

January 19, 2023

Dear JJCC members,

I am writing to express concerns about youth data protection in JJCPA-funded programs and a mischaracterization of the California State Auditor's Report on JJCPA. This comment is in regard to item IV.a. on today's agenda (Motion to Adopt Fiscal Year 2023-2024 CMJJP). It is also relevant to the following items discussed at the JJCC meeting on December 6, 2022, and to be discussed in future JJCC meetings:

1. Data Ad-Hoc Subcommittee for Discussion Regarding Welfare and Institutions Code 749.21, Government Code 30061, and the California State Audit Regarding Collection of Identifiable Data on All Youth Served in Each JJCPA Program and for Each Service It Provides to Adequately Assess the Effectiveness of JJCPA Programs at Reducing Juvenile Crime and Delinquency
2. [Fiscal Year 2023-24 County of Los Angeles Comprehensive Multi-Agency Juvenile Justice Plan](#) (FY 23-24 CMJJP), Appendix B, Section 9: The California State Auditor's Report (starting on page 46)

At multiple JJCC meetings, as well as in the FY 23-24 CMJJP, the Los Angeles County Probation Department has asserted that there exists a "requirement for JJCPA funded agencies to collect and submit data to the Probation Department for purposes of reporting on and evaluating specific program and justice outcomes (by the JJCPA Evaluator) through the full evaluation process" (Appendix B, Section 9 of the FY 23-24 CMJJP).

The assertion of a requirement is false. Requiring JJCPA-funded programs to share identifiable data on youth participants with Probation is harmful (particularly for prevention programs) and should not move forward.

Clarification of California State Audit

Evaluating the effectiveness of all JJCPA-funded programs is a shared goal across JJCC members, County departments, and community members. However, it is important to make clear that **using identifiable data is not a state requirement**. Attachment B, Section 9 of the FY 23-24 CMJJP states the following:

"Section 9. The California State Auditor's Report: Juvenile Justice Crime Prevention Act Weak Oversight Has hindered its Meaningful Implementations (ca.gov) Report 2019-115,' issued May 12, 2020, included the following finding for all California Counties: 'Los Angeles should collect data on all participants in each JJCPA program and service to adequately assess the effectiveness of those programs at reducing juvenile crime and delinquency.'

This restated the requirement for JJCPA funded agencies to collect and submit data to the Probation Department for purposes of reporting on and evaluating specific program and justice outcomes (by the JJCPA Evaluator) through the full evaluation process.”

By reading the full section of the [California State Auditor's Report](#), you can see that the quoted text (in *italics* above) is taken out of context and that the assertion that JJCPA-funded programs are **required** to collect and submit data to the Probation Department (underlined above) is plainly false. In fact, the audit explicitly states that other means can be used to measure program effectiveness. See the excerpt below:

Chapter 1; Section: Counties Can Increase Their Ability to Measure Program Effectiveness by Using JJCPA Funds to Improve Their Data Collection

Mendocino and Los Angeles explained that they did not collect data for these programs because **the Legislature amended state law removing the requirement to report on specific outcomes in 2017**. Although the **JJCPA no longer requires counties to report program-specific outcome data**, such as the arrest and probation violation rates for program participants, it requires counties to assess the effectiveness of their JJCPA-funded programs. For example, counties must summarize or analyze, based on available information, how their funded programs may have contributed to or influenced countywide juvenile justice data trends, such as the number of incarcerations within the county. To determine how their funded programs may have contributed to countywide juvenile justice trends, counties must maintain data on participants in those programs. (See page 28 of the audit)

The bold portions above make clear that there is no requirement to turn over youth data to the Probation Department. Furthermore, the text quoted in Attachment II, Section 9 of the FY 23-24 CMJJP is in the *Recommendations* section of the audit (See page 31 of the audit).

Consequences of the Data-sharing Requirements for Youth Programming

While everyone wants to see JJCPA funding go to programs that are effective and aligned with the values of the CMJJP, creating a requirement for sharing identifiable data of juvenile participants with the Probation Department runs the risk of being harmful and counterproductive.

Chilling Effect - Requiring youth and parents to sign a waiver to share their data with the Probation Department to participate in community-based youth services will likely act as a deterrent to participating. Many of the youth at the highest risk of being involved in the justice system have a personal and family history of negative and harmful interactions with the justice system. Therefore, making this a requirement will likely deter the participants who would benefit most from the programming.

Privacy Concerns and Harmful History - Requiring the full name and birthdate of youth ages 17 and younger to be shared with the Probation Department runs multiple risks. First, we are in an age where data privacy is of utmost concern so we should reduce the sharing of sensitive information whenever possible.

Second, many of the youth participating in youth services through programs like Ready to Rise have had no contact with any systems such as law enforcement, social services, or DCFS. Probation collecting the names of children who are classified as “at-risk” raises concerns about net widening, increased surveillance, and, potentially, unnecessary involvement with the system having already been on Probation’s radar.

Lastly, while I do not believe that the Probation Department has any ill intent for wanting to collect participant data, there are many instances of law enforcement agencies using databases and information-sharing in ways that are harmful to low-income communities of color. Recent examples include [LAPD falsifying records](#) in the CalGang database and [information-sharing with immigration enforcement](#) in the LA County jails. While LA County Probation had nothing to do with these incidents, they are essential reminders of how data can be misused in the name of safety and security; and go to the heart of why some community members will be deterred from participating in programming that requires sensitive data, such as a child’s full name and birthdate, be shared with Probation.

Stalling of the Ready to Rise Contract - Aside from future risks, it seems that the false assertion that the state auditor requires youth data to be shared with Probation has already caused harm. In the JJCC meeting on Wednesday, August 31, 2022, executive directors from multiple community-based organizations that receive Ready to Rise grants called in to express urgency for the Ready to Rise grants to be released. They had been promised funds and hired staff, yet the contract was being held up. In the meeting, Chief Deputy Adam Bettino shared that the contract was held up due to negotiations around evaluation data (or something along those lines). In a later discussion in the same meeting, when Dr. Holiday of the RAND Corporation was presenting on the evaluation process, it was further revealed that the sharing of participant data with the Probation Department for Ready to Rise contracts was holding up the evaluation process—even though other means to evaluate program effectiveness exist. Based on these and subsequent discussions, I believe that the Ready to Rise contract continues to be held up. Youth should absolutely not have to submit their full names and birthdates to the Probation Department in order to participate in community-based youth programming. Furthermore, Ready to Rise has already released [multiple reports](#) on outcomes and impacts—more than can be said for most JJCPA-funded programs.

Program Effectiveness Can Be Measured While Protecting Children’s Privacy

As stated throughout this letter, I believe that all JJCPA stakeholders have the shared goal of ensuring that JJCPA funds go to effective support for young people. This can be achieved, however, without requiring all participant data to be shared with the Probation Department. There are other means to measure effectiveness and a host of scholarly articles about the limits of relying solely on recidivism (or justice system contact) as a measure of success. Other indicators that are highly correlated with youth involvement in the justice system can be examined such as improvements to education, retaining steady employment, or increased connections to supportive adult(s). It is also important to examine who the programs are reaching to ensure services are getting to those who need them most. I encourage the JJCC to

continue to ensure that JJCPA funding is truly aligned with the goals and values of the CMJJP while protecting children's sensitive data.

I urge JJCC members to do the following:

1. Do not require identifiable youth data such as name and birthdate be shared with Probation, particularly for any youth whose information is not already in that system
2. Amend Attachment II, Section 9 of the FY 23-24 CMJJP to remove all mentions of data reporting requirements and the California State Audit
3. The Ad Hoc Data Subcommittee should hear from evaluation experts to understand alternative methods for evaluating program effectiveness. Some presenters that come to mind are Dr. Stephanie Holiday from RAND, Dr. Georgia Leap, and Dr. Denise Herz.
4. Ensure that the Ready to Rise contract moves forward immediately, without the requirement of sharing identifiable participant data with the Probation Department, if it has not done so already

Thank you for taking the time to read my comment, and I hope you move forward with all that is outlined above.

Sincerely,

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