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Youth Justice Reimagined: A New Model for Youth Justice in Los Angeles County

For decades, the youth justice system in America was shaped by a fundamentally flawed belief that young people need to be punished and incarcerated in a similar manner as adults. This “tough on crime” philosophy of the late 1980s and early 1990s has been universally debunked by research from across many fields including neuroscience, psychology, and child development. Nevertheless, it generated misguided criticism of the youth justice system as being too “soft on crime.” With little data or evidence, gross generalizations about youth crime progressed to such a degree that in 1996, 62 percent of poll respondents in a California survey believed “most crime nowadays is committed by young people.” In reality, young people were responsible for only about 13 percent of violent crime that year. By the end of the 1990s, every state had either made it easier to prosecute young people as adults or rolled back the confidentiality protections that are a core element of the youth justice system¹.

¹Can we eliminate the youth prison? (And what should we replace it with?), Columbia Justice Lab's Square One Project, June 2020.

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California was no exception and, by the late 1990s, the California Youth Authority (CYA), the state juvenile prison system, had over 10,000 young people in custody². Ultimately, the CYA proved to be fraught with abusive conditions and was an absolute failure at achieving any rehabilitative outcomes. In 2005, the CYA was dismantled and re-purposed as the Division of Juvenile Justice (DJJ), though the responsibility to supervise and house young people in custody was largely transferred to the 58 counties.

Given the possibilities associated with local control, this could have been a turning point for youth justice in Los Angeles County (County), but the County has challenges of its own. Most notably, in 2004, the Los Angeles County Probation Department (Department) found itself under investigation by the Department of Justice in connection with allegations of unsafe and abusive conditions in the 3 juvenile halls it operated. At the time, the Department had between 1,500 and 1,800 youth detained in its three juvenile halls alone. The investigation ended with a settlement agreement and federal oversight. A similar investigation, opened in 2008, focused on the Department's 19 probation camps. This investigation ended in a substantial Memorandum of Agreement with provisions covering widespread civil rights violations, including failure to protect youth from staff and from other youth; excessive and inappropriate use of OC spray; failure to provide adequate staffing and staff training; and failure to adequately investigate allegations of abuse.³

What ensued in the following years was a series of studies, audits, reports, and recommendations all aimed at improving the Department's staffing, training, operations and culture. In fact, in its 2017 Probation Governance Study, Resource Development

² *In California, Justice for Juveniles*, Los Angeles Times, March 27, 2012.

³ United States Department of Justice, Letter of Findings, October 31, 2008.

Associates (RDA) reviewed “more than 100 existing reports and documentation related to the structure and operations of the LA County Probation Department.” In its report to the Board of Supervisors (Board), RDA aptly noted:

“It is important to note that many of these reports and audits were requested in response to a perceived or documented deficiency within the Probation Department’s structure or operations. For example, DOJ Monitoring Reports were intended to address documented civil rights violations within the County’s juvenile halls and camps, while many of the internal and external audits were intended to further examine reported issues with the Department’s processes such as use of funds, hiring, etc. ***As a result, the findings presented in these reports and summarized below are overwhelmingly negative and point to a need for reform. This should not be interpreted to mean that there are not high-quality people and practices in the Department.*** To the contrary, despite the largely negative findings described below, through the course of our work to date, it has become clear that, across LA County—both within the Department and from the outside—there is a deep commitment to establishing a model Probation Department that provides high quality services for and supervision of clients and life long career and learning opportunities for its staff. One of the primary goals of this project is to leverage on this commitment and identify strengths that the Department can build on moving forward. ***Nonetheless, as our findings below indicate, there are a number of long-standing issues for the Department and County to address*** (emphasis added).⁴”

It is within this context that the Board has taken bold action in the area of youth justice reform over the last several years. The Board searched for transformational

⁴ LA Probation Governance Study, 120 Day Status Report, Resource Development Associates, February 7, 2017.

leaders and pushed for increased collaboration between the Department and its partner County departments, agencies, and the community. The Board called for marked decreases in youth incarceration and the accompanying closure of halls and camps. The Board sought to support staff development by calling for the exploration of studies in social work for Probation Officers; moved to update the protocol for dual status youth to strengthen coordination between the Department and the child welfare system; and voted to support a revamped Comprehensive Multi-Agency Juvenile Justice Plan and improved JJCPA Grant Administration. Additionally, the Board moved to implement recommendations from the Probation Reform and Implementation Team (PRIT) to eliminate the use of OC spray in all halls and camps and to establish oversight through the first-ever Probation Oversight Commission.

These efforts yielded varying degrees of success and would likely lead to incremental change over time. But, in August 2019, the Board voted to explore the boldest PRIT recommendation of all—transitioning the County’s juvenile justice system to an agency that is based on a rehabilitative, health-focused, and care-first model of youth justice. This decision by the Board reflects the fundamental understanding that despite all efforts to the contrary, the current youth justice model in the County remains hyper-focused on punishment and forced accountability because that is simply the nature of any model rooted in the principles of probation and law enforcement systems. Although the number of youth detained in the halls and camps has decreased dramatically, the system continues to disproportionately harm Black, Indigenous and young people of color. Furthermore, juvenile institution budgets remain high and refrains of those in custody being “the worst of the worst” remain in the County’s dialogue, often in support of punitive philosophies. It is true that young people in the halls and camps today present with complex histories of trauma and profound mental

health needs. The County must resist a narrative about these young people that does not leave space for hope and healing and insist on a structure that promotes positive youth development and rehabilitation at all costs.

This was the mission of the Youth Justice Work Group (YJWG) that convened in response to the Board's motion. The YJWG convened for the first time in January 2020 and delivered its final report to the Board ten months later in October. The YJWG's members included a diverse and committed group of youth leaders, community advocates, service providers, County representatives (including staff from the Department), and justice partners (DA, PD, APD, and the Courts). Even as the global COVID-19 pandemic affected everyone's lives, hundreds of individuals participated in ten meetings of the full YJWG and many smaller subcommittee meetings, listening sessions, focus groups, and learning exchanges.

The YJWG grounded its work in research, evidence, and data. Its work was guided by nine core values:

- Racial and Ethnic Equity—prioritizing equity means prioritizing structural transformation, and structural investment, that addresses root causes of inequity in the current youth justice system.
- Centering Community—reflects a commitment to authentic inclusion, power sharing, and valuing of impacted communities' lived-in experience and expertise to advance and drive solutions for achieving equity and eliminating racial and ethnic disparities.
- Youth Development—a framework that brings a positive, strengths-based and social justice orientation to working with youth, families, and communities; characterized by opportunities that promote a sense of belonging, usefulness, and power by helping young people develop

competencies that will enable them to grow and lead healthy, responsible and caring lives.

- **Public Safety Achieved Through Well-Being**—an approach that balances positive youth development and appropriate sanctions for harm but rejects the “do the crime, do the time” ethos and instead embraces a structure that builds accountability through support and connection rather than punishment and isolation.
- **Wellbeing Achieved by Addressing Social Determinants of Health**—prioritizing strategies that address the social determinants of health or “conditions in the environments in which people live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes.”
- **Restorative Justice and Transformative Justice**—prioritizing efforts to strengthen interpersonal relationships and social connections within communities by providing healing and support for those harmed, as well as those who have caused the harm and addressing structural barriers and inequities that both contribute to system involvement and are perpetuated by it.
- **Transparency and Accountability**—prioritizing transparency, trustworthiness, and accountability of all youth development partners, including through involvement of youth and community in program, policy, and budgetary decision-making with a focus on meaningful data and research infrastructure with support for participatory evaluation.
- **Evidence-Informed Design**—policies and practices should be guided by qualitative and quantitative evidence.

- Power-sharing, Coordination and Collaboration—improving power-sharing, coordination and collaboration across systems and between systems, youth, and community; support partnership and collaboration between County agencies, community-based organizations, youth, families, and survivors of violence and harm.

The YJWG’s report presents a vision for “Youth Justice Reimagined” in accordance with these nine core values. It includes a series of structural changes that transition Juvenile Probation to a Department of Youth Development (DYD) in a three-phase approach spanning a period of at least five years. This prudent phased approach allows the County to move forward immediately, while recognizing the need for continued collaborative planning and problem-solving that is required to make the full vision a reality. Fortunately, there is evidence that it can be done, as jurisdictions across the Country have realized a similar vision: New York City established its Department of Youth and Community Development; King County in Washington established its Department of Community and Youth Development; and Oregon established its Youth Development Division.

After more than a decade of incremental reform, it is time for the County to truly reimagine youth justice. In the same way that the Board has embraced a care first, jail last approach to the criminal justice system, it is incumbent upon the Board to embrace a care first youth development approach to youth justice.

WE, THEREFORE, MOVE that the Board of Supervisors thank the Youth Justice Work Group members and consultant team for their time and dedicated work in helping the County and the Board achieve a vision for Youth Justice Reimagined and take the following actions:

1. Adopt the nine core values summarized above and detailed in the October

2020 report of the Youth Justice Work Group entitled “Los Angeles County: Youth Justice Reimagined” (YJWG Report) and commit to transitioning the County’s youth justice system to the care-first model outlined in the YJWG Report by 2025, pending resolution of the necessary legal, budgetary and legislative issues, and support the continued planning and collaboration required to make the model in the YJWG Report, including a Department of Youth Development (DYD), a reality.

2. Instruct the Acting CEO and YDD to report back in writing in 60 days with a plan to establish and resource a transition-planning team, including mutually agreed upon consultant(s) who have operational and research experience to support implementation of the YJWG Report and a proposal to establish a Youth Justice Transition Advisory Group comprised of relevant County Departments, labor partners, system-impacted youth, community members, education partners, and other youth-serving agencies who participated in the YJWG, including a process for regular engagement of the Youth Justice Transition Advisory Group to inform continued planning and implementation of the recommendations in the YJWG Report.
3. Instruct the Acting Chief Executive Officer (CEO), in collaboration with the Acting County Counsel and the Office of Diversion and Reentry Division of Youth Diversion and Development (YDD), the Probation Department, and other relevant County Departments to report back in writing in 60 days, and quarterly thereafter, on the following:
 - a. A legal analysis of all discretionary functions currently carried out by the Probation Department’s Juvenile Operations that can be

transitioned first to YDD and ultimately to the DYD without the need for legislative or regulatory changes. Given YDD's current scope, the analysis is to include a discussion of the Probation Department's Citation Diversion Program and any other diversion-related functions and school-based programs.

- b. Within 60 days following completion of the legal analysis, complete a fiscal analysis of the funding streams or sources that are connected to the discretionary functions described above including whether such funding streams or sources are restricted and recommendations for addressing these restrictions in order to transition funding to YDD and ultimately to the DYD.
 - c. The initial 60-day report should also include an analysis of YDD's current staffing model, and the subsequent quarterly reports should set forth a plan for quickly augmenting the current staffing model to meet the need and ensure capacity and appropriate positions to absorb the discretionary functions described above.
4. Instruct the Acting CEO, in partnership with YDD and the Acting County Counsel, to collaborate with the Department of Human Resources, the Probation Department, and other relevant County Departments and, consult with the Youth Justice Transition Advisory Group, to report back in alignment with the quarterly reports referenced in Directive 3, on the following:
 - a. A clear timeline and action plan for implementing the recommendations outlined in Phase 1 of the YJWG Report, noting the potential legal and legislative considerations.

- b. A comprehensive legal and fiscal analysis of current laws, regulations, relevant settlement mandates, and funding restrictions that will need to be addressed to fully transition juvenile operations from the Probation Department to the DYD, and an action plan and legislative strategy to accomplish the necessary changes. In addition to the functions held in the Department's Juvenile Institutions operations, the analysis should address the Department's field services, including its Probation/Child Welfare duties and the impact that transitioning these duties will have on the County's 241.1 processes.
- c. A proposal, consistent with the legal and fiscal analyses set forth herein, to establish a reserve fund, or PFU, that reflects a direct correlation between standing-up a new DYD operation(s) and the gradual wind-down of the Probation Department's juvenile operations, with the objective of making an initial investment of \$75M in the DYD in Fiscal Year 2021-2022.
- d. An analysis of the Probation Department's current workforce and class specifications and an initial concept for class specifications for the DYD, as well as an initial concept for the transition of existing Juvenile Probation staff, in order to avoid layoffs.