Positive Youth Justice Initiative Technical Assistance Providers

Center on Juvenile and Criminal Justice (CJCJ)

Established in 1985, the **Center on Juvenile and Criminal Justice** (CJCJ) is a nonprofit organization that develops and promotes model intervention practices in the juvenile and criminal justice fields. Over the past 30 years, CJCJ has pioneered some of the most innovative programs in the country. On the juvenile side, these programs include the nationally recognized Detention Diversion Advocacy Program for high-risk a juvenile offender, which has been cited by the United States Department of Justice and Harvard University's Innovations in Government as a model program for pre-adjudicated youths. In the past three years, CJCJ has partnered with the San Francisco Probation Department and Superior Court to create a pilot reentry program for the city's highest risk youth. As part of its role in this project, CJCJ has worked with city agencies to implement new and under-utilized community-based Wraparound and clinical case management services for this most challenging population. The program operates under the auspices of the U.S. Department of Justice's Office of the Juvenile Justice and Delinquency Prevention and is one of five pilot sites around the country.

CJCJ maintains a professional staff with diverse backgrounds and expertise and is among the premier nonprofit criminal justice agencies in the nation. Senior staff members possess more than 30 years of experience that includes program operations, policy development and analysis, technical assistance, nonprofit management, program evaluation and organizational restructuring.

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Center for Youth Wellness

The **Center for Youth Wellness** identifies and addresses the impact of Adverse Childhood Experiences by providing evidence-based multidisciplinary care, education, and advocacy in a community-based, family-centered model. By integrating pediatrics with mental health and comprehensive wellness services, the CYW provides a safe and accessible place for children dealing with early life stress to improve their overall health and well-being. Our vision is to improve health outcomes and quality of life for all children by recognizing and addressing the impact of Adverse Childhood Experiences.

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National Girls Health & Justice Institute (NGHJI)

A California non-profit**,** The **National Girls Health and Justice Institute's** mission is to measurably improve the physical and mental health and wellness of girls in the juvenile justice system and that of their children and families; to decrease rates of future re-offending and violent offending; and to assist in the development of a seamless continuum of physical and mental health services that will transcend institutional walls as young women are released from the juvenile justice system and re-enter their home communities. Our mission emerged from one of our previous studies, entitled *Educate or Incarcerate (Acoca, NCCD),* which looked at 1,000 girls in the juvenile justice system. A key finding of that study was that *access to gender-responsive, medical care reduced recidivism and violent offending among girls by 72%.*

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W. Haywood Burns Institute (BI)

The **W. Haywood Burns Institute** (BI) works to improve the life outcomes of youth of color and poor youth in public child-serving systems. The BI was founded in 2002 and has worked in more than 90 jurisdictions around the country. Since their inception they have become one of the foremost experts in the country providing technical assistance to jurisdictions to reduce racial and ethnic disparities for proven risk youth. The core purpose of BI is to protect and improve the lives of youth of color, poor children and their communities by ensuring fairness and equity throughout all public and private youth-serving systems. They fulfill this mission by working with local stakeholders, conducting participatory research and implementing strategic policy advocacy.

David Muhammad (Positive Youth Development Consultant)

David Muhammad is a leader in the fields of criminal justice, violence prevention and youth development. David is a prolific writer, a dynamic speaker and a proven leader. David is the CEO of Solutions Inc., a consulting firm providing technical assistance to several California philanthropic foundations on juvenile and criminal justice issues. The former Chief Probation Officer of the Alameda County Probation Department, David ushered in enormous reform in Alameda County to move probation away from a deficit-based correctional model into a strengths-based Positive Youth Development model. David formerly served as the Deputy Commissioner of New York City's Department of Probation and as the Chief of Committed Services for the Department of Youth Rehabilitation Services in Washington, D.C. He was formerly the Executive Director of The Mentoring Center in Oakland, CA.
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Sierra Health Foundation's
Positive Youth Justice Initiative

BRIEFING PAPER • APRIL 2012

In December 2011, the Sierra Health Foundation board of directors approved a framework for a new youth development initiative. The framework built upon the foundation's recently concluded REACH Youth Development Program and incorporated findings and recommendations from the highly regarded *Healthy Youth/Healthy Regions* and *Renewing Juvenile Justice* reports released by the foundation earlier in the year.

Common among findings from each of these efforts was serious concern expressed for cohorts of young people who typically are at the margins of society and are more likely to experience disproportionally poor education, employment, social and, ultimately, health outcomes. These youth are likely to be of color, live in communities that have high rates of poverty, have experienced violence or other forms of trauma, often are engaged in systems such as child welfare and/or juvenile justice, and are more likely to attend alternative school settings.

The *Healthy Youth/Healthy Regions* and *Renewing Juvenile Justice* findings also supported an important lesson that emerged from the REACH Program: While inclusive youth development approaches are important, one of their shortcomings is the likelihood for young people most at risk for poor health, education and economic outcomes to be unengaged. In response to this information, the foundation pursued a course of inquiry that sought to combine on-the-ground experience and research to design a program for youth who have experienced documented neglect, abuse and/or trauma, have been formally involved in the child welfare system and who currently are engaged in the juvenile justice system. Often referred to as *crossover youth*, the initiative seeks to affect developmental paths — repeat criminal behavior, education failure, lack of employment experience, untreated trauma, social and familial disconnection — that have been shown to have negative long-term effects for this extraordinarily vulnerable population. Moreover, to ensure the initiative has as broad an impact as possible, the foundation endeavored to identify and include design elements that have the potential to benefit all children who come into contact with the juvenile justice system.

POSITIVE YOUTH JUSTICE INITIATIVE

SIERRA HEALTH FOUNDATION
An Endowment for Northern California

Programmatically, the initiative combines **positive youth development** with an innovative behavioral health approach known as **trauma-informed care**, and delivers both approaches using a service model known as **wraparound**. Operationally, it seeks to **remove systemic deficiencies and bias** that have for far too long exacerbated the over-representation of youth of color in county juvenile justice systems across the state. Numerous studies have shown that these systemic shortcomings – data collection, validated screening tools, assessment instruments – contribute to disproportionality and impede juvenile justice systems from meeting public safety and rehabilitative expectations.

The initiative seeks to set a new path for juvenile justice in California by establishing a vanguard of select county systems and leaders to produce what noted researcher Jeffrey Butts and his colleagues describe as "Positive Youth Justice." In seeking to foster this major shift in juvenile justice practice and policy, we balance the risk of falling short of expectations with the fortuitous opportunity to improve the health and life chances of one of California's most vulnerable youth populations – youth with child welfare histories who are currently engaged in the juvenile justice system. Accordingly, this briefing paper describes the policy context in which the **Positive Youth Justice Initiative** will operate and presents the rationale for the targeted population and selected design elements.

Rethinking Juvenile Justice: Supporting a New Path Forward

The Policy Context

In January 2011, Gov. Jerry Brown proposed a significant shift in juvenile justice policy long called for by child and family advocates – closing all of the state's youth prisons and shifting oversight for wards to the counties. The proposal eventually was revised, but the subsequent closure of one of the state's four remaining youth facilities and the decline in the Division of Juvenile Justice (DJJ) population from a high of 10,000 in 1996 to less than 1,100 today signaled that the devolution of the state juvenile justice system was under way. As anticipated by many youth advocates, when the governor released his 2012 budget, he again proposed to close the DJJ.

Interestingly, the most significant example of state efforts to change its approach to criminal/delinquent behavior is the passage of AB 109, which devolved elements of the adult system from the state to counties. While state budget considerations were central to the bill's passage, the idea of facilitating a radically different approach toward public safety was central to the bill's design. AB 109 realigns elements of the adult correctional system along with short-term state revenue to support the treatment of non-serious, non-sexual and non-violent offenders at the county level. Most relevant to the juvenile justice conversation is the fact that AB 109 provides evidence of broad-based public policy support for more rehabilitative and cost-effective approaches to treating offenders. As noted in the Public Policy Institute of California report on realignment, at the core of this policy change is funding flexibility to support the availability of employment and treatment-oriented services. (*Rethinking the State-Local Relationship: Corrections.* Public Policy Institute of California, 2011.)

While the shift in public policy toward adult corrections should not be interpreted as broad public support for "smart on crime" approaches, it does present a window of opportunity for advancing reform in the juvenile justice system. Another important and encouraging signal that significant reform may be possible is the emergence of a small but influential group of senior public safety officials, including several chief probation officers, who are committed to transforming their county's approach to juvenile justice. These innovators and early adopters acknowledge that the status quo represents a poor use of public funds, as evidenced by its inability to produce positive outcomes for the youth it encounters. They

have become passionate and vocal proponents of change and, with support, could be instrumental in reshaping the administration of juvenile justice in California.

With regard to the Positive Youth Justice Initiative's approach, support for focusing on its target population can be found in the report, *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County* (Culhane D.P., Metraux, Stephen, et al, 2011). The path-setting report, funded by the Conrad Hilton Foundation, assessed adult outcomes for three cohorts of system youth: those who exit to care from child welfare, those in juvenile probation and crossover young adults with histories in both systems. While there was no good news for any of the cohorts, it was clear that youth who aged out of care with a child welfare and probation history did more poorly as adults than members of the other groups. In their summary of key findings, the authors state that "membership in the crossover group is a strong and consistent predictor of less desirable [adult] outcomes." Compared to the probation subgroup, system costs for the crossover group over a four-year period were 110% higher, they were far more likely to be heavy users of public services, to experience a jail stay and were 91% less likely to have high educational attainment. Crossover youth had the highest rates of inpatient and outpatient service use, and their rate of emergency department use was about double the rate of the probation and child welfare subgroups. With regard to the use of outpatient mental health treatment, crossover youth utilization rates were more than four times higher than the probation group.

A reasonable question arising out of our intention to focus on the crossover subgroup would be, "Why start with the most challenged group?" There are three reasons. First, the subgroup is small enough in most counties to be able to identify, treat and evaluate to determine the extent and ways the initiative impacts their development. This is important given the limited resources available. Second, a strong argument for extending the initiative to other populations could be made if the most challenged group derives benefits from the model. Third, in the report cited above, the 25% of youth who made the most extensive and expensive use of public services as adults – of which this group is very likely to be overrepresented – accounted for 75% of the overall cost of public services used by all three groups. This fact raises important public policy considerations that could be used to provide additional support for change in this austere budget period.

Positive Youth Justice Initiative

Below are descriptions of the four design elements that comprise Sierra Health Foundation's Positive Youth Justice Initiative.

Design Element 1: Positive Youth Development

In the seminal youth development report, *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development*, the authors state, "There are abundant good reasons to help youth (both inside and outside of the court) to access and develop their pro-social strengths and attributes to increase their ability to contribute to healthy, safe family and community life." Unfortunately, as the report also states, positive youth development is not the dominant intervention framework in the juvenile justice system. (Jeffrey A. Butts, Gordon Bazemore and Aundra Saa Meroe, 2010. *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development.*) In fact, as documented in *Renewing Juvenile Justice*, local juvenile justice systems rely on a crumbling and dated probation-centric service model that prioritizes supervision and incarceration, rather than rehabilitation and community-based support. Research and data suggest this response is simply inadequate to meet the developmental needs of young people.

Shifting the juvenile justice field toward a positive youth development framework would apply a youth-as-resources lens, an approach tested in Sierra Health Foundation's REACH Program and a recommendation called for in the Healthy Youth/Healthy Regions study. This lens redefines youth within these systems and sends a clear message that all young people, even those engaged in juvenile justice systems, should be considered assets to their community and given every opportunity to be supported and meaningfully engaged. Reorienting juvenile justice systems to a youth-as-resource framework will help ensure the highest-needs youth are not denied access to appropriate community-based

Participants in the REACH Youth Media Project developed critical thinking, artistic and career skills, and built relationships with adult mentors. The media project was an opportunity provided through Sierra Health Foundation's REACH Youth Development Program.

developmental supports and opportunities that include the participation of family, community providers, faith leaders and others who have an interest in the child's health and well-being. This framework prioritizes local interventions that contribute to youths' developmental needs around education, workforce, healthy relationships and community/civic engagement, rather than the current approach, which attempts to "…control, punish, treat, supervise and incapacitate youth…." (*Youth Development: Issues, Challenges and Directions.* Public/Private Ventures, 2000.)

Taken from the aforementioned *Positive Youth Justice* report, the framework on page 5 states the primary intervention is focused on meeting a young person's needs for skill development, attachment, engagement and pro-social behavior.

While the proposed Positive Youth Justice framework acknowledges the need for an array of community-based supports for youth and that one size does not fit all, it also recognizes that limits to service delivery need to be in place to ensure efficiency and cost effectiveness. We, therefore, include a tested model for expanding individuation within large systems – wraparound services – as a component of the overall initiative design, discussed later in this paper.

Design Element 2: Trauma-Informed Care

Significant research on the effects of trauma on youth and its impact on youth involvement in both the juvenile and criminal justice systems shows that identifying children who have experienced trauma is either being done inappropriately or not as often as necessary. This may be leaving many of these young people without the services and treatment they need, thus making them more at risk for future involvement in the justice system. (*Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense.* Justice Policy Institute, 2010.)

Many of the nation's most traumatized youth are found in the juvenile justice system, and a large percentage of adults in the criminal justice system report having experienced trauma in childhood. Illegal behavior is not an inevitable consequence of childhood trauma; however, based on the diverse range of traumatic exposure observed among youth in the juvenile justice system, trauma can be considered a specific risk factor for future involvement with the justice system (Shaffer, J.N., Ruback, R.B. *Violent Victimization as a Risk Factor for Violent Offending Among Juveniles.* Juvenile Justice Bulletin, December 2002, Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.) Moreover, one of the most unfortunate repercussions of childhood trauma is that children exposed to violence often grow up to engage in or become repeat victims of violence. People who experience childhood trauma are more likely to be arrested for serious crimes both as youth and adults. (Craig, C.D., et al. 2007, Neigh, G.N., Gillespie, C.F., Nemeroff, C.B. *The Neurobiological Toll of Child Abuse and Neglect.* Trauma, Violence and Abuse, 2009, 10: 389.)

Changing the Frame

Assumptions	Primary Lens: Youth as Victim	Primary Lens: Youth as Villain	Primary Lens: Youth as Resource
Origins of Most Delinquent Behavior	Symptom of underlying disturbance	Anti-social impulses, lack of restraint due to permissiveness and the absence of punishment	Normative response to adolescent needs for status, belonging, power and excitement, lack of empathy
How Delinquent Youth Compare with Other Adolescents	Fundamentally different in psychological and emotional makeup	Fundamentally different motivations and impulses toward deviant behavior	Largely similar to other adolescents but with fewer social assets
Delinquent Youth Capacity for Behavior Change	Incapable of conventional behavior without therapeutic interventions	Incapable of conventional behavior without strict discipline and the threat of punishment	Inherently capable of conventional behavior with sufficient access to supports and pro-social opportunities
Principal Intervention Strategy	Individual or family-based therapeutic treatment	Deterrence and retributive punishment	Skill development, attachment and engagement
Role of Treatment	Primary	Secondary	Secondary
Risks of Treatment	Could fail to address underlying cause(s)	Could delay or impede deterrence	Could introduce stigma or harm—i.e., iatrogenic effects

Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development

A number of other studies have examined the relationship between childhood trauma and justice involvement.

- Kilpatrick, D.G. 2003; Sprague, C. 2008; Maschi, T.: *Unraveling the Link between Trauma and Male Delinquency: The Cumulative Versus Differential Risk Perspectives.* Social Work, 2006. This report found that between 75% and 93% of youth entering the juvenile justice system annually are estimated to have experienced some degree of traumatic victimization.
- Abram, K.M., Teplin, L.A., Charles, D.R., Longworth, S.L., McClelland, G.M., Dulcan, M.K. *Posttraumatic stress disorder and trauma in youth in juvenile detention.* Archives of General Psychiatry, 2004, 61: 403-410. This study of children held in a Chicago detention center found that more than half of them had experienced more than six traumatic events prior to their detainment.
- Stouthamer-Loeber, M., Wei, E.H., Homish, D.L., Loeber, R. *Which family and demographic factors are related to both maltreatment and persistent serious juvenile delinquency?* Children's Services: Social Policy, Research, and Practice, 2002, 5: 261-272. Lemmon, J.H. *How child maltreatment affects dimensions of juvenile delinquency in a cohort of low-income urban youths.* Justice Quarterly, 1999, 16: 357-376. These two studies reviewed the link between childhood maltreatment and juvenile justice involvement and found that among urban males who experienced maltreatment prior to 12 years of age, 50% to 79% became involved in serious juvenile delinquency.

Nationally, there is a growing awareness of the negative effects childhood trauma has on the disproportionate involvement of youth in the justice system. In 2000, Congress established the National Child Traumatic Stress Network and funded the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services to create a network of stakeholders to raise the standard of care and improve access to services for children who have experienced trauma, their families and communities throughout the United States. In California, several foundations are exploring the effects of trauma on high-need youth, though none have yet to design an effort to test the impact of this treatment method. As stated in the Justice Policy Institute report referenced earlier, "…although there is growing recognition of the far-reaching effects of childhood trauma … a unified push for trauma-informed juvenile justice systems in states has yet to occur."

It is also important to acknowledge there are differences in the traumatic events that young men and young women experience prior to entering the juvenile justice system. One study cited by the Prison Law Office states justice-involved girls experience sexual and physical abuse at 200 to 300 times that of the national population, 93% had experienced

Therapeutic session in the Center on Juvenile and Criminal Justice's WRAP program. WRAP utilizes Wraparound and EPSDT funds to provide youth with a continuum of care following them through reentry.

physical or sexual abuse, 63% had experienced both, and 76% had experienced at least one act of sexual abuse before turning 13 (Smith, Leve, & Chamberlain, 2006, 350). According to a June 2007 brief developed by the National Center for Mental Health and Juvenile Justice, "While boys more often report witnessing violence, girls more frequently report experiencing violence."

Federal juvenile justice policy recognizes the developmental differences and treatment needs of justice-involved young men and women, and requires states to analyze and report on gender-specific services for the prevention and treatment of juvenile delinquency, including services for young women. Unfortunately, in California there is a glaring gap in girl-specific programming. A 2006 report from the California Administrative Office of the Court found that girls' programs are the least frequently available programs in the state, with less than 40% of all counties offering girl-specific programming. Consequently, girls entering the juvenile justice system often are placed in programs that were designed for boys and do not fully meet the developmental needs of girls.

As communities look to incorporate gender-responsive, trauma-informed care into local reform efforts, training, technical assistance and financial resources will be needed to incorporate this lens into jurisdictional practice and treatment. Without it, we will fail to address the root cause of why a young person enters the juvenile justice system and greatly reduce the likelihood of that young person developing into a healthy, productive adult.

Design Element 3: Wraparound Service Delivery

Since its early days as a new approach for serving challenging children and families, wraparound has been described as a philosophy, an approach and a service. More recently, wraparound has been conceived of as an intensive, individualized care planning and management process. It aims to achieve positive outcomes by providing a structured and individualized team planning process that results in plans that are more effective and more relevant to the child, family and community by being more holistic than traditional care plans. Through the team-based planning and implementation process, wraparound aims to develop the problem-solving skills, coping skills and self-efficacy of young people and family members. As importantly, there is an emphasis on integrating the youth into the community and building the individual's and family's social support network. Finally, the wraparound process should be strengths-based, including activities that purposefully help the child and family to recognize, utilize and build talents, assets and positive capacities, as well as opportunities to contribute those assets (National Wraparound Initiative, Portland State University).

Wraparound also represents a philosophy and value base that distinguishes it from more traditional approaches by emphasizing an ecological model, including consideration of the multiple systems in which the youth and family are involved, and the multiple community and informal supports that must be mobilized to successfully support the youth and family in their community and home. (Bruns, E. J., Walker, J. S., Zabel, M., Matarese, M., Estep, K., Harburger, D., Mosby, M., & Pires, S. A., 2010. *Intervening in the lives of youth with complex behavioral health challenges and their families: The role of the wraparound process.* American Journal of Community Psychology, 46(3-4), 314-31.)

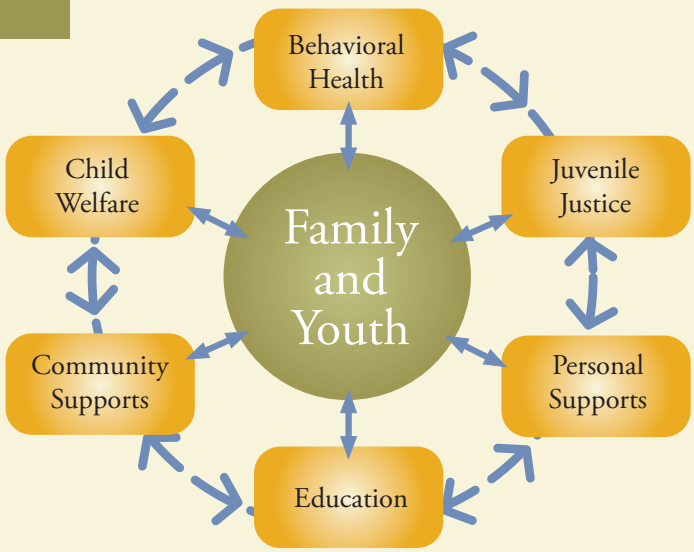
As outlined in *Renewing Juvenile Justice*, including wraparound as a design element will help to ensure children are not only served in a more comprehensive and coordinated manner, but also in the least restrictive environment necessary. It also preserves one of the most common lessons that has emerged from multiple studies on system-engaged youth: Maintaining, establishing and sustaining relationships between system-engaged youth and their biological or adoptive family members is key to long-term success. This inclusive service model, which seeks to "wrap" youth and families with the full complement of services and culturally responsive community support they need, provides a potent catalyst for merging more specific interventions like trauma-informed care and youth development.

Design Element 4: Improved Operational Capacity

In conjunction with the innovative blending of trauma-informed care, youth development and wraparound service delivery, the Positive Youth Justice Initiative proposes to advance juvenile justice system policy and operational practice. In numerous case studies on management practice and organizational psychology, there are seemingly unlimited stories of good ideas failing due to poor implementation. To minimize this, we propose to strengthen the local infrastructure upon which the initiative will operate to afford it the best chance possible for success. Accordingly, we plan to support participating counties to:

- Design and implement uniform data collection and reporting systems throughout the continuum of their juvenile justice system. (Data-Driven Practice)
- Develop and implement validated screening and assessment tools to assess and to more accurately identify youths' developmental service needs. (Evidence-Based Practice)
- Promote culture change within participating juvenile justice systems to normalize behaviors and set expectations required to sustain efforts that address disproportionate rates of minority contact and support the building of healthy, supportive and inclusive relationships with youth, their families and communities. (Cultural/Institutional Practice)

Wraparound



Positive Youth Justice Initiative Implementation

As in past initiatives, Sierra Health Foundation has worked to strike a balance between being overly prescriptive and being overly vague with respect to design and implementation expectations of selected counties. Based on this experience, we plan to provide participant counties with resources to facilitate a one-year planning process. The approach allows flexibility and positions the counties to take advantage of local opportunities and respond to unique challenges, with the understanding that completed plans will describe how all four elements will be implemented. During this period, technical assistance in areas such as trauma care and response, data collection and use, disproportionate minority contact, and screening and assessment will be provided. Following the planning process, sites that meet yet-to-be-developed benchmarks will be awarded multi-year implementation grants.

Evaluation

Sierra Health Foundation will conduct an evaluation to review and document outcomes and lessons learned at each site. The evaluation will be participatory and developmental in its design, providing access to data at regular intervals throughout the program. This will allow mid-course corrections to occur and provide selected sites with information to support their success.

If evaluation data shows promising outcomes by year three, Sierra Health Foundation will consider extending the initiative for an additional two years.

Conclusion

Through an innovative combination of practice and operational components, the proposed design builds upon Sierra Health Foundation's recent youth development program and research to produce the Positive Youth Justice Initiative. This braiding together of four distinct, yet interdependent, design elements forms the basis of the initiative's thesis: Juvenile justice systems can better meet their public safety and rehabilitative goals by ensuring their most vulnerable youth achieve the behavioral and physical/mental health, academic and pro-social outcomes associated with healthy transitions to adulthood. This will be done by incorporating the use of data and evidence-based practices that treat the effects of trauma, promote positive youth development and deliver services in a holistic manner.

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Renewing Juvenile Justice

A report to
Sierra Health Foundation
by the Center on
Juvenile and
Criminal Justice

CENTER ON JUVENILE & CRIMINAL JUSTICE

PROJECT STAFF: Daniel Macallair, MPA, Mike Males, PhD,
Dinky Manek Enty, MPA, and Natasha Vinakor, MSW

Dear Colleagues,

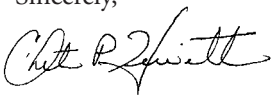
We are pleased to share with you *Renewing Juvenile Justice*, the first report to emerge from our exploration into juvenile justice and foster care systems in California. Our inquiry in these areas was prompted by the strong relationship between the institutional health — policy, practice, fiscal and culture — of child-serving systems at the county level and their capacity to generate positive outcomes for the youth they serve.

Californians are well aware of the looming budget challenges that are forcing the state and local jurisdictions to rethink how public services are delivered. Recently, Gov. Jerry Brown proposed a significant shift in juvenile justice policy long called for by children and family advocates — closing the state's youth prisons and shifting that oversight to the counties. While the proposal was revised, it is clear that counties will be asked to do more with fewer resources. We believe now is the time to reacquaint ourselves with the history and evolution of these systems while, for largely budgetary reasons, we contemplate their devolution and redesign.

This report, commissioned by Sierra Health Foundation and written by our partners at the Center on Juvenile and Criminal Justice, offers recommendations for policy changes to improve practice in local jurisdictions and expand services for high-risk youthful offenders. We take this position acknowledging the importance of a caveat offered by a colleague who reviewed a final draft of the report: Juvenile justice systems should only engage youth who, in fact, need to be engaged. We concur. Accordingly, we have worked to align the report with the complex history that led to the creation of juvenile justice systems — to support the social, emotional and physical development of young people by providing the appropriate type and amount of rehabilitative treatment necessary to position them to take advantage of opportunities that promote long-term personal and professional success. Many of the practices mentioned in *Renewing Juvenile Justice* are gleaned from other juvenile justice reform efforts, including the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative and The California Endowment's Healthy Returns Initiative. Where we think we offer innovation is in the idea of tapping into available funding resources to expand services for high-risk young people.

In this time of uncertainty — not knowing what California public systems will look like in the future — we offer this policy report with the expectation that it will be a helpful tool for local jurisdictions and philanthropic partners interested in reshaping and ultimately renewing juvenile justice practice in California. The end goal for our collective work is to ensure all young people have an opportunity to lead healthy lives and reach their full potential — a laudable purpose and one that we believe we all should be willing to support.

Sincerely,



Chet P. Hewitt
President and CEO
Sierra Health Foundation

Acknowledgements

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Executive Summary

The Center on Juvenile and Criminal Justice (CJCJ) was commissioned by Sierra Health Foundation to critically examine California's juvenile justice system and consider the potential role of foundations in promoting systemic reform. The information gathered by CJCJ researchers for this report suggests that foundations can perform a key leadership role in juvenile justice by assisting counties in their efforts to develop a broader array of interventions, especially for special-needs youth. The treatment needs of special-needs youth, particularly the mentally ill, are a primary challenge for county juvenile justice systems, especially when it comes to accessing services and funding streams across jurisdictional, institutional and administrative boundaries. Despite the current statewide economic crisis, many counties continue to underutilize resources and funding streams that could diversify their treatment service, bolster resources and improve the quality of care. In addition, the need to develop data gathering and management information systems is present in many California juvenile justice systems. As the Annie E. Casey Foundation has found through its nationwide Juvenile Detention Alternatives Initiative (JDAI), measurable change cannot occur without the consistent gathering of accurate data that informs management and drives policy.

IN DEVELOPING THE RECOMMENDATIONS contained in this report, Center on Juvenile and Criminal Justice researchers examined the evolution of California's juvenile justice system from its origins in the 1850s through the creation of the juvenile court in 1903 to the tumultuous events of the past decade. CJCJ has attempted to provide a comprehensive historical account that illustrates the origins of today's issues and provides a direction for establishing a model 21st century juvenile justice system for California.

Site visits to selected counties revealed a high level of commitment to quality care among California's juvenile justice professionals. In some instances, California counties offer a model for not just the state, but the nation. However, our research also revealed vast discrepancies and disparities within county systems. As a result, youth residing in certain counties do not have access to the same level of services as youth in other counties. We believe that based on this analysis, foundations can promote the development of a coherent and consistent level of juvenile justice care throughout California. We recommend that foundations focus their resources in assisting counties to develop behavioral health-oriented services that target the highest-need youth. Demonstrating successful strategies with this most challenging population promotes systemic reform by changing long-term assumptions and practices about appropriate interventions. Eliminating the disparity in treatment for youth in the juvenile justice system will create better outcomes and improve the health of the communities in which they reside.

Due to the state's dire budget situation, counties will be asked to absorb more oversight of youthful offenders. This change offers a rare opportunity for foundations to exercise a sizable influence on juvenile justice practice for the 21st century.

From our research, CJCJ identified the following areas for immediate assistance.

RECOMMENDATION 1. Assist counties in the development of uniform management information systems designed to collect and analyze data at all stages of the juvenile justice system, including arrest, intake, detention hearing, adjudication, disposition and post disposition.

Foundations could fund the development and implementation of a single system that would assist counties in collecting better information to enhance administrative effectiveness and allow comparison between jurisdictions. Foundations could work with selected counties to pilot a model system and then work with the state legislature, county associations and juvenile justice advocates to establish a statewide system. Such a system could be developed in partnership or in consultation with the Annie E. Casey Foundation, which has pioneered the development of comprehensive juvenile justice data collection systems. During the site visits conducted for the development of this report, probation officials consistently cited the need to improve data collection and management information systems.

RECOMMENDATION 2. Assist counties in the development of a uniform screening and assessment process to determine the mental health needs of youth entering the juvenile justice system.

One of the biggest deficiencies within the juvenile justice system is the absence of full uniform access to available mental health services. The first step in determining needed services requires the development of an effective screening system. The screening process simply involves making a preliminary determination as to whether a youth is in need of a full mental health assessment. The initial screening is a form of "triage" that is provided during the early stages of the adjudication process and can be conducted by line staff.

> **Triage** is the sorting of patients (as in an emergency room) according to the urgency of their need for care.
>
> *http://www.merriam-webster.com/dictionary/triage*

If the screening suggests that the youth is in need of a full assessment, the youth is referred to a licensed mental health professional. The assessment process utilizes a formal instrument that allows the mental health specialist to make a preliminary diagnosis and recommendation for treatment. During this assessment stage, it also can be determined if the youth is eligible for federally funded mental health services.

RECOMMENDATION 3. Assist counties in developing full capacity for accessing and utilizing federally funded mental health services.

One of the largest service deficiencies in the California juvenile justice system is the underutilization of federal mental health service funding streams. The main federal program available to California juvenile justice systems is the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program that is provided through Title XIX of the Social Security Act. EPSDT services can fund an entire range of comprehensive mental health services and supportive interventions that are typically unavailable to juvenile justice system youth. Also, up to 50% of EPSDT services are federally funded, and another 45% are funded by the state, leaving only the remaining 5% to the counties.

RECOMMENDATION 4. Assist counties with the development and implementation of wraparound services.

Wraparound services rank among the major innovations in the human services field over the past 25 years. The practice is based on blending different categorical funding streams to create a flexible array of individualized services. Under current California law, youth can be eligible to receive wraparound services if they have medical necessity and are in a high-level group-home placement or are in danger of being committed to out-of-home placement. These youth are generally the most service-needy youth in the juvenile justice system. Unlike traditional residential care, wraparound services emphasize community and family-based interventions that are designed according to the individual needs of the youth. Because of flexible funding, counties and service providers can purchase services from existing vendors, provide basic family needs and employ nontraditional resources.

Presently, the development of wraparound requires the cooperation of mental health, probation and social service departments. Because of the different professional agendas and mandates of these county agencies, few probation departments have fully developed their wraparound capacity. In instances where counties allow access to wraparound services for juvenile justice system youth, the services often are underutilized.

Wraparound and EPSDT services have the potential to promote substantial systemic change by creating and expanding comprehensive interventions and support services to high-needs delinquent youth. Such approaches to service delivery offer a counter to the traditional juvenile justice system approach that emphasizes supervision and sanctions. San Francisco, Santa Cruz and Humboldt counties are pioneering methods for delivering wraparound services to juvenile justice-involved youth and can serve as models for other counties.

RECOMMENDATION 5. Improve institutional practices at the county level.

With the decline of the state's youth correctional system, counties will need to develop long-term secure options. Because of institutional expansion at the county level over the past 10 years, county juvenile justice facilities are better designed to handle a more serious population than the large state correctional institutions. Facilities built over the past decade have modern designs that facilitate supervision and separation. In contrast, all of the state's youth correctional institutions, with the exception of one, are more than 40 years old, poorly designed and in a state of severe deterioration. The California Department of Corrections and Rehabilitation (CDCR) estimates that it will cost more than $200 million to renovate the present DJJ facilities and return them to minimal operational standards — a prohibitive cost that likely influenced Gov. Brown's decision to close or further downsize the system.

Recent reports by the Little Hoover Commission, the Legislative Analyst's Office and CJCJ have urged the creation of regional secure facilities that could accommodate special-needs youth within designated geographical areas to replace the state-run institutions. An example of a regional facility is Humboldt County's New Horizon's program, which provides specialized mental health services in a secure environment for Northern California counties. Other regional facilities could be designed to accommodate other special populations, such as sex offenders and substance abusers.

The shift to reliance on county-based secure facilities provides an opportunity to create an integrated and coordinated continuum of interventions and services, with the state assuming an oversight role to establish, monitor and enforce county standards throughout California. Under this recommendation, foundations could provide technical assistance and support to counties seeking to improve or modify institutional treatment and assist with the development of regional-based facilities to supplant the need for state institutions.

With the decline in the use of state correctional institutions, California counties must develop shared strategies and approaches that can address the high-needs youth who were once committed to the state. Because of the state's tradition of strong county government, many jurisdictions have made enormous strides in developing innovative approaches that rival the best systems nationally. The challenge for juvenile justice reform in California is to identify these best practices and promote and assist their adoption throughout the state. Counties such as Santa Cruz, Humboldt, San Francisco and Santa Clara have developed highly innovative practices in the areas of secure care treatment and community-based interventions, serving as models for other counties.

The recommendations outlined in this report represent practical, targeted and highly achievable reforms in which foundations can have a significant impact. While comprehensive juvenile justice reform is a long-term endeavor, this report highlights the initial steps that will usher in a new era of practice and philosophy. The CJCJ board and staff thank Sierra Health Foundation for giving us the opportunity to work on this very important issue. We also want to acknowledge The California Endowment's Healthy Returns Initiative, which supported many of the county innovations highlighted in this report.

Introduction

In this report, Center on Juvenile and Criminal Justice (CJCJ) researchers provide an overview of the California juvenile justice system and important issues relevant to fashioning reform. To highlight the complexities and variations of juvenile justice practices, CJCJ's research team constructed statistical indicators that allow comparison between different counties. With these statistical indicators, the authors were able to examine county variations in areas of institutional reliance and non-institutional care. The report is premised on the growing recognition within the juvenile justice and human service field that institutional care should be the option of last resort, and that reliance on institutional care often is reflective of a jurisdiction's failure to develop a full range of interventions and services (Greenwood, 1983).

IN THE PAST THREE DECADES, new and innovative approaches to the treatment of children under the care of the juvenile justice system have evolved throughout California and the United States. These new approaches have altered the assumptions and historical practices that have characterized the juvenile justice system since its inception. This includes breaking the artificial barriers that divide the various service elements necessary in meeting the child's needs. These barriers often are related to how service systems are structured based on functional disciplines such as juvenile justice, child welfare, mental health and education. As these specialized functions evolved over time, their ability to work in unison quickly dissipated into a morass of bureaucratic impediments. Although high percentages of youth in the juvenile justice system suffer from a diagnosable disability or require special educational services, these services often are denied because county mental health and education departments do not prioritize the needs of juvenile justice system youth. Instead, they often are viewed as no longer their concern. For many years it was an unwritten practice within many child welfare systems to transfer youth to the juvenile justice system once they reached a certain age and began to display troublesome behaviors (Miller, 1998).

As a result of historic bureaucratic impediments to services in the past, juvenile justice systems in California often have fallen short of full success. Routine practices tended to offer little more than release to the home with limited follow-up, or commitment to residential care or an institutional setting. These practices do not adequately address family or neighborhood issues that are normally the root cause of delinquent behavior (Greenwood, 1983).

On a positive note, over the past 15 years, California probation services have expanded and improved as state and federal subsidies became available. For example, the passage of the California Juvenile Justice Crime Prevention Act (JJCPA) in 2000 provided more than $120 million annually in county subsidies to improve probation supervision and augment specialized services (Commonweal Institute, 2010). In addition to the JJCPA funds, county probation departments have received additional monies through the Federal Temporary Assistance to Needy Families (TANF) and the state's

Youthful Offender Block Grant (YOBG). These funds played an important role in advancing juvenile justice probation services during the past decade. Unfortunately, due to the state's budget crisis, the future of these funds remains uncertain (D. Steinhart, personal communication, June 15, 2010).

In addition to the creation of the Youthful Offender Block Grant in 2007, the passage of Senate Bill 81 drastically changed the nature of juvenile probation services in California by extending jurisdiction. County probation departments now can provide a full range of services to juvenile justice youth up to the age of 21. Despite these major changes in the law, probation departments continue to struggle to provide services to their traditional populations and few have engaged in any major efforts to expand services beyond the 18th birthday (D. Steinhart, personal communication, June 15, 2010).

The other momentous change in the California juvenile justice system over the past decade has been the demise of what was formerly known as the California Youth Authority (CYA). The demise of the CYA is the result of the Farrell litigation, a lawsuit that revealed deeply rooted deficiencies and abusive practices within the 119-year-old system. As a result of the widespread recognition of the system's failures, California counties drastically curtailed commitments to state youth correctional institutions and have relied on local facilities or residential placement (Macallair and Males, 2006).

Finally, the past 15 years have witnessed an unprecedented decline in youth crime in California. As a result, youth crime rates are now at a 40-year low. This youth crime decline provides a rare opportunity to restructure juvenile justice services to target the highest-needs youth. High-needs youth are typically those who exhibit the broadest range of social, psychological and economic challenges. This population represents the juvenile justice system's greatest challenge and its greatest historical failure. If the juvenile justice system is to achieve its intended purpose of rehabilitation, its limited services must focus on the most challenging population. Research shows that targeting services to the most challenging and highest-risk youth reaps the greatest benefits in reducing future criminality (Latessa and Lowenkamp, 2006).

This report provides a critical historical and contemporary overview of the California juvenile justice system. Establishing a foundation agenda that will create a juvenile justice system for the 21st century requires an understanding of the system's evolution and present challenges. Founded on casework and institutional practice often rooted in the 19th century, the current juvenile justice system as presently constituted in most California counties is not designed to meet the multifaceted challenges of the 21st century. Instead, juvenile justice services often are fragmented and limited by the dictates of categorical funding streams. Interventions tend to rely on punitive measures that exclude family involvement and are isolated from the daily realities of a youth's life.

Meeting the challenges of the 21st century requires the development of a coordinated continuum of juvenile justice services that emphasizes partnerships among public sector agencies, community-based organizations and nontraditional community supports. Within this model, public sector juvenile justice agencies assume greater responsibility for developing, monitoring, evaluating and scrutinizing the delivery of services by nonpublic sector organizations and assume a reduced role in the actual delivery of services. By emphasizing the development of a broad range of coordinated community-based options, juvenile justice systems reduce their reliance on institutional care and create a system designed to achieve long-term results.

SECTION I

Historical Overview of Juvenile Justice in California

In order to understand the present state of California's juvenile justice system and to establish the best path for reform, it is vital to examine its origins. The system originally grew out of the philanthropic ideals of the 19th century child savers, who sought to better the lives of disenfranchised children. Services expanded quickly into unwieldy, punitive, institution-based care that did little to separate neglected or orphaned children from delinquent children, and were plagued with scandal and abuse. Out of dissatisfaction with this system, the fostering and probation systems began in the late 19th century, as did the juvenile court. Although these systems served to mitigate some problems, evolving, expanding and improving with the times, incarceration in the large criminogenic congregate care institutions that had been created remained a common outcome for troubled youth. Due to advocacy and the Farrell lawsuit, detailing the abuses of state facilities, recent years have seen a marked shift toward county-level services for juvenile offenders and toward more rehabilitative services.

Section I includes research on the following topics:

- The 19th century roots of juvenile justice in California
- The creation of the foster care system, probation and the juvenile court
- The creation of the former California Youth Authority, now known as the Division of Juvenile Justice
- The Farrell litigation and the following consent decree
- The future of the Division of Juvenile Justice

TODAY'S CALIFORNIA JUVENILE JUSTICE SYSTEM is rooted in the philanthropic efforts of the 19th century child savers. The child savers were individuals and organizations who sought to improve the plight of orphaned, abused, neglected and delinquent children, primarily through institutionalized care. The first institution designed exclusively for destitute and delinquent children was the New York House of Refuge (HOR) established in 1825. The HOR quickly became a movement, and its institutional design was the model for subsequent institutions (Macallair, 2003).

The institutions were intended to imbue young charges with sound work habits, an elementary education, religious virtue and respect for authority. The daily regimen was harsh and unyielding. Children, regardless of their condition in life, were subjected to a daily routine of hard labor and severe punishment. There was little to distinguish the treatment of poor misfortunate children in these institutions to treatment given to adult criminals sentenced to the penitentiary (Macallair, 2003).

San Francisco Industrial School inmates

These 19th century institutional practices reflected the prevailing belief of the day, that structure and discipline were more important than nurturing and compassion. The brutal treatment to which children were subject became a frequent point of conflict and criticism within the child saving movement that ultimately led to the development of new approaches, which did not rely on

San Francisco Industrial School

institutional care. These new approaches included "placing-out" or "home-visiting," and were the forerunners to today's foster care and probation (Macallair, 2003).

The first California institution for destitute and delinquent children was the San Francisco Industrial School, which was created by statute in 1858. Hailed as an example of the state's progress, the Industrial School reflected the prevailing institutional model of the day (Macallair, 2003).[1]

For the next 30 years, the Industrial School was the subject of constant scandals over abusive treatment of children in its care, including long-term confinement in dark cells and a near starvation diet (Macallair, 2003). When it finally closed in 1892, one San Francisco newspaper proclaimed in a banner headline, "WIPED OUT AT LAST: THE SAN FRANCISCO INDUSTRIAL SCHOOL PASSES INTO HISTORY. LONG DENOUNCED BY THE CITY'S JUDICIARY AS A NURSERY OF CRIME" ("Wiped Out at Last," 1891).

Dissatisfaction with institutional care as represented by the Industrial School gave rise to a flurry of new child care approaches in the mid-19th century. Among the most significant was the San Francisco Boys and Girls Aid Society, which was founded in 1874. The San Francisco Boys and Girls Aid Society began in a home donated by railroad magnate Charles Crocker (Macallair, 2003).

Initially, they provided a safe place where homeless children could have a meal and enjoy a respite from street life. Later the society introduced two innovations that eventually would become pillars of the modern juvenile justice system. The first was the placing-out system, where abused, neglected and destitute children were removed from their natural parents, placed on trains and sent to rural California counties, where they were placed with rural farm families. The practice was borrowed from the Children's Aid Society of New York, where it was first introduced by the pioneering child saver Charles Loring Brace in 1853. Placing-out provided the foundation for today's foster care system (Macallair, 2003).

The other area first pioneered in California by the San Francisco Boys and Girls Aid Society was the passage of the state's first probation act in 1883. After heavy lobbying from the Boys and Girls Aid Society and other California child savers, the state legislature established a system that allowed counties to pay for the placement of youth with philanthropic agencies as an alternative to committing youth to the Industrial School. The act represented the first step toward the creation of today's probation system and modern-day group homes (Macallair, 2003).

Boys and Girls Aid Society Crocker House

[1] In 1861, California opened an ill-fated second institution in Marysville. This institution was short-lived as the state ordered its closure seven years later, succumbing to a poor location, high costs and insufficient referrals. The youth housed at the time were transferred to the Industrial School.

Despite the development of community-based alternatives to institutional commitments, the state did not abandon the congregate institutional model with the closing of the Industrial School. In 1889, the California legislature authorized the establishment of two state-run reform schools in Whittier and Ione. These two institutions, the Whittier State School and the Preston School of Industry, became mainstays of California's youth correctional system up to the present day. The Whittier State School operated until its closure in 2005, while the Preston School of Industry remains one of the main youth correctional facilities in the state (Lafferty, 1997; Mihailoff, 2005; Nunn and Cleary, 2004).

Preston School of Industry

The Juvenile Court

In 1899, arguably the most important event in establishing the role of the state as the ultimate protector of the orphaned, destitute and delinquent occurred in Illinois with the passage of the nation's first juvenile court act.[2] Four years later in 1903, California became one of the first states to follow suit, when it established its own juvenile court modeled on the Illinois law. Initially, only San Francisco, Alameda and Los Angeles counties were included, but the following year the law was amended to include all 58 California counties (Nunn and Cleary, 2004).

By designating children as a separate and distinct class subject to a new system of jurisprudence, the juvenile court extended the power and authority of the state to intervene in the lives of a growing number of children. The juvenile court was intended to be a place where children would receive individualized attention in a nonjudgmental paternalistic manner. Borrowing from the emerging field of social work, the new juvenile court system required trained and professional staff to achieve its vision and goals (Schlossman, 2005).

This need for a trained professional to implement the juvenile court's agenda of individualized treatment gave rise to the probation profession. Initially, juvenile probation officers were either volunteers or employed by nonprofit organizations assigned to the juvenile court. However, as it became evident that a functional juvenile court system required a full-time professional staff, the California legislature amended the juvenile court law in 1909 to authorize the hiring of probation officers as official agents of the state (Schlossman, 2005).

Probation officers working under the auspices of the juvenile court were expected to serve as the court's neutral agents. Their roles included conducting background investigations and compiling reports for the courts with individualized recommendations. Once the court determined the appropriate intervention, it then became the responsibility of the probation officer to implement the judge's order. This required probation officers to be the primary provider of services if the youth was returned to the community. If a youth was placed on probation and released to the community, the probation officer's primary function was to supervise the youth and ensure adherence to all release conditions. If the youth violated the conditions of release, the probation officer also served

[2] An Act to Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children (Illinois Legislature 1899).

a law enforcement function with the authority to return the youth to custody (Nunn and Cleary, 2004; Schlossman, 2005).

With the passage of the 1909 amended act, one other component was added to the California juvenile court—the requirement that all counties maintain detention homes for youth under juvenile court jurisdiction. This promoted another important vision of the early court — the removal of children from adult prisons and jails. Throughout the 19th century, it was common for children throughout California to be confined in adult facilities pending a court hearing, and be sentenced to adult prison if convicted of a felony. In fact, at the time the juvenile court law was passed, more than 300 inmates at San Quentin were under the age of 16 (Nunn and Cleary, 2004; Schlossman, 2005). The young man in the photo below was age 13 when he entered San Quentin in 1905. This practice was widely condemned and viewed as destructive throughout the 19th century.

13-year-old San Quentin inmate

The requirement that all counties maintain a detention home (juvenile hall) drastically changed the course of California's child welfare and delinquency policy. Because detention homes were expensive, they absorbed a disproportionate amount of the resources that could otherwise fund non-institutional care. Although the California juvenile court law was considered a progressive step forward, by the 1940s California had the highest juvenile detention rates in the country, with many counties indiscriminately housing abused and neglected children with delinquents (California Youth Authority, 1981; Norman and Allen, 1954).

The System Evolves

With counties assuming the primary burden for providing juvenile court services, probation went through a period of rapid expansion and quickly became the most important element of the juvenile justice system. Among the services probation officers provided to the courts was the conducting of background investigations to determine the conditions in which the child lived and the root causes of his/her behavior. Once this information was gathered it was presented to a juvenile court judge. At that point, an informal hearing was held in which the judge made a decision as to the child's fate. The original purpose of the juvenile court was to avoid any trappings of a criminal court proceeding. Because the court was to function in the child's best interest, no due process protections were considered necessary. Besides the judge, the only people present in a California juvenile court hearing were the child, the parents and the probation officer. The probation officer served as the neutral agent of the court and was expected to act as both the child's advocate and accuser (Nunn and Cleary, 2004; Schlossman, 2005; Tanenhaus, 2004).

The absence of a formal hearing and uniform procedures led to vast disparities in how children were treated. Without due process protections, treatment for similarly situated children varied widely from judge to judge and county to county. In addition, even though all 58 counties were operating under the same set of statutes, how

the laws were interpreted varied with each jurisdiction. As a result, some county juvenile courts sent large numbers of youths to the state-run youth correctional institutions, such as Preston and Whittier, while others did not (Nunn and Cleary, 2004; Mihailoff, 2005).

Regardless of county variations in commitments to state institutions, California probation practices evolved in a similar manner. With the necessity to maintain detention centers, county probation systems often were slow to develop non-institutional options. Throughout most of the 20th century, California probation departments struggled to develop intervention options that would allow the attainment of the individualized treatment goal. Instead, probation practice tended to rely on a narrow range of county and state options that typically relied on some form of institutionalization and minimum community-based services (Norman and Allen, 1954; Brozek, 1985).

The emphasis on institutionalization continued with the development of county ranches and camps in the 1940s. Born from the work camp models developed during the New Deal, such as the Works Project Administration and Civilian Conservation Corps, many California probation departments implemented what became known as ranches and camps. These facilities were administered by county probation departments as post-disposition minimum-security training schools. Often located in remote areas, probation ranches and camps followed a classic training school design with large open dormitories and a regimented daily routine. Ranches and camps were considered last stops before a commitment to a state institution (Teeters and Reinemann, 1950).

From the inception of the juvenile court, judges retained the option of committing youth to the state institutions. Until the 1940s, there were three state-administered youth correctional institutions—the Fred G. Nelles School in Whittier (1892), the Preston School of Industry (1894) and the Ventura School for Girls (1916). All three institutions were swirled in controversy at regular intervals since their opening, despite the state's periodic efforts to improve their management or upgrade the facilities. By the end of the 1930s, disillusionment with youth correction institutions had become widespread throughout the nation. In California, concerns in many counties over reliance on state institutions and the absence of adequate probation services led to calls for reform (Mihailoff, 2005).

Borrowing from a model promulgated by the nationally renowned American Law Institution, Gov. Culbert Olson argued for the creation of a new entity that would reduce rates of institutional commitments, primarily by improving the functioning of local probation departments. In 1941, Olson signed into law the Youth Corrections Authority Act, creating a new state agency to:

> Protect society more effectively by substituting for retributive punishment, methods of training and treatment directed toward the correction and rehabilitation of the young persons found guilty of violating the law.

The original purpose of the new agency was to develop better systems of assessment and diagnosis for the purpose of promoting individualized care. These new assessment techniques then would be shared with local officials and applied at the county level. This original vision quickly succumbed to unforeseen events (Mihailoff, 2005).

The original purpose of the new agency was to develop better systems of assessment and diagnosis for the purpose of promoting individualized care.

In 1942, the state training schools became embroiled in controversy following the suicides of two young men at Whittier, followed by a similar tragedy at Preston. The controversy surrounding these events gave rise to allegations of staff culpability in the death of at least one of these young men. As a result of these scandals and the continuing frustration over conditions in the state institutions, the newly elected Gov. Earl Warren altered the original purpose of the Youth Corrections Authority and ordered the new agency to assume responsibility for managing the three state-run institutions (Mihailoff, 2005; Brozek, 1985; Nunn and Cleary, 2004).

The new agency was called the California Youth Authority (CYA) and was given a mandate to centralize the management of what had been semi-autonomous state institutions. State officials believed that a more modern centralized style of management finally would bring an end to decades of scandals and abuse. Over the succeeding three decades, the CYA would attempt to develop some of the most sophisticated and innovative institutional practices ever devised in a youth corrections system (Mihailoff, 2005; McVicar, 1973).

In addition to developing a new system of institution-based rehabilitation, the new CYA was burdened with the enormous administrative challenge of meeting the increased demand for institutional beds during the post-World War II era. As the California population surged, the CYA population grew, consuming more and more agency time and resources (Mihailoff, 2005; McVicar, 1973).

By the 1980s, the once progressive California juvenile justice system was taken over by a conservative tide that swept away the reform efforts of the past.

As institutional populations expanded, conditions deteriorated, despite the CYA's internationally recognized efforts to pioneer new techniques of institution-based diagnostic instruments and rehabilitation. Efforts to improve treatment of youth did not succeed in repairing an institutional life characterized by violence, deprivation and alienation. The daily experience for youth in a CYA institution was one where the strong and sophisticated exploited the weak and vulnerable, a condition the staff could do little to prevent (Mihailoff, 2005; McVicar, 1973).

The failure of the CYA to improve the daily reality of institutional life led former director Heman G. Stark to conclude in 1961 that institutional care was a failure and that a new direction would need to be taken (Mihailoff, 2005).

Throughout the 1950s and 1960s, many counties continued to send a high number of youth to state institutions, prompting state officials to seek new alternatives.

The concerns being raised were based on the belief that the decision by county probation departments to recommend commitment to the CYA was based more on bureaucratic convenience than necessity. It was simply easier to commit a youth to the state since the county would no longer have to bear the financial or managerial burden (Mihailoff, 2005).

To address the problem of county commitment disparity and reduce the need for the additional institutional beds, the state launched a pioneering initiative in 1965 with the Probation Subsidy Act. Probation subsidy was based on the theory that commitment to state institutions could be reduced by providing county probation departments with financial incentives to maintain youth at the local level (Smith, 1986; Nieto, 1996).

Between the years 1965 to 1976, county CYA commitments declined substantially for the first time in two decades as counties expanded probation services, reducing their reliance on state correctional institutions. The decline in commitments resulted in the closure of three CYA institutions (Smith, 1986; Lerman, 1975).

Probation subsidy occurred at a time of national consensus around the benefits of community-based correctional interventions (Smith, 1986; Lerman, 1975). This novel experiment has been widely replicated around the country in the four decades since it was first introduced.[3]

Despite the probation subsidy's success, it came under fire from conservative critics and law enforcement interest groups for promoting leniency in the treatment of juvenile offenders. The attacks on the program centered on the state incentive payments to counties to maintain youth at the local level. Often derisively referred to as blood money, the probation subsidy program was replaced with a system of direct county payments that carried no mandates to reduce correctional commitments (Smith, 1986; Lerman, 1975).

By the 1980s, the once progressive California juvenile justice system was taken over by a conservative tide that swept away the reform efforts of the past. As many counties fell back on harsh practices, more and more juveniles

[3] The most recent manifestation of the probation subsidy was in the state of Ohio under the leadership of Republican Gov. George Voinovich. The program was called Reclaim Ohio and also used the strategy of subsidizing counties for not committing youth to state correctional institutions.

were committed to state institutions. This increase in state institutionalization was not uniform as the state returned to old patterns of vast county disparities. An analysis of commitment practices within Sierra Health Foundation's 26 counties demonstrates this historical county-by-county institutional commitment disparity.

By 1995, the population of the CYA reached a historical high, with nearly 10,000 youth crammed into 11 large training schools designed for a total capacity of just 6,722 (Division of the Youth Authority, 1995). A major reason for this population growth was the number of counties that were committing large numbers of youth to the CYA. This practice had severe and tragic consequences for many youth, particularly from more rural counties. Lacking the street sophistication of youth from larger urban counties, they became easy targets for exploitation and victimization while in the CYA.

In response, the Wilson administration and the state legislature passed legislation that created a financial penalty for counties that committed to the CYA for low-level delinquent acts. Within a year of its passage the CYA population began to decline again. Also during the late 1990s, the state empowered the Office of Inspector General (OIG) to begin investigating conditions in CYA institutions. From 2000 to 2003, the OIG issued a series of stinging reports that rebuked any notion that the CYA was a well-functioning institutional system providing rehabilitation to its wards. Instead, the OIG reports demonstrated a system in chaos that provided ineffective services in a poorly managed and highly punitive prison-like environment. The OIG investigations, combined with a series of media exposés, resulted in at least one legislative hearing, which further revealed the system-wide failure of California's youth corrections system (Office of the Inspector General, 2005).

The Farrell Litigation

The demise of the CYA was further accelerated in 2003 when a series of reports on conditions within the institutions by independent correctional experts was released by the California Attorney General's office. The reports were the result of negotiations over a class action lawsuit filed by the Berkeley-based Prison Law Office and the law firm of Latham Watkins over conditions in the CYA. The plaintiffs contended that the state was utterly failing to deliver the rehabilitation services it was statutorily mandated to provide. Instead, the suit claimed that the CYA was little more than a poorly managed youth prison where children were exposed to high levels of routine violence with no meaningful rehabilitative services (Farrell v. Cate, 2004).

The years of critiques about California's youth corrections were confirmed in November 2004 when the Schwarzenegger administration entered into a consent decree with the plaintiffs by admitting to the full range of failures highlighted in the lawsuit. Recognizing an untenable legal and moral position, the state agreed to fix the problem by eliminating its 19th century-style training school system and replacing it with a modern system designed to be rehabilitative (California Department of Corrections and Rehabilitation, Division of Juvenile Justice, 2006).

The impact of the Farrell v. Cate lawsuit on California's juvenile justice system is profound. Perhaps the most apparent impact is the unprecedented reduction in county commitments throughout the state. While CYA commitments had been in decline since 1996, the declines accelerated after the filing of the lawsuit and continued unfavorable news coverage. The unfavorable news coverage included two CYA staff being caught on tape in February 2004 pummeling two wards who were offering no resistance (Little Hoover Commission, 2008).

The chaotic and deeply troubled conditions brought to light by the lawsuit led the Schwarzenegger administration to abolish the 62-year-old agency in 2005 and merge its functions with the adult prison system into a newly created California Department of Corrections and Rehabilitation (CDCR). Under this new structure, the old CYA was reconstituted as the Division of Juvenile Justice (DJJ)[4], a department within the new super agency (Little Hoover Commission, 2008).

[4] The 2005 reorganization of the Youth and Adult Correctional Agencies into the CDCR created the Division of Juvenile Facilities (DJF). The DJF is commonly referred to as the Division of Juvenile Justice (DJJ).

The Consent Decree

The Farrell consent decree mandated that the DJJ engage in a series of comprehensive reforms that included replacing outdated and poorly designed facilities and creating a rehabilitative system. In March 2006, a team of independent youth corrections experts was hired to complete a thorough assessment of the system and make recommendations for moving forward. A summary of their findings is on the right. Based on their analysis, the experts concluded that it was "a system that is broken almost everywhere you look" (California Department of Corrections and Rehabilitation, Division of Juvenile Justice, 2006, p. 1).

In July 2006, the state offered its own remedial plan that detailed the elements of a new system and included the abandonment of the current institutional structure and the adoption of small therapeutic living units. Since the promulgation of this plan, the state has made little progress in achieving the massive reforms, and there is almost no prospect of replacing the outdated facilities in the near future (Macallair, 2010).

As previously noted, the primary residual effect of the Farrell lawsuit has been the unprecedented declines in county commitments. The decline in county commitments continues and was accelerated in August 2007 with the passage of Senate Bill 81 (SB 81). By severely restricting the ability of counties to commit low-level offenders to the DJJ, SB 81 represents the most comprehensive state-initiated juvenile justice reform effort of the past five decades. In addition to imposing restrictions on the type of offenders counties could commit to DJJ, SB 81 attempts to reduce state youth correctional populations through a block grant that gives counties the means to develop additional probation services. California's Youthful Offender Block Grant, initiated through SB 81, provided capacity-building funding to probation departments statewide (Macallair, Males and McCracken, 2009).

The Farrell lawsuit has drastically altered the California juvenile justice system and has resulted in an unprecedented realignment of services and interventions from the state to the counties. In the past 30 years, commitment to state youth corrections institutions have fallen by 80%. With the reduction in commitments, the state institutional population plummeted to the lowest level since the CYA's founding, with a current population of 1,262, as of December 2010 (Division of Juvenile Justice, 2010c). With the declining institutional populations, the state took the unprecedented step of closing five of 11 youth correctional institutions from 2005 to 2010 (Males and Macallair, 2010; Macallair, Males and McCracken, 2009).[5]

Findings of the Correctional Experts in 2006

- High levels of violence and fear in state-run institutions
- Unsafe conditions for both residents and staff
- Antiquated facilities unsuited for any mission
- An adult corrections mentality with an adult/juvenile mix
- Management by crisis with little time to make changes
- Frequent lockdowns to manage violence with subsequent program reductions
- Time adds for infractions adding more than eight months to average lengths of stay
- Lengths of stay almost triple the average for the nation
- Hours on end when many youth have nothing to do
- Vocational classrooms that are idle or running half speed
- Capitulation to gang culture with youth housed by gang affiliation
- Low levels of staffing and huge living units
- Abysmal achievements despite enormous outlays for education
- Information systems incapable of supporting management
- Little partnership with counties and a fragmented system
- Poor re-entry planning and too few services on parole
- Enormous costs with little to show for it

Source: California Department of Corrections and Rehabilitation, Division of Juvenile Justice, 2006.

[5] One of these institutions was the Fred C. Nelles Youth Correctional Facility, which had operated since 1892.

While the Farrell lawsuit reforms continue, the issue is being raised whether to maintain the state role in administering institutions. Since the county probation departments provide services for 99% of the youth who come into contact with the juvenile justice system in a given year, proposals have been put forth to close the state institutions and transfer additional resources to allow the counties to absorb the remaining DJJ population (Legislative Analyst's Office, 2009; Little Hoover Commission, 2008; Macallair, Males and McCracken, 2009).

The Future of the Division of Juvenile Justice

In July 2008, California's prestigious Little Hoover Commission, a quasi-independent state organization that conducts policy studies to improve the functioning of state government, proposed closing the remaining state institutions and returning the remaining youth to the county. Under the plan, the state would no longer manage youth correctional institutions, but instead would establish an agency to monitor and evaluate county juvenile justice services. The new agency also would promote best practices and set standards for services, similar to the original CYA concept (Little Hoover Commission, 2008).

In a February 2009 report to the legislature, the Little Hoover Commission report received an endorsement from the nonpartisan Legislative Analyst's Office (LAO). In its report, the LAO called for the closing of the DJJ and the realignment of funds to the counties to build their capacities to handle the youth they currently send to the state (Legislative Analyst's Office, 2009).

With the growing attention toward possible DJJ closure, CJCJ conducted an analysis of juvenile institutional capacity at the county level that was released in May 2009. According to the CJCJ analysis, there are nearly 3,000 surplus institutional beds at the county level as a result of a massive building program that occurred beginning in the late 1990s. The institutional building program resulted from passage of the Juvenile Accountability Block Grant that provided federal incentive grants to counties to expand their local juvenile halls and ranches. By 2009, more than 73 new or renovated facilities were completed, giving counties an unparalleled range of institutional options from newly designed high-security juvenile halls to medium-security ranches and camps. The surplus institutional space is more than sufficient to house the remaining population now committed to state facilities (Macallair, Males and McCracken, 2009).

Closing the state training schools would usher in a new era in California's juvenile justice system. With services concentrated at the county level, a broader range of local services could be provided for higher-needs offenders. The higher-needs offenders are historically the least likely to be served effectively and the most likely to be committed to state institutions. Having a two-tiered system allows county systems to abdicate responsibility for their more challenging population. Given the continued difficulties encountered by the state in providing humane and effective care to youth in its custody, the recognition for an alternative system has never been greater. With a properly constructed state funding stream, modeled on SB 81, county probation services could be augmented to meet the new responsibilities (Macallair, Males and McCracken, 2009).

For the small population of youth who require treatment in a secure facility, counties could reserve a living unit in their juvenile halls and/or subcontract with a county with surplus institutional space. Closing state institutions would permanently restrict counties from relying on state institutions for challenging youth. Additionally, the temptation to use surplus county institutional space for youth who could be better served in the community is avoided (Macallair, Males and McCracken, 2009).

SECTION II

The Current State of the California Juvenile Justice System

The current judicial process of California's juvenile justice system relies heavily on the discretion of police officers, probation officers and the juvenile court. At each stage of the process, through arrest, hearings, disposition and post-disposition options, there are numerous possible outcomes for a youth, ranging from release to community-based services on probation, detention, out-of-home placement or commitment to an institution. Probation officers, in particular, heavily influence the outcomes for juvenile offenders. Historically, probation departments relied on a limited array of interventions and outcomes were inconsistent, but this is changing as departments broaden their ranges of intervention and standardize outcomes.

Section II includes information on the following topics:

- The discretion of police officers, probation officers and the juvenile court
- The legal process for a juvenile offender
- Adult court transfers in California
- Changes in county probation practices

The Discretion of Probation Departments and Juvenile Courts

The California juvenile justice system is at a crossroads. While still relying on a limited range of intervention options, there is a strong desire among many juvenile justice practitioners to develop a broader array of options. However, the traditional approach still characterizes many jurisdictions and is reflected in the procedures employed at the various system stages from arrest through disposition.

In 2009 there were 204,696 juvenile arrests in California. Of these, 28% were for felonies, 57% were misdemeanors and another 15% were for status offenses (Criminal Justice Statistical Center, 2010). If a youth is arrested for a delinquent act, the police officer exercises discretion as to whether to send the youth home with a citation that requires the youth to appear in court on a certain date. In an instance where the offense is considered more serious, the police officer can decide to transport the youth to the county juvenile hall to be formally processed. Once taken to the juvenile hall, jurisdiction is turned over to juvenile hall staff and the youth is formally processed. Known as the booking process, the youth is first photographed and fingerprinted.

Upon assuming jurisdiction, the probation department begins the intake stage of juvenile justice processing. At this stage a designated intake probation officer conducts a brief review of the youth, which may include a records and probation status check. Upon reviewing the

Key Juvenile Justice Terms

Adjudication
The equivalent of an adult conviction hearing. A minor becomes a ward of the court if it is decided he or she was responsible for his or her actions.

Delinquent
A person under 18 who has been found to have committed a crime, but who, as a minor, lacks full responsibility and cannot be tried as an adult.

Detention
The detaining of a youth in a secure facility while awaiting a hearing or disposition.

Disposition
The forum in which a judge presents the action or treatment plan that will be imposed on an adjudicated youth.

Juvenile Court
A special court or department of a trial court that deals with underage defendants charged with crimes or who are neglected or out of the control of their parents.

Status Offense
An offense that would not be considered a crime for an adult, such as truancy, running away, underage drinking or curfew violation.

Judicial Waiver
The judicial discretion by which it is decided that a minor will be tried in the adult criminal system.

Direct File
The power of the district attorney to transfer youth over the age of 14 for a variety of offenses to adult court without a juvenile court hearing.

police report or the arrest charge, the intake probation officer in many jurisdictions will complete a risk assessment instrument (RAI). The RAI is used to objectively score a youth on various risk factors to help the probation officer determine whether to release or detain the youth. The RAI can have a profound impact on county detention practices, since it is designed to take away many of the disparities that occur when probation staff simply rely on subjective judgment.

If the youth falls into a low-risk category, the youth can be released. If the decision is to release, a call is made to the youth's parents to come to the juvenile hall and take their child home. If the parent is not home or refuses, the child often remains in custody until the parent can be contacted.

If the youth remains in custody, a detention hearing is held within 48 hours. At the detention hearing, the judge hears from the youth's counsel and the district attorney. In addition, the judge also receives a recommendation from the probation department representative as to whether the youth should continue to be detained or released.

Currently there is no database on how many youth get detained at the detention hearing, but detention rates based on arrests vary from county to county. High detention rates can be determined by comparing felony arrests with county detention admissions. Some counties detain few youth, while others detain many (Champion, 2004).

Following the detention hearing, the California juvenile justice process moves to the adjudication stage. At this stage, the probation department makes a recommendation to the district attorney as to whether a petition should be filed based on the evidence in the case. Once the probation department makes its recommendations, the decision to file charges rests with the district attorney (Champion, 2004).

Once the district attorney files charges, the case moves to a preliminary hearing. Usually, the assigned defense attorney meets with the district attorney to negotiate the charges prior to the preliminary hearing. The success of these negotiations often determines the youth's fate. At the preliminary hearing, the youth appears in front of the judge and is formally presented with the charges. The youth can choose to admit the petition (plead guilty) or deny the petition (Champion, 2004).

If the youth denies the petition, the case moves to the adjudication hearing, which is the juvenile court's equivalent of a trial. Since there are no jury trials in California's juvenile court, the judge determines the youth's guilt or innocence (Champion, 2004).

In the event that the petition is sustained, the case moves to the disposition stage. Prior to the disposition hearing, a probation officer is required to write a predisposition report. Since the dawn of the juvenile court, the predisposition report has been the juvenile court's most crucial document. Ideally, the predisposition report contains all relevant information about the youth's life and circumstances, along with a description of the youth's involvement in the crime, prior record and potential for rehabilitation. This information forms the basis for the probation officer's disposition recommendations that are formally provided to the court. Historically, judges follow the probation officer recommendation contained in the predisposition report 90% of the time (Champion, 2004).

Four Basic Judicial Options for Disposition

1. Formal Probation
2. Out-of-Home/Group Home Placement
3. Commitment to Ranch or Camp
4. Commitment to DJJ

Juvenile court judges currently have four basic options available at the disposition stage. The most commonly imposed disposition option is to impose formal probation and send the youth home. Formal probation means that the youth is made a ward of the juvenile court and therefore subject to conditions set by the court. Under formal probation, the youth usually is sent home under probation supervision with conditions. The conditions are both general and specific (Champion, 2004).

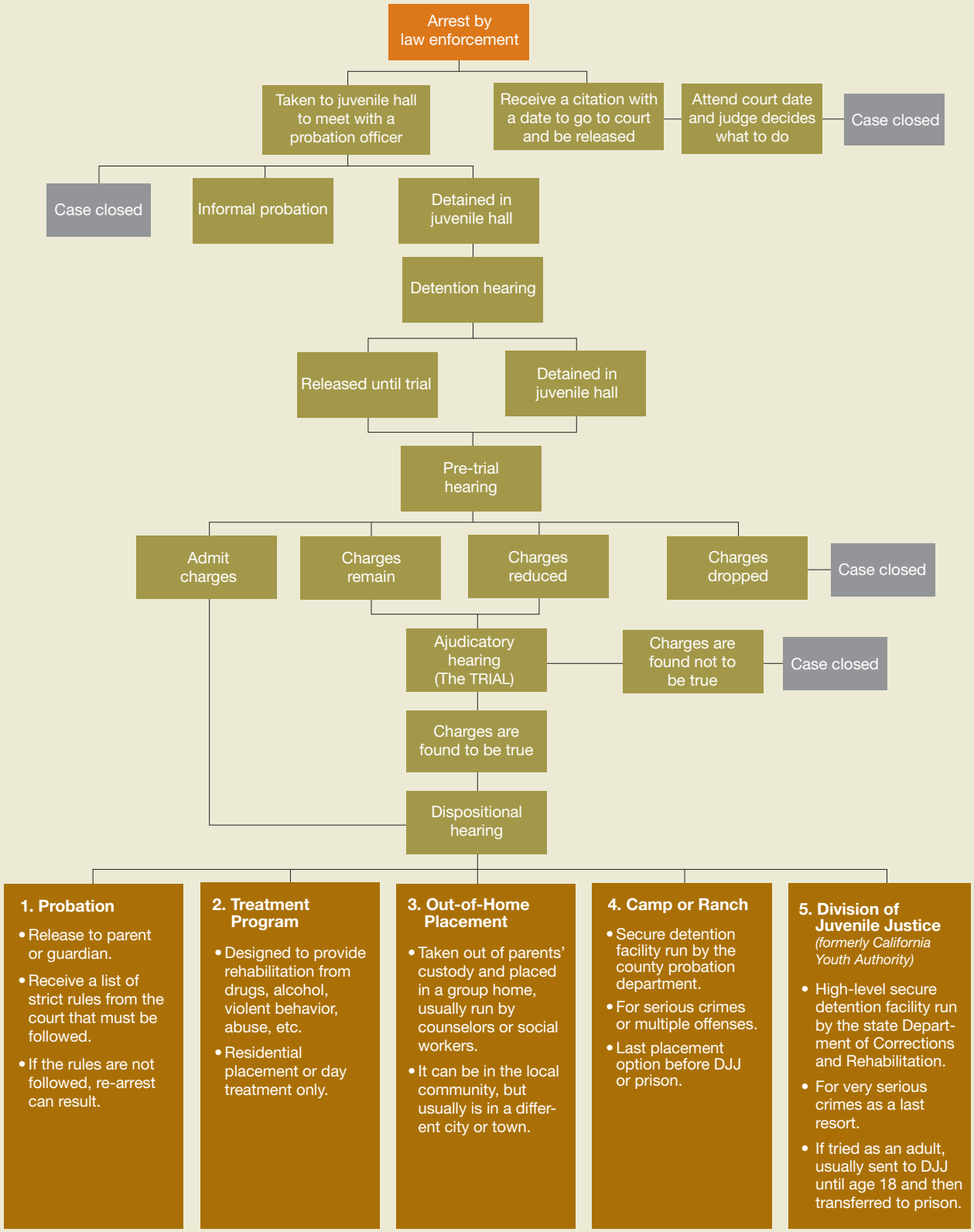
General conditions apply to all youth placed on probation, while specific conditions are designed for the individual youth. Judges can exercise broad discretion in establishing specific conditions, provided they are related to the youth's conduct. Specific conditions can include a requirement that the youth attend outpatient drug treatment or participate in a community service project. Specific conditions often are very much tied to the resources of the individual county probation department and have a sizable effect on disposition decisions.

Most youth placed on formal probation are sent home with minimal supervision. Due to traditional underfunding of probation services, many jurisdictions' formal probation supervision historically involved a simple check-in with a probation officer once a month to determine compliance with conditions of probation. In recent years, departments have attempted to address this problem by creating specialized supervision units with lower caseloads to supervise higher-risk probationers.

In the event that a youth is not able to be maintained in the home due to parental neglect or poor behavior, judges have the option of committing the youth to out-of-home placement. Out-of-home placement is the next most commonly imposed sanction by California juvenile court and involves sending a youth to live in a group home. Group homes are residential placements that operate as a form of foster care, located in community settings. Unlike a traditional foster home, group homes are required to provide professional services that usually include licensed treatment and education. In California, there are 14 rate classification levels of group homes. The rate classification levels determine the intensity of service with 14 being the highest. Currently, most youth committed through the juvenile courts are placed in a rate classification group from 8 to 14 (Steinhart and Butts, 2002).

Many large counties operate ranches and camps. Ranches and camps usually are located in more rural or remote areas and are minimal-security facilities that conform to a classic training or reform school design. A training school design is constructed to hold between 80 to 150 youth in open dormitory living units. Even though per capita spending on ranches and camps is approximately half of the per capita spending on group homes, these institutions usually are reserved for youth who have failed in the community and group home placement. These facilities are considered the last stop before the youth is committed to the DJJ (Steinhart and Butts, 2002).

California Juvenile Justice System



Recreated from information provided by the Criminal Justice and Statistics Center (2010).

As previously mentioned, commitments to DJJ vary widely by county. DJJ recommendations often are based on the probation system's organizational culture and program resources. In many instances, decisions to commit to DJJ are more a function of past practice. Many counties use DJJ commitments as a means to remove the more challenging youth, while others make concerted efforts to address youth problems at the local level.

Adult Court Transfers in California

Prior to the decision to file a petition, California district attorneys have discretion to transfer certain cases to the adult court for adult prosecution. Traditionally, this practice has primarily targeted youth who commit the most serious offenses, as listed under California Welfare and Institutions Code 707(b). In recent years, through changes in state law and by voter initiative, prosecutorial capacity to seek adult court transfers for juvenile offenders has been broadened. These changes in the law represent a reversal of the trend that existed throughout most of the 20th century (Steinhart and Butts, 2002; Little Hoover Commission, 2008).

The creation of the California juvenile court in 1903 created an alternative to adult court prosecution of youth who committed felonies, which had previously been the standard practice. Early juvenile court advocates strenuously argued for youth to remain under the juvenile court regardless of their crime. As a result, the general trend through much of the 20th century was expanding juvenile court jurisdiction, including raising the age of jurisdiction to 18 and expanding the court's capacity to handle all types of serious offenders (Nunn and Clearly, 2004).

The changes were founded on the belief that exposing young people to adult court trials and incarceration with adult offenders simply rendered them worse criminals. In the past couple of decades, this premise, which drove juvenile justice policy for much of the 20th century, has been reversed. Since the early 1990s, the age at which a juvenile could be tried in adult court has been lowered in California from age 16 to age 14. Then in March 2000, Proposition 21, a voter-approved initiative, expanded the number of offenses for which juveniles were eligible for adult court transfers and created new legal avenues for adult court transfer (State of California, 1996; Steinhart and Butts, 2002).

California's Proposition 21

Expanding Adult Court Transfers

- Expands the number of youth eligible for adult court transfers by tightening amenability standards
- Creates an automatic mandatory transfer for murder and certain sex crimes
- Creates new direct file provision that allows prosecutors to charge a juvenile directly in adult court

Historically, before a youth could be transferred to adult court, the case had to be presented to a juvenile court judge prior to the adjudication process. At this hearing, the judge heard evidence about the youth's amenability to juvenile court treatment. Amenability is determined by five criteria, with the ultimate decision resting with the juvenile court judge. The five criteria listed under California Welfare and Institutions Code Section 707 are: the degree of criminal sophistication exhibited by the minor, whether the minor can be rehabilitated prior to the expiration of the juvenile court jurisdiction, the minor's previous delinquent history, the success of previous attempts by the juvenile court to rehabilitate the minor, and the circumstances and gravity of the offense alleged to have been committed by the minor. Youth who commit serious crimes must be found amenable on all five criteria and the burden of proof is on the youth (Macallair, 1995; Steinhart and Butts, 2002).

Under the old law, youth accused of less serious offenses could also be tried as adults. However, in these cases, the burden of proof was on the state to prove absence of amenability, and youth needed only to prove amenability on three of the five criteria to remain in the juvenile court (Macallair, 1995; Steinhart and Butts, 2002).

With the passage of Proposition 21, youth who commit less serious crimes are no longer given the benefit of a less strenuous hearing. Instead, all youth for whom the district attorney decides to seek adult court transfer must be found amenable on all five criteria, and bear the burden of proving their amenability (Steinhart and Butts, 2002).

Even more severe, Proposition 21 created a statutory exclusion for murder and certain sex crimes for all youth age 14 or older. Therefore, if youth are accused of these crimes, they are automatically transferred to the adult court for prosecution and are not eligible for juvenile court jurisdiction.

The final provision of Proposition 21 that seems to have gained greater resonance among prosecutors in certain counties is the provision for direct file. Direct file allows prosecutors to file cases directly in adult court without consulting a juvenile court judge or convening a juvenile court amenability hearing (Proposition 21, 2000). This approach is widely regarded as having the greatest potential for increasing adult court transfers, as full discretion rests with the district attorney. Florida first adopted the direct file in 1984 and it generally is believed to be the primary reason why the state has the highest adult court transfer rates in the country.

Since the passage of Proposition 21, there has been a steady increase in the number of youth transferred to adult court in California, suggesting that prosecutors are using this new authority. However, these youth are not showing up in the adult system either for temporary confinement in DJJ facilities or in the adult prison system.

The absence of these youth in state facilities indicates that they are receiving probationary sentencing. While they may serve a period of incarceration in adult county jail facilities, they do not appear to be receiving longer periods of confinement in the adult system. However, since the adult system has fewer rehabilitative services available, there are fewer program options available to youth sentenced as adults. Ironically, if juveniles are receiving lighter sentences in the adult court, prosecutors may simply be limiting the number of potential sentencing options and intervention services that would otherwise be available if youth remained in the juvenile court (Macallair, Males and McCracken, 2009).

The overwhelming evidence shows that subjecting youth to imprisonment in adult correctional facilities is counterproductive. This reality was well recognized at the end of the 19th century and was a basic premise for the creation of a separate juvenile justice system. Recent changes in the law are driven primarily by ideological assertions that harsher treatment promotes public safety. In fact, youth exposed to adult imprisonment have higher rates of recidivism and are more likely to escalate the severity of their criminal behavior than youth treated with a more rational and reasoned range of individualized interventions. Therefore, any effort to improve the functioning of the California juvenile justice system must include strategies to reduce adult court transfers (Redding, 2010).

Changes to California Probation Practice and the Use of County Facilities

The passage of SB 81 in August 2007 potentially changes the nature of California juvenile probation practice at the county level. In addition to restricting the ability of counties to commit non-serious offenders to state institutions, the law also extended juvenile court jurisdiction. Under the law, county probation departments now can provide services to youth up to the age of 21 (Senate Bill 81, 2007).

While few departments have yet to embrace these changes by extending services to age 21, the new law provides an opportunity to offer services to this transitional-age population. The SB 81 law is consistent with the emerging trend

Youth engaging in county-level services

toward extending support services to youth throughout the child welfare and mental health systems. Child welfare experts have long recognized the problem of curtailing services and support for youth once they reach their 18th birthday, since few youth are prepared to confront the challenges of adulthood, especially those without families and/or from troubled backgrounds. SB 81 is a vehicle for implementing substantive changes, extending the scope of services and providing services to transitional-age youth in the juvenile justice system (Dawood, 2009; Macallair, Males and McCracken, 2009).

Another long-term ramification is the SB 81 clause that allows counties to retain youth in county youth facilities until age 21. Under the previous law, youth could only be housed in juvenile halls past their 18th birthday upon a judge's specific approval. The prevailing practice has been to transfer youth over age 18 to the local county jail pending their adjudication or for post disposition. However, if the juvenile court wanted to sentence the youth to a period of incarceration, the only option was the county jail, provided the youth agreed to the sentence and opted not to challenge it. California law otherwise proscribed sentencing youth under juvenile court jurisdiction to adult institutions (Dawood, 2009; Macallair, Males and McCracken, 2009).

Under the new law, counties now have the option of using juvenile hall space for short- or long-term post-disposition confinement. The impact on probation practice is that certain juvenile hall wings can be set aside for the small number of county youth who are now sent to the DJJ. Maintaining these youth at the county level has many advantages:

- Youth are able to maintain contact with family members.
- Family members can be engaged in the treatment process.
- Systems are able to access a broader assortment of community resources.
- Responsibility for the youth is retained within the jurisdiction where the youth lives.
- Exposure to the DJJ gang subculture is reduced.
- Exposure to extreme violence in the state correctional institutions is reduced.
- The potential for counties to use existing institutional space for less serious offenders is reduced (Macallair, Males and McCracken, 2009).

Violence is structurally endemic to large congregate correctional institutions. Long ago, research in the juvenile justice field established that as institutional populations increase, rates of violence escalate. In California this occurs because youth with the most challenging behavioral issues are housed within a large institutional setting where youth reside in open dormitories (California Youth Authority, 1980; Lerner, 1986).

As previously noted, in these institutions the strong and sophisticated youth prey upon the weaker and more vulnerable youth. Youth from less urbanized counties often are particularly vulnerable since they often do not possess the level of street sophistication of more urbanized youth (California Youth Authority, 1980; Lerner, 1986).

Another long-term ramification is the SB 81 clause that allows counties to retain youth in county youth facilities until age 21.

Therefore, to survive in California's youth correctional institutions, youth are compelled to join gangs. The presence of a gang culture within the state's youth correctional system is an intractable problem that defies solutions. By relying on local facilities, juvenile courts can better protect youth and avoid further escalating violence or gang tendencies that result from exposure to state facilities (Macallair, Males and McCracken, 2009).

With counties currently operating with excess institutional capacity, there is an unprecedented opportunity to end the practice of sending youth to state-run institutions by maintaining them in local institutions (Macallair, Males and McCracken, 2009). In addition, by reserving institutional space for the more serious offenders, counties avoid the temptation of filling institutional space with less serious youth.

Many counties are reluctant to endorse the concept of maintaining higher-end and higher-needs offenders at the local level. The arguments tend to be based on the belief that some offenders cannot be handled at the county level because of their level of violence and the absence of county expertise. Arguments against maintaining youth in local institutions include:

- Local institutions are not designed for long-term confinement and are inappropriate for more sophisticated youth.
- Local institutions do not have an adequate array of services for violent or aggressive youth.
- Maintaining certain youth at the county level compromises public safety and sends the wrong message to would-be offenders.
- Maintaining problematic youth in local facilities disrupts the institutional environment and impairs treatment of other youth.
- County probation departments are not equipped to handle these more difficult youth.

While these arguments are generally well intentioned, they represent a traditional practice perspective. The major objective in systems reform is promoting innovative thought that changes prevailing practices. In this instance, county facilities are now actually better designed and equipped than any of the remaining state youth correctional facilities. Recently constructed juvenile halls are maximum-security institutions with modern designs. The modern designs include living units with individual cells of no more than 20. Additional capacity issues can be addressed by utilizing existing youth block grant funds to upgrade institutional treatment and staffing patterns (Macallair, Males and McCracken, 2009).

With the state's chronic fiscal crisis, county government will be expected to assume responsibility for a wider range of services. Nowhere is this more evident than in the juvenile justice sector. In addition to SB 81, proposals from the Little Hoover Commission and the Legislative Analyst's Office recommend the permanent closure of the state correctional institutions. Many counties should begin preparing to serve an older, more delinquent population. The decline of the state correctional system provides an opportunity to eliminate an outdated 100-year-old institutional structure in favor of a modern 21st century approach.

SECTION III

Statistical Overview of the 26 Counties Served by Sierra Health Foundation

This section includes data gathered from the 26 counties that fall within Sierra Health Foundation's region of concern. In recent years, the demographics within the region have undergone major changes, including population growth that is largely compared to statewide statistics, and drastic changes in ethnic composition, although ethnicity differs among areas. These 26 diverse counties have been divided into three categories: Urban Central Valley, Sierra Front and Mountain/Rural. The analysis measures county-level juvenile justice outcomes by crime and incarceration, and reveals a wealth of sometimes surprising information on the effect of policy and practice county to county.

Section III includes information on the following topics:

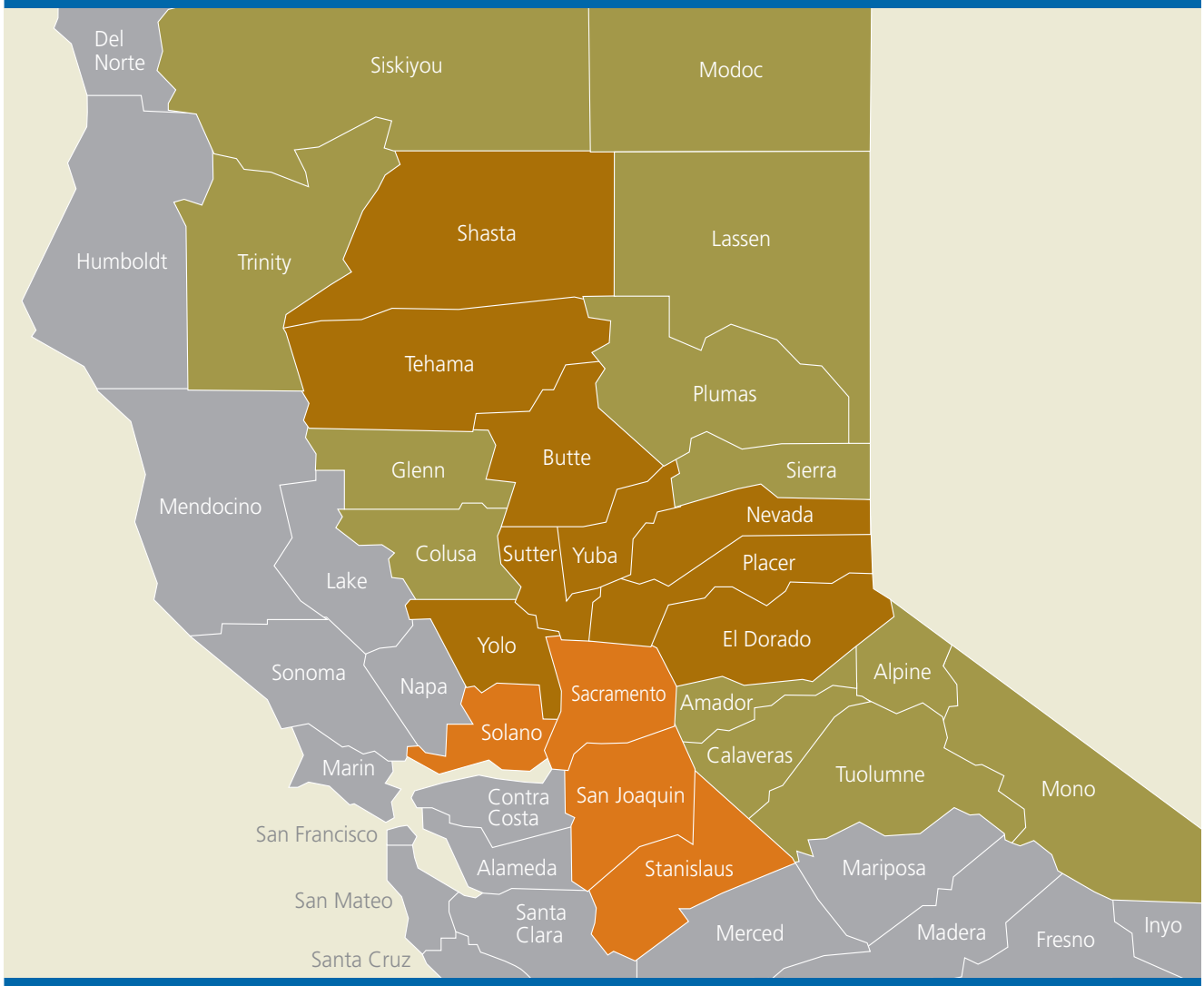
- The data reveals county-level variations in felony rate compared to arrest and/or detention rate, rate of pre-disposition detention, time spent in juvenile facilities and the ratio of arrest, adjudication and detention between genders and ethnicities for similar illegal activity.
- Areas with large growth in nonwhite juvenile populations led the region in declining felony rate, except in the Mountain/Rural area. Despite these declining felony rates, there have been accompanying high ratios of arrest to incarceration in areas with growing populations of nonwhite youth, showing the presence of Disproportionate Minority Confinement.
- Commitments to DJJ are lower for the entire region, and are low in statewide comparison. Local detention rates, however, have declined less in comparison.

THE 26 COUNTIES EXAMINED HERE—with 600,000 juveniles and a total population of 4.5 million — span a wide range of conditions relevant to juvenile justice outcomes. The purpose of this analysis is to detail which counties have pursued successful juvenile justice strategies, as measured by crime and incarceration outcomes.

The 26 counties have been divided into three categories:

- **Urban Central Valley:** four counties located in the Central Valley, each with populations exceeding 400,000 in 2010 and containing a city of at least 100,000 people, and with juvenile populations (age 10-17) of 50,000 or more.
- **Sierra Front:** nine rapidly growing counties along the western Sierra front and adjacent Central Valley, which have an aggregate population of 1.5 million and juvenile populations of 10,000 to 40,000.
- **Mountain/Rural:** the remaining 13 counties, aggregate population 335,000, generally are slower-growing, have no major urban areas and have juvenile populations of 7,000 or less.

Map of Counties Profiled



Key[6]: Urban Central Valley counties:
Sierra Front counties:
Mountain/Rural counties:

[6] The original version of this map was retrieved electronically from the University of California, Berkeley web site at http://www.lib.berkeley.edu/EART/images/ca-out4.gif

County-by-County Demographics and Juvenile Justice Trends

The counties in each category are summarized in Table 1 and Table 2. These summary tables indicate clear individual differences among the counties, as well as some similarities by category.

TABLE 1 | Juvenile demographics for 26 Sierra Health counties
(ranked by population size)

	Youth population age 10-17, 2009						
County	**Total**	**White**	**Hispanic**	**Asian**	**Black**	**Native**	**Percent Nonwhite**
			Urban Central Valley counties (4)				
Sacramento	172,403	78,490	47,424	24,705	20,536	1,247	54%
San Joaquin	102,073	29,671	46,343	17,866	7,662	531	71%
Stanislaus	76,564	27,295	42,992	3,370	2,326	582	64%
Solano	49,957	20,482	15,443	7,644	6,037	351	59%
Subtotal	**400,997**	**155,939**	**152,201**	**53,586**	**36,560**	**2,711**	**61%**
			Sierra Front counties (9)				
Placer	40,990	29,657	8,693	2,155	238	247	28%
Yuba/Sutter	23,354	11,296	8,845	2,286	492	435	47%
Sutter	13,002	5,493	5,646	1,543	203	117	58%
Yuba	10,352	5,804	3,199	743	289	317	44%
Butte	23,320	16,736	4,633	934	398	619	28%
Yolo	21,879	10,077	9,136	1,658	851	157	54%
El Dorado	20,743	17,122	3,041	356	81	141	17%
Shasta	20,534	17,059	1,874	604	186	810	17%
Nevada	9,954	8,845	936	66	33	75	11%
Tehama	7,077	4,912	1,948	59	38	121	31%
Subtotal	**167,851**	**115,704**	**39,106**	**8,118**	**2,318**	**2,606**	**31%**
			Mountain/Rural counties (13)				
Tuolumne	4,741	4,050	503	43	32	112	15%
Siskiyou	4,443	3,344	713	58	65	263	25%
Calaveras	4,238	3,429	667	36	28	77	19%
Glenn	3,696	1,817	1,613	177	9	79	51%
Amador	3,501	2,845	461	27	108	60	19%
Lassen	3,448	2,742	505	35	50	115	20%
Colusa	2,940	1,019	1,806	50	11	53	65%
Plumas	1,907	1,604	203	6	24	70	16%
Trinity	1,454	1,280	88	9	3	74	12%
Mono	1,366	727	596	15	0	28	47%
Modoc	1,126	896	177	6	1	45	20%
Sierra	305	262	37	0	3	3	14%
Alpine	101	53	22	0	1	25	48%
Subtotal	**33,266**	**24,068**	**7,392**	**464**	**336**	**1,006**	**28%**
			Sierra Health counties and state totals				
Sierra Health	**602,114**	**295,711**	**198,698**	**62,167**	**39,213**	**6,323**	**51%**
California	**4,538,339**	**1,507,492**	**2,244,109**	**295,323**	**462,088**	**29,327**	**67%**

Source: Criminal Justice Statistics Center, 2009; Demographic Research Unit, 2010.

Note that as a group, about 13% of the state's youth reside in the Sierra Health counties. Of the total state's youth, the Sierra Health counties account for 20% of white youth, a considerably higher juvenile crime (felony) rate and a slightly lower rate of juvenile incarceration. The most evident feature is diversity. Sierra Health counties' youth populations range from 100 (Alpine) to 170,000 (Sacramento) and from 29% white (San Joaquin) to 88% white (Trinity). In this paper, "white" refers to European-origin. With a five-fold span in felony rates (Solano to Mono), incarceration rates range from zero (four counties) to 1.4% (Trinity) of youth behind bars. While Sierra Health youth poverty rates both as a group and for the county categories are similar to those of California as a whole, the individual counties show wide divergence.

As for the three different county categories, the more populous Urban and Front counties have higher felony rates than the state average, and the Mountain and Rural counties have lower felony rates than the state average. The reverse is true for juvenile incarceration rates. The high incarceration rate among rural counties is due to high levels in six counties (including a very high level in Trinity), while the other seven counties show juvenile incarceration levels well below the state average.

Before examining the categories in more detail, several intriguing sociological features of the Sierra Health counties are worth noting. Sierra Health counties experienced substantially more rapid growth in their youth populations over the last two decades than the state as a whole, even as experiences among the various counties diverged radically (Table 3). This mirrors the larger growth in populations of all ages, which have risen 39% since 1990 (compared to 28% statewide), with the Front counties showing the largest population growth of all (up 43%). Along with rapid numerical increase, youth demographics have changed more radically over the last two decades than in the entire period since statehood.

TABLE 2 | Felony and incarceration rates for 26 Sierra Health counties

		Rate* of juvenile	
County	**Poverty rate***	**Felonies**	**Incarceration**
Urban Central Valley counties (4)			
Sacramento	18%	1,312.1	324.8
San Joaquin	22%	1,883.3	235.1
Stanislaus	20%	1,503.0	197.2
Solano	10%	2,350.4	295.1
Subtotal	**18%**	**1,621.8**	**273.5**
Sierra Front counties (9)			
Placer	7%	1,337.8	153.2
Yuba/Sutter		950.6	321.1
Sutter	18%	1,596.7	operate joint
Yuba	27%	953.1	youth facility
Butte	19%	1,441.0	227.3
Yolo	15%	1,770.4	361.1
El Dorado	9%	824.3	263.0
Shasta	22%	1,428.5	404.2
Nevada	14%	1,337.5	221.0
Tehama	18%	1,318.9	452.2
Subtotal	**16%**	**1,349.1**	**272.7**
Mountain/Rural counties (13)			
Tuolumne	15%	1,879.4	0.0
Siskiyou	23%	1,411.2	450.1
Calaveras	15%	1,550.3	0.0
Glenn	17%	1,286.3	460.0
Amador	14%	852.0	27.7
Lassen	15%	1,167.3	493.0
Colusa	22%	788.0	0.0
Plumas	19%	1,289.2	0.0
Trinity	22%	754.5	1,306.7
Mono	17%	454.4	0.0
Modoc	27%	851.8	88.8
Sierra	11%	680.3	0.0
Alpine	22%	759.0	0.0
Subtotal	**18%**	**1,245.9**	**291.4**
Sierra Health counties and state totals			
Sierra Health	**18%**	**1,523.3**	**270.4**
California	**18%**	**1,290.2**	**281.9**

*All rates are per 100,000 population age 10-17. Poverty rates are for age 15-17 for 1999, as reported by the Census. Felony rates are as of 2009. Incarceration rates are as of June 2008 and reflect the number of juveniles held in state Division of Juvenile Justice or in county detention camps and halls.

Source: Criminal Justice Statistics Center, 2009; Demographic Research Unit, 2010. Employment Development Department, 2010.

TABLE 3 | Change in youth population (age 10-17) by race, 1990-2009

	Absolute change			Percentage change				
Sierra Health counties	**Total**	**White**	**Nonwhite**	**Total**	**White**	**Hispanic**	**Asian**	**Black**
Urban Central Valley	+145,938	+11,986	+133,952	+57%	+8%	+177%	+79%	+54%
Sierra Front	+56,467	+27,804	+28,663	+51%	+32%	+162%	+65%	+50%
Mountain/Rural	+2,918	-283	+3,201	+10%	-1%	+85%	+2%	-22%
Sierra Health total	**+205,323**	**+39,507**	**+165,816**	**+52%**	**+15%**	**+169%**	**+76%**	**+53%**
California	**+1,320,318**	**+53,716**	**+1,266,602**	**+41%**	**+4%**	**+95%**	**+37%**	**+18%**

"Absolute change" is the number of youths in 2009 minus the number in 1990.
"Percent change" refers to the percent change in respective youth populations. "Nonwhite" refers to all those not of European white origin.

Source: Criminal Justice Statistics Center, 2009; Demographic Research Unit, 2010. Employment Development Department, 2010.

The Urban counties saw the largest numerical and percentage growth in youth populations, with more than 90% of the growth among Hispanics and Asians. These four counties have seen the addition of the equivalent of new cities of Vallejo and Benicia consisting entirely of 10- to 17-year-olds in the last two decades. The Front counties also had explosive growth, split evenly between whites and nonwhites. The Front counties, with 4% of the state's youth population, accounted for more than half of the state's entire white youth population increase. Placer, El Dorado and the other Front counties not only have borne the brunt of white family migration from the state's urban areas, they have seen rapid Hispanic and Asian influxes as well.

The Mountain counties continued to show the slowest population growth, but have seen noticeable changes in demographics. White and Asian populations remained stable, native and black populations showed substantial outmigration, and Hispanics showed significant growth and now comprise nearly one in four youth in these once nearly all-white counties. These demographic shifts toward more nonwhite youth are highly noticeable, perhaps even jarring, to older residents, particularly in Front and Mountain counties where both long-term and new populations include a large, white, aging component.

Changes in Juvenile Arrest Rates

To determine what implications these massive shifts in youth populations and demographics hold for juvenile justice trends, we must first consider the prevailing view. Traditional criminological thought is that growth in the youth population, particularly more black and Hispanic youth, should predict an "explosive increase" in crime and violence, as observed in the standard view voiced by crime authorities from UCLA's James Q. Wilson to Princeton University's John DiIulio and Northeastern University's James Alan Fox (DiIulio, 1995; Fox and Piquero, 2003; Wilson, 1975).

A cursory reading of the press and commentaries in Sierra Health counties[7] indicates widespread belief that more crime and violence led by youth are indeed occurring. An important context for this discussion of juvenile justice policy must begin with an evaluation of whether Sierra Health counties are experiencing more crime and violence spurred by youth offending, both absolutely and in comparison to the rest of California.

[7] A 2007 analysis of the Mountain Democrat (El Dorado County) by San Jose State University School of Library and Information Science graduate seminar researchers found negative stories dominated youth coverage, chiefly concerning implications of widespread crime (Berniera, A., 2011).

TABLE 4 | Change in total crime rates per 100,000 county population, and change in youth arrest rates per 100,000 age 10-17, 1990-2009

	Change in overall crime rates			Change in youth arrest rates		
Sierra Health Counties	**Index**	**Violent**	**Homicide**	**Index**	**Violent**	**Homicide**
Urban Central Valley	-39%	-25%	-34%	-49%	-30%	-71%
Sierra Front	-46%	-22%	-61%	-40%	-18%	-81%
Mountain/Rural	-38%	-14%	-63%	-29%	+22%	-87%
Sierra Health total	**-41%**	**-24%**	**-42%**	**-45%**	**-25%**	**-72%**

Source: Criminal Justice Statistics Center, 2009; Demographic Research Unit, 2010.

In reality, what occurred over the last two decades was just the opposite of what crime authorities would predict and the press typically depicts. As Sierra Health counties experienced rapid growth in their youth populations, especially their nonwhite components (Table 3), both overall crime and youth arrest rates plummeted (Table 4). The rapid racial/ethnic diversification of Sierra Health counties (from 66% white in 1990 to 51% nonwhite today) did not bring higher crime rates. In fact, those counties whose nonwhite population shares increased the most tended to have larger declines in juvenile felony rates than less rapidly diversifying counties. Rather than spurring a new wave of crime, larger numbers of youth of color seemed to be the leading edge of a major crime decline, especially for all felonies and homicide.

The only exception was an increase in violent crime arrests among youth in Mountain counties, which experienced the slowest population growth. In raw numbers, there were 48 violent crime arrests for ages 10 to 17 in these 13 counties in 1990, and 93 in 2009 (the latter figure is down from the peak of 162 in 1999). Meanwhile, murder rates among Mountain county youth plunged by 87% to among the lowest in the state, lower even than Western European homicide levels.

Changes in Juvenile Incarceration Rates

Imprisonment data for state Division of Juvenile Justice facilities is available for all counties for 2005-09 and for select populous counties prior to 2005. The results are uniform, as counties and the state as a whole, both since 2005 and since 1999, show very large declines in juveniles placed in state facilities (Table 5). It can be assumed that cuts in the small numbers of youth placed in state facilities for counties for which pre-2005 figures are lacking were large as well. Since 2005, Sierra Health counties, particularly rural ones, show somewhat larger declines in state imprisonments, though numbers for these counties were small. By 2009, Sierra Health counties, particularly less populous ones, were less likely to send youth to state facilities than other counties in the state, though some county-to-county variations remain.

TABLE 5 | Rates and changes in juvenile incarceration in state DJJ facilities

2005-2009 (all Sierra Health counties) and 1999-2009 (four available counties)

Change in incarceration rates			Incarceration rates*		
County	**05-09**	**99-09**	**1999**	**2005**	**2009**
Urban counties					
Sacramento	-47%	-76%	154.6	69.6	37.1
San Joaquin	-72%	-90%	305.3	107.9	30.4
Stanislaus	-67%	-84%	182.8	91.3	30.0
Solano	-52%			58.3	28.0
Average	**-59%**			**81.2**	**32.9**
Sierra Front counties					
Placer	-13%			22.5	19.5
Butte	-82%	-84%	133.4	116.2	21.4
Yolo	-73%			67.9	18.3
El Dorado	-56%			22.2	9.6
Shasta	-68%			122.1	39.0
Sutter	-26%			83.2	61.5
Yuba	-64%			80.2	29.0
Nevada				0.0	10.0
Tehama	-83%			167.2	28.3
Average	**-64%**			**67.6**	**24.4**
Mountain/Rural counties					
Tuolumne	-100%			36.4	0.0
Siskiyou	-84%			137.7	22.5
Calaveras	-100%			40.4	0.0
Glenn	57%			51.6	81.2
Amador	-100%			25.3	0.0
Lassen	-46%			54.2	29.0
Colusa	-100%			68.1	0.0
Plumas				0.0	0.0
Trinity				0.0	0.0
Mono				0.0	0.0
Modoc	8%			82.4	88.8
Sierra	-100%			247.5	0.0
Alpine				0.0	0.0
Average	**-67%**			**54.0**	**18.0**
Sierra Health counties and state totals					
Sierra Health	**-61%**			**75.7**	**29.7**
California	**-51%**	**-82%**	**201.2**	**72.4**	**35.3**

*Rates are per 100,000 youth age 10-17 by county and year. Blank cells indicate data not available or involve comparisons with a zero denominator.

Source: Division of Juvenile Justice, 2010a, 2010b; Demographic Research Unit, 2010; Department of the Youth Authority, 1999.

Sierra Health counties have made up for sharper reductions in state imprisonments of juveniles by showing generally slower rates of decline and, in the case of Mountain counties, substantial increases in local juvenile incarcerations (Table 6). About six times more incarcerated youth are held in local rather than state facilities today. County-by-county variations both in rates and trends are large, suggesting some interesting contrasts for study. One problem is that some counties may send youths to camps or halls in other counties, as in the case of Solano's Fouts Springs facility, requiring local inquiries to determine the exact numbers of residence by county.

These are only a few of the complexities a closer analysis of the county categories will explore. While interestingly a higher percentage of nonwhite (Hispanic, Asian, African or Native American) youth in a county actually predicts a slightly lower juvenile arrest rate and a bigger decline in serious crime over the last two decades, it is also associated with a somewhat higher juvenile incarceration rate. Racial diversification may have brought the misperception in some areas that crime was getting worse, reflected in higher incarceration levels.

TABLE 6 | Change in local incarcerations and rates, 1999-2008

	Change, 1999-2008			Rate, total local incarcerations		
County	**Total**	**Camps**	**Halls**	**1999**	**2005**	**2008**
			Urban counties			
Sacramento	-9%	25%	-25%	310.7	286.7	283.5
San Joaquin	-24%	-28%	-23%	274.9	202.0	208.2
Stanislaus	23%		23%	137.1	193.4	168.3
Solano*	15%	-10%	39%	231.5	220.1	267.1
Average	**-7%**	**6%**	**-12%**	**258.6**	**240.5**	**240.9**
			Sierra Front counties			
Placer*	-22%	-97%		171.4	130.1	133.7
Yuba/Sutter*	-26%	53%	-42%	370.9	300.0	275.1
Butte	-13%		-13%	233.2	228.3	203.4
Yolo*	122%		122%	152.9	144.9	339.6
El Dorado*	22%	363%	-5%	207.6	194.9	253.4
Shasta*	-24%	-41%	-10%	472.7	434.2	357.4
Nevada*	-44%	-100%	17%	362.9	209.4	202.9
Tehama*	50%		50%	274.5	373.1	412.5
Average	**-7%**	**-55%**	**15%**	**268.0**	**231.3**	**248.3**
			Mountain/Rural counties			
Tuolumne*				0.0	0.0	0.0
Siskiyou	30%		30%	320.7	255.8	415.3
Calaveras				0.0	0.0	0.0
Glenn	78%		78%	209.6	670.6	372.5
Amador*	10%	10%		25.1	25.3	27.7
Lassen	76%		76%	257.3	514.6	451.6
Colusa*				0.0	0.0	0.0
Plumas	-100%		-100%	40.0	0.0	0.0
Trinity				0.0	1,952.4	1,255.0
Mono				0.0	0.0	0.0
Modoc				0.0	0.0	0.0
Sierra				0.0	0.0	0.0
Alpine				0.0	0.0	0.0
Average	**104%**	**666%**	**88%**	**98.7**	**245.3**	**201.4**
			Sierra Health counties and state totals			
Sierra Health	**-4%**	**-12%**	**0%**	**250.0**	**238.2**	**240.7**
California	**-19%**	**-21%**	**-19%**	**301.7**	**246.8**	**242.9**

*Youth held in Fouts Springs Youth Facility in Colusa County are apportioned to Solano, Placer, El Dorado, Amador, Colusa, Yolo, Nevada, Shasta, Tehama and Tuolumne counties, among others, which commit youth to the facility. Yuba and Sutter counties jointly operate a juvenile hall.

Source: Corrections Standards Authority, 2010.

Urban Central Valley Counties

Sacramento, San Joaquin, Stanislaus and Solano counties are large, diverse, urbanized counties with a quarter-million youth, mostly living in and around major population centers such as Sacramento, Stockton and Modesto. Since the peak crime era of the early 1990s, these counties have experienced major declines in youth crime of all types, even as their youth populations grew rapidly (up 57%) and continued to diversify to 61% nonwhite by 2009 (Table 7).

As seen in Table 8, rates of juvenile incarceration in state facilities in the urban counties are relatively uniform, but there is considerable variation in incarceration in local facilities, where around six in seven detained youth are held. As of July 2008, these urban counties had 1,026 Corrections Standards Authority (CSA) Board-certified juvenile facility beds (716 in halls, 310 in camps), with 1,002, or 97.7%, occupied. An additional 40 youth, all from Sacramento, were held in facilities in other counties. Though Stanislaus shows a better experience than the state, the other three urban Sierra Health counties show similar declines in felonies and slower declines in violent crime than California as a whole. There appears to be no relationship between high levels of incarceration and rates of, or changes in, youth crime rates. For example, Stanislaus, which has the lowest rate of incarceration, had the largest decline in felony and violent offense rates among youth over the last two decades to levels below the state average, an experience shared with Sacramento,

TABLE 7 | Arrests per 100,000 population age 10-17, Urban counties, 1990-2009

	Felonies					Violent crime				
Urban	**90-94**	**95-99**	**00-04**	**05-09**	**Change**	**90-94**	**95-99**	**00-04**	**05-09**	**Change**
Solano	3,524.3	3,184.2	1,991.0	2,350.4	-33%	827.4	857.1	517.9	699.8	-15%
San Joaquin	3,522.4	3,125.3	2,271.2	1,883.3	-47%	721.6	815.5	628.9	586.8	-19%
Stanislaus	3,495.9	3,044.7	2,003.1	1,503.0	-57%	728.0	717.6	508.4	376.9	-48%
Sacramento	2,703.7	1,997.5	1,480.5	1,312.1	-51%	572.7	514.1	373.8	383.2	-33%
Urban total	**3,156.6**	**2,628.9**	**1,832.6**	**1,621.8**	**-49%**	**673.3**	**672.6**	**478.2**	**472.8**	**-30%**
Sierra Health counties and state totals										
Sierra Health	**2,788.2**	**2,376.0**	**1,718.2**	**1,523.3**	**-45%**	**543.1**	**568.8**	**424.6**	**405.2**	**-25%**
California	**2,697.1**	**2,084.2**	**1,434.2**	**1,369.2**	**-49%**	**627.2**	**541.8**	**376.2**	**362.3**	**-42%**

Sources: Criminal Justice Statistics Center, 2009; Demographic Research Unit, 2010.

TABLE 8 | Incarcerations per 100,000 youth by facility type

		State facilities*, 2009			Local facilities, 2008		
Urban	**State and Local**	**Total**	**DJJ**	**DAI**	**Total**	**Camps**	**Halls**
Sacramento	324.8	37.1	20.9	16.2	287.7	128.8	158.9
San Joaquin	235.1	30.4	25.5	4.9	204.8	38.2	166.5
Stanislaus	197.2	30.0	24.8	5.2	167.2	0.0	167.2
Solano	295.1	28.0	24.0	4.0	267.1	98.2	168.9
Urban total	**273.5**	**32.9**	**23.2**	**9.7**	**240.9**	**76.8**	**164.1**
Sierra Health counties and state totals							
Sierra Health	**270.4**	**29.7**	**20.3**	**9.5**	**240.7**	**62.2**	**178.5**
California	**281.9**	**35.3**	**28.2**	**7.1**	**246.6**	**97.9**	**148.7**

*State incarcerations are in DJJ facilities and include youth sent from juvenile courts (DJJ) and held for adult institutions (DAI).

Sources: Criminal Justice Statistics Center, 2009; Demographic Research Unit, 2010.

TABLE 9 | Arrests per 100,000 population age 10-17, Sierra Front counties, 1990-2009

	Felonies					Violent crime				
Front	**90-94**	**95-99**	**00-04**	**05-09**	**Change**	**90-94**	**95-99**	**00-04**	**05-09**	**Change**
Placer	2,034.8	1,872.5	1,275.4	1,337.8	-34%	286.1	355.2	211.5	192.5	-33%
Butte	1,465.7	1,802.6	1,602.6	1,441.0	-2%	222.9	313.5	342.0	395.1	+77%
Yuba/Sutter	2,040.5	1,858.4	1,515.5	1,306.0	-36%	361.7	424.6	405.6	297.7	-18%
Sutter	2,134.0	1,842.2	1,575.9	1,596.7	-25%	412.6	427.0	426.2	382.1	-7%
Yuba	1,940.7	1,877.0	1,440.5	953.1	-51%	307.4	421.8	380.1	195.3	-36%
Yolo	2,784.0	1,864.5	1,796.3	1,770.4	-36%	424.6	438.2	427.8	432.4	+2%
El Dorado	1,670.3	1,458.3	1,062.4	824.3	-51%	241.0	283.6	198.2	137.2	-43%
Shasta	3,736.8	3,084.3	2,165.4	1,428.5	-62%	640.1	687.5	496.8	282.1	-56%
Nevada	2,313.7	2,143.9	1,758.5	1,337.5	-42%	236.6	349.6	407.1	296.6	+25%
Tehama	1,254.0	1,651.2	1,311.5	1,318.9	+5%	126.4	285.4	278.0	249.3	+97%
Front total	**2,232.8**	**1,980.6**	**1,547.4**	**1,349.1**	**-40%**	**340.4**	**402.7**	**336.0**	**279.0**	**-18%**
Sierra Health counties and state totals										
Sierra Health	**2,788.2**	**2,376.0**	**1,718.2**	**1,523.3**	**-45%**	**543.1**	**568.8**	**424.6**	**405.2**	**-25%**
California	**2,697.1**	**2,084.2**	**1,434.2**	**1,369.2**	**-49%**	**627.2**	**541.8**	**376.2**	**362.3**	**-42%**

Sources: Criminal Justice Statistics Center, 2009; Demographic Research Unit, 2010.

which has a much higher juvenile incarceration rate. Solano, which has the second highest rate of incarceration, is the only county to experience a recent increase in juvenile crime. Of the 132 urban Sierra Health youth in state facilities in 2009, 39 were referred from adult institutions.

Sierra Front Counties

In many respects, the nine counties in the foothills and western Sierra Front range represent the most interesting cases. These counties have experienced explosive population growth, with total populations up 43%, including a 51% increase in youth populations since 1990. This area is one of the few to experience large growth in white youth populations, even as its nonwhite share of youths jumped from 21% in 1990 to 31% in 2009 (Demographic Research Unit, 2010).

In general, the faster a county's population grows, the larger its crime declines. The Front county leader is Placer, whose total population doubled and youth population rose even faster by 220% since 1990. Placer's gold-rush-sized youth explosion since 1990 is unbelievable. The population of white 10- to 17-year-olds went up 186%, black up 192%, Hispanic up 425% and Asian up 500%. Most of the growth has occurred in the lower-elevation, eastern Sacramento exurbs such as Roseville and Rocklin, with considerable increases in the Auburn foothill areas along Highway 49. Equally remarkable, Placer crime rates have plunged since 1990, led by massive drops in juvenile felonies and violent crime and continued low juvenile incarceration levels (Table 9). Complications emerge when issues such as drug arrests, race and gender are broken down, and what such cataclysmic demographic change does to juvenile justice systems will be scrutinized in more detail.

The experiences of these counties are sharply divergent, with very different trends and rates in juvenile crime and incarceration (Tables 9, 10). Juvenile crime trends (particularly for violent offenses) in Butte, Nevada, Tehama and Yuba counties differ distinctly from those in Placer, El Dorado, Sutter, Shasta and Yolo. Together, the Front counties had 576 board-certified beds in juvenile facilities (451 in halls, 125 in camps), with 479 or 83.2% occupied as of July 2008, and no youth released early for lack of space. Overall, incarceration levels are very similar in the Front counties to those in the rest of the region and statewide, with those in Tehama and Shasta considerably higher than in El Dorado and Placer. An unusually high

TABLE 10 | Incarcerations per 100,000 youth by facility type

		State facilities*, 2009			Local facilities, 2008		
Front	**State and Local**	**Total**	**DJJ**	**DAI**	**Total**	**Camps**	**Halls**
Placer**	153.2	19.5	9.8	9.8	133.7	4.4	129.3
Yuba/Sutter	321.1	47.1	17.1	30.0	274.0	98.5	175.6
Sutter		61.5	23.1	38.5	*Operate joint juvenile facility*		
Yuba		29.0	9.7	19.3			
Butte	227.3	21.4	17.2	4.3	205.8	0.0	205.8
Yolo	361.1	18.3	4.6	13.7	342.8	0.0	342.8
El Dorado**	263.0	9.6	9.6	0.0	253.4	65.4	188.0
Shasta	404.2	39.0	29.2	9.7	365.2	131.5	233.8
Nevada	221.0	10.0	10.0	0.0	211.0	0.0	211.0
Tehama	452.2	28.3	14.1	14.1	423.9	0.0	423.9
Front total	**272.7**	**24.4**	**13.7**	**10.7**	**248.3**	**36.8**	**211.5**
Sierra Health counties and state totals							
Sierra Health	**270.4**	**29.7**	**20.3**	**9.5**	**240.7**	**62.2**	**178.5**
California	**281.9**	**35.3**	**28.2**	**7.1**	**246.6**	**97.9**	**148.7**

*State incarcerations are in DJJ facilities and include youth sent from juvenile courts (DJJ) and held for adult institutions (DAI).
**Placer and El Dorado house a few youth in the Fouts Springs facility in Colusa County.

Sources: Corrections Standards Authority, 2010; Criminal Justice Statistics Center, 2009; Division of Juvenile Justice, 2010a.

level of state imprisonments of Front area juveniles (18 of 41) are held on behalf of adult facilities. Once again, no clear pattern can be discerned between youth incarceration levels and crime levels or trends.

Mountain/Rural Counties

This set of 13 counties is comprised of slower-growing rural, mostly higher foothill counties, including those east of the divide, as well as a couple of smaller Sacramento Valley and Coast Range counties. Few of these have population centers larger than towns; the biggest, Susanville (Lassen), has only 18,000 people. Since 1990, these counties have experienced only modest population growth (up 19%), with a 10% increase in youth populations, indicating an aging demographic. Their juvenile crime rates have declined more slowly for felonies and have risen for violent crime since 1990, though this may be the result of delayed change and small numbers. Both violence and felony rates have fallen sharply since the late 1990s (Table 11). In any case, Mountain county juvenile crime rates still remain below those of other Sierra Health counties and the state as a whole.

As with Front counties, Mountain counties show very different levels of and trends in youth crime, which are partially artifacts of small numbers (a few extra youth arrested due to unusual circumstances or campaigns can change Alpine's or Modoc's rates quickly, as an anomalous surge in arrests in the latter county in 2009 shows). In sparsely populated counties, changes in policing, such as special campaigns against assault or drugs or tourist crime, can have distinct effects independent of genuine local crime trends.

The 13 Mountain counties have 174 board-certified beds in juvenile facilities (108 in halls, 66 in camps), with 136 or 78.2% of which were occupied as of July 2008, and no transfers to other counties or early releases for lack of space reported. Major divergences appear for juvenile incarceration (Table 12). For example, Trinity, Lassen, Glenn and Siskiyou have higher rates of incarceration associated with generally mixed trends in crime; Tuolumne and Calaveras report no youth behind bars and experienced increases in youth crime; Mono and Plumas incarcerate no juveniles and have had large declines in youth crime to low levels. Of the six Mountain county youth in state facilities, none were referred by adult institutions.

TABLE 11 | Arrests per 100,000 population age 10-17, Mountain/Rural counties, 1990-2009

	Felonies					Violent crime				
Mountain	**90-94**	**95-99**	**00-04**	**05-09**	**Change**	**90-94**	**95-99**	**00-04**	**05-09**	**Change**
Tuolumne	1,524.5	1,856.8	1,880.4	1,879.4	+23%	78.4	293.4	261.3	230.0	+193%
Siskiyou	2,330.9	2,166.6	1,286.8	1,411.2	-39%	243.5	457.1	285.5	294.0	+21%
Calaveras	1,492.5	1,066.4	1,222.2	1,550.3	+4%	156.2	187.1	328.3	389.7	+150%
Glenn	2,496.7	1,823.8	1,579.4	1,286.3	-48%	324.6	284.4	366.8	253.0	-22%
Amador	1,058.3	1,239.2	848.1	852.0	-19%	180.0	245.7	151.5	198.3	+10%
Lassen	1,930.8	2,302.4	1,522.4	1,167.3	-40%	260.3	560.0	436.5	255.7	-2%
Colusa	878.7	1,416.8	535.2	788.0	-10%	184.5	324.1	157.0	233.0	+26%
Plumas	2,036.1	2,671.2	1,773.0	1,289.2	-37%	360.9	442.4	331.9	189.6	-47%
Trinity	1,699.7	2,197.5	1,460.7	754.5	-56%	184.1	556.2	349.6	230.2	+25%
Mono	2,058.7	1,746.6	1,447.7	454.4	-78%	107.4	398.3	165.4	85.2	-21%
Modoc	338.8	378.4	196.3	851.8	+151%	17.8	0.0	65.4	102.2	+473%
Sierra	4,156.9	3,104.1	1,379.6	680.3	-84%	585.5	334.3	222.5	113.4	-81%
Alpine	1,675.0	2,661.6	1,744.2	759.0	-55%	167.5	0.0	290.7	0.0	-100%
Mountain total	**1,752.5**	**1,787.0**	**1,333.7**	**1,245.9**	**-29%**	**203.1**	**342.5**	**280.3**	**247.3**	**22%**
Sierra Health counties and state totals										
Sierra Health	**2,788.2**	**2,376.0**	**1,718.2**	**1,523.3**	**-45%**	**543.1**	**568.8**	**424.6**	**405.2**	**-25%**
California	**2,697.1**	**2,084.2**	**1,434.2**	**1,369.2**	**-49%**	**627.2**	**541.8**	**376.2**	**362.3**	**-42%**

Sources: Criminal Justice Statistics Center, 2009; Demographic Research Unit, 2010.

TABLE 12 | Incarcerations per 100,000 youth by facility type

		State, 2009*			Local, 2008		
Mountain	**State and Local**	**Total**	**DJJ**	**DAI**	**Total**	**Camps**	**Halls**
Tuolumne	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Siskiyou	450.1	22.5	22.5	0.0	427.6	0.0	427.6
Calaveras	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Glenn	460.0	81.2	81.2	0.0	378.8	0.0	378.8
Amador**	27.7	0.0	0.0	0.0	27.7	27.7	0.0
Lassen	493.0	29.0	29.0	0.0	464.0	0.0	464.0
Colusa	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Plumas	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Trinity	1,306.7	0.0	0.0	0.0	1,306.7	412.7	894.1
Mono	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Modoc	88.8	88.8	88.8	0.0	0.0	0.0	0.0
Sierra	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alpine	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mountain total	**219.4**	**18.0**	**18.0**	**0.0**	**201.4**	**15.0**	**186.4**
Sierra Health counties and state totals							
Sierra Health	**270.4**	**29.7**	**20.3**	**9.5**	**240.7**	**62.2**	**178.5**
California	**281.9**	**35.3**	**28.2**	**7.1**	**246.6**	**97.9**	**148.7**

*State incarcerations are in DJJ facilities and include youth sent from juvenile courts (DJJ) and held for adult institutions (DAI).
**Amador houses a few youth in the Fouts Springs facility in Colusa County.

Source: Corrections Standards Authority, 2010; Criminal Justice Statistics Center, 2009; Division of Juvenile Justice, 2010a.

Factors Affecting Juvenile Incarceration

Patterns of juvenile arrest reveal a great deal about local youth trends and policing priorities (which may be only marginally related), both holding implications for the juvenile justice system. The Sierra Health counties show some striking, potentially informative patterns. As expected, rural counties show lower overall rates of arrest than more urbanized ones (Table 13). However, overall trends mask diverging demographic patterns.

Juvenile Crime Rates by Race and Gender

As depicted in Table 13, white, Asian and female youth have higher felony arrest rates in more rural areas, while male, black and, less consistently, Hispanic youth show decreased rates. The "Asian" youth category in rural counties includes high proportions of Native Americans, unfortunately combined in crime statistics. Remarkably, in the Mountain counties, as well as four of the nine Front counties, Hispanic youth show lower arrest rates than white youth, which is decidedly not the case for Hispanic youth in urban counties or statewide. Black youth show 6-1 higher felony rates than white youth in Urban counties, but just 2-1 in Mountain counties. This 2-1 ratio is based on nine felony arrests among 350 black youth in the 13 Mountain counties. Similarly, the male to female arrest ratio falls from almost 6-1 in Urban counties to 3-1 in Rural areas, with the latter showing larger increases in female arrests.

Examining assault and drug offenses, two large arrest categories likely to highlight disparities, using both felony and misdemeanor data, offers some illumination. Assault arrest rates show an odd, U-shaped pattern for both sexes and for whites and Asians, with considerably higher levels for these two races in Mountain than in Urban counties.

TABLE 13 | Arrests per 100,000 population age 10-17 by race and gender, 2008

	Total	White	Hispanic	Black	Asian	Male	Female
				Felony arrest rate			
Urban	1,588.6	926.9	1,463.0	5,997.8	841.2	2,661.0	495.8
Front	1,310.1	1,176.3	1,534.5	5,623.1	1,075.9	2,066.6	521.5
Mountain	1,284.1	1,363.7	947.3	2,597.5	1,311.7	1,934.9	582.3
Sierra Health	**1,493.4**	**1,060.3**	**1,457.4**	**5,947.4**	**888.8**	**2,451.4**	**507.8**
California	**1,410.0**	**893.6**	**1,494.9**	**4,936.5**	**662.3**	**2,287.7**	**492.1**
				Assault arrest rate (felony and misdemeanor)			
Urban	1,092.0	627.7	1,080.0	3,989.7	498.7	1,513.0	663.0
Front	794.2	703.1	911.8	5,143.6	459.8	1,136.5	437.4
Mountain	939.7	979.8	757.8	2,597.5	787.0	1,214.9	642.9
Sierra Health	**999.9**	**686.2**	**1,034.6**	**4,043.3**	**498.9**	**1,389.5**	**599.1**
California	**685.6**	**455.2**	**734.6**	**2,294.6**	**295.0**	**961.8**	**396.8**
				Drug arrest rate (felony and misdemeanor)			
Urban	409.9	326.0	447.8	1,000.1	152.6	690.0	119.4
Front	625.9	661.8	520.3	1,830.8	349.4	988.9	247.5
Mountain	595.3	659.9	446.6	1,154.4	131.2	770.6	406.4
Sierra Health	**480.9**	**484.8**	**462.0**	**1,048.5**	**183.3**	**779.0**	**170.9**
California	**474.1**	**478.2**	**487.8**	**900.5**	**207.9**	**785.5**	**148.4**

Source: Criminal Justice Statistics Center, 2009.

TABLE 14 | Changes in juvenile felony rates by demographic group, 1999-2008

	Total	White	Hispanic	Black	Asian	Male	Female
				Urban counties			
1999	2,250.8	1,643.4	2,332.1	5,490.8	1,708.0	3,701.6	708.9
2008	1,588.6	926.9	1,463.0	5,997.8	841.2	2,661.0	495.8
Change	**-29%**	**-44%**	**-37%**	**+9%**	**-51%**	**-28%**	**-30%**
				Front counties			
1999	1,783.4	1,802.4	1,680.8	4,175.9	1,358.4	2,877.5	623.9
2008	1,310.1	1,176.3	1,534.5	5,623.1	1,075.9	2,066.6	521.5
Change	**-27%**	**-35%**	**-9%**	**+35%**	**-21%**	**-28%**	**-16%**
				Mountain counties			
1999	1,565.7	1,703.8	936.1	1,437.7	1,642.3	2,443.3	551.9
2008	1,284.1	1,363.7	947.3	2,597.5	1,311.7	1,934.9	582.3
Change	**-18%**	**-20%**	**+1%**	**+81%**	**-20%**	**-21%**	**+6%**
				All Sierra Health counties			
1999	2,066.0	1,709.4	2,125.0	5,336.5	1,636.6	3,369.7	673.3
2008	1,493.4	1,060.3	1,457.4	5,947.4	888.8	2,451.4	507.8
Change	**-28%**	**-38%**	**-31%**	**+11%**	**-46%**	**-27%**	**-25%**
				California			
1999	1,728.9	1,328.4	1,736.7	4,551.4	1,174.3	2,824.7	564.7
2008	1,410.0	893.6	1,494.9	4,936.5	662.3	2,287.7	492.1
Change	**-18%**	**-33%**	**-14%**	**+8%**	**-44%**	**-19%**	**-13%**

Source: Criminal Justice Statistics Center, 2009.

Conversely, Hispanic and black youth show very low assault rates in Mountain counties, though more erratic black patterns may be artifacts of smaller numbers in rural areas. The much higher assault rate for black youth in Front counties, however, is based on a fairly substantial population of 2,300 youth and may relate to the distribution of black youth in these counties in isolated districts in suburban areas. The result is that white, Asian and female youth show higher arrest rates in Sierra Health counties than their statewide counterparts, while the reverse is true for other demographics.

Drug arrests, which tend to track shifting policing priorities, might be expected to have higher rates in Urban counties, the sites of much perceived drug dealer violence and gang activity. Yet, these show an erratic pattern, with very high rates for females in Mountain counties and higher levels in Front counties for other demographics. In both Front and Mountain counties, female drug arrest levels vary radically, with levels higher than for males in a few Mountain areas. In turn, Front and Mountain counties show inconsistent patterns, with Calaveras and Butte counties showing much higher levels than Placer, Sutter and Plumas.

What features of the various Front and Mountain counties contribute to higher arrest levels for white, Asian and female youth, demographics that elsewhere in California have low arrest rates? The higher poverty rates of white and Asian youth in the Urban counties may be a factor in their somewhat higher than average arrest levels, but the mystery is why these rates escalate rather than diminish in Front and Rural counties, especially for drug offenses.

Table 14 explores trends over the last decade using the Criminal Justice Statistics Center's detailed county figures for 1999-2008. Unfortunately, these are not as reliable, often reflecting changes in small numbers in the smaller counties. In general, Urban counties, like those statewide, have experienced major declines in crime among all youth demographics except blacks. Front counties show a similar pattern, with the large numbers of new white

and, to a lesser extent, new Hispanic immigrants to those counties showing lower crime rates than their counterparts of a decade ago. Mountain counties show decreased white arrest rates and stable rates for Hispanics, with females comprising a larger share of arrests today than in 1999. It is likely that 2009 arrest data, which show a large juvenile crime decline statewide and will be available for individual counties soon, will show larger declines in youth crime.

Incarceration of Pre-disposition Youth and Lesser Arrestees

One way to reduce juvenile detention and conserve space in juvenile halls and camps is to reduce the incarceration of youth who have not been adjudicated, who are being held for minor offenses, such as misdemeanors and status arrests, or for non-offenses like dependency, neglect or abuse. Due to forces not entirely clear, the percentage of non-adjudicated youth being held in local juvenile facilities has risen statewide over the last decade. As Table 15 shows, Urban Sierra Health counties have considerably worse records in terms of incarcerating higher proportions of non-adjudicated youth, as well as increases in that category over the last decade. Meanwhile, Front and Mountain counties use considerably lower proportions of local facility space for non-adjudicated youth and, contrary to statewide trends, Front counties have decreased their proportions of non-adjudicated youth being held.

However, Front counties incarcerate considerably more youth for misdemeanors than other areas, though the felony proportion has risen sharply in recent years. Counties across the state can reduce juvenile incarceration by replacing a holdover from the past—the higher proportions of girls than boys incarcerated for misdemeanors and non-offenses—with modern, equalized standards for males and females. Placer, Tehama, Trinity, Yolo and Yuba/Sutter show the most egalitarian trends and levels in holding only adjudicated youth, regardless of gender, over the last decade; Stanislaus has the best trends among the Urban counties. Butte, Stanislaus and Yolo counties have particularly good records with regard to felonies, with high proportions of their incarcerated youth of both sexes detained on serious rather than minor charges.

TABLE 15 | Changes in percentages of youth in local facilities who are post-disposition and felony arrestees

	99-01	02-05	06-08	Change	99-01	02-05	06-08	Change	99-01	02-05	06-08	Change
Percent who are post-disposition, both sexes					**Male**				**Female**			
Urban	56.5%	53.5%	51.5%	-9%	57.6%	54.8%	52.0%	-10%	49.8%	46.1%	47.5%	-5%
Front	51.2%	58.4%	62.0%	+21%	53.3%	59.1%	63.6%	+19%	41.9%	55.8%	54.9%	+31%
Mountain	71.9%	68.0%	64.5%	-10%	72.8%	68.7%	65.3%	-10%	65.3%	64.2%	59.4%	-9%
Sierra Health	**56.7%**	**57.0%**	**56.3%**	**-1%**	**58.4%**	**58.4%**	**57.2%**	**-2%**	**46.8%**	**49.8%**	**50.3%**	**8%**
California	**70.0%**	**66.4%**	**63.3%**	**-10%**	**71.1%**	**67.2%**	**64.1%**	**-10%**	**62.9%**	**62.2%**	**58.4%**	**-7%**
Percent who are felony arrestees, both sexes					**Male**				**Female**			
Urban	58.9%	62.2%	68.7%	+17%	62.4%	64.8%	70.9%	+14%	39.3%	47.8%	52.7%	+34%
Front	47.8%	52.8%	59.5%	+25%	51.0%	56.8%	63.1%	+24%	30.6%	37.0%	41.4%	+35%
Mountain	67.4%	66.9%	69.3%	+3%	69.2%	69.7%	71.8%	+4%	54.7%	50.8%	53.3%	-3%
Sierra Health	**56.3%**	**60.4%**	**65.7%**	**+17%**	**59.6%**	**63.7%**	**68.4%**	**+15%**	**37.3%**	**43.4%**	**47.4%**	**+27%**
California	**66.2%**	**65.9%**	**68.9%**	**+4%**	**68.2%**	**68.8%**	**71.4%**	**+5%**	**52.6%**	**49.9%**	**52.8%**	**+0%**

Source: Corrections Standards Authority, 2010; Criminal Justice Statistics Center, 2009.

Length of Stay in Facilities and Use of Treatment

Table 16 shows that counties vary considerably in the length of time youth spend in juvenile facilities. The large range from 71 days in San Joaquin to 217 days in Sacramento* for camp releases, and from 16 days in Lassen to 62 days in Yolo for hall releases, offers the possibility to study what contributes to long juvenile confinements that are characteristic of detention camps in particular.

The CDCR reports that one-fifth of youth incarcerated statewide and in Sierra Health counties have diagnosed mental health disorders, and one in 12 is on psychotropic medication (Corrections Standards Authority, 2010, online query survey tabulations). These numbers fall below estimates of outside experts, a discrepancy noted during the Farrell litigation. Although Sierra Health counties are reasonably similar in terms of proportions of mental health clients, they vary sharply in the proportions on medication. Whether more intensive efforts to diagnose and treat mental health disorders hold promise to reduce or modify juvenile detention rates, or whether such efforts might increase numbers of youth detained under psychiatric orders is subject to some controversy.

While county prosecutors generally use direct files of juvenile cases in adult criminal court less than those statewide, two Front counties, Yuba and Yolo, have considerably higher proportions. The relationship between direct files, presumably reserved for the most serious and violent offenses, and incarceration levels is worth exploring (Macallair, D., McCracken, C. and Teji, S., 2011).

Use of Alternatives to Confinement

Sierra Health counties make some use of alternatives to facility incarceration, such as home confinement monitored by electronic surveillance or more casual supervisions (Table 17). The large Urban counties use these devices for some post-disposition cases. San Joaquin reported 72 youths monitored electronically in June 2008, followed by Sacramento with 33, Stanislaus with 31 and Solano with 16. Curiously, home detention is used more for pre-disposition cases. San Joaquin

TABLE 16 | Selected adult-court, mental health and length-of-stay characteristics, June 2008

County	Percent of cases involving			Average length of stay (days), releases	
	Direct files to Adult Court	Mental health cases			
		Total	Medicated	Halls	Camps
Urban					
Sacramento	1.5%	14.8%	4.0%	22.2	217.0
San Joaquin	1.3%	26.4%	4.7%	21.0	71.0
Stanislaus	1.7%	48.7%	15.1%	24.3	
Solano	3.1%	6.8%	9.9%	12.3	88.8
Urban	**1.7%**	**22.5%**	**6.7%**	**21.1**	**184.5**
Front					
Placer	0.9%	14.7%	8.3%	21.3	
Yuba/Sutter	9.3%	18.7%	10.7%	22.1	102.0
Butte	3.0%	19.7%	19.7%	25.0	
Yolo	8.0%	28.0%	4.0%	62.2	85.0
El Dorado	0.0%	18.5%	10.9%	21.0	164.0
Shasta	0.0%	11.5%	11.5%	20.0	87.0
Nevada	0.0%	15.4%	15.4%	16.0	
Tehama	0.0%	17.6%	5.9%	30.2	
Front	**2.9%**	**18.0%**	**10.2%**	**30.1**	**107.2**
Mountain					
Tuolumne	0.0%	0.0%	0.0%		
Siskiyou	0.0%	17.2%	24.1%	40.3	
Calaveras					
Glenn	4.2%	4.2%	8.3%	15.0	
Amador	0.0%	0.0%	0.0%		
Lassen	0.0%	17.4%	26.1%	16.1	
Colusa	0.0%				
Plumas					
Trinity	0.0%	0.0%	0.0%	45.0	unk
Mono	0.0%	0.0%	0.0%		
Modoc					
Sierra	0.0%	0.0%	0.0%		
Alpine					
Mountain	**0.6%**	**10.5%**	**13.4%**	**29.0**	
Sierra Health counties and state totals					
Sierra Health	**1.9%**	**20.3%**	**8.2%**	**24.7**	**173.9**
California	**2.4%**	**20.1%**	**8.2%**	**24.6**	**122.1**

Source: Corrections Standards Authority, 2010.

This camp closed in 2010.

reported 68 cases, Sacramento 33, Stanislaus 29, Solano 19, Placer 22, El Dorado 15 and Siskiyou 7. The proportion of juvenile detention cases employing home confinement ranges from 12% in Sacramento to one-third in San Joaquin and nearly 40% in Placer. Other counties rarely use home confinement.

Whether home detention and alternative supervision can reduce juvenile facility incarceration requires more intensive study of counties that frequently employ these techniques. Preliminary figures indicate that counties such as Placer with high proportions of youthful arrestees subjected to home and alternative supervisions do not suffer higher rates or worsened trends in juvenile offending compared to low-alternative counties such as Nevada, Yuba/Sutter or Yolo. Tuolumne reports relying predominantly on unspecified alternative supervisions for the seven youth in its system.

Finally, handling of younger offenders varies considerably. About 15% of Sierra Health county youth in hall detention and 7% in camp detention are under age 15, a slightly higher overall proportion than statewide. About 14% of the four Urban county incarcerated youth are under age 15, compared to 13% in Front counties and 4% in Mountain counties. Factors leading to less incarceration of the youngest offenders in counties such as Yolo, Nevada, Siskiyou, Lassen and Glenn, and higher rates in Butte and Shasta, would be worthwhile to contrast.

Counties Recommended for Attention/Site Visits

The wide, sometimes extreme variations in Sierra Health counties' handling of juvenile offenders may to some extent reflect differing crime structures. Sacramento, which accounts for half of all juvenile homicide arrests in the 26 counties, would be expected to have a higher proportion of youth in secure confinement than the Front counties, whose similar population of youth account for just 15% of juvenile homicides in the region. But in other respects, county differences can illuminate which counties have found ways to reduce youth incarceration, beginning with younger and lower-level offenders and those requiring alternative treatments, that could benefit other jurisdictions. Conversely, counties that incarcerate large numbers of youth, particularly marginal offenders, without tangible benefits offer the opposite example. Counties can be chosen to reflect various dimensions of juvenile justice. A few recommendations follow.

Stanislaus: Large urban county with high rate of youth poverty and large proportion of youth of color. Along with massive Hispanic population growth, especially in the Modesto area, the county retains low incarceration rates, lower than average juvenile crime rates—including for violent crime—and juvenile crime shows larger than average declines over the last two decades. Interesting to contrast with Sacramento, a higher-incarceration county with similar crime levels.

Placer: Perhaps the most intriguing county, with among the largest population increases in the nation along with rapid racial diversification and urbanization, allowing analysis of a juvenile justice system in flux. Placer was the wealthiest of the Sierra Health counties in 1999, whether this is true now awaits new census figures. Yet, amid its doubled population, Placer shows very large declines in crime, especially homicide, led by large drops in every type of juvenile crime and now has among the lowest juvenile violent crime rates of any major county. Further, Placer reduced its youth incarceration level over the last decade, at least partly through relying on various levels of home rather than facility detention, to a level well below the state average. El Dorado and Shasta counties show similar demographic and crime trends, but employ higher rates of juvenile incarceration.

Mono: Another anomaly. A formerly isolated, desert county, Mono has seen unusually large youth population growth, particularly Hispanic, concentrated in the Mammoth recreation area. Suddenly, half the county's youth population is now of color. The county has experienced very large declines in overall crime, but still has a higher than average crime rate among adults. However, juvenile crime has fallen rapidly

TABLE 17 | Breakdown of types of facility, home and alternative confinements of juveniles, June 2008

County	Total in system	Percentages of juveniles in:					
		Facilities			Home supervision		Alternative confinement
		DJJ	Halls	Camps	Monitored	Other	
Urban							
Sacramento	649	7.7%	45.9%	34.1%	5.1%	7.2%	0.0%
San Joaquin	379	9.2%	48.0%	10.0%	17.9%	14.8%	0.0%
Stanislaus	232	13.4%	61.6%	0.0%	12.5%	12.5%	0.0%
Solano*	184	6.5%	48.9%	28.3%	10.3%	6.0%	0.0%
Urban total	**1,422**	**9.0%**	**50.1%**	**21.9%**	**10.5%**	**10.1%**	**0.0%**
Front							
Placer	111	6.3%	54.1%	1.8%	19.8%	18.0%	0.0%
Yuba/Sutter	75	6.7%	64.0%	29.3%	0.0%	0.0%	0.0%
Butte	66	15.2%	78.8%	0.0%	0.0%	0.0%	6.1%
Yolo	100	1.0%	82.0%	0.0%	4.0%	13.0%	0.0%
El Dorado	94	0.0%	68.1%	16.0%	16.0%	0.0%	0.0%
Shasta	113	12.4%	43.4%	27.4%	0.0%	13.3%	3.5%
Nevada	26	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Tehama	34	5.9%	94.1%	0.0%	0.0%	0.0%	0.0%
Front total	**619**	**6.3%**	**66.7%**	**11.3%**	**6.6%**	**7.8%**	**1.3%**
Mountain							
Tuolumne	7	28.6%	0.0%	0.0%	28.6%	0.0%	42.9%
Siskiyou	29	10.3%	65.5%	0.0%	24.1%	0.0%	0.0%
Calaveras	0						
Glenn	24	20.8%	70.8%	0.0%	8.3%	0.0%	0.0%
Amador	2	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%
Lassen	23	21.7%	78.3%	0.0%	0.0%	0.0%	0.0%
Colusa*	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Plumas	0						
Trinity	23	4.3%	69.6%	26.1%	0.0%	0.0%	0.0%
Mono	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Modoc	0						
Sierra	3	33.3%	0.0%	0.0%	66.7%	0.0%	0.0%
Alpine	0						
Mountain total	**113**	**16.8%**	**61.9%**	**6.2%**	**12.4%**	**0.0%**	**2.7%**
Sierra Health counties and state totals							
Sierra Health	**2,154**	**8.6%**	**55.5%**	**18.0%**	**9.5%**	**8.9%**	**0.5%**
California	**16,309**	**11.5%**	**44.2%**	**27.2%**	**10.7%**	**4.6%**	**1.8%**

*Colusa's rate is inflated, and Solano's reduced, by Solano's use of Colusa's Fouts Springs Camp.

Source: Corrections Standards Authority, 2010.

to levels well below average. Its arrest rate for white youth is double that for Hispanics (the latter have the lowest Hispanic arrest rates in the state), indicating that the quadrupling in Hispanic youth numbers is associated with reduced crime. Mono reports incarcerating no youth in either state or local facilities for at least the last decade. As with Placer, Mono has multiple peculiarities worth investigating.

Yuba/Sutter: Interesting because these counties jointly operate a juvenile hall. Together the two counties, despite high poverty levels and population surges, have average rates of juvenile crime and incarceration, both of which are down in recent years. All the detained youth in their system are held in facilities. These counties may serve as general examples of Sierra/Valley trends and can be contrasted with Yolo, a high incarceration county that relies on a greater mix of detention and supervision, including both facility and home, with more mixed results. Yolo's use, if any, of its dominant major state university, UC Davis, as a resource for its juvenile justice system would be interesting to study.

Solano: Solano operates the Fouts Springs camp in Colusa County, a wilderness "boot camp" but apparently not a militaristic one, which houses youth from a number of counties. Fouts is intriguing from an institutional standpoint, especially the potential for youth conservation work, and considerable history is available online. Solano incarcerates youth at a level second only to Sacramento and has not shown as impressive a decline in juvenile crime as other Urban counties. Because Fouts houses youth from other jurisdictions, studying it would yield insights into Colusa's, El Dorado's, Placer's, Amador's and Yolo's systems, as well as Solano's, on the use of DJJ options.

Trinity: A rural, overwhelmingly white, high-poverty, high-incarceration county that, despite its small size, operates both a juvenile camp and a hall. The county shows a considerable decline in overall youth crime to very low levels along with an anomalous increase in violence arrests (though numbers are small) in recent years.

Plumas: A very rural, overwhelmingly white, high-poverty, zero-incarceration county that shows large declines in juvenile crime of all kinds, though its felony rate remains average. Interesting to contrast with Trinity, since Plumas reports incarcerating no youth. Plumas could be contrasted with Tuolumne, which reports using predominantly alternative detentions.

Shasta: Local officials continually claim a methamphetamine crisis, but it is not reflected in juvenile crime or incarceration trends. Shasta is a fast-growing, largely white, high-poverty county with large declines in every type of juvenile crime and generally higher than average, though falling, juvenile incarceration levels. Like Placer, El Dorado, Butte and Nevada, Shasta's growth is due both to white flight from cities and Hispanic influx, and its adult (but not juvenile) violent crime rate appears to have risen considerably. Shasta also has among the highest female juvenile arrest rates, especially for drugs. Shasta operates both a camp and hall and has a considerably higher youth incarceration level than Placer and most other counties, though it has experimented with alternative detention methods.

Study Plan

Once a set of counties is chosen for special attention, their juvenile justice statistics can be collected for contrast. The statistical features, in turn, can be used as the basis for local inquiries and site visits to see how the numbers translate into practices. The objective is to discover what techniques appear associated with specific outcomes, such as lower levels of juvenile offending, for recommendation to other counties.

SECTION IV

Planning for a 21st Century Juvenile Justice System

County probation departments are central to all juvenile justice services and reform. Judges rely on the discernment of probation officers and they have the earliest direct contact with youth apart from the arresting officer. In a healthy county-level juvenile justice system, probation officers act as neutral, supervising agents who have access to a wide array of interventions and choose those best-suited to an individual youth. In order to best utilize limited funding and resources, the small percentage of youth offenders who are responsible for the majority of youth crimes should be targeted for comprehensive intervention.

Section IV includes information on the following topics:

- Systems should avoid the iatrogenic effect that results from unnecessary interventions
- Interventions targeting high-risk offenders are more effective and efficient

REFORMING THE CALIFORNIA JUVENILE JUSTICE SYSTEM begins with county probation systems. Since the dawn of the juvenile court, probation has been the backbone of the state's juvenile justice system. Founded on the principle of individualized justice, no other component of the system offers the potential for realizing this vision.

As the court's neutral agent responsible for gathering background information on youth, probation officers occupy a powerful and unique role. The information gathered on each youth is assembled into a disposition report that constitutes the single most influential document in the adjudication process. As previously noted, judges rely on the recommendation of the probation officer in 90% of the cases.

If the youth is adjudicated delinquent for a felony, he or she is normally placed on formal probation and sent home under probation supervision. In less than 1% of California delinquency cases, a youth is sent to the DJJ. If the youth is not sent to a group home or a county ranch or camp, he or she is under the jurisdiction of the probation department.

From its inception, the supervision responsibility of the probation department is widely deemed its most critical function. It is through the option of community supervision that a youth is spared being removed from the home. Unfortunately, one of probation's historic failures is its inability to deliver the range of services necessary to effect change in the lives of youth. Founded under a casework model of service delivery, probation officers had the unrealistic expectation to provide an entire array of interventions, service referrals and community supervision. Lacking the resources, probation services became little more than a perfunctory endeavor that emphasized sporadic office visits and minimum community treatment (Norman and Allen, 1954; Champion, 2004).

Risk Factors Associated with Recidivism

- Unhealthy Family Dynamics
- Disorganized Community Environment
- Peer/Family Criminality
- Low Educational Performance
- Drug and Alcohol Dependency
- Lack of Employment Experience and Job Skills
- Abuse and Neglect
- Poverty
- Chronic Illnesses
- Cognitive and/or Physical Disabilities
- Mental Illnesses
- Minority Status
- Past Criminal History
- Having Children at a Young Age
- Homelessness

Sources: Britner et al., 2006, Greenwood, 1996, Mears and Travis, 2003, Unruh et al., 2009, Visher and Travis, 2003

In California, many probation systems failed to develop proper techniques for community supervision and instead became dependent on the use of short-term detention and/or institutional care. A healthy county-level juvenile justice system includes a probation department with access to a wide array of intervention options and services that are utilized to the fullest extent possible.

Use Caution with Early Intervention

Limited resources have been exacerbated by conflicting intervention philosophies. In recent years, much attention has been devoted toward early intervention and preventive care. While this is an essential operating function for the child welfare system, prioritizing early intervention and preventive care in the juvenile justice system can be counterproductive. Utilizing limited resources for low-needs youth depletes the resources for high-needs youth. While the strategy of targeting youth during their initial involvement with the juvenile justice system appears reasonable and is sometimes politically popular, there is little evidence that this strategy is a good expenditure. Since 70% of all arrested youth never get arrested again, targeting first-time offender populations for priority intervention is a dubious use of resources (Siegel and Welsh, 2006). While many first-time offender programs cite low recidivism rates, there is reason to assume that many of the youth served in these programs would never be arrested again even if they never participated in such programs. While these programs often are founded on good intentions, the research suggests an *iatrogenic artifact* (Latessa and Lowenkamp, 2006).

There is little recognition of iatrogenesis in the juvenile justice system. Instead, practice literature has placed a great deal of faith on the benefits of interventions without regard to the residual or invisible effects. Therefore, it is important that juvenile justice systems focus resources on the highest-needs offenders (Latessa and Lowenkamp, 2006). High-needs offenders are those who have frequent contacts with the juvenile justice system and whose life experiences or circumstances render them high risk for future delinquent behavior (Latessa and Lowenkamp, 2006).

Iatrogenesis

The terms **iatrogenesis** and **iatrogenic artifact** refer to inadvertent adverse effects or complications caused by or resulting from medical treatment or advice. In addition to harmful consequences of actions by physicians, iatrogenesis also can refer to actions by other healthcare professionals, such as psychologists, therapists, pharmacists, nurses, dentists and others, traditional and nontraditional.

Source: Merriam Webster Online www.merriam-webster.com/dictionary/iatrogenesis

Targeting Interventions

With limited resources in a period of shrinking budgets, effective juvenile justice systems must prioritize interventions for the highest-risk offenders. The highest-risk offenders are youth who have multiple contacts with the juvenile justice system and exhibit characteristics associated with recidivism. These characteristics include broken or fragmented families or residing in high-crime neighborhoods with elevated rates of violence. In many

instances these youth have family members, including parents, with multigenerational involvement in the criminal justice system, who see few avenues to a non-criminal lifestyle. These deeply ensconced delinquent youth present some of the most vexing challenges to intervention, since they have few positive support systems and a plethora of criminogenic life circumstances. Because of their long histories of juvenile justice system involvement, youth in this category quickly exhaust county probation system resources and patience, and eventually are selected for adult court transfer. More and more county district attorneys in California are utilizing their discretion to directly file these cases in adult court once the youth reaches the age of 16 and has two or more sustained felony petitions.

Another category of high-risk youth who also have lengthy histories of child welfare and juvenile justice involvement are emotionally disturbed or mentally ill youth. Because of long histories of trauma due to abuse and neglect by adult caretakers, these youth exhibit various forms of mental illness or emotional instability. They are difficult to serve due to their sometimes impulsive or defiant attitudes toward adult authority figures. When they commit delinquent acts and come into contact with the juvenile justice system, they often are labeled violent or aggressive and consigned to custodial institutional care. In a highly regimented custodial environment, such as a conventional detention center or correctional institution, the conditions of these youth often deteriorate, and they become resistant and combative. When a youth becomes combative, he or she is often subjected to harsher and more restrictive punitive treatment, which serves to only worsen the condition. Unfortunately, this is the plight of many mentally ill youth who end up in a juvenile justice system. Too often, over-extended or poorly functioning juvenile justice systems simply overlook the needs of mentally ill youth and brand them as chronic or manipulative offenders.

Other categories of youth offenders include the occasional or situational delinquent. These youth are normal functioning, but tend to engage in delinquent activity due to environmental influences, including peer and neighborhood factors. Youth growing up in high-crime or gang-ravaged communities are more likely to become identified delinquents than youth growing up in more sedate middle- or upper-middle-class neighborhoods. As a means of maintaining friends, building respect or satisfying recognition needs, these youth engage in delinquent behavior. Their delinquent behavior, however, is not the result of some internal disability that impairs their decision making. While these youth can become highly entrenched in a delinquent lifestyle, their transitory flirtation with delinquency also renders them particularly receptive to minimal intervention.

The class of offenders least in need of intervention is first- or second-time offenders. Most first- and second-time offenders do not re-engage in delinquent behavior and therefore require no intervention. For many years, juvenile justice practitioners have argued for the creation of first-time offender programs for youth believed to be on a path to delinquency, or for those who come into contact with the juvenile justice system for the first time. One famous example of this type of programming is the Scared Straight program, where youth are taken into a state prison and subjected to threats and intimidation by menacing inmates. In California, the Squires Program at San Quentin State Prison provides youth with a sober description of prison life by longtime inmates. The program is generally well regarded and is utilized by juvenile justice systems throughout the Bay Area.

While some of these programs can be useful and informative to many youth, they are not designed to impact high-end youth in the juvenile justice system. Instead they tend to focus on the class of delinquents or non-delinquents who would be unlikely to become involved in the juvenile justice system. Youth served by these programs are often the most likely to desist from delinquency without formally imposed conditions or sanctions.

Programs that are designed to alter delinquent behavior by subjecting youth to threats or harsh treatment such as Scared Straight actually have the opposite effect. Studies show that these programs increase delinquency, and in some cases cause youth to mimic the various behaviors the programs are supposed to deter (Miller, 1998).

Systems reforms require that jurisdictions develop a coherent plan that targets limited resources on the population of youth who present the greatest societal threat and therefore warrant the highest level of intervention. Diverting resources to the population of least threatening youth diverts resources and potentially compromises public safety.

SECTION V

Constructing a Model Juvenile Justice System for California

In order for a juvenile justice system to be effective, it must be run on the principle of unconditional care, in effect meaning that no stone be left unturned in attempting to habilitate juvenile offenders and reintegrate them back into the community. A model juvenile justice system addresses the needs of the small percentage of high-needs youth who commit the majority of crimes, and who generally have been relinquished to state facilities with minimal expectation for recovery. Because these youth have numerous risk factors, they require a comprehensive system of care to help them recover and to avoid the trickle-down criminality, which is inevitable when youth are not given the necessary services and supports to become productive members of society. Strong centralized coordination of services is necessary to assure consistent outcomes.

Section V includes recommendations in line with the following topics:

- System-wide changes will be strongest if high-needs youth are targeted for intervention first
- A high percentage of youth in the juvenile justice system display behavioral and mental health issues
- Modern juvenile justice services must transcend traditional departmental boundaries to maximize access to a range of behavioral health and other services to ensure proper coordination
- Successful juvenile justice systems are based on habilitation and reintegration
- Effective systems of care break down the barriers among service providers to offer a complete spectrum of services to youth in need
- Coordinated case management is vital to guarantee comprehensive intervention and consistent outcomes

IN ORDER TO UTILIZE LIMITED RESOURCES to the fullest extent possible, it is necessary to use interventions strategically. The most effective approach for reforming juvenile justice is to target the population with the highest needs. Reform strategies that target low-end youth in the hope that evidence of success will translate into systemic change for the high-needs youth fail because they simply deplete limited resources and lead to harsher treatment for the needier population.

To achieve the greatest system-wide impact, effective juvenile justice reform prioritizes resources toward effective interventions for the highest-needs youth. When better intervention methods succeed with this population, the impact is more likely to trickle down and result in system-wide changes. It is for this reason that CJCJ argues strenuously for juvenile justice reform initiatives to focus primary attention on the system's neediest populations.

Creating a System of Care for Special-Needs Youth

A high-impact strategy to reform juvenile justice in California begins with high-needs youth with behavioral health issues. Recent studies suggest that up to 70% of the juvenile justice population suffers from some form of mental health disorder; a number that was previously underestimated (Trupin and Patterson, 2003; Koppelman, 2005). These mental health issues confront the juvenile justice system with challenges it was not structured to address. As previously mentioned, the California juvenile justice system traditionally has utilized four dispositional options: home on formal probation, group-home placement, county-based ranches and camps and commitment to state correctional institutions. These options are inadequate to meet the treatment needs of special-needs youth (Koppleman, 2005; Berkeley Center for Criminal Justice, 2010).

Special-needs youth often have extensive histories of system involvement beginning with the child welfare system. These youth often come from turbulent backgrounds with fractured and broken families and have received little nurturance from adult guardians. When they reach their teenage years, child welfare agencies are quick to abdicate responsibility for their care by transferring them to the juvenile justice system once the youth commits a delinquent act. Upon entering the juvenile justice system, the standard of care shifts from a focus on the child's needs to a focus on behavior. Once in the juvenile justice system, special-needs youth often have access to fewer treatment resources, as system emphasis shifts to containing delinquent behavior (Koppleman, 2005; Berkeley Center for Criminal Justice, 2010).

Modern juvenile justice services must transcend traditional agency boundaries to maximize access to a range of behavioral health and other services and ensure proper coordination. Services provided by local providers should be community- and family-based. The long-term goal should be the reduction or elimination of congregate custodial institutions. Congregate custodial institutions represent the traditional correctional institution that is designed primarily for the efficient management of large numbers of youth in a confined area.

Designing a more effective juvenile justice system that targets special-needs youth requires borrowing from the successes of other human service fields and adopting proven innovations. Effective interventions intended to produce long-term changes in the individual behavior of high-risk and special-needs youth requires adherence to the goals of *habilitation and reintegration*.

Because many of the youth who enter the juvenile justice system suffer from long-term emotional damage and behavioral problems, the goal is not to return them to a pre-existing state, but to favorably reverse their previous behavioral patterns. *Reversing previous behaviors and instilling new values and outlooks is a process known as habilitation.*

Too often services, especially those that are residential or institution-based, are not designed to follow the youth back to the home or community upon release. *The process of focusing resources on returning youth to their homes and community is called reintegration.* The process of reintegration begins immediately after youth enter the system and continues regardless of the nature of their placement. The entire focus of the intervention is on creating the conditions for a youth's successful adjustment to life in the community. Reintegration is most successful when it works to mitigate the risk factors in a youth's life and to strengthen the protective factors, by strengthening ties with positive family or community role models, for example.

The 21st century juvenile justice system must be constructed around the principles of a system of care. The system of care concept first emerged in the mental health field and recently has expanded to include other human services. It is based on the concept that the best services are those that are delivered at the community level and are coordinated through case management. Systems of care utilize an array of interventions offered through an assortment of service providers. Like any human-service field, juvenile justice clients have multiple needs and issues that necessitate intervention. Rarely are the needs of clients addressed through one service provider. Instead, effective intervention requires the skills and resources of numerous agencies and professionals. In other instances,

services are best offered through nonprofessional agents who reside within the youth's community (California Institute for Mental Health, 1998; U.S. Department of Health and Human Services, 2001; Berkeley Center for Criminal Justice, 2010).

Under a traditional service-delivery system, services and resources often are restricted by administrative or categorical funding barriers. Under these situations, services to youth are restricted to those that are provided by an assigned agency. For example, juvenile justice system youth may be denied access to mental health services because they are not under the jurisdiction of the county mental health agency. These bureaucratic barriers often result in denial of services or poor coordination between different service providers (California Institute for Mental Health, 1998; U.S. Department of Health and Human Services, 2001; Berkeley Center for Criminal Justice, 2010).

Elements of a Modern System

A juvenile justice system of care should be built around the following elements:

1. SERVICES SHOULD FOCUS ON SPECIAL-NEEDS YOUTH

Since most youth will age out of the juvenile justice system with minimal or no intervention past their 18th birthday, expending resources on first-time or low-level offenders should be discouraged. Instead, services should primarily target the highest-needs youth, particularly those with behavioral health issues and extended histories of system involvement.

2. REFORMS MUST REDUCE INSTITUTIONALIZATION

For nearly 200 years, the American juvenile justice system has relied on congregate institutional care as a primary intervention. However, effective systems use institutional care only as a last resort and instead rely heavily on developing a rich array of community-based and/or non-institutional intervention strategies.

3. COMMUNITY-BASED INTERVENTIONS SHOULD BE PRIORITIZED

Community-based services are primarily delivered in the youth's home and neighborhood. The focus of effective community-based services is to develop or enhance adequate support systems for youth and their families, addressing the full constellation of factors that contribute to delinquency. To ensure services are community-based and varied, juvenile justice systems need to develop service partnerships with communities and community-based nonprofit agencies. Every community possesses assets, many of which often are underutilized by the juvenile justice system.

4. SERVICES SHOULD BE CULTURALLY COMPETENT

California is an increasingly diverse state, which contributes to the challenges of providing appropriate services. In a multicultural state with people sometimes clustered in ethnic communities, American legal practices are not always understood. Youth from these communities often are estranged from their immigrant working parents. In these situations, parents need direction in order to provide adequate support to their children. Focusing the primary intervention on the child's behavior misses the need to impact the entire family unit. Impacting the family unit requires cultural sensitivity and, very often, language skills. Since many juvenile justice systems are not set up to provide these services, community resources need to be employed or developed.

5. SERVICES MUST BE OFFERED AS PART OF A COORDINATED CONTINUUM

Most juvenile justice systems have little experience at forging comprehensive community partnerships that act in unison to deliver services. Instead, in instances where community-based services are employed by juvenile justice systems, they sometimes operate in a fragmented manner. While multi-disciplinary teams have evolved in recent years to promote more coordinated decision making, juvenile justice services still tend to be fragmented and poorly coordinated.

Juvenile justice system service coordination is further hampered by the traditional probation casework approach to services, in which decisions are left to individual

probation officers. Under this approach, referrals to community services often are dependent on the temperament and personal philosophy of the individual case-carrying probation officer. In many departments, there is little exercise of a centralized triage or case-planning process.

When youth are referred to services, often systematic methods for evaluating the quality of the program or the services delivered are lacking. Each program and service simply performs an isolated function with limited coordination or contact with other services.

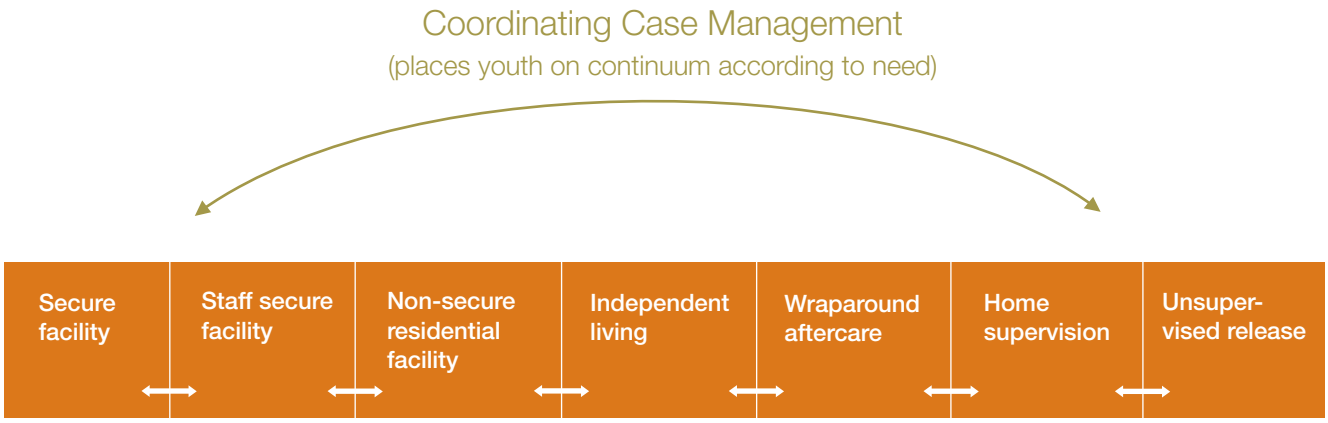
An effective system of care operates using centralized decision making, where treatment is based on a systematic method for assessing individual needs and determining the appropriate array of services. Such a system provides uniform and equitable services to all youth. Service selection is not dependent on one individual.

In a coordinated continuum, youth have access to an array of services that are defined in an individualized service plan. The individually tailored service plan outlines the services that have been designated for each youth through a multi-disciplinary case-planning system. The plan is implemented and monitored by a designated case manager who is responsible for ensuring that the services are being delivered in a coordinated manner. Such a system properly defines everyone's role and prevents overlap.

When utilizing a coordinated continuum, a youth who begins in the more restrictive end of the continuum, such as a secure facility, can move to a less restrictive end of the continuum as they progress in treatment. The youth is monitored at each stage. Should the youth relapse, he or she can be moved to the more restrictive setting until behavior improves and he or she can return to a less restrictive setting. In this type of structure, all components of the continuum are tightly linked and dependent on the youth's progress. *Continuums of care for high-needs youth require a flexible decision-making structure that is based on treatment progress at each stage, rather than a defined commitment period.*

6. SERVICE DELIVERY SHOULD ADOPT AN UNCONDITIONAL COMMITMENT

In constructing new service-delivery systems, juvenile justice systems must relinquish the practice of allowing programs and services to reject youth based on their behavioral problems or offenses. Programs within the juvenile justice system often restrict service referrals based on risk factors or perceptions that the youth likely will fail in treatment. *Such a process is known in the human-service field as "creaming," where youth likely to succeed are given preference for treatment.* This desire to serve the most malleable youth is often driven by contract objectives that mandate successful outcomes, or simply an agency-wide fear of handling more-challenging youth. In systems where youth most likely to succeed are given preference



Conditional Care	Unconditional Care
Selective intake	Takes all youth
Rigid treatment modality that requires youth's conformity	Treatment modality adaptable to youth's individual needs
Rigid program components	Flexible program components
Rejects youth who fail	Failure is part of the treatment process
Services end upon program completion and youth returns home and enters new stage of life	Services are ongoing and designed to provide support as youth enters new life stages

for treatment, there is a tendency among service providers to exclude youth who present management problems. Policies that allow service providers to exclude or quickly eject youth who present behavioral issues are rejecting the needs of the highest-risk and most-needy youth, a practice that is not in the public's interest.

The principle of unconditional care states that once a youth is assigned to a program, the program adopts an unconditional commitment to the child and will not eject the child solely based on behavior. Agencies that adopt an unconditional commitment approach take the position that in the role of *in loco parentis* the child is assumed to be a family member. While this approach does not mean that all behavior is acceptable and not subject to sanctions and consequences, it does mean that the program will continue to offer services to the youth for as long as the youth is subject to juvenile court jurisdiction.

Unconditional care is particularly relevant to the large segment of the juvenile offender population who were victims of childhood abuse and neglect. Many of these youth have faced years of placement in the foster care system, where they were placed in many foster homes. The experience of the foster care system for many youth is traumatizing, as they are shuttled from one placement to the next without ever having the opportunity to develop bonds of trust or affection with responsible adults. When these youth end up in the delinquency system, they are distrustful and alienated following years of physical and emotional rejection.

Unconditional care was designed to interrupt the cycle of abuse and rejection, by having programs maintain a commitment to the individual child akin to that of a responsible parent. If youth display poor behavior or commit a serious act, they may be temporarily removed from the setting, but are quickly reinstated as soon as their behavior is stabilized.

County juvenile justice systems can promote unconditional care through contractual arrangements with service providers. Contracted agencies should be given flexible funding to adapt services based on the needs of the youth, rather than the traditional requirement that youth adapt to the program modality. If youth must be temporarily removed from the program, every effort should be made to return them as soon as feasible. For challenging youth the program must be able to adjust the intensity of service to meet the needs of the youth.

California county juvenile justice systems must develop service models and contract mandates that ensure service providers give preference to the highest-needs youth. Foundation support could be vital to ensuring that standards of unconditional care be developed and are applicable throughout the state, and not subject to arbitrary jurisdictional definitions or fleeting practice standards.

7. SERVICES SHOULD INCLUDE FLEXIBLE FUNDING

Throughout the history of the juvenile justice system, services to youth were determined by pre-existing contracts that defined the type of service. Most of the services offered by county juvenile justice systems are dictated by their funding streams. For example, institutional care, such as juvenile halls and county ranches, are funded

through county general funds. Counties rigorously define how these monies are to be spent by detailing the specific services and staffing levels. Once authorized by the local legislative body in the yearly county budget, juvenile justice administrators have little flexibility in how the allocated funds are spent.

In addition, group-home care funding, which is the most common alternative to institutional care employed by county juvenile justice systems, is determined by federal and state mandates. For example, group-home funding requirements are defined in Federal Title IV-E, which defines payment structures and requirements for residential care placements. The federal government has strict guidelines that clearly define residential placement and how monies are to be expended. While such rigid funding guidelines ensure that monies are properly accounted for and easily tracked, these categorical funding streams also inhibit the use of innovative nonresidential programming. Currently, many youth are committed to institutions or residential placement not because of a primary service need, but because of the absence of intensive community-based services.

Currently, many youth are committed to institutions or residential placement not because of a primary service need, but because of the absence of intensive community-based services.

Improving the capacity of juvenile justice systems in California requires continued efforts to reduce categorical funding and increase flexible funding. Over the past 30 years, new concepts such as wraparound services have revolutionized the potential development of new and creative community-based services by diverting categorical residential funding streams toward nonresidential alternatives. The recently implemented wraparound re-entry program established by CJCJ and Seneca Center in San Francisco offers such a model. In addition, the Santa Cruz County Probation Department implemented its own wraparound program specifically for youth in the juvenile justice system.

Flexible funding is the key to expanding the range of traditional and nontraditional services available in the juvenile justice system. Services should not be predetermined solely on the basis of yearly budgetary allocations for specific programs. Juvenile justice agencies must be provided with a pool of non-allocated funding that can be expended on individual youth as their needs dictate.

8. SERVICES SHOULD BE PROPERLY EVALUATED

In recent years the term evidence-based practice has become a frequently used phrase in the human-service field. While it often denotes a number of meanings, it generally refers to the application of sound evaluation techniques to measure the effectiveness of services and treatment modalities. Effective juvenile justice systems need to develop the capacity to evaluate the overall performance of the system and individual performance of specific programs. In addition, the county juvenile court and probation departments will need to develop a comprehensive management information system that collates and analyzes various pieces of information related to system performance.

Evaluation of individual programs and agencies is done on a case-by-case basis to determine the quality of the particular service, and to analyze the impact on the overall system. A current example using a multidimensional evaluation system is the San Francisco Juvenile Collaborative Reentry Team (JCRT), which is a joint project of CJCJ, the San Francisco Juvenile Probation Department, the San Francisco Public Defender's Office and the Superior Court. The initiative's overall evaluation has been designed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) consultants, while CJCJ's performance is being individually evaluated by the National Council on Crime and Delinquency (NCCD).

Evidence-based Practices in the Criminal Justice System

1. Ability to assess actual risk/needs
2. Ability to enhance intrinsic motivation
3. Ability to target interventions, based on:
   a. Risk Principle: Prioritize supervision and treatment resources for higher-risk offenders
   b. Needs Principle: Target interventions to criminogenic needs
   c. Responsivity Principle: Be responsive to temperament, learning style, motivation, culture and gender when assigning programs
   d. Dosage: Structure 40-70% of high-risk offenders' time for three to nine months
   e. Treatment: Integrate treatment into the full sentence/sanctions requirements
4. Ability to train in proper practice
5. Ability to increase positive reinforcement
6. Ability to engage in ongoing support in clients' communities
7. Ability to measure relevant processes/practices
8. Ability to provide measurement and feedback

Source: United States Department of Justice, 2007

A note of caution: Evidence-based practice often is interpreted to mean the utilization of programs that have been evaluated and proven to work in other jurisdictions. When programs are found to have good evaluations they often are referred to as "best practice." Many programs now market themselves as "best practice," and while CJCJ does not question the efficacy of these models, CJCJ urges caution when simply selecting programs established in other places for replication. Inviting large outside service providers with no attachment to a community or jurisdiction to establish new program services can end up costing the jurisdiction more than services provided by local agencies. CJCJ advises that when best practices are considered for replication, counties designate local agencies for the task and utilize the large out-of-county service providers as short-term consultants that can support agencies in the start-up phase. In most cases, program models are readily available and can easily be adapted and designed to the specific needs of the jurisdiction.

SECTION VI

Implementing Juvenile Justice Reform in California: First Steps

A vital part of juvenile justice reform is the full efficient utilization of available resources and funding. The use of Medicaid mental health services, specifically Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services, offers youth in the juvenile justice system a broad range of services. Wraparound funding, another vital part of a comprehensive county-level juvenile justice system, allows for flexible funding to be used to provide nonresidential services for youth who would otherwise be sent to group homes.

Section VI includes research on the following topics:

- Services offered through EPSDT include individual and group therapy, mental health assessments and services, and clinical case management. The state and federal government assume up to 95% of all EPSDT costs.
- Wraparound-funded slots are provided to counties by the state with the provision that program costs must either be cost neutral or less than the cost of out-of-home placement.
- Other funding streams include Juvenile Justice and Crime Prevention Act (JJCPA) funding, Youthful Offender Block Grants (YOBG) and Juvenile Probation and Camps Funding (JPCF).
- When secure facilities are needed, use smaller facilities that offer comprehensive services. The State of Missouri is leading the movement toward smaller rehabilitative models of juvenile facilities.

RESTRUCTURING CALIFORNIA JUVENILE JUSTICE services requires redirecting existing resources and utilizing new or underutilized funding streams. The prospect of redirecting existing funding is problematic in times of fiscal austerity. It is during these periods that many public agencies retrench and attempt to protect core agency functions and existing staffing patterns while waiting for better fiscal times. However, difficult economic times also can provide the impetus to rethink past practices and develop innovative approaches that heretofore were not considered.

Utilizing Medicaid Funding

One of the most effective ways for counties to build a system of care is through the maximization of Medicaid-funded mental health services. The child health component of Medicaid is the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program, which is among the most underutilized resources in the juvenile justice system. EPSDT funding can support a broad range of services for youth with behavioral health issues, including detention alternatives and re-entry services. Because research shows that nearly 70% of youth in the juvenile justice system have a diagnosable mental health need and 20% of these youth are seriously mentally ill, and because these reports

EPSDT Funding
Early and Periodic Screening, Diagnosis, and Treatment

This benefit has been a required part of Medicaid funding since 1966, and was expanded by the federal Omnibus Budget Reconciliation Act of 1989 (OBRA '89). Under this act, all EPSDT-funded programs were required to provide treatment and diagnosis for Medicaid recipients up to age 21, to "correct or ameliorate defects, physical and mental illnesses, and conditions discovered by screening services, whether or not such services were covered under the Medicaid State Plan." A 1993 lawsuit against the state Department of Health Services (DHS) served to further expand the availability of State General Funds to finance Medi-Cal specialty mental health services provided to eligible children and adolescents. In compliance with the lawsuit, as well as a 1997-98 federal waiver, DHS recognized county mental health departments as the main provider for expanded mental health benefits under EPSDT. Medi-Cal specialty mental health services are funded with a mix of federal, state and county funds.

Recipients eligible for EPSDT-funded programs are children from birth to age 21 who meet Medicaid income eligibility requirements, and the Medi-Cal medical necessity criteria for this age group. In order to qualify for Medi-Cal medical necessity, children generally need to have a recognized developmental delay or mental disorder with identified interventions that can help mitigate the child's problems.

Major EPSDT Mental Health Services Include:

- Rehabilitation
- Collateral contact
- Mental health services
- Intensive day treatment
- Mental health assessment
- Targeted case management
- Medication support services
- Therapeutic behavioral services
- Crisis intervention/stabilization

Source: California Alliance of Children and Family Services (2010).

historically have been underdiagnosed, juvenile justice systems must develop their capacity to expand these services (Koppelman, 2005).

EPSDT is federally funded through the Medicaid program. Medicaid funding, known as Medi-Cal in California, is a shared federal and state entitlement program designed to provide an assortment of health services to children and youth. EPSDT is the component of Medi-Cal that is designed to help children with severe emotional and mental health needs. When a child is made a ward of the court and custody is removed from the parent, in most circumstances the child automatically becomes Medi-Cal eligible.

EPSDT services usually are administered by county public mental health departments, which determine eligibility, deliver services and monitor payments. The services typically offered through EPSDT include individual and group therapy, rehabilitation and mental health services, and case management. The level of service in many situations far exceeds what can be offered through conventional probation casework. Services must be delivered or directly supervised by trained, licensed professionals and must adhere to strict professional standards.

Service standards are strict and subject to periodic audits by federal authorities. EPSDT service providers must maintain meticulous documentation of all the services provided. Many juvenile justice jurisdictions have been slow to utilize this potential funding stream because of the strict monitoring and the need to rigorously adhere to behavioral health-oriented principles. In addition, because EPSDT is administered by public mental health departments rather than probation systems, maximizing such services is inhibited by jurisdictional barriers.

In recent years, organizational barriers to maximizing EPSDT services have begun to weaken as more and more probation departments have recognized the potential boon to current services. In San Francisco, the Juvenile Probation Department has partnered with the Department of Public Health, the Department of Children Youth and Families, and the Center on Juvenile and Criminal Justice to create an assortment of re-entry services for youth in out-of-home placement. By utilizing EPSDT case management and clinical services,

the department now can offer a higher level of intensive case management and family interventions to youth returning to the community from group home or county ranch and camp placements. The program allows mental health services to be delivered in the youth's home, rather than requiring the youth to travel to a therapist's office.

The best part of EPSDT from a county perspective is that the county only assumes responsibility for 5% of the costs, while the state and federal government pay the remaining 95%. EPSDT is among the most underutilized funding streams in the California juvenile justice system. While many county juvenile justice systems have begun using EPSDT services, their full and broader application is still evolving. Tradition-bound probation departments sometimes are reluctant to use behavioral health services for high-needs youth in the community because of historical practices and administrative barriers. Regardless of the reason, the maximum development of EPSDT services is essential to a modern probation department, as it offers a new and expanded funding stream for community-based services. It also broadens the ability to effectively and comprehensively intervene with the high percentage of juvenile justice youth who suffer from behavioral health issues.

Wraparound Services

One of the biggest innovations in the human service field over the last 25 years was the development of wraparound services. The concept evolved from the recognized failings of reliance on residential services and the inability to redirect funding to nonresidential services. The inability to redirect categorical funding streams away from residential placement resulted in large numbers of youth being committed to out-of-home placement who could have been served in the community, had the resources been made available. These funding streams were the result of federal and state foster care laws that created categorical funding for residential placement. Since group-home placement through the juvenile court is subject to these federal foster care funding restrictions, counties are obligated to follow the federal guidelines.

In the mid-1990s, California counties began experimenting with the new concept of wraparound funding. Designated pilot counties were given authority by the state to

Wraparound Funding

Wraparound was established in California under Senate Bill (SB) 163 (Chapter 795, Statutes of 1997), which allows California counties to develop the Wraparound Model using state and county Aid to Families with Dependent Children–Foster Care (AFDC-FC) dollars. This legislation permits counties to use the wraparound funding for planning and services delivery instead of use for placements of children/youth in high-end group homes (Rate Classification Level (RCL) 12-14). The purpose of the bill is to return children and youth in group-home care to their homes and communities or help children at imminent risk of placement in high-end group homes to remain in their homes. In January 2001, Assembly Bill (AB) 2706 extended the wraparound process and service to children who were placed in lower-level group homes of a RCL 10-11 or at risk of placement at this level.

SB 163 legislation requires wraparound services to:

- Be family-centered, individualized, culturally relevant and strength-based
- Be team- and community-based
- Rely on natural community supports, develop a child and family team plan to identify service needs
- Place child in the least-restrictive environment
- Track and evaluate outcomes
- Be cost neutral to the state
- Reinvest cost savings into child welfare programs

The wraparound process can eliminate barriers to service delivery by creating a cohesive spectrum of family, community and services.

Wraparound funding is tied to the RCL classification of a youth, and must be cost neutral to the state when compared with a group-home placement. Of the 58 counties in California, 31 have active wraparound programs. The Mental Health Services Act (MHSA) of 2005 (Prop 63) includes a very specific requirement that all counties must develop a wraparound program for children and their families unless specified conditions are met.

Source: California Department of Social Services (2010).

Wraparound Case Example

DERRICK W. IS A 17-YEAR-OLD YOUTH FROM SAN FRANCISCO who was returning home following a group-home placement, where he was finally committed after a string of arrests that included firearm possession and robbery. Derrick had a turbulent childhood, where he grew up in a conflict-filled home, where his parents frequently fought and argued until their divorce.

In addition to problems at home, Derrick endured the violent deaths of his brother and two good friends. When he later was arrested and confined in the San Francisco juvenile hall, he was diagnosed with Post Traumatic Stress Disorder (PTSD). When he was committed to a group home, Derrick exhibited poor adjustment, as he became hyper-vigilant and reactive to the other youth with whom he lived. In one instance, he developed a conflict with another San Francisco youth, who promised to retaliate against Derrick once they were back in the city.

The wraparound process can eliminate barriers to service delivery by creating a cohesive spectrum of family, community and services.

When Derrick was finally released from the group home, he was assigned to CJCJ's new Wraparound program for youth returning to the community following group-home placement. Derrick initially was placed in the home of his grandmother and father in a high-crime area of San Francisco. Unfortunately, the youth with whom he had been in conflict also resided in the same neighborhood.

Initially, Derrick was doing well with CJCJ case management support and individual therapy, until he began receiving threats from other neighborhood youths. CJCJ immediately arranged to transfer residency to his mother in Emeryville to remove him from the city. A CJCJ case manager and therapist worked with Derrick and his mother to ameliorate lingering family issues that first needed to be resolved. Once therapy was initiated, Derrick's residency was transferred to his mother's home. After the transfer to Emeryville, Derrick initially did well in his new environment. He attended school, obtained good grades, participated in therapy and played football. CJCJ provided him with transportation, so he could continue to visit his grandmother and father in San Francisco, along with providing ongoing home-based family therapy. Unfortunately, one night while visiting his father's home and riding in his uncle's car, he was stopped by San Francisco police, who were aware that Derrick was on probation. During the routine search of the car, a loaded firearm was found in his backpack, which Derrick said he carried for protection. He was arrested and taken to the juvenile hall where he faced possible commitment to a state correctional institution.

While he was awaiting adjudication and disposition, CJCJ continued to work on his case. Through discussions with Derrick and his parents, we learned of an adult cousin who lived in Newport Beach, California. The cousin was a successful business owner who was involved in community youth issues as a member of 100 Black Men. After numerous discussions and negotiations between Derrick's estranged parents and his cousin, CJCJ was able to arrange for him to move to his cousin's Newport Beach home. The new arrangement offered a respite from conflict and violence and provided a new start where he could focus on school and sports.

Using wraparound support services, CJCJ was able to arrange for Derrick to obtain therapy, attend school and play football in Newport Beach. This year he is completing his senior year and is a star high school football player. He currently is being recruited by division-one football programs, including UCLA.

Had the Wraparound program not existed, it is likely Derrick would have been committed to a correctional institution, where he eventually would have been returned home to his previous circumstances with little prospect of future success. The resources provided by the Wraparound program gave us the ability to provide a level of intensive services that was necessary to address the multiple family and community issues that had impeded his chances for a productive life.

test the application of flexible funding to the provision of nonresidential services for youth who would otherwise be sent to group homes. Because of the promising results produced by these pilot counties, the state expanded the practice statewide with the goal of reducing the high number of youth in residential placement. Under the arrangement, the state's Department of Social Services allowed counties to redirect group-home funding to nonresidential services. Currently, the state allots a small number of wraparound slots per county with the stipulation that the program must either reduce cost or be cost neutral. Since group-home care is the most expensive option available to county juvenile justice systems, redirecting those funds to create a comprehensive array of nonresidential services reduces the need to remove a youth from his or her home or community.

Wraparound provides a vehicle for unprecedented flexibility in the funding of new or nontraditional individualized interventions, since the wraparound service provider often is given the same amount of money as a youth assigned to the most expensive group home. Additionally, most youth receiving wraparound services also receive EPSDT services. As a result, per capita combined monthly wraparound and EPSDT funding can exceed $6,000. Since some of these flexible wraparound funds are not expended in every single case, the expectation is that wraparound service providers will pool surplus or unspent funds to reinvest monies from lower-needs youth to address the higher-needs youth.

Presently, most counties contract their wraparound services to nonprofit service providers. There are a number of agencies around the state that can provide expertise in the development of wraparound programs. For counties with little experience in developing wraparound services, these agencies can offer assistance during the start-up phase.

Despite the promise offered by wraparound services for revolutionizing the range of individualized community-based and nonresidential services, its use among juvenile justice system youth is limited. While some counties, such as San Francisco, Santa Cruz and Humboldt, are pioneering the use of wraparound for juvenile justice system-involved youth, most counties reserve their wraparound slots for only or predominantly child welfare youth. Few other service options exist that offer the juvenile justice system a greater opportunity to develop a pool of flexible funding to create individualized interventions.

Other Major Funding Streams Available to County Probation Departments

Along with EPSDT Medi-Cal funding and wraparound funding, several other major state funding streams were developed over the past 10 years to expand county-based juvenile justice services. These funding streams represent three separate statewide juvenile justice initiatives, beginning with passage of the Juvenile Justice and Crime Prevention Act of 2000 (JJCPA). The purpose of the JJCPA was to serve as a revenue stream to help counties

Juvenile Justice Crime Prevention Act

In 2000, the California legislature passed Assembly Bill 1913, the Juvenile Justice Crime Prevention Act (JJCPA), which "supports community-based programs that have proved effective in reducing crime and delinquency among at-risk youth and young offenders." In effect, the intent of this legislation was to create a stable funding base for rehabilitative programs for youth in the state, representing a shift in focus for juvenile justice in California.

The act mandates the oversight of JJCPA funding by a local Juvenile Justice Coordinating Council (JJCC), headed by the chief probation officer and comprised of specified members, including representatives of law enforcement and criminal justice agencies, the board of supervisors, social services, education, mental health and community-based organizations. It also mandates the formulation of a local action plan to assess existing juvenile services and to fill gaps in that service. The funding is administered by the Corrections Standards Authority (CSA). Once authorized, the state Controller's Office releases funding to participating counties, which must report back program outcomes for six mandated measures, as well as expenditure data.

Source: California Board of Corrections (2004).

improve the overall range of juvenile justice services. This state revenue source was further supplemented by the Juvenile Probation and Camps Program that was designed to improve the operational capacity of probation departments.

The Youthful Offender Block Grant (YOBG) was established through Senate Bill 81 in August 2007 to provide counties with the means to develop an array of new services to handle youth they no longer could commit to state-run youth correctional institutions. Together these funding sources amount to more than $380 million of funding to local juvenile justice systems. These funds have played a key role in promoting changes at the county level, by providing funding for non-institutional services. Despite the state's current economic crisis, the state legislature and governor have protected these funds. Currently, none of these funding streams are facing cuts in this fiscal year.

In addition to these three funding streams, the state legislature and former Gov. Schwarzenegger agreed to transfer all parole services presently provided by DJJ to county probation departments. Implemented on Jan. 28, 2011, county probation departments are now given up to $15,000 per parolee to assume post-release supervision responsibility. This legislation represents a further step toward realigning all juvenile justice services to the counties and increasing the need to improve the quality and scope of probation services.

While many of these funds have been allocated by the counties for existing services, these funds could be creatively employed to provide a match for EPSDT services in smaller counties to further augment services.

Secure Care

One of the most controversial areas of the California juvenile justice system is the continuing reliance on congregate institutions. Since first introduced to the state in the 1850s, congregate institutional care in the juvenile justice system has had a bleak and sordid history that includes inhumane treatment in violence-riddled facilities. Presently, the state's youth corrections system and numerous county probation systems, including Los Angeles, are in the midst of lawsuits alleging abusive institutional conditions. In the case of the Farrell lawsuit, the state has fully acknowledged its failure to provide humane living conditions.[8]

Congregate Care

Congregate care in youth corrections generally refers to institutions that house large numbers of youth in highly regimented and impersonal facilities. Congregate care institutions tend to be more custodial in their approach to managing their residents.

Congregate care in California's county juvenile justice systems ranges from custodial-oriented institutions to therapeutically oriented residential group homes. Custodial-oriented institutions tend to be operated by county probation departments, juvenile halls and county ranches and camps. These facilities tend to be characterized by high levels of regimentation designed to maintain and enforce orderly control. While designs tend to vary depending on the age of the institutions, California juvenile halls built within the past 20 years are high-security facilities where youth typically are confined in housing units with 15-25 cells. In contrast, county ranches and camps tend to follow the traditional medium-security training school model with large open dormitory living units and standardized daily schedules. Education programs and resources often are insufficient to address the complex educational needs of the delinquent population, and mental health services often are underfunded and inadequate.

To meet the demands of the 21st century, the traditional institutional design of county facilities will need to be reconsidered. Open dormitory housing units that emphasize custodial care should be abolished in favor of smaller, more therapeutically oriented living units. In these smaller living units, youth feel safe and positive interaction between youth and staff is promoted. Many county probation systems in California are now looking toward the state of Missouri for better models of institutional care that are therapeutically oriented and provide

[8] For complete information on the Farrell litigation, the consequent consent decree and related items, see the Prison Law Office web site juvenile facilities page at http://www.prisonlaw.com/cases.php#juvi

Youthful Offender Block Grant

Welfare and Institutions Code Section 1951 requires that counties spend Youthful Offender Block Grant (YOBG) funds to "enhance 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 Act]." The YOBG statute was designed to give counties tremendous flexibility in determining how best to support programs, placements, services and strategies. Counties are required to monitor their expenditures to ensure consistency with the statute.

By May 1 of each year (beginning in 2010), counties must submit a Juvenile Justice Development Plan (JJDP) to the Corrections Standards Authority (CSA) that outlines their anticipated programs and expenditures for the upcoming fiscal year. By Oct. 1 of each year (beginning in 2010), counties must submit a report to CSA that includes actual expenditures for the previous fiscal year, as well as program performance outcomes for that year.

Corrections Standards Authority (2010).

an extensive community aftercare. A certain percentage of youth who come into the juvenile justice system require secure care because they have demonstrated a level of aggression that renders them too high a risk for immediate return to the community. However, secure care should be reserved for only the percentage of youth who cannot be managed in a less-secure environment. Too often youth are committed to secure institutions for bureaucratic convenience or necessity rather than public protection.

Secure-custody facilities must be designed to offer a therapeutic environment, where troubled youth can be treated in a safe environment. Rehabilitation cannot occur in an environment where a youth does not feel safe and lives in constant fear of assault and exploitation. Reducing rates of violence in an institutional setting is dependent on a low youth-to-staff ratio where living units hold no more than 10 to 15 youth. Facilities with larger

Missouri Hills Dormitory

The two photographs above represent a common California juvenile hall cell and cell block. Note the contrast of the photograph of a typical Missouri facility, where youth reside in comfortable nonprison-like conditions, where interaction between youth and staff is encouraged and a full range of educational and rehabilitative services are provided.

The relationship between living-unit populations and the development of institutional subcultures.

Number of Living Unit Residents	Possible Relationship Pairings
10	45
20	190
40	780
60	1770
80	3160

Institutional population increases multiplies the number of possible adverse relationships that contributes to institutional violence.

living units foster a prison subculture simply by the number of relationships that can develop as the living unit population rises. The table above delineates the number of potential relationships that develop as the institutional populations rise. Violence in a correctional institution is partly a function of population. Past studies, including those conducted by the former California Youth Authority, showed that violence decreased as living-unit size decreased. A lower population impacts the ease in which staff are able to control and supervise the relationships between youth (Ohlin, Miller and Coates, 1978).

In their classic analysis on the impact of population size on youth correctional environments, Harvard researchers noted:

> This rapid escalation of possible relationships as program size increases soon makes it impossible for staff members to keep track of and have control over what is going on between each pair of program members. The likelihood then increases with program size that some of those relationships will make a youth's experience in the program a disagreeable one (Ohlin, Miller and Coates, 1978, p. 37).

The high rates of violence in high-population California youth correctional facilities with large living units confirm this point. Since secure facilities in a juvenile justice system should be reserved for more aggressive youth, living units larger than 10 invite high rates of violence and the development of a prison-like subculture.

In response to this growing recognition, many California counties now are reconsidering conventional institutional practices in favor of more modern approaches, such as those pioneered in Missouri. The Missouri approach to secure care includes small living units with highly trained staff. In these facilities, youth have the benefit of easy access to quality education, counseling, programmed recreation, family therapy, vocational training and aftercare. Institutional programming is not compartmentalized and subdivided; instead, all elements of the daily program are coordinated and directed by trained treatment professionals. With a more favorable architectural design and proper professional staffing, violence and gang domination in facilities is nearly nonexistent.

Currently, the Santa Clara County Probation Department, under the direction of Chief Sheila Mitchell, has nearly completed a full conversion of its James Ranch to a more therapeutic facility based on the Missouri model. San Francisco is also in the midst of converting its long-criticized Log Cabin Ranch School into a Missouri-type facility under the leadership of Chief William Siffermann. In addition, Santa Cruz County, long viewed as a model county, has successfully maintained very low numbers in its juvenile hall by restricting detention to only those who pose a threat to public safety.

With the downsizing and closing of the state's youth correctional system and its large congregate institutions, counties will need to develop permanent local options. In its 2008 report calling for the closure of the state's youth correctional facilities, the state's Little Hoover Commission called for the creation of regional facilities. Under this proposal the counties would enter into agreements to use existing facilities in certain counties as regional facilities. Some facilities could be used to serve special populations, such as Humboldt County's New Horizons, which currently serves youth with behavioral health issues.

Conclusion

California's juvenile justice system is at a crossroads. With state and county governments confronting the worst fiscal crisis since the Great Depression, a major restructuring and prioritization of services is necessary. This fiscal crisis presents an opportunity to initiate reforms that are long overdue. Since the creation of the California juvenile court in 1903, the methods for delivering services have changed minimally. The system that evolved in California over the past 107 years involved reliance on an underfunded system of probation services and an ill-conceived system of congregate care institutions and residential facilities. The challenge of the 21st century is how to restructure county juvenile justice systems to truly achieve the original goal of rehabilitation through individualized interventions and services.

COUNTIES WILL NEED TO CREATE viable systems of care that coordinate services across traditional agency boundaries. This requires mental health, social services, educational and juvenile justice agencies to work together in ways that they have not in the past. It also requires incorporating the local nonprofit community as a core element in a new service delivery system that is built on a coordinated continuum of community-based services. Unlike traditional static bureaucracies, nonprofit agencies offer a means to quickly implement new approaches with greater flexibility.

The first steps in achieving this service restructuring will involve maximizing the use of existing funding streams to target the high-end offenders, while reducing the use of congregate care institutions. With the continuing downsizing of the state's Division of Juvenile Justice, counties will need to expand their ability to handle an older and more challenging type of delinquent. Under the SB 81 legislation, counties now can provide services to youth up to the age of 21. This broader age range confronts local juvenile justice systems with many challenges, but also presents an opportunity to enhance the likelihood of long-term success, since many youth in the juvenile justice system are graduates of the child welfare system and historically have had few options once state services terminated when they reached age 18. Funding options, such as EPSDT and wraparound, offer county juvenile justice systems an immediate opportunity to expand the range of community-based options for the highest-needs youth beyond the age of 18. Building county capacity to utilize these funding streams should be an immediate priority in any reform effort.

Finally, counties must expand their ability to form partnerships with neighboring jurisdictions to develop and/or better utilize secure custody facilities. With the expansion and renovation of juvenile halls and county ranches and camps over the past few years, counties are now better equipped to handle more serious delinquents than the state's DJJ. These modern facilities are structurally capable of handling an older and sometimes more challenging delinquent population. Smaller counties can contract with larger counties to take

advantage of their greater capacity and experience in handling a higher volume of older and more serious delinquents. Counties that have historically relied on state institutional commitments will need to modify existing practices to incorporate new approaches and changing realities. No longer should a youth in one county face a more severe disposition than a youth in another county simply because of differences in resources.

Achieving sweeping and balanced changes in California's juvenile justice system will require the support of philanthropic foundations. However, foundation support should be focused toward ongoing technical assistance, planning and start-up funding, rather than ongoing direct service support. Programs and services should be permanently funded through a combination of federal, state and local resources. The juvenile justice service delivery system of the future will combine the efforts of multiple agencies and community organizations to ensure that youth receive the highest level of individualized care in a culturally competent manner.

County juvenile justice systems and foundations should work to develop the resources that are available in the county. Assistance of agencies from outside the county can help in the development of specialized services that require a capacity to collect data and adhere to strict reporting mandates. When accessing outside assistance, counties should give preference to developing the capacity of indigenous resources and existing community-based organizations that have established ties to the communities they serve. Delivering juvenile justice services is complex and multifaceted and requires individuals familiar with and committed to the neighborhoods and youth they serve.

The California juvenile justice system is confronting the most fundamental challenges in its history. If history is an indicator, decisions that are made over the next few years will fundamentally determine the system's structure for the rest of this century. It is therefore incumbent on all elements of the juvenile justice system and philanthropic community to foster meaningful and responsible change.

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