

SUBCOMMITTEE NO. 5

Agenda

Senator Nancy Skinner, Chair
Senator Joel Anderson
Senator Jim Beall



Monday, May 7, 2018

12:30 p.m. - State Capitol - Room 112

Informational Hearing

Juvenile Justice – Youth Reinvestment

Consultant: Christopher Francis

- I. Overview of the state’s youth diversion programs and effect of proposal on local diversion programs
 - Frankie Guzman, Director, California Youth Justice Initiative at National Center for Youth Law
- II. Impact and scope of social workers’ assistance in the diversion process
 - Brendon D. Woods, Public Defender, Alameda County
- III. Discussion on trauma-informed programs for Native American youth
 - Daniel R. Domaguin, LCSW, Behavioral Health Clinical Manager, California Rural Indian Health Board
 - Youth Speaker: Shannon Albers, Hoopa Valley Youth Council
- IV. Discussion of the impact of the proposal on organizations that offer diversion programs to youth
 - Alisha Murdock, Youth Justice Program Manager, RYSE Youth Center

Public Comment

Issue: Youth Reinvestment Fund

Proposal. This proposal requests \$100 million to establish the Youth Reinvestment Fund to improve the outcomes of vulnerable youth populations using trauma informed, community based, and health based interventions. The proposal is separated into three parts:

- \$75 million to fund Local Diversion Programs for at-risk youth over a three year period.
- \$15 million to fund Social Workers in Public Defender Offices: to hire social workers to support cases where minors are arrested and prosecuted in either juvenile or criminal court, depending on the need of the office. The social workers may also support youth re-entry and other critical youth related needs of the public defender office.
- \$10 million to fund Tribal Diversion Programs for Native American youth using trauma informed, community based, and health based interventions.

Background. California’s juvenile justice system is one that is largely handled locally by trial courts, county probation departments, and local law enforcement. Over the past 20 years, the Legislature has enacted various measures which realigned to counties increasing responsibility for managing juvenile offenders. Under current law, only youth adjudicated for a serious, violent, or sex offense can be sent to state facilities by the juvenile courts. As a result, over 98 percent of juvenile offenders are housed or supervised by counties. In 2016, while there were approximately 39,000 youth involved in the county probation system, with 29,000 being wards under the Welfare and Institutions Code 602 for felony and misdemeanor crimes, there were only 653 youth under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ).

In addition to shifting responsibility for juvenile justice from the state to counties, the juvenile crime rate has declined significantly contributing to the 73 percent decline in the state’s DJJ population from 2,516 youth in 2007 to 653 youth in 2016. At the same time, there has been a 60 percent reduction in the population housed in county juvenile camps and halls, down from 11,000 youth in 2007 to 4,200 youth in 2016.¹ This significant and continuing decline offers an opportunity for California to comprehensively assess its juvenile justice system and invest in the best treatments and interventions for rehabilitating youth and emerging adults and to explore additional interventions in order to continue to reduce the number of young people who end up in the criminal justice system.

Juvenile Arrest Rates. As noted above, juvenile crime rates have decreased dramatically in recent decades, declining from a peak of 408,131 juvenile arrests in 1974 down to 62,743 in 2016. More recently, juvenile felony arrests decreased 54.7 percent between 2011 and 2016. In addition, juvenile misdemeanor and status offenses² have decreased by 59.4 percent between 2011 and 2016.

Of the 62,743 arrests made in 2016, 19,656 (31.3 percent) were for felonies, 35,756 (57 percent) were for misdemeanors, and 7,331 (11.7 percent) were for status offenses. Of the 2016 arrests, 44,980 were males and 17,763 were females. Of the felony arrests, 36.3 percent were for violent offenses (i.e. homicide, forcible rape, robbery, and assault), 29.8 percent were for property offenses (i.e. burglary,

¹ Data provided by the Chief Probationers of California.

² A “status offense” is an offense that would not be considered a crime if it were committed by an adult. Examples include: underage drinking, skipping school, violating a city or county curfew, or running away.

theft, and arson), 6.8 percent were for drug offenses, and 27.1 percent were for all other felony offenses (i.e. vehicular manslaughter, hit-and-run, lewd or lascivious acts, or weapons related offenses).³

Court Adjudications. In the juvenile justice system, cases are handled differently than the adult system. When a juvenile is arrested by local law enforcement agency in California, there are various criminal justice outcomes that can occur depending on the circumstances of the offense and the criminal history of the offender. Many juveniles, who are arrested, particularly if their alleged offenses are more serious, are referred to county probation departments. (Probation departments also receive referrals from non-law enforcement entities and people—such as schools and parents.) The probation department then has the option to close the case, place the juvenile in a diversion program or on informal probation, or refer the case to the courts. Most such referrals are adjudicated in juvenile court, but depending on the nature of the alleged offense and the age of the accused, some cases may be prosecuted in adult criminal court. The courts place almost all juvenile offenders under the supervision of county probation departments, while a small number of juvenile offenders, are sent to state institutions, either a juvenile facility operated by DJJ or state prison.⁴

Trauma-informed Youth Diversion Programs. Of the approximately 62,000 annual juvenile arrests in California, two-thirds of the arrests are for status offenses or misdemeanors. Approximately eight out of 10 youth arrested are referred to probation and of these youth, a quarter of them are detained. Research has shown that non-detention alternatives, particularly for low level offenses, are more appropriate responses to curb delinquent behavior, avoiding pushing youth deeper into the juvenile justice system. Most importantly, communities that have intentional diversion programs show improved outcomes for youth *and* public safety. Effective diversion programs in the state already exist including San Francisco’s Huckleberry Youth Program’s Community Assessment and Resource Center, which serves as a single point of entry for crisis intervention, assessment, service integration and referral of arrested youth and San Diego’s Community Assessment Teams which provides alternatives to more formal juvenile justice or school interventions. Researchers found diversion and mentoring programs produced \$3.36 of benefits for every dollar spent in terms of reduced crime and the costs of crime to taxpayers. This proposal will fund the creation and expansion of trauma-informed, developmentally-appropriate, culturally-relevant community diversion programs for youth as an alternative to detention for low level offenses. Youth in conflict with the law who are provided responses to their behavior that directly address their immaturity and underlying health and mental health needs see far better health and educational outcomes; they earn more money and contribute more tax revenue, and do not draw down as much public support, such as housing assistance and food stamps. This more appropriate approach can have the added benefit of reducing the disproportionate impact the juvenile justice system has on youth of color, children with disabilities, girls, LGBTQ youth, and foster children.

Social Workers in Public Defender Offices. Juvenile defender offices that include social workers have demonstrated an ability to employ holistic, cost-effective strategies that can improve youth outcomes and reduce recidivism. According to the National Juvenile Defender Center, utilizing this multidisciplinary approach allows a holistic representation where “juvenile defenders not only prepare and litigate the legal aspects of the cases in the courtroom, but also be prepared to address the underlying causes that bring troubled children into the delinquency system, such as mental illness, drug and alcohol dependency, co-occurring disorders, developmental disability, homelessness, abuse, and trauma.” Integrating social workers with public defenders will allow our justice system to better address

³ Department of Justice, *Juvenile Justice in California* (2016).

⁴ Legislative Analyst’s Office, *California’s Criminal Justice System: A Primer*, January 2013.

root causes of youth delinquency. Some states, including Colorado, have passed legislation to require public defender offices to hire social workers to assist in defending youth defendants.

Counties, such as Los Angeles, San Francisco, and Contra Costa, have already hired a limited number of social workers that support public defender offices. These counties have a grossly insufficient number of social workers compared to the caseload of each office. For example, in Los Angeles County, public defenders refer certain cases to social workers based on their discretion. In total, social workers only see about five to ten percent of the total cases that come through in Los Angeles. Funding for social workers has varied but have included the Federal Juvenile Justice Accountability Block Grant, Title IV(e), and AB 109 funding. Without a dedicated resource, public defender offices have had difficulty receiving sufficient, dependable resources to fund these positions. Contra Costa has one social worker to assist in adult matters and more recently requested AB 109 funding to fund a social worker to support juvenile matters but was denied.

Trauma Informed Diversion Programs for Native American Youth. Today's American Indian youth have inherited the legacy of centuries of eradication and assimilation-based policies directed at Indian people in the United States, including removal, relocation, and boarding schools. This intergenerational trauma continues to have devastating effects among children in tribal communities, and has resulted in substantial social, spiritual, and economic deprivations, with each additional trauma compounding existing wounds over several generations. Statistics highlight the magnitude of the problem. Although they represent one percent of the U.S. population, Native American juveniles represent two to three percent of youth arrests in categories such as theft and alcohol possession. Similarly, they are committed to adult incarceration at a rate 1.84 times that of whites and are placed under the jurisdiction of the criminal justice system at a rate 2.4 times that of whites. In California, where we have a substantial Native American population, they represent from 29 percent to 42 percent of juveniles held in secure confinement. The alcohol-related death rate among Native American youth stands at 17 times the national rate. Their suicide rate is triple the national average among males aged 15 to 24. Their high school dropout rate is the highest of any racial group. While at first glance these numbers are bad enough, what makes them even harsher is the fact that the Native American population is a relatively young one: according to the Indian Health Service, in 2008 the median age of the Native American population was 28.0 years versus 35.3 years for the U.S. population as a whole.

The Youth Reinvestment Fund will, according the proposal, strengthen the partnerships between nonprofits and community based organizations and agencies to deliver critical services, and support trauma informed, culturally relevant and health based interventions.

Staff Recommendation. Hold Open.