



CALIFORNIA YOUTH FACE HEIGHTENED RACIAL AND ETHNIC DISPARITIES IN DIVISION OF JUVENILE JUSTICE

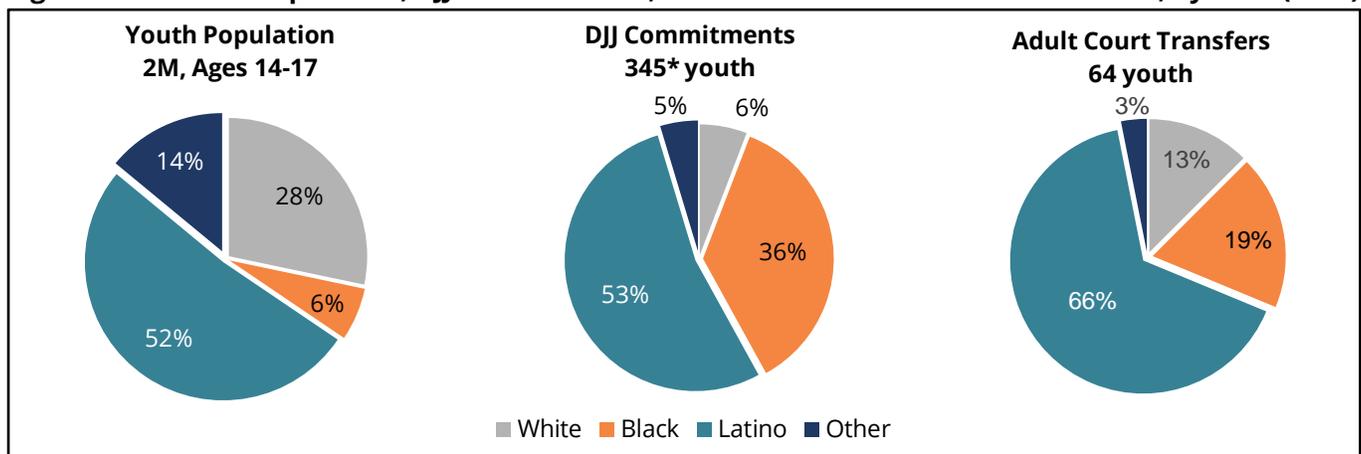
DJJ realignment requires state oversight and safeguards for youth of color

California’s state youth correctional system, the Division of Juvenile Justice (DJJ), exposes youth to harmful conditions far from home. Historically and currently, these harms have a disparate impact on youth of color. Decades of dangerous conditions at DJJ have contributed to policy recommendations in support of juvenile justice realignment, which transfers responsibilities from DJJ to local systems (Brown, 2012; CJCJ, 2020; LAO, 2009; 2012; 2019; LHC, 2008). The state began this process in 2007 by enacting Senate Bill 81 (SB 81, 2007). Over the years, DJJ has experienced cycles of public scandal and outcry, followed by failed reform attempts (Macallair, 2015). These repeated efforts have not addressed the damaging consequences of youth incarceration that continue to disparately impact youth of color.

In May 2020, California Governor Gavin Newsom proposed closing DJJ’s remaining facilities in favor of local alternatives as part of the 2020-21 state budget (Newsom, 2020). Communities across California have long organized to bring awareness about the systemic racism and harms of youth detention and incarceration. The closure of DJJ presents a historic opportunity to transform the state’s approach to youth justice. To ensure the responsible realignment of DJJ to local systems, policymakers must address the significant racial and ethnic disparities among youth committed to DJJ and those transferred to adult court for prosecution. A realigned system can respond to youths’ challenges and harmful behavior through a framework focused on youth development, health, and racial justice.

The California State Legislature introduced Senate Bill (SB) 823, which proposes alternative budget trailer bill language outlining juvenile justice realignment (SB 823, 2020). The bill establishes oversight and infrastructure needed to close DJJ successfully. Currently, California is one of only a few states without a state youth justice oversight entity. Realignment provides California with the unique opportunity to address a long-standing need by creating a state-level body that oversees the treatment of our most vulnerable youth.¹

Figure 1. CA Youth Population, DJJ Commitments, and Youth Transferred to Adult Court, by Race (2019)



Source: DOJ, 2020; Puzanchera, 2020. *DJJ population data on race and ethnicity only available for 343 youth.

¹ This agency, the Office of Youth Justice (OYJ), will be established in California’s Health and Human Services Agency. The OYJ will have critical responsibilities to oversee county juvenile justice systems, administer funding, and ensure local policies and practices reflect the state’s priorities for children and families.

Youth of color bear the brunt of California’s most harmful justice system decisions.

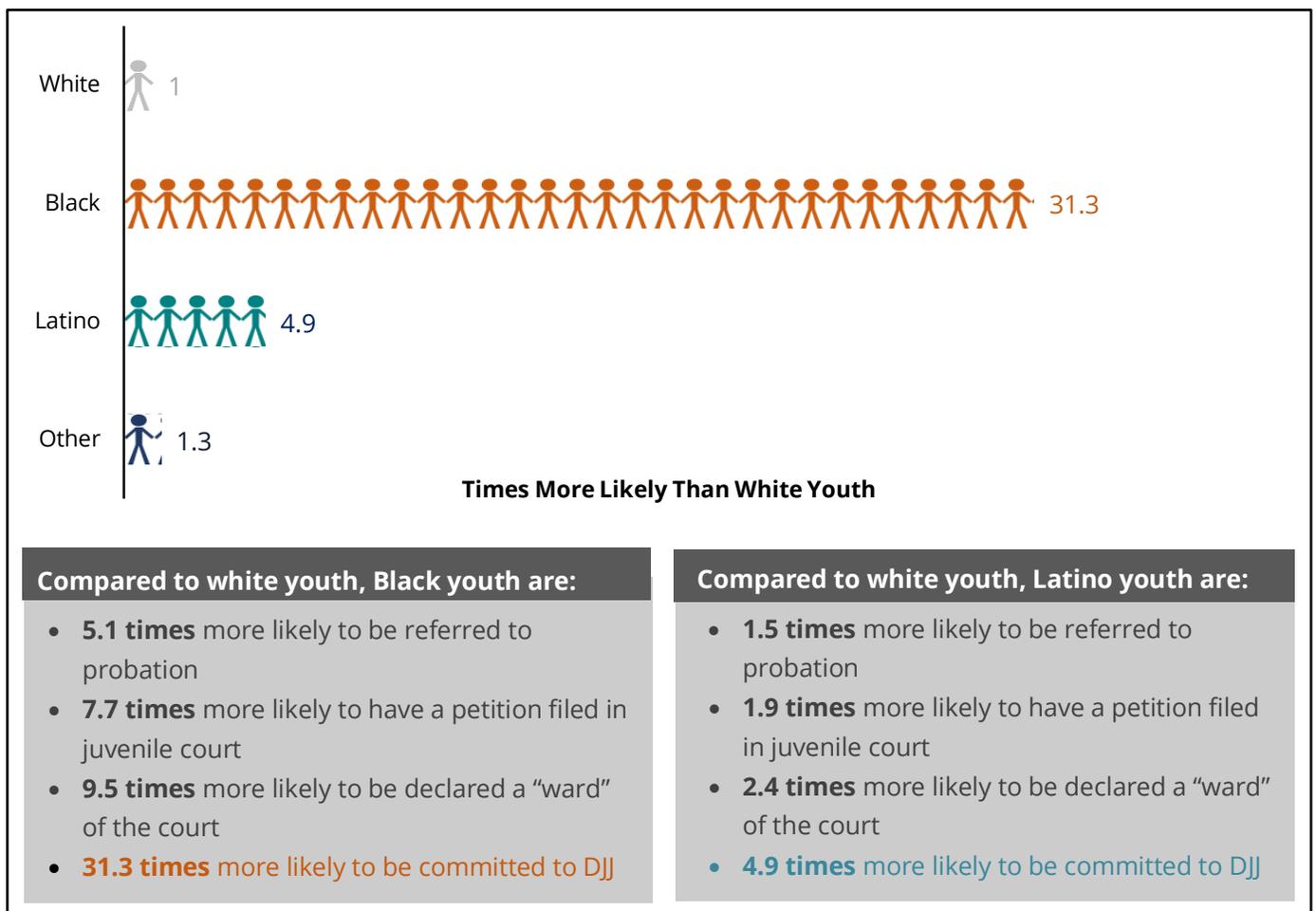
As voices across the state demand racial justice, this is a moment for change. Successful realignment requires investment in California’s youth of color who are primarily impacted by the justice system. In 2019, 94 percent of youth committed to DJJ were Black and brown youth (Figure 1). With the closure of DJJ, counties will be responsible for the care of these vulnerable youth. SB 823 will help guard against simply replicating inequities locally. It will redirect attention and resources away from a system that has consistently failed youth of color and towards a vision that will advance racial justice.

According to 2019 data collected by the California Department of Justice (DOJ), youth of color bore the brunt of justice system involvement at every decision-making point (DOJ, 2020). The relative likelihood of this involvement for youth of color increases at each stage of the system, with disparities accumulating most at the point of DJJ commitment (Figure 2).

DJJ commitments and realignment implementation disproportionately impacts youth of color.

As of June 2020, DJJ held 782 youth in its three youth correctional facilities and one fire camp. The population consisted of 464 Latino youth (59.3%), 227 Black youth (29.0%), 60 white youth (7.7%), and the remaining 31 identifying with another race (CDCR, 2020). Black and brown youth, with a far greater likelihood of being committed to DJJ, make up the bulk of the youth population affected by the realignment to local systems.

Figure 2. Likelihood of DJJ Commitment, by Race (2019)

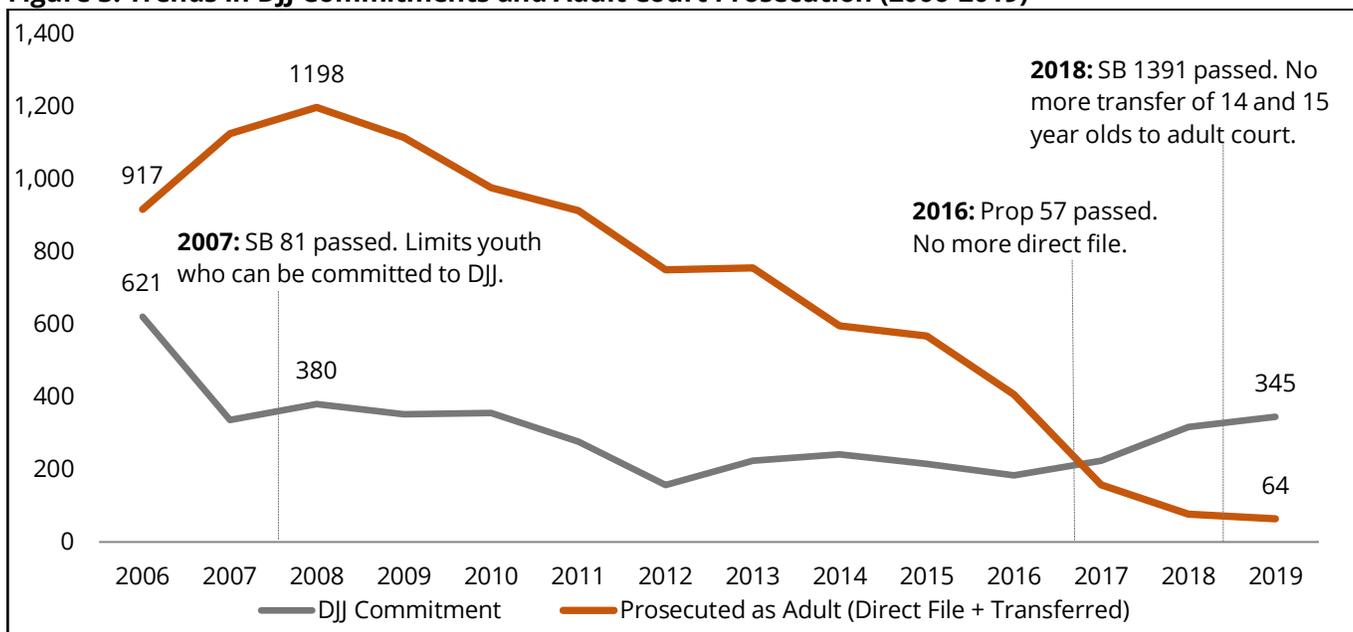


Source: DOJ, 2020.

California’s adult court prosecutions have decreased amid recent reforms, and future policies must protect against reversals.

In recent years, California has enacted laws protecting youth from the harms of adult court prosecution (Prop 57, 2016; SB 1391, 2018). These reforms implement the research-based principle that adolescent behavior is most effectively addressed by providing treatment and education rather than punitive responses. The reforms were enacted with the acknowledgement of the “stark racial and geographic disparity in how young men and women are treated who have committed similar crimes” (Brown, 2018). Recent reforms have contributed to massive drops in adult court prosecution, while DJJ commitments have increased slightly in recent years (Figure 3). Local alternatives to DJJ must be in place to guard against an increase in youth prosecuted as adults. SB 823 offers several protections against an increase in adult court prosecution².

Figure 3. Trends in DJJ Commitments and Adult Court Prosecution (2006-2019)



Source: DOJ, 2020.

Conclusion

It is time to confront the policy choices that have resulted in unconscionable inequities in our justice system and guard against replicating these inequities and harm locally. As California’s state leaders move forward in closing DJJ, community stakeholders are ready to support youth locally and commit to dismantling structural racism. Rather than maintain a system that has failed youth of color since its inception, California must enact policies in line with its long-term vision for youth and communities.

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² SB 823 includes protections, including (1) an increased age that youth can be held in local facilities; (2) an increased age of jurisdiction to 23 or 25 in certain high level cases; (3) funding for specialized programs and facility upgrades that serve high-needs youth; and (4) a funding disincentive for adult court prosecution, by charging counties the marginal cost of state prison commitments for youth transferred during the transition period.

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