Pioneers of Youth Justice Reform*, p. 41, 48.

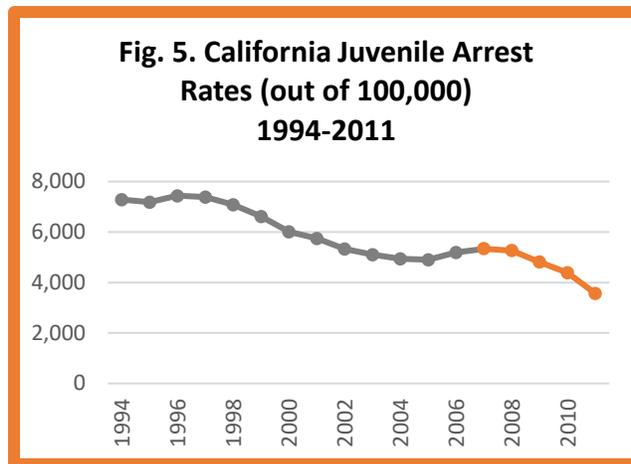
<sup>67</sup> Evans, *Pioneers of Youth Justice Reform*, pp. 48–49.

<sup>68</sup> Daniel Macallair, Catherine McCracken & Selena Teji, *The impact of realignment on county juvenile justice practice: Will closing State youth correctional facilities increase adult criminal court filings?* (San Francisco, CA: Center on Juvenile and Criminal Justice, February 2011), p. 3, available at [http://www.cjcj.org/uploads/cjcj/documents/The\\_impact\\_of\\_realignment\\_on\\_county\\_juvenile\\_justice\\_practice.pdf](http://www.cjcj.org/uploads/cjcj/documents/The_impact_of_realignment_on_county_juvenile_justice_practice.pdf).

Realignment also meant that more youth avoided exposure to the notorious state facilities. Probation departments had to avoid overcrowding local facilities, creating the impetus for counties to avoid detention of low-risk youth.

The crime rate continued to decrease during this period of deincarceration. In 2010, the Center on Juvenile and Criminal Justice found that, contrary to common perception, the reduction in commitments to state facilities did not correlate with a rise in juvenile crime. In fact, large reductions in incarceration were followed by a record low in juvenile crime.<sup>69</sup> Considering counties individually, those that reduced youth incarceration did not end up with more crime than counties that increased incarceration.

In another significant shift, the 2010–11 budget (AB 1628), realigned full responsibility for supervising all wards released from DJJ to the county probation departments. The legislature also established the Juvenile Reentry Grant, which provides counties with ongoing funding to manage these parolees.



In 2011, Governor Jerry Brown proposed closing the DJJ (formerly CYA), given the low number of youth being held in state facilities following realignment and the expenses related to the *Farrell* consent decree. His proposal was rejected. Counties cited public safety concerns and lack of capacity to confine and serve youth with high risk and high needs at the local level in some counties.<sup>70</sup>

In further recognition of the science of adolescent development was the 2010 decision by the U.S. Supreme Court in *Graham v. Florida*. The Court ruled that the Constitution prohibits sentencing juveniles to life without parole in non-homicide cases. Again the Court considered developments in developmental and brain science in its ruling.<sup>71</sup>

### Youthful Offender Block Grant

The Youthful Offender Block Grant (YOBG) Program was established in 2007 as part of juvenile justice realignment legislation. The intent of this funding stream was to enhance the capacity of county probation and partner agencies to provide local rehabilitation and supervision services in order to keep lower-level offenders out of DJJ facilities and closer to their homes and communities. The grant has

<sup>69</sup> Mike Males, Daniel Macallair, *The California Miracle: Drastically Reduced Youth Incarceration, Drastically Reduced Youth Crime* (San Francisco: Center on Juvenile and Criminal Justice, July 2010), p. 5, available at [http://www.cjcj.org/uploads/cjcj/documents/The\\_California\\_Miracle.pdf](http://www.cjcj.org/uploads/cjcj/documents/The_California_Miracle.pdf).

<sup>70</sup> California Legislative Analyst's Office, *Completing Juvenile Justice Realignment* (Sacramento, CA: February 2012), p. 11, available at [https://lao.ca.gov/analysis/2012/crim\\_justice/juvenile-justice-021512.pdf](https://lao.ca.gov/analysis/2012/crim_justice/juvenile-justice-021512.pdf).

<sup>71</sup> *Graham v. Florida*, 560 U.S. 48 (2010).

proven successful in meeting these goals. The number of youth committed to DJJ has declined significantly since realignment and probation departments have successfully managed the increase of youth remaining local. These efforts correspond with data demonstrating continued decreases in juvenile arrests and detention, indicating that the Legislature was correct when it found that local programs “are better suited to provide rehabilitative services for certain youthful offenders than state-operated facilities.”

The grant has grown throughout the years. The first year allocation was \$26.3 million and by 2018–2019 it reached \$162 million. Like the JJCPA, YOBG funding is not competitive; it is instead provided to each county on a formula basis, giving equal weight to a county’s population and its juvenile felony dispositions. The law requires that grant funds “shall be used to enhance the capacity of county probation, mental health, drug and alcohol, and other county departments to provide appropriate rehabilitative and supervision services to youthful offenders subject [to the provisions of SB 81].” Allocations are intended for use by various county agencies including mental health and behavioral health services, although the majority of funding goes to probation departments. Probation departments utilize some funds to secure mental health and other services, but the Board of State and Community Corrections (BSCC) reported that the majority of the funds—almost 80% in FY 2015–16—were used for staff salaries and benefits.

Eligibility for grant funds requires counties to submit an annual plan detailing programs, strategies and system enhancements for the upcoming year. YOBG funds are designed to be flexible, allowing probation department and partner agencies to plan for expenditures that can be responsive to local priorities. The legislature did, however, identify some key components for counties to consider:

- Implementation of risk and needs assessments for use in disposition and reentry planning;
- Placements in rehabilitative facilities supporting specialized programs
- Use of graduated sanctions and non-residential dispositions;
- Provision of re-entry and aftercare services necessary to meet individualized needs;
- Capacity building focused on training and professional development of probation personnel; and
- Establishment or enhancement of regional networks to support counties lacking programming.

The broad allowable uses of YOBG funds include spending on Direct Services, Capacity Building/Maintenance Activities, and Placements. In FY 2015–16, YOBG funds accounted for almost two-thirds of the total spending in these categories. The majority of actual YOBG spending was related to placements, comprising more than two-thirds of expenditures. Juvenile Hall was the most commonly funded placement and camps were the most highly funded. Direct services expenditures supported 33 different types of services, including Intensive Probation Supervision, risk/needs assessments, re-entry or aftercare services, Day or Evening Treatment programs, individual and family counseling, skills and vocational training, and electronic monitoring.

Examples of Direct Services provided by counties include:

- Alameda County’s Intensive Supervision Unit that provides community based services and contact with a probation officer as often as three times a month. Pro-social activities are organized by the Department as well as provision of health and hygiene supplies.
- Butte County provides the Strengthening Families Programs, an evidence-based family skills program to support effective parenting through skill-building and family activities. The Department has trained staff members to directly facilitate these activities.
- San Benito County reports that YOBG funds are used to support at-risk youth by providing transportation to and from school as well as tutoring.

Counties are required to report expenditures and certain data on an annual basis. However, this data has not always provided a meaningful measure of the overall effectiveness of the grant due to the inherent flexibility regarding how counties spend the funds. As the BSCC noted in 2015: “Given that 58 counties have approached juvenile realignment in 58 different ways it is not possible to draw inferences about cause and effect relationships between services and outcomes.”

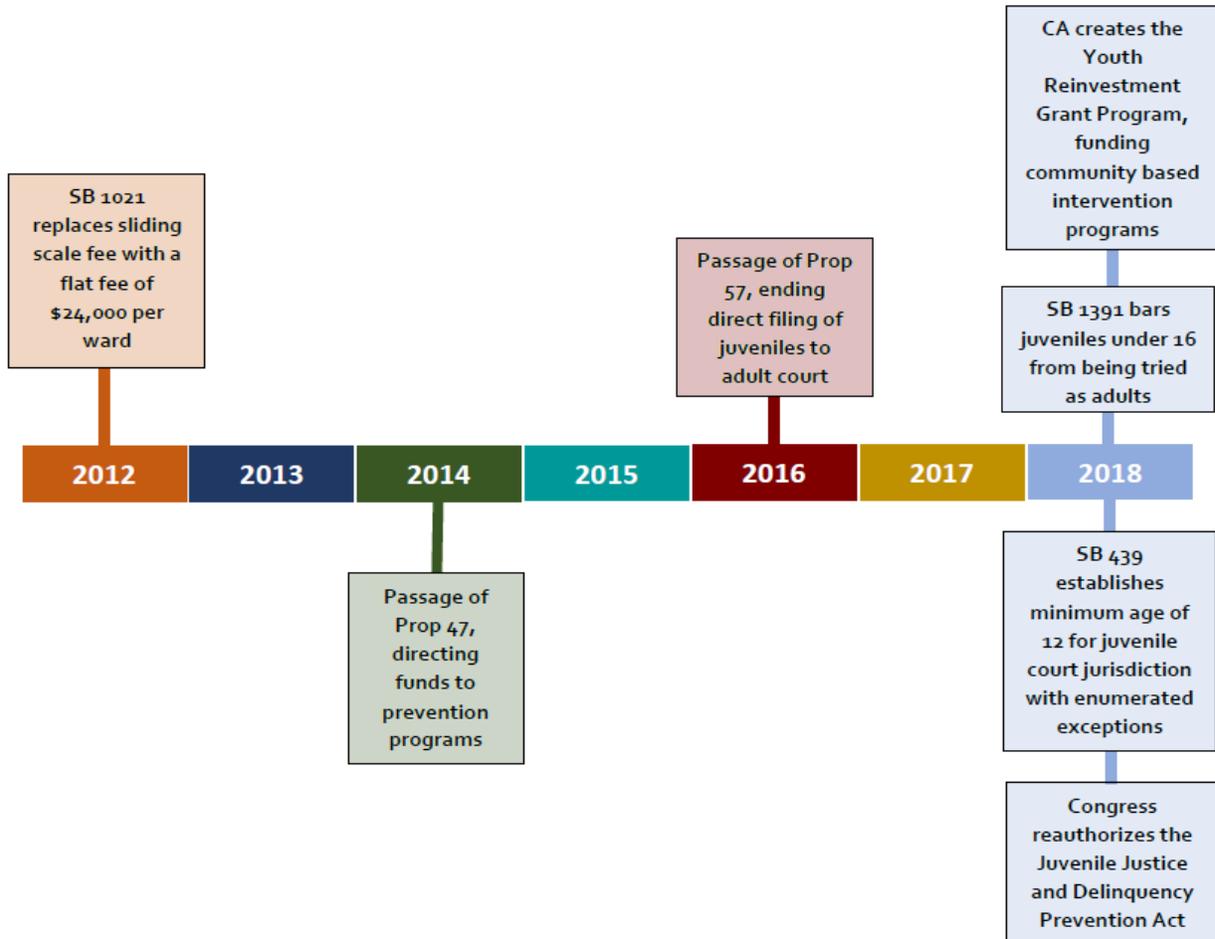
In 2016, AB 1998 changed reporting requirements for both the YOBG and the JJCPA, directing counties to combine annual reports. The report is to include budget information, juvenile justice data, and an explanation of how JJCPA and YOBG funding impacted these outcomes. Counties submit these reports to the BSCC, which provides a summary to the legislature. Some have criticized this new process, concerned that it results in a report without any statewide evaluation of spending or youth outcomes.

Sources:

- Renee Menart & Brian Goldstein, *An Opportunity for Reinvestment: California State Juvenile Justice Funding in Five Bay Area Counties* (San Francisco, CA: Center on Juvenile and Criminal Justice, May 2018).
- California State Auditor, *Juvenile Justice Realignment* (Sacramento, CA: September, 2012), available at <http://www.bsa.ca.gov/pdfs/reports/2011-129.pdf>.
- Board of State and Community Corrections, *Youthful Offender Block Grant: Annual Report to the Legislature* (Sacramento, CA: March 2017), available at <https://www.bscc.ca.gov/wp-content/uploads/BSCC-YOBG-2017-Leg-Report.pdf>.
- Board of State and Community Corrections, *Youthful Offender Block Grant: Annual Report to the Legislature* (Sacramento, CA: March 2015), available at [www.bscc.ca.gov/wp-content/uploads/YOBG-Report-Final-4.2.2015-mr-r.pdf](http://www.bscc.ca.gov/wp-content/uploads/YOBG-Report-Final-4.2.2015-mr-r.pdf).

Juvenile realignment had a tremendous impact on county probation departments. With state funding to manage this significant change, counties invested in increasing capacity for detention of youth as well as establishing or expanding prevention and intervention services and programs. As county probation departments adapted to realignment, there was increasing attention to and investment in evidence-based practices. However, inconsistency in data collection processes and definitions of terminology made it challenging to accurately gauge the success of programs in counties across the state.

2012–2018: DISMANTLING THE PUNITIVE APPROACH



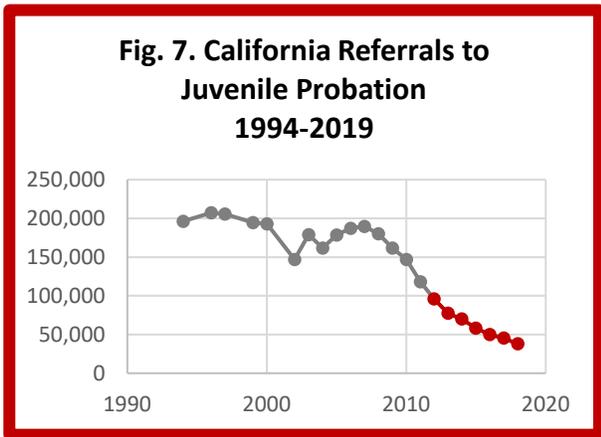
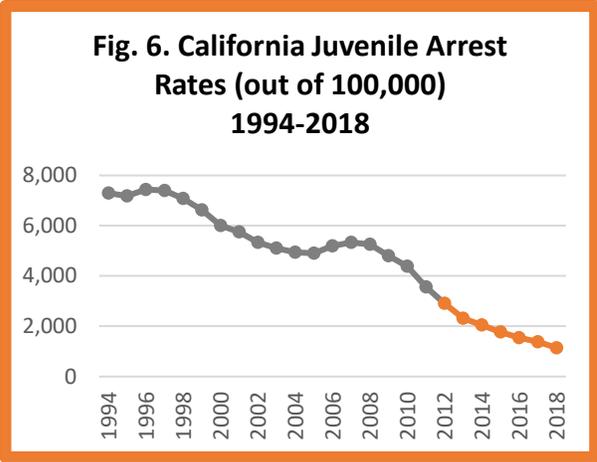
The years between 2012 and 2018 saw realignment take root. The population in DJJ facilities had steadily declined and juvenile crime continued to abate. Governor Brown again proposed closing DJJ and was again unsuccessful. The loss of state jobs was seen as politically untenable and county governments were concerned that they were not adequately equipped to deal with the serious offenders traditionally sent to DJJ. There was also concern that local courts faced with a lack of juvenile sentencing options would be more likely to transfer juveniles to adult court.<sup>72</sup> In lieu of closing DJJ, SB 1021 was enacted in 2012, replacing the sliding scale fee established in 1996 with a flat fee for counties of \$24,000 per year for each individual.

Juvenile crime, as measured by juvenile arrests, remained low throughout this time period and continued to decline. Between 2003 and 2016, juvenile arrests for violent felonies in California decreased by almost 67%. This trend was evident throughout the state and corresponded to a decrease

<sup>72</sup> Evans, *Pioneers of Youth Justice Reform*, p. 50.

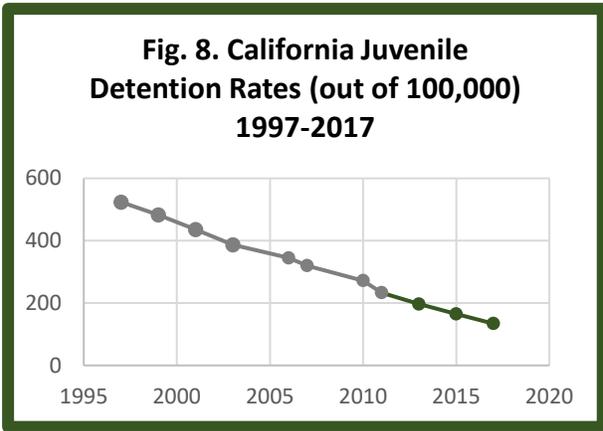
in the number of youth referred to probation, youth under probation supervision, and youth detained in juvenile halls.

New requirements related to probation youth in foster care were established during this time. The Continuum of Care Reform (CCR) in California began in response to research indicating better outcomes for foster youth in family settings. The goal of the effort was to reduce reliance on institutions and increase the number of children who could live with families. This was particularly relevant for probation youth. Prior to CCR, almost 70 percent of probation youth in foster care were placed in group homes rather than with relatives or foster families.<sup>73</sup>



SB 1013 passed in 2012, requiring the California Department of Social Services to establish a working group to recommend revisions to the current rate-setting system, services, and programs serving children and families in the continuum of foster care settings.<sup>74</sup> CPOC was a part of the working group established by SB 1013 and helped to develop recommendations, many of which were included in AB 403 (Stone), signed into law in 2015.

As enacted by AB 403, CCR recognized that probation youth have unique needs and implemented important changes to address those needs. The law permits probation agencies to place probation youth into certified foster family homes. It provides improved support and funding to recruit families to care for probation youth and assistance identifying relatives and non-relative kin to serve as placements. The bill put in place new training requirements for providers and required development of new rate structures to support probation youth in home-based care settings. It also relicensed group homes as short-term residential



<sup>73</sup> California Department of Social Services, Continuum of Care Reform and Probation Youth, available at <https://www.cdss.ca.gov/cdssweb/entres/pdf/CCR/Probation.pdf>

<sup>74</sup> California Welfare & Institutions Code, § 11467

therapeutic programs and required probation departments to work with them to tailor services to address the treatment needs of specific probation populations, including sex offenders, youth with gang affiliations, youth placed out-of-state, and youth with mental illness. County probation departments were directed to work with community-based organizations to develop recruitment and retention strategies for probation foster homes, identifying and supporting relative caregivers, and identifying appropriate youth outcome measures for evaluation of the effort.<sup>75</sup> CCR also requires probation departments to convene a Child and Family Team for all children placed in foster care. The team works to identify family strengths and develop a case plan for addressing needs.<sup>76</sup>

In 2016, the state declared that the 2002 *Katie A.* settlement related to mental health services provided to children involved in the foster care system applied to eligible children in the juvenile justice system as well.<sup>77</sup> *Katie A.* required that eligible youth be provided with mental health-related services in three areas: intensive care coordination, intensive home-based services, and therapeutic foster care.<sup>78</sup>

More broadly during this period, the state began to dismantle the policy and practice approaches of the “tough on crime” era. In 2016, SB 1143 addressed the use of room confinement in detention facilities, which has been shown to have serious socioemotional consequences for youth. The bill placed restrictions on the use of room confinement of wards confined in a juvenile facility, and barred the use of room confinement and isolation for purposes of punishment, retaliation or coercion. This was the fifth year in which a bill to limit the use of solitary confinement came before the legislature. CPOC opposed the four previous efforts but actively pursued a compromise with Senator Leno, the author of SB 1143, in the fifth year. Mark Bonini, CPOC President at the time, noted that CPOC had been moving toward limiting the use of room confinement for a couple years prior to supporting SB 1143.<sup>79</sup>

In 2018, AB 1214, sponsored by CPOC, established timelines for determining competency in court proceedings and in provision of needed services to youth found incompetent to stand trial. A key purpose of this legislation was to prevent juvenile hall stays of months or even years while working to restore a youth’s competency. Also in 2018, the legislature established the Youth Reinvestment Grant, detailed below. SB 439 established 12 as the minimum age for which the juvenile court has jurisdiction and may adjudge a person a ward of the court, with enumerated exceptions. And finally in 2018, SB 1391 barred anyone under 16 from being tried as an adult.

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<sup>75</sup> California Welfare & Institutions Code, § 11462.041. See also California Department of Social Services, Continuum of Care Reform and Probation Youth. <https://www.cdss.ca.gov/cdssweb/entres/pdf/CCR/Probation.pdf>.

<sup>76</sup> See California Department of Social Services, All County Letter No. 18-23 (June 1, 2018), available at <https://www.cdss.ca.gov/Portals/9/ACL/2018/18-23.pdf>.

<sup>77</sup> Nisha Ajmani, “*Katie’ Turns 15: How the Katie A. Lawsuit Has Reduced Youth Institutionalization and Expanded Opportunities for Thousands of Young People in CA with Mental Health Needs*” (Young Minds Advocacy: December 17, 2017), available at <https://www.ymadvocacy.org/katie-at-15/>.

<sup>78</sup> *Katie A. et al. v. Diana Bontá et al.*, 433 F.Supp. 2d 1065 (C.D. Cal. 2006); 481 F. 3d 1150 (9th Cir. 2007), settlement agreement available online at <https://www.youngmindsadvocacy.org/wp-content/uploads/2015/06/Katie-A-Final-Settlement-Agreement-Executed-with-Appendices-8-29-11-FINAL.pdf> (accessed 02/24/2020).

<sup>79</sup> Jeremy Loudonback, “Buoyed by L.A.’s Rejection of Juvenile Solitary Confinement, Advocates Eye Elusive Sacramento Win,” *The Imprint*, May 23, 2016, available at <https://chronicleofsocialchange.org/justice/juvenile-justice-2/buoyed-l-s-rejection-juvenile-solitary-confinement-advocates-eye-elusive-sacramento-win/18251>.

Proposition 47 was passed by California voters in 2014. Among other things, the proposition reclassified some nonviolent drug and property crimes as misdemeanors. The proposition then allowed the state to use some cost savings to fund programs related to mental health, job training, substance use disorder treatment, housing support, and truancy prevention.<sup>80</sup> Proposition 57, actively supported by CPOC, was passed by California voters in 2016, ending “direct file,” meaning that prosecutors can no longer unilaterally send juveniles to adult court.

Funding for county juvenile justice programming through the JJCPA and the YOBG increased during this time, and several counties used realignment funding to innovate, experiencing good results, reduction in recidivism among them.<sup>81</sup> At the same time, it is reported that counties participating in the JJCPA underspent by \$15 million in FY 15–16, which appears to be part of a three-year trend. Counties also underspent their YOBG funds during the same period.<sup>82</sup>

Overall, federal funding for juvenile justice programs started to decline in 2011, reaching a low in 2017.<sup>83</sup> However, the Juvenile Justice and Delinquency Prevention Act was reauthorized in 2018, along with an increase in program funding, with 2020 marking the largest appropriation for juvenile justice since 2010. Amended requirements for state plans include prioritizing evidence-based programs, phasing out the use of restraints on pregnant juveniles, screening for human trafficking victimization, and screening for and treating the mental health and substance abuse needs of youth in the care of the state’s juvenile justice system.

### Youth Reinvestment Grant

The California Youth Reinvestment Grant was established in 2018, with the intent to improve outcomes for youth through diversion and community-based services. County probation departments were using the key funding streams of the JJCPA and the YOBG largely to support probation operations and services to youth, and advocates argued that community-based youth services needed a dedicated funding stream. The goal of the Youth Reinvestment Grant is to support counties in developing diversion programs that are evidence-based, trauma-informed, culturally relevant and developmentally appropriate. The programs should target underserved communities with high juvenile arrest rates that reflect racial and ethnic disparities. A key focus is on the need for diversion services designed for Native American youth. The authorizing legislation requires 3% of program funds be allocated to tribes.

<sup>80</sup> California Secretary of State, *Proposition 47 Criminal Sentences. Misdemeanor Penalties. Initiative Statute* (Sacramento, CA: 2014), available at <https://vigarchive.sos.ca.gov/2014/general/en/propositions/47/> (accessed 02/24/2020).

<sup>81</sup> Brian Heller de Leon & Selena Teji, *Juvenile Justice Realignment in 2012* (San Francisco, CA: Center on Juvenile and Criminal Justice, January 2012), available at [http://www.cjcj.org/uploads/cjcj/documents/Juvenile\\_Justice\\_Realignment\\_2012.pdf](http://www.cjcj.org/uploads/cjcj/documents/Juvenile_Justice_Realignment_2012.pdf).

<sup>82</sup> Renee Menart & Brian Goldstein, *An Opportunity for Reinvestment: California State Juvenile Justice Funding in Five Bay Area Counties* (San Francisco, CA: Center on Juvenile and Criminal Justice, CJCJ, CA State Juvenile Justice Funding in Five Bay Area Counties, May 2018), available at <http://www.cjcj.org/news/12086>.

<sup>83</sup> Congressional Research Service, *Juvenile Justice Funding Trends* (Washington, DC: Kristin Finklea, January 22, 2020), p. 4, available at <https://fas.org/sgp/crs/misc/R44879.pdf>.

The grants award funds to competitively selected programs. City and county governments awarded the grants are allowed to pass 10% on to a lead public agency, with the other 90% of funds passed through to community-based service providers. Services include programs providing diversion and alternatives to arrest, incarceration and formal processing; educational services; mentoring services; and behavioral and mental health services.

In its first year, 30 programs were awarded grants totaling more than \$35 million for multi-year projects. Projects include:

- The establishment of the first pre-charge restorative justice program in Contra Costa County. The intent of the program is to reduce youth incarceration, with a focus on reducing racial and ethnic disparities.
- The launch of a diversion program in Imperial County targeting low-risk and moderate-risk male and females between the ages of 13 and 18. The program will offer educational, vocational, and behavioral health supports.
- Alameda County is developing a youth violence prevention program that features sports and wrap-around services for high-risk youth.
- Sacramento County's program will provide prevention and early intervention using culturally relevant, trauma-informed wrap-around services. Eligible youth will be those assessed as low to moderate risk with high criminogenic needs.

Following completion of a grant-funded project, grantees must produce a Local Evaluation Report. Like other reinvestment strategies, the Youth Reinvestment Fund is anticipated to produce positive outcomes and cost savings that can be reinvested in the fund, creating a self-sustaining funding stream.

Sources:

- Samantha Harvell *et al.*, *Promoting a New Direction for Youth Justice: Strategies to Fund a Community-Based Continuum of Care and Opportunity* (Washington, DC: Urban Institute, March 2019) available at [https://www.urban.org/sites/default/files/publication/100013/innovative\\_strategies\\_for\\_investing\\_in\\_youth\\_justice\\_0.pdf](https://www.urban.org/sites/default/files/publication/100013/innovative_strategies_for_investing_in_youth_justice_0.pdf).
- Commonwealth, *California Budget Report* (May 30, 2018) available at <https://www.comjj.org/wp-content/uploads/2018/05/Commonweal-CA-Youth-Justice-Budget-Bulletin-May-2018.pdf>.
- California Board of State and Community Corrections, *Youth Reinvestment Grant: Request for Proposals* (Sacramento, CA: 2019), available at <http://www.bscc.ca.gov/wp-content/uploads/Attachment-F-1-YRG-FINAL-Draft-RFP-1.14.19.pdf>.

Between 2012 and 2018, juvenile arrests continued to decrease and state funding for county juvenile justice operations and programming continued to increase. Legislative enactments reflected a renewed focus on rehabilitation spurred by an increasing body of developmental and brain science research. Probation representatives collaborated on reform efforts including restricting the use of room confinement and prioritizing placement of foster youth in home-like settings. This latter effort resulted

in substantial statewide reform to ensure expanded placement and treatment options for probation youth. A desire to promote increased investment in services that were research-based led to the development of a new state funding stream. Passage of the new Youth Reinvestment Grant provided additional support for diversion programs and community-based services, with an emphasis on partnerships between county entities and community-based organizations.

## 2019 AND BEYOND

California finds itself on the precipice of another monumental policy change following 25 years characterized by decreasing juvenile arrest and detention rates, increased state investment in local programs and services, and shifts in local probation departments toward research-based programs and services aimed at providing alternatives to juvenile justice involvement. In 2020, Governor Newsom ushered in a new era in California juvenile justice with a proposal for full realignment. The legislature endorsed this plan, passing SB 823 in August 2020, prohibiting future juvenile court commitments of youth to DJJ as of July 1, 2021.

With this shift, state facilities will eventually be shuttered, leaving local probation departments with responsibility for all juvenile offenders. Some argue that this policy change will have many of the same benefits realized following the initial realignment—keeping youth connected to their families and communities and increasing the incentive for local jurisdictions to invest in delinquency prevention. Others point out potential unintended consequences and voice concern regarding the timeline for DJJ closure and the ability for probation departments to absorb the additional youth. In any event, California is sure to undergo profound changes in its juvenile justice system in the near future. These changes will occur in the context of evolved policy and practice within juvenile probation departments that prioritize diversion, rehabilitative programming and evidence-based practices and programs.

## HOW JUVENILE PROBATION HAS CHANGED

### THE INFLUENCE OF STATE POLICY

Views on juvenile crime have changed significantly over the past 25 years. Today it is better understood that juvenile crime is not the product of inherently dangerous youth, destined to increase in number with the growth in overall population. Myths concerning “superpredators” have been debunked and research supports a deeper understanding of the complex factors associated with the risk of engaging in delinquent behavior, as well as how the juvenile justice system can best respond to juvenile offending.

The traditionally punitive response, focused on costly incarceration, was exposed as largely ineffective, if not harmful. An emphasis on alternative responses to formal processing using diversionary practices, and rehabilitative programming when juvenile justice involvement is necessary, was cemented as best

practice. Research also drove a shift away from treating children like adults, instead promoting an approach to juvenile justice rooted in the science of adolescent development.

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“We have seen a full pendulum shift from the early 90s hysteria of the coming crime wave of juvenile predators, need for harsh adult-like punitive interventions, treating kids like mini-adults, and youth incarceration as the main tool. We have swung back to a juvenile justice system that recognizes that kids are different and has really begun to incorporate the science and research into juvenile justice practice.”—  
Maria Raimu, Senior Staff Attorney, Youth Law Center

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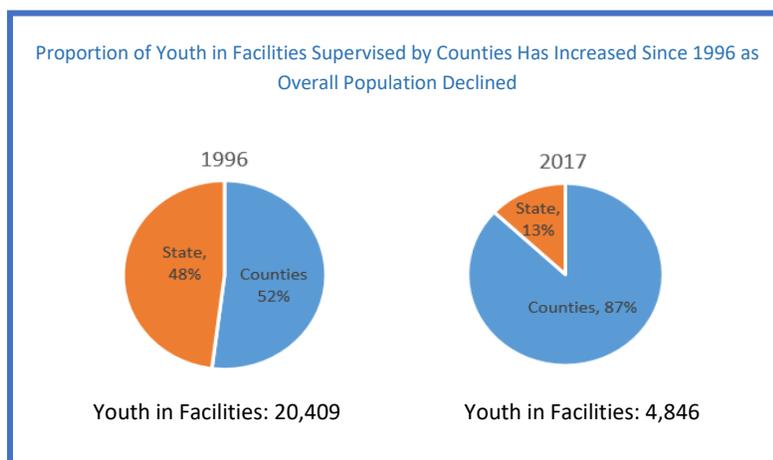
In California, the evolution of state policy over this time period is exemplified by two key trends: shifting responsibility for more juvenile justice involved youth to local probation departments and placing a greater emphasis on their rehabilitation and positive development.

#### SHIFTING RESPONSIBILITY TO COUNTIES

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In light of the positive trends regarding juvenile arrests and the evolving research on juvenile delinquency, state policy is now characterized by prioritizing serving youth on the local level. This commitment is evidenced by several legislative enactments aimed at increasing county responsibility for juvenile justice involved youth, most notably through SB 81 juvenile realignment and the realignment of juvenile parole. As a result, juvenile probation departments are now responsible for a much greater proportion of California’s juvenile offenders than in the past. The driving forces behind this trend were the high costs associated with state facilities and criticism of their conditions, as well as research indicating that treatment and supervision within the community was not only more cost effective but produced better outcomes.

One example of this shift is represented in figure 9, which illustrates the significant increase in the portion of youth supervised in county facilities over 20 years, as the number of youth in facilities has severely dropped overall. As policy shifted toward greater local responsibility, funding followed. This allowed counties to develop the capacity to house youth in local facilities, and importantly, to develop options to serve more youth in the community.



Source: California Legislative Analyst’s Office, *Reorganization of the Division of Juvenile Justice* (Sacramento, CA: April 10, 2019).

Figure 9

## GREATER EMPHASIS ON PREVENTION AND REHABILITATION

Over the past 25 years the state has supported a shift to more rehabilitative and preventative programming by continued and growing investment in funding streams such as the JJCPA and the YOBG, and the new Youth Reinvestment Fund. Each of these funding streams supports prevention and diversion, prioritization of community-based services and supervision, and the adoption and promotion of evidence-based practices. In addition, the remedial measures required by the *Farrell* consent decree mandated a commitment to a rehabilitative model of care and treatment within state facilities, arguably providing the impetus for a similar commitment among counties.

"We don't focus on simply the delinquent act; there is a growing holistic approach that looks at the family, community, mental health, etc. and determines what is needed to increase the chance for success. This has been embraced by our legislature and is the driving force behind all the new statutes and programs and grant projects." — Hon. Patrick Tondreau, ret.

With the shift to greater responsibility among counties, the state has enjoyed significant savings over the past decade. Prior to realignment, the DJJ budget exceeded \$500 million. In recent years, following juvenile justice and juvenile parole realignment, the DJJ budget came in under \$200 million each year.<sup>84</sup> State policy has prioritized the reinvestment of the resulting savings in prevention and evidence-based interventions on the county level. This is evidenced by the continued and increasing allocations in JJCPA and YOBG funding over the course of these funding streams.

<sup>84</sup> California Department of Finance, *Budget Reports 2007–2020* (Sacramento, CA) at <http://www.ebudget.ca.gov/>.

## CHANGES IN PROBATION POLICY AND PRACTICE

These shifts in state policy and a growing number of probation leaders expressing a commitment to “a new way of doing business” have led to noteworthy changes in probation policy and practice in California over the past 25 years, categorized below.

### PROMOTING PREVENTION AND ALTERNATIVE RESPONSES TO FORMAL PROSECUTION AND JUSTICE SYSTEM INVOLVEMENT

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There has been a dramatic reduction in the number of juveniles in the probation system in recent years—most recently a decrease of 42% between 2013 and 2018.<sup>85</sup> This tracks a decline in arrest rates and referrals to probation as well as a reported shift in culture among many probation leaders towards promoting diversion,<sup>86</sup> defined broadly as directing youth away from formal juvenile justice system involvement.

The comments of the probation chiefs and managers surveyed for this report support the premise that a philosophical shift has occurred. Many specifically characterized the change in probation over the past two decades as increased prioritization of keeping youth out of the delinquency system who are high-need but low-risk. In addition, chiefs in particular highlight that increased commitment to implementation of evidence-based practices with regard to intake has resulted in fewer youth being formally processed through the juvenile court.

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“I am going to suggest that probation hasn’t actually changed in terms of its responsibilities, but it has changed profoundly in practice.”  
—Philip Kader, former Chief of Probation, Contra Costa County

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Prevention programs developed with JJCPA or YOBG funds also highlight probation’s involvement in keeping youth from entering the juvenile justice system (see sidebar below). Using a definition of diversion that includes closing cases at intake and engaging youth in informal probation programs, the Chief Probation Officers of California reports that in 2018, 67% of the referrals made to probation departments were diverted.<sup>87</sup>

Driving this philosophy in part is research indicating that the often limited resources of probation departments produce more significantly positive results when targeting higher-risk youth rather than their low-risk peers. In addition, research shows that involvement with the juvenile justice system can

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<sup>85</sup> Chief Probation Officers of California, *2018 California Probation Summary* (Sacramento, CA: Winter 2019), available at [https://www.cpoc.org/sites/main/files/file-attachments/california\\_probation\\_executive\\_summary.pdf?1555517616](https://www.cpoc.org/sites/main/files/file-attachments/california_probation_executive_summary.pdf?1555517616).

<sup>86</sup> Chief Probation Officers of California, *What is Diversion and What is Probation’s Role?* (Sacramento, CA: 2019), available at [https://www.cpoc.org/sites/main/files/imagecache/lightbox/main-images/cpoc\\_diversion\\_one-pager.jpg](https://www.cpoc.org/sites/main/files/imagecache/lightbox/main-images/cpoc_diversion_one-pager.jpg).

<sup>87</sup> *Id.*

actually have deleterious effects for low-risk youth.<sup>88</sup> In some cases, probation's most valuable role may be as a facilitator of connections to appropriate community service providers, ensuring that programs are delivered with fidelity and are producing the intended outcomes. This notion is supported by recent research showing that youth diverted to community-based services had lower rates of reoffending than youth who were formally processed or youth who were simply released with a warning.<sup>89</sup>

The willingness of probation to divert more youths is also a natural result of realignment, when local departments had to prioritize alternatives to formal processing in order to contain expanding caseloads. The need to ensure public safety while effectively targeting limited resources led departments to institute procedures to systematically determine when alternatives are appropriate. Over the past couple of decades, the development and validation of risk screening tools has enhanced probation's ability to make this determination. Responses to the statewide survey suggest that many probation departments have internalized this knowledge and implemented the use of such tools.

## County Diversion Program Highlights

### Humboldt County

Humboldt County uses JJCPA funds to support the Primary Assessment and Intervention to Reduce Recidivism (PAIRR) Program, which includes an assigned probation officer that provides referrals to community services and pro-social resources to first-time low-level offenders. Using an evidence-based risk screening tool, low-risk youth are provided referrals with no further involvement with probation.<sup>90</sup>

### Lassen County

Recognizing the importance of school attendance in delinquency prevention, Lassen County has directed JJCPA funds to support its Truancy Reduction Program. The program provides truant youth with referrals to county and community mental health, substance abuse and wraparound services through county and community agencies in order to improve school attendance and avoid escalation to offending behavior.<sup>91</sup> Lassen County enjoys a truancy rate less than half that of the state's.<sup>92</sup>

<sup>88</sup> Center on Juvenile and Criminal Justice, *Widening the Net in Juvenile Justice and the Dangers of Prevention and Early Intervention* (San Francisco, CA: August 2001), available at <http://www.cjcj.org/uploads/cjcj/documents/widening.pdf>.

<sup>89</sup> John A. Tuell and Kari L. Harp, *Alternative Response Initiative Workbook* (Boston, MA: Robert F. Kennedy National Resource Center for Juvenile Justice, 2019), p. 6, available at <https://rfknrcjj.org/wp-content/uploads/2019/11/Alternative-Response-Initiative-ARI-Workbook.pdf>.

<sup>90</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant: Annual Report to the Legislature* (Sacramento, CA: March 2018), available at <https://www.bscc.ca.gov/wp-content/uploads/2018-JJCPA-YOBG-Leg-Report-FINAL-3.9.18.pdf>.

<sup>91</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act: Annual Report to the Legislature* (Sacramento, CA: March 2016), available at <https://www.bscc.ca.gov/wp-content/uploads/2016-3-30-JJCPA-Final-Draft-Report-for-DOF.pdf>.

<sup>92</sup> Lucille Packard Foundation for Children's Health, "Kidsdata," available at [Kidsdata.org](http://Kidsdata.org) (accessed on 2/24/2020).

## San Diego County

In San Diego County, the Probation Department contracts with community-based organizations to provide assessment, strength-based case planning, and connection to community resources through the Community Assessment Team (CAT) Juvenile Diversion program.<sup>93</sup> Outcomes reported by one program provider indicates 90% of youth clients had no entry or re-entry three months after case closure.<sup>94</sup>

## USING VALIDATED RISK AND NEED ASSESSMENTS TO GUIDE DECISION-MAKING AND CASE PLANNING

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The use of validated risk and need assessment tools is a vital aspect of evidence-based practice within the juvenile justice system.<sup>95</sup> Departments use these tools to identify youth appropriate for diversion, but also to determine the appropriate level of supervision for non-diverted youth and develop individualized and effective interventions. Assessing youth's risks and needs has always been part of juvenile probation work, but beginning in the early 2000s, the science of assessment had advanced and objective tools and instruments were evaluated and validated as accurately predictive of the risk to reoffend.

Over the past couple of decades, counties have increasingly invested in the acquisition and use of validated tools. With researchers and reformers promoting their use, and the state providing funding to help purchase the assessment instruments, use of these tools have become commonplace among probation departments. In the statewide survey, 96% of probation chiefs and staff indicated that youth are routinely screened for risk to reoffend (see figure 10). This comports with data from the CPOC's Data Dashboard, in which all but two counties report using a risk assessment tool.<sup>96</sup>

In addition, those surveyed report the use of specialized screening tools for needs such as mental health or substance abuse, but to a lesser degree. More than two-thirds of survey participants report that their department provides routine mental health screening, just under two-thirds routinely screen for commercial sexual exploitation, and about half screen for substance abuse. Notably, only 36% indicated routine screening for trauma, despite research revealing that more than 90% of youth involved in the juvenile justice system have experienced a traumatic event in their lives, a quarter or more of whom have developed post-traumatic stress disorder.<sup>97</sup>

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<sup>93</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act: Annual Report to the Legislature* (Sacramento, CA: March 2016), available at <https://www.bscc.ca.gov/wp-content/uploads/2016-3-30-JJCPA-Final-Draft-Report-for-DOF.pdf>.

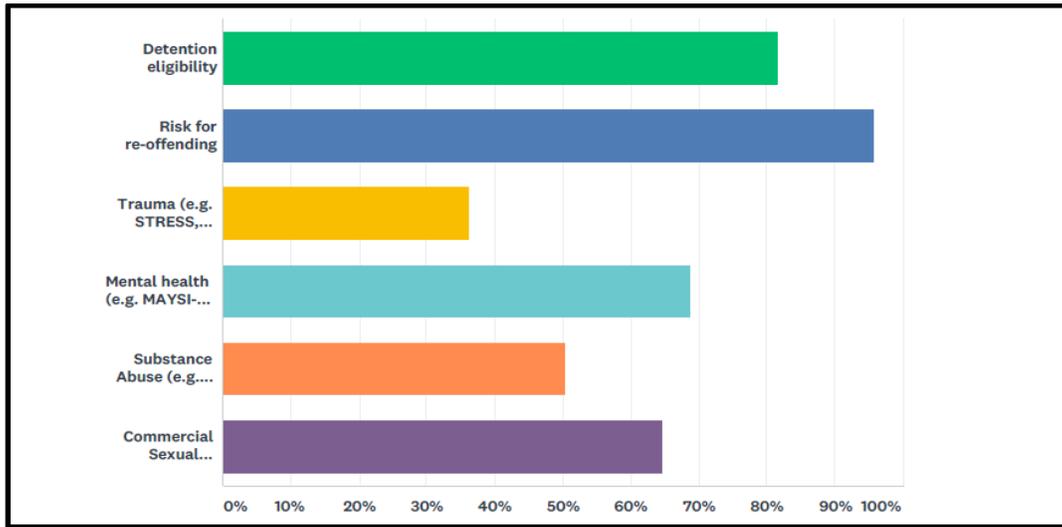
<sup>94</sup> See <https://www.nclifeline.org/community-assessment-team-and-juvenile-diversion-program>.

<sup>95</sup> Mark Lipsey *et al.*, *Juvenile Justice System Improvement: Implementing an Evidence-Based Decision-Making Platform* (Washington, DC: Center for Juvenile Justice Reform, Georgetown University, January 2017), p. 6.

<sup>96</sup> Kevin O'Connell, *Chief Probation Officers of California Annual Data Survey*, available at <https://www.cpoc.org/data> (accessed on 2.24.20).

<sup>97</sup> Dr. Julian Ford, "What is a 'Trauma-Informed' Juvenile Justice System? A TARGETed Approach," *Juvenile Justice Information Exchange* (June 20, 2016), available at <https://jjie.org/2016/06/20/what-is-a-trauma-informed-juvenile-justice-system-a-targeted-approach/>.

**Q: In your juvenile probation department, each youth is screened for (check all that apply):**

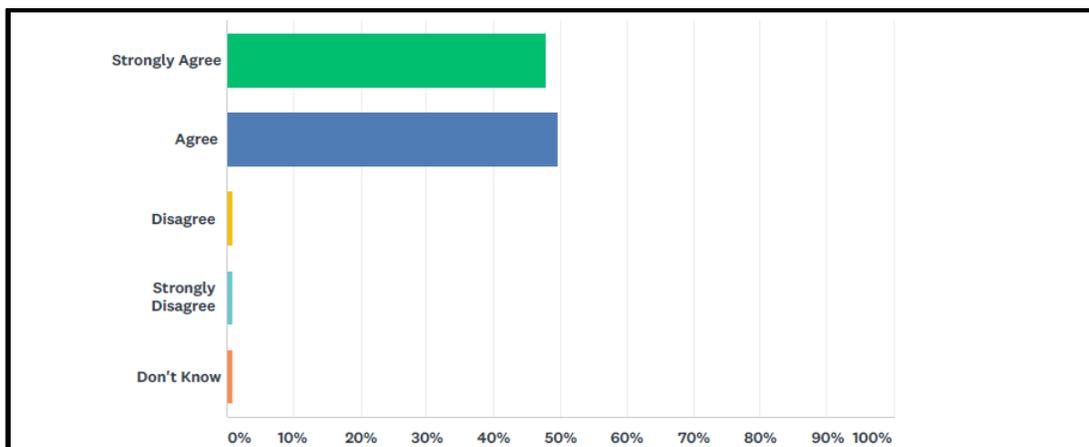


Source: Children’s Advocacy Institute, Juvenile Probation Survey (2019)

Figure 10

Importantly, almost all respondents reported that the results of validated assessment and screening instruments are used to inform case planning and case management activities. Chiefs responding to the survey highlight that case planning has evolved to include addressing family dynamics and other factors contributing to a youth’s circumstances. Furthermore, almost all survey respondents indicated that their department routinely matches probation clients with targeted service and treatment interventions. However, it is important to note that the respondents’ comments repeat the common refrain that a lack of resources in some communities can preclude them from making a match.

**Q: In your juvenile probation department, probation officer practice routinely relies on the results of validated screening and assessment instruments to inform case planning and case management.**



Source: Children’s Advocacy Institute, Juvenile Probation Survey (2019)

Figure 11

With risks and needs more readily identified, survey responses depict a transformation in probation’s approach to intervention. One respondent characterized the shift as being one from a system that requires youth to fit into it, to a system that responds based on the individual needs of each youth. Another survey respondent characterized the shift as moving from a focus on punishment as the change agent to a recognition of outside influences on behavior and working to change the behavior. An interviewee who had been involved in probation years ago recalled being required, as part of his probation, to take part in a drug program even though he was not on drugs and participate in activities meant to reform gang members, even though he was not in a gang. The increased use of screening and assessment tools by probation departments today enhances probation’s work in providing the court with recommendations for interventions most likely to be meaningful and effective.

## DEVELOPING AND PROMOTING ALTERNATIVES TO DETENTION

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With today’s greater understanding of the negative impacts of confinement, community supervision is embraced as a more advantageous alternative for most youth. Realignment legislation and investment from funding streams such as the YOBG encouraged and supported local probation departments in developing and implementing practices and programs promoting alternatives to detention.

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"Being in Juvenile Hall is worse than being in jail. When you are in jail, you are an adult and you understand what is happening and what could possibly happen. When you are in juvenile hall, you feel like you are never going to get out. You feel powerless."—Former Juvenile Probationer

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The survey of probation chiefs and managers revealed that 82% of counties routinely screen for detention eligibility, an important step in curbing the inappropriate use of detention. Survey respondents also highlight the closure of facilities and treatment in the community as key evidence of a transformation in juvenile justice practice, several noting that the overall philosophy within their juvenile probation department has shifted from detention-oriented to rehabilitative over the past 10–15 years and a

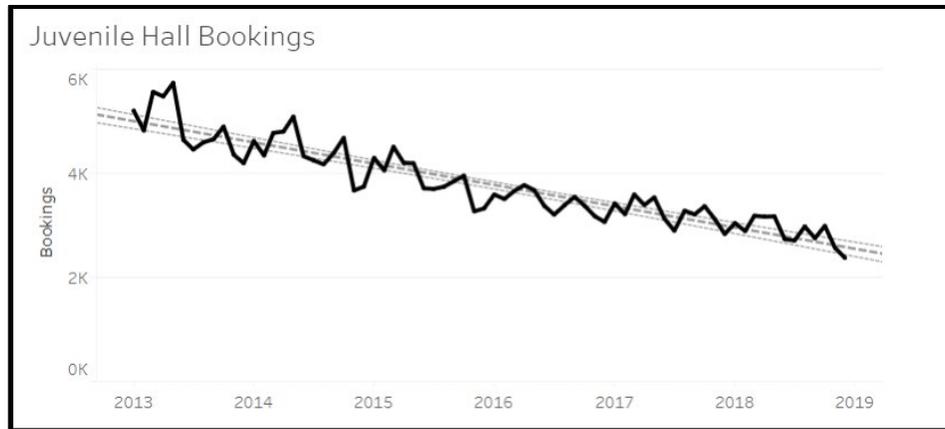
commitment to alternatives to detention is now fully entrenched.

Juvenile halls today have extremely low populations, operating at about 30% capacity on average across the state.<sup>98</sup> In fact, as of 2019, almost 90% of the youth served by probation departments are reportedly served in the community.<sup>99</sup> Together, the use of grant funds aimed at supporting alternatives to detention and the decrease in detention rates indicates that many probation departments have supported efforts to reduce the use of detention among the juvenile population.

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<sup>98</sup> California Legislative Analyst’s Office, *The 2019–20 Budget: Reorganization of the Division of Juvenile Justice* (Sacramento, CA: Gabriel Petek, April 10, 2019), available at <https://lao.ca.gov/reports/2019/3998/juvenile-justice-041019.pdf>.

<sup>99</sup> Chief Probation Officers of California, *California’s Historic Juvenile Justice Evolution* (2019), available at <https://www.cpoc.org/post/californias-historic-juvenile-justice-evolution-2>.



Graphic Courtesy of Chief Probation Officers of California  
**Figure 12**

## County Highlights in Alternatives to Detention

### JDAI Counties

In the 1990s, the Annie E. Casey Foundation developed its Juvenile Detention Alternatives Initiative (JDAI), which aimed to reduce the use of detention for juveniles without impacting the safety of the community. Key elements of the initiative included multi-system collaboration, data collection and analysis, implementation of objective screening processes to guide whether to detain or release a youth, and development of alternatives to detention. Between 1995 and 2010, five California counties engaged in JDAI—Sacramento, Santa Cruz, San Francisco, Ventura, and in 2010, Orange County. Overall, the initiative produced positive results. Between 2001 and 2010, the average daily population in county facilities dropped 3% across California. In the early JDAI sites, it dropped 35%.<sup>100</sup> JDAI had an influence on counties beyond those that officially participated in the initiative. It was the impetus for many counties to implement their own risk assessment instrument and develop additional alternatives to detention, such as the evening reporting centers described below.

### Santa Cruz

Santa Cruz County dedicates JJCPA funds to support the Luna Evening Center (LEC).<sup>101</sup> The LEC provides a wide variety of services such as assessment, transportation, counseling, recreational programming, Aggression Replacement Training, and tutoring, among others. The goal of the LEC is to provide a structured environment in the after-school hours to support probation youth engaged in high-risk

<sup>100</sup> Berkley Law, *JDAI Sites and States: An Evaluation of the Juvenile Detention Alternatives Initiatives: JDAI Sites Compared to Home State Totals* (University of California: November, 2012), available at <https://www.law.berkeley.edu/wp-content/uploads/2015/04/JDAI-Rep-1-FINAL.pdf>.

<sup>101</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act: Annual Report to the Legislature* (Sacramento, CA: March 2017), available at <https://www.bscc.ca.gov/wp-content/uploads/2016-3-30-JJCPA-Final-Draft-Report-for-DOF.pdf>.

behaviors. The intent is to help youth avoid detention and probation violations. The LEC houses multi-agency staff, including personnel from the Probation, Mental Health, and Substance Abuse Treatment departments.<sup>102</sup>

### **Ventura County**

Ventura County launched its Evening Reporting Center (ERC) in 2013 as an alternative to detention with the specific goal of reducing minority admissions to its juvenile facility. An evaluation of the program found that the ERC encouraged pro-social behavior and assisted youth with connecting to positive adults.<sup>103</sup> In 2017, Ventura County opened a second ERC. Both serve youth ages 12 ½ to 18, using evidence-based programming in order to reduce recidivism and contribute to the youth's personal development.<sup>104</sup>

### **Napa County**

Napa County used YOBG funds to support its Evening Reporting Center (ERC), which was established in 2009. The ERC is an alternative to detention available to youth between 14 and 17 ½ who are assessed at moderate or high risk as per a validated tool and do not have a prior or pending violent or sexual offense. The program is a partnership between the probation department and a local behavioral health services provider, who collaborate in developing an individualized case plan targeting the youth's criminogenic needs. ERC staff are trained as cognitive behavior facilitators. It was reported that the ERC program resulted in cost savings for the county due to the reduced number of days that program youth spent in juvenile hall.<sup>105</sup>

## **REDESIGNING OR REPURPOSING FACILITIES**

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California law states that juvenile halls are to be “a safe and supportive home-like environment.”<sup>106</sup> However, historically this has not always been the case. In recent years, conditions in detention facilities for youth have improved in some counties, reflecting a prioritization of rehabilitation over punishment. Developments in research and best practice as well as the attention brought to conditions of confinement through media and lawsuits have spurred facility improvements.

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<sup>102</sup> See <http://www.co.santa-cruz.ca.us/Departments/ProbationDepartment/Programs/SantaCruzCountyEveningCenter.aspx> (accessed on 2.24.20).

<sup>103</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act: Annual Report to the Legislature* (Sacramento, CA: March 2017), available at <https://www.bscc.ca.gov/wp-content/uploads/2016-3-30-JJCPA-Final-Draft-Report-for-DOF.pdf><https://www.bscc.ca.gov/wp-content/uploads/BSCC-2017-JJCPA-Leg-Report.pdf>.

<sup>104</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant: Annual Report to the Legislature* (Sacramento, CA: March 2018), available at <https://www.bscc.ca.gov/wp-content/uploads/2018-JJCPA-YOBG-Leg-Report-FINAL-3.9.18.pdf>.

<sup>105</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act: Annual Report to the Legislature* (Sacramento, CA: March 2017), available at <https://www.bscc.ca.gov/wp-content/uploads/2016-3-30-JJCPA-Final-Draft-Report-for-DOF.pdf><https://www.bscc.ca.gov/wp-content/uploads/BSCC-2017-JJCPA-Leg-Report.pdf>.

<sup>106</sup> California Welfare & Institutions Code § 851.

Some county facilities have been reworked to provide more therapeutic environments, including a more home-like atmosphere that allows for greater privacy and personalization of the living space, increased treatment programming, and more typical recreational activities for youth. As one example, Los Angeles County made a significant investment in transforming its facilities model to reflect a more therapeutic and home-like environment through its Camp Kilpatrick. With youth residing in small groups with an assigned set of consistent staff and clinicians, the probation department describes the facility as “youth-centered” and embodying “a culture of care rather than a culture of control.”<sup>107</sup>

Santa Clara County’s Enhanced Ranch Program, established in 2006, incorporated components of the well-regarded Missouri Model. This included low staff-to-youth ratios, family participation, treatment services, and a focus on relationship building and personal development. Notably, the previous “correction” model within the ranch facilities was intended to achieve behavior compliance, while the “rehabilitation” model the Enhanced Ranch Program adopted sought “cognitive change and development.”<sup>108</sup> The National Council on Crime and Delinquency evaluated the program in 2010, finding fewer than average behavioral incidents within the program, and fewer probation violations and new arrests following the program when compared to the previous ranch program.<sup>109</sup>

With the sharp decrease in detention population, some probation departments have considered alternative uses within or in place of traditional secure lock-ups. For example, San Francisco, prior to the

move to close its facility, repurposed segments of its juvenile hall for use as a recreation center and an alternative school.

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“This is one of the great accomplishments of the period—being willing to step back and see there were things that were a problem that were able to be resolved.” — Sue Burrell, Policy and Training Director, Pacific Juvenile Defender Center

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Los Angeles has closed eight juvenile detention camps in recent years and has plans to convert two facilities into education and career training centers.

There is reason to anticipate continued improvements in detention facilities in California. Notably, advocates in detention reform report an increased willingness among probation departments to consider reform. Departments are

viewed as more open to acknowledging where things are not working and considering new strategies for meeting the goals of safety and rehabilitation. A recent example of this is the successful passage of legislation restricting the use of room confinement in secure facilities. After years of opposing more

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<sup>107</sup> See <https://probation.lacounty.gov/campus-kilpatrick/>. Note that the Camp has also received criticism for not fully implementing the new Camp model. See Sarah Tiano, “Scathing Report of Award-Winning Detention Camp Questions Progress of L.A. Juvenile Justice Reform,” *The Imprint*, Sept. 20, 2018, available at <https://imprintnews.org/news-2/scathing-report-award-winning-detention-camp-questions-progress-l-juvenile-justice-reform/32259>. At the same time, Los Angeles County has recently taken further steps toward reworking its approach to juvenile justice. See Jeremy Loudonback, “L.A. County Moves a Step Forward in a New Approach to Juvenile Justice,” *The Imprint*, Nov. 24, 2020, available at <https://imprintnews.org/justice/juvenile-justice-2/l-a-county-moves-a-step-forward-to-a-new-approach-to-juvenile-justice/49716>.

<sup>108</sup> Isami Arifuku, Antoinette Davis, & Dana Linda, *Assessing the Enhanced Ranch Program of the Santa Clara County Probation Department* (Oakland, CA: National Council on Crime and Delinquency, May 2010), p. 5, available at [https://www.nccdglobal.org/sites/default/files/publication\\_pdf/specialreport-santaclaraprobation.pdf](https://www.nccdglobal.org/sites/default/files/publication_pdf/specialreport-santaclaraprobation.pdf).

<sup>109</sup> *Id.* at 14.

restrictive legislation, county probation representatives came to the table willing to find a compromise to protect children as well as staff.

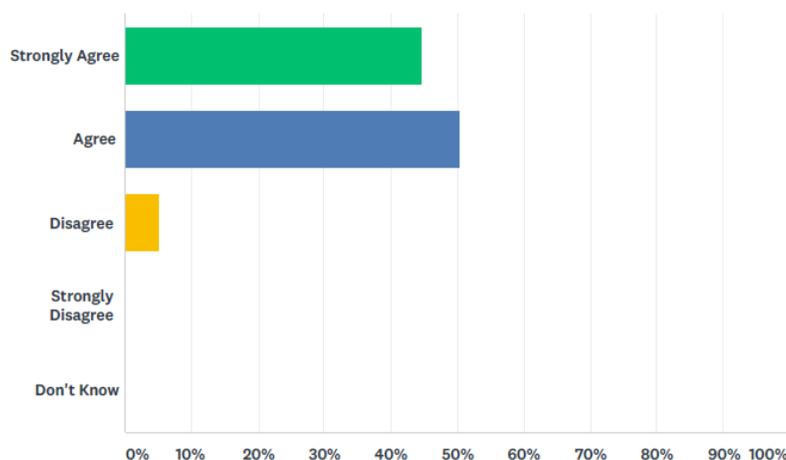
## SHIFTING TOWARD A SUPERVISION APPROACH THAT BALANCES OVERSIGHT AND THE PROMOTION OF BEHAVIOR CHANGE USING EVIDENCE-BASED PRACTICE

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A 1996 report on California probation noted that “today’s probation officer is more likely to emphasize surveillance and control functions, holding the protection of the community as a higher priority than rehabilitation.”<sup>110</sup> Today, there is evidence to suggest that many probation officers view their role differently, considering rehabilitation and public safety as related goals rather than opposing philosophies.

In the survey for this report, 46% responded that enforcement of court-ordered conditions is probation’s primary responsibility, while a resounding 95% agreed or strongly agreed that their juvenile probation department emphasizes and requires that probation officers balance oversight of conditions with positive behavioral change. Implementation of graduated responses in several counties exemplifies the evolution from a punitive mindset to a more rehabilitative one. Eighty-seven percent of survey respondents reported that their juvenile department utilizes a system of graduated responses to respond to behavioral transgressions or violations of probation conditions. The survey reveals a belief that rehabilitation is as important as accountability and that punitive sanctions are not an effective method for achieving either.

**Q: Your juvenile probation department emphasizes and requires probation officers balance oversight of conditions with positive behavioral change to achieve the goals and outcomes of your department.**



Source: Children’s Advocacy Institute, *Juvenile Probation Survey (2019)*

Figure 13

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<sup>110</sup> Nieto, *The Changing Role of Probation in California’s Criminal Justice System*, p. 7.

In the past, probation departments responded to limited funding for probation services by limiting probation activities to monitoring compliance with court-ordered conditions, achieved through a perfunctory check-in between officer and probationer. In recent years, probation departments have begun to emphasize the quality of contacts and use state funding to reduce caseloads. Eighty-six percent of survey respondents believe that current caseload sizes allow for adequate case management activities. Juvenile probation leaders report embracing a role for probation officers that is less about surveillance and more about youth development as a strategy for ensuring public safety.

Supporting this shift is the recent vote by Los Angeles County Board of Supervisors to study a plan to incentivize probation officers to obtain social work degrees. The Board motion stated “It is time to reimagine the role of individuals who are best positioned to connect with, influence, and monitor youth caught in this system. [Probation officers] are mandated to care for the safety and well-being of juveniles as well as to provide support, guidance, and resources in custody and out in the community.”<sup>111</sup>

This proposal is not without controversy. Notably, some advocates argue that the role of a probation officer is inherently “contradictory by training, certification, purpose and ethics to the field of social work.”<sup>112</sup> Some former probationers interviewed for this report supported the idea of probation officers incorporating more social work into their training and practice, yet others noted that “it is hard to develop trust when they can send you to jail.” One interviewee noted the incongruity in characterizing probation officers as social workers while some counties still outfit them in law enforcement uniforms and authorize them to carry firearms. Today, the role of the probation officer is still an evolving conversation, but it is clear that many probation departments prioritize connecting youth to services and providing support that perhaps had not previously been within reach.

As evidence of this shift, the past decade has seen a greater emphasis on the use of evidence-based practices and programs. Evidence-based programs are those that have been shown, through rigorous research, to be effective in reducing recidivism or positively impacting factors related to delinquent behavior. It is important to appropriately match evidence-based interventions and programs to youth and family needs. In fact, the mismatching of interventions has been shown to be more ineffective than no intervention at all.<sup>113</sup> With the assistance of state funding, largely through the JJCPA, counties have implemented a number of evidence-based programs (see sidebar).

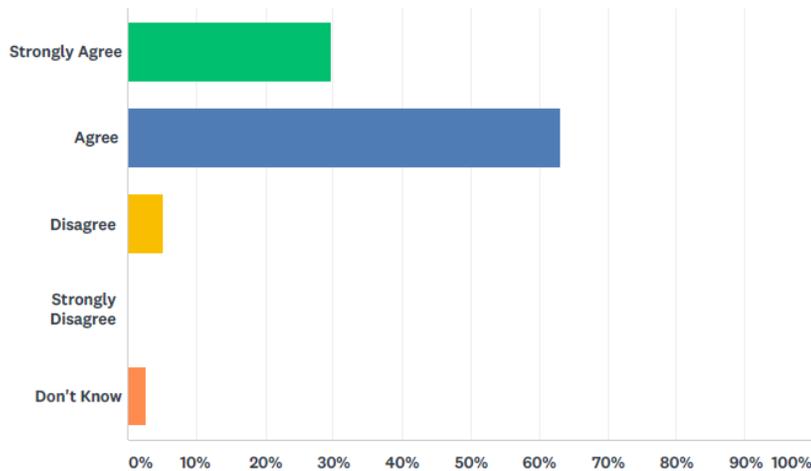
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<sup>111</sup> Susan Abram, “Los Angeles Wants to Turn More Probation Officers into Social Workers,” *The Imprint*, November 20, 2019, available at <https://chronicleofsocialchange.org/justice/juvenile-justice-2/los-angeles-wants-to-turn-more-probation-officers-into-social-workers/39278>.

<sup>112</sup> *Id.*

<sup>113</sup> California Board of State and Community Corrections, *Juvenile Justice Crime and Prevention Act, Annual Report to the Legislature* (Sacramento, CA: March 2013), p. 12, available at [https://www.bscc.ca.gov/wp-content/uploads/JJCPA\\_Report\\_Final\\_GO\\_apprvd.pdf](https://www.bscc.ca.gov/wp-content/uploads/JJCPA_Report_Final_GO_apprvd.pdf).

**Q: Your juvenile probation department routinely matches targeted service and treatment interventions with the probation clients.**



Source: Children's Advocacy Institute, Juvenile Probation Survey (2019)

Figure 14

### Evidence-Based Interventions

#### Aggression Replacement Training (ART)

ART aims to teach youth how to control their anger and impulsiveness, with the goal of reducing aggression and violence. Over the course of ten weeks, youth develop pro-social skills and techniques for employing those skills in place of aggression. Youth participate in group discussions to learn to understand perspectives other than their own, correcting anti-social thinking.

Amador County uses YOBG funds to engage a community-based organization in providing ART. Probation staff collaborates with schools, community members, and Health and Human Services to identify youth for the program. The juvenile probation officer assesses the youth for ART and refers appropriate youth to the program. Other counties, such as Calaveras County, provide ART within its juvenile hall.<sup>114</sup>

#### Functional Family Therapy (FFT)

FFT assesses the risk and protective factors in a youth's life, with a focus on factors related to the family. It is a strength-based, short-term intervention used in either home or clinical settings and engages both youth and families in building protective factors while reducing risks. Families work with therapists to

<sup>114</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant: Annual Report to the Legislature* (Sacramento, CA: March 2018), available at <https://www.bscc.ca.gov/wp-content/uploads/2018-JJCPA-YOBG-Leg-Report-FINAL-3.9.18.pdf>.

address problematic behaviors within the family and to learn to engage and communicate effectively with one another.

Since 2003, Sutter County has provided FFT at no cost to probation-involved youth and families as well as other families that qualify. The Sutter County FFT Team includes a Deputy Probation Officer and two therapists and is supervised by a Behavioral Health Clinical Supervisor. JJCPA funds support the probation officer's training and participation.<sup>115</sup>

#### Multi-Systemic Therapy (MST)

MST is an intervention characterized by intensive in-home treatment. The goal is to use therapeutic strategies to give parents the skills and resources to effectively parent their teenagers and give the youth greater capacity to cope with issues at home, at school, and with peers. MST is used with youth between ages 12–17 who display serious problematic behaviors and have engaged in serious offenses. Sacramento County Probation partners with a community-based organization to provide both FFT and MST to youth and families. Sacramento uses JJCPA funds, as well as several other state and federal funding streams to support this program. An analysis of 2010 outcome data indicated high rates of program completion, positive intermediate outcomes and low recidivism rates.<sup>116</sup>

In 2016, the Chief Probation Officers of California catalogued evidence-based programs used by 46 California counties. To address youth aggression, thirty-three counties offered Aggression Replacement Training; to address family relations, twenty-three counties offered Functional Family Therapy, and six counties offered Multi-Systemic Therapy. In addition, 90% of counties surveyed had implemented evidence-based practices such as motivational interviewing, and 70% reported the use of Risk Needs Responsivity practices.<sup>117</sup>

## IMPACTS ON YOUTH, FAMILIES, AND COMMUNITIES

Important positive trends in outcomes, such as reduced rates of arrest and detention, have been coincident with changes in policy and practice. As noted throughout this report, arrest rates have plummeted over the past twenty-five years. In fact, the overall arrest rate for juveniles declined by about three-quarters just over the past decade. Between 2008 and 2017, the felony arrest rate for juveniles declined from about 680 to 210 per 100,000 juveniles while the non-felony arrest rate declined from about 1,710 to 400.<sup>118</sup> Detention rates have declined consistently over the past 25 years as well. Most recently, juvenile hall bookings decreased 20% during the past three years.<sup>119</sup>

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<sup>115</sup> *Id.*

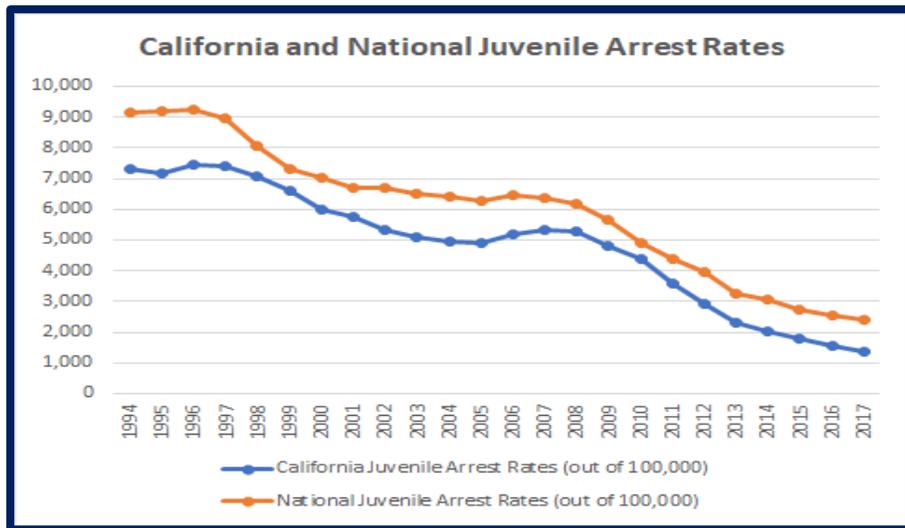
<sup>116</sup> Board of State and Community Corrections, *Juvenile Justice Crime Prevention Act, Annual Report* (Sacramento, CA: March 2013), pp. 14–15, available at [https://www.bscc.ca.gov/wp-content/uploads/JJCPA\\_Report\\_Final\\_GO\\_apprvd.pdf](https://www.bscc.ca.gov/wp-content/uploads/JJCPA_Report_Final_GO_apprvd.pdf).

<sup>117</sup> Kevin O'Connell, email communication, February 18, 2020.

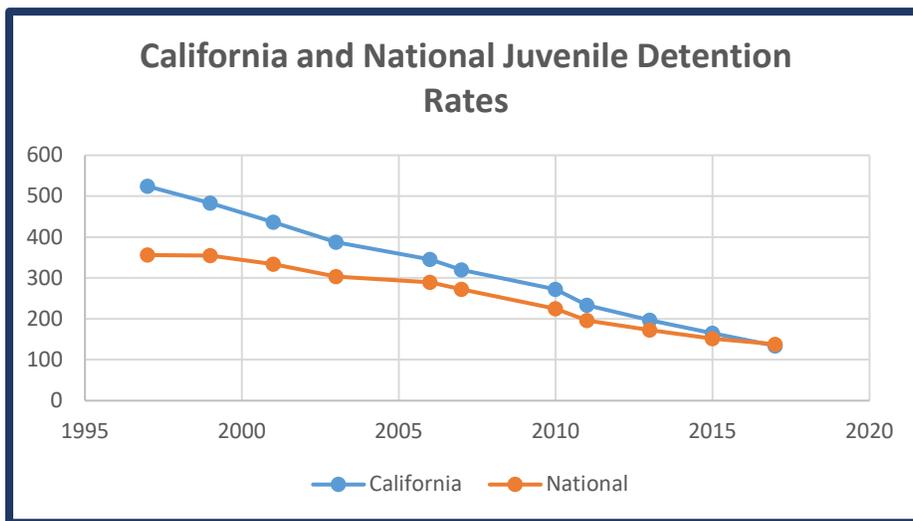
<sup>118</sup> Luke Koushmaro, email communication, January 7, 2020.

<sup>119</sup> Chief Probation Officers of California, *2018 California Probation Summary* (Sacramento, CA: Winter 2019), available at [https://www.cpoc.org/sites/main/files/file-attachments/california\\_probation\\_executive\\_summary.pdf?1555517616](https://www.cpoc.org/sites/main/files/file-attachments/california_probation_executive_summary.pdf?1555517616).

These outcomes are laudable, however, it is difficult to assess the extent to which changes in policy and practice are responsible. One can track funding initiatives such as the JJCPA and YOBG, or policy change such as realignment, and see that concurrent with these investments and changes both juvenile crime and detention rates declined. Some view this as a causal relationship. However, others are quick to point out that these trends were happening among a diverse set of jurisdictions within the state as well as on both the state and national level.



Sources: OJJDP Statistical Briefing Book; CA Department of Finance and Department of Justice  
 Figure 15

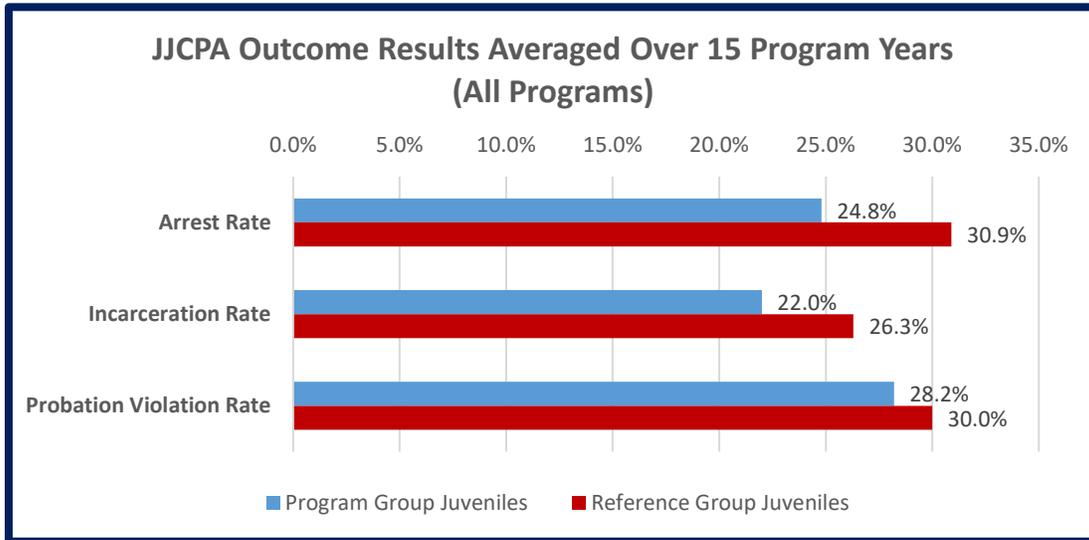


Source: Kids Count Data Center

Figure 16

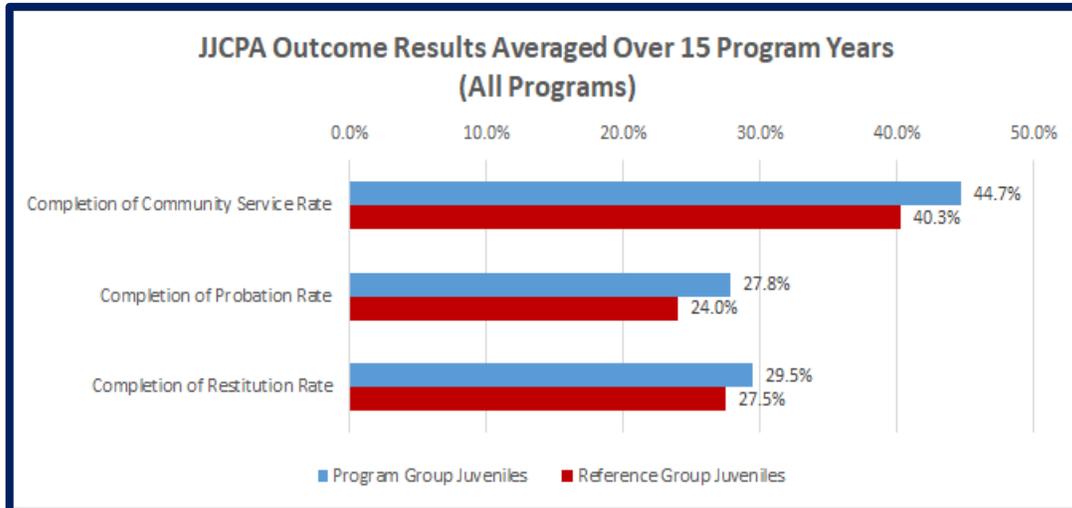
Although the relationship between changed practices and improved outcomes is difficult to establish, there is some evidence that changes within probation departments have helped promote positive

trends. For example, in 2017, the Board of State and Community Corrections reported outcomes for JJCPA program youth, indicating that these youth experienced modestly better outcomes than a comparison group in all key measures, including lower arrest and probation violation rates and successful completion of services and probation.



SOURCE: BOARD OF STATE AND COMMUNITY CORRECTIONS, JJCPA MARCH 2017 ANNUAL REPORT

Figure 17A



SOURCE: BOARD OF STATE AND COMMUNITY CORRECTIONS, JJCPA MARCH 2017 ANNUAL REPORT

Figure 17B

Although several of the funding streams described in this report included a requirement to track certain outcomes, there remains a scarcity of consistent and comprehensive outcome data statewide. Where data does exist, there has been no consensus among researchers as to the cause of the decline in

juvenile crime and associated measures.<sup>120</sup> What is clear is that as more youth within the juvenile justice system have been served closer to home, with decreased numbers of youth detained and formally processed, juvenile crime, as measured by juvenile arrests, has not increased. This suggests that the combination of policy, funding, and practice change supporting a more rehabilitative and more local approach to juvenile justice has not had an adverse effect on public safety; rather, there is reason to believe this approach has enhanced public safety.

## FUTURE CONSIDERATIONS

Amid the changes in state policy and county probation practice over the past twenty-five years, several key themes characterize the gains and limitations of these shifts and provide guidance for the future.

### INVESTMENT ON THE LOCAL LEVEL IS NECESSARY TO SUPPORTING THE ADVANCEMENT OF BEST PRACTICE

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Fiscal incentives utilized by the legislature are undeniably a key catalyst in the evolution of juvenile probation policy and practice in California. At the same time, the typical flexibility associated with state funding means that local counties and departments must make a deliberate choice to direct the funds toward expanding research-based best practice, while managing what are sometimes competing priorities. For example, much of the approximately \$250 million allocated annually to counties through the JJCPA and the YOBG is used to support placements, including juvenile halls and camps, rather than direct services. Some facilities are spending the same amount to run their halls today as they did when their populations were two or three times higher.<sup>121</sup> In addition, in 2017 79% of YOBG funding went to county salaries and benefits while only 4% went to community-based organizations.

Although services and programming for youth are provided by both probation departments and community providers, both state policy and juvenile justice experts strongly encourage increased partnership between the two. Such enhanced collaboration and balancing of investment is the aim of the most recent funding stream, the Youth Reinvestment Grant. Balancing the need for secure and safe placements with the need for investment in resources provided outside of facilities and in the community will be of increasing importance as counties become responsible for more juvenile offenders following the closure of DJJ.

In some counties, the fact that JJCPA or YOBG funds are not required to be spent down each year has resulted in underspending of these funds.<sup>122</sup> Most notably, a 2017 audit of the Los Angeles probation department revealed tens of millions of dollars in unspent JJCPA funds.<sup>123</sup> At the same time, numerous

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<sup>120</sup> Luke Koushmaro, email communication, January 7, 2020.

<sup>121</sup> *Id.*

<sup>122</sup> Renee Menart & Brian Goldstein, *An Opportunity for Reinvestment: California State Juvenile Justice Funding in Five Bay Area Counties* (San Francisco, CA: Center on Juvenile and Criminal Justice, May 2018).

<sup>123</sup> "Board of Supervisors Demands Action on Unspent Juvenile Justice Funds," available at [https://hahn.lacounty.gov/board\\_of\\_supervisors\\_demands\\_action\\_on\\_unspent\\_juvenile\\_justice\\_funds](https://hahn.lacounty.gov/board_of_supervisors_demands_action_on_unspent_juvenile_justice_funds) (accessed on 2/24/20).

survey respondents report that small and rural counties tend to lack sufficient resources. Fifty-three percent of respondents from counties identified as small and 56% of respondents from counties identified as rural described their counties as “poorly resourced,” while only 21% of respondents from large counties and 13% of respondents from urban counties asserted the same. When asked to describe the supply of resources available to youth and their families in their department’s county, some survey respondents shared that where services are available, they are cost prohibitive and not close in proximity to those who need them. Although the underspending of funds may not necessarily occur in the counties lacking resources, it nevertheless raises questions regarding the most effective use and distribution of state funds.

## SYSTEMIC CULTURE CHANGE IS ESSENTIAL TO CONTINUING IMPROVEMENT IN JUVENILE JUSTICE PRACTICE

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Even when funding is available and directed most advantageously, it alone cannot ensure effective implementation of new approaches and practices. Leadership, vision, and organizational culture are factors that chiefly determine how a juvenile justice system functions. The attitudes, priorities and tendencies of county government leaders, county probation chiefs, county prosecutors, and local judges together establish the culture of a local juvenile justice system. Within the county-run juvenile justice structure in California, differences in system culture can produce significant variation in practice and outcomes throughout the state.

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“There are more counties doing better. New chiefs coming up are more responsive to a better approach. But if they are not getting the signal that they can be creative and innovative, they won’t be.” — Frankie Guzman, Director, California Youth Justice Initiative (CYJI), National Center for Youth Law

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For example, the rate of youth placed out of home varies widely between counties, even when comparing counties with similar youth populations and rates of referral to probation.<sup>124</sup> These decisions are made by judges, set in motion by prosecutors, and weighed in on by probation departments. In some counties, courts continue to commit high numbers of youth to the state despite receiving funding through JJCPA and YOBG funds to develop local options.<sup>125</sup> System

culture and the willingness to transform ingrained past practice among all juvenile justice system participants are factors reported by some interviewees as likely impacting whether youth are given the opportunity to take advantage of local options and alternatives to out of home placement where they exist.

In another example, more than 80% of those surveyed indicate that their probation departments routinely screen youth for detention eligibility—representing a large majority of counties, but not all. In

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<sup>124</sup> Anna Wong & Laura Ridolfi, *Unlocking opportunity: How race, ethnicity and place affect the use of institutional placements in California* (Oakland, CA: The W. Haywood Burns Institute, January 2018).

<sup>125</sup> Renee Menart & Brian Goldstein, *An Opportunity for Reinvestment: California State Juvenile Justice Funding in Five Bay Area Counties* (San Francisco, CA: Center on Juvenile and Criminal Justice, May 2018).

addition, there are counties in which “overrides” — decisions to detain despite a detention risk assessment score favoring release—reportedly occur more often than best practice recommends. While some overrides are mandatory as per county or state policy, a high rate of use can also be indicative of a failure to use the tool as designed.<sup>126</sup> This may contribute to the significant variation in the proportion of youth held in juvenile hall for misdemeanors and further research should explore this connection. Recent reporting indicates that about 80% of youth held in the Marin County juvenile hall for at least one night were detained for misdemeanors or probation violations, as were 72% of those in El Dorado County’s juvenile hall. Other California counties saw as many as half of their detained youth admitted for probation violations.<sup>127</sup> Some of these youth are said to be detained “for their own protection.” Populations such as commercially sexually exploited children and foster youth are sometimes held in detention when safe alternatives are not readily available and when assessments need to be completed to ensure a youth obtains critical services.

Treatment of juveniles in state and local facilities has improved in recent years, but California remains an outlier in some respects. For example, reporting reveals ongoing use of chemical spray in 26 counties across the state as well as in state facilities. Thirty-five states ban the practice, and California is one of only six states that still allow staff to carry pepper spray on their persons. Only seven counties have elected to prohibit the use of pepper spray in detention facilities, Los Angeles being the most recent.<sup>128</sup> Continuing to shift from a corrections-oriented culture to a more therapeutic culture within detention facilities will require continued examination of this issue.

Ultimately, leadership at the county level is key to ensuring adoption of best practice. Chiefs have some flexibility to direct what non-mandated training is provided to staff, reflecting the priorities of the department. More than 85% of those surveyed believe the training they receive is sufficient to prepare them to execute the responsibilities of their position, but several identified a need for more training about brain science, trauma, motivational interviewing, and working with clients who have mental health concerns. Furthermore, some survey comments highlight a need to introduce these subjects early and to follow up with ongoing training, with a particular emphasis on the practical aspects of how to incorporate these concepts and strategies into case management.

At the same time, an astounding 99% of survey recipients agree or strongly agree that juvenile probation officers in their department are knowledgeable about evidence-based practices and their impact on recidivism. A similar portion (95%) report that juvenile probation officers in their departments are knowledgeable about the impact of evidence-based approaches to youth engagement and relationship building and their impact on behavior change. Further research should consider how

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<sup>126</sup> <https://www.nbcbayarea.com/news/local/bay-area-juvenile-justice-system-detention-pre-trial-high-rates-eligible-for-release/203236/>.

<sup>127</sup> Joaquin Palomino and Jill Tucker, “Vanishing Violence: Minor Crimes, Major Time,” *San Francisco Chronicle*, November 21, 2019.

<sup>128</sup> Jeremy Loudonback, “California Youth Have Been Pepper Sprayed More Than 5,000 Times in Three Years,” *The Imprint*, May 23, 2019, available at <https://chronicleofsocialchange.org/news-2/california-youth-have-been-pepper-sprayed-more-than-5000-times-in-three-years/35154>.

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“My probation officer was more like a police officer. I think they should be more like social workers.” —Former Juvenile Probationer

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successfully this knowledge translates to practice. Advocates interviewed recognize a shift in how many probation departments approach their job, but voiced concern about a continuing lack of understanding of adolescent development among probation officers throughout the state, and the challenge of relationship

building where officers continue to be outfitted and armed like law enforcement officers. Former probationers voiced skepticism that practice had truly changed. Future research should examine the perspectives of youth engaged with probation departments today to ascertain the true extent of practice change.

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#### ENHANCED DATA AND EVALUATION CAN SUPPORT CONTINUED SYSTEM IMPROVEMENTS

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Many of those surveyed and interviewed, as well as the reports reviewed, identified the lack of meaningful juvenile justice data in the state of California as a serious issue. As far back as 1994, the Legislative Analyst’s Office recognized this deficiency and registered concern about the lack of data available to analyze juvenile probation caseloads and outcomes across counties.<sup>129</sup> In addition, there is limited data on both the state and local level regarding how state funding is used and the outcomes produced by these investments.<sup>130</sup> At this time, data provided to the Board of State and Community Corrections from probation departments focuses primarily on population counts and length of stay in detention facilities. Survey participants confirm this, although a majority add that their department also tracks rates of probation completion, reduction of risk, average length of probation, and recidivism.

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“Data needs to be a priority. There has been an embrace intellectually of evidence-based practice, but you need a data system to figure out what is working. California’s data system is one of the greatest deficiencies in the state.” —Sue Burrell, Policy and Training Director, Pacific Juvenile Defender Center

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Recidivism is notorious for being an inconsistent measure among states and counties, making comprehensive evaluation of effectiveness of interventions nearly impossible. Some jurisdictions measure recidivism as a subsequent arrest, while others measure it as a subsequent adjudication. Some jurisdictions look for a

recidivism event within a year of completion of a disposition, while others track events within three years. Ultimately, the fact that only just over half of survey respondents report tracking of any definition of recidivism is cause for concern. Notably, fewer than one-third of respondents’ departments track intermediate outcomes or competency development, metrics such as academic success, improvement in family dynamics, behavioral health improvements, and engagement in prosocial activities and with prosocial peers and adults. Arguably, these measures are the most critical measures of the impact probation departments have on youth and families.

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<sup>129</sup> California Legislative Analyst’s Office, *The State of California’s Probation System* (Sacramento, CA: Elizabeth G. Hill, March 1994).

<sup>130</sup> Luke Koushmaro, email communication, January 7, 2020.

## RACIAL AND ETHNIC DISPARITIES MUST BE ADDRESSED THROUGHOUT THE JUVENILE JUSTICE SYSTEM

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While arrest, detention, and incarceration rates have steeply declined in recent years, racial disparities within the juvenile justice system have become even more pronounced. In 1998, the felony arrest rate for Black youth was 3.5 times the rate of white youth, and more than twice the rate of Hispanic youth. By 2015, this disparity had increased to 7 times the rate of white youth and 4.5 times the rate of Hispanic youth.<sup>131</sup>

Black youth remain more likely than white youth to be detained and incarcerated.<sup>132</sup> In 2017, 86% of youth in California detention facilities were youth of color. During the period of California's direct file policy, even as recently as 2014, Black youth were directly filed into adult court at more than 10 times the rate of their white peers.<sup>133</sup> In 2018, 78% of adult-level court dispositions were received by Hispanic or Black youth.<sup>134</sup>

There have been efforts in recent years to address racial and ethnic disparities in the juvenile justice system. In 2013, the Board of State and Community Corrections undertook an assessment of disproportionate minority contact (DMC) in California.<sup>135</sup> The assessment followed the work of thirteen counties engaged in the Disproportionate Minority Contact Technical Assistance Project, which provided information, training and technical assistance to reduce DMC. Six counties were originally funded between 2010 and 2013 (Alameda, Los Angeles, San Diego, San Francisco, Santa Clara, and Santa Cruz) followed by seven additional counties that received funding from 2011–2014 (Fresno, Humboldt, Marin, Orange, Sacramento, Ventura, and Yolo). The BSCC Assessment Final Report found that the funded counties had successfully reduced the number and rates of youth of color in contact with the juvenile justice system.<sup>136</sup>

Utilizing federal funding through JJDP's Title II Formula Grant Program, the BSCC has recently provided funds to several counties through R.E.D. Grants to reduce the number of youth of color in contact with the juvenile justice system. R.E.D. Grants were provided to four counties between 2014–2018 (Mono, San Joaquin, Santa Barbara, and Stanislaus). Grantee counties used the funds to engage with expert consultants to develop policies, procedures, and training to reduce disparity in their practices. Although several counties have engaged in efforts to reduce disparity, this may not be a priority among all

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<sup>131</sup> Lucille Packard Foundation for Children's Health, "Kidsdata," available at Kidsdata.org.

<sup>132</sup> The W. Haywood Burns Institute, "Unbalanced Youth Justice," available at <http://data.burnsinstitute.org/> (accessed February 24, 2020).

<sup>133</sup> Sara Tiano, "In California Data Shows a Widening Racial Gap As Juvenile Incarceration Has Declined," *The Imprint*, November 28, 2017, available at <https://chronicleofsocialchange.org/analysis/california-data-shows-racial-gap-widened-juvenile-incarceration-declined/28784>.

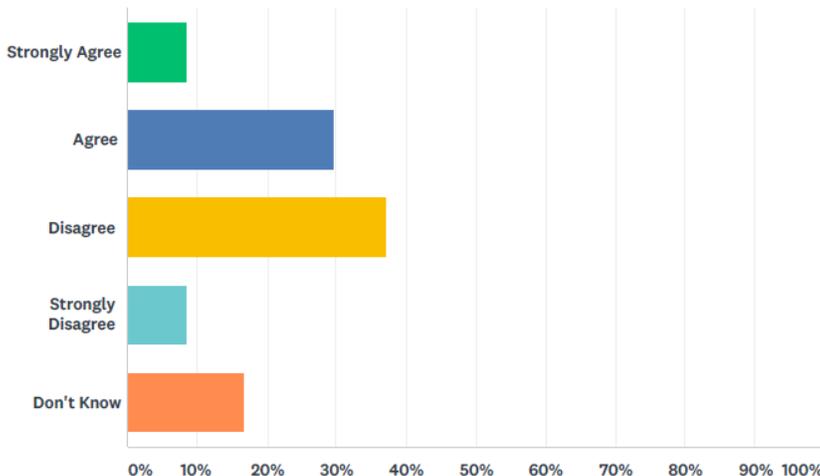
<sup>134</sup> California Department of Justice, *Juvenile Justice in California* (Sacramento, CA: 2018), p. 47.

<sup>135</sup> California Board of State and Community Corrections, *California Disproportionate Minority Contact (DMC) Assessment* (Sacramento, CA: July 15, 2013), available at [http://bscc.ca.gov/wp-content/uploads/BSCC\\_DMC\\_Assessment\\_Final\\_Report\\_2013.pdf](http://bscc.ca.gov/wp-content/uploads/BSCC_DMC_Assessment_Final_Report_2013.pdf).

<sup>136</sup> *Id.*

counties statewide. Only 38% of survey respondents indicated that their juvenile probation department routinely incorporates a racial disparity lens into practice, while 17% stated that they did not know. Just over half of survey respondents agreed that data is used in their department to identify the particular areas in which disparate practices exist.

**Q: In your juvenile probation department, a racial disparity lens is routinely incorporated into practice.**



*Source: Children’s Advocacy Institute, Juvenile Probation Survey (2019)*

**Figure 18**

## CONCLUSION

As a result of factors as varied as legislation, funding, media, research, and U.S. Supreme Court jurisprudence, California’s juvenile justice system has significantly changed over the past 25 years. As part of these changes, there is evidence that probation departments have increased investment in diversion and alternatives to detention; that they are utilizing validated tools to guide decision-making and case planning; that some have begun to redesign facilities to be more rehabilitative; and that they are embracing more evidence-based practices in their role as a change agent for youth. These developments correspond to historically low arrest and detention rates across the state and the nation, meaning far fewer youth are involved in the juvenile justice system today.

What is characterized today as a more rehabilitative, local, evidence-based system, with probation practices aimed at promoting the positive development of youth and families, has the potential to become more deeply rooted and widespread throughout the state. This will require a commitment to factors identified as essential to improvement—local investment, transformational leadership, a commitment to collaboration, a willingness to conduct self-examination, and the inclination to make change when necessary to improve the lives of youth, families, and communities. These factors will need to be present, even when—and especially when—trends begin to suggest new challenges. The history of juvenile justice and probation system change illustrates that this is possible.

# Appendix: Law, Policy and Funding Timeline (1994-2019)

