

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND SHEILA KUEHL

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Restructuring the Juvenile Justice System: Building a Health-Focused Model

Well-regarded research on adolescent brain development, positive youth development and trauma have demonstrated the ways youth are physiologically and fundamentally different from adults and require different interventions. Acknowledgement of these differences has resulted in the understanding that punitive models of juvenile justice not only result in worsened outcomes, which runs counter to the rehabilitative goals of the juvenile justice system, but also fail to make communities safer. Systems centered on healing and growth are essential for improving the well-being of young people.

Over the past decade, many counties have attempted to reform what had become, at their core, overly punitive juvenile justice systems; Los Angeles County (County) is among them. While local reform efforts have resulted in some improvements, including reductions in incarceration, fewer low-risk youth on probation, and greater investments in diversion, the County has so far struggled to achieve major improvements in the treatment of youth in its care and custody. This year, rampant use of pepper spray has put into question youth safety, and the significant mental health needs of youth – 90% of youth in the juvenile halls have an open mental health case – puts into question whether a system of incarceration is even appropriate. If the County is to meet its obligation of adequately addressing the rehabilitative needs of the youth in its care, it must acknowledge that the juvenile camps and halls model is fundamentally flawed, and that housing supervision and services within an agency with a law enforcement orientation may be counterproductive. Shifting towards a rehabilitative, care-first

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model is not just ideal, it is necessary, and likely requires a different structure and framework to achieve.

Other jurisdictions have organized their youth justice systems differently, or moved to reorganize them, to afford greater attention to the needs of youth and a care-first approach. Nationwide, 20 states have situated their juvenile justice systems under their health or child welfare agencies, and 18 have created independent juvenile justice agencies. Missouri's well-regarded youth justice system is housed within human services. In New York City, a child welfare agency runs juvenile facilities. Once troubled by numerous cases of abuse and mistreatment of youth, the Kentucky Department of Juvenile Justice has greatly expanded its rehabilitative services for justice-involved youth and substantially reduced the number of young people committed to its charge. These accomplishments are due, in large part, to its reorganization into a separate department, with a focus on developmental and mental health needs. Seven other states and Washington, D.C. have similarly sought to restructure their juvenile justice system to advance a different philosophy and practice of care.

Most recently, California has joined these jurisdictions by moving to reorganize its Division of Juvenile Justice into a separate department under the state's Health and Human Services Agency. This move is intended to bring about a cultural change and to create opportunities to enhance educational, mental health and social service delivery to youth.

In 2016, the Board of Supervisors (Board), concerned that the Probation Department's (Department) structure may not enable it to effectively serve two dramatically different populations (youth and adult), hired Resource Development Associates (RDA) to examine best practice models and make recommendations on governance and structure, including whether the Department should be split. In 2017, RDA ultimately advised against creating a separate probation department for justice-involved youth, noting the benefits of centralized administrative functions such as fiscal and human resources divisions, while still recommending creating an agency model to ensure each population received separate and developmentally appropriate treatment.

Since this recommendation, consultants to the RDA team have indicated that the Department still struggles to create a true agency model to ensure developmentally appropriate treatment of the populations it serves. The County has also learned substantially

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more about the youth in its care, including their health needs, and how the current system fails to serve them and is difficult to transform. In addition, the Board-created Probation Reform and Implementation Team (PRIT), convened to make recommendations to the Board on oversight and reform for the Department, held 14 public meetings where they received significant testimony regarding the challenges with the current system. In its Reform Plan, the PRIT is urging the Board to move youth out of the Department into a separate health or youth development agency, while moving away from youth incarceration more generally. A coalition of youth advocacy organizations has been similarly calling for this type of restructuring for years. It has become clear that having the benefit of centralized administrative functions no longer trumps the need for a separate and developmentally appropriate youth agency focused on youth well-being.

As with other major reforms this Board has attempted, reorganizing the County's juvenile justice system will have its fair share of challenges. Various Welfare and Institutions Codes impact the supervision of justice-involved youth at the county level, including the role for probation departments. Statutory, legal and budgetary questions will need to be resolved to determine how to effectively make these changes, minimize implementation challenges, and help the County envision a system of care that serves youth in the least restrictive, most rehabilitative means possible. The PRIT recommends the formation of a work group to address these questions, as well as design and implement such a system. It is time for the County to take this recommendation seriously and create a system of care that truly meets the needs of justice-involved youth.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

Direct the Chief Executive Officer and the Director of the Office of Diversion and Reentry to co-convene a Youth Justice Work Group, comprised of County Counsel, representatives from the Courts, Probation Department, Probation Commission, Department of Mental Health, Department of Public Health, Department of Health Services, Department of Children and Family Services, Office of Child Protection, Public Defender, Alternate Public Defender, District Attorney, relevant labor stakeholders, community stakeholders, and current or former justice-involved youth, to explore the transitioning of the Los Angeles County's (County's) juvenile justice system out of the Probation Department into another agency, with

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the goal of creating a rehabilitative, health-focused and care-first system; and hire a consultant to assist with this work. Informed by national best practices, the Youth Justice Work Group will report back to the Board in writing in 120 days on the feasibility of achieving this transition, including:

1. The relevant legal, budgetary, staffing, oversight, and/or legislative and policy issues that need to be resolved in order to move the juvenile side of the Probation Department into another department or agency;
2. A recommendation on the best place in the County (existing or newly created) for responsibility of youth probationers, including consideration of a health-related department or youth-serving department; and
3. A plan for ensuring this new system is meaningfully different in operations and outcomes from the current system, aligned with recommendations made by the Probation Reform and Implementation Team in its Reform Plan, including: staffing and training considerations; operations; and strategies to reduce incarceration and increase diversion and alternatives to detention programs.

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(MN/CAS)