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PROBATION OVERSIGHT COMMISSION OF LOS ANGELES COUNTY

Probation Data Snapshot from December 1, 2024

A Probation Oversight Commission Analysis of the Developmentally Disabled Youth Detained in Los Angeles County Probation Facilities

The mission of the Probation Oversight Commission (POC) is to re-imagine probation services in the County of Los Angeles to achieve accountability, transparency, and healing of the people served by and working for the Probation Department.

INTRODUCTION AND DEFINITIONS

The Los Angeles County Probation Department (Probation) shared an anonymized data "snapshot" with the Probation Oversight Commission (POC) about youth detained at its juvenile detention facilities on December 1, 2024. This report provides data about the youth flagged in the dataset as "Developmentally Disabled" and "Regional Center."

A Regional Center is a nonprofit corporation contracted with the California Department of Developmental Services (DDS) to coordinate or provide services to individuals with developmental disabilities.[1] Per the Department of Mental Health's website, there are seven Regional Centers in Los Angeles County.

Regional Centers have different eligibility criteria depending on a person's age and the severity of their impairment. Examples of persons who may be admitted as a client are:

- Infants and toddlers at risk of having developmental disabilities or who have developmental delays.
- A child who at birth to age four demonstrates significant functional limitations in at least two major life activities outlined in Welfare and Institutions Code section 4512(a)(2).
- A person diagnosed with a disabling condition before their 18th birthday that is expected to continue indefinitely such as cerebral palsy, epilepsy, autism, and intellectual disability among others[2].

Probation also identifies youth as "Developmentally Disabled." Probation's Detention Services Bureau (DSB) Manual DSB-400 state that Developmental Disability is defined in accordance with the United States Code, Title 42, Section 15002. That section defines a developmental disability as "a severe, chronic disability of an individual that is:

- Attributable to a mental or physical impairment or combination of mental and physical impairments.
- Manifested before the individual attains age 22.
- Likely to continue indefinitely.
- Results in substantial functional limitations in three (3) or more of the following areas of major life activity:
    - Self-care
    - Receptive and expressive language
    - Learning
    - Mobility
    - Self-direction
    - Capacity for independent living
    - Economic self-sufficiency

[1] Los Angeles County Department of Mental Health Regional Centers for the Developmentally Disabled
[2] California Department of Developmental Services. Regional Center Eligibility & Services webpage:

- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated."

The DSB-400 also refers to the California Welfare and Institutions Code, Section 4512, which defines a developmental disability as: "...a disability which originates before an individual attains age 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental disabilities, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for an individual with an intellectual disability but shall not include other handicapping conditions that are solely physical in nature."

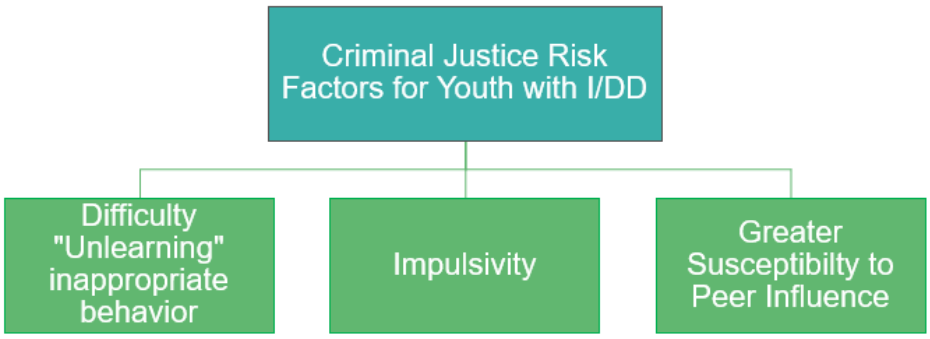
Probation's dataset does not include the youth's specific disorder, and it should be noted that youth identified as Regional Center clients and/or Developmentally Disabled are not the only youth in the facilities with disabilities. Many other youth have diagnosed disabilities including physical disabilities, learning disabilities, and emotional disturbance, the latter two being the most common types of disabilities among youth in detention facilities. These youth may qualify them for special education services but not for Regional Center services or a designation as developmentally disabled.[3]

Developmental disabilities are important to study and identify among youth in the juvenile justice system because they can result in behaviors and symptoms that could easily be misinterpreted as "unacceptable or dangerous" such as:[4]

- Poor impulse control
- Displays of extreme frustration
- Difficulties with reading, writing, speaking, listening or doing mathematical calculations
- An inability to interpret one's environment or another person's behavior
- Aggressive behavior
- Attention deficits
- Giving little thought to the consequences of one's actions
- Difficulty developing meaningful social relationships
- Anxiety and depression

[3] Mears, Daniel P., Aron, Laudan Y. *Addressing the Needs of Youth with Disabilities in the Juvenile Justice System: The Current State of Knowledge*. Urban Institute Justice Policy Center. November 2003

[4] Leone, Peter E, Zaremba, Barbara A. et. al. Understanding The Overrepresentation Of Youths With Disabilities in Juvenile Detention, 3 U.D.C. L. Rev. 389 (1995).

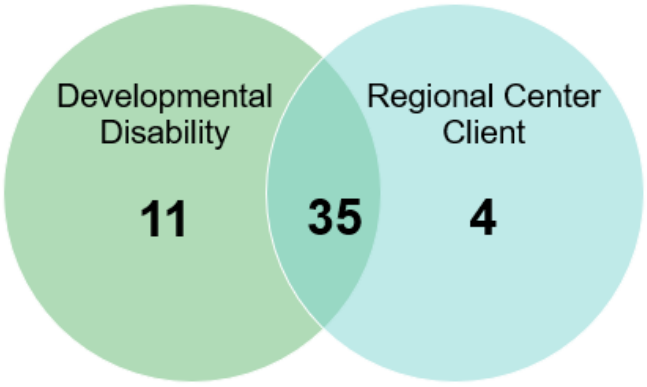


This graphic, taken from The Arc's National Center on Criminal Justice & Disability helps explain why the juvenile justice system has a disparate impact on youth with intellectual and development disabilities:[5]

The National Center for Learning Disabilities estimates that about 65-70% of youth involved with the justice system have a disability.[6] Many youth with developmental conditions are often undiagnosed and therefore, may be undercounted.

DEVELOPMENTALLY DISABLED YOUTH IN LOS ANGELES COUNTY PROBATION FACILITIES

There were 521 youth detained across all of Probation's juvenile detention facilities on December 1, 2024. Of those, 46 youth (9%) were marked "Developmentally Disabled" and 39 (7%) were marked as Regional Center clients. The diagram below illustrates the intersectionality of these identifications. There are four youth flagged as Regional Center clients who are not flagged as Developmentally Disabled, which is surprising and concerning since, by definition, Regional Center clients are individuals who have been diagnosed with a developmental disability and identified by the County as qualifying for services related to that disability.



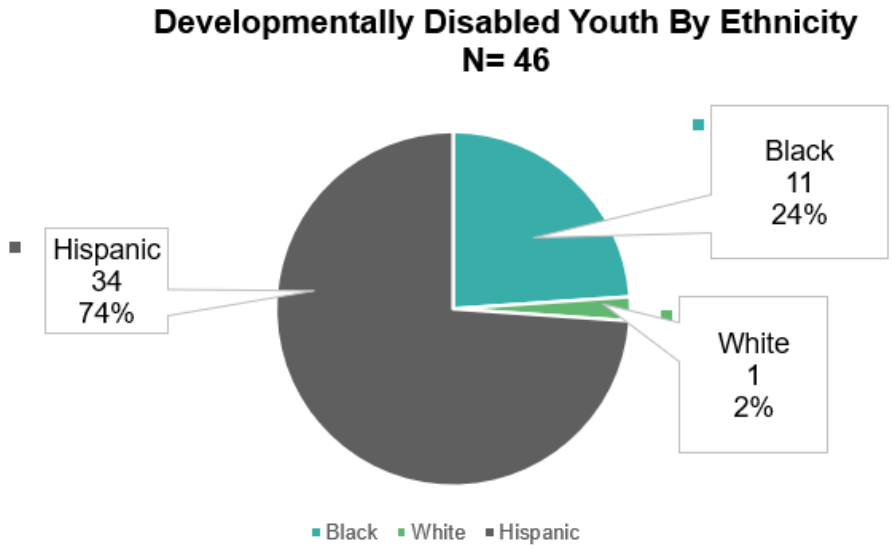
[5] Adapted from Arc's National Center on Criminal Justice and Disability's report *Justice-Involved Youth with Intellectual Disabilities and Developmental Disabilities: A Call to Action for the Juvenile Justice Community*

[6] Snydman, J. *Unlocking Futures: Youth With Learning Disabilities & the Juvenile Justice System*. National Center for Learning Disabilities: Washington DC (2022)

RELEVANT STATISTICS

- 50 youth are marked as either Developmentally Disabled, a client of the Regional Center, or both which is just under 10% of the total population.
- 8 youth identified as developmentally disabled are also DCFS youth. Of those, seven are clients of the Regional Center. The compounding conditions demonstrate the complex needs of incarcerated youth.

ETHNICITY BREAKDOWN



GENDER BREAKDOWN OF YOUTH WITH DEVELOPMENTAL DISABILITIES

Gender	Count
Male	45
Female	1
Total	46 youth

GENDER BREAKDOWN OF YOUTH THAT ARE REGIONAL CENTER CLIENTS

Gender	Count
Male	37
Female	2
Total	39 youth

Both girls identified as Regional Center clients have a history of Commercial Sexual Exploitation of Children (CSEC) yet, only one is listed as “Developmentally Disabled” by Probation.[7]

[7] The World Congress Against Commercial Sexual Exploitation of Children defines CSEC as “sexual abuse by an adult and remuneration in cash or kind to the child or a third person or persons.”

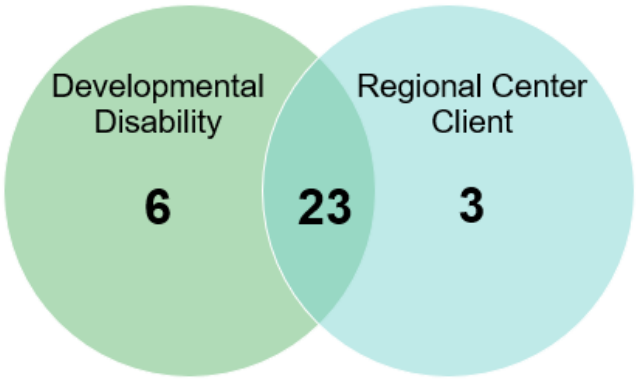
BREAKDOWN OF YOUTH WITH 707(B) CHARGES

Status	707(b) Count
Developmental Disability	32 out of 46 DD Youth (70%)
Regional Center Client	26 out of 39 Regional Center Youth (67%)

This data illustrates that arrested youth with developmental disabilities are likely to be detained after being booked for a serious offense. Researchers have noted that this strong correlation has public health implications; early detection, access to high-quality health care and support services are vital to helping youth with developmental disabilities function positively in community to reduce justice-system involvement.[8]

LOS PADRINOS JUVENILE HALL

The Venn Diagram below shows the number of youth at Los Padrinos identified as Developmentally Disabled, a client of the Regional Center, or both. Roughly 13% of the youth detained at Los Padrinos on December 1, 2024 are either Developmentally Disabled, Regional Center clients, or both.



LENGTH OF STAY

When comparing the average length of stay for developmentally disabled youth and Regional Center youth compared to youth not flagged as either in the dataset, we observe that on average, youth identified as developmentally disabled or Regional Center clients are detained 59 days longer than non-disabled youth.

Dec. 1st Length of Stay Comparison for Youth at Los Padrinos			
Length of Stay Youth with Developmental Disabilities		**Length of Stay Youth Without Developmental Disabilities**	
Minimum	8 days	Minimum	0 days
Maximum	1,174 Days or 3 years and 2 months	Maximum	1345 days or 3 years and 7 months
Average	266 days or 8 months and 22 days	Average	207 days or 6 months and 25 days

[8] Kelley, Susan (Nov. 30, 2017) *People with disabilities more likely to be arrested*. Cornell University, Cornell Chronicle Blog Post

This observation confirms research findings indicating that on average, youth with disabilities face harsher punishments than their non-disabled peers.[9] It also may relate to delays faced by youth involved in the competency process. The competency process is beyond the scope of this analysis, but the POC recommends that commissioners and the public ask questions about how the process may lead to extended lengths of stay in juvenile hall for youth with developmental disabilities.

CONCLUSION

Carceral settings based on punishment and control are not conducive to effectively meeting the rehabilitative needs of disabled youth. For example, prolonged room confinement and frequent periods of isolation can cause trauma and exacerbate already existing intellectual disabilities.[10] [11] Likewise, the Probation Department's continued use of pepper spray in juvenile hall units housing youth with developmental disabilities, despite a Board of Supervisors directive to end its use, is another example of the harm disabled youth are exposed to in this setting.

Disabled youth who come into contact with the justice system must have access to robust, evidence-based educational and rehabilitative services, preferably in a community setting. Carceral environments are not care-first, trauma-informed environments that facilitate academic achievement, improve self-regulation, increase skill-building or renew a sense of hope; as such, they are counterproductive to public safety and well-being of disabled youth. The National Disability Rights Network states:

> "[I]ncarcerating children with disabilities does not make them 'better'…. There remains an urgent need to protect children and youth with disabilities from unnecessary incarceration. When confinement is necessary, it is critical that they are provided the services they need to grow and develop, as well as the education and rehabilitation necessary to rejoin their community successfully."[12]

[9] National Disability Rights Network (Oct. 21, 2019) *New Report Provides Strategies to Combat Mis-Incarceration of Children with Disabilities*

[10] Dorfman, Deborah and Fleischner, Robert. Center for Public Representation. Training and Advocacy Support Center Fact Sheet: Isolation of Youth with Disabilities in Juvenile Justice Facilities

[11] "BSCC Addresses Los Angeles County 's Ongoing Failure to Protect Young People at Los Padrinos Juvenile Hall" for information about the Probation Department's unregulated use of room confinement.

[12] National Disabilities Rights Network. *Probation Referral: A Model for Diversion of Children and Youth with Disabilities from the Juvenile Justice System*. October 2019

RECOMMENDATIONS

Given this data, the POC staff recommend that the Commissioners ask the following:

1. In 2024, what percentage of detained youth were tested for and determined to have a developmental disability? How many of those were previously undiagnosed?
2. What practices and quality assurances do the Los Angeles County Office of Education have in place to ensure that youth with developmental disabilities receive high-quality, personalized educational services to meet their unique learning needs?
3. What evidence-based interventions and rehabilitation programs does the Probation Department provide youth with developmental disabilities?
4. Does the Probation Department train its staff on how to effectively work with youth with disabilities?
5. What additional support are developmentally disabled and Regional Center youth given upon release to ensure they successfully reintegrate into community? What services exist to help them develop and maintain positive interpersonal relationships and self-regulation to avoid additional justice-system involvement?