Juvenile Justice Overview: Trends, Milestones & Promising Approaches

APRIL 13, 2022 PRESENTATION TO THE JUVENILE PROBATION COMMISSION

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SFPD
Decision

Arrest

- Counsel and Release
- Bring to CARC or refer to other diversion program
- Give youth a Notice to Appear – SFPD give notice to Probation

JPD
Decision

Initial Detention

- JPD has wide discretion to detain or not
- Youth who must be detained:
  - ✓ Accused of 707b offense (mostly serious offenses)
  - ✓ Accused of using a gun in the commission of a felony
  - ✓ Has an outstanding order to be detained

PROBATION & DISTRICT ATTORNEY
Decision

Adjudication

- Probation has full authority to not refer for adjudication all youth accused of misdemeanors
- DA can divert or not charge any case

JUVENILE COURT
Decision

Ultimate Detention
Decision

- Within a few days of being held in detention, youth will appear before the court where a judge will make the ultimate decision on whether the youth will remain in custody during their adjudication process
- Probation makes a recommendation at this hearing. Nationally, when there are available alternatives and Probation recommends the youth's release, the court often goes with Probation's recommendation
- Similarly, the DA can make a recommendation not to detain the youth during adjudication.

JUVENILE COURT & PROBATION
Decision

Disposition

- When a young person pleads or is found guilty of a delinquent offense, the court determines what happens with the youth – called the disposition. In adult court this would be the sentence
- In general, the Court's options are:
  - ✓ Informal Probation
  - ✓ Formal Probation (wardship) with community supervision
  - ✓ Log Cabin Ranch commitment (closed)
  - ✓ Out of Home Placement (usually far away private juvenile residential facilities)
  - ✓ Department of Juvenile Justice (only available for 707b offenses)
  - ✓ Log Cabin, Out of Home Placement, and DJJ are all followed by community supervision by Probation once they are released

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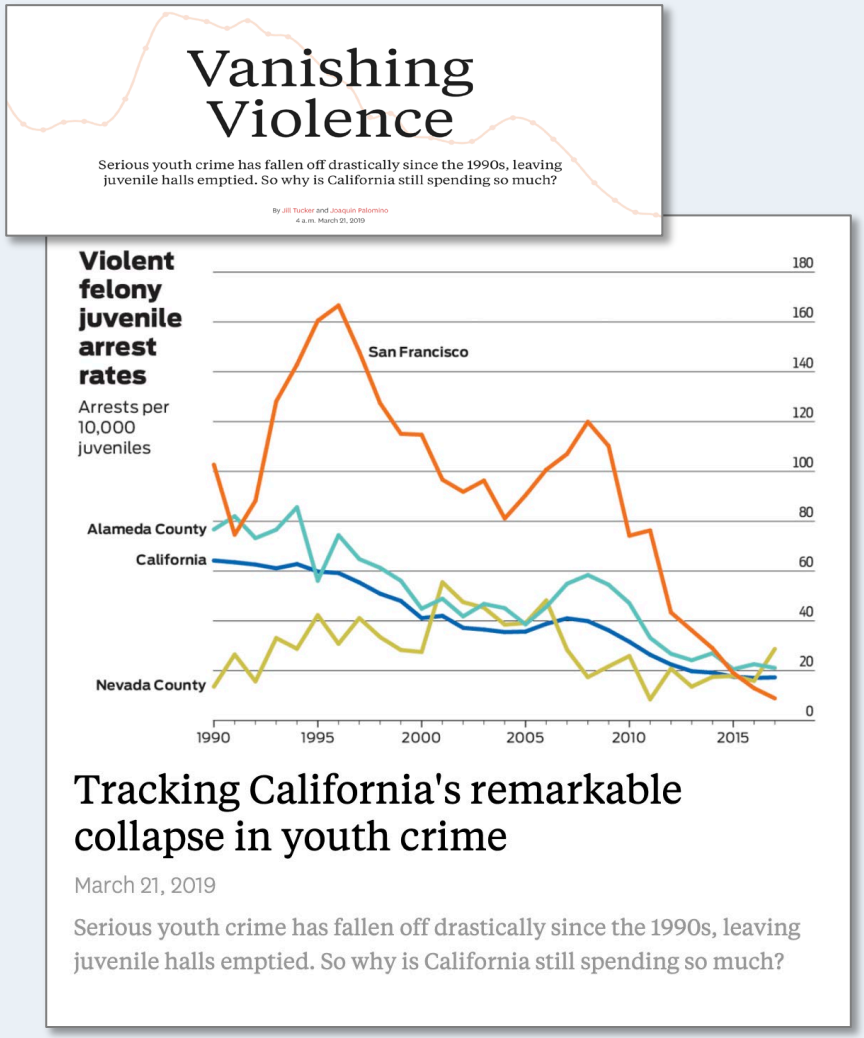
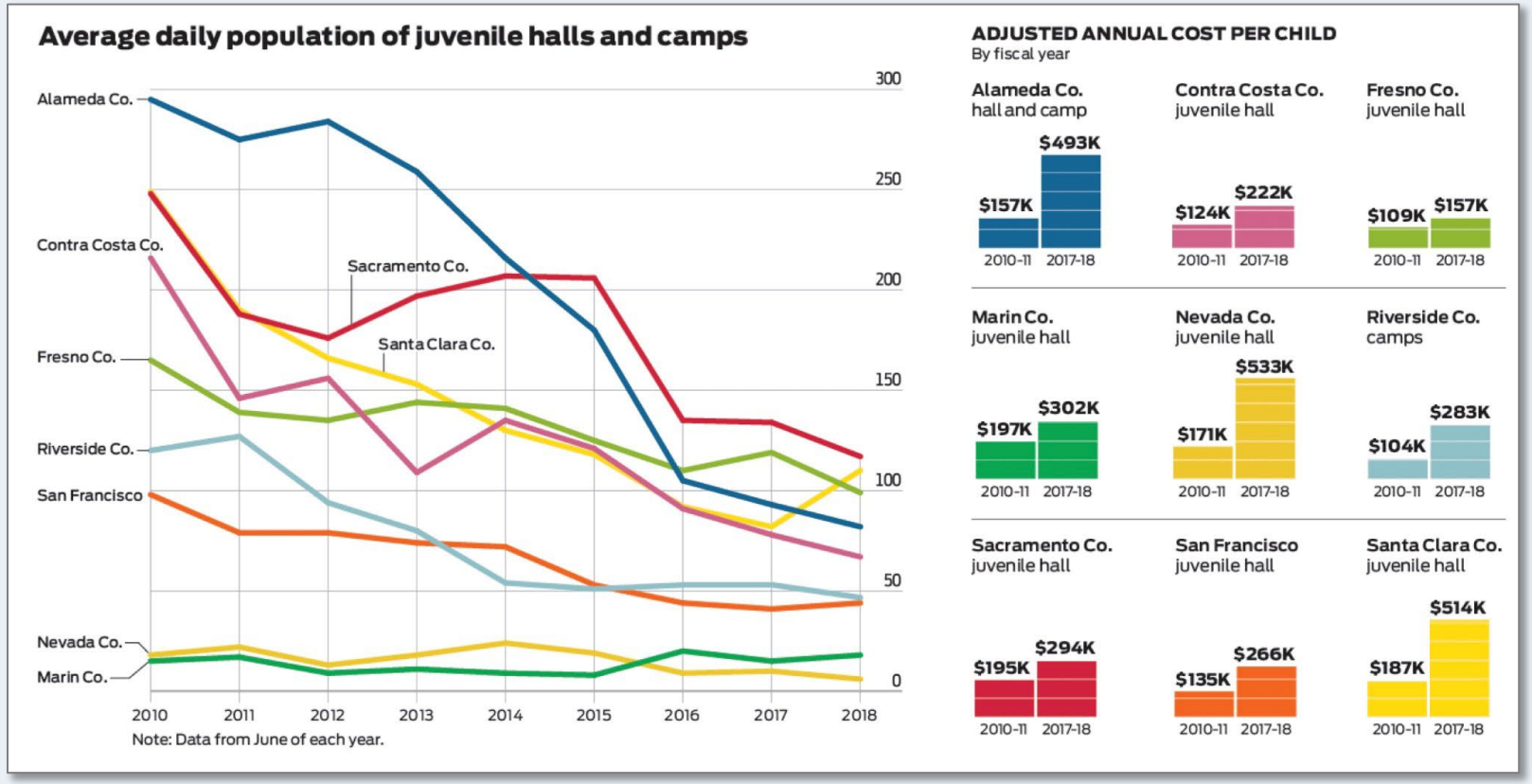
SANFRANCISCO JUVENILE JUSTICE
DECISION POINTS

Juvenile Justice Trends, 2000-Present

- Juvenile crime reductions
- Excess system capacity
- Deepening of racial and ethnic disparities
- Shifts in crime types
- Increasing presence of young adults in the juvenile system

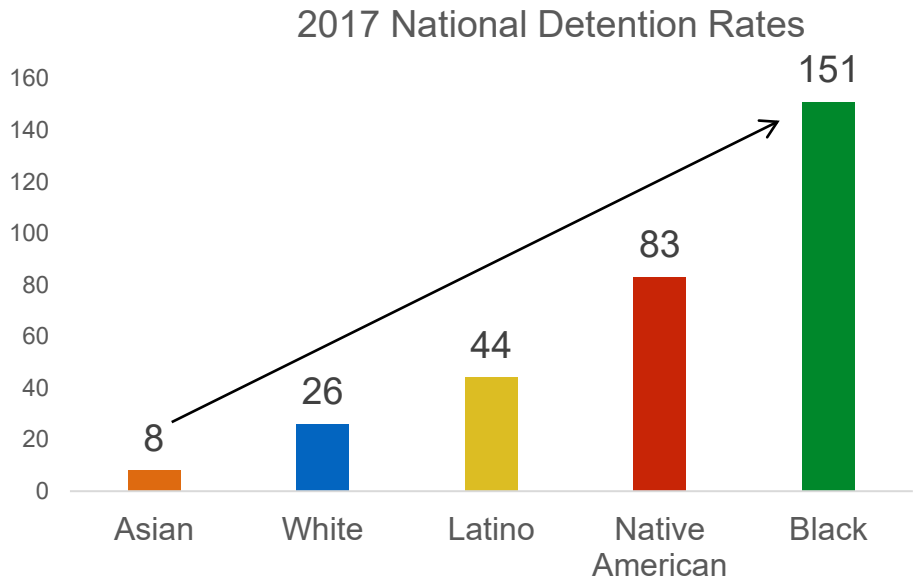
Dramatic Reductions In Juvenile Crime



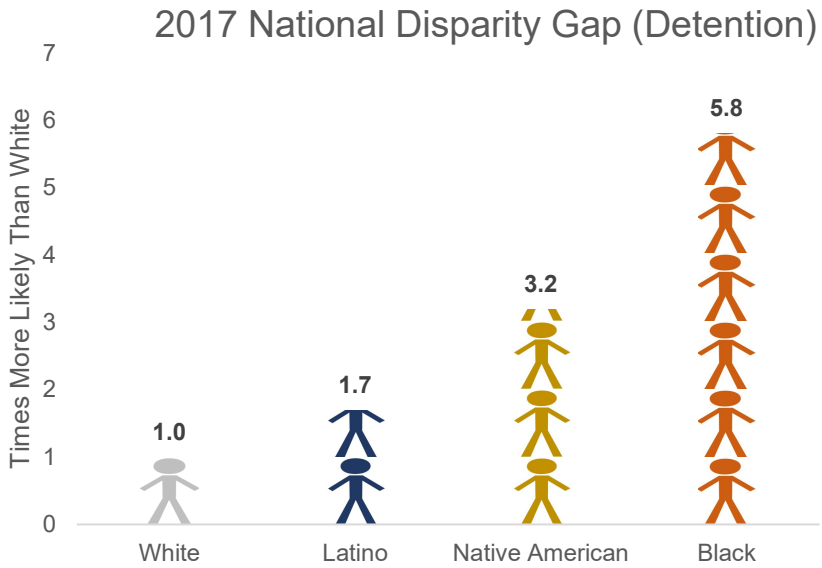


Source: Jill Tucker & Joaquin Palomino, SF Chronicle; Board of State & Community Corrections data

One Day Count in Detention
National Rates and Disparity Gaps (2017)



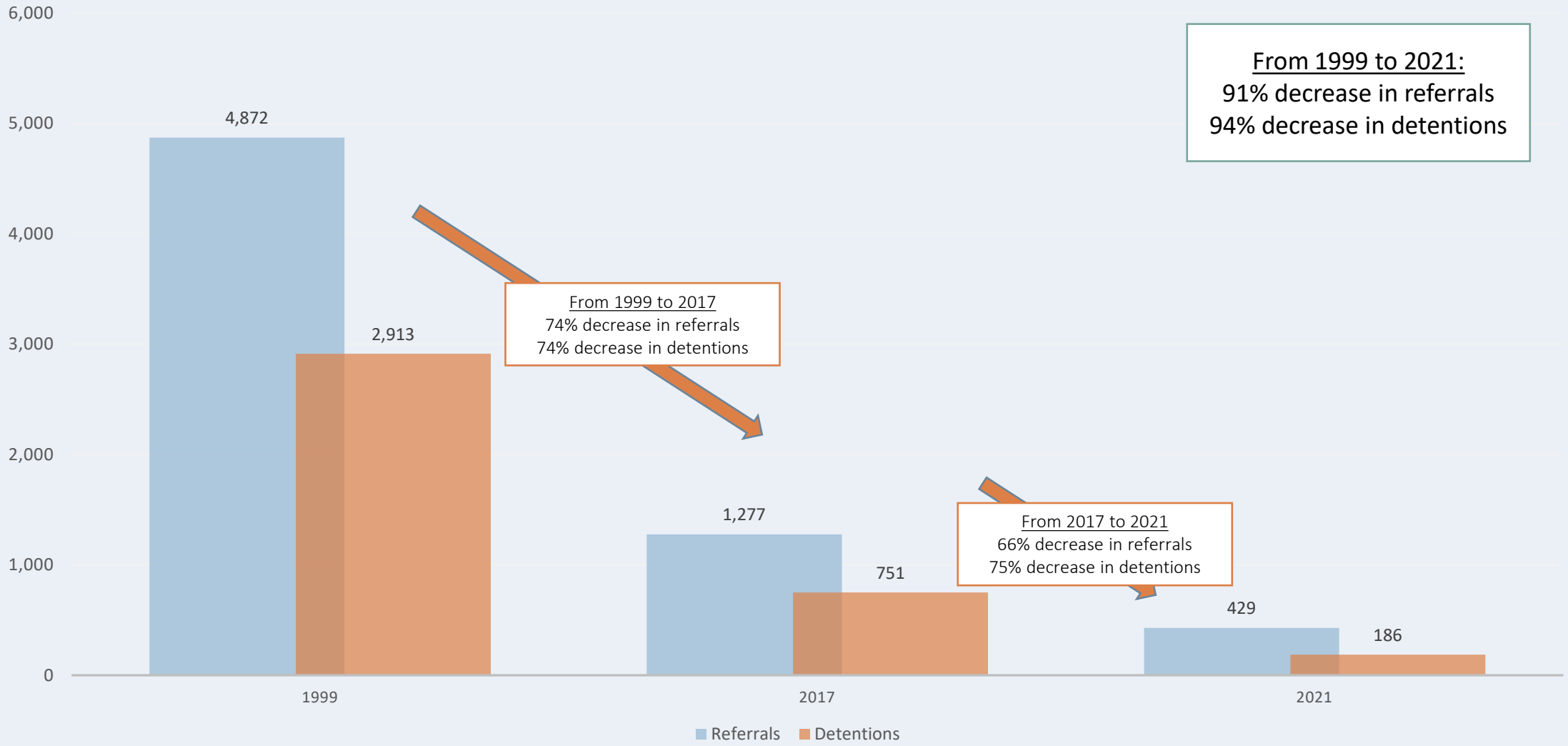
How to read the chart:
For every 100,000 White youth→ 26 were detained.
For every 100,000 Latino youth → 44 were detained.
For every 100,000 Native American youth → 83 were detained.
For every 100,000 Black youth → 151 were detained.



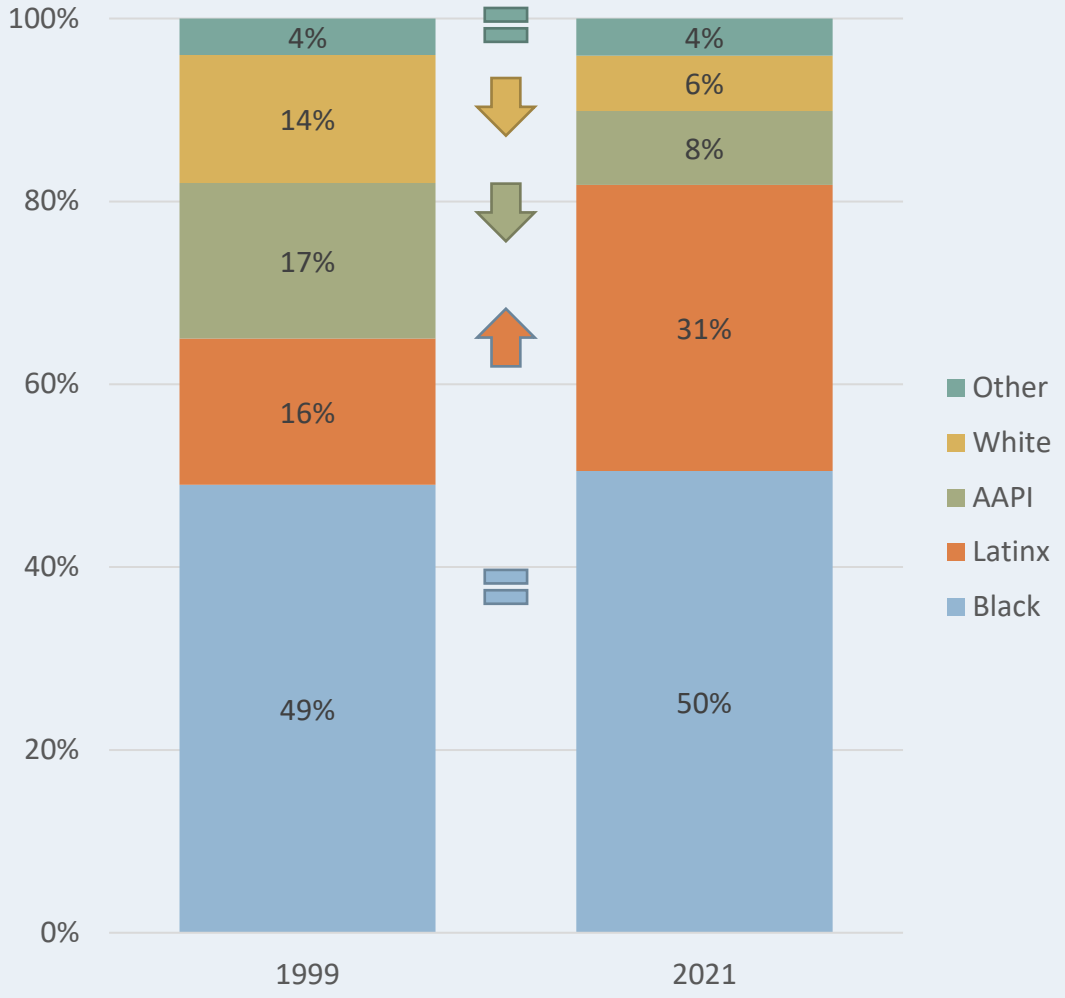
How to read the chart:
On a one day count of detention in the US in 2017:
Latino youth were 1.7 times as likely as White youth to be detained.
Native American youth were 3.2 times as likely as White youth to be detained.
Black youth were 5.8 times as likely as White youth to be detained.

Source: Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2017) "Easy Access to the Census of Juveniles in Residential Placement." Online. Available: http://www.ojjdp.gov/ojstatbb/ezacjrp/

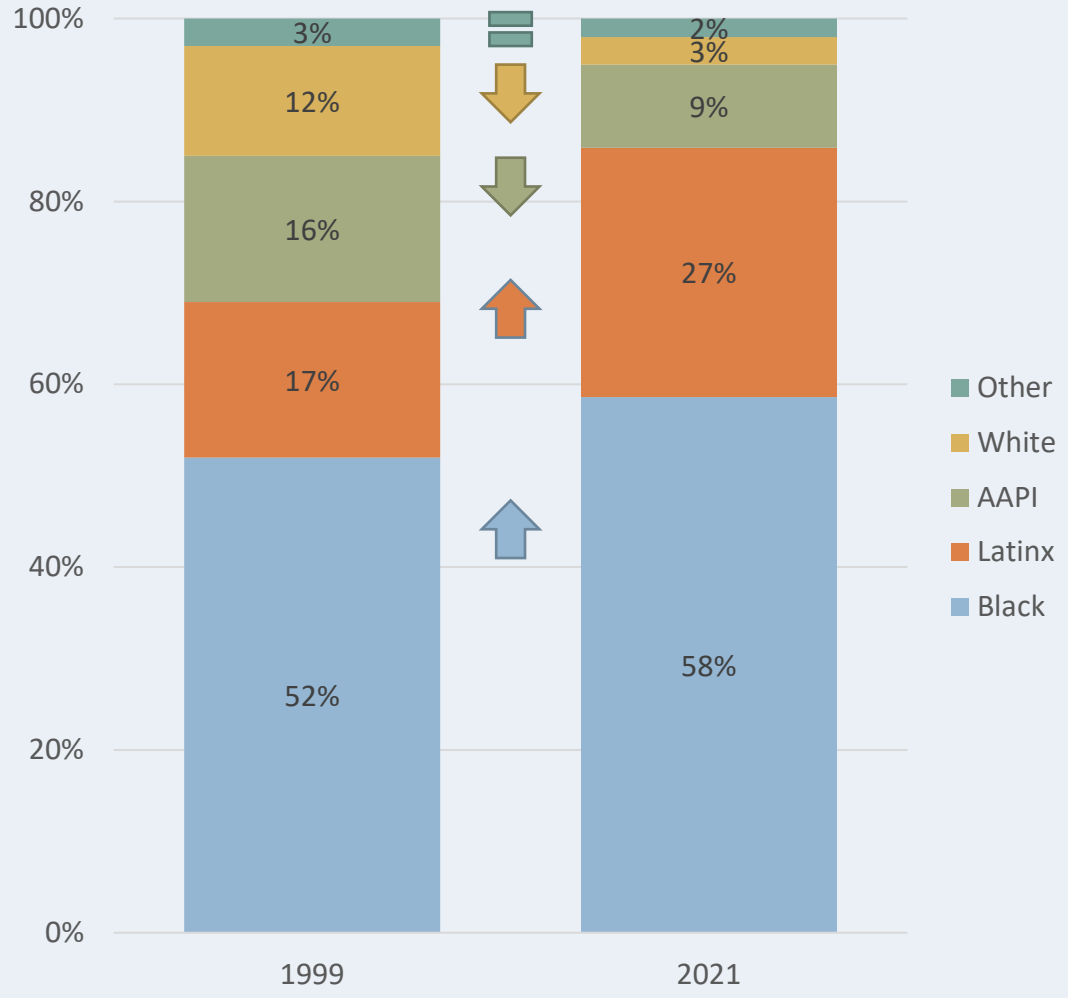
San Francisco Juvenile Justice
Referrals & Detentions
1999, 2017, 2021



SF Referrals by Demographics, 1999 versus 2021

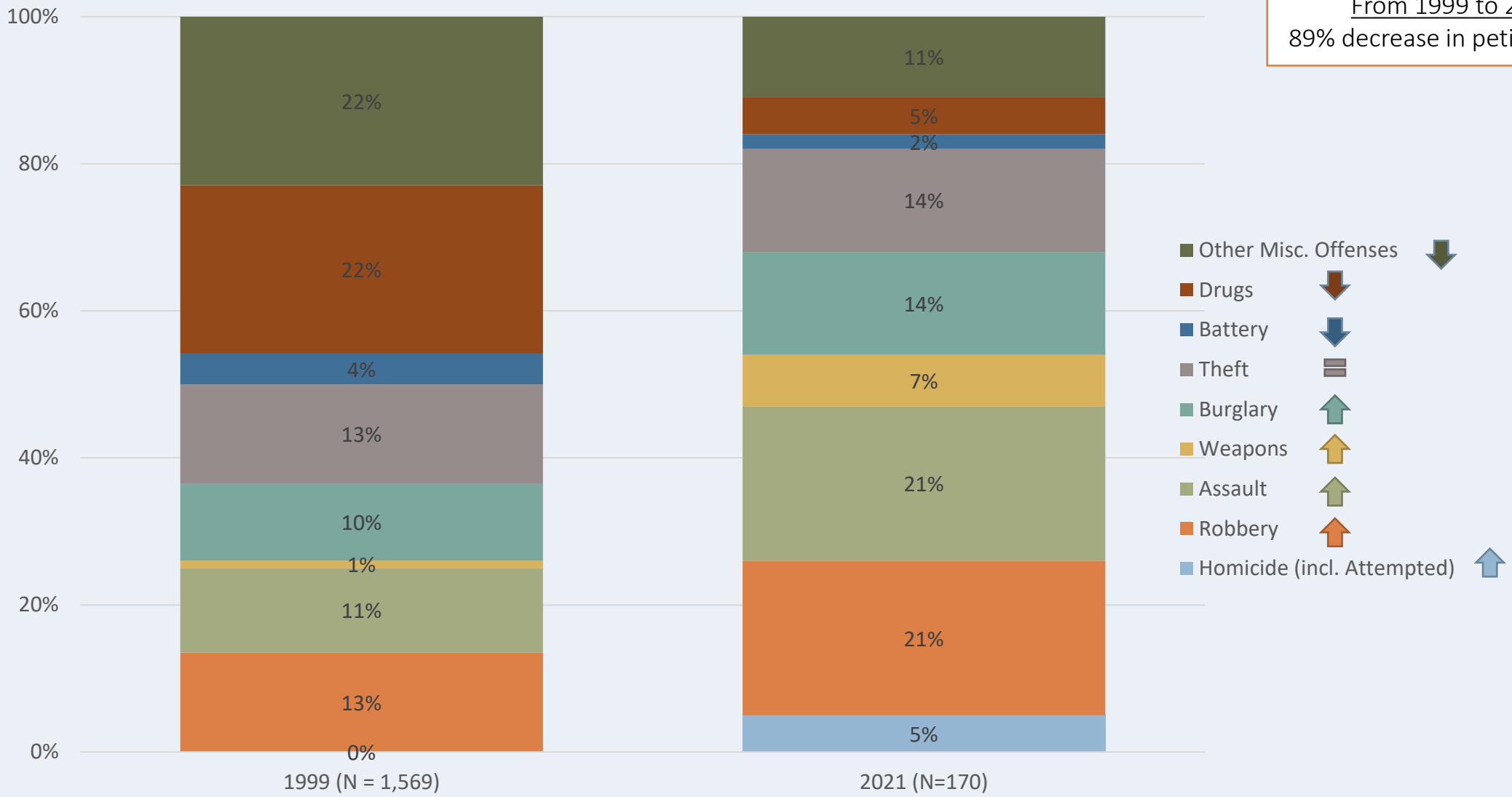


SF Detentions by Demographics, 1999 versus 2021



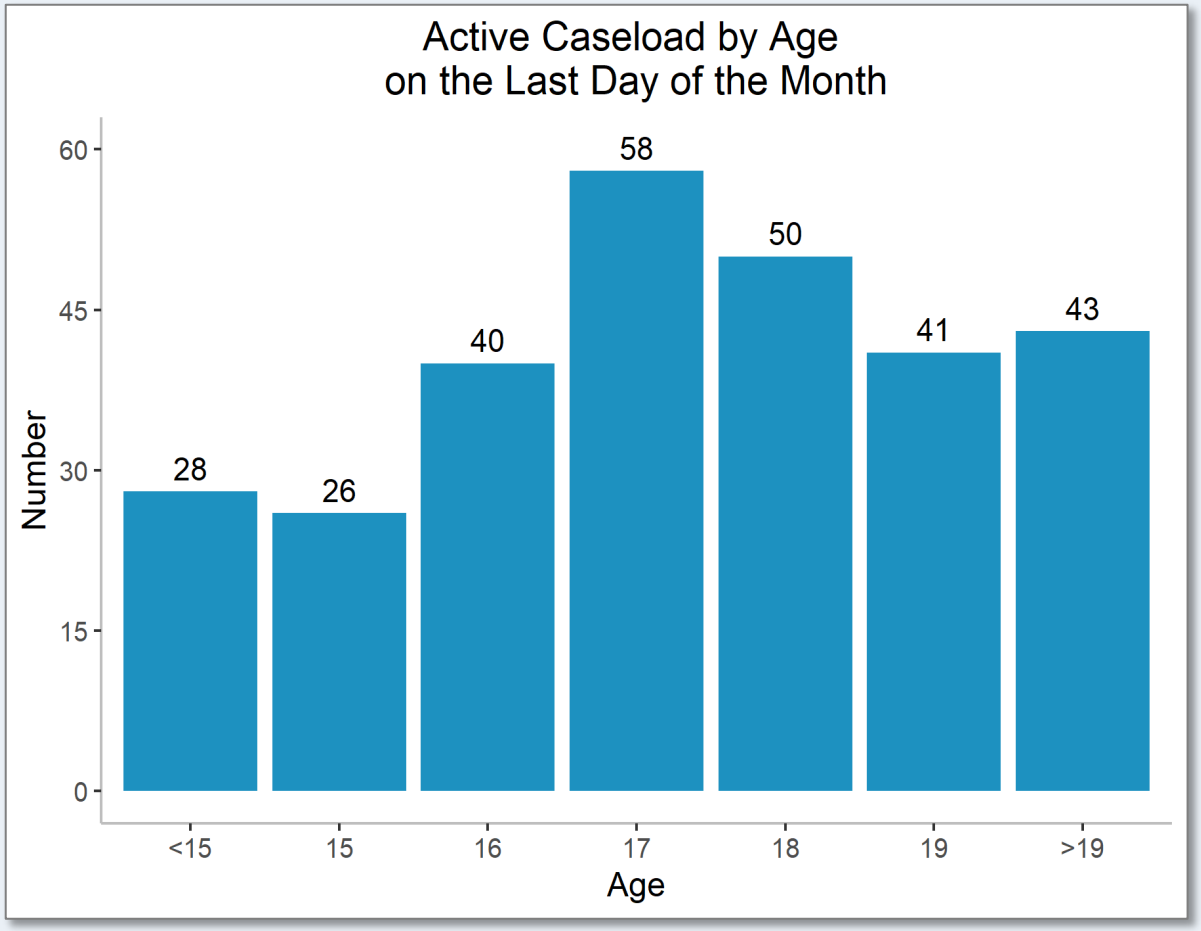
Note: Slight changes are listed as "=" as these differences could be due to rounding error, etc.

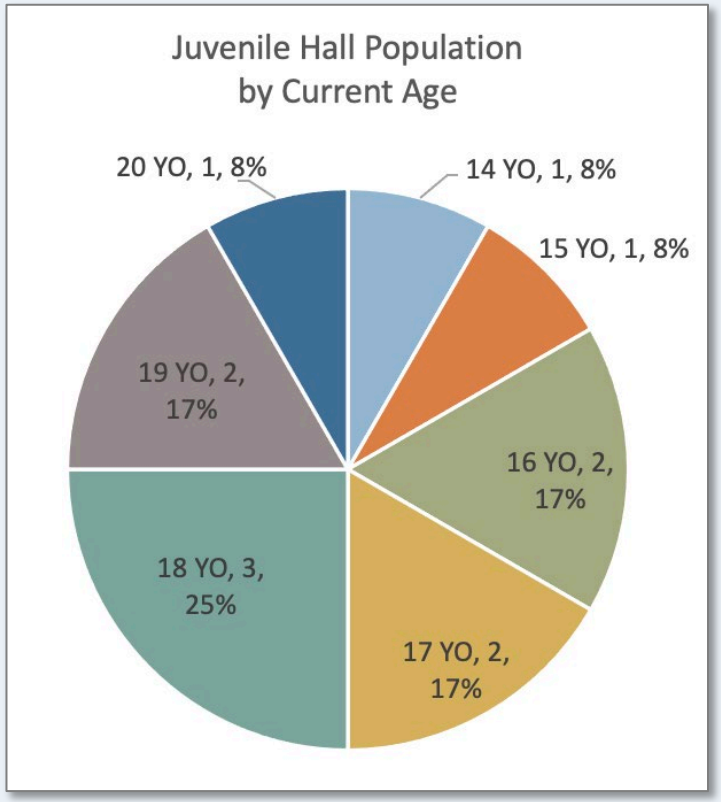
SF Petitions Filed by Type of Offense
1999 versus 2021



From 1999 to 2021
89% decrease in petitions filed

Young Adults in SF's Juvenile System





Source: JPD Data, March 2022

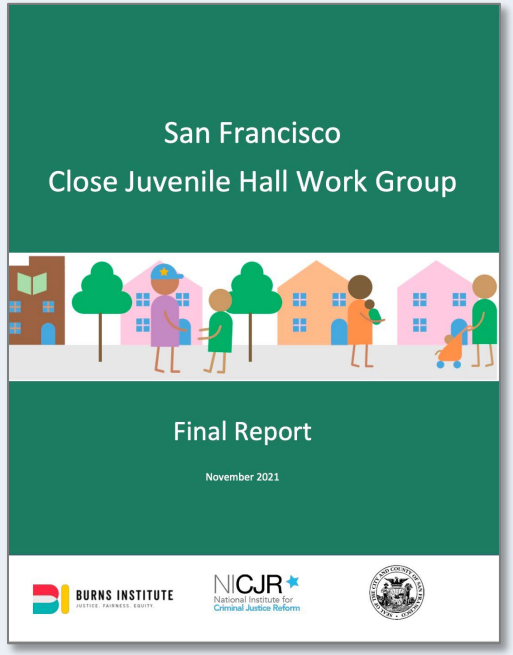
Juvenile Justice Milestones - State Level

- Juvenile Justice Crime Prevention Act - 2000
  - Provides annual funds to counties to support juvenile justice continuum
- SB 81 Juvenile Realignment – 2007
  - Limits who could be committed to state youth correctional institutions; reinvested funds at the local level to serve youth locally
- AB 12 Extended Foster Care – 2010/2012
  - Allows foster youth to remain in foster care/receive benefits up to age 21
- Proposition 57 (ballot initiative) – 2016
  - Eliminates prosecutors' authority to directly file charges against youth in adult court
- SB 823 DJJ Realignment - 2020
  - Closes DJJ in 2023; shifts responsibilities and funding to the counties

Juvenile Justice Milestones - Local Level

- Juvenile Probation Department & Commission established – 1989
  - Only county in CA to have separate juvenile and adult departments
- Children's Fund established via ballot initiative – 1991
  - Dedicated property tax revenues to fund services for children and youth
- Juvenile Justice "Local Action Plan" created – 1997
  - "Circle of Care" - new programs & structure, including Community Assessment & Referral Center
- Juvenile Detention Alternatives Initiative – 2002
- Juvenile Justice Providers Association formed – 2002
- Log Cabin Ranch operations suspended – 2018
- BOS passed legislation to close Juvenile Hall – 2019

Close Juvenile Hall Work Group



”Ordinance amending the Administrative Code to require the City to close Juvenile Hall by December 31, 2021, expand community-based alternatives to detention, and provide a rehabilitative, non-institutional place or places of detention, in a-location approved by the Court, to establish a working group for the development of a Juvenile Hall closure plan, and to establish the Youth Justice Reinvestment Fund to support community-based alternatives to detention and also support the working group."

- Two-year public process – formal workgroup, six subcommittees
- Consultants Burns Institute and NICJR facilitated the process
- 39 proposals across a broad range of topics – and involving multiple public agencies:
  - Diversion
  - Review of Charging Decisions
  - Reducing Reliance on Detention for Warrants
  - Limiting Time on Probation
  - Reducing Reliance on Out of Home Placement
  - Expedited/Same Day Detention Hearings
  - Expanding Detention Alternatives
  - Unaccompanied Minors
  - Non-Institutional Place of Detention
  - Community Alternatives
  - Re-Imagining Well-Being Alternatives to Detention
- Report presented to Board of Supervisors in February 2022; awaiting next steps from BOS

Key Themes:

- Maximizing Alternatives to Detention
- Well-Being Approach
- Shared Leadership by Government and Community

Promising Approaches in Juvenile Justice

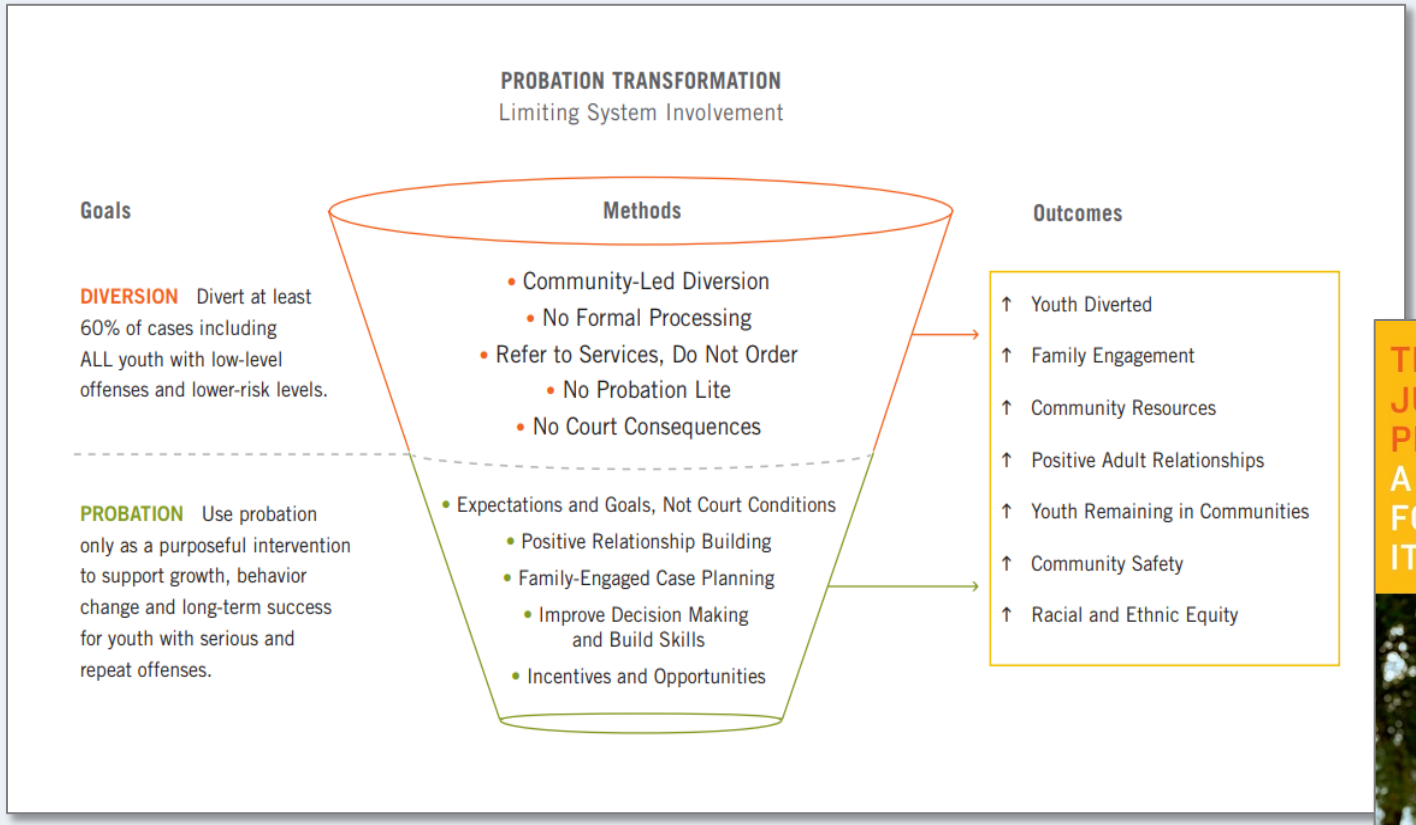
- Transforming juvenile probation
- Maximizing diversion
- Positive youth development/justice
- Credible messengers/life coaches
- Restorative justice
- Whole family engagement & support
- Closing/reimagining secure settings and out-of-home placements
- Young adult-specific models

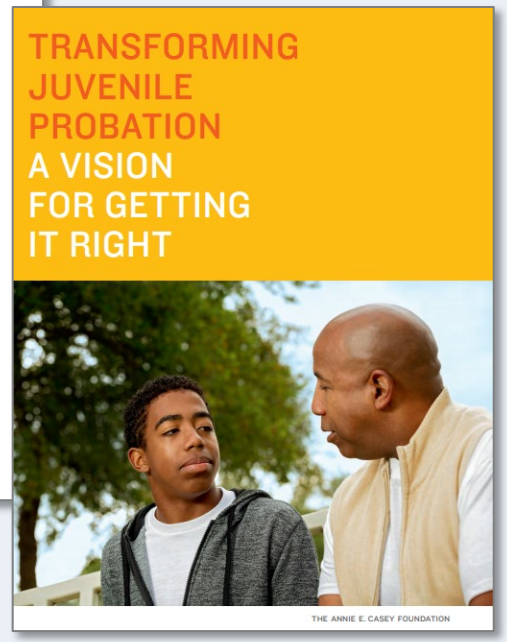
Transforming Probation & Maximizing Diversion

Transforming Juvenile Probation & Maximizing Diversion

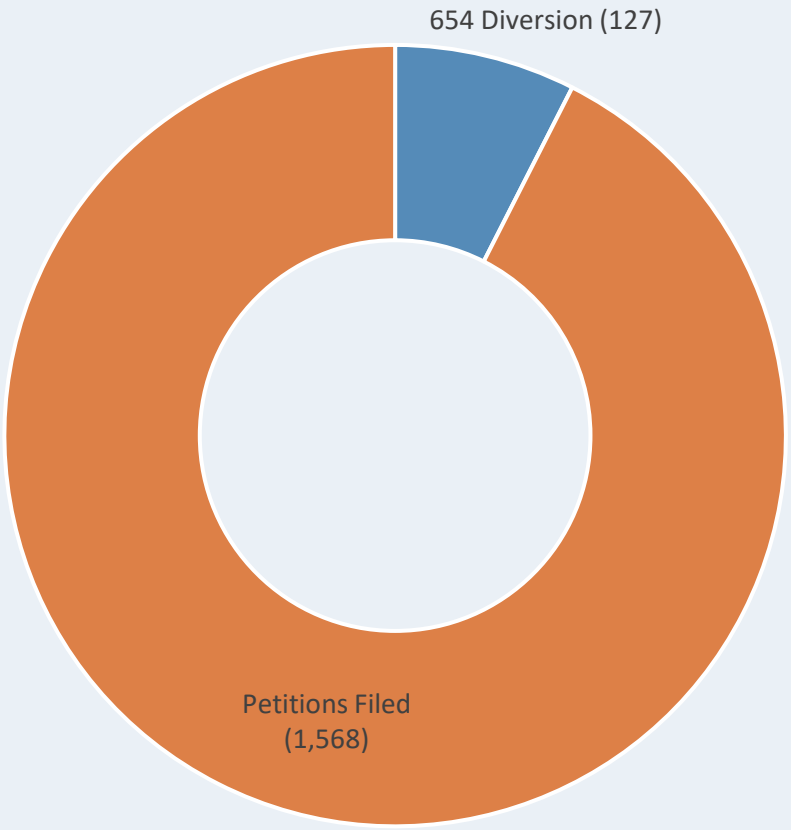
"A growing body of research confirms that **interventions aimed at deterrence and discipline tend to actually increase recidivism**, and those geared toward surveillance tend to have little or no effect on recidivism. By contrast, programs designed to boost psychosocial maturation through **positive youth development** opportunities and counseling – particularly cognitive behavioral approaches designed to improve problem solving, perspective taking and self-control – tend to **reduce recidivism by a considerable margin**."

Source: Annie E. Casey Foundation, Transforming Juvenile Probation: A Vision for Getting it Right, 2018



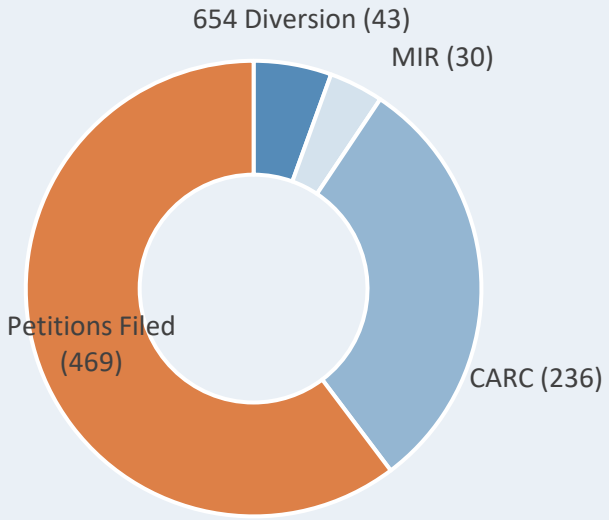


SF Petitions Filed vs. Diversions, 1999 (N=1,695)



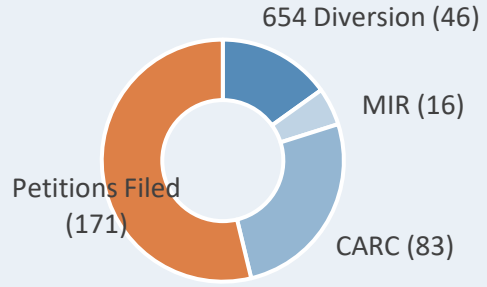
7% Diverted

SF Petitions Filed vs. Diversions, 2017 (N=778)



40% Diverted

SF Petitions Filed vs. Diversions, 2021 (N=316)



46% Diverted

Note: this data does not include diversion from arrest at point of police interaction.

Positive Youth Development & Positive Youth Justice

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A Positive Youth Justice System

1 Strive to keep youth out of the system

Only engage and provide supervision to the small fraction of youth who are a genuine risk to public safety

2 Collaborate with youth and families

Develop youth case plans collaboratively with youth and family, and share ownership of the plan

3 Build on strengths and address needs.

Provide services, supports and opportunities to youth and families that build on their strengths and address their needs

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A Positive Youth Justice System

4 Community based organizations should take the lead

Treat the system as a broker of services and a quality assurance mechanism, leaving direct case management and youth engagement to community-based organizations.

5 Don't lock up youth

Use pre-adjudication detention sparingly and briefly, and only for youth who are a genuine risk to public safety.

6 Keep any probation time short

Cap the length of supervision and probation at 10 months if the youth has not had a new arrest

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A Positive Youth Justice System

7 Keep youth in their homes and communities

Use out-of-home placement, which usually means large, privately operated residential facilities, only when a youth has been determined to be a genuine risk to public safety and/or their home is proven unsafe.

8 Incarceration is harmful

Replace large juvenile prisons with small rehabilitative facilities close to home. Use incarceration after a youth's adjudication (court process) very rarely, and solely for youth who are a genuine risk to the public safety, have been adjudicated for a serious offense, and the system has exhausted all community-based alternatives. When incarceration is necessary, use only small, rehabilitation and education focused facilities that are close to home

9 Provide exceptional care

If a youth is ordered to out-of-home placement or secure confinement, provide quality education, rehabilitation, treatment, and health care.

From "Trail Em, Nail Em, and Jail Em" to Support & Development Them

Steps to Take:

- Keep supervision length to as short as necessary
- Reduce the conditions of probation to only those that are directly tied to the youth's goals of rehabilitation and development.
- Eliminate incarceration as a consequence for technical violations.
- Juvenile justice systems should incentivize youth achievement.
- A young person on probation should be able to earn time off of probation by achieving certain milestones, including significant academic improvement, high school graduation, program completion, etc.
- These measures would help reduce the caseload and workload of Probation Officers and allow them to focus effort and resources where they are most needed.

Credible Messenger Life Coaches

Credible Messengers & Intensive Life Coaching

People with similar lived experiences as the people they are serving. For instance, from the same neighborhood, formerly incarcerated, victim of gun violence, know their friends. Use that credibility to create a connection with the client.

"Credible Messengers are individuals who are able to connect with and motivate the most at-risk people to successfully challenge and transform destructive thinking, attitudes and actions" – Credible Messenger Justice Center

Intensive Life Coaching

1) **Relationship First**: Build a strong, trusting relationship between Life Coach (Credible Messenger) and participant

2) **Mentality Shift**: Change the mentality that gives rise to destructive decisions

3) Provide needed **Services, Supports, & Opportunities**

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Credible Messenger Life Coach Models

In Development:

- Alameda Co: 7-day per week in CMs in juvenile hall
- Los Angeles Co

Restorative Justice

Restorative Justice Models

How does restorative justice compare to the criminal legal system?

Traditionally, the criminal legal system operates by asking three questions:

1. **What law was broken?**
2. **Who broke it?**
3. **What punishment is deserved?**

Legally, harm and wrongdoing are defined as acts against the state (the breaking of the state's laws), rather than an act against a person. **Restorative justice recognizes wrongdoing as a harm done to people and communities and seeks to shift the punitive paradigm toward healing and accountability** by asking instead:

1. **Who was harmed?**
2. **What are their needs?**
3. **Whose obligation is it to meet those needs?**

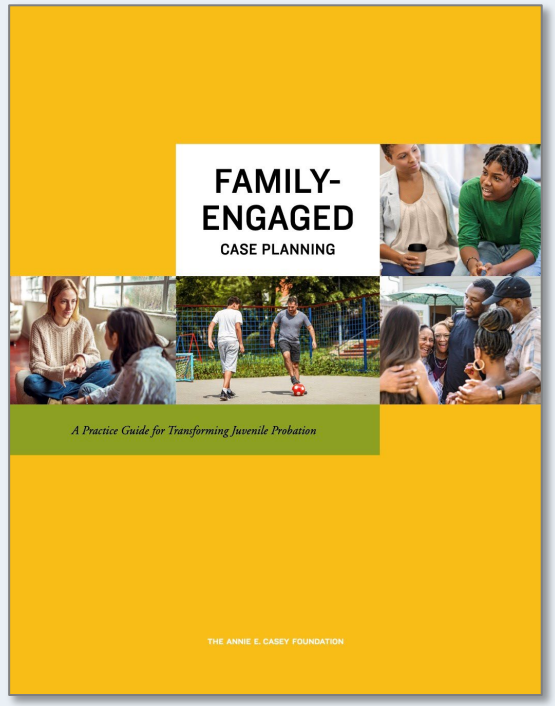
Source: Impact Justice Restorative Justice Project

- Family Group Conferencing
  - New Zealand's primary approach for youth crime & child welfare issues
- Restorative Community Conferencing
  - San Francisco (Make it Right), Alameda, Philadelphia & others
  - Diversion by prosecutor, police, probation in lieu of formal court processing
- Common Justice
  - New York
  - Post-plea alternative to incarceration for young adults prosecuted for serious & violent offenses
- Insight Prison Project (In Custody)
  - California prisons, jails, one juvenile facility
  - Victim Offender Education Group (VOEG)
  - Victim/Offender Dialogues

Whole Family Engagement & Support

Whole Family Engagement & Support

- Family-Engaged Case Planning: New York City
  - Circle of Care & Influence
  - Parent Peer Support
  - Credible Messenger Mentors
- Family-Team Approach: Pierce County Washington, St. Louis
  - Family-team meetings begin during initial case planning
  - Convened and led by community-based organization, probation as equal partner
  - Probation offer convenes ongoing meetings to review progress
- Youth Advocate Programs, Inc. “YAPWrap”
  - Intensive, individualized, holistic care planning
  - Families are given “voice and choice” – empowered as equal partners
  - Three components: assessment, family team meeting, plan development
  - Model used in over 100 communities across the country – juvenile justice and child welfare systems

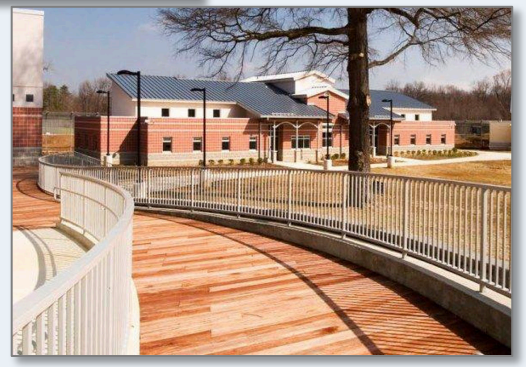


Reimagining Secure Settings & Out of Home Placements

Reimagined Out of Home Placement Models

Model programs:

New Beginnings, Washington DC



Missouri Model

Close to Home, NY

…and Federal and state "congregate care" reform:

- Reduced reliance and increased regulation of group homes
- 2020 decertification of out-of-state placements
- Increased emphasis on relative/foster homes

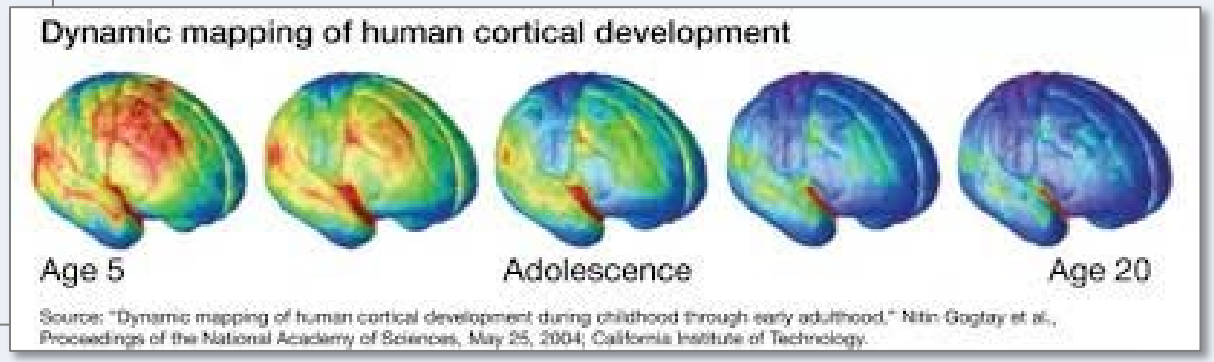
Young/Emerging Adults

Expanded Focus: Young/Emerging Adults

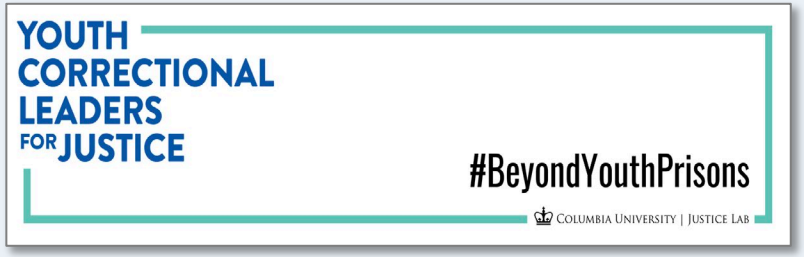
- Increasing recognition of this unique age group in the adult system
- Emerging research on developmental stage & impacts of trauma
- Diverging opinions: “raise the age” vs. specialized approaches

What can we learn from these innovations?

- Specialized probation caseloads: *SF, NY*
- Specialized courts: *SF, Idaho, Nebraska, New York, Massachusetts, Texas, UK*
- “Raise the Age” efforts: *Vermont, Washington, New York, Connecticut, Massachusetts*
- Community-based, relentless outreach: *Roca and UTEC, Massachusetts*
- YA correctional facilities/units: *Maine, Pennsylvania, Connecticut, DC*



Justice Reform Beyond SF



Questions?