
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 1031 **Hearing Date:** April 19, 2016
Author: Hancock
Version: April 6, 2016
Urgency: No **Fiscal:** Yes
Consultant: AA

Subject: *Juvenile Justice Information System*

HISTORY

Source: Author

Prior Legislation: SB 314 (Alpert) – Ch. 468, Stats. 2001
AB 488 (Baca) – Ch. 803, Stats. 1995

Support: Center on Juvenile and Criminal Justice; Children Now; Commonweal, The Juvenile Justice Program

Opposition: None known

PURPOSE

The purpose of this bill is to require the Department of Justice, which currently is required to collect and report on some data concerning juvenile offenders and the juvenile justice system, to develop a design structure and implementation plan for a “California Juvenile Justice Information System” by January 1 of 2018, and to implement that new system by July 1, 2019.

Current law generally requires Department of Justice (“DOJ”) to collect specified crime-related data, and to prepare an annual report of crime-related statistics, as specified. (Penal Code § 13010.)

Current law provides that DOJ “may serve as statistical and research agency to the Department of Corrections, the Board of Prison Terms, the Board of Corrections, the Department of the Youth Authority, and the Youthful Offender Parole Board.” (Penal Code § 13011.)

Current law requires that, as part of its annual crime statistics report, DOJ shall provide statistics showing the “administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents,” (Penal Code § 13012(a)(3) and the “administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.” (Penal Code § 13012(a)(4).)

Current law requires that, as part of its annual crime statistics report, DOJ “shall include the following information:

- (1) The annual number of fitness hearings held in the juvenile courts under Section 707 of the Welfare and Institutions Code, and the outcomes of those hearings including orders to remand to adult criminal court, cross-referenced with information about the age, gender, ethnicity, and offense of the minors whose cases are the subject of those fitness hearings.
- (2) The annual number of minors whose cases are filed directly in adult criminal court under Sections 602.5 and 707 of the Welfare and Institutions Code, cross-referenced with information about the age, gender, ethnicity, and offense of the minors whose cases are filed directly to the adult criminal court.
- (3) The outcomes of cases involving minors who are prosecuted in adult criminal courts, regardless of how adult court jurisdiction was initiated, including whether the minor was acquitted or convicted, or whether the case was dismissed and returned to juvenile court, including sentencing outcomes, cross-referenced with the age, gender, ethnicity, and offense of the minors subject to these court actions. . . . (Penal Code § 13012.5.)

Current law requires DOJ to collect “data pertaining to the juvenile justice system for criminal history and statistical purposes. This information shall serve to assist the department in complying with the reporting requirement of subdivisions (c) and (d) of Section 13012, measuring the extent of juvenile delinquency, determining the need for and effectiveness of relevant legislation, and identifying long-term trends in juvenile delinquency. Any data collected pursuant to this section may include criminal history information which may be used by the department to comply with the requirements of Section 602.5 of the Welfare and Institutions Code.” (Penal Code § 13010.5.)

This bill would amend this section to provide the following:

- Require DOJ, on or before January 1, 2018, to “develop, with advice from the Chief Probation Officers of California, the Judicial Council, advocates for juveniles, and other stakeholders, a design structure and implementation plan for the California Juvenile Justice Information System.”
- Require DOJ, on or before July 1, 2019, to “establish and implement a California Juvenile Justice Information System consistent with this section.”
- Provide that the purpose of the California Juvenile Justice Information System shall be to develop and maintain statewide statistical information, including information collected and shared by counties, which promotes the operational and program effectiveness of state and local juvenile justice systems in California in reducing the incidence of juvenile crime and recidivism among juvenile offenders. The information system to be developed by the department shall include, but not be limited to, the following features:
 - (1) Providing for the integrated and user-friendly collection and reporting of statewide juvenile justice data reflecting key demographic and case processing characteristics of children who come into contact with the juvenile justice system.

(2) Providing data relating to the effectiveness of programs, practices, or other prevention and intervention strategies employed to respond to juvenile crime and reduce recidivism among juvenile offenders.

(3) Facilitating and supporting the scope and quality of data describing the characteristics and needs of youthful offenders and the juvenile justice programs and practices necessary to effectively manage state and local resources invested in the juvenile justice system.

(4) Supporting local juvenile justice agencies in developing and maintaining local juvenile justice data systems and in the collection and submission of local juvenile justice data to state agencies.

- State that in “establishing the technology infrastructure for the development of the California Juvenile Justice Information System, the department shall adopt a set of goals and objectives consistent with this section, to be reflected in a system design which shall support the direction for the information system.”

This bill would appropriate an unspecified sum from the General Fund to the Department of Justice for the purpose of funding the development of a design structure and implementation plan for the California Juvenile Justice Information System.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state’s ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its “ROCA” policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In December of 2015 the administration reported that as “of December 9, 2015, 112,510 inmates were housed in the State’s 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015.” (Defendants’ December 2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).) One year ago, 115,826 inmates were housed in the State’s 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants’ December 2014 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).)

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the “durable solution” to prison overcrowding “consistently demanded” by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants’ Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14). The Committee’s consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Stated Need for This Bill

The author states:

This bill establishes a framework for planning and implementing a unified and updated California Juvenile Justice Information System by 2019. Currently, information about California’s youthful offenders and its juvenile justice system is fragmented, and available through technology that is limited in capacity and function. An updated statewide juvenile justice data system will provide valuable information about youthful offenders and resources dedicated to rehabilitating them.

This bill is designed to revitalize the state’s capacity for data that is useful to probation, courts, service providers and other stakeholders committed to an effective juvenile justice system.

2. What This Bill Would Do

This bill would require the Department of Justice, which currently is required to collect and report on some data concerning juvenile offenders and the juvenile justice system, to develop a design structure and implementation plan for a “California Juvenile Justice Information System” by January 1 of 2018. The bill provides that the new system be implemented July 1, 2019.

The purpose of the proposed information system would be “to develop and maintain statewide statistical information, including information collected and shared by counties, which promotes the operational and program effectiveness of state and local juvenile justice systems in California”

The bill describes key objectives for the system, which include integrated and user-friendly systems for statewide juvenile justice data; data relating to the effectiveness of programs, practices, or other prevention and intervention strategies; enhanced scope and quality of data describing the characteristics and needs of youthful offenders and juvenile justice programs and practices; and support for local agencies with local juvenile data systems.

3. Background: Juvenile Data a Longstanding Issue

Juvenile justice data collection in California has long been an issue of concern among many juvenile justice advocates and experts. In its September 1994 report, *The Juvenile Crime Challenge: Making Prevention a Priority*¹, the Little Hoover Commission stated:

The current lack of data on costs across jurisdictional levels, case outcomes and comprehensive recidivism tracking makes it difficult to make informed and rational policy decisions.

In its final report dated September of 1996, the California Task Force to Review Juvenile Crime and the Juvenile Response² stated:

Throughout testimony to the Task Force and throughout this report, reference is made to the lack of research and statistics about the juvenile justice system . . . This paucity of good information for decision-making makes the work of the research and statistical community in California's governmental agencies, academic institutions, and private research firms much more difficult. . . .

At the deepest end of the system, the chapter on Jurisdiction of the Juvenile Court cites a list of unanswered research questions on fitness and waiver policy in California. This list included such questions as: "How many motions for waiver or fitness hearings are filed? For which offenders and offenses? What are the county-specific rates, and what is the variation across counties?"

Twenty years later, in January 2016, a report produced by a working group of the Board of State and Community Corrections (required by AB 1468 in 2014) concluded that California continues to have "critical gaps, fractures and omissions in the total foundation and framework of the state's juvenile justice data system." The report, entitled "Rebuilding California's Juvenile Justice Data System: Recommendations to Improve Data Collection, Performance Measures and Outcomes for California Youth,"³ states in part:

¹ <http://www.lhc.ca.gov/earlyreports/127rp.html>.

² Created by AB 2428 (Epple) (Ch. 454, Stats. 1994), the Task Force was chaired by Riverside District Attorney Grover Trask, and comprised of statutorily-designated members.

³ <http://www.bscc.ca.gov/downloads/JJDWG%20Report%20FINAL%201-11-16.pdf>. (See also, Letter to the Legislature from Board Chair Linda Penner accompanying the report, which stated in part, "The Board itself has not had input into, nor has it reviewed, the report. ¶ The BSCC Executive Staff is reviewing the report and has identified a number of issues that require further analysis before the BSCC can provide any recommendations, technical assistance or comments. These issues include concern about policy and fiscal impacts at both the state and county level, information technology feasibility, and infrastructure changes within California's Executive Branch. Although the report emphasizes the need for funding to be made available to accomplish the proposed changes, the BSCC is always mindful of changes that create new mandates for counties. Finally, I believe that the Board would not support Recommendation 6 to form a statutory Task Force, Board, or Commission that is

Increasingly across the nation, state and local juvenile justice systems are expanding data collection capacity to support effective and evidence-based practices and to promote positive outcomes for justice-involved youth. Several factors help to explain this growth of interest in data-driven approaches to juvenile justice, including:

- The need for evidence to guide the adoption of practices that are safe, effective and unbiased.
- The need to control justice system costs by deploying cost-effective alternatives to incarceration.
- An expanding national body of research on adolescent development that is changing federal and state juvenile justice laws and practices.
- Recognition that the juvenile justice system must have adequate capacity to document youth outcomes if its rehabilitative goals are to be met.

Regrettably, California has allowed its state-level juvenile justice data systems to fall into a pattern of long-term decline. The technology supporting the state's main juvenile justice data bank is antiquated and cannot be upgraded. There is no state-level capacity to track many important youth outcomes including recidivism. California's state juvenile justice data banks are split between different agencies and are not integrated with county-level data systems. An overarching problem is that California has failed to make any significant state investment in modernizing its juvenile justice data capacity for more than two decades. While state data systems in other child-serving realms—like education and child welfare—have benefitted from major upgrades to meet contemporary needs, this has not been the case for a California juvenile justice system that processes more than 100,000 children each year.⁴

The Working Group described the following “critical deficiencies in the state’s overall capacity to collect, analyze and report juvenile justice system data. In brief summary the gap analysis found:

1. Inability to track important case and outcome information on a comprehensive statewide basis. The JCPSS data repository maintained by the DOJ has severe shortcomings. Some important juvenile justice processing events are not collected through JCPSS, and the system cannot be upgraded to capture additional data. There is no statewide capacity to track important outcomes like recidivism. As presently configured, JCPSS does not support program evaluation or the comprehensive assessment of key policy reforms, such juvenile justice realignment.
2. Outdated technology. The JCPSS became operational at DOJ in 2002. By modern standards, this is an antiquated information system. It is essentially “non-expandable.” Recommendation 1 addresses the need to replace this outdated technology.

independent of (but attached to and staffed by) the BSCC.” <http://www.bscc.ca.gov/downloads/Letter%20Penner%20to%20Senate%20-%20JJDWG%20Final%20Report.pdf>.

⁴ <http://www.bscc.ca.gov/downloads/Exec%20Summary%20JJDWG%20FINAL%201-11-16.pdf>

3. Limits of the facility data reported to BSCC; the Juvenile Detention Profile Survey. BSCC collects data from county probation departments on youth confined in local juvenile halls and probation camps or ranches. The results are posted on line in quarterly Juvenile Detention Profile Survey (JDPS) reports. This is the state's only central source of information on children confined in local juvenile justice facilities. JDPS reports are based on aggregate (not individual) data, and many important measures and data elements (such as race/ethnicity and detailed offense information) are not presently included.
4. Fracturing of data collection and reporting responsibilities among different state agencies. Lacking a dedicated state juvenile justice agency, California's juvenile justice data banks are dispersed among different state agencies. Researchers and analysts seeking to compose a coherent juvenile justice profile or picture need to jump between websites of different agencies. The information gleaned from this multi-site search may be incomplete or incompatible across systems. Economies of scale might well be achieved by consolidating these scattered juvenile justice data operations.
5. Disparity of data capacity compared to other disciplines, lack of investment in juvenile justice. Other state youth serving departments or realms in California have improved the capacity and utility of the data needed to support their operations. Statewide data and case management systems at both the Department of Education and the Department of Social Services have been modernized and upgraded by supporting state appropriations. By contrast, no significant state investment or appropriation to upgrade juvenile justice data capacity has been made in recent history.
6. Lack of performance outcome measures for the juvenile justice system. California lacks standard and statewide outcome performance outcome measures for the juvenile justice system. An example referenced repeatedly in this report is the lack of any standard or statewide performance outcome measure for recidivism.
7. Transparency and availability of statewide juvenile justice information. California has no central website or data clearinghouse for retrieval of juvenile justice program, caseload, facility or performance outcome information. Recommendation 5 addresses this need as required by the enabling legislation for the Working Group.

The Working Group reviewed juvenile data in other states, and the report describes a number of approaches taken in other states. Among other information the report notes:

- Some states have moved well beyond the bare-bones data repository model by designing and using statewide juvenile justice case-management systems and networks. Virginia, through its Department of Juvenile Justice, retained the National Council on Crime and Delinquency to develop a statewide case management network whereby

case-level data from arrest through disposition and supervision is entered by county agencies into the statewide data network.

- Pennsylvania, with assistance from the MacArthur Foundation, replaced a fractured patchwork of local data systems with a modern, statewide Juvenile Court Case Management System putting all counties on the same case management network. This system includes risk and needs assessment information and diversion and placement options that probation case workers can access for case processing purposes. Arizona is expanding its Juvenile On-Line Tracking case management programming, extensively developed first in Maricopa County, into a statewide juvenile justice case management network.
- Even where a state juvenile justice data system serves mainly as a data repository rather than as an active case management system, the breadth and depth of case-level data collected on exemplary other-state systems far exceeds the capacity or design of the California system. Florida's Department of Justice collects massive data on every juvenile referral, prosecution, diversion and placement made in that state. Their system captures and annually reports extensive outcome data for each public or private youth placement or correctional facility, including recidivism and cost-per-case outcome measures for each dispositional placement. Texas provides another example of a state juvenile justice data system that collects case-level data that is far more exhaustive than the short list captured by JCPSS in California; see, for example, the data elements listed for the Texas Electronic Data Interchange on their department website at <http://www.tjjd.texas.gov/statistics/statisticsdetail.aspx>.
- In state after state examined by the Working Group, we found routine collection and reporting of recidivism outcomes for children at multiple stages of supervision and placement.
- Other states were also distinguished from California by a state-level capacity to use data systems to generate specialized studies or reports on juvenile justice populations, practices and reforms. These include recidivism studies on defined offender populations (for example, state-incarcerated youth, crossover youth), information on risk and needs assessment tools, analyses pertaining to juveniles transferred to adult criminal courts and reports on other practice and policy issues.
- In 2015, the state of Texas, with help from the Pew Charitable Trust, accessed its juvenile justice data bank to produce a widely heralded report on outcomes for juveniles moved from state institutions to local probation control, under that state's 2007 juvenile justice realignment reform. The Texas Closer to Home study compared recidivism outcomes for different realignment service cohorts, broken out by county and type of program to which realigned offenders were referred. This landmark report is now helping Texas counties with higher recidivism rates make adjustments in their juvenile justice programming, in order to improve performance results.
- Washington State is notable for its approach to the evaluation and funding of juvenile justice programs.

- Other states provide models of juvenile justice information sharing that may be worthy of replication in California. The Georgia Juvenile Justice Data Clearinghouse presents basic juvenile justice caseload and processing information in user-friendly format on a central site developed through a collaborative multi-agency group under the aegis of the Georgia Criminal Justice Coordinating Council. The Florida Department of Juvenile Justice maintains a website that is replete with information on caseloads, facilities and outcomes pertaining to its juvenile justice population, including recidivism reports for youth released from each type of juvenile justice facility in the state. Juvenile justice department or agency sites in Texas, Pennsylvania, Illinois and Virginia, among others, offer multiple windows and options for the review and retrieval of juvenile justice system and performance information.

-- END --