

*JUVENILE JUSTICE
OPERATIONAL MASTER PLAN
Blueprint for an Outcome Oriented
Juvenile Justice System*



State Commission on Juvenile Justice

January 2009

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Justice System*

State Commission on Juvenile Justice

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JUVENILE JUSTICE OPERATIONAL MASTER PLAN

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Use of Youthful Offender Block Grant Funds
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1 Executive Summary

THE CHALLENGE

What do we want from our juvenile justice system? We, the members of the State Commission on Juvenile Justice (Commission), are convinced that it is possible to increase community safety, improve the lives of troubled youth, *and* save taxpayers money. A single strategy – establishing an outcome-oriented juvenile justice system – accomplishes all of these objectives. Better outcomes (meaning fewer crimes in the future) are accomplished by improving the lives of troubled youth through expanded use of evidence-based programs and strategies for juvenile offenders. Taxpayers save money by using dollars smarter and, in the long run, by reducing demands on all parts of the juvenile and adult justice systems – ultimately resulting in fewer detention, jail and prison beds.

THE PROBLEM

Juvenile justice in California is at a crossroads. We can keep doing what we have always done and expect a different result, or we can acknowledge that things must change for things to get better. This is not to say that everything is broken. Far from it. Around the state, there is much that is positive upon which to build. But there is great inefficiency, inconsistency and uncertainty. We can and must do better. We can be more efficient and cost effective; we can reduce crime and improve public safety; we can improve outcomes for victims; and we can provide troubled youth the opportunity for a better future.

This will not be done by “reforming” the California juvenile justice system. We can’t. There is no system to reform. At best, there are fifty-nine systems – one for each county plus the state. Real change will occur only if we create a coordinated outcome-oriented juvenile justice system.

Today, within the broad structure of the law, counties operate independently. Independent action results in different outcomes. Similar youth in different counties have different experiences. Counties with fewer resources send proportionately more youth to the state. Serious mental health problems often go unaddressed.

Juvenile justice leadership at the state level is fragmented and often commingled with adult justice issues and responsibilities. Because it currently resides within the Department of Corrections and Rehabilitation, the Division of Juvenile Justice (DJJ) competes with adult prisons and parole for resources and attention. The Corrections Standards Authority (CSA) has both adult and juvenile justice responsibilities. The California Health & Human Services Agency, California Department of Justice, and California Department of Education also have roles in juvenile justice. The State Commission on Juvenile Justice – whose sole focus is juvenile justice – sunsets at the end of 2008. The termination of the Commission means that no single state entity dedicated only to juvenile justice will remain in place to coordinate county-level efforts to improve juvenile justice operations and outcomes.

California counties are significantly restricted by state law in their ability to raise revenue to pay for mandated services like juvenile justice. In fact, 56 percent of all county revenue comes from

state-administered revenues and state and federal grants.¹ Over one-third of local juvenile justice system operation is funded this way. Intentionally or not, juvenile justice policy in California is set through the allocation of these resources. State dollars are distributed from multiple funding streams at different times through different processes. Much is distributed with little or no way of knowing how it is spent. Funding levels change from year to year. When funds are tight, mandated services like juvenile hall consume most (or all) resources. In difficult times, prevention, early intervention, even probation supervision, take a back seat to these costly services.

This is backwards. The research is clear: rehabilitation is an effective long term public safety and child development strategy for youthful offenders. Turning a 15 year old from a life of crime is both easier and more effective than rehabilitating a 25 year old with dozens of arrests and multiple incarcerations. It is easier because that is what the research says. It is more effective because a criminal career is cut short before most of the damage is done. Nothing works for everyone but the math is simple. If the right programs are provided to the right youth, enough of them will change to make the effort well worthwhile.

The bottom line is, if California is to practice rehabilitation, the place to start is with juveniles.

To do this we must gain control over the various funding streams for juvenile justice and direct them in a way that gets the job done. We need to marry the best ideas with the authority and dollars that can make it happen.

No one has all the answers. The state cannot dictate what must be done. Instead, we need a system that fosters creativity and rewards success. With the right structure we can all work smarter and have much better results.

THE SOLUTION

What needs to be done is easy to describe but difficult to do. Every county (and DJJ) needs:

- A consistently reliable way to measure a youth's risk of reoffense and to assess factors (sometimes called "criminogenic needs") that contribute to his or her criminal conduct as well as a consistently reliable way to measure a youth's strengths and protective factors.
- An inventory of evidence-based interventions that effectively address common criminogenic needs and build on the strengths and protective factors youths bring to the process,
- A case management system that matches medium and high risk youth to the appropriate interventions,
- A data system that captures the data elements needed to assess outcomes, and
- Stable funding to make it work.

In addition, there is a statewide need for:

- A data reporting and analysis system that measures intermediate and long term outcomes to determine what is working, what needs fixing, and what needs replacing,
- A quality assurance process to ensure that all parts are operating as they should,
- A system of incentives that ties funding to outcomes, and
- Technical assistance to the counties.

¹ *Understanding the Basics of County and City Revenues*, The Institute for Local Government, 2008

Note that none of this depends on who is responsible for which youth. The Commission takes no position on jurisdictional issues other than to say that the effects of last year's realignment should be allowed to play out before considering additional changes. In this regard, it is important to note that, after full implementation of realignment, California is projected to have the lowest rate of confinement of youth in state facilities in the nation. This means that California asks local jurisdictions to do more for and with juvenile offenders than any other state. In short, some time is needed to assess the full effects of Senate Bill 81 before expanding local responsibilities even more.

Ultimately, the realignment question – where to draw the line between state responsibility and local responsibility for juvenile offenders – is the wrong question. The right question is: how do we create the capacity and structure to provide for the needs of youth throughout the juvenile justice continuum? If we have the right programs for the right youth, the line can be drawn wherever it makes the most sense.

MAKING IT WORK

None of this will happen by itself. The infrastructure does not exist. There is no coordinated leadership to guide the effort. To that end, the Commission recommends an independent Board of Juvenile Justice (Board) be created to facilitate development of the system and to coordinate ongoing operations once it is in place.

Like the entity proposed by the Little Hoover Commission,² the proposed Board of Juvenile Justice would administer all state and federal juvenile justice grants. The Board would operate an incentive program using state grant funds consolidated into an annual general fund allocation to expand the use of validated assessment tools and evidence-based programs. Along with other functions the proposed Board would develop and operate the data collection and analysis system and provide technical assistance and quality assurance.

The role of the Board is not to tell the counties *what* to do, but *how* to do it. The only requirement should be that incentive funds be used for evidence-based programs competently delivered to appropriately assessed youth.³ In addition, counties would be expected to submit the data needed to conduct outcome evaluations and participate in various quality assurance processes and programs. In return, the Board of Juvenile Justice provides funds, technical assistance, quality assurance, and feedback to the counties and the legislature about what is working and how to make it better.

The evidence-based programs a county operates and the medium to high risk youth they target should be determined by each county based on its needs and priorities. Each county would decide where it wants to spend money on evidence-based programs: prevention and early intervention, deep end services, or anywhere in between. The decision should be theirs.

Ultimately however, since the goal is to improve outcomes, it is just as important to stop doing things that don't work as to expand programs that do work. If outcomes are poor and corrective action doesn't work, funding for that program should be directed elsewhere. This applies to

² *Juvenile Justice Reform: Realigning Responsibilities*, Little Hoover Commission, July 2008

³ To encourage creativity and add to the inventory of evidence-based programs, the state should also fund promising programs that agree to undergo rigorous evaluation

unsuccessful implementation of evidence-based programs as well as to on-going operation of existing programs. If it doesn't produce positive outcomes, stop doing it. In fact, while sometimes difficult to do, redirecting funds from ineffective programs to evidence-based programs is a zero cost way of improving outcomes.

Important Capabilities are Expanding Rapidly

As part of its work, the Commission surveyed county probation departments about a variety of matters. The survey, along with other available information, shows there are important existing capabilities in many counties and within DJJ and that some of these capabilities have recently been expanded through use of Youthful Offender Block Grant funds. Specifically:

- Forty-four counties plus DJJ have a risk assessment tool that has been validated on a juvenile offender population.⁴
- Forty counties plus DJJ also have a nationally recognized needs assessment tool.⁴
- Together, 15 counties are operating 33 evidence-based programs, most of which are based on nationally recognized models. There are many more counties operating programs that include at least some evidence-based components. DJJ is developing a range of evidence-based programs, some of which have already been implemented.
- Most counties record critical information about program participation in an electronic data system and say they could (or could with some difficulty) report risk level information about individual juvenile offenders to a state-run electronic data repository.

Taken together these findings indicate that a substantial part of the state has at least some of the capabilities needed to support an outcome-oriented juvenile justice system. There are, to be sure, many challenges in integrating these parts and pieces but there are technical solutions to them all.

Saving the Taxpayers Money

How much will this cost? In the short run there will be up-front costs to create the infrastructure and organizational capability to operate the system. While at least some of the cost of the Board of Juvenile Justice and its staff can likely be financed by consolidating and redirecting existing state resources, some new funds may be needed. The really good news, however, is that in the long run an outcome-oriented juvenile justice system can actually save taxpayers money. This is how it works.

First, the “evidence” in evidence-based programs occurs when competent research shows that the number of crimes committed in the future is less for those who go through the program than a comparable group that does not. When multiple studies reach the same conclusion we say the program is evidence-based. Fewer crimes in the future mean fewer victims and greater cost savings across the system.

Second, every person who comes in contact with the justice system represents a cost. The deeper they go into the system, the greater the cost. Each step along the way there is what economists call a “marginal cost.” The sum of these marginal costs is what taxpayers pay for each offender. The details are complex, but all of this has been studied and mathematically modeled.⁵

⁴ Some of these tools have been recently acquired and are not yet in use

⁵ There are also costs to victims and these can be modeled as well.

Each program also has a cost. When the present value of reduced crimes in the future exceeds the cost of the program there is a net savings to taxpayers. Over time, as more and more youth go through effective programs, there are fewer arrests, fewer adjudications, fewer adult crimes and therefore the need for fewer detention, jail and prison beds.

This is how California can be more efficient and cost effective, reduce crime and improve public safety, improve outcomes for victims, and provide the opportunity for a better future for troubled youth. Now is the time to move forward in this new and positive direction.

CHAPTER HIGHLIGHTS

The remainder of this report provides background information and presents the details of what is required to create and operate an outcome-oriented juvenile justice system.

Chapter 2 provides an overview of the current juvenile justice system in California, including how the system is funded and how California's system compares to other states.

Chapter 3 begins with a statement of the goals and guiding principles adopted by the Commission and includes a description of the important components of an outcome-oriented juvenile justice system. Chapter 3 includes a discussion of the importance of validated risk and needs assessment, the principles of effective intervention, evidence-based programs, and the use data for program and system evaluation/corrective action.

Chapter 4 discusses how counties have used Youthful Offender Block Grant funds and presents the results of the Commission's survey of county probation departments. The latter includes county assessments of the likely impact of realignment and an inventory of existing capabilities in the counties and within DJJ. An important conclusion is that, while much still needs to be done, a number of the parts and pieces needed to construct an outcome-oriented juvenile justice system already exist in many counties.

Chapter 5 shows how an effective outcome-oriented juvenile justice system can not only improve outcomes, but save taxpayers money. This chapter also lays out the details of how to implement an outcome-oriented juvenile justice system in California, including strategies for expanding use of validated risk and needs assessment, promoting use of evidence-based programs, and creating a system to capture and use universal data elements.

RECOMMENDATIONS OF THE STATE COMMISSION ON JUVENILE JUSTICE

There are three major recommendation of the Commission: 1) create an outcome-oriented juvenile justice system, 2) create the capacity to develop and operate key components of the system, and 3) consolidate state juvenile justice funds into a stable annual general fund allocation administered by a Board of Juvenile Justice.

Recommendation One: Create an outcome-oriented juvenile justice system for California

By this we mean a system that promotes public safety and youth accountability, develops key youth competencies through use of evidence-based programs, and operates in a fiscally responsible manner by using objective information to make informed policy decisions. The key elements of such a system are:

- a. Effective use of validated risk and needs assessment tools,
- b. Expanded use of evidence-based programs to reduce juvenile crime,
- c. Case management systems at the local level that match medium and high risk youth to appropriate interventions,
- d. A system to collect and analyze data to determine what works, what needs fixing, and what needs replacing,
- e. A cost-benefit model to analyze the costs and benefits of alternative programs and strategies to reduce juvenile offending, and
- f. A quality assurance process to ensure that all the parts and pieces of the system are working as they should.

Recommendation Two: Create a California Board of Juvenile Justice to direct and oversee a professional staff charged with the responsibility to develop and operate the state level components of this system and to coordinate county implementation efforts. Responsibilities include:

- a. Creation and operation of a system to collect and analyze outcomes and related information,
- b. Production of regular reports on findings,
- c. Development of standards and methods for key components of the system,
- d. Creating a model to forecast the costs and benefits of evidence-based programs,
- e. Certifying evidence-based programs and maintaining a clearinghouse of promising and proven programs,
- f. Providing quality assurance,
- g. Providing technical assistance, and
- h. Making recommendations to county decision makers and the legislature.

Recommendation Three: Consolidate state juvenile justice grant funds into a stable annual general fund allocation.

The Commission agrees with the conclusion reached by other study groups, including the Little Hoover Commission and the Legislative Analyst Office, that the major state revenue streams supporting local juvenile justice operations are needlessly fractured and inconsistent. The recommendation is to consolidate the Juvenile Justice Crime Prevention Act, Juvenile Camp and Probation Funds and Youthful Offender Block Grant funds into a coherent and stable revenue stream, with unified plan, application and enforcement mechanisms and with performance outcome measures that are consistent with an outcome-oriented juvenile justice system. The Board of Juvenile Justice should be charged with the responsibility to administer these funds to maximize positive outcomes for the counties and the state in a cost-effective manner.

2 California's Juvenile Justice System

OVERVIEW OF THE CURRENT JUVENILE JUSTICE SYSTEM IN CALIFORNIA

The juvenile justice system in California is comprised of multiple agencies, including courts, prosecutors, public defenders, law enforcement, probation departments and service providers in 58 counties and, at the state level, the Division of Juvenile Justice (DJJ) in the California Department of Corrections and Rehabilitation.

County Probation Departments

County probation departments are responsible for intake, screening, detention, working with district attorneys in the filing of petitions, and providing the court investigations and pre-disposition reports. Probation departments are additionally the providers of informal and formal supervision, juvenile work programs, oversight of youth in foster care or residential treatment and the operation of detention and commitment facilities – juvenile halls, camps and ranches – for youthful offenders retained at the local level. Almost all youth who come to the attention of the juvenile justice system are handled by county probation departments; not only are probation departments the point of intake, they also supervise more than 95 percent of all youth in the juvenile justice system.⁶

California's 58 counties have a combined total of 61 juvenile halls and 67 juvenile camps or ranches, (commitment facilities). Five counties – Alpine, Amador, Calaveras, Sierra and Tuolumne – have no juvenile hall. Three others, Mariposa, Mono and Plumas have only “special purpose” juvenile halls.⁷ Twenty-one counties, including the five without full service juvenile halls, do not have camps or ranches. The Los Angeles County Probation Department, on the other hand, operates 19 camps. In December 2007, the average daily population of juvenile halls was 6,598 youth and of camps and ranches was 4,245 youth for a total of 10,843 youth in local correctional facilities statewide.⁸

Division of Juvenile Justice

The state level Division of Juvenile Justice is responsible for the state's juvenile correctional facilities and supervision of parolees. Youth committed to DJJ are given a maximum term of confinement set by the court. Utilizing regulatory guidelines, DJJ determines a youth's parole consideration date and makes recommendations to the Juvenile Parole Board. The Juvenile Parole Board decides when a youth should be granted parole and can also revoke parole for violation of conditions of release. A small number of youth (the most serious and chronic juvenile offenders) are committed by the juvenile court to DJJ. These constitute about one percent of all wardship dispositions by juvenile courts in California. Youth tried in adult criminal court for particularly serious or violent crimes are placed in DJJ until their 18th birthday, at which time they are transferred to state prison for the remainder of their terms.

⁶ Little Hoover Commission, *Juvenile Justice Reform: Realigning Responsibilities*, July, 2008, page 1

⁷ Special purpose juvenile halls are county facilities which can be used only for the temporary confinement of minors, not to exceed 96 hours, prior to transfer to a full service juvenile facility or release.

⁸ Corrections Standards Authority, *Juvenile Detention Survey*, December 2007

Courts

The superior court in each county – mainly through its juvenile court – is responsible for hearing all juvenile offender petitions. Juvenile offenders are youth who are charged with an offense that occurs prior to their eighteenth birthday. The juvenile court can retain jurisdiction over a youth until his or her twenty-first or, in the case of more serious offenses, twenty-fifth birthday. Youth charged with the most serious offenses may, and sometimes must, be tried in adult court.

Categories of Juvenile Offenders

The categories used for juvenile offenders in California are defined in the *Welfare and Institutions Code* and are commonly referred to by their section number in the *Code*.

Status Offenders

Status offenders, defined in *Welfare and Institutions Code, Section 601*, are often called “601s.” A status offense is a prohibited activity – such as truancy, curfew violation or “incurability” – that applies only to juveniles because of their age. Status offenders may be diverted, placed on informal probation by the probation department or placed on formal probation by the court. With few exceptions, status offenders may not be placed in secure custody. If they are securely detained, status offenders must be separated from adults and from other juveniles charged with or adjudicated for criminal offenses.

Juveniles Charged with Relatively Minor Criminal Offenses

Section 654 of the *Welfare and Institutions Code* identifies certain youth as being eligible for informal probation. After a 654-eligible youth is referred to probation by law enforcement or another agency, the probation officer may conclude that filing a petition with the court is inappropriate or unnecessary. Under these circumstances, the probation officer may, with the consent of the minor and the minor’s parent or guardian, place the youth on informal probation for a period up to six months. As necessary, these youth may be placed in crisis shelters and/or be required to participate in substance abuse, mental health, or other services specified by the probation officer. If informal probation is unsuccessful, the probation officer can file a petition any time during this six month period or up to 90 days thereafter if necessary. Since the passage of Proposition 21 in 2000, while minors under the age of 14 remain eligible for informal probation under Section 654.2, Section 654 is not available to minors age 14 or older who are charged with felony offenses, even felony vandalism. These youth are instead considered for eligibility for the Deferred Entry of Judgment program created by Prop. 21 and described in *Welfare and Institutions Code, Section 790*. Deferred Entry of Judgment has become the preferred option in many jurisdictions. The kinds of interventions used for youth on Deferred Entry of Judgment are similar to those for youth on informal probation.

Youth Charged with Criminal Offenses / Delinquents

Youth who are charged with crimes (misdemeanors or felonies) and who are formally processed through the juvenile justice system are often called “602s” (after *Section 602 of the Welfare and Institutions Code*). Formal charges (called “petitions”) are filed with the juvenile court for adjudication. If the facts of the petition are found true, the petition is “sustained” and the youth may be placed on formal probation and/or in a non-secure or secure county facility (a juvenile hall, camp or ranch), or another public or private facility, or be committed to DJJ.⁹ Such youth

⁹ The number of 602 youth committed to DJJ has greatly declined as a result of a 2007 “realignment” law (SB 81) that prohibited further state commitments of youth adjudicated for non-violent offenses.

may also be required to pay restitution and/or fines, perform community service, complete a victim impact class, and/or participate in victim offender conferencing (with consent of the victim). Under certain circumstances (defined in *Welfare and Institutions Code Section 628*) a youth charged with a 602 offense may be detained in a juvenile hall while awaiting adjudication.

Juveniles Charged with the Most Serious Criminal Offenses

Youth charged with very serious felony offenses are known as “707(b)s” because they have been charged with offenses enumerated in *Section 707(b)* of the *Welfare and Institutions Code*. The 707(b) offense list includes 30 serious and violent felonies such as murder, rape, robbery, kidnapping, torture and assault. A juvenile charged with a 707(b) offense may face longer periods of jurisdiction and confinement and may be eligible for transfer to adult criminal court as described below.

Juveniles Tried in Criminal (Adult) Court

Under some circumstances, the district attorney may file 707(b) charges directly in the adult criminal court. In other cases, a fitness hearing may be held in juvenile court to determine if the youth can be adjudicated under juvenile court law or if the youth should be tried as an adult in criminal court. If convicted in adult court, a youth may be sentenced to adult probation, local jail or state prison. If sentenced to jail, jail time is served in juvenile hall until the youth reaches the age of 18. If sentenced to prison, the youth will serve the full adult prison term but will be housed in a facility operated by the Division of Juvenile Justice until age 18.

Cross-Jurisdictional Youth

Juveniles who are simultaneously in the child welfare system (dependency per *WIC Section 300*) and juvenile justice system (delinquency per *WIC Sections 601 or 602*) are referred to as “cross-jurisdictional youth.” Per *WIC Section 241.1 (e)*, child welfare and probation departments collaborate in providing services and supervision and may use a court approved protocol for determining which agency is to have the primary oversight of each case.

State and Local Juvenile Justice Facilities

The California incarcerated juvenile justice population is divided between state and local facilities.

Facilities operated by the state Division of Juvenile Justice

The state’s facilities are operated by the Division of Juvenile Justice (DJJ) under the Department of Corrections and Rehabilitation. In 1996, these state facilities held more than 10,000 youth. Several factors contributed to a subsequent decline in this state-confined population, including lower juvenile crime rates, fees imposed on counties making state commitments and judicial reluctance to commit youth to a system under litigation for a broad range of deficiencies. By mid 2008, the DJJ institutional population had dropped to 1,800 youth. The decline in the DJJ institutional population has been accelerated by the 2007 “realignment” reform law (Senate Bill 81) that prohibited commitments of non-violent youth (“non-707(b)s”) to DJJ. By mid 2009, when all non-707(b) juveniles have been phased out of DJJ, its institutional population is expected to settle at about 1,500, limited to those committed for serious or violent crimes or listed sex offenses. Meanwhile, counties must develop custody and program options for the non-violent youth who were realigned to county control, and they are receiving state Youthful Offender Block Grant funds to support these options.

Facilities operated by counties

Most juveniles in custody in California are held in county-operated facilities. These facilities consist of juvenile halls (established as secure, post arrest and pre-trial facilities) and probation camps and ranches (established as local places of commitment for offender treatment and rehabilitation). As of January 2008, California counties had a total of 8,202 juvenile hall beds and 5,753 camp and ranch beds statewide. The average daily population in these facilities was about 6,800 for juvenile halls and about 4,300 for camps and ranches.¹⁰ As noted above, not every county has a juvenile hall, camp or ranch. State standards for county-run juvenile halls, camps and ranches are administered by the Corrections Standards Authority, under controlling statutory requirements.

Length of Stay in State and Local Juvenile Justice Facilities

The length of an individual's stay in a Division of Juvenile Justice Facility is determined by the Juvenile Parole Board. In 2007, the average length of stay at DJJ was 22.6 months. This average is made up of two components: youth committed on a new offense average 33.6 months; parole violators average 8.3 months. The DJJ average length of stay is significantly above the national state training school average (last reported in 2004 at 9.4 months). The average length of stay in 2007, in a county-operated juvenile hall was 25 days. In probation camps and ranches the average was 117 days. Because the non-707(b) youth counties have historically sent to DJJ typically have longer sentences, these averages will presumably go up in the future.

The Farrell Lawsuit

In November 2004, the Division of Juvenile Justice (then known as the California Youth Authority) entered into a consent decree that required remedies to address a broad range of deficiencies identified by experts appointed by the Court. Early in 2005, DJJ committed through a stipulated agreement to address not just the specific issues raised by the experts, but to reform the state juvenile system to a rehabilitative model based on a therapeutic environment. Reform plans for Education, Wards with Disabilities, Mental Health, Health Care Services, Sex Behavior Treatment, and Safety and Welfare were developed and filed with the Court.

While DJJ has made demonstrable progress in implementing reform, progress has been slow and DJJ efforts were found by the Court as recently as October 2008, to be "inadequate."

The difficulties DJJ has experienced in implementing reform, coupled with the high cost of its operations (see "How California's Juvenile Justice System is Funded," below), were significant factors contributing to the passage of Senate Bill 81.

Program Elements and Partners

The juvenile justice system is governed by the *Welfare and Institutions Code*, which defines the system's purpose as the protection of public safety through the rehabilitation of young offenders. To this end, counties and DJJ provide education, health and mental health services and other programs to youth in their custody.

Prevention

While there is no mandate requiring probation departments or other agencies to engage in the prevention of juvenile crime and delinquency, *WIC Section 236* authorizes probation

¹⁰ CSA Juvenile Detention Profile Survey, 4th Quarter 2007 (latest available).

departments to “engage in activities designed to prevent juvenile delinquency. These activities include rendering direct and indirect services to persons in the community. Probation departments shall not be limited to providing services only to persons on probation...but may provide services to any juveniles in the community.” Defined as efforts that target juveniles before they are involved in the justice system, prevention is extremely important to the system as it focuses on reducing crime and delinquency and lessening the impact of crime on communities. Agencies in and around the justice system, including schools and school districts, health and human service agencies, family-serving and other community based organizations, as well as law enforcement, probation departments, prosecutors and public defenders partner to support prevention services and outreach to at risk youth. At present, most of the funding available for prevention comes from federal grants and from portions of the state Juvenile Justice Crime Prevention Act (JJCPA) grant program. Many of the grant-supported programs are implemented by community based agencies and/or other governmental entities in conjunction with, or under contract to, probation departments.

Early Intervention

Closely aligned with prevention, early intervention can be understood to encompass diversion and informal, usually short-term, interventions for at risk youth and/or first or second time entrants into the juvenile justice system. Such efforts as non-court-ordered community service, police and/or probation diversion, School Attendance Review Board (SARB) and School Resource Officer services, mentoring, as well as many anger management and other cognitive behavioral, strength-based training and counseling interventions are available for youth at the front end of the justice system. The key concepts in early intervention are to respond immediately to pre-delinquent or delinquent acts with an appropriate level of intensity. For low-risk youth, who have not yet committed any serious offenses, the goal is to provide clear consequences, preventing further delinquency. For high-risk youth, the intervention must be stronger and the services addressing associated risk factors must be more intense.

Victims’ Services

County probation departments, district attorneys’ offices, courts and DJJ provide services to victims of juvenile crime. These include victim-witness services such as notification of victims’ rights and information about hearings involving a victim’s offender, information about and collection of court ordered restitution and, in some jurisdictions, victim impact interventions and mediation through a Victim Offender Reconciliation Program (VORP), if or when the victim desires to meet with the offender.

Several California counties, including Fresno, Sacramento, Shasta, Santa Clara and Ventura have undertaken restorative justice / community justice efforts built on the framework of the Balanced and Restorative Justice (BARJ) model. A number of additional counties employ such elements of community justice as Neighborhood Accountability Boards, peer courts and victim mediation projects.¹¹ The key principles of restorative or community justice are that:

- Crime is an offense against human relationships.
- Crime results in harm to victims, offenders and communities and they are included among the key stakeholders in justice.

¹¹ For additional information about restorative, community or collaborative justice , see the Administrative Office of the Courts’ California Community Justice Project at www.courtinfo.ca.gov/programs/ccjp

- Crime creates an obligation to make things right.
- The victim’s perspective is central to deciding how to repair the harm.
- Offender accountability means accepting responsibility and acting to repair the harm.
- The offender will develop improved competency and understanding as a result of the restorative justice experience.
- The community’s obligations are to victims and to offenders and for the general welfare of its members. The community has a responsibility to support and help victims of crime to meet their needs. The community has responsibilities to support efforts to integrate offenders into the community, to be actively involved in the definitions of offender obligations, and to ensure opportunities for offenders to make amends.

Despite the efforts being made to actively address victims’ needs, a recent study of the juvenile courts found that victims and community members, as well as court, district attorney and probation personnel, are generally dissatisfied with the way victims are dealt with in and by the system. Victims report they are not routinely notified of hearings, they have difficulty getting information about ‘their’ offender from probation or the attorneys involved in their cases, and they are not prepared for the “many obstacles they will encounter when trying to collect restitution.”¹² While victims generally reported that court and probation professionals treated them politely and with respect, they nonetheless felt frustrated by the complexity of the process and a lack of follow through on the part of people who should have been helpful. Victims said they wanted a single point of contact with the system; they wanted up to date and accurate information; and they wanted most of all to have an opportunity to express how the crime had affected them – to be heard. They also expressed a desire for a genuine apology, because “an apology would make it clear that the offender understood the impact and took responsibility, even if he or she did not have the desire to fix the harm.”¹³

Every victim of crime develops a unique pathway and timeline for healing. Sufficient resources must be made available to provide long-term supportive counseling and advocacy for victims who are in need of such services.

Education

Local school districts and county offices of education provide an array of services in addition to traditional or regular schools, including but not limited to identification of at-risk youth, truancy intervention programs, and the delivery of Opportunity Education Programs, Community Day Schools and Juvenile Court Schools, among others.

Enabled by *Education Code Sections 48630 and 48644*, Opportunity Education programs work with students who are habitually truant, irregular in their attendance, insubordinate, disorderly while in school, or failing academically. This short term intervention includes specialized curricula, instruction, guidance and counseling, psychological services and tutorial assistance to help students in grades one through twelve overcome barriers to learning.

Community Day Schools serve high risk youth, including those referred by expulsion, probation, or a School Attendance Review Board. These schools deliver an academic curriculum with a focus on the development of pro-social skills and student resiliency. They often incorporate

¹² Administrative Office of the Courts, *Juvenile Delinquency Court Assessment* 2008, Vol 2, Chapter 5, page 24

¹³ AOC, pages 21 - 24

support services from school counselors and psychologists and involve interagency support from law enforcement, probation, and human services agency personnel who work with at risk youth.

County boards of education administer and operate the Juvenile Court Schools authorized by *Education Code Sections 48645 – 49645.6*, for students who are under the authority of the juvenile court system and incarcerated in juvenile halls, ranches or camps, placed in group homes, day treatment centers or regional youth facilities or who have been expelled from their home district schools because of a status offense or other infraction. Juvenile Court Schools must provide an educational program of at least 240 minutes per day, five days a week.¹⁴

Child Welfare

County Departments of Human or Social Services (the names vary from county to county) are responsible for a wide array of services including identification of youth and families at risk, family reunification and permanency planning. In addition to providing community based family support, counseling and other programs and in-home services for dependent and/or neglected youth and families, County Departments of Human Services also license and provide oversight of California's network of group homes, serving both dependent and delinquent youth requiring placement.

Departments of Human Service collaborate with probation departments and the courts to serve those youth who may be involved in both the delinquency and child welfare systems, i.e., cross-jurisdictional youth. Until recently, the Code did not permit dual jurisdiction; however, in 2004, *Section 241.1 (e)* was added to the *Welfare and Institutions Code* to enable dual jurisdiction if there is a written protocol between the county child welfare department and probation department to determine which agency is to provide oversight of minors who come within the description of both Section 300 and Section 601 or 602. The language of *241.1 (e)* is permissive, not mandatory. At the present time, only eight counties -- Colusa, Inyo, Los Angeles, Placer, Riverside, San Joaquin, Sonoma, and Stanislaus – have adopted protocols allowing dual jurisdiction. Los Angeles County has a special court to hear these cases. In instances in which dual jurisdiction is authorized, counties must ensure that services to youth and their families are not being duplicated and are not being charged to, or being reimbursed from, federal Title IV E sources by both probation and child welfare departments.

Child welfare agencies also provide services to wards of the court and youth in and emancipating from foster care by offering federally enabled Independent Living Programs (ILP). ILPs deliver skills training, financial assistance with college or vocational school and independent living skills classes among other assistance. In addition to ILPs, some counties also operate a Transitional Housing Placement Program (THPP) for foster youth and/or youth transitioning back from delinquency court-ordered out of home placement. The goal of THPP is to help youth emancipate successfully by providing a safe environment in which to live and practice the skills learned in the ILP.

Mental Health

The California Department of Mental Health (DMH) is responsible for the state's mental health system and seeks through partnerships to ensure the availability and accessibility of effective, efficient and culturally competent services to those in need of mental health care. DMH and

¹⁴ *Title II, Part B Formula Grants Program: Three Year Plan Application – FFY 2007 Update*, pages 6-7

County Departments of Mental or Behavioral Health partner with probation departments and DJJ to provide appropriate services to youth in the justice system, as many as 70 percent of whom struggle with mental health or co-occurring disorders and 20 percent of whom have a serious mental disorder.¹⁵

County Departments of Mental Health play key roles in managing and serving youth and families in the community, as well as in the justice system. County Departments of Mental Health oversee both counties' Children's System of Care (CSOC) and their Mental Health Services Act (MHSA) programs and services and partner in providing mental health assessment, case management, and treatment services to wards of the court and dependent children of the court placed out of home or at risk of requiring out of home care. The component known as Prevention and Early Intervention of MHSA prioritizes youth at risk of entry or already in the juvenile justice system. DMH also certifies group homes that provide mental health, substance abuse and dual diagnosis treatment to dependent youth and juvenile offenders. Additionally, per *WIC Section 4094*, DMH oversees, inspects and certifies mental health facilities licensed as Community Treatment Facilities (CTF).

Counties repeatedly express a drastic need for secure treatment facilities for justice system youth. Counties have looked to treatment-focused group homes (most of which are not secure) and local mental health treatment facilities (which do not generally accept juveniles) to provide residential treatment services for youth with mental health needs, but these options are not appropriate for more serious offenders or for those who need extensive periods of treatment in a secure setting. Counties are facing a serious and growing problem as more offenders require mental health interventions. There are no, or nowhere near enough, secure treatment facilities for juvenile offenders and there are fewer dollars available from any source to develop the needed facilities and treatment capacity.

Some counties are once again exploring the possibilities of establishing secure regional treatment facilities. The Los Angeles County Probation Department has used a portion of its JJCPA funding to establish two CTFs for seriously emotionally disturbed children. The youth in this program may be referred from the delinquency, dependency or mental health systems. Prior to implementation of the CTF program, LA had no secure residential treatment facilities available for minors who were difficult to place. The two CTFs are reportedly the first and only secure residential placements of this type in the state.¹⁶

DMH supports and collaborates in the provision of mental health services to offenders in DJJ, primarily through direct services at an intermediate care facility at one of DJJ's facilities. DJJ also contracts for 10 beds in DMH psychiatric hospitals for offenders needing intensive psychiatric services beyond those that can be delivered in DJJ facilities. The Chief Deputy Secretary for DJJ and the Director of DMH are required to meet at least annually (per *WIC Section 736(b)*) to discuss policies related to mental health services and determine what types of cases are to be the responsibility of each department.

Further coordination is provided via CDCR's Council on Mentally Ill Offenders (COMIO), the mission of which is to investigate and promote cost-effective approaches to meeting the long-

¹⁵ Center for Healthy Communities, "Healthy Returns Initiative Strengthens Mental Health Services in Juvenile Justice System," Center Scene, Fall, 2007, page 2

¹⁶ CPOC.org/JJCPA/losangeles.htm

term needs of juvenile and adult mentally ill offenders in CDCR. The council has eleven members including the Secretary of CDCR, the Director of the DMH, and the Secretary of the DMH, who serves as the chair of the council.

In recent years, the state has provided grant funds to counties for programs serving justice system youth with mental health treatment needs. Between 2006 and 2008, the Mentally Ill Offender Crime Reduction (MIOCR) grant program supported juvenile justice-mental health projects in 22 counties, in addition to adult mentally ill offender projects. Funds for this grant program were zeroed out in the FY 08-09, budget and may or may not be restored in the future.

Pathways and Outcomes for Youth Entering the Juvenile Justice System

Most youth become involved with the juvenile justice system through contact with law enforcement. At initial contact the law enforcement officer has the option of counseling and releasing the youth, ordering the youth into a police-operated or contracted diversion program or referring him or her to the probation department. The referral may be in the form of an arrest, in which case the youth is brought to a detention facility, or it may be in the form of a citation for later appearance before the probation officer. Other referrals to probation may come from schools or other public or private agencies, parents, guardians or other individuals, or transfers from other jurisdictions.

The probation department, through its intake processes, determines the appropriate way to proceed with each referral. This may include working with the district attorney to file charges in juvenile court, closing the case without further action or placing the youth on informal probation or diversion. Some cases are referred to traffic court. A few are transferred to another jurisdiction or filed by the county district attorney directly in adult criminal court. Even if the case is filed in adult court, in most jurisdictions the probation department continues to retain physical custody of the youth until adjudication is completed; in some counties, juveniles who turn 18 while going through the adult court process are transferred to the county jail until sentencing.

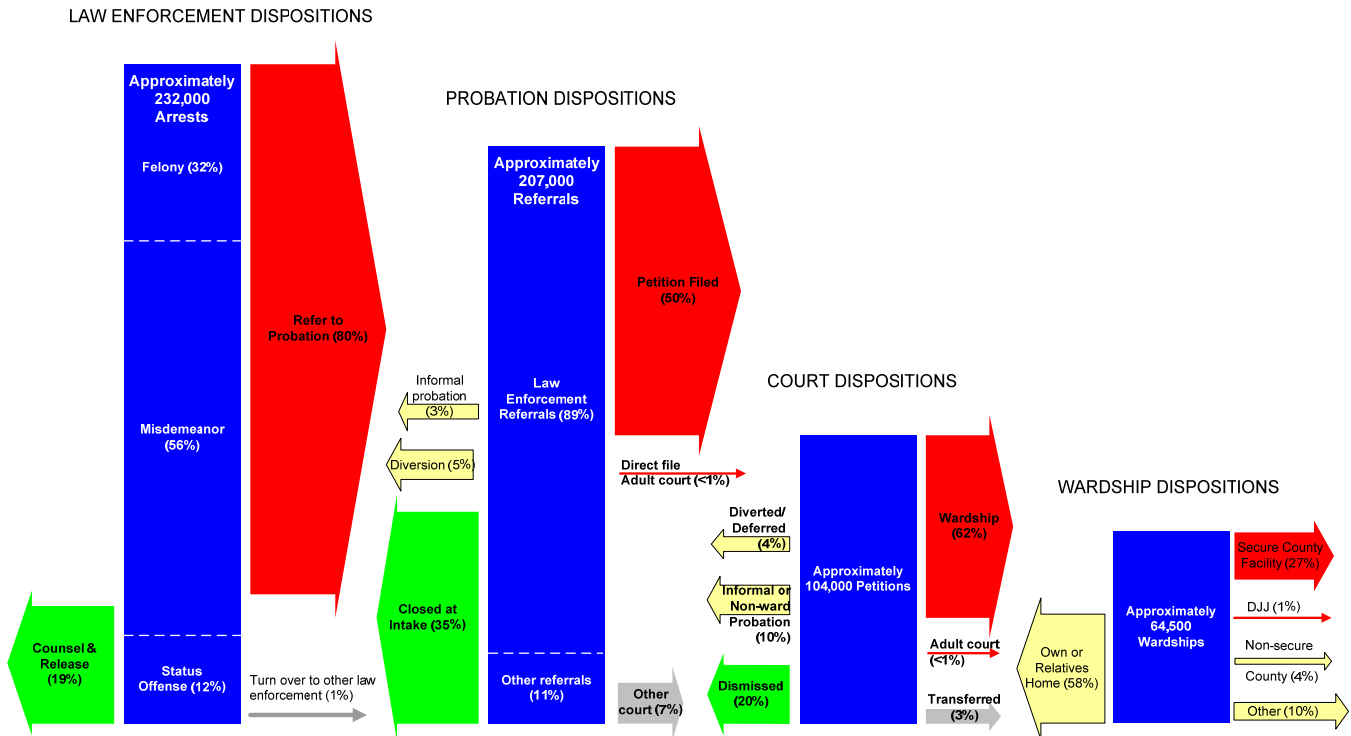
At adjudication, the petition is either sustained or denied by the Juvenile Court Judge. If denied, the charges are dismissed and the case is closed. If sustained, the youth may be adjudged a ward of the court, placed on informal or non-wardship probation, or placed on diversion. The court may also defer judgment, transfer the youth to another jurisdiction or, through a fitness hearing, determine that the youth should be tried as an adult in criminal court.

Youth adjudged wards of the court may be placed under supervision in their own, or a relative's, home, placed in custody in either a secure or non-secure county or other facility, or committed to the care and custody of the Division of Juvenile Justice. After completing a period of confinement or placement at either the local or state level, the adjudicated youth is typically placed under supervision of the county probation department or DJJ Parole Services.

These various pathways through the juvenile justice system are illustrated in the following chart. Arrows pointing to the right indicate movement deeper into the system. Arrows pointing to the left indicate either movement out of the system or movement away from the deeper end of the system. All arrows are proportional in size to their numerical value in 2006.

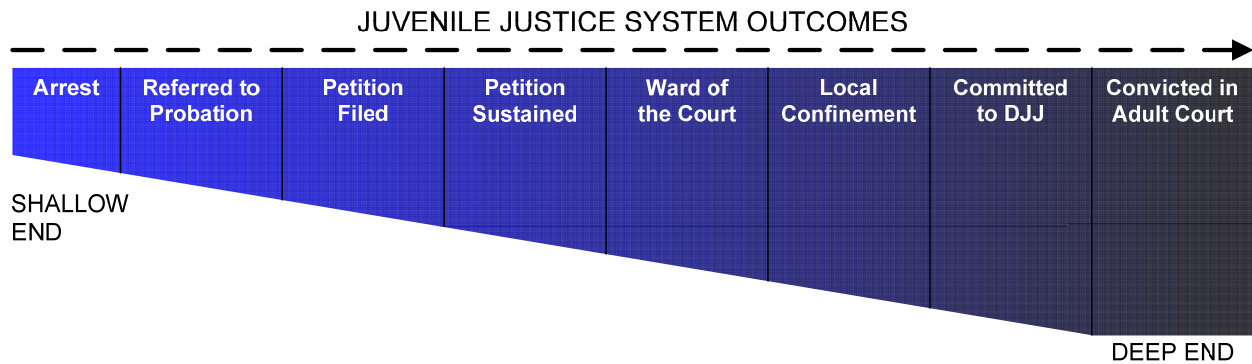
JUVENILE JUSTICE FALLOUT CHART – 2006¹⁷

Size of Arrows Proportional to Their Value



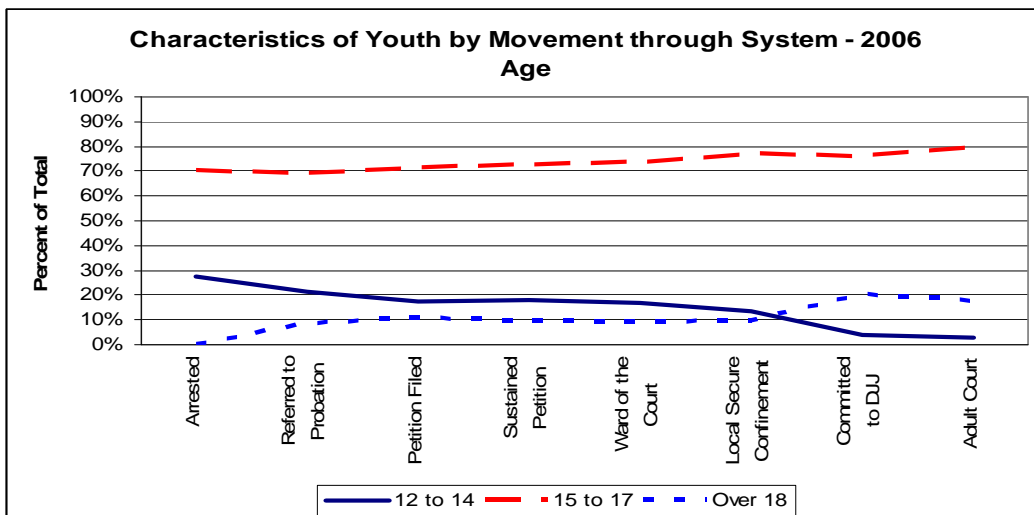
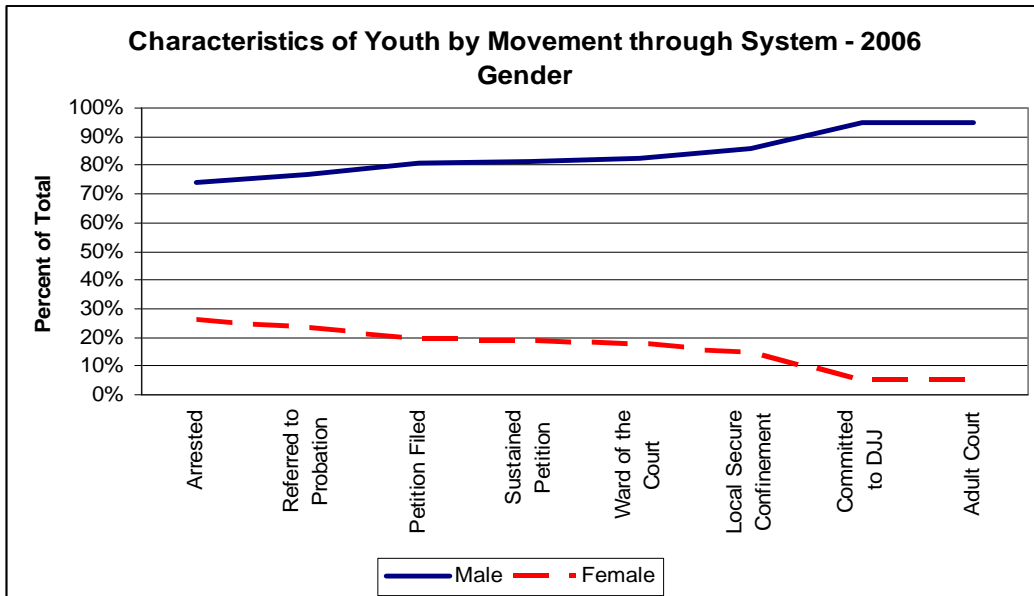
Characteristics of Juvenile Offenders

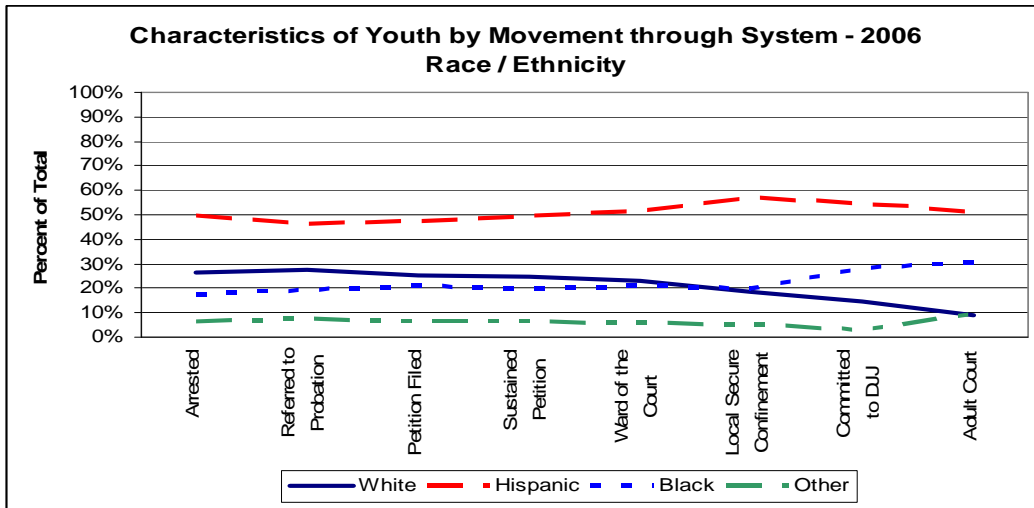
The juvenile justice system can be thought of as a series of decision points that starts with initial contact with law enforcement. The deeper one goes into the system, the more consequential each decision becomes. The following diagram divides the process into eight key decision points. At the shallow end are arrest and referral to probation (sometimes accompanied by confinement/detention in juvenile hall). At the deep end is placement in secure confinement/commitment at the local or state level or, most consequential of all, a sentence to prison after being convicted in adult criminal court.



¹⁷ Based on data from *Juvenile Justice in California 2006*, California Department of Justice, Criminal Justice Statistics Center

The demographic characteristics of youth in California’s juvenile justice system are not the same at the deep end as at the shallow end. In general, the deeper one goes into the system, the greater the percentage of males, older youth, and youth of color. These trends are illustrated in the accompanying charts. The horizontal axis arrays the decision points shown above on the same “shallow end” to “deep end” continuum.





HOW CALIFORNIA’S JUVENILE JUSTICE SYSTEM IS FUNDED

Juvenile justice system funding, especially at the local level, has been and continues to be uncertain and inconsistent, driven by a variety of outside pressures and forced to rely on short term grants to augment state and local dollars.

It is extremely difficult to get a comprehensive picture of state and local funding because California’s 58 counties do not have a common accounting system, common requirements or even a common language about juvenile justice revenue and expenditures. As a result, information about local juvenile justice financing is extremely difficult to ferret out. The following data about the financing of local juvenile justice would not have been possible without the assistance of the Chief Probation Officers of California (CPOC) and the Probation Business Managers Association (PBMA). At the Commission’s request, CPOC/PBMA queried all 58 probation departments and analyzed the findings in conjunction with CPOC’s annual revenue survey¹⁸ to provide information that would have been virtually impossible to glean without this help.

As the following tables indicate, the total cost of California’s juvenile justice system in FY 2007-08, was nearly \$2.2 billion. The cost of the local juvenile justice system alone was more than \$1.6 billion.¹⁹

¹⁸ CPOC’s annual revenue survey is available at the Chief Probation Officers’ web site, www.cpoc.org

¹⁹ Data developed by the Chief Probation Officers of California (CPOC) and the Probation Business Managers Association (PBMA) from CPOC’s Annual Revenue Survey and an additional query of probation departments in October 2008; reported figures are based on 60% of counties – which counties account for 70% of total probation budget costs statewide – responding

JUVENILE JUSTICE SYSTEM COSTS – FY 2007-08		
COSTS	AMOUNTS	PERCENT
State DJJ Cost	\$580,000,000	26.4%
County Probation Cost	\$1,614,633,126	73.6%
Grand Total	\$2,194,633,126	100.0%

The majority of funding for state level juvenile justice comes from the State General Fund. The State General Fund additionally provides 24.2% of local juvenile justice funding. County General Fund and Proposition 172 monies²⁰ pay for most of the rest (63.4%) of local juvenile justice costs, while federal dollars account for the remainder. (It is important to note that these expenditures do not include the large number of dollars spent by the State Department of Social Services for placement in group homes or foster care for delinquent and dependent youth.)

PRIMARY SOURCES OF JUVENILE JUSTICE SYSTEM FUNDING		
FUNDS	AMOUNTS	PERCENT
State General Fund	\$971,590,631	44.3%
County General Fund	\$1,023,601,476	46.6%
Federal Funds	\$199,441,019	9.1%
Grand Total	\$2,194,633,126	100.0%

The previous and following tables illustrate that the State General Fund paid for nearly \$1 billion of total juvenile justice system costs, with approximately \$580 million going to state level juvenile justice (parole supervision and facility operations, programs and health care)²¹ and \$390.5 million going to county juvenile justice system costs (probation intake, investigations, supervision and operation of juvenile halls and camps).

The \$580 million pays for about 1,800 youth in state facilities and about 2,000 on juvenile parole. The FY 08/09 Governor’s Budget identifies per capita cost of youth in DJJ facilities at \$252,000 per year and those on parole at about \$17,000 per year. It should be pointed out that, due to institution closures and vacant staff positions, the actual per capita cost for DJJ facilities is likely to lower than the budgeted cost. The facility cost has risen in recent years, due in part to program and staffing changes required under remedial plans resulting from the *Farrell* litigation. This cost is also sustained by other factors including the high salary levels of California youth corrections employees (relative to other states) and the costs of maintaining youth institutions that are no longer filled to capacity. DJJ facility costs also include medical, dental, mental health, and education costs.

²⁰ Proposition 172 is a half-cent sales tax dedicated to local public safety services that was enacted by voters in 1993 to offset the effects of a shift in local property taxes. Not all counties consider it appropriate to use Prop 172 dollars for juvenile justice or other probation services, so there is county to county variation in the use of these monies. Local funding is either County General Fund only or County General Fund combined with Local Public Safety Fund dollars.

²¹ Little Hoover Commission, *Juvenile Justice Reform*, July, 2008, pages 13-14

In contrast, the \$390.5 million pays for over 100,000 juvenile offenders supervised by local probation departments. Based on a recent survey by CPOC of 17 counties, the average per capita costs of confinement in local facilities is about \$75,000 per year.

SOURCES OF LOCAL JUVENILE JUSTICE SYSTEM FUNDING – FY 2007 - 08²²		
CATEGORIES	AMOUNTS	PERCENT
State Sources		
Juvenile Probation Camps Funding (camp portion)*	\$32,700,000	
Juvenile Probation Camps Funding (services portion)*	\$163,690,503	
Juvenile Justice Crime Prevention Act	\$114,392,450	
Group Home Visits (per SB 933, 1998)	\$5,587,286	
Realignment (Child Welfare – for placement services)	\$27,912,246	
School Nutrition Program	\$1,312,646	
Realignment (Juvenile Justice – per SB 81, 2007)****	\$22,700,000	
Mentally Ill Offender Crime Prevention Grants****	\$22,295,500	
From State Sources Total	\$390,590,631	24.2%
County Sources		
County General Fund/Prop 172 & miscellaneous other funds	\$1,014,125,807	
Fees collected for juvenile services	\$9,475,669	
From County Sources Total	\$1,023,601,476	63.4%
Federal Sources		
Title IV-E Administrative	\$183,520,034	
School Nutrition Program	\$15,920,985	
From Federal Sources Total	\$199,441,019	12.4%
GRAND TOTAL: LOCAL JUVENILE JUSTICE	\$1,613,633,126	100.0%
<i>Numbers are based on CPOC / PBMA FY 07/08 data; some amounts are estimated.</i>		
* JCPF funding was cut 10% for FY 2008-09		
** JJCPA funding was cut 10% for FY 2008-09		
*** Realignment funding increased to \$66 million for 2008-09 and will increase to \$92 million for 2009-10		
**** Juvenile MIOCR grants were zeroed out of the 2008-09 budget – this funding is no longer available		

The current state and national economic crises will undoubtedly result in increased instability in juvenile justice system funding at both the state and local levels. As the economy continues to

²² Because the data were not available, this table does not include funds for board and care costs for juvenile offenders placed by the Court in foster care facilities.

constrict, both DJJ and county probation departments can be expected to experience additional budget reductions. Funding limitations will result in reductions in service delivery capacity; staff, programs and services will be cut. These losses will be particularly acute at the local level where studies repeatedly find that probation departments are and have been “sorely underfunded”²³ for many years. While there is a “clear need to move away from a patchwork funding model and toward the establishment of an adequate and stable funding base for probation in California,”²⁴ stable, consistent and reliable funding for probation remains elusive.

HOW DOES CALIFORNIA’S SYSTEM COMPARE TO OTHER STATES’ SYSTEMS?

The defined purposes of California’s juvenile justice system are well within the mainstream nationally. However California’s system is unusual in at least three respects: 1) California, along with three other states, has the oldest age of extended jurisdiction in the country; 2) California is one of a handful of states in which state youth facilities are administered by an adult corrections agency; and 3) California has the highest percentage of juvenile offenders in local custody, and among the lowest percentage in state custody, in the nation.

Goals and Purposes of State Juvenile Justice Systems

The goals and purposes of the California juvenile justice system are described in *Welfare and Institutions Code Section 202*, as noted above. This code section has been amended frequently over the years and is now an amalgam of concepts and phrases that some critics find to be unclear or unfocused. In recent years there have been several legislative proposals to overhaul *Section 202* but none has been adopted. As ongoing legislative attention is likely to be devoted to *Welfare and Institutions Code 202*, consideration might well be given to the five categories used by the National Center for Juvenile Justice in its *State Juvenile Justice Profiles* to describe the goals or primary purposes of juvenile justice law and courts. These categories are:

1. Balanced and Restorative Justice

The goals of the Balanced and Restorative Justice (BARJ) movement are 1) long-term community safety, 2) accountability to victims and the community, and 3) youth competency development. Both the community and the juvenile justice system are responsible for the safety of the community; through their criminal actions, youthful offenders incur an obligation to victims and society; and youth who leave the juvenile justice system should have both repaid their victim(s) and developed more skills to help them be law abiding and productive citizens than they were when they entered the system.

2. Standard Juvenile Court Act

The Standard Juvenile Court Act was first promulgated in 1925 and has been revised many times, most notably in 1959. The declared purpose of the Act is that “each child coming within the jurisdiction of the court shall receive ... the care, guidance, and control that will conduce to his welfare and the best interest of the state, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him.”

²³ *Probation Services Task Force Final Report*, page 6

²⁴ *ibid*

3. Legislative Guide for Drafting Family and Juvenile Court Acts

The Legislative Guide for Drafting Family and Juvenile Court Acts was developed in the late 1960s by the U.S. Children’s Bureau (now the U.S. Department of Health and Human Services). This document provides four purposes for juvenile courts: 1) “ to provide for the care, protection, and wholesome mental and physical development of children,” 2) “to remove from children committing delinquent acts the consequences of criminal behavior, and to substitute therefore a program of supervision, care and rehabilitation,” 3) to remove a child from the home “only when necessary for his welfare or in the interests of public safety,” and 4) to assure the “constitutional and other legal rights” of all parties.

4. Punishment, Deterrence, Accountability and/or Public Safety

Under this model, the primary purpose of the juvenile court is to protect the public by being tough on youthful offenders.

5. Traditional Child Welfare Emphasis

The sole or primary purpose of the juvenile court under this emphasis is to promote the welfare and best interest of the youth.

Most states derive their primary purposes from either the Balanced and Restorative Justice Model or the Standard Juvenile Court Act. Only three states have a traditional child welfare emphasis. Six states include punishment, deterrence, accountability and/or public safety as a primary purpose of their juvenile justice system.

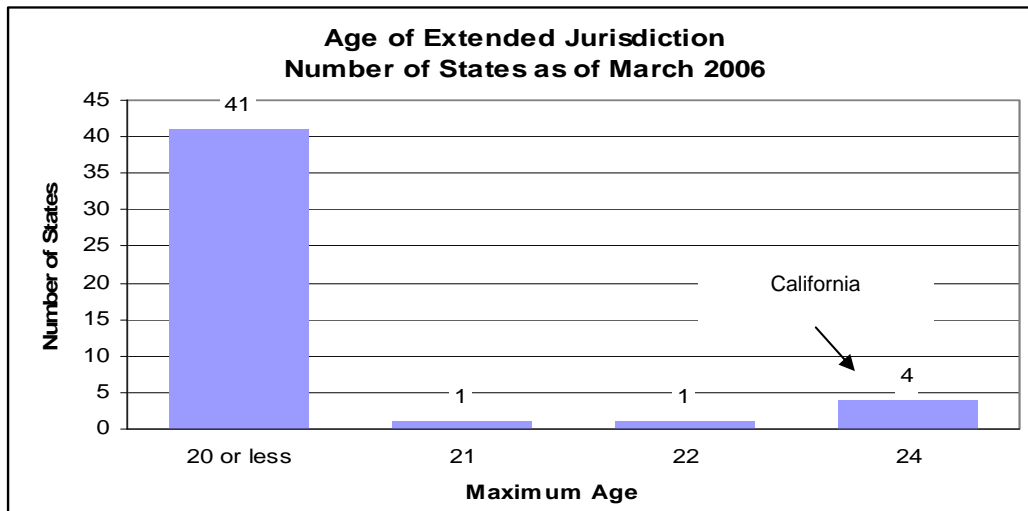
The purpose clause of the California *Welfare and Institutions Code*²⁵ includes elements of the Balanced and Restorative Justice Model as well as traces of the Standard Juvenile Court Act.

Age of Extended Jurisdiction

The age of extended jurisdiction determines how long the juvenile court can retain jurisdiction over an adjudicated youth. California, Montana, Oregon, and Wisconsin have the longest extended age of jurisdiction in the nation. In these states, the juvenile court can retain jurisdiction until a person’s 25th birthday. In two additional states the court can retain jurisdiction past a person’s 21st birthday. Thus California is one of only six states that retain juvenile jurisdiction after the person’s 21st birthday. Forty-one states end the court’s jurisdiction at age 20 or younger.²⁶

²⁵ W&IC Section 202

²⁶ Three states do not have a statutorily defined extended age of jurisdiction.



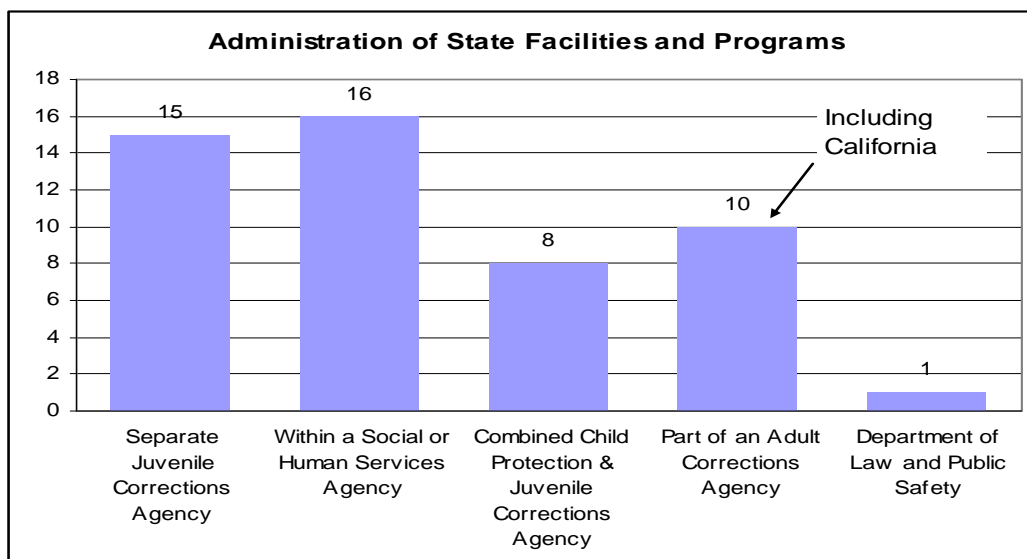
Though California extends juvenile court and corrections jurisdiction to age 25, this extended jurisdiction applies only to youth who are adjudicated for serious and violent crimes listed in *WIC Section 707(b)* (the so-called adult court crimes list) and who are committed to the state Division of Juvenile Justice. California’s extended jurisdiction law is premised on the concept that rehabilitative programs and services should continue to be available to older youth, which would not be possible were youth to be moved at age 21 into the adult system which lacks rehabilitative content. Juveniles found to have committed less serious (non 707(b)) offenses and therefore less likely to be tried in criminal (adult) court are subject to juvenile justice jurisdiction only to age 21.

Administration of State Level Juvenile Correctional Facilities and Programs

Every state has some juvenile offenders committed to state level care and custody, although at least one state has privatized all of its facilities for state-responsibility youth. There are five ways states have structured their administration of facilities and services for these juvenile offenders. These are:

1. As a separate juvenile corrections agency,
2. As a division within a social or human services agency,
3. As a combined child protection and juvenile corrections agency,
4. As part of an adult corrections agency, and
5. As a function within a department of law and public safety.

The following chart shows the number of states using each organizational method. A child-centered approach – either as a separate juvenile corrections agency, a division within a social or human services agency, or in combination with a child protection agency – is by far the most commonly used way to administer facilities and programs for state-responsibility juvenile offenders. Ten states, including California, administer state level juvenile corrections from within an adult corrections agency.



In 2005, California adopted a major corrections “reorganization” plan that folded the independent Department of the Youth Authority (now the Division of Juvenile Justice/Juvenile Facilities) into the agency that manages state level adult corrections. This merger of juvenile and adult corrections runs counter to the national trend. During the last 20 years the number of states using the adult corrections model has decreased and the number creating a separate juvenile corrections agency or combining juvenile corrections with child protection functions has increased. In California, the Little Hoover Commission and some juvenile justice advocacy groups have questioned the effectiveness of the 2005 merger of juvenile and adult corrections and have recommended the creation of a separate and independent state juvenile justice authority.

Percentage of Youth in Local and State Custody

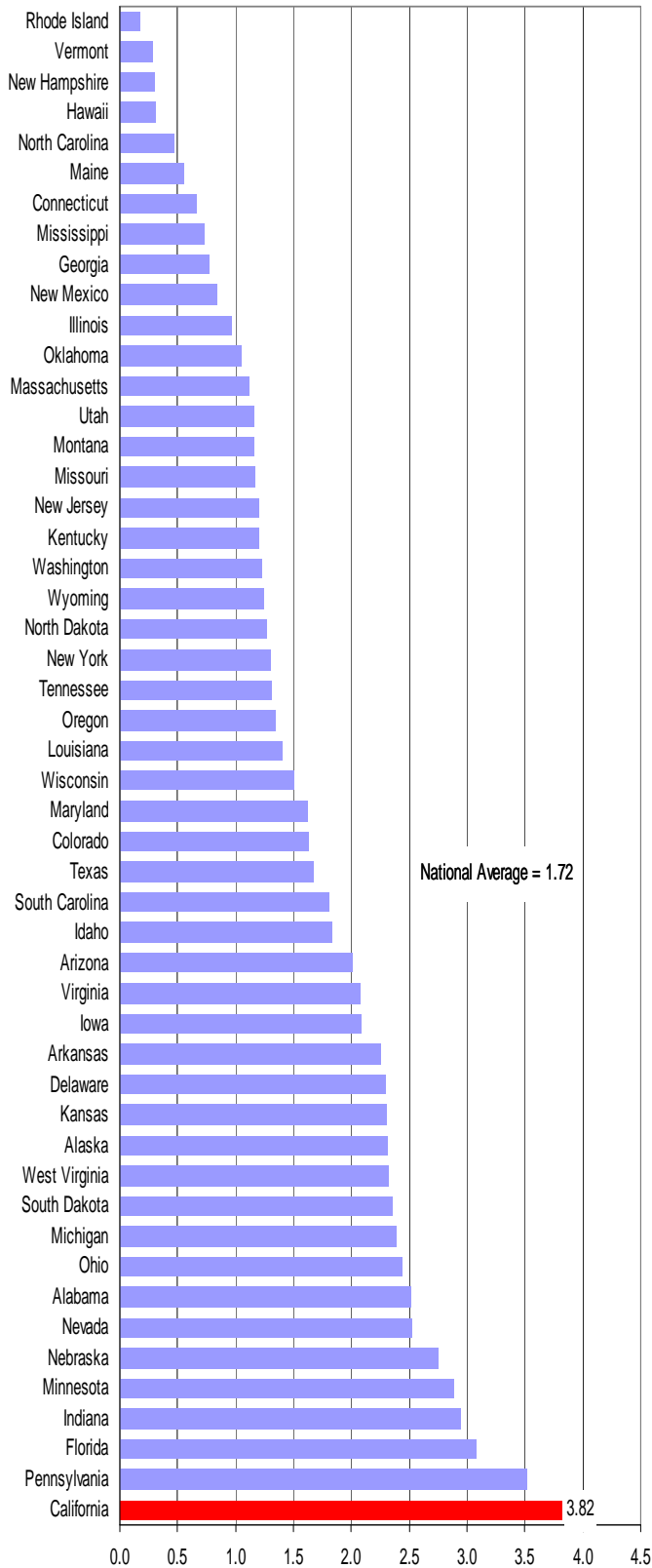
A one-day snapshot of juvenile offenders in residential placements in every state is periodically conducted for the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). The most recent census was in 2006. Residential placements include both secure and non-secure facilities operated by a unit of local government, the state, or a non-profit or for profit corporation or organization. Local-responsibility youth include juveniles detained prior to or during adjudication, post-adjudicated youth held pending disposition or transfer to another facility and youth committed to local secure or non-secure care and custody. State-responsibility youth are those who have been committed to the state’s care and custody post adjudication.

Not only does California have the largest juvenile population in the country, it also has a higher percentage of youth in custody than most other states. Only seven states and the District of Columbia had a larger percentage of youth in custody in 2006. In the Census of Juveniles in Residential Placement for that year there were 15,240 youth in local and state custody in California, or 4.66 per 1,000 youth age 12 to 17. The national average is 3.56 per 1,000. A significant reason for this high percentage of youth in custody in California is probably a result of the amount of youth gang violence in the state.

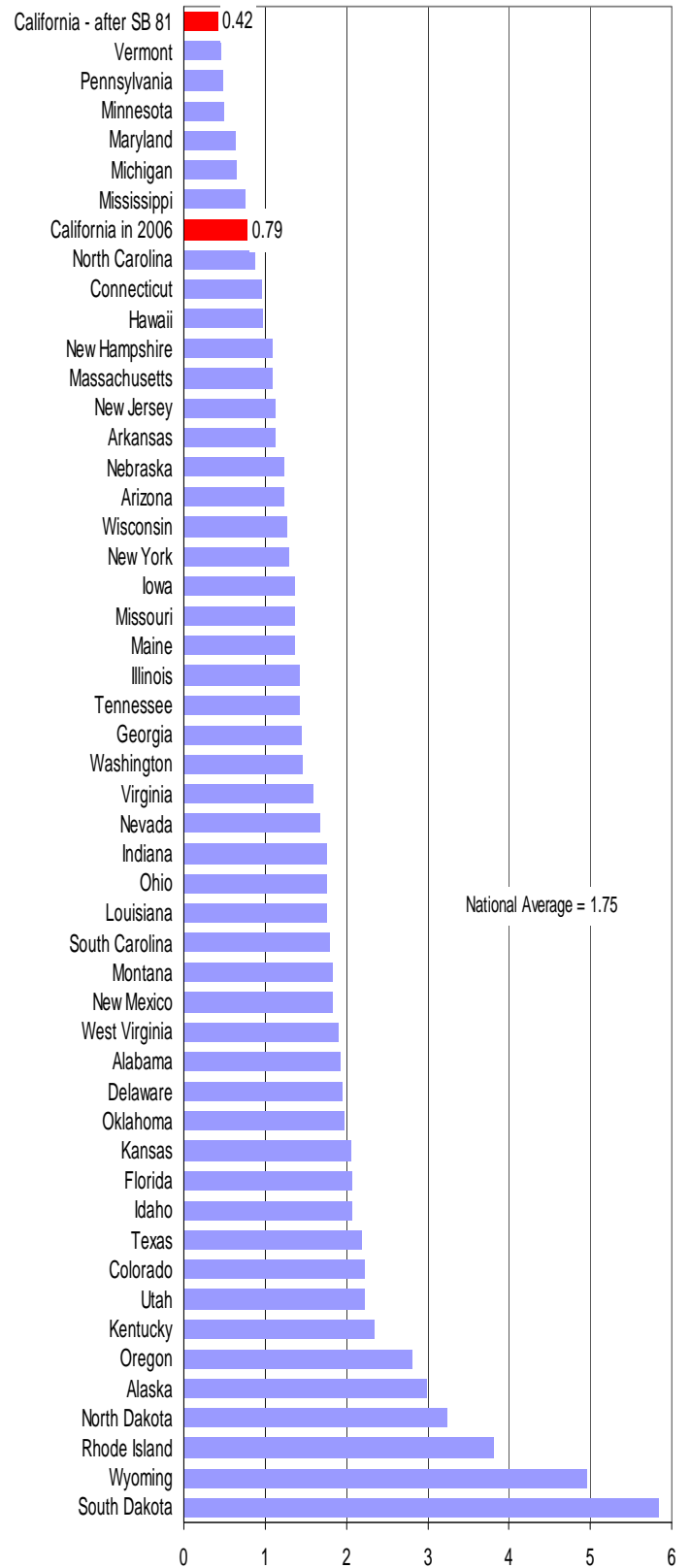
The large percentage of youth in custody in California is due to very high use of custody at the local level. Since the mid-1990s, juvenile courts and county probation departments have increasingly sought to retain juvenile offenders in local rather than state custody. Among the reasons for this were the state's implementation of a 'sliding scale' fee structure that discouraged sending less serious juvenile offenders to the state as well as a lack of confidence in state custody resulting from the burgeoning number of law suits brought and sustained against the Division of Juvenile Justice. As the two charts below illustrate, California's local custody rate is the highest in the nation and more than twice the national average.²⁷ In contrast, California's custody rate for state-responsibility youth is among the lowest in the nation. This state custody will decline further as a result of California's 2007 realignment law removing non-violent juveniles from state level youth correctional facilities. Assuming no major changes by other states, this will result in California having the lowest rate in the nation.

²⁷ Rates are calculated from 2006 data from the *Census of Juveniles in Residential Placement Databook* and U.S. Census Bureau estimates of state population age 12 to 17 for the same year. The *Census of Juveniles in Residential Placement Databook* calculates rates using population age 10 through the upper age of original court jurisdiction for each state.

Youth in Local Facilities
per 1,000 Population Age 12 to 17



Youth in State Facilities
per 1,000 Population Age 12 - 17



3 Toward a More Effective Juvenile Justice System

INTRODUCTION

How can the juvenile justice system in California be strengthened? Can outcomes be improved? Are there lessons to be learned from the research and experience of other states? Can improvements be made without breaking the bank? The answer to each of these questions is yes. We can make our communities safer, improve the lives of troubled youth, and accomplish this in a cost-effective way. The way to do this is to move California toward an outcome-oriented juvenile justice system. To understand these conclusions we address four major topics in this chapter.

- What do we want from our juvenile justice system?
- How does an outcome-oriented system work?
- What are the component parts of such a system?
- What are the economics of an outcome-oriented system?

WHAT DO WE WANT FROM OUR JUVENILE JUSTICE SYSTEM?

The answer to this question provides the basis for evaluating the current system and making recommendations for improvements. To that end, the Commission reviewed the purpose clause of the Welfare and Institutions Code plus examples and ideas from other jurisdictions and organizations with interest in juvenile justice. Three primary goals and a number of guiding principles emerged.

GOALS

It is the consensus of the Commission that the following elements succinctly express the appropriate aspirations of the juvenile justice system. These are:

Community Safety

Communities are made safer by implementing a strategy of comprehensive prevention, intervention, and community investment. In the short term community safety is achieved by the appropriate administration of correctional sanctions and supervision – including, where appropriate, incarceration. Communities are made safer in the long term by using evidence-based practices and programs that have been proven to reduce future criminal conduct.

Accountability

Juvenile offenders must be held accountable for their actions. Where appropriate, this includes an obligation of the youth to make things right with the victim and the community.

Youth Competency Development

Rehabilitation has long been a goal of the California juvenile justice system. Great progress has been made over the last twenty years about what works, and what doesn't work, to reduce juvenile crime and delinquency. Broadly incorporating this new science into the design and operation of the juvenile justice system in California will improve the lives of youth and the safety of our communities.

GUIDING PRINCIPLES

Youth are developmentally different from adults

Modern brain research provides a scientific basis for what parents have always known: impulse control, judgment, planning, and foreseeing consequences of one's actions are still developing into the early 20's. While these limitations can lead to trouble, they also mean that adolescents are more capable of change and rehabilitation than adults. While the unfinished development of adolescent brains may reduce culpability, it does not excuse criminal behavior. Sanctions should be commensurate with the age, crime and criminal history of each youth.

Every youth is special

Every youth who comes in contact with the juvenile justice system has strengths as well as weaknesses. Identification, development, and celebration of a youth's positive skills and interests helps the youth recognize his or her own value and the value of others. A desire to do well, and hunger for acceptance and approval, are universal characteristics to be channeled in positive directions.

Healthy families are our most valuable resource

Families – traditional, extended, or self-defined – should be supported, strengthened when necessary, and enlisted in the process of their child's positive development.

Crime hurts victims, communities, and juvenile offenders

The juvenile offender's conduct creates an obligation to make things right. This occurs when the youth understands the impact of his or her behavior, accepts responsibility, expresses remorse, takes action to repair the damage, and works to develop the capacities needed to be a responsible member of the community. The victim's perspective is central to deciding how to repair the harm caused by the crime.

Resources should be concentrated where they do the most good

Only a small percentage of the youth who come in contact with the juvenile justice system will become chronic offenders. Early identification of those at high risk of serious or repeated offense is a fundamental component of a justice system that uses its resources wisely.

Outcome measures, reliable data, and information sharing are key to directing positive change

What gets counted, counts. Rewarding positive outcomes reinforces self improvement. This principle applies to all levels of the juvenile justice system: individual programs, agencies, and the juvenile justice system as a whole.

Accountability is not just for offenders

The use of public resources demands public accountability. The juvenile justice system must be fair, equitable and as expeditious as possible. The various components of the system should be held accountable for their results.

Improvements to the system will require sustained effort

The vision proposed in this plan is a process, not a destination. Sustained effort is needed to move forward and to continue to improve.

One size does not fit all

California county populations range in size from less than 2,000 to over 10,000,000. What works in LA will not work in Alpine. How the recommendations of this report are implemented will vary from county to county.

AN OUTCOME-ORIENTED JUVENILE JUSTICE SYSTEM

Beginning in the late 1970's – first for adult offenders and some years later for juvenile offenders – much of the nation gave up on rehabilitation. While there were holdouts in various state and county juvenile justice systems, the “nothing works” mentality eventually affected juvenile justice in many jurisdictions. It wasn't until the late 1980's that researchers began to convincingly demonstrate that some things do in fact work. Certain kinds of programs directed at higher risk offenders can, and do, reduce the average recidivism rate for program participants.

Since then, the research evidence has greatly expanded, including large scale studies involving random assignment to treatment and control groups and cost/benefit studies of individual programs and types of interventions.

Out of this body of work a new model for justice system operation has emerged. The key elements of this model are:

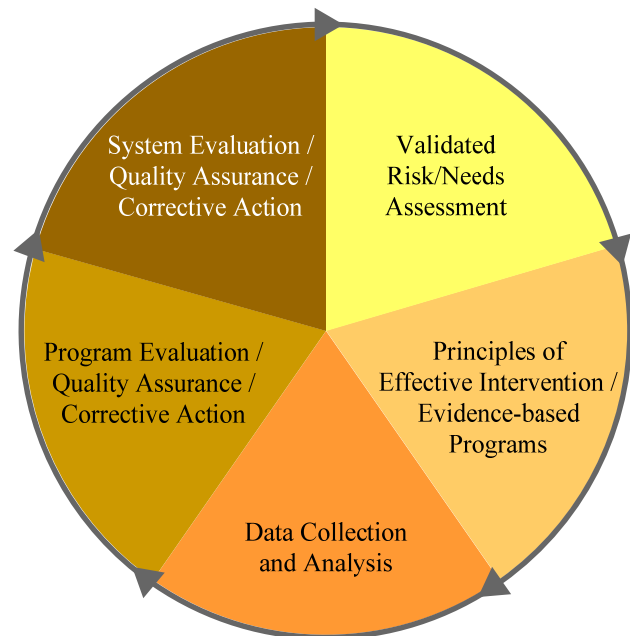
1. To effect positive change you need to reliably determine which youth to serve and what services to provide. Appropriately administered and designed risk/needs assessment tools do this.
2. Adherence to certain principles improves outcomes. Evidence-based programs – shown by competent research to effectively reduce future criminal behavior – incorporate these principles.
3. Consistently good decisions need consistently good information. The identification of success, or finding areas where change is necessary, requires quality analysis of reliable data.
4. To get good results, good programs must be competently delivered. Measuring outcomes and monitoring the quality of program delivery are critical to success. If a program or provider does not measure up, the program must be revised, the provider retrained, or one or both replaced.
5. Improving outcomes requires working smarter. Corrective action at the system level involves spending more on things that work and less on things that don't.

The components of this model are discussed in the paragraphs below.

RISK AND NEEDS ASSESSMENT

Successful juvenile justice outcomes must be built on a foundation of risk and needs assessment for each youth entering the system. Risk and needs assessment tools must be validated—that is,

A Model for Improving Outcomes



they must meet minimum scientific standards of validity and reliability. Valid risk assessment informs decisions affecting the goal of community safety by identifying those youth with the highest probability of engaging in future criminal behavior. Valid needs assessment is the basis for determining the kinds of services most likely to bring positive change in a youth. Valid needs assessment also informs decisions about where to concentrate resources to maximize positive outcomes and provides a mechanism for evaluating program effectiveness.

The science of risk and needs assessment has advanced greatly in recent years. There are a number of excellent assessment tools available commercially and some that have been developed locally by California counties.

Risk Assessment

Risk assessment measures factors predictive of future criminal behavior. There are both static and dynamic risk factors. Static factors are fixed attributes or things that can't be changed because they occurred in the past. Other factors are said to be dynamic because they are based on attitudes, beliefs, or behaviors that can be changed.

Each factor in the risk assessment instrument is given a weight based on statistical calculation of its relative importance. The sum of these weighted factors is the risk score of the person being assessed. Risk assessment instruments typically use cutoff scores to designate risk groups such as low, medium, and high.

Needs Assessment

Various types of issues are addressed in needs assessment. These are typically organized in domains such as family, school, employment, social influences, skills, attitudes/behaviors, etc. Some of these factors have been identified through research as "criminogenic needs" – i.e. things associated with a higher risk of criminal behavior. Criminogenic needs include things like antisocial attitudes, antisocial peer associations, poor problem solving skills, limited self-control, family dysfunction, and substance abuse. Limited alternatives due to lack of employment skills or failure in school are also associated with increased risk of crime and delinquency. Those domains where there are high needs become the targets for intervention.

Protective Factors

Many of the domains used to measure needs can also identify protective factors. For example, an influential pro-social parent, relative, or friend is an asset to be leveraged in efforts to address areas of need.

Program effectiveness can be measured by the aggregate change in needs and protective factors of groups of individuals who participate in a program.

Assessment Validity

Assessment validity is determined through a rigorous statistical process. One method – called cross validation – starts by analyzing a population with known attributes and follow-up history of offending to determine those attributes most strongly correlated with future criminal behavior or the lack thereof. This population is known as the "construction sample." A statistical model is then constructed that predicts the probability of reoffense of the people in the construction sample. When, in aggregate, the prediction of reoffense is a reasonable approximation of what actually happened with people in the construction sample, the model is tested to see if the results

can be generalized to a different group of offenders (the “validation sample”). If the model is as effective at predicting the future offense pattern of the validation sample, the model is said to be “cross validated.”

Assessment Reliability

Completing a risk/needs assessment involves gathering information from a variety of sources, including interviews. Even with the best assessment instruments there are opportunities for errors of omission, errors of commission, and errors of interpretation. To minimize these errors, it is essential to have good up-front training and periodic testing to determine if everyone administering assessments is doing it consistently and correctly. The way this is done is to have different people use the same instrument on the same person and compare the results. If the results are essentially the same, it is said that there is “inter-rater reliability.” If they are different, it means additional training is needed.

PRINCIPLES OF EFFECTIVE INTERVENTION

Researchers who have studied what works and doesn’t work to reduce recidivism have identified five factors that enhance the effectiveness of interventions. These are:

The Risk Principle

Programs and services designed to reduce recidivism should be given to offenders with a higher probability of reoffense; the higher the risk, the more intensive the services. In fact, some research indicates that providing intensive treatment to low risk offenders can actually *increase* recidivism.

The Need Principle

Programs and services for higher risk offenders should address multiple criminogenic needs. Programs that address non-criminogenic needs, or that are loosely focused do not reduce recidivism. The best results occur when at least four to six criminogenic needs are addressed.

The Treatment Principle

The most effective interventions reinforce appropriate behaviors and focus on factors that affect current behavior. The most effective models are based on cognitive behavioral theory and social learning theory. Cognitive behavioral theory identifies what to change (*what* and *how* offenders think). Social learning theory identifies how best to change anti-social behavior (modeling, practicing, and rewarding appropriate behaviors). Providing the right dosage (program duration) is also critical

The Responsivity Principle

The responsivity principle “refers to delivering treatment programs in a style and mode that is consistent with the ability and learning style of the offender.”²⁸ The importance of motivation in this equation has become increasingly important. Strategies based on Miller, Duncan & Hubble’s “Stages of Change”²⁹ and specific techniques like motivational interviewing can be effective at increasing responsivity.

²⁸ Andrews and Bonta, *The Psychology of Criminal Conduct*, 1994

²⁹ The stages of change are pre-contemplation, contemplation, preparation, action, maintenance, and termination. Relapse can begin the system all over again.

The Program Fidelity Principle

Research has shown that the skill of the program facilitator and how faithful he or she is to the program design make a big difference in the effectiveness of evidence-based programs. An ongoing quality assurance program is therefore essential to maintaining program integrity and delivering the desired outcomes. Such a program should be founded on written standards for hiring, training, and retaining qualified providers, and on the management and oversight of the delivery of treatment services. Individual program facilitators and the environments in which they deliver services should be assessed at least annually using a structured assessment instrument specifically designed for the program. Individual facilitators should be ranked on a continuum from highly competent to not competent. Program environments should be ranked on a continuum from highly adequate to not adequate. Where necessary, corrective action is required and, when completed, the program or facilitator is evaluated again.

EVIDENCE-BASED PROGRAMS

The phrase, “evidence-based,” has become a buzzword that one finds in every human service field. Given its statutory mandate to identify evidence-based responses to juvenile offending, the Commission carefully considered the meaning and possible applications of evidence based principles to juvenile justice programs in California. While there is no universally accepted definition, there are criteria used by reputable organizations to identify evidence based programs for juvenile and adult offenders.

One such organization is the Center for the Study and Prevention of Violence at the University of Colorado at Boulder. The Center operates the highly regarded Blueprints for Violence Prevention project. Among other things, this project designates programs that meet the Center’s criteria for being effective in reducing adolescent violent crime, aggression, delinquency, and substance abuse as “Blueprint Model Programs.” Since its founding in 1996, the Center has designated 11 programs as Blueprints and 18 others as being promising. The three most important criteria in reviewing programs for designation as Blueprints are:

- Evidence of a deterrent effect documented through studies with a strong research design,
- Evidence that effects are sustained at least one year beyond the treatment period, and
- Success in multiple sites – preferably in diverse settings with diverse populations.

Blueprint programs must meet all of these criteria. Promising programs must meet at least one of them.

The U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP) maintains a database of model programs designated as either “exemplary,” “effective,” or “promising.” Under their definitions, only exemplary and effective programs can reasonably be called evidence-based.

The Washington State Institute for Public Policy³⁰ (WSIPP) has conducted research using meta-analytic techniques on a very large number of studies to identify programs and interventions that are effective at reducing future crime by juveniles and/or adults. In addition to analyzing the effect of specific programs, meta-analysis can also determine the average effect of more general strategies (e.g. teen court or restorative justice) where the specific content or protocols may vary

³⁰ WSIPP is a non-partisan research organization that carries out research at legislative direction on issues of importance to Washington State.

from one site to another. The Institute has combined its meta-analytic evaluation of program outcomes with an economic model that compares program costs with estimated benefits to taxpayers and victims from projected reductions in recidivism. Their findings clearly demonstrate that a number of programs for juvenile offenders produce long-run savings much greater than the best programs for adult offenders.³¹ In other words, investing in programs that reduce recidivism at a younger age produces greater savings than later investments.

The bottom line in determining whether or not a program or intervention is evidence-based is that a rigorous process with transparent criteria is needed. In a state the size of California it would make sense to have an independent publicly funded research organization make such determinations. In addition, modeling the costs and benefits of such programs is an important step in achieving a cost effective system. This issue is discussed in more detail in Chapter 5, “Implementation Strategies.”

DATA COLLECTION AND ANALYSIS

The long-term goal of an outcome-oriented juvenile justice system is to reduce recidivism. Consequently, all of the data required to measure recidivism must be collected. For quality assurance purposes, and for more immediate feedback on the efficacy of a particular program or intervention, data must also be collected on the near term effects that a program or intervention is intended to produce. For example, were risk factors reduced or protective factors increased?

The specific data elements that need to be collected are discussed in detail in Chapter 5.

PROGRAM EVALUATION AND CORRECTIVE ACTION

There are evidence-based programs, programs with some evidence behind them, programs thought to be a good idea, and programs that exist on inertia alone. With the proper system, data collection, and data analysis it is possible to separate the wheat from the chaff.

Evaluation of outcomes for evidence-based programs is part of the quality assurance process. If the program is achieving its expected results then all is well. If not, additional work is needed to find out why and, if remediation is needed, to take corrective action.

Program evaluation can turn promising programs into evidence-based programs or identify things to change, add, or subtract to make them better. Some of the programs thought to be a good idea will, in fact, be good. Others can perhaps be retooled to incorporate more of the principles of effective intervention. Some should probably be scrapped.

Program evaluation is also important because poor programs, programs poorly delivered, or intensive programs targeting low risk offenders, can actually make matters worse.

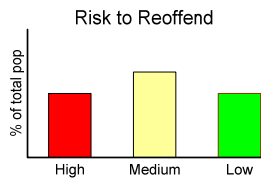
It is important to note that there are different kinds of program evaluation. The steps needed to make a truly convincing case that a new or promising program is effective can be costly and time consuming. The steps needed to determine if a proven program is still working, or to provide evidence that a program is promising and ought to be examined more closely, are far easier. It is the latter that the data system and process described in this section is intended to accomplish.

³¹ Aos, Miller, and Drake. (2006), *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*. Olympia: Washington State Institute for Public Policy.

SYSTEM EVALUATION AND CORRECTIVE ACTION

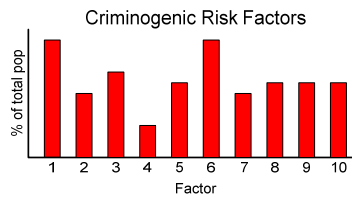
Together, assessment and performance data help juvenile justice personnel decide which programs or interventions are most effective and most deserving of financial support. This includes identifying *who* should receive the most intensive services and *what* services they should receive. These concepts are illustrated in the following charts.

Risk to reoffend determines who receives the most intensive interventions (priority to high and medium risk youth)

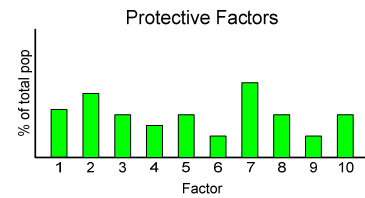


The aggregate risk profile of all assessed youth affects budget requests and the allocation of resources

The aggregate risk and protective factor profile of the total population determines what treatment interventions are most needed within a jurisdiction.



A program, facility, or agency, is effective if aggregate risk factors decrease, and/or aggregate protective factors increase, as youth are reassessed. Program efficacy affects future training and funding.



Long-term outcomes (is recidivism going down?) are a key measure for determining if the goal of increasing community safety is being realized. Other data must also be collected and analyzed to determine how well the goal of holding youth accountable for their actions is being realized. (Is restitution being paid? Are community service hours performed? Are other court orders being followed?)

THE JUVENILE JUSTICE CONTINUUM

The juvenile justice continuum is commonly thought of as starting with initial contact with law enforcement, moving deeper into the system through confinement, and ending with re-entry and post release supervision and services. As discussed in Chapter 2, “California’s Juvenile Justice System,” this continuum can also be thought of as a series of decision points. The amount of discretion and the options available at each decision point affect the content and comprehensiveness of the continuum.

The following diagram shows the basic component parts of the juvenile justice continuum in California in relation to these decision points. The options available to decision makers at each point may be considerable in medium and large counties or negligible or non-existent in small and very small counties.

Components of the Juvenile Justice Continuum

Contact to Referral	Referral to Petition	Petition to Disposition	Dispositional Alternatives	Post Custody Alternatives
	Counsel and release / return to parents/guardians/other responsible party			
	Diversion / community-based alternatives Informal probation with or without services Secure detention Alternatives to secure detention			
	Out-of-home placement			
		Direct File / Remand	Prison or DJJ	(same as below)
			Non-ward probation Wardship probation Injunctive requirements Restorative justice requirements Treatment requirements Day, evening, after-school reporting	
			Juvenile Hall	Transition facilities
			Camp/Ranch	Re-entry services
			Other facility	After-care services
			DJJ	Parole supervision

When local practices or available options at the front end of the system fail to provide sufficient flexibility or capacity to provide meaningful alternatives for low risk offenders, these youth move deeper into the system. As the research suggests, this can have adverse consequences for low risk youth. It also places additional burdens on the system and increases costs to the taxpayer.

If there are more options for law enforcement to release a youth to a responsible party, referrals to probation and presentations to detention should go down. If there are more options and available resources for diversion and/or informal probation, filings should go down. If there are more options for juvenile court diversion, informal probation, non-ward probation, and deferred entry of judgment, wardships should go down. And if outcomes can be improved in state, county, and community treatment programs, crime should go down.

JUVENILE JUSTICE CONTINUUM OPTIONS

A list of options at various parts of the juvenile justice continuum can be found below. This list is not intended to be proscriptive or even complete. For resource reasons and size of demand, many of these options can only exist in larger counties. When such programs and services are needed, smaller counties could benefit by having access to them on a regional or contract basis.

Examples of Options on the Juvenile Justice Continuum

Options for Law Enforcement

Police diversion programs

Assessment centers in lieu of detention

Designated organizations or individuals to supervise released youth when a parent, guardian or relative is not available.

Community-based Alternatives

Community Accountability Boards

Restorative justice programs

Truancy intervention/prevention programs

Programs/facilities for runaway and other 601 youth

Alternative schools

Community service programs

Faith-based programs and services

Case Processing Alternatives

Juvenile drug and other specialty courts

Teen court / peer court

Alternatives to Secure Detention

Day, evening, or after-school reporting centers

House arrest / home detention

Electronic monitoring

Transition facilities for youth on parole or leaving county camps/ranches

Special Programs and Treatment Services

Residential substance abuse treatment

Residential mental health treatment

Residential sex offender treatment

Inpatient dual diagnosis services (secure and non-secure)

Outpatient services for all the above

Wraparound services

In-custody evidence-based treatment programs

Out-of-custody evidence-based treatment programs

Evidence-based family interventions

Gang reduction / prevention programs

Dual status / supervision (241.1 WIC)

Re-entry planning services

After-care services

Out-of-home Placements

Relative foster homes

Certified family homes

Foster family homes

Group homes (RCL 11 and below)

Group homes (RCL 12 and above)

THE ECONOMICS OF AN OUTCOME ORIENTED JUVENILE JUSTICE SYSTEM

The Commission is charged with cost evaluation of its recommendations. Because we are concerned about both cost and cost-efficacy we looked at various economic models for juvenile justice. The best known model – and one we liked – is the Washington State model. This model provides a method for determining which programs reduce juvenile offending in a cost-effective way. Since there are programs that produce more savings than costs, in the long run, a well designed system can actually end up saving taxpayers money.

In the Washington model, the economics of evidence-based crime reduction are driven by five things:

- The average effect size (crime reduction) of specific programs and strategies
- The baseline recidivism rate of the offender population participating in these programs
- The marginal operating and capital costs of various crime categories on each component of the justice system
- The estimated cost to victims of various crimes
- The cost per offender to operate each program

There are, in addition, many technical complexities. For example, it is necessary to calculate the present value of future savings based on recidivism rates and how future offending is spread out over time through typical criminal careers.³² In addition, the Washington model projects two kinds of savings: taxpayer savings and victim savings. While both are important, there are a number of programs that the model shows to be cost effective solely from a taxpayer perspective. These are particularly attractive investments.

Because it was developed by the Washington State Institute for Public Policy for the state legislature, certain aspects of the model are specific to Washington State. For example, the model relies on recidivism rates and cost parameters from Washington. Among other things, application of the model elsewhere would require substitution of local recidivism rates and local program and justice system marginal costs. In a state as diverse as California it might be helpful to use regional justice system and program costs.

Caveats Regarding Cost Savings

There are several important things to understand when it is asserted that investing in cost effective programs can save taxpayers money. First, cost savings are based on cost avoidance. No one receives a check in the mail when crime goes down. Costs are avoided only if the system adjusts over time to lower levels of crime. Further complicating matters is the fact that – if other forces tend to increase crime – costs could simply increase at a slower rate.

A second important consideration is that program costs are experienced now but savings accrue over time. While present value analysis can express these savings in today's terms, some of the savings occur many years in the future. Since some of these savings are well beyond typical election cycles, it may be difficult to muster the political will to spend more today to save money tomorrow.

³² A detailed description of the model can be found in the technical appendix of Aos, Phipps, Barnoski and Lieb, *The Comparative Costs and Benefits of Programs to Reduce Crime*, Version 4.0 WSIPP 2001

A third important factor to understand is that justice system savings accrue to multiple jurisdictions and levels of government. Only when all of these savings are combined is the full impact of investments in programs to reduce crime realized. Taxpayers come out ahead, but each taxing authority realizes only part of the savings. This raises the question, who pays for the programs? If one jurisdiction pays all the costs and multiple jurisdictions split the benefits, some units of government are winners and at least one is a loser. What is needed is an equitable way to share costs and benefits.

Finally, an important implication of an outcome-oriented juvenile justice system is that you don't just spend more on programs that work – you stop spending money on programs that don't. In theory, a redistribution of current expenditures means fewer new dollars are needed to pay for effective programs. In reality, many programs that probably should be stopped have strong constituencies that make de-funding difficult.

THE LIMITS OF THE JUVENILE JUSTICE SYSTEM

Based on the Commission's interpretation of its statutory charge, we have focused on ways to improve the outcomes of the juvenile justice system in California. But juvenile crime and delinquency is not just a problem for the juvenile justice system. There are societal as well as personal factors that contribute to a youth's involvement in crime and delinquency. Families, schools, social service agencies, faith-based groups and other community organizations all play vital roles in raising children to be responsible adults.

The outcome-oriented system described in this chapter, and the implementation strategies discussed in Chapter 5, will do much to improve community safety, hold youth accountable, and improve life chances for youthful offenders. However, as California seeks to make improvements in all of these areas, we must not lose sight of the importance of prevention and early intervention efforts outside the juvenile justice system.

4 Survey Findings

INTRODUCTION

As part of its work, the Commission conducted a survey of county probation departments, reviewed reports by the Corrections Standards Authority, and examined other materials to help understand the current state of juvenile justice in California. This included collecting survey and other information so the commission could (as required by Senate Bill 81) take into consideration the evidence-based programs and risk and needs assessment tools currently in use by the counties.

There are several major conclusions from this review. First, it is apparent that counties have used much of their Youthful Offender Block Grant monies to expand the availability of nationally recognized risk and needs assessment tools and to expand the use of evidence-based programs. Second, it is clear that a number of the parts and pieces needed to construct an outcome-oriented juvenile justice system already exist in many counties. Much still needs to be done – particularly in building the statewide infrastructure to tie the parts and pieces together and expand upon what is already in place – but there is a good foundation upon which to build.

YOUTHFUL OFFENDER BLOCK GRANTS

The realignment of juvenile justice responsibilities contained in Senate Bill 81 became effective September 1, 2007. Beginning on that date, the state Division of Juvenile Justice stopped accepting juvenile court commitments and parole violators convicted of other than the most violent, serious offenses delineated in *W&IC Section 707(b)* and/or specified sex offenses. The less serious juvenile offenders – the so-called non 707(b) offenders – became the responsibility of local jurisdictions so, as the Governor said in announcing the realignment, they could “benefit from programs within their communities and be closer to potential support networks.”³³

Along with the responsibility for this new category of juvenile offenders, SB 81 provided grants to county probation departments to develop or enhance programming, staffing and facilities to manage the youthful offenders no longer eligible to be committed to, and those returned from, DJJ. The 2007-08 state Budget included \$23 million from the General Fund for the first (partial) year of Youthful Offender Block Grants (YOBG) to support counties’ work with juvenile offenders. The block grant amount is to increase to a total of \$92 million by 2010-11.

SB 81 required county probation departments to report to the Corrections Standards Authority (CSA) by January 1, 2008, what they intended to pay for with their first year Youthful Offender Block Grants. Analysis of these reports indicates that, overall, counties sought to use grant funds to develop and/or enhance assessment capacity and to strengthen a wide array of programs and services. Most counties reported using the grant dollars for more than one kind of service or intervention and all counties sought to use the first year grant to fill what they perceived as their most important gaps in service for juvenile offenders.³⁴

³³ Office of the Governor, Press Release, “Governor Schwarzenegger Releases \$23 Million for Counties to Implement Juvenile Justice Reforms,” 12/4/2007

³⁴ Analysis of counties use of YOBG funds, narrative summary of each county’s YOBG First Year Funding plan and analysis of counties’ Implementation Progress Reports submitted to CSA in April 2008 are included in the Appendix to this report.

In mid-May 2008, CSA surveyed probation departments as to the progress they were making with their YOBG program implementation. Departments were asked to report their accomplishments through April 30, with regard to getting programs and services up and running and any major barriers to implementation they were experiencing. Analysis of the responses to this update survey shows that, as early as four (4) months into realignment, county probation departments had made significant progress in planning and implementing major elements of realignment consistent with the intent of SB 81. Even though there was a very short start up time for realignment, by April of 2008, probation departments had begun providing services with block grant funds. Through March 2008, 735 youth had received services through YOBG funded programs.

Kinds / Categories of Programs Implemented – CSA asked each department to identify its progress implementing each and all of the programs or services for which the county had reported the intention to use YOBG dollars.³⁵ There was a great deal of variety in program choices among counties; some selected multiple options while others chose only one or two. On average, the larger counties – which had more offenders as well as more dollars to spend – opted to undertake more types of program and/or service expansion than did the small counties.

Overall, YOBG funded efforts fell into thirteen general categories, as shown below.

Categories Of Programs / Services Chosen By Counties For YOBG Funding	
Assessment Tool(s)	Miscellaneous Program Types
Probation Supervision/Programs/Case Mgmt.	Contract for Beds and/or Services
Mental Health Programs	Add Probation Staff
Substance Abuse Programs	Add Treatment Staff
Vocational Programs	Staff Training
Wellness Programs	Purchase Equipment/Supplies
Re-Entry and Aftercare Programs	

Data Collection – In addition to reporting on their implementation progress and the use of YOBG dollars, counties were also asked whether they were collecting data on participation in and outcomes of their YOBG funded programs. Those who said they were not currently collecting this information were asked if they intended to do so when their programs were fully operational. All of the large counties, 92.4% of the medium size counties and 77% of the small counties said they either were collecting or were planning to collect this data.

³⁵ Please refer to the Appendix for details

STATE JUVENILE JUSTICE COMMISSION SURVEYS

During the summer of 2008, the Commission conducted a survey of county probation departments on a variety of subjects related to realignment, current operations, availability of electronic data, and priorities. Similar information was gathered from DJJ.

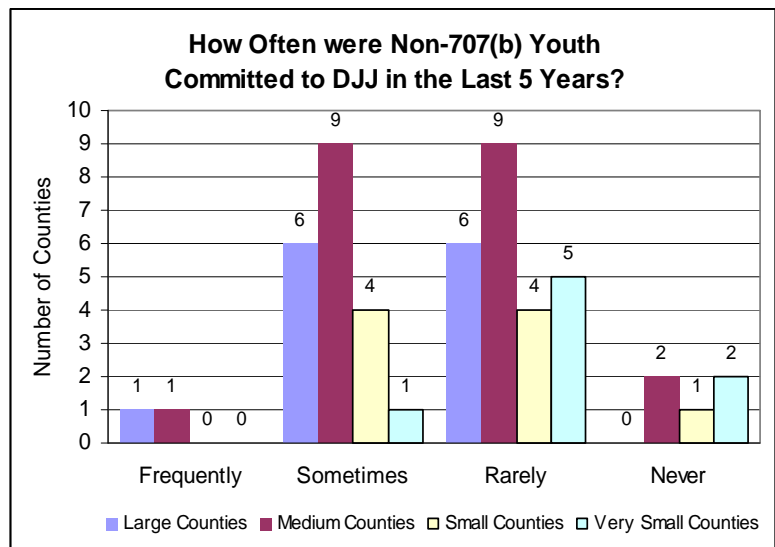
Surveys were submitted by 53 counties representing over 99 percent of California's population.³⁶ For most of the following analysis, counties are divided into four categories based on size: large, (population greater than 700,000), medium (population greater than 200,000 but less than 700,000), small (population greater than 35,000 but less than 100,000), and very small (population less than 35,000). Of the five counties that did not participate in the survey, one was small and four were very small.

Copies of the survey forms and a complete report on survey findings can be found in the Appendix to this report.

REALIGNMENT

Counties were asked four multiple choice questions about realignment:

1. The frequency with which non-707(b) youth from their county were committed to DJJ during the last five years
2. The typical offense history of these youth
3. The kinds of local services these youth typically received prior to state commitment
4. The anticipated short- and long-term effects of realignment

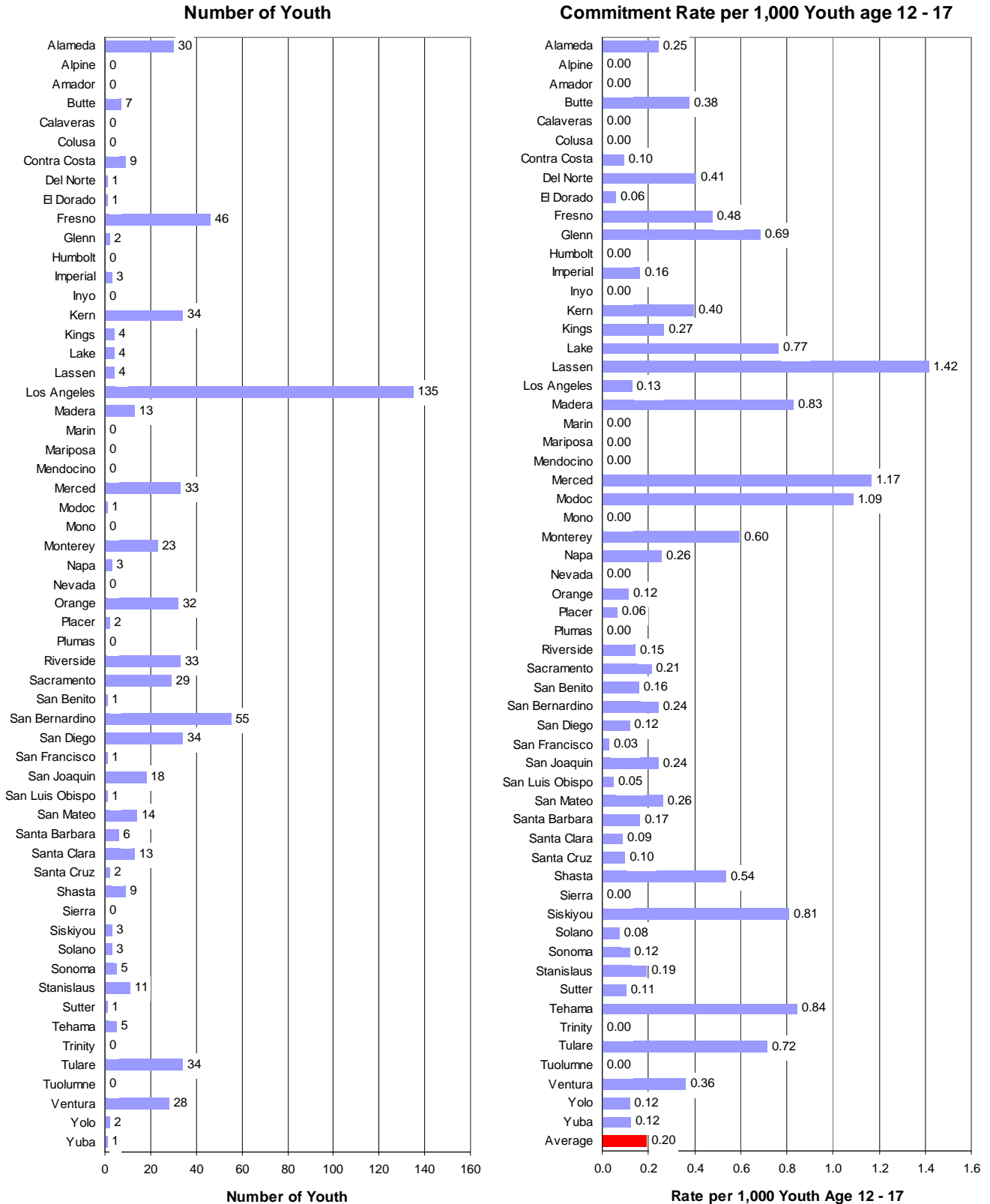


The first chart on the right shows, by county size, how counties responded to the first question. One large county (Los Angeles) and one medium size county (Merced) said they had frequently committed non-707(b) youth to the state over the last five years.

The two charts on the next page show the number, and rate per 1,000 juveniles, of non-707(b) youth in DJJ facilities as of the effective date of Senate Bill 81 (September 2007).

³⁶ Not all counties answered all the survey questions. Consequently, totals do not always add to 53 and percentages do not always add to 100%.

Non-707(b) Youth in DJJ Facilities in September 2007 (Effective Date of Senate Bill 81)

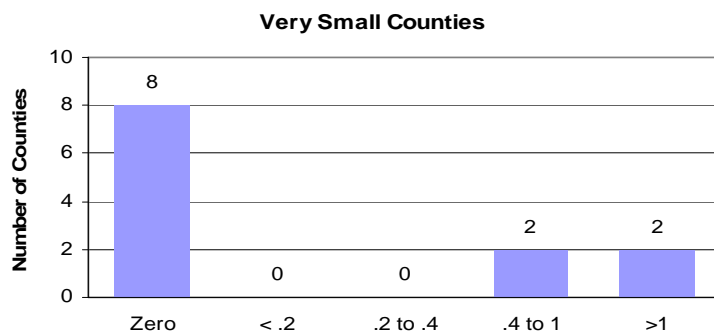
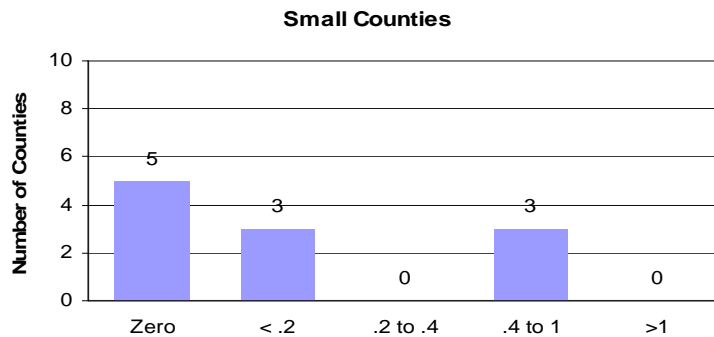
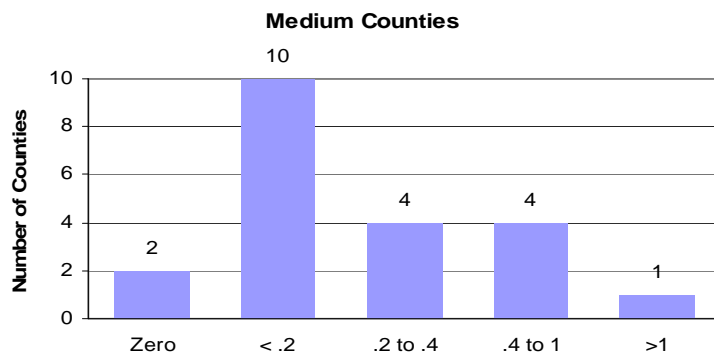
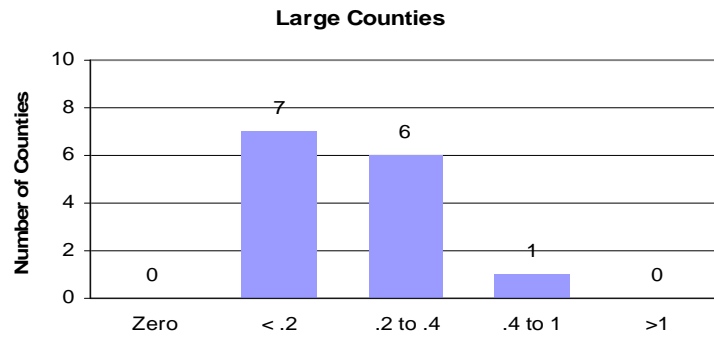


Commitment Rate per 1,000 Youth Age 12 – 17 By Size of County (average rate = .2 per 1,000)

As the charts on the preceding page and to the right illustrate, a large number of commitments (e.g. Los Angeles) does not necessarily translate into a high commitment rate.

The average commitment rate for the 21 medium size counties was .29 per 1,000, or about 45 percent above the average for the state as a whole. As the chart to the right shows, medium sized counties had the greatest variability in non-707(b) commitment rates.

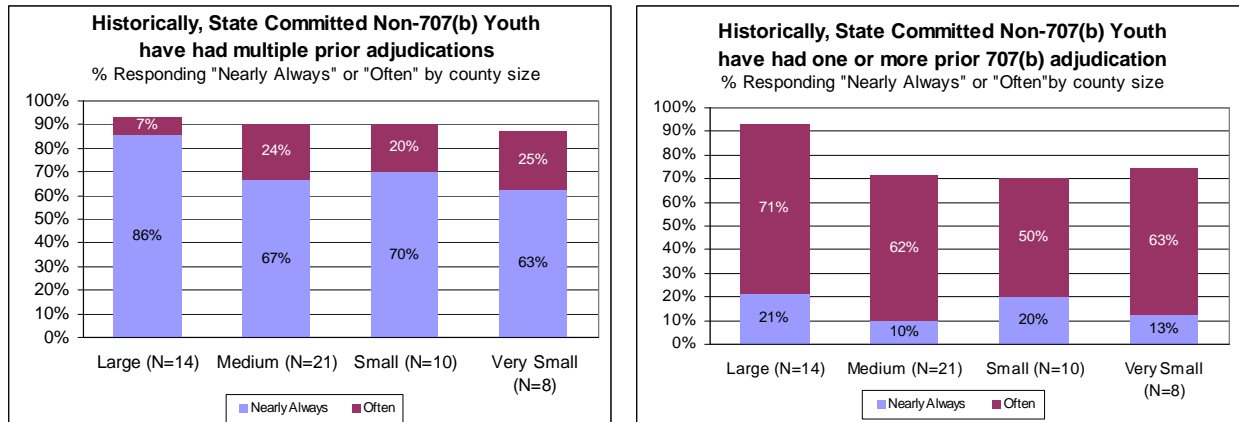
Small and very small counties tended to have few or no non-707(b) commitments. The relatively high commitment rate for a few small and very small counties is generally the result of small population sizes. (The smaller the population, the greater the impact of a small number of commitments.)



Commitment Rate per 1,000 Youth Age 12 - 17

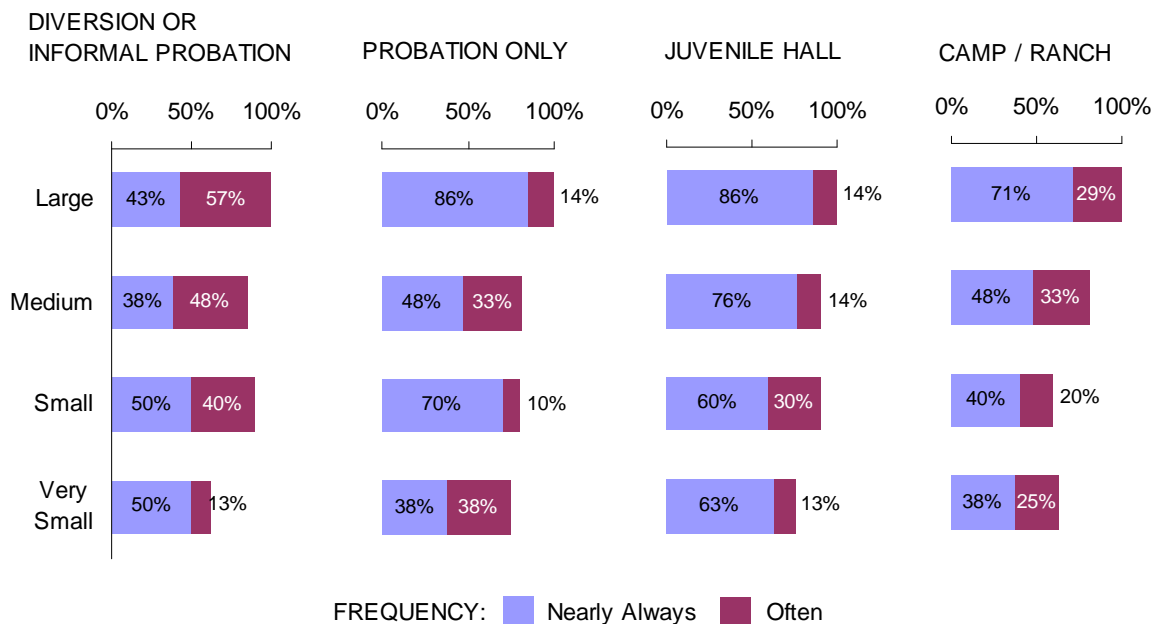
Characteristics of Non-707(b) Youth Historically Committed to DJJ

Based on survey responses, over 90 percent of participating counties reported that non-707(b) youth committed to DJJ over the past five years often, or nearly always, had multiple prior adjudications. More than three-fourths of the counties (and over 90 percent of the 14 large counties) reported that these youth often, or nearly always, had a 707(b) adjudication before being committed to DJJ as a non-707(b). Differences by county size can be seen in the following two charts. These charts show that in large counties it is more likely that non-707(b) commitments to DJJ have multiple prior adjudications and/or prior 707(b) adjudications.



During the last five years, particularly in large counties, by the time a non-707(b) youth was sent to DJJ, he or she had been through most locally available interventions and placements.

Frequency of State Committed Non-707(b) Youth with Prior Placements By County Size

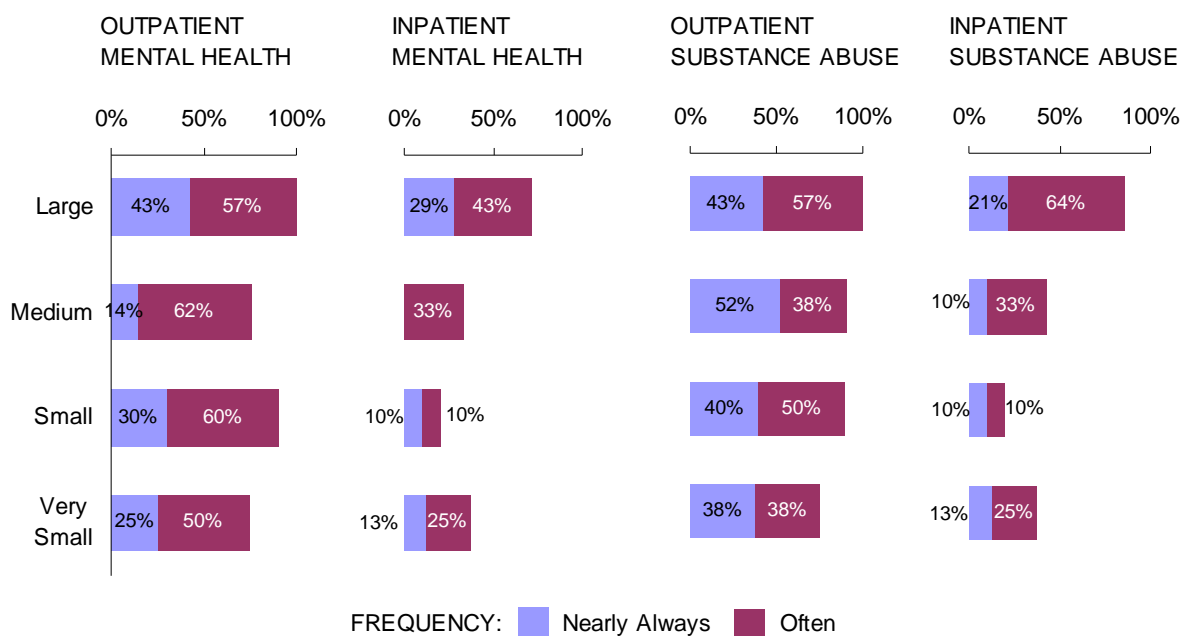


These youth had also often, or nearly always, received some outpatient services. Even in very small counties, at least three-quarters of participating counties reported that these youth often, or

nearly always, received some outpatient mental health services. Over 90 percent of small, medium, and large counties reported the same with regard to outpatient substance abuse services.

A very different picture emerges when inpatient mental health and substance abuse treatment services are considered. Presumably because of more readily available resources, large counties were much more likely to report that many of these youth had been in an inpatient program prior to commitment to DJJ.

Frequency of State Committed Non-707(b) Youth Receiving Local Services By County Size



Anticipated Effects of Realignment on Local Agencies

Counties were asked to identify possible short- and long-term effects of realignment from a list of topics.³⁷ Topics included the effect of realignment on local resources, potential changes in charging and bargaining practices and in youth tried as adults, concerns about continued state funding, and if counties expect efforts in the future to undo all or part of realignment.

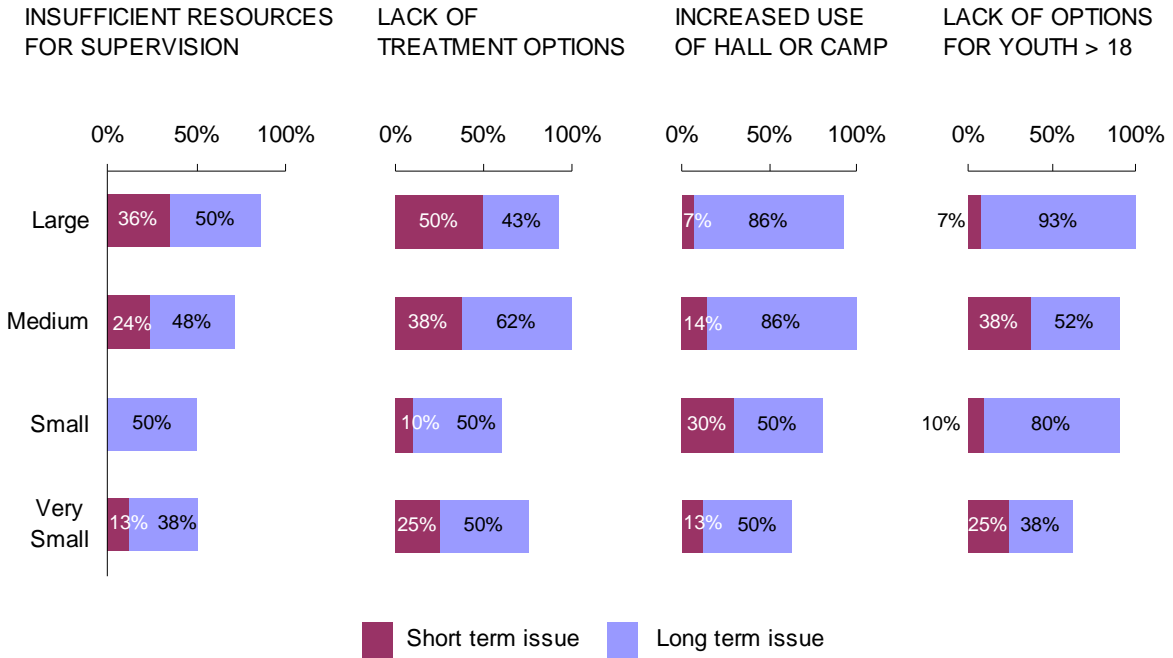
Ninety percent of small and medium counties, and 100 percent of large counties, identified lack of confinement options for youth over 18 as a short- or long-term effect of realignment. Five out of eight very small counties also identified this as an issue.

Medium and large counties were more likely to identify insufficient resources for supervision, lack of treatment options, and increased use of juvenile halls and camps as a short- or long-term issue. These findings are illustrated in the following charts.

³⁷ Counties could also write in additional effects, but this option was not frequently used.

Anticipated or Actual Effects of Realignment on Local Resources

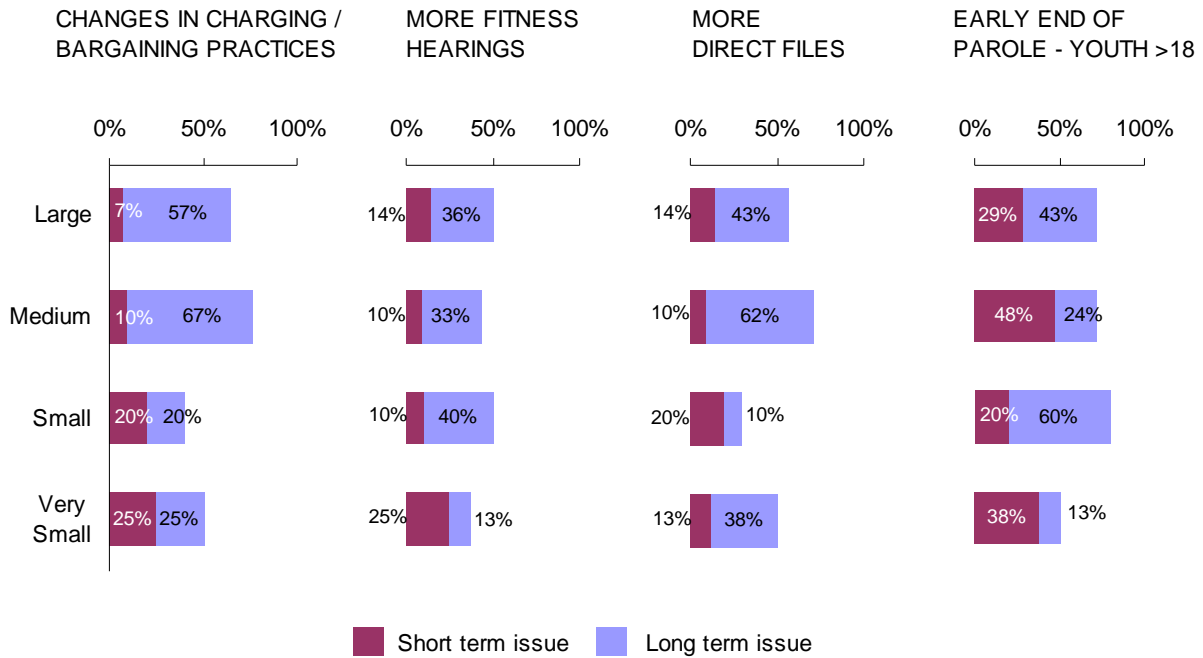
By County Size



Anticipated or actual indirect effects of realignment included changes in charging and bargaining practices, increased use of fitness hearings and direct files, and early termination of parole for youth over 18.³⁸ The percentage of counties identifying these issues is illustrated below.

Anticipated or Actual Indirect Effects of Realignment

By County Size

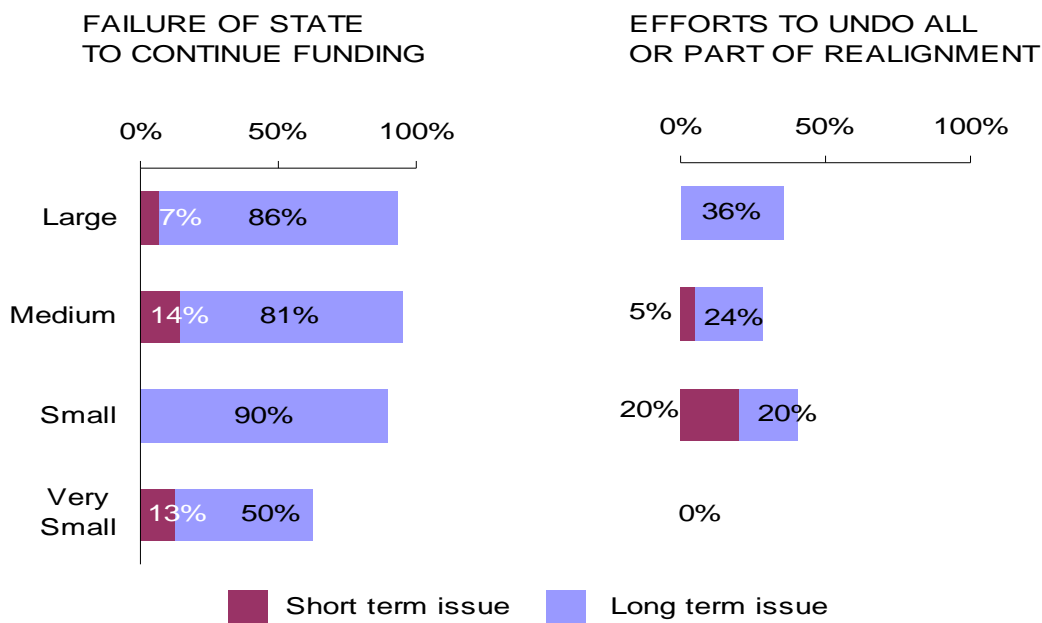


³⁸ While some counties reported early termination of parole as a long-term issue, it can only be a short term issue.

Far and away the most frequently cited concern of counties was that state funding may not continue. Ninety to 95 percent of small, medium and large counties identified this as mainly a long-term issue. Five out of eight very small counties expressed the same concern.

None of these concerns translated into a belief that there would be lobbying to undo all or part of realignment. While this number might increase if the state ceased (or greatly reduced) funding, at the time of the survey fewer than 30 percent of responding counties identified a concern about efforts to undo all or a part of realignment as an anticipated effect of realignment.

Anticipated Future Issues Relating to Realignment By County Size



Effects of Realignment on DJJ

The three major effects the Senate Bill 81 realignment is having on DJJ are: 1) to reduce the total population, 2) to ‘harden’ the population and 3) to increase the average length of stay in DJJ facilities and on parole. Because SB 81 limits DJJ commitments to *WIC 707(b)* offenses and certain *non-707(b)* sex offenses, first admissions to DJJ, which had already decreased from thousands per year in the 1990’s to 579 in 2006-07, decreased to 386 in 2007-08. By 2013, it is projected that first time admissions to DJJ will be around 320 per year. Parole violation admissions will also decrease as the *non-707(b)* parolee population becomes a local, rather than DJJ, responsibility.³⁹

One of the most striking effects of realignment is that it will cause DJJ’s population to be comprised almost entirely of violent and qualifying sex offenders. It is already the case that all new admissions are violent and/or qualifying sex offenders. As those who were committed under

³⁹ CDCR Office of Research, Juvenile Research Branch, *DJJ, Fall 2008 Population Projections, Juvenile Institution and Parole, Fiscal Years 2008-09 through 2012-13*, pages 2, 4 and 6

prior law are released and cease to return on parole revocations, violent and qualifying sex offenders will be all that is left. This is already happening. During last fiscal year (2007-08) 95 percent of DJJ admissions were for violent or specified sex offenses, just under four percent were for property offenses, and about one percent were for drug or other offenses.

Because more serious crimes result in longer sentences, DJJ anticipates that the average length of stay in its facilities, which was 33.3 months in 2007-08, will rise to 40.1 months by 2012-13. Since future releases to parole will consist primarily of cases with jurisdiction to age 25 (again due to Senate Bill 81), average parole time is also expected to increase dramatically. Length of stay on parole for male parolees is projected to increase from an average of 24.8 months for 2008-09 parole departures to an average of 36.5 months by 2012-13. For future female parolees, length of stay on parole is projected to increase from 30.6 months for 2008-09 to an average of 48.5 months by 2012-13.⁴⁰

EXISTING ASSETS

The local juvenile justice system in California has many assets and the recent infusion of YOBG dollars has added to county capabilities. DJJ, through its reform efforts, is also making significant progress. This section presents survey finding about risk and needs assessment, existing components of the juvenile justice continuum, and use of evidence-based programs and principles by California counties and DJJ.

RISK AND NEEDS ASSESSMENT

In 2006, only one-third of county probation departments were using a validated risk assessment instrument and only 10 percent had assessment results available electronically.⁴¹ By the summer of 2008, 83 percent of counties had acquired, and many were using, a validated instrument. Up to 70 percent of these counties may have risk assessment results available electronically. Nearly as many counties (79 percent) also have instruments to assess criminogenic needs and protective factors.⁴² Almost half of these counties report they reassess risk and needs periodically and at termination of probation.

The two tables on the next page list the assessment instruments and the number of counties associated with each one. As these tables show, there is very little difference between large, medium, small and very small counties in the percentage that have acquired valid assessment instruments.

DJJ is also using a validated risk and needs assessment, the Youth Assessment and Screening Instrument, or YASI, which is based on an instrument developed in the late 1990's by the Washington State Institute for Public Policy for the Washington Association of Juvenile Court Administrators. The assessment tools most commonly used by California counties – the Positive Achievement Change Tool and Back on Track – are also based on the Washington model.

The YASI, as implemented by DJJ, is integrated with a case planning system whereby the output of the assessment includes recommendations for specific interventions based on the youth's risk

⁴⁰ *DJJ Fall 2008 Projections*, pages 5, 9 and 10

⁴¹ Hennigan et al, *2006 Juvenile Justice Data Project*, University of Southern California, Center for Research on Crime

⁴² Many counties acquired risk and needs assessment instruments in 2008 by using YOBG funds.

level and criminogenic needs and protective factors. The Juvenile Assessment and Intervention System (JAIS), used by two California counties, also generates case planning recommendations.

Risk Assessment

Assessment of Risk of Future Offending as of Fall 2008	Frequency	Percent
PACT (Positive Achievement Change Tool)	22	41.5%
BOT (Back on Track)	6	11.3%
YLS/CMI (Youth Level of Service/Case Management Inventory)	6	11.3%
RRC (Risk and Resiliency Check-up)	3	5.7%
JAIS-NCCD (Juvenile Assessment & Intervention System / NCCD)	3	5.7%
NIC (Juvenile Risk and Need Assessment / Orange County & National Institute of Corrections)	2	3.8%
COMPAS (Correctional Offender Management Profile for Alternative Sanctions)	2	3.8%
Subtotal - Nationally Validated Assessment Instruments	44	83.0%
Locally developed Risk Assessment (Madera, Santa Clara, Santa Barbara, Tehama)	4	7.5%
None in use (Alpine, El Dorado, Fresno, Kings, Mono)	5	9.4%
Total	53	100.0%

Criminogenic Needs Assessment

Tools Used to Assessment of Criminogenic Needs, Fall 2008	Frequency	Percent
PACT - Positive Achievement Change Tool	22	42%
BOT- Back on Track	5	9%
YLS/CMI - Youth Level of Service/Case Management Inventory	6	11%
RRC - Risk and Resiliency Check-up	3	6%
JAIS -Juvenile Assessment & Intervention System	2	4%
COMPAS Correctional Offender Management Profile for Alternative Sanctions	2	4%
Subtotal - Nationally Validated Assessment Instruments	40	75%
MAYSI (alone or with other assessments not listed)	4	8%
Locally developed (Kings, Madera, Placer, Santa Clara, Tehama)	5	9%
None (Alpine, El Dorado, Fresno, Mono)	4	8%
Total	53	100%

EXISTING COMPONENTS OF THE JUVENILE JUSTICE CONTINUUM

For purposes of this section, the juvenile justice continuum is divided into eight parts:

County Components

- Early Intervention (non court-ordered)
- Regular Probation
- Intensive Supervision
- Juvenile Hall Facilities
- Camp and Ranch Facilities
- Re-entry and Aftercare

State Components

- DJJ Facilities
- DJJ Parole

Overall, as of September 2008, there were an estimated 669 programs and facilities for juvenile offenders in California. Information was received from counties and the state on 636 of them.

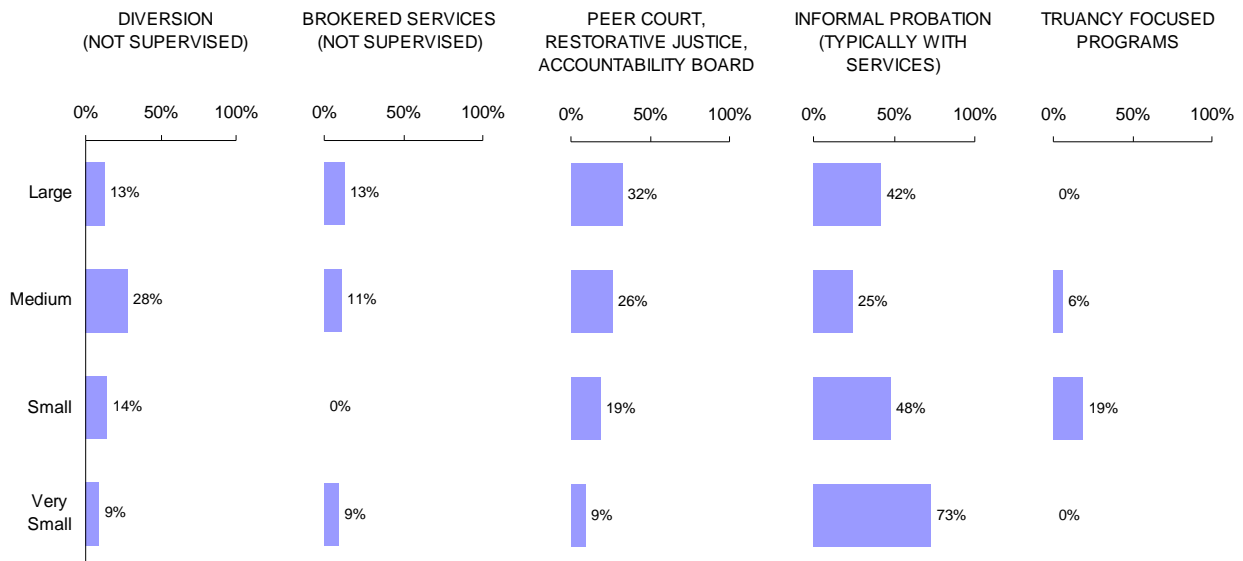
Number of Juvenile Offender Programs & Facilities in California

Components of the Juvenile Justice Continuum in California	Reported Number of Programs and Facilities	Estimated Additional Programs	Total Estimated Number of Programs and Facilities
Early Intervention	116	8	124
Regular Supervision	173	14	187
Intensive Supervision	140	7	147
Juvenile Hall Facilities	56	2	58
Camp / Ranch Facilities	68	1	69
Aftercare / Re-entry	65	1	66
DJJ Facilities	6	0	6
DJJ Parole Offices	12	0	12
Total	636	33	669

Early Intervention

There is considerable variation in the availability of early intervention programs based on county size. Typically, the larger the county the more likely it is to have early intervention programs. However, as shown below, this is not the case with informal probation.

Percentage of Counties with Early Intervention Programs By County Size



About half the counties have caseloads of 25 to 50 youth on informal probation - about a third are larger and the remainder smaller. All but one county reported that youth on informal probation are contacted at least monthly and nearly a quarter contact youth at least once per week. Very few early intervention programs are longer than 180 days.

Regular Probation

There are a reported 173 probation programs for youth in the 53 reporting counties. These range from non-supervised probation and court-ordered informal probation to dual supervision and more intensive types of regular probation. The number of programs of each type is summarized in the following table.

Supervision of Youth on Regular Probation

	Number of Programs	Percent of Total Programs
Rarely supervised (or unsupervised)	18	10%
Court-ordered informal probation	53	31%
Deferred entry of judgment	23	13%
Regular probation supervision	63	36%
Dual supervision	8	5%
School-based supervision	5	3%
More intensive regular supervision	3	2%
Total (53 reporting counties)	173	100%

There was very little reported difference in use of deferred entry of judgment or regular probation based on county size. However, four times as many medium and large counties as small and very small counties reported they had youth on probation who were unsupervised or rarely supervised.

Intensive Supervision

In addition to regular intensive supervision, counties are operating specialized intensive supervision programs designed for drug offenders, mentally ill youth, gang members, youth and families, and sex offenders. There are also intensive supervision programs associated with alternative schools and day reporting centers. Some counties augment intensive supervision with electronic monitoring. There were 140 different intensive supervision programs in operation in late summer, early fall 2008, in the 53 reporting counties. The type and number of programs are listed in the following table.

Types of Intensive Supervision Programs

	Number of Programs	Percent of Total Programs
Regular Intensive Supervision	44	31%
Drug Court or Drug Focus	24	17%
Mental Health Focus	15	11%
Electronic monitoring	12	9%
Gang Focus	11	8%
Alternative School Setting	11	8%
Family Focus / Placement	10	7%
Sex Offender Focus	8	6%
Day Reporting Centers	5	4%
Total (53 reporting counties)	140	100%

Medium and large counties reported an average of about 3.5 different intensive supervision programs. Small and very small counties had an average of about 1.4 programs. Except for specialty caseloads for drug offenders there are almost no specialized intensive supervision caseloads in small and very small counties. Day reporting centers are found only in medium and large counties.

Juvenile Hall Facilities

Counties that participated in the survey have programs in 56 different juvenile hall facilities. As part of the survey, counties indicated if a program or some of its components were “evidence-based.” While counties were asked to identify the basis for such a designation (national research and evaluation or California/local research and evaluation), not all counties provided this information. Based on reports received, nearly 60 percent of all programs in juvenile halls had at least some component that the reporting agency considered evidence-based. (The issue of evidence-based programs is discussed at more length in the section below titled, “Use of Evidence-based Programs and Principles.”)

Types of Programs in Juvenile Hall

Program	Facilities with Program	% of Facilities with Program
Evidence Based Therapy	33	59%
Mental Health Services	40	71%
Skills Development	51	91%
Vocational Training & Employability Skills	26	46%
Family Involvement and Parenting Skills	36	64%
Victim Focused	2	4%
Education Enhancement	48	86%
Housing / Independent Living	24	43%
Behavioral Health and Drug Related	54	96%
Systems of Care	13	23%
Counseling	45	80%
Stress Management	35	63%
Self-esteem	35	63%
Mentoring	20	36%
Boot Camp	1	2%
Community Service	11	20%

Counties with juvenile halls identified a variety of programs for special populations as listed in the following table.

Programs for Special Populations in Juvenile Hall

Special Population	Facilities with Program	% of Facilities with Program
Substance abusing youth	18	32%
Youth with major school issues	15	27%
Gang-involved youth	13	23%
Violent offenders	17	30%
Families	4	7%
Residents of high crime areas	9	16%
Non-violent youth	10	18%
Females	21	38%
Young offenders	13	23%
Mentally ill youth	13	23%
Youth requiring a high level of security	17	30%
Sex offenders	4	7%
Developmentally disabled youth	4	7%
Direct file minors pending adult court	14	25%
Native Americans	1	2%
DJJ	1	2%

Camp and Ranch Facilities

Counties that participated in the survey have programs in 58 different camp or ranch facilities. As with the survey of juvenile halls, counties indicated if a program or some of its components were “evidence-based.” Based on reports received, nearly 70 percent of all programs in camps and ranches had at least some component that the reporting agency considered evidence-based.

Types of Programs in Camps and Ranches

Program	Facilities with Program	% of Facilities with Program
Evidence-Based Therapy	47	69%
Mental Health Services	32	47%
Skills Development	65	96%
Vocational Training & Employability Skills	58	85%
Family Involvement and Parenting Skills	61	90%
Education Enhancement	64	94%
Housing / Independent Living	42	62%
Behavioral Health and Drug Related	66	97%
Systems of Care	25	37%
Counseling	64	94%
Stress Management	48	71%
Self-esteem	52	76%
Mentoring	42	62%
Boot Camp	15	22%
Community Service	43	63%

Counties with camps or ranches identified a variety of programs for special populations as listed in the following table.

Programs for Special Populations in Camps and Ranches

Special Population	Facilities with Program	% of Facilities with Program
Substance abusing youth	47	69%
Youth with major school issues	37	54%
Gang-involved youth	44	65%
Violent offenders	33	49%
Families	16	24%
Residents of high crime areas	26	38%
Non-violent youth	29	43%
Females	14	21%
Males	3	4%
Young offenders	20	29%
Mentally ill youth	18	26%
Youth requiring a high level of security	23	34%
Sex offenders	10	15%
Developmentally disabled youth	11	16%
Low risk	1	1%
Direct file minors pending adult court	1	1%
Prostituted youth	1	1%

Re-entry and Aftercare

Of the 53 counties that participated in the survey, 46 reported having one or more re-entry/aftercare program. Most of these programs were described as a form of intensive supervision. Very few involved a special focus. The seven counties that reported no aftercare programs were either small or very small.

Types of Re-entry and Aftercare Programs

	Number of Programs	Percent of Total Programs
Intensive Supervision (may include case management and brokered services)	44	68%
Mental Health Focus	6	9%
Family Focus	4	6%
Drug Court or Drug Focus	3	5%
Alternative, Day or Court School Setting	3	5%
Day Reporting Centers	3	5%
Gang Focus	1	2%
Total (46 reporting counties with re-entry/aftercare programs)	64	100%

DJJ Facilities

DJJ operates six facilities for committed youth – three in Northern California and three in the south. In September 2008, there were a little over 1,700 youth in these facilities. At that time the smallest facility had about 160 youth; the largest about 500.

Number of Youth in DJJ Facilities – October 27, 2008

Facility	Male	Female	Total
N. A. Chaderjian	235	0	235
O. H. Close	158	0	158
Preston	373	0	373
H. G. Stark	499	0	499
Southern CRC	227	0	227
Ventura	151	84	235
Total	1,643	84	1,727

The fall 2008, population projection for DJJ forecasts a male population of 1,480 in 2013, and a female population of 65. This is approximately 1,000 below DJJ's facility population in 2006. Most of this decrease can be attributed to realignment.

In addition to general education and vocational education, DJJ has historically provided residential treatment programs for mentally ill youth, sex offenders, and youth with substance abuse problems. There are currently residential mental health programs at three facilities and sex offender and substance abuse programs at four facilities. All of these programs are being modified in response to remedial plans adopted as part of a consent decree. DJJ is also developing a series of evidence-based programs which are discussed below.

Because DJJ programs are being substantially revised and expanded, a comprehensive survey was not undertaken. The following list is representative of the types of programs currently being offered at DJJ facilities.

- Gang Awareness
- Victim Awareness
- Anger Management
- Foster Grandparents
- Mentorship programs (e.g. Match-2)
- IMPACT (offender change program)
- AmeriCorps
- Young Boys Program
- Alcoholics Anonymous
- Narcotics Anonymous
- Religious Programs
- Life Skills
- Employability Skills
- Pre-Parole

DJJ Parole

DJJ parole includes regular supervision and related services, intensive supervision and related services, specialized caseloads, and a reduced level of supervision called “case management supervision.” Some parolees are also placed on electronic monitoring as part of more highly structured supervision.

A wide variety of services – including placement options and treatment programs – are available through some or all parole offices. However, when surveyed, *every* parole office reported they need or could use more re-entry programs, work programs, and services for dual diagnosis youth. Three-quarters of the offices cited a need for more services (outpatient and/or residential) for youth with substance abuse problems. The following list shows the types of services that at least half of the parole offices reported they need provided or expanded.

- Re-entry programs
- Community service programs
- Work programs
- Inpatient dual diagnosis services
- Outpatient dual diagnosis services
- Wraparound services
- Aftercare programs
- Residential substance abuse treatment
- Outpatient substance abuse treatment
- Victim services
- Day reporting centers
- Evening reporting centers

Based on the survey, the highest priority needs for the DJJ parole offices are:

- Work programs,
- Wraparound services, and
- Gang reduction / prevention programs.

USE OF EVIDENCE-BASED PROGRAMS AND PRINCIPLES

Evidence-Based Programs and Principles in County Facilities and Programs

As part of the survey, counties were asked to indicate if a program or some of its components are “evidence-based.” In addition, counties were asked to describe the content of each program by checking one or more boxes in a list of 45 choices. Some of these choices are content or service delivery methods recognized in the national research literature as addressing criminogenic needs. These included:

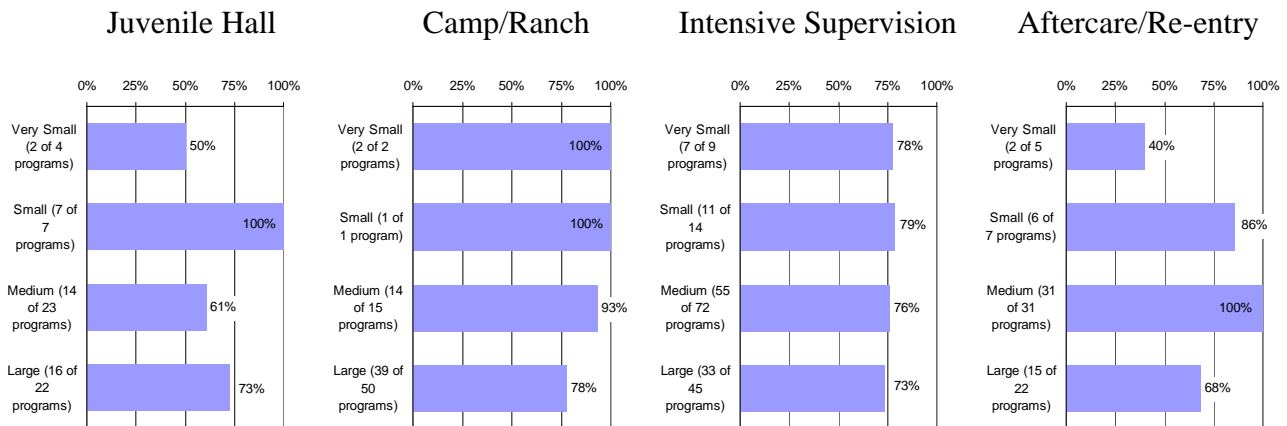
- Increasing self control/self management skills
- Management of anger and/or aggression
- Pro-social modeling
- Reducing cognitive distortions
- Reducing antisocial attitudes
- Reducing association with antisocial peers

- Cognitive behavioral therapy
- Interpersonal skills
- Vocational training
- Employability skills
- Reducing family conflict/dysfunction
- Substance abuse treatment/relapse prevention
- Aggression replacement therapy
- Multi-systemic therapy

The inclusion of these items makes it possible to identify the number of criminogenic factors a program can address. This is important because the research shows that the best outcomes occur when programs and services for higher risk offenders address at least four to six criminogenic factors.

Based on how the participating counties defined the content of their programs, it appears there are programs with evidence-based components in all types of placements in counties of all sizes.⁴³ This is illustrated in the charts below. (There are, of course, other factors – like specific program content, duration, and the skill of the facilitator – that affect whether or not the evidence-based components of a program have a positive effect.)

Percentage of Programs with Four or More Evidence-based Components



Except for small differences in juvenile halls in medium and large counties, the content analysis of individual programs identified a higher percentage of programs with evidence-based components than the counties did when asked if a program or some of its components was evidence-based. For example, none of the very small counties said any of their juvenile hall based programs include evidence-based components. However, when examining the reported content of those programs, two of them addressed four or more criminogenic needs.

While much more work must be done to determine the actual extent to which evidence-based programs and principles are being used in county facilities and programs, the results of the survey are encouraging.

⁴³ This does not mean that there are programs with evidence-based components in all counties.

Evidence-Based Programs and Principles in DJJ Facilities

As part of its reform program, DJJ has identified, and is developing (and in some cases providing), a variety of evidence-based programs tied to the agency's new risk and needs assessment instrument and case management process. These include the following:

- Strategies for Self Improvement and Change
This is a cognitive behavioral treatment program for youth over 18 who have been assessed with major needs in the substance abuse domain.
- Pathways to Self Discovery and Change
This program also addresses the needs of youth with substance abuse issues but it is designed for youth under the age of 18.
- Counterpoint
Counterpoint is a cognitive behavioral program for youth with major needs relating to anti-social attitudes and negative peer influences.
- Aggression Replacement Training (ART)
ART is a nationally recognized program focusing on anger management and development of social skills for youth who have difficulties controlling their anger. ART was developed for adolescents up to the age of 18.
- Controlling Anger and Learning to Manage It (CALM)
Similar to ART, this program addresses anger and emotion management skills for youth 18 and over.
- Girls Moving On
Girls Moving On is a gender-responsive program focusing on relationships, emotions, and personal histories (including trauma) of young women.
- Transition Skills
This program provides training in basic skills that help with transition to the community, including family and intimate relationships, emotion management, parenting, employment, housing, finances, community living, and leisure skills.

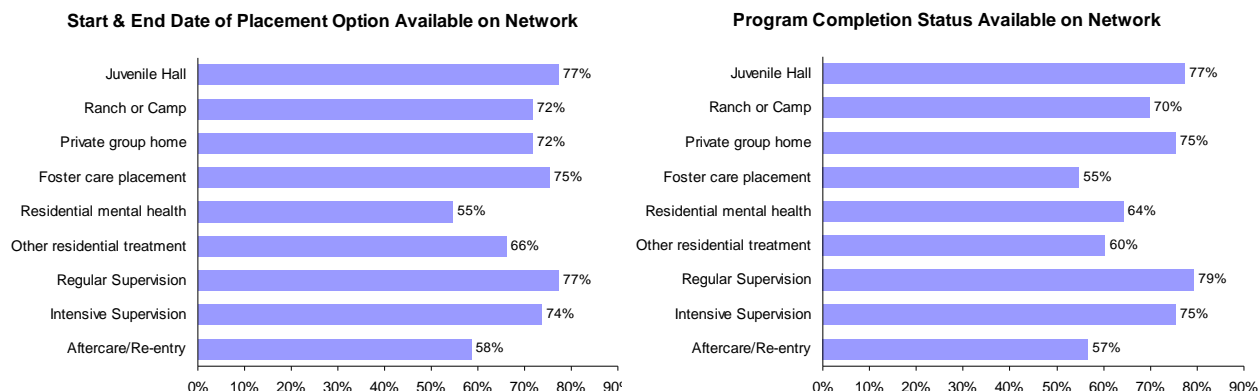
In addition to these programs, hundreds of DJJ staff have been trained in foundational skills such as motivational interviewing, group facilitation, cognitive behavior principles, safe crisis management, and conflict resolution and mediation.

AVAILABILITY OF ELECTRONIC DATA

An important consideration in operation of an outcome-oriented juvenile justice system is the ability to know the type of programs youths participate in, the duration of participation, and whether or not they complete a program. In addition, for recidivism studies, it is necessary to know the time youths spend in confinement options.

Counties were asked a series of questions about where (and if) information relating to these issues is maintained in their jurisdiction. As indicated in the following charts, most counties record start and end dates and completion status for commonly used placements.

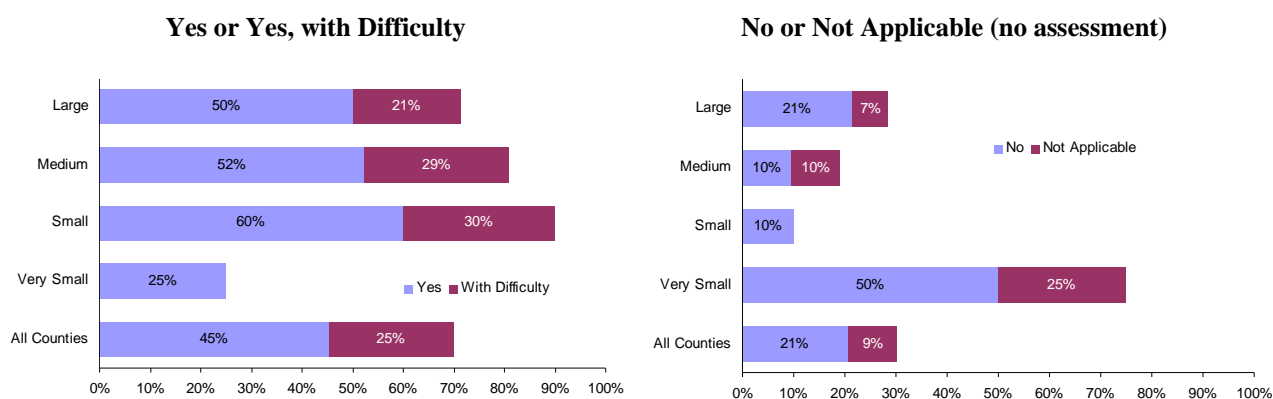
Data Available Electronically on a Network



DJJ can also provide start and end dates and completion status for initial commitments, parole, and parole revocations.

A critical component in the analysis of outcomes is the risk level of youth participating in various programs. As noted above, most counties have acquired and are (or soon will be) using validated risk assessment instruments. Overall, 70 percent of the 53 responding counties said they could provide risk level data to the Juvenile Court and Probation Statistical System (JCPSS) if necessary. However, about one-third of these counties said that provision of such information would entail some difficulty. The response was fairly uniform except from very small counties, three-quarters of which reported they could not provide the information.

Could Your County Provide Risk Level Data to JCPSS?



The most common barriers to reporting additional data to JCPSS were cost, issues relating to the integration of assessment software with case management software, the need for common definitions for data elements, and the frequency with which assessments are conducted.

5 Implementation Strategies

INTRODUCTION

The Commission is convinced that it is possible to increase community safety, improve the lives of troubled youth, *and* save taxpayers money. A single strategy – establishing an outcome-oriented juvenile justice system – accomplishes all of these objectives. Better outcomes (meaning fewer crimes in the future) are accomplished by improving the lives of troubled youth through the application of the new and rapidly expanding science of using evidence-based interventions for juvenile offenders.

Saving taxpayers money happens in two ways. In the short run, savings occur when we stop spending money on things that don't work and increase spending on things that do. If done right, this is not new money; it's the same money working smarter. In the long run, savings occur because there is less crime. Over time, less crime means fewer detention, jail and prison beds and less demand on all elements of the juvenile and adult justice systems.

There is much hard work required to realize this vision. Among other things, there must be a viable partnership between the state and counties. In this partnership, the role of the state is to provide leadership by setting standards, collecting and analyzing data, providing technical assistance, monitoring for quality assurance, and providing financial incentives. The counties will be responsible for providing local leadership by choosing the appropriate evidence-based programs for their communities and operating them according to the principles of effective intervention discussed in Chapter 3.

While, in the long run, an outcome-oriented juvenile justice system will save taxpayers money, like all good investments, there are up-front costs. The system simply will not operate without the right infrastructure in place. Constructing this infrastructure will cost money. Not a lot of money – but the Commission recognizes that, in these difficult times, any additional money will be hard to find. However, this is an investment that will pay dividends – in community safety, in human capital, and in real dollars in the future.

Senate Bill 81 identifies three of the key infrastructure elements in an outcome-oriented juvenile justice system through its charge to this Commission to “develop and make available for implementation by the counties the following strategies:

- (1) Risk and needs assessment tools to evaluate the programming and security needs of all youthful offenders and at-risk youth.
- (2) Juvenile justice universal data collection elements, which shall be common to all counties.
- (3) Criteria and strategies to promote a continuum of evidence-based responses to youthful offenders.”

These three components, along with a discussion about how evidence-based programs can save taxpayers money and the role of the state in making it happen, are the subjects of the remaining pages of this report.

RISK AND NEEDS ASSESSMENT TOOLS

As noted in Chapter 4, “Survey Findings,” at least 44 California counties are using, or have recently acquired, a nationally recognized risk and needs assessment tool that has been validated on a juvenile offender population somewhere (but not necessarily in California).⁴⁴ Half of these counties have subscribed to PACT (“Positive Achievement Change Tool”), a web-based system operated by a private vendor. A few additional counties are using locally developed assessment tools that are very comprehensive. In addition, DJJ recently began using a nationally recognized risk and needs assessment tool and has normed it for the population DJJ serves. Few county assessment tools have been normed for their juvenile populations.

Each of these tools uses various cutoff scores to place youth into three or four risk levels. Since one of the key principles of effective intervention is that the most intensive interventions should be provided to the highest risk youth, having a common definition of what constitutes low, medium, and high risk is important. Fortunately, a relatively straightforward process can be used to translate raw scores from each instrument into standard risk levels. (This does not mean counties would be forced to modify their risk categories to match a common standard. It simply means that outcome evaluations conducted at the state level can be made comparable by using a common definition of risk.)

While it would be desirable to have standardized categories for criminogenic needs and protective factors, it is not necessary. The intermediate outcomes of programs designed to reduce criminogenic needs or increase protective factors can be measured using the tool that identified those factors in the first place. The long term outcome – whether recidivism was reduced – is a standard measure that allows direct comparisons among all programs and interventions.

Full implementation of risk and needs assessment tools involves five primary steps:

- Validate assessment tools
- Expand validated risk needs assessment to the remaining counties
- Norm and calibrate existing tools to common categories of risk
- Encourage greater standardization
- Ensure quality control in the assessment process

Validate Assessment Tools

Those few counties that are not already doing so should be encouraged to use a validated risk and needs assessment tool through challenge grants or other fiscal incentives. Comparable incentives should be developed for counties already using a validated tool.

California should adopt standards for certifying the validity of risk and needs assessment instruments. These standards should specify the minimum content that an acceptable instrument must contain and the methods by which it must be validated. Any tool with a documented validation study that meets these standards would be certified as an acceptable instrument.

⁴⁴ Many counties used funds from the first year of Youthful Offender Block Grants to obtain new assessment tools and train staff in their use.

Counties with locally developed risk and needs assessment tools that have not been validated, but which meet the content requirement, should be encouraged to have them validated. Counties that have validated their instrument in the past should submit their validation study to the certifying body for review and approval.

Expand Validated Risk Needs Assessment to the Remaining Counties

There are at most 14 counties that have not yet acquired a risk and needs assessment instrument. This includes five counties that did not respond to the survey, five that responded but indicated they do not do risk/needs assessment, and four that use locally developed tools. At least one of the non-responding counties is known to have been using a nationally recognized tool in 2006, and at least one county has a locally developed tool that, if not already validated, probably could be.

All but two of the remaining counties are small. Six of them have populations below 35,000. There are two recommended strategies for expanding validated risk and needs assessment to these small counties.

1. Counties could elect to form or join an existing consortium of counties that use a validated web-based assessment tool.
2. Very small counties – or any county that has only a few youth per month who require a full risk and needs assessment – could be provided with web-based and telephone support from trained assessors. These support personnel would do all parts of the assessment that do not require face-to-face interviews and provide guidance as needed for the remaining portions. The assessment software would be owned and operated by the support organization. The support organization would provide all written reports, recommendations, and scores generated by the system to the client county.

Norm and Calibrate Existing Tools to Common Categories of Risk

The simplest way to norm and calibrate existing assessment tools is to have a cohort of young offenders be assessed multiple times using different assessment instruments. Technical aspects of this exercise (sample size and the creation of calibrated cutoff scores) should be provided by competent experts.

Encourage Greater Standardization

The ideal situation would be to have all counties use the same risk and needs assessment tool. This would eliminate the issue of having to calibrate different tools to produce results in standardized risk categories. It would also allow apples-to-apples comparisons between programs and interventions with regard to criminogenic need and protective factors.

However, since many counties and DJJ already have tools and are not likely to jettison what they have for a new, common instrument, this level of uniformity is not likely. Instead, processes should be developed to calibrate existing tools to arrive at standardized or common definitions of risk categories.

Ensure Quality Control

As discussed in Chapter 3, it is important to ensure that the quality of assessments remains high and that there is general agreement among assessors. This is accomplished through good training, monitoring for unusual differences between assessors, monitoring for unusual patterns

of overrides, and periodic tests to ensure that different assessors arrive at essentially the same results when presented with the same facts and circumstances.

Some of these quality assurance methods – e.g. looking for unusual differences or patterns – can be done electronically. California should establish standards for the frequency and methods to be used to ensure competent and consistent assessments.

Research nationally suggests that favorable outcomes in certain programs will be tied to higher risk and need levels. As information on the association between assessed risk levels and the favorability of outcomes for various types of intervention is further developed in California, it will be important to implement training on strategies to use the assessments to match juveniles with interventions that have the greatest likelihood of success.

UNIVERSAL DATA COLLECTION ELEMENTS

The importance of data to an outcome-oriented juvenile justice system was discussed in Chapter 3. It is the analysis of regular and reliable information that guides policy leaders in decisions intended to improve the juvenile justice system and its outcomes. Knowledge of how the system is performing relative to each of the three goals of this plan – community safety, accountability, and youth competency development – relies on the collection and analysis of data.

This section addresses four key topics related to data collection.

- How should data be collected?
- What data are needed, why are they needed, and what data is currently available statewide?
- Who should collect the data and what should they do with it?
- How can a statewide system be developed?

How Should Data be Collected?

Much of the information required for the kind of analysis needed to have a functional outcome-oriented juvenile justice system is already being collected. Counties are already providing a considerable amount of data to the Juvenile Court and Probation Statistical System (JCPSS). In addition, JCPSS has under-utilized fields that, if all counties used them on a consistent basis, would increase the amount of information already captured at the state level. While it is likely that few, if any, counties are currently capturing all of the information needed for such a system in electronic format, many counties do have local data systems with much additional valuable information.

One way to capture all of the data needed for such a system would be to create a new statewide data system and mandate that counties provide the information. Alternatively, it might be possible to expand the capabilities of JCPSS to include at least most of the required information – including information on diverted cases. The latter may, in fact, be the preferred way for at least some of the required data.

Another approach is to create, or use an existing, organization that facilitates the gathering of data that already exists in local electronic data systems. Depending on a county's preferences, this could involve providing remote access to the county data system so that data is pulled electronically from the local system using data mining and other techniques developed for that purpose. Alternatively, this organization could receive batch submittals of data that the county

extracts from its own systems. For counties with limited capability, this organization could provide technical assistance to develop ways for local collection and submittal of data in the most efficient way possible.

Using this approach, there is no “one big system.” Rather, there are distributed systems – one of which is JCPSS – that provide information to a data repository run by an organization charged with the responsibility of developing, maintaining, and using the collected information.

It is this latter strategy that is recommended by the Commission.

Information about Adult Offenders

Because recidivism studies require following youth past their eighteenth birthday, data is also needed about adult arrests, filings, and convictions. In theory, this information is available statewide through the Criminal History System (CHS). However, this data system was designed for looking up information about offenders on a case by case basis. Some of the information in CHS is captured in text fields – sentences and paragraphs. While this is useful for many purposes, it does not work for data analysis.

How problematic this limitation is for purposes of recidivism studies is not known. It may be necessary to add or modify fields to the CHS data system to capture key information like charges, dispositions, and dates as discrete data elements.

Linking Records between Data Systems

When information is assembled in a single repository from a variety of data systems, it is necessary to have techniques that link related records from these different sources. Ultimately, it is desirable to be able to do this in a consistently reliable way. In the short-term, however, techniques that do this in a *reasonably* reliable way can be used. The reason this is true is that the data requirements for research purposes are not the same as for the justice system. Because of the profound effect the justice system can have on the lives of individuals, the standard for data quality is 100 percent accuracy. Research does not demand this high a standard. If the data sets the researcher uses are incomplete but reasonably large and there is no bias in the missing data, the findings of the analysis will not be affected.⁴⁵

A reasonably high percentage of records can usually be matched between datasets by comparing key identifiers such as name, date of birth, gender, case numbers, etc. Systems like CHS, that include aliases, nicknames, and alternative spellings of names, can increase the number of successful matches. In addition, there are software programs that look for near matches that allow the researcher to set a minimum threshold (expressed as a probability) for acceptance or rejection of near matches.

What Data are Needed?

While all findings from the analysis of data will be reported in the aggregate, issues relating to offender accountability and competency development are based on the individual. Consequently, reliable identification of individuals as they move through the system, or from place to place, is needed. Furthermore, since a major consideration in the community safety and competency

⁴⁵ For most issues, competent researchers can evaluate the data to determine if systematic bias exists. Furthermore, if the quality of the data is good in most jurisdictions, places where the data are poor will ultimately stand out.

development goals is reduction in recidivism, it is necessary to track the involvement of individuals with the justice system over time – including as youth age and move into the adult justice system. The first data to be collected are therefore person identifiers and characteristics.

Person Identifiers

The minimum person identifiers needed are as follows.

Data Element	Available in		Notes
	JCPSS	CHS	
Name	Yes	Yes	CHS includes aliases, nicknames and alternative spellings
Date of birth	Yes	Yes	
Gender	Yes	Yes	
Race/Ethnicity	Yes	Yes	
Race/Ethnicity same as US Census categories	No	No	It should be possible to construct a crosswalk between JCPSS, CHS, and census categories
Drivers license number	Yes	Yes	
Gang member (y/n)	Yes	No	
Unique alpha/numeric person identifier used by all counties and the state that allows record matching between juvenile & adult systems	No	No	Each county and the state have their own unique identifiers. A statewide system with a mechanism to ensure accurate identification (e.g. fingerprints) is needed.
For cases transferred to another county, indication of the receiving jurisdiction or a link to the personal identifier used in the other jurisdiction.	No	NA	This is needed to increase the reliability of matching all of the records from juveniles active in multiple counties to their adult records.

Crime Categories

There are literally hundreds of criminal offenses named in California law. Meaningful analysis requires that these offenses be grouped into smaller categories. Furthermore, many offenders are found guilty of multiple offenses at once. A system to identify the most serious offense in an adjudication/conviction is needed for offense based analysis so that the individuals involved are counted only once.

Data Element	Available in		Notes
	JCPSS	CHS	
Crime level (felony, misdemeanor, infraction, status)	Yes	Yes	Status offender category only applicable for juveniles
Common juvenile and adult crime categories used by all counties and the state	Yes	Yes	
Hierarchical system for determining most serious offense in any case involving multiple charges	No, but can be linked	Yes	Can also be used to create different crime categories when needed

Arrests and their Outcomes

There are various definitions of recidivism; arrest on a new offense is one of them. While the Commission favors a definition of recidivism based on a new adjudication/conviction, gathering arrest data is necessary so that analysis can be done using various definitions.

Data Element	Available in		Notes
	JCPSS	CHS	
Jurisdiction	Yes	Yes	
Referral date	Yes	Yes	
Referral offense(s)	Yes	Yes	
Incident location - county	Yes	Yes	
DA action (filed, not filed)	Yes	Yes	
Law enforcement agency	Yes	Yes	
Incident date		Yes	
Unique alpha/numeric incident number used by all counties and the state (i.e. Incident Based Reporting as defined by US Department of Justice under the NIBRS)	No	No	The nationwide Incident Based Reporting System is in development in California

Petitions/Filings and their Dispositions

Adjudication/conviction on a new offense is the preferred measure of recidivism. Because many cases are not filed or are dismissed, and some defendants are found not guilty, the lower standards for arrests and filings inflate recidivism rates. The standard of proof for a sustained petition or conviction – beyond a reasonable doubt – is entirely defensible.

Data Element	Available in		Notes
	JCPSS	CHS	
Court	Yes	Yes	
Filing date (no no if this differs from court date)	Yes	Yes	
Referral offense(s) at filing	Yes	Yes	
Disposition of referral offense(s)	Yes	Yes	

Sanctions and Sentence Conditions

Knowing certain sentence conditions and their outcomes – like restitution, community service, victim impact, and treatment orders – is necessary to determine if youth are being held accountable for their actions. For recidivism studies it is necessary to know when the person was in or out of custody in order to determine the period of time each person was at risk of committing a new offense in the community.

Data Element	Available in		Notes
	JCPSS	CHS	
Disposition date(s)	Yes	Yes	
Disposition type(s)	Yes	Yes	
Start and end date of each disposition	No	No	Needed to determine time at risk of new offense in the community
Restitution orders	No	NA	These issues are not applicable to the adult system if the purpose is to track accountability in the juvenile justice system
Community service orders	No	NA	
Victim impact requirements	No	NA	
Treatment orders	No	NA	
Completion status (y/n) of restitution, community service, victim impact and treatment orders	No	NA	
Risk of reoffense on a validated assessment instrument at start of disposition	No	NA	
Criminogenic needs on a validated assessment instrument at start and end of disposition	No	NA	

Programs and Program Participation

The goal of an outcome-oriented juvenile justice system is to do more of what works and less of what doesn't. In order to do this we have to know what happened.

Two types of information are needed. The first is information about individual programs – their name, type, content, whether or not they meet the state's definition of "evidence-based," and periodic assessment of the quality of individual treatment providers and settings. A separate database about programs would contain this information. The second type of information needed is about program participants. Who participated? When and how long did they participate? Did they complete the program?

Data Element	Available in		Notes
	JCPSS	CHS	
Program name	No	NA	Some of this information is available in local data systems in some counties
Program type	No	NA	
Evidence-based practice as determined by nationally recognized source or designated California agency or organization (y/n)	No	NA	
Start and end date of program participation	No	NA	
Completion type (completed, terminated, dropped out)	No	NA	
Program content (number and type of criminogenic needs addressed)	No	NA	
Criminogenic needs and protective factors on validated assessment instrument at program start and completion	No	NA	
Common assessment domains calibrated and normed to standard levels of need and protective factors	No	NA	See paragraph below
Quality assurance assessment of individual providers of evidence-based programs	No	NA	See paragraph below

Since the system is intended to evaluate outcomes relating to juvenile justice interventions, it is not necessary to track interventions in the adult system.

Juveniles Tried as Adults

As policymakers redraw the lines between juvenile and adult court, their decisions must be guided by accurate information about current practices and outcomes. Having good information provides the basis for understanding the consequences – intended or otherwise – of changes in law or other factors that affect who is tried as an adult. Is the law uniformly applied across the state? Does the application of law have disproportionate effects on different categories of youth? To answer these and similar questions, it is necessary to know person identification information plus:

- Court
- Hearing type (fitness hearings in Juvenile Court, direct files in Criminal Court)
- Hearing date
- Criminal charges
- Hearing outcome

As policy makers redraw the lines between the adult and juvenile systems, their decisions should be guided by accurate and complete information on current practices and outcomes. Combining information about youth tried as adults with outcome data provides that guidance.

All of this information is currently available in existing data systems.

Baseline Recidivism Rates

In order to know if you've gained or lost ground, it is necessary to know where you started. The first issue to address is the definition of recidivism. While other definitions can be used, the definition recommended by the Commission is a sustained petition or conviction on a new offense.

Assuming that links can be established between the adult and juvenile justice data systems, recidivism rates can be calculated retrospectively for most categories of interest. These include:

- Youth with diversion history only
- Youth with probation history but no detention
- Youth with detention history but no state commitment
- Youth committed to the state
- Most serious offense by crime level
- Most serious offense by crime category

All of these can, and should, be calculated separately for males and females.

The most important category for which rates can only be approximated with existing data is recidivism rates by risk of reoffense. These rates can be approximated because many of the most robust predictors of future offense are static and derivable from existing justice system data. Once a sufficiently large cohort of youth have been assessed with validated risk/needs assessment instruments, these rates can be refined by tracking outcomes for the assessed population for 18 to 24 months into the future.

Implementing the Data System

The specifics, and ultimately the cost, of creating a system for collecting and using universal juvenile justice data elements requires a detailed feasibility study that cannot be accomplished with the resources or within the time frame of this commission. However, the commission does recommend a general strategy for doing so.

First, a technical group should be established within the organization described in the final section of this chapter to evaluate the feasibility and costs of such a system. An oversight committee or executive steering committee should be established to help guide the study. Because it will be primarily probation departments and juvenile courts that will ultimately have to provide the data, the oversight committee should be comprised predominately of individuals representing these two groups.

This same technical group should be charged with the responsibility of developing, and ultimately operating, the data system. Its implementation can, and should, be done in phases. The first phase should be to construct those components of the system that rely on data already in existing statewide data systems. The first expansion of the data system should deal with all data

elements needed to conduct recidivism studies, including risk assessment data. Next should be data elements that track issues relating to offender accountability. The last elements to be added should be those necessary for evaluation of specific programs. It may be necessary and desirable to expand the system first with volunteer counties. This would allow the bugs to be worked out of the system and ease expansion to the remaining counties.

Doing all this will take time – perhaps as much as five years for full implementation. Including the feasibility study, the first phase of data system development will likely take twenty-four to thirty-six months.

EVIDENCE-BASED PROGRAMS

Identifying Evidence-Based Programs

As noted in Chapter 3, there is no universally accepted definition of what constitutes an evidence-based program. There are, however, a number of nationally recognized organizations – including one in California – that use various objective methods to identify programs that work based on the amount and quality of research about their outcomes. These include:

- **Blueprints**, Center for the Study and Prevention of Violence, University of Colorado at Boulder, Sharon Mahalic, Blueprints Project Director. To date, Blueprints has identified 11 model programs and 18 promising programs based on evaluation of over 600 programs. (<http://www.colorado.edu/cspv/blueprints/>)
- **Washington State Institute for Public Policy**, Roxanne Lieb, Director. WSIPP has numerous publications, including meta-analyses and cost models for evidence-based adult and juvenile justice programs and practices based on review of thousands of research studies. All publications are available at their website. (<http://www.wsipp.wa.gov/>)
- **Model Programs Guide**, Office of Juvenile Justice and Delinquency Prevention, US Department of Justice. The OJJDP Model Programs Guide has identified eight programs as exemplary, 28 as effective, and 20 as promising for adolescents age 12 to 18. These include both prevention and intervention programs, not all of which are applicable to juvenile offenders. (http://www.dsgonline.com/mpg2.5/mpg_index.htm)
- **Center for Evidence-Based Corrections**, University of California, Irvine, Joan Petersilia/Susan Turner, Co-Directors. The Center for Evidence-Based Corrections identifies evidence-based and promising programs, conducts research on justice policy issues relevant to California, and assists CDCR in implementing and evaluating these practices. The Center's primary focus is on adult offenders. (<http://ucicorrections.seweb.uci.edu/>)
- **Association for the Advancement of Evidence-Based Practices**, Peter Greenwood, Executive Director. This group publishes a newsletter, identifies various resources for evidence-based programs and practices, and is developing web based tools for program assessment and quality assurance. (www.aebp.org/index.htm)

Another resource for identifying effective programs is **Fight Crime, Invest in Kids**, a national bipartisan, nonprofit, anti-crime organization led by sheriffs, police chiefs, district attorneys and

violence survivors. The California branch publishes reports, briefs, polls, and surveys relating to troubled youth, childhood abuse and neglect, early education, and after school programs in California. These can be found at <http://www.fightcrime.org/ca/>.

In the short run, California could use these resources to produce a list of recognized evidence-based programs and practices. In the long run there needs to be a mechanism to identify locally developed promising programs so that they can be rigorously evaluated and join the list of nationally recognized evidence-based programs.

SAVING TAXPAYERS MONEY

Every program that is effective at reducing crime has the benefit of reduced victimization. This benefit might be sufficient for a jurisdiction to make the policy decision to fund a program. But every program costs money and government decision makers frequently must choose among competing priorities. These choices, consciously or not, involve trade-offs between costs and benefits.

Besides reduced victimization, reductions in crime mean fewer arrests, pre-trial detentions, investigations, court cases, days in jail and prison, and offenders under correctional supervision. Reduced demand for all of these things has a value. This is generally not the total cost per person of any of these services, but rather the long-term marginal cost per person – i.e. the amount by which a jurisdiction would typically adjust its budget over a normal budget cycle in response to a change in demand. In other words, programs that reduce crime also have the benefit of reducing costs associated with the justice system.⁴⁶

Investing in programs and practices that reduce future criminal behavior ceases to be a good idea and becomes a *very good* idea when reductions in justice system costs exceed the cost of the program. There are, in fact, a number of programs that have been shown by research to generate positive taxpayer savings.

Two examples of outcome evaluations that include cost/benefit analysis are *Outcome Evaluation of Washington State's Research-Based Programs for Juvenile Offenders* (Robert Barnoski, WSIPP, 2004) and *Evaluation of Evidence-Based Associates Redirection Services in Florida: One-Year Outcomes* (Bontrager, Winokur, Blankenship, and Hand, Justice Research Center, Tallahassee 2007). In the Washington study, the primary conclusions were:

1. “When Functional Family Therapy (FFT) is delivered competently, the program reduces felony recidivism by 38 percent ... [and generates] ... \$10.69 in benefits for each taxpayer dollar spent.
2. When competently delivered, Aggression Replacement Training (ART) has positive outcomes with estimated reductions in 18-month felony recidivism of 24 percent and a benefit to cost ratio of \$11.66
3. The Coordination of Services program achieved a decrease in 12-month felony recidivism, and the estimated benefit to cost ratio is \$7.89”

⁴⁶ There are also non-justice system benefits that accrue when a repeat offender stops offending, but these are difficult to quantify.

In the Florida study, the authors concluded that “Redirection services [Functional Family Therapy and Multi-systemic Therapy] save the state approximately \$27,059 per completion when compared to those completing low, moderate and high-risk residential placements.”

The most widely cited research in this area is *The Comparative Costs and Benefits of Programs to Reduce Crime* by Aos, Phipps, Barnoski and Lieb, Washington State Institute for Public Policy, 2001.⁴⁷ The methodology described in detail in the appendix of their report has identified 12 programs and practices to date that generate positive savings when using Washington recidivism rates and program and justice system costs.

All this says - in theory at least - competent implementation of appropriate evidence-based programs has a long term net cost of less than zero! Unfortunately, like investments in general, it is necessary to spend money in order to make money.

Investing in the Future

In order to start benefits flowing, it is necessary to prime the pump. This is done by directing more funds to programs with a proven track record of reducing recidivism and fewer to those that don't. To do this, it is necessary to have a system in place that provides the information policy makers need to make the right decisions. We have described such a system. The up-front costs of priming the pump are those associated with developing this system.

In terms of paying for programs and local operation of an outcome-oriented system, the State Commission on Juvenile Justice concurs with the recommendation of the Little Hoover Commission,⁴⁸ that state grant funds for juvenile justice be consolidated into a stable annual general fund allocation. These funds should be used to expand the use of validated assessment tools and fund the operation of evidence-based programs.

DEVELOPMENT AND OPERATION OF AN OUTCOME-ORIENTED SYSTEM

As seen in Chapter 4, parts and pieces of an outcome-oriented juvenile justice system already exist in various counties in California. These parts and pieces must be assembled with other elements that do not yet exist to create an operational system. Once this infrastructure is in place, some entity must operate the system.

To that end, the State Commission on Juvenile Justice recommends creation of an independent California Board of Juvenile Justice to facilitate development of the system and to conduct ongoing operations once it is in place. How this organization would work and what it would do is the subject of the next few pages.

The California Board of Juvenile Justice

The California Board of Juvenile Justice would be a policy and oversight board. Its membership should include representatives from state and local juvenile justice system stakeholders, including courts, probation, law enforcement, public and private service agencies, academic and legal experts and others whose input is necessary to produce a balanced array of juvenile justice

⁴⁷ Updated in *Benefits and Costs of Prevention and Early Intervention Programs for Youth*, WSIPP, 2004 and *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, WSIPP, 2006

⁴⁸ *Juvenile Justice Reform: Realigning Responsibilities*, Little Hoover Commission, July 2008

interests and experience.⁴⁹ It would be supported by a director and other paid staff. The Board would hire the director. The director, in turn, would hire and supervise staff. Appointment authority for the board would be vested in the Governor, the Legislature and statewide organizations representing major components of the juvenile justice system in California.

It is critical that the independence of this organization include independence from competition with adult justice needs and priorities. It is also important that this organization not just be an expert advisor. It needs to have real authority, including responsibility for administering consolidated state and local juvenile justice grants. This organization, whose sole focus is juvenile justice, should be vested with the authority and responsibility for ensuring that state funding and state mandated activities for juvenile justice are in balance.

While actions of the Board would significantly change juvenile justice in California, the role of the Board is not to tell the counties *what* to do, but *how* to do it. The selection of evidence-based programs is best done locally. Local agencies – probation departments in conjunction with their key partners – are the ones who understand local needs and priorities. The only requirement would be that program selection and delivery conform to the guidelines set by the Board. Those guidelines would address the issues described earlier in this chapter.

TECHNICAL DETAILS OF SYSTEM DEVELOPMENT AND OPERATION

The primary work of the Board of Juvenile Justice for the first two to three years will be to create the infrastructure for an outcome-oriented system. While benefits will accrue during this development phase, major benefits will start to flow once the system is fully operational. The tasks to be accomplished during the development and operational phases are related but different.

Development Phase

There are three major tasks to be accomplished during the development phase: 1) create the system to collect and analyze the data elements described above, 2) develop standards and methods for key components of the system, and 3) create an economic model to forecast the costs and benefits of evidence-based programs.

- Create a system to collect and analyze data

An outcome-oriented juvenile justice system cannot function without a means to collect and analyze information about youthful offenders and the success or failure they experience during and after their contact with the justice system. It is the analysis of regular and reliable information that helps policy leaders make decisions intended to improve the juvenile justice system and its outcomes. Creation of such a data system is the single most important task facing this new organization. It is also the most difficult.

The data that needs to be collected was described earlier in this chapter. The critical question is *how* the data should be collected. The Commission recommends that a feasibility study be conducted to address this question. It is further recommended that the system be phased in over time starting with volunteer counties and with critical data elements needed to assess risk factors and outcomes. The remaining counties, and data

⁴⁹ The issue of representation must be balanced with the need for efficiency. To keep it a manageable size, it is recommended that the board be limited to no more than 12 to 15 members. Open meetings would ensure that interests not represented on the board would have a chance to be heard.

elements that address the content and duration of program interventions, can be added later.

Creating a system to analyze the data should be developed concurrent with development of the system to collect the data. This should include design of standard reports for counties, interested agencies and organizations, and the legislature.

The development phase should also include calculation of base recidivism rates for various subgroups of the juvenile offender population.

- Develop standards and methods for key components of the system
Standards and evaluation methods are needed for risk and needs assessment instruments, identifying and evaluating promising programs, certifying evidence-based programs and determining how to allocate incentive grant funds.

Risk / Needs Assessment Instruments

There is considerable research that identifies criminogenic risk, need, and protective factors. The nationally available assessment instruments used (or recently acquired) by most California counties all incorporate these factors. Minimum standards need to be set for the content of assessment instruments for those counties that choose to use a locally developed instrument or that do not yet have an assessment tool.

Standards and methods for validating risk and needs assessment instruments should also be developed. The validation process would, by definition, include evaluation of assessment instruments relative to minimum content standards.

Another critical component of risk and needs assessment instruments are standards and methods for ensuring consistent and reliable assessments. The issue in question is whether or not different assessors reach the same conclusion when assessing youth with essentially identical characteristics. The measure used for this is called “inter-rater reliability.” Standards are needed for the frequency with which inter-rater reliability is assessed and the minimum rate of agreement needed between assessors. Off-the-shelf techniques for determining inter-rater reliability are readily available. For situations in which inter-rater reliability is not acceptable, training standards and follow-up evaluation methods are also needed.

Guidelines need to be established on how to use the assessed levels of risk and needs to match juveniles with the types of programs that have the highest likelihood of success for them. The technical group advising the board can suggest guidelines based on research and experiences nationally. Over time, once the system has been developed, the outcomes measured by program type can be used to inform these guidelines by linking them directly to the results experienced in California.

The final issue for the development phase that relates to risk and needs assessment is to calibrate and norm validated assessment instruments currently in use so that a designation of high, medium, or low risk means essentially the same thing in all counties.

Promising Programs

An outcome-oriented juvenile justice system should encourage local creativity and flexibility to develop and implement effective programs to reduce juvenile crime and delinquency. When fully operational, the data system described earlier in this chapter will automatically identify places and programs that reduce juvenile crime and delinquency. Methods for a two stage evaluation of these promising programs should be developed. First, successful programs should be evaluated for their content and service delivery methods to identify factors that can be replicated elsewhere. Second, standards should be established for the rigorous evaluation of promising programs so that they can join the ranks of evidence-based programs.

Evidence-Based Programs

There are a number of programs for juvenile offenders that have been recognized by multiple national organizations as being “evidence-based.” California should develop its own standards and methods for certifying such programs. A model for this has already been established through the Center for Evidence-Based Corrections at the University of California, Irvine. While the Center currently focuses on programs for adult offenders, the concepts and methodology apply equally well for juvenile offenders.

Allocation of Incentive Grant Funds

Some of the funds administered by the proposed Board would be used as challenge or incentive grants to promote use of validated risk and needs assessment and evidence-based and promising programs. Standards need to be developed to determine how to prioritize funding allocations, what to do when outcomes fall short of expectations, and when to withdraw state funding and redirect it elsewhere.

- Develop a model to forecast the costs and benefits of evidence-based programs

At the time this report was written, the MacArthur Foundation was negotiating with the Washington State Institute for Public Policy to create a customizable version of the Institute’s analytical model to estimate the costs and benefits of prevention and intervention programs for use by other states. Since such an undertaking is at the margins of the Institute’s statutorily defined mission, the outcome of these negotiations is uncertain. However, it is not necessary to wait for someone else to do this. The Washington State Institute for Public Policy provides a detailed technical description of its model in documents available at its website (<http://www.wsipp.wa.gov/>). California could replicate this model using or modifying its components as appropriate. It could then apply California recidivism rates and program and justice costs to determine which programs are cost effective for California.

These cost benefit calculations can provide executive and legislative leaders with critical information to inform policy and funding decisions. While the model would use average program and justice system costs, the allocation of state funds should recognize regional cost differences.

Operations Phase

Once the infrastructure is in place, the Board has seven main functions: 1) maintain the data collection system and data repository, 2) analyze the data and report on findings, 3) certify evidence-based programs and maintain a clearinghouse of promising and proven programs, 4)

provide quality assurance for assessments and program integrity, 5) provide technical assistance to counties, 6) allocate grant funds – including challenge or incentive grants designed to maximize positive outcomes, and 7) make policy recommendations to the legislature.

- Maintain the Data Collection System and Data Repository

There are on-going activities associated with maintaining and operating the data collection system and data repository. Since it is unlikely that initial operation of the system will include all counties, expanding the system to add additional counties will be part of on-going operations for some time.

- Analyze Data and Report on Findings

Analyzing data and reporting on outcomes, performance measures, and program costs and benefits is the heart and soul of an outcome-oriented juvenile justice system. It is this information that provides the basis for making recommendations and informed decisions.

- Certify Evidence-Based Programs and Maintain a Clearinghouse of Promising and Proven Programs

Based on the criteria adopted during the development phase, the organization will certify programs as “evidence-based” or “proven.” A web-based clearinghouse of proven and promising programs will be maintained by this organization. An excellent model for the content of such a clearinghouse is the Blueprints section of the website operated by the Center for the Study and Prevention of Violence, University of Colorado at Boulder. (<http://www.colorado.edu/cspv/index.html>)

California based programs with positive outcomes should be highlighted in this database.

- Provide Quality Assurance

The research clearly shows that poor execution of proven programs results in poor outcomes. A quality assurance process for both assessments and implementation of evidence-based programs is therefore essential.

Analysis of the data can be used for part of the quality assurance process. Outliers in assessments will become apparent over time. Identification of significantly different outcomes in similar programs at different sites is a natural by-product of the system. Findings such as these can be used to focus quality assurance efforts.

In addition to quality assurance efforts for these outliers, regular evaluation of assessors and re-training where indicated is critical to maintaining the reliability of the system. Periodic audits of the operation of evidence-based programs are needed to ensure fidelity to program design and competent service delivery. The design of quality assurance mechanisms and processes must address the concerns and needs of both the state and counties.

- Provide Technical Assistance

The proposed organization will have expertise in risk/needs assessment, matching risk/needs profiles to appropriate interventions, program evaluation, and quality assurance. The organization should be staffed to provide technical assistance to counties in all of these areas.

Very small counties, and counties with only a few new serious juvenile offenders per month, may require direct assistance with assessments of youth.

- Allocate Grant Funds

As noted above, it is recommended that the Board of Juvenile Justice administer all state and state allocated federal grant funds for juvenile justice. It is further recommended that state grant funds be consolidated into a stable annual general fund allocation, some of which would be used as challenge grants and/or set-asides to promote the use of validated risk and needs assessment and operation of evidence-based and promising programs. The formulas for distributing state funds must recognize different cost structures in different parts of the state. Mechanisms must be in place to ensure that state funds are not used to supplant local dollars dedicated to similar or related purposes.

While there are similarities, the proposed system for allocating grant funds differs from the current Juvenile Justice Crime Prevention Act (JJCPA) grants in a number of ways. First, the system proposed here ties interventions to risk and needs assessment as indicated by the research. Second, it codifies the definition of “evidence-based” and creates a mechanism for promoting promising programs to evidence-based status through evaluation. Third, it marries the effectiveness of a program with its costs and projected justice system savings in order to identify the most cost effective programs. Finally, it expands the data elements to be reported and analyzed thereby increasing the utility and validity of both intermediate and long-term outcome measures.

- Make Policy Recommendations

Under the guidance of a board of directors, this organization should make recommendations for improving the operation and outcomes of the juvenile justice system in California. These recommendations would include identification of proven and promising programs and their relative costs and benefits, identification of ineffective or counterproductive programs, and strategies for maintaining and improving positive outcomes.

Organizational Structure and Staffing

The Board of Juvenile Justice recommended above should have a director who is hired by, and reports to, the board. The director should be responsible for all day-to-day operations, including hiring and supervising technical and support staff, managing projects, engaging in contracts for technical services, and providing liaison with legislative leadership, legislative staff and other interested parties.

A detailed job analysis is needed to provide a definitive staffing recommendation, but it is expected that the director will need a staff that includes researchers; statisticians; computer programmers and other IT personnel; subject matter experts to provide liaison and training to

counties; analysts to assist with data gathering, error checking and follow-up; quality assurance auditors; and support staff.

While it is likely that some of these staff could be obtained by shifting existing resources to the new Board of Juvenile Justice, personnel costs would likely be in the range of \$2 to \$2.5 million for the first year. This would increase to around \$3.5 to \$5 million for operation when a full complement of trainers and auditors is required.

During the development phase the organization should have a budget of between \$500,000 and \$1,000,000 to contract for the feasibility study and other technical services and an additional \$250,000 to \$400,000 for equipment and furnishings.

The organization would also incur normal operating expenses for rent, utilities, and general expense. Travel and per diem costs would be incurred by trainers and quality assurance auditors. Board members would also be reimbursed for required travel and meals.