

Recommendations from the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP)

Recommendation 1: Utilize the SACJJDP as a true State Advisory Group on critical issues related to juvenile justice including the implementation of Senate Bill 823.

The SACJJDP is a federally mandated State Advisory Group with each member appointed by the Governor. One of our primary functions is to advise the Governor on critical issues related to juvenile justice in the State of California including but not limited to alternatives to detention, reentry, evidence-based programming, conditions of confinement, racial/ethnic disparities, tribal and native youth issues, addressing trauma among justice-involved youth, community-based programming, and delinquency prevention.

The Committee is specifically eager to support the Governor in the implementation of Senate Bill 823 with the overarching goals of creating the Office of Youth and Community Restoration in the California Health and Human Services Agency, realigning the Department of Juvenile Justice, and coordination and administration of juvenile justice grants.

Recommendation 2: Ensure that Federal and State funds are routed directly into to support the community.

A significant amount of research and lived experience has confirmed that community-based programming and resources are more effective in reducing recidivism, improving public safety, promoting youth wellbeing, and saving tax dollars. In order to ensure that funding for such programming makes it into the community, local jurisdictions (e.g., Probation Departments, Law Enforcement Agencies, etc.) must be held accountable when receiving funds that are intended for youth-focused community-based programming. For example, state and federal dollars through the Juvenile Justice Crime Prevention Act (JJCPA) provided \$321 million to counties in Fiscal Year 2018-19 (BSCC, 2020). However, these funds are often spent on supplemental funds to staff probation departments or, even more concerning, are left unspent rather than being spent on community-based programs for which they were intended¹. In

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FUNDING FOR COMMUNITY-BASED PROGRAMMING MUST BE PRIORITIZED

Juvenile incarceration is associated with reduced likelihood of graduating from high school and an increased likelihood of adult incarceration by up to 40% for either outcome.

Most incarcerated youth have significant trauma histories and incarceration increases their risk for ongoing victimization and trauma. For example, one in eight youth report being sexually abused while in a secure facility.

It is estimated that incarcerating *one youth* in California costs \$304,259 a year.

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- TTA Free and Accessible
- Funding needs to be less Government focus versus Nonprofit
- Clarify that this is not meant to exclude Government

Cite source for blue box

¹A full list of membership and their expertise is provided in Appendix A.

addition, legislation that earmarks taxpayer dollars for youth-focused programming should not require a pass through with a City or County agency.

Recommendation 3: Decisions about practice and policy must be data driven.

The collection of actionable data at the County level is essential to reducing racial/ethnic disparities, identifying best practices, and developing evidence-principled policies. This first step in reducing racial/ethnic disparities is identifying the point(s) of contact in the system that contribute to the disparities at the County level which is required per the JJDP*ⁱⁱ*~~(XXX)~~. Because juvenile justice data is decentralized in the State of California there is no uniform data collection occurring across counties and access to data are extremely limited. This makes data driven decision-making through research and evaluation extremely difficult, if not impossible in some

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RACIAL AND ETHNIC DISPARITIES IN CALIFORNIA

BIPOC youth are more likely to be arrested in California compared to White youth. Yet, self-report data reveal that BIPOC youth *do not* commit more crime than White youth.

In California, compared to White youth, Black youth are 8.7 times more likely to be arrested, Native youth are 2.6 times more likely to be arrested, and Latinx youth are 2.1 times more likely to be arrested.

Systemic Racism has led to the increase of racial and ethnic disparities at each subsequent point of contact with the juvenile justice system. BIPOC youth are more likely to have their arrest referred to court, get sentenced, have their petition filed with the court, be transferred to adult court, be detained at arrest, and be incarcerated for longer periods of time.

areas. Per Senate Bill 823, a workgroup must be convened to develop a plan for ‘a modern database and reporting system’. This provides an opportunity to begin to address the lack of juvenile justice data across the state.ⁱⁱⁱ ~~(insert footnote to JJWG report on JJ data in CA).~~

Recommendation 4: Implement a State level mandate, for Counties to systematically reduce racial and ethnic disparities at all points of contact in the juvenile justice system.

Based on data analysis at the County level, actionable steps that must be taken and accountability measures implemented to reduce racial and ethnic disparities in measurable ways at all points of contact in the juvenile justice system. Reputable organizations have been successfully addressing racial and ethnic disparities for many years, such as the Haywood Burns Institute, the Annie E. Casey’s Juvenile Detention Alternatives Program, and the Center for Juvenile Justice Reform. Agencies of government including local law enforcement (police, sheriffs, CHP), justice system (DA, public defenders, judges, etc.), probation, health and human services, and other should be ~~Probation departments should be~~ partnering with such subject matter expert~~these~~ organizations

Commented [PT4]: SACJJDPA Notes for this section:
-Do other Agencies need to be involved besides probation?
-Involvement needs to be at all points of contact.
-Need an accountability mechanism
-How do we make this statement broader?
-Should recommend a working group (JCPS)
-Add information on ways to improve.

*A full list of membership and their expertise is provided in Appendix A.

through technical assistance contracts in order to provide evidence of the reduction of racial and ethnic disparities.

Recommendation 5: Encourage and support in every way the use of community-based diversion as the primary approach to justice system involvement; detention should be a last resort.

As soon as a young person has contact with the juvenile justice system the goal should be

TOO MANY AVENUES TO PROBATION SUPERVISION AND NOT ENOUGH COMMUNITY-BASED DIVERSION OPTIONS

Youth who are arrested and referred to Probation can be placed under Probation supervision despite ever being referred to the juvenile court *or* adjudicated of a crime.

About one in four youth petitioned to court receive some type of mandated supervision despite *NOT* being adjudicated of a crime. Once under Probation supervision youth who have not been adjudicated of a crime are at increased risk for continued and/or more in-depth justice involvement

figuring out how to successfully get them out of the system. Prioritizing diversion has been shown to positively impact youth of color given their increased likelihood of juvenile justice contact and disproportionate risk for more severe sanctions (XX). If a youth can't be diverted away from the system initially, the system must continue to work to successfully transition each youth out of the system no matter where they are in the system. The best way to do that is with community-based organizations not through informal or formal probation. Community-based organizations are more likely to hire those with lived experience, who can address the root causes of trauma and focus on healing and mentoring in order for youth to thrive.

Recommendation 6: Counties must have an effective and comprehensive plan for initial and ongoing training for those who work with youth involved in the juvenile justice system. Whenever possible, trainers should have lived experience in the system.

It is essential that those who work with youth involved in the juvenile justice system are trained on issues related to racial/ethnic disparities, implicit bias, child and adolescent development, trauma-informed care, how to be anti-racist, evidence-based practices, principles and programs in juvenile justice, mental health, and positive youth development. Training must be interdisciplinary, ongoing, and skills based. Trainers should include individuals in the

Commented [PT5]: SACJJD Notes for this section:

- Stronger language needed for this section
- Custody should be last resort
- Prioritize diversion over incarceration

Citation needed for blue box

Commented [PT6]: SACJJD agreed on item with the inclusion of trainers with "lived" experience in the system.

*A full list of membership and their expertise is provided in Appendix A.

community who work directly with youth and/or individuals who have lived experience in the system themselves to ensure cultural appropriateness and community relevance. Technical assistance must be provided following trainings to ensure that skills learned in the trainings are applied, practiced, and become routine in daily practices.

Recommendation 7: Hire appropriate, caring, empathic individuals that understand their communities and the vast potential youth possess. Whenever possible, people who work with youth should have lived experience in the system.

The Supreme Court has recognized that “children are different” and should be treated as such. This means that those who work with youth involved in the juvenile justice system must understand the developmental differences between adolescents and adults, take a non-punitive approach to youth justice, and recognize that working with youth and families should draw on the principles of social work, adolescent development, public health, and racial equity. Adolescence is an age of opportunity, during which youth are highly sensitive to and influenced by their environments and their relationships such that when they are surrounded by positive people and experiences, they are most likely to succeed. Conversely, incarceration, punishment, and discrimination have the opposite effect by increasing the risk for adult criminal justice involvement, reducing educational attainment, and increasing racial and ethnic disparities.

Recommendation 8: Reduce the use of detention.

Youth of color bear the brunt of punitive detention practices which means many youth are detained for reasons that are not related to public safety such as certain violations of probation, status offenses, bench warrants for missing a court date, or pre-trial detention for youth who have not been charged with a violent or serious crime. In fact, pre-trial detention makes up 75% of local juvenile detention admissions across the nation (ref) and in California about one-third of youth petitioned to juvenile court experience pre-trial detention (xx). The use of detention, and its disproportionate impact on youth of color, can be dramatically reduced in very simple ways. For instance, notifying a family when a youth’s court date is coming up, not detaining youth for truancy in alignment with the JJDPA, or only detaining a youth on a probation violation when it includes a new crime.

*A full list of membership and their expertise is provided in Appendix A.

YOUTH OF COLOR DISPROPORTIONATELY EXPERIENCE DETENTION

Compared to White youth in California, Black youth are 7.7 times more likely to be detained when their petition is referred to court.

Compared to White youth in California, Latinx youth are twice as likely to be detained and Native American or Alaskan Native youth are nearly four times as likely to be detained.

Pre-trial detention is associated with a 33% increase in felony recidivism and 11% increase in misdemeanor recidivism.

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-This section needs work on wording
-Wording needs to be specific (lived experience, track record, etc.)

Commented [PT8]: SACJJD agreed on item with the inclusion of trainers with “lived” experience in the system.

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Citation needed for blue box

Recommendation 9: Detained and incarcerated youth reentering must have the community must have access to a continuum of resources to meet their complex reentry needs, access to resources.

In the rare occurrences that youth need to be detained or incarcerated (i.e., for violent crimes or if they are an immediate threat to public safety), they must have access to programming. This should include, at minimum, education services, mental health services, life skill, job training, health care services, -and access to services provided by community-based organizations. For example, [we want to include a concrete example of why having CBOs come into facilities is important for youth support and reentry — ideas??]. As soon as youth are removed from the community, planning must begin for their return to the community so that there is a smooth transition and warm handoff between the facility and the community. Community-based organizations should be involved in the reentry process prior to the youth being released from detention to ensure a continuum of care is provided. Community-based organizations support young people and families in neighborhoods that are unique environments. Their inclusion in the reentry process is vital to ensuring the best possible outcomes for youth.

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-Needs connections to skills and reentry

NEED TO INSERT REFERENCES THROUGHOUT STILL

APPENDIX A TO BE INSERTED – LIST OF SACJJD MEMBERS AND EXPERTISE

ⁱ CJCJ brief on DJJ - Washburn and Menart 2020

ⁱⁱ <https://www.congress.gov/bill/115th-congress/house-bill/6964/text>

ⁱⁱⁱ <http://www.bscc.ca.gov/wp-content/uploads/JJDWG-Report-FINAL-2-8-16.pdf>

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