

A BLUEPRINT FOR REFORM

Moving Beyond California's Failed
Youth Correctional System

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and Criminal Justice

PREFACE

COVID-19 risks escalate in California's Division of Juvenile Justice

For decades, the Center on Juvenile and Criminal Justice has monitored California's state-run youth correctional system, calling attention to patterns of abuse and neglect within Division of Juvenile Justice (DJJ) facilities. We find that, throughout history, the state system has placed youths' health and safety at risk. Amid the fast-moving COVID-19 crisis, the state must take urgent action to protect young people.

The COVID-19 pandemic, on the rise at the time of this report's release, brings DJJ's long-standing issues to light and exacerbates its systemic shortcomings. High levels of violence, poor health care, disconnection from family, and unsanitary conditions present serious physical and psychological risks to youth. COVID-19 has already arrived at DJJ,¹ and it is only a matter of time before it further affects youth within the facilities. Prison walls and barbed wire do not stop the spread of illness. Instead, DJJ's prison-like environment is ripe for disease transmission and the agency is ill-equipped to take necessary health precautions.



Open dormitory at O.H. Close Youth Correctional Facility.

DJJ's three correctional facilities violate modern standards that cap facility populations at 150 youth (OJJDP, 1994). With 270 youth confined at the N.A. Chaderjian facility, 235 at Ventura, and 171 at O.H. Close, the deadly virus can spread quickly and infect large numbers of youth. Worse yet, DJJ continues to use a long-debunked open dormitory layout in two of its facilities, where dozens of youth are confined in a shared sleeping area (see *DJJ at a Glance* beginning on page 3).

Substandard medical care in DJJ facilities places youth at heightened risk amid the COVID-19 outbreak. Historically, youth at DJJ have experienced delays when seeking medical attention, and staff often dismiss serious symptoms. DJJ's failing health care system cannot protect youth from COVID-19, which poses an unprecedented threat of severe illness to youth and young adults (AAP, 2020). The longer California waits to drastically reduce DJJ's population and implement safety measures, the greater the potential harm to youth and staff.

Youth Testimony

“If you weren't bleeding or dying, you wouldn't get medical attention.”

(CJCJ, 2019)

We should not need a pandemic to recognize the inherent flaws of this outdated, crowded, and violent youth correctional system. However, now more than ever, California needs to address DJJ's shortcomings to slow the spread of COVID-19. Beyond increased protections for youth, the state must drastically reduce DJJ's population by permanently ending new

admissions and promoting early release during this crisis (CJCJ, 2020). State leaders must act quickly to reduce the risk of illness, protect young people, and safeguard our broader communities.

¹ As of April 13, 2020, DJJ has two confirmed COVID-19 cases of staff members at the Northern California Youth Correctional Center, where the N.A. Chaderjian and O.H. Close facilities are located (CDCR, 2020c).

INTRODUCTION

California's youth correctional institutions are failing young people and their communities. The system—currently known as the Division of Juvenile Justice (DJJ)²—exposes youth to a violent, prison-like environment that should shock the consciences of California lawmakers, advocates, and residents. Since the 1890s, the state's youth correctional institutions have undergone numerous reorganizations, name changes, and renovations in a futile attempt to improve the treatment of youth under state care.^{3,4} Yet for as long as youth have been confined in California, the state has cycled continuously between reform and scandal, unable to overcome the cruel realities of its youth correctional model (Macallair, 2015).

Young people, their families, and even staff describe DJJ as dangerous and ineffective—a finding that is supported by the agency's own statistics (CJCJ, 2019). Despite per capita expenditures of more than \$300,000 per year, most youth return to the justice system within three years of their release from DJJ, a clear indicator of the state's failure to prepare young people for their transition back into the community (CDCR, 2019; CJCJ, 2020a). Our research finds:

- Fights, riots, and beatings are a part of daily life at DJJ.
- Staff routinely use pepper spray, batons, and rubber bullets as methods of control.
- Many youth contemplate or attempt suicide during their confinement.
- Young people are commonly placed more than 100 miles from their homes and loved ones.

In early 2019, the Center on Juvenile and Criminal Justice (CJCJ) released *Unmet Promises: Continued Violence and Neglect in California's Division of Juvenile Justice*, which uncovered appalling conditions and an overall climate of fear at DJJ (CJCJ, 2019). Despite the alarming findings, DJJ failed to respond to the report, instead using recent state budget hearings to argue for increased funding (California State Senate, 2019). DJJ continues to host tours for legislators and local justice system leaders, touting programs that benefit few youth and misrepresenting the troubling realities of daily life (CJCJ, 2019; Tour, 2019). This publication is a companion to *Unmet Promises*, offering a brief update on current conditions and outlining a set of policy recommendations that spring from CJCJ's years of research on youth confinement in California.

The DJJ institutions, by virtue of their culture, design, and location, cannot provide meaningful rehabilitation or a safe environment. The only reforms guaranteed to improve health and safety are those that downsize and ultimately close the remaining institutions in favor of local alternatives. To that end, this report presents four key policy recommendations to address this historic failure. These are presented chronologically, beginning with those that offer immediate protections to youth in the facilities, followed by recommendations aimed at building up alternatives in local communities, and concluding with a proposal to close DJJ in favor of small, close-to-home programs and facilities.

Short-term strategies for accountability and population reduction:

1. Ensure independent monitoring of the state facilities.
2. Establish fiscal incentives that motivate counties to keep youth close to home.

Long-term strategies for closing harmful state institutions:

1. Reinvest state funding into community-based interventions.
2. Fully realign DJJ to counties by incrementally moving its population to local placements and programs.

² On July 1, 2021, the name of California's state system will change from DJJ to the Department of Youth and Community Restoration (AB 94, 2019). This change will accompany a transfer of responsibility for these facilities from the state prison system, the California Department of Corrections and Rehabilitation, to the state's Health and Human Services Agency (HHSA).

³ See *What is the history of DJJ?* on page 3.

⁴ The doctrine of *parens patriae*, which is a centerpiece of the juvenile justice system, makes the state responsible for nurturing and caring for youth who are removed from their homes and placed in correctional facilities.

DJJ at a Glance

What is DJJ?

DJJ is California's state-run youth correctional system. It is responsible for serving high-needs youth and preparing them for eventual release back into the community. The DJJ facilities, which include three large correctional institutions and a fire camp, were designed according to an antiquated congregate model that places youth from across the state in sprawling dormitories or single-cell living units. In July 2020, DJJ will transition from the California Department of Corrections and Rehabilitation into the state's Health and Human Services Agency (HHSA) and be renamed the Department of Youth and Community Restoration (DYCR). This transition will increase DJJ's budget by nearly \$100 million over a two-year period (Fiscal Year 2019-20 and Fiscal Year 2020-21) and could cost taxpayers a record-setting \$336,000 per youth annually (CJCJ, 2020).

Who is confined at DJJ?

DJJ confines approximately 750 youth and young adults, a 93 percent decline from its peak of approximately 10,000 youth in 1996. In large measure, DJJ's population decline is due to a reduction in the number of youth charged with serious or violent offenses, a requirement for admission to DJJ (SB 81, 2007). The average age of a young person at DJJ is approximately 19 years old, though youth range in age from 15 to over 24 years old (CDCR, 2020). Counties commit African American and Latino youth to DJJ at rates that are out of proportion with their arrest rates for violent felonies. As a result, 88 percent of youth at DJJ are African American or Latino (CJCJ, 2019; CDCR, 2020).

Many youth involved in the juvenile justice system have serious unmet needs: nearly 90 percent have had prior exposure to toxic stress and 24 percent meet the criteria for post-traumatic stress disorder (PTSD) (Abram et al., 2004; Carrion & Steiner, 2000; Dierkhising et al., 2013; Falk et al., 2014; Pasko, 2006). As a system that houses young people accused of the most serious offenses, DJJ's youth tend to have particularly complex treatment requirements. DJJ's dangerous conditions and failing programs worsen youths' underlying needs and deepen their trauma.

How many facilities does DJJ operate?

FACILITY	N.A. Chaderjian Youth Correctional Facility (Chad)	O.H. Close Youth Correctional Facility (O.H. Close)	Ventura Youth Correctional Facility (Ventura)	Pine Grove Youth Conservation Camp (Pine Grove)
LOCATION	Stockton, San Joaquin County	Stockton, San Joaquin County	Camarillo, Ventura County	Pine Grove, Amador County
POPULATION (DEC 2019)	270	171	235	71
CAPACITY	600	379	600	80
DESIGN	Single-cell units	Open dormitory units*	Single-cell units	Open dormitory units*

Source: CDCR, 2020. *More than 25 years ago, the Office of Juvenile Justice and Delinquency Prevention recommended youth facilities stop using open dormitories, given greater risks of violence (OJJDP, 1994).

4 African American youth are confined at DJJ at 1.5 times the rate of white youth, after accounting for differences in violent felony arrest rates. Latino youth are confined at 1.7 times the rate of white youth.

What is the history of DJJ?

Throughout its history, DJJ has cycled through a series of public scandals. The state's responses to these scandals have been insufficient, often consisting of a simple name change or an administrative reorganization. This pattern illustrates that bureaucratic shifts alone cannot safeguard youth. Though reforms may briefly allay public concern, the state's institutions have always returned to deplorable and violent conditions. For the past 80 years, California governors' favored method of reform has been transferring responsibility for this system from one agency to another. In 2020, DJJ will embark, yet again, on a similar reorganization, which is unlikely to yield different results. The timeline to the right illustrates California's repeated failures of reform and reorganization since the mid-1800s.

Are there alternatives to DJJ?

Juvenile court judges have many options beyond DJJ when seeking to place youth in a secure setting. Nearly every California county probation department operates its own juvenile camp, ranch, or juvenile hall. Nearly 100 local facilities hold approximately 80 percent of all detained or confined youth across California (BSCC, 2019). Currently, local juvenile facilities operate at less than one-third capacity with nearly 9,000 vacant beds (BSCC, 2019). Best practices recommend that if youth are confined, they should be held in small, close-to-home settings that allow for a smooth transition back into their communities (Davis et al., 2014). Compared to DJJ, local facilities are better able to maintain safety, foster healthy relationships among youth and staff, and connect youth with loved ones and community-based resources to facilitate a successful return home (Mears & Travis, 2004). With unprecedented population declines in local facilities, there has never been a more ideal time to dismantle the failed state system.

1890

The California Legislature establishes two state-run institutions (Whittier State Reformatory and Preston School of Industry), which form the basis for DJJ.

1940

Outrage over two youth suicides at the Whittier State Reformatory prompts a state investigation.

1943

The state renames this system the California Youth Authority (CYA).

1961

CYA is placed under a new state department, the Youth and Adult Corrections Agency.

1980

CYA is placed under the Youth and Adult Corrections Agency.

2003

CYA is sued for failing to protect and care for youth (the Farrell lawsuit). The following year, CYA enters into a consent decree requiring major reform, including reductions in violence and use of force.

2007

Senate Bill 81 reduces DJJ's population by placing youth with less serious offenses under the authority of county probation departments.

2016

DJJ is released from the Farrell lawsuit, which abruptly ends data reporting and routine inspections.

1859

The San Francisco Industrial School opens, California's first youth correctional institution.

1892

The San Francisco Industrial School is closed amid reports of sexual and physical abuse.

1941

California's state institutions are reorganized and named the California Youth Corrections Authority.

1953

CYA is made an independent state department.

1969

CYA is transferred to the Human Relations Agency (which later becomes the Health and Human Services Agency).

LATE 1990'S – EARLY 2000'S

A series of high-profile abuses come to light, including: sexual assaults by staff, "Friday Night Fights" organized by staff, suicides, psychotropic drug testing on youth, denial of food, and around-the-clock handcuffing.

2005

CYA is reorganized and renamed the Division of Juvenile Facilities, but commonly referred to as the Division of Juvenile Justice.

2011

DJJ closes all but three facilities after once operating 11.

2019

California policymakers adopt a proposal that transfers DJJ to the Health and Human Services Agency and renames it the Department of Youth and Community Restoration. This transition will take place on July 1, 2020.

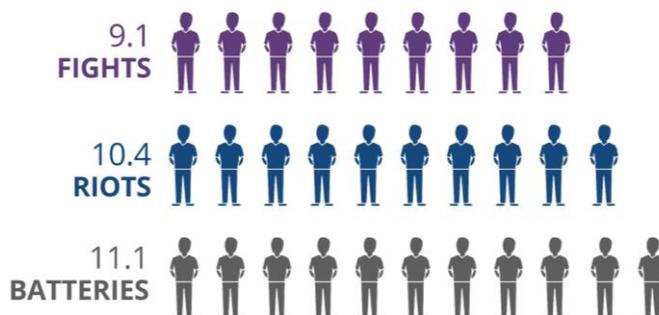
FINDINGS

DJJ fosters a culture of fear and isolation

Fights, riots, and beatings

DJJ's exceptional rates of violence affect all youth in the institutions, either through direct involvement or by witnessing an incident. On average, in each month from October 2018 through September 2019, approximately 31 youth for every hundred at DJJ were participants in or victims of a violent incident, including sexual assaults, beatings, fights, and riots (fights with five or more youth) (Figure 1) (CDCR, 2019a). DJJ's statistics, which rely on reporting by staff, likely understate the prevalence of violence in the institutions. They certainly do not capture the extent to which youths' everyday experiences are shaped by a culture of fear. Regular exposure to violence is traumatizing and subverts rehabilitation by drawing youths' attention away from treatment and educational goals and placing them in a state of hyper-vigilance (Burrell, 2013; Shelden, 2012).

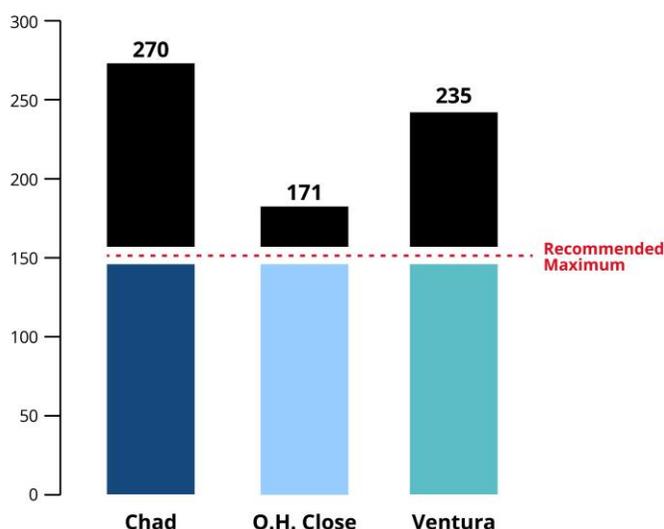
Figure 1. Youth involved in violent incidents each month per 100 of DJJ population, Oct. 2018-Sept. 2019



Source: CDCR, 2019a.

This crisis of violence is exacerbated by the size of DJJ's institutions (CJCJ, 2019). Research and youth interviews indicate that large facilities, like DJJ, experience high levels of violence because of the number of interpersonal conflicts that can exist among hundreds of youth commingling in small institutional spaces (Macallair, 2015; Newell & Leap, 2013; Sedlack et al., 2013). To reduce violence and gang conflict, modern standards stipulate that facility populations not exceed 150 youth (ACA, 2003). DJJ recently had populations well in excess of this standard at each of its three large facilities: Chad held 270 youth, O.H. Close held 171 youth, and Ventura held 235 youth (Figure 2) (CDCR, 2020).

Figure 2. DJJ correctional facility population vs. standard, December 31, 2019



Sources: ACA, 2003; CDCR, 2020.

Injuries

Youth at DJJ experience high rates of injuries and substandard medical care. In the one-year period from October 2018 to September 2019, DJJ administrators reported 1,020 total injuries, or approximately 1.5 for every youth in the facilities (CDCR, 2019a). Nearly 60 percent of injuries were caused by other youth, presumably resulting from a violent incident, and 5 percent required outside treatment (CDCR, 2019a). Compared to young people confined in local camps and juvenile halls,

youth at DJJ are three times more likely to be referred for outside medical treatment, which may reflect the severity of their injuries and ailments (BSCC, 2020). Youth who remain in DJJ's own medical system experience long wait times, misdiagnosis, and frequent dismissal of serious symptoms (CJCJ, 2019).

Suicide risk

Pre-existing mental health challenges worsen amid isolation from loved ones, exposure to violence, and an environment that strips youth of their personal identity (Burrell, 2013). At DJJ, most mental health resources are focused on youth with acute needs, leaving the majority of young people without basic support (CJCJ, 2019). This approach is particularly problematic given the research showing a high incidence of post-traumatic stress disorder among justice-involved and confined youth (Abram et al., 2004; Carrion & Steiner, 2000; Dierkhising et al., 2013; Falk et al., 2014; Pasko, 2006; Steiner, 1997).

DJJ reported 421 instances of suicidality, including eight suicide attempts from September 2018 through August 2019 (CDCR, 2019a). By contrast, it reported half as many incidents at the end of the Farrell lawsuit three years earlier (September 2015 through August 2016): 213 instances of suicidality, including four suicide attempts (CDCR, 2016). Suicidality, which includes suicide attempts, intervention, watch, or prevention, is one of the most critical measures of mental well-being in a youth institution.

Use of force

Staff use of force is widespread at DJJ. It places youth at grave physical risk and erodes mutual trust between young people and the staff responsible for their care and treatment. From October 2018 to September 2019, administrators reported 535 such incidents, or approximately 1.5 per day (CDCR, 2019a). These levels far exceed those reported in adult institutions. In 2018, youth in DJJ facilities were subjected to staff force at more than 18 times the rate of adults in state prisons (172.4 youth per 100 in DJJ vs. 9.4 adults per 100 in prison) (CDCR, 2020b; OIG, 2019). Even a single use of force incident can have a chilling effect, discouraging youth from either seeking support during a crisis or reporting grievances for fear of reprisal. Disconnecting youth from staff further isolates them and allows abuses to continue unchecked (CJCJ, 2019).

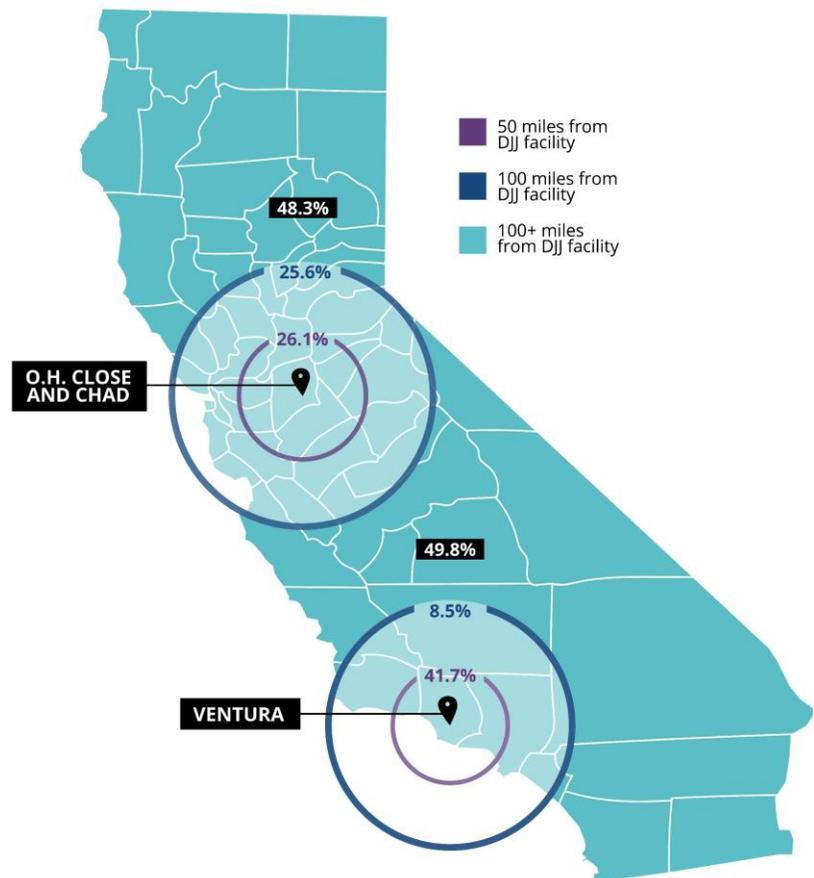
Isolation within the facilities

DJJ routinely isolates youth from peers and supportive adults, which limits access to treatment and education and negatively affects their mental health (AACAP, 2017; Cloud et al., 2015; Grassian, 2006; Morris, 2015). Between October 2018 and September 2019, youth spent an average of 13 hours each day alone in their rooms or dormitories (CDCR, 2019a). Staff isolate youth in other ways, including use of the extremely restrictive isolation unit (the Behavior Treatment Program), room confinement (temporary isolation in a single cell), and limited program (a facility- or unit-wide lockdown).

Separation from loved ones

DJJ separates youth from their families, communities, attorneys, and others who can provide emotional support or advocate for better treatment. The DJJ facilities are located far from California's major urban

Figure 3. DJJ youths' home counties, December 2019



Source: CDCR, 2020.



Fenced recreation yard at Chad

centers and are unreachable by public transportation. Some youth go years without a visit, often due to the high cost and logistical challenge of traveling across the state (CJCJ, 2019). Recent data indicate that approximately 50 percent of youth come from counties that are more than 100 miles away, a prohibitive distance for many families (Figure 3) (CDCR, 2020). This family separation undermines a youth's closest relationships and challenges community reentry upon release.

Recidivism

DJJ fails to prevent most youth from returning to the criminal justice system. Within three years of their release, 76 percent of youth are rearrested, 50 percent are reconvicted of a new offense, and 29 percent return to DJJ or a state prison (CDCR, 2019). DJJ's failing approach to rehabilitation consists of low performing high schools,⁵ limited post-secondary educational options, and treatment programs that are rendered less effective behind the walls of a secure institution. This leaves youth unprepared for their return home (CJCJ, 2019). Youth released from DJJ struggle to bridge the divide between state confinement and post-release services offered by county probation departments. Additionally, after they are released, many youth continue to grapple with the trauma they experienced at DJJ, to the detriment of their mental health and long-term success (CJCJ, 2019).

Youth Testimony

"DJJ prepared me to get out and fall face first. When I was released, I was very anxious and disconcerted. I did not have any idea how to rebuild my life or my relationships."

(California State Assembly, 2019)

⁵ In 2019, 8 percent of youth in DJJ's high schools scored proficient in English Language Arts and not a single youth scored proficient in mathematics (CDE, 2019).

RECOMMENDATIONS

Short-term strategies for accountability and population reduction

Violence, neglect, and poor outcomes are endemic to DJJ's correctional model, and numerous failed attempts at reform demonstrate that the system cannot be improved (Macallair, 2015). Instead, California must reshape its juvenile justice system to ensure that youth with the most complex needs are served in small, therapeutic settings that are close to home. However, such a transition will take time. To begin, we recommend two reforms that will protect youth in the short term by addressing DJJ's oversight gaps and growing population.⁶ Although these proposals offer important safeguards, they will not remedy fundamental failings. Recommendations for shifting resources away from state-level confinement can be found in the *Long-term strategies for closing harmful state institutions* section beginning on page 10.

1. Ensure independent monitoring of the state facilities

The Farrell lawsuit brought heightened scrutiny to DJJ, including routine inspections and public reports by a court-appointed monitor. However, in 2016, after more than a decade under close watch, DJJ was released from the lawsuit, bringing an abrupt end to court supervision. Today, a patchwork of agencies provides incomplete oversight to the DJJ institutions, but no single governmental entity is responsible



Recreation yard at Chad's lockdown unit

for protecting DJJ's youth. As a result, private entities, including CJCJ, serve as informal watchdogs, touring the facilities, tracking data, and reporting on conditions, all without an official mandate.

To provide immediate protections to youth, California must empower a governmental agency and private watchdog groups to hold DJJ accountable. We recommend three specific reforms to boost accountability and improve safety: 1) expand the investigative authority of the Office of the Inspector General (OIG); 2) form an official monitoring body of independent agencies to inspect DJJ facilities; and 3) enhance data reporting requirements.

First, we recommend that the OIG, the state body that oversees state prisons and youth correctional institutions,⁷ shift from an incident investigator to a monitor of DJJ systemwide. This would make them a critical source of information on the

quality of care and treatment in the institutions. DJJ requires a strong and independent state agency that is authorized to investigate and report on patterns of neglect. Currently, the OIG is limited in its scope and tasked primarily with following up on specific allegations of staff misconduct. The OIG's authority

⁶ From December 2018 through December 2019, the DJJ population increased by 17 percent from 640 youth to 747 youth (CDCR, 2019a; CDCR, 2020).

⁷ DJJ is required to enter into a memorandum of understanding with the Office of the Inspector General to continue services after its July 2021 transfer to the Health and Human Services Agency (AB 94, 2019).

must be expanded to make them responsible for conducting periodic, unannounced visits to DJJ; receiving and investigating complaints from youth, family members, attorneys, and staff; documenting and aggregating complaint information; and issuing regular reports to the Legislature and the public.

Next, we recommend that the state convene an independent body of experts tasked with reporting on the experiences of youth at DJJ. This group, modeled after others across the U.S.,⁸ would complement the work of the OIG by representing the interests of youth and families and providing oversight that focuses on youths' daily lives. This appointed body would

include those with experience relevant to DJJ, including youth who were formerly confined at DJJ, parents of such youth, attorneys, researchers, representatives from community-based organizations, and individuals with expertise in institutional oversight. They would be granted unimpeded access to the facilities and its young people and be responsible for issuing public reports on the challenges youth face as they navigate life in the institutions.

Finally, we recommend policy change that makes data reporting by DJJ a matter of state law. The agency would be required to post monthly reports on information ranging from facilities' average daily populations to the specific locations of violent incidents. Beginning in April 2019, DJJ removed all publicly available reports from its website, including those that provided basic population statistics, information about violence and staff use of force, and data on medical care provided to youth. Although the agency cited compliance with disability laws when removing the data, the change has, in effect, concealed vital information from policy makers, attorneys, advocates, and the general public. However, regardless of the requirements, official statistics are only as reliable as the staff reports used to populate them. There are serious concerns that DJJ may fail to tally incidents accurately or may deliberately adjust practices to suppress unfavorable data. (Gutierrez, 2019).⁹

2. Establish fiscal incentives that motivate counties to keep youth close to home

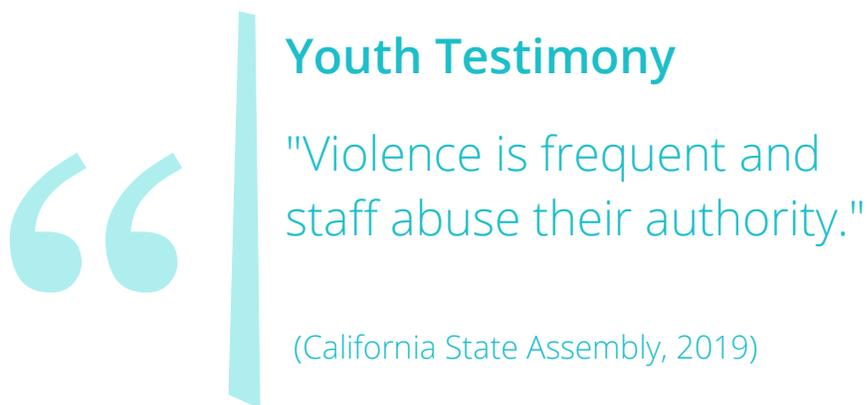
DJJ costs state taxpayers more than \$300,000 per youth per year,¹⁰ yet the state charges counties just \$24,000 for each young person sent to the facilities. Some counties have become overly reliant on DJJ, simply paying the state's fee rather than incurring the far greater expense of keeping youth locally. The result is stark disparities among counties in their rates of DJJ confinement (Figure 4) (see the Appendix for a full list of county disparities). As of December 31, 2019, 17 of California's 58 counties had no youth at DJJ, another 14 counties had fewer than five youth each, and nine counties, including Contra Costa, Monterey, and Riverside, placed youth in DJJ at more than twice the state average (after accounting for differences in felony arrests) (CDCR, 2020; DOJ, 2019).

We recommend that the state institute financial incentives that encourage counties to keep youth in local placements. This approach would remedy geographic disparities, reduce facility populations, and

⁸ For examples, see the Pennsylvania Prison Society (www.prisonersociety.org) and the Maine State Prison Board of Visitors (www.maine.gov/corrections/facilities/msp/mspBoVisitorsNew.htm).

⁹ In December 2019, a former social studies teacher at DJJ, Alberto Gutierrez Ph.D., published a column in Witness LA titled "DJJ Watch: The Secrets of Data Collecting Inside California's Youth Prisons," which described efforts by DJJ to withhold or falsify data.

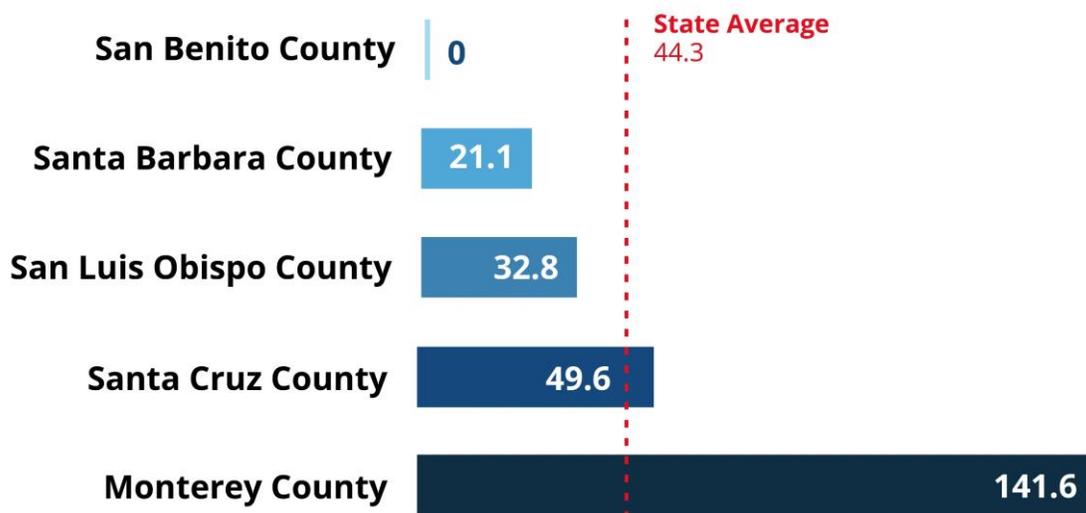
¹⁰ Though DJJ's cost to state taxpayers is staggering, the price paid by youth and their families is far greater. It includes the emotional burden of years of separation, the cost of failed rehabilitation, and the lifelong effects of having spent formative years in a dehumanizing and traumatic environment.



allow local communities to invest in alternatives to the state system. This incentive could include a carrot, such as additional funding for counties that reduce the number of youth they commit to DJJ, or a stick, such as an increased fee for committing youth to DJJ. California and other states have used financial incentives effectively to reduce county dependence on state correctional systems.¹¹

One strategy involves the development of a fund that rewards counties for shrinking their DJJ populations. Counties could do this by reducing commitments, establishing a local moratorium, or using a recall process to return youth from the state system. In this vein, a recent California Assembly Bill (AB 915) would have set aside a share of the cost savings generated from reductions in the DJJ budget for the establishment of a county grant program (AB 915, 2013). Counties that showed measurable reductions in their DJJ population would have been eligible for funding that could be used to develop and improve local programs.

Figure 4. DJJ population per 1,000 juvenile felony arrests, comparison among Central Coast counties



Source: CDCR, 2020; DOJ, 2019.

Taking a different approach, the state could increase the fee counties pay for youth committed to DJJ. Such a reform would induce counties to use vacant space in their local facilities and help to close the gap between the true cost of state confinement and the required county contribution. Although charging counties for their use of DJJ is essentially a negative incentive, it would be supported by several existing grant programs that fund local services and facilities.¹² There is a clear precedent for this kind of reform: In 2011, in the midst of a budget crisis, the state increased its DJJ fee to \$125,000, placing the cost of DJJ on par with that of many secure alternatives in youths’ home counties (SB 92, 2011). However, the Legislature reduced this fee to \$24,000 the following year (SB 1021, 2012). Similarly, a 2019 Senate Bill (SB 284) would have restored the fee to \$125,000, but the measure was ultimately vetoed (SB 284, 2019).

¹¹ For examples, see SB 681 (sliding scale fee) in California, RECLAIM Ohio, and Redeploy Illinois.

¹² For example, the state currently provides counties with hundreds of millions of dollars annually through the Youthful Offender Block Grant, the Juvenile Justice Crime Prevention Act, and the Youth Reinvestment Grant (BSCC, 2019a).



Behavior Treatment Program (BTP) lockdown unit at Chad

RECOMMENDATIONS

Long-term strategies for closing harmful state institutions

The following recommended actions would improve California’s approach to juvenile justice by phasing out DJJ and investing in local alternatives. As the state continues to experience historic declines in youth arrests, prosecutions, and secure confinement, we have a unique opportunity to rethink our juvenile justice system.¹³ The *Short-term strategies for accountability and population reduction*, which begin on page 7, would implement immediate protections to youth while preparing to transition from the harmful state system. Together, these steps can transform our system into one that supports youth development through community-based interventions and close-to-home alternatives to state confinement.

1. Reinvest state funding into community-based interventions

California’s juvenile justice system is rapidly shrinking in response to declining arrests, detentions, and adjudications.¹⁴ In short, the current generation of youth is the best behaved in recorded history. This creates an unprecedented opportunity to rethink how we deliver juvenile justice services as a growing body of research shows that youths’ health, development, and safety are better supported in community environments where they have access to social supports and community-based resources (Fazal, 2014; Prevention Institute, 2017). Declines in the juvenile justice population alongside an increased understanding of youth development have fueled calls for greater investment in community-based organizations (CBOs) and diversion, which are shown to reduce the demands on local governments and minimize youths’ exposure to the justice system (J4F, 2012).

We recommend that the state prioritize justice reinvestment, which is a well-renowned strategy to reduce correctional spending and shift savings into effective community programs (NCSL, 2017). This will ensure that resources are used to support youth development and serve youth with high needs, rather than to harm youth who would be better served in the community or who require no intervention at all.

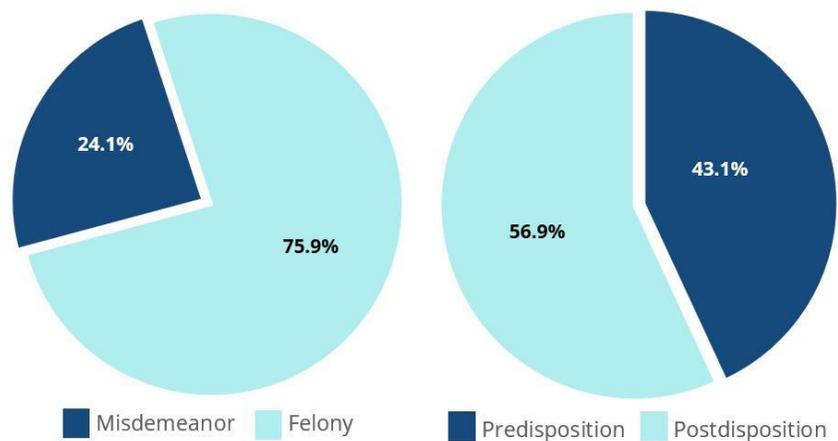
¹³ Dwindling juvenile facility populations have caused counties to reconsider the future of their probation-run camps, ranches, and juvenile halls, with some counties planning to close their facilities altogether (Tucker & Palomino, 2019; Tucker & Palomino, 2019a; Kemp, 2019).

¹⁴ The population growth at DJJ mentioned earlier defies these broader long-standing trends.

Placing youth with low-level offenses in contact with the justice system not only harms them and their families, but diverts resources away from youth with greater needs—a population that is often placed at DJJ. In 2018 and the first half of 2019, youth facing misdemeanor charges or probation violations related to a misdemeanor made up nearly a third of California’s juvenile hall populations, pointing to a “net-widening” problem¹⁵ within the juvenile justice system (Palomino & Tucker, 2019). Currently, county probation departments detain and supervise youth in the system who would be better served in the community or who require no formal intervention at all. This trend continued in the second half of 2019 during which nearly one-quarter of youth in juvenile halls were detained for misdemeanor offenses (BSCC, 2019b). Additionally, youth detained predisposition—before they were even found culpable of a crime—made up 43 percent of the average daily population (BSCC, 2019b) (See Figure 5).

Currently, counties receive hundreds of millions of dollars annually from the state to serve young people at the local level. This includes two major noncompetitive grants: the Juvenile Justice Crime Prevention Act (JJCPA), which is intended for youth involved in or “at risk” of involvement in the justice system, and the Youthful Offender Block Grant (YOBG), which is set aside for treating high-needs youth in local facilities instead of DJJ. Collectively, the JJCPA and YOBG grants provided \$321 million to counties in Fiscal Year 2018-19 (BSCC, 2020). Overwhelmingly, these funds have been spent on staffing by county probation departments¹⁶ rather than investments in CBO-run programs that would provide broader benefits to the community (CJCJ, 2018; CDF-CA, 2018).

Figure 5. Population characteristics of California’s local juvenile facilities, July 2019 – December 2019



Source: BSCC, 2019b. Note: Pre- and post-disposition data are captured using a monthly average; misdemeanors and felony offense data are captured using a one-day snapshot on the 15th of each month to estimate the monthly average. The average daily population is calculated by taking a count of youth in the facility each day of the month, adding the counts together, and dividing the sum by the number of days in each month.

Through forward-thinking community investments, California and its counties can create a framework for the successful phased realignment of youth from DJJ to local systems (see the next recommendation on page 12 for further details). Grant programs like JJCPA, YOBG, and the Youth Reinvestment Grant¹⁷ offer opportunities for justice reinvestment. Moving investments further upstream and into the community can address youths’ underlying needs while limiting harm caused by exposure to the justice system at a young age. Ultimately, the hundreds of millions of dollars spent on DJJ can provide intensive local services for high needs youth in lieu of DJJ. This shift in spending from correctional approaches to community-based prevention, diversion, and intervention will improve outcomes for youth, expand the reach of state dollars, and sustainably strengthen communities.

¹⁵ “Net-widening” refers to administrative or practical changes that result in more individuals being controlled by the justice system (Leone, 2002).

¹⁶ For example, numerous counties’ use of JJCPA funds for “voluntary probation” has received harsh criticism due to its net-widening effects and failure to address youths’ underlying needs. Voluntary probation programs subject youth who have no history of court or probation system contact to restrictive conditions (e.g., random searches, curfews, drug tests) due to non-criminal factors including poor school attendance (Soung, 2017).

¹⁷ The Youth Reinvestment Grant (YRG) passed in 2018 to provide \$37.3 million to support CBO-run diversion programs for youth with low-level offenses (AB 1812, 2018). Its successful implementation would allow counties to focus juvenile justice resources on higher-needs youth.

2. Fully realign DJJ to counties by incrementally moving its population to local placements and programs

For decades, state policy experts including the Governor, the Legislative Analyst's Office, and the Little Hoover Commission, have pressed for the transfer of juvenile justice responsibilities from the state to county probation systems, through a process known as realignment (LHC, 2008; LAO, 2009; Brown, 2012; LAO, 2012). In 2007, California adopted juvenile justice realignment in Senate Bill 81 (SB 81, 2007). The policy limited the offense categories eligible for commitment to DJJ and allocated millions in state grants to expand county systems and improve their capacity for managing high needs youth. Juvenile justice realignment stands as one of the most successful and significant reforms in recent decades, helping spur local innovation while shrinking the impact of DJJ's violent institutions.

In order to fully realize this long-standing vision for juvenile justice in California, the state must continue to move away from its use of DJJ facilities through multi-year phased realignment. Following the passage of Senate Bill 81 and Assembly Bill 1628, the state has made significant investments in secure county alternatives to DJJ totaling \$300 million for the construction or renovation of local juvenile halls, camps, and ranches (SB 81, 2007; AB 1628, 2010). As local juvenile facilities sit nearly empty, it is an opportune time to focus county probation programs on higher-needs youth, including those who might otherwise face placement at DJJ. There are nearly 100 county-run juvenile halls, camps, and ranches operating throughout the state, which are closer to home than DJJ and better suited to reintegrate youth into their communities upon release (BSCC, 2019). Using existing bed space at the local level, counties could absorb the population of DJJ more than 10 times over, and nearly every California county has space in its secure facilities to house the youth it commits each year to DJJ (BSCC, 2019).

We recommend a phased approach to juvenile justice realignment, beginning with an end to new DJJ commitments and resulting in the closure of DJJ institutions (Figure 6). Over a period of several years, the existing population at DJJ would dwindle and eventually fall to zero. As it stands, 98 percent of all youth in California's juvenile justice system are involved in county probation systems. While DJJ maintains a tiny population by comparison, it siphons resources and attention away from the local systems that serve the vast majority of justice-involved youth. In Fiscal Year 2018-19, estimated costs reached nearly \$300,000 for confining one young person at DJJ annually and state spending is predicted

A sign restricting "ward" access at Chad

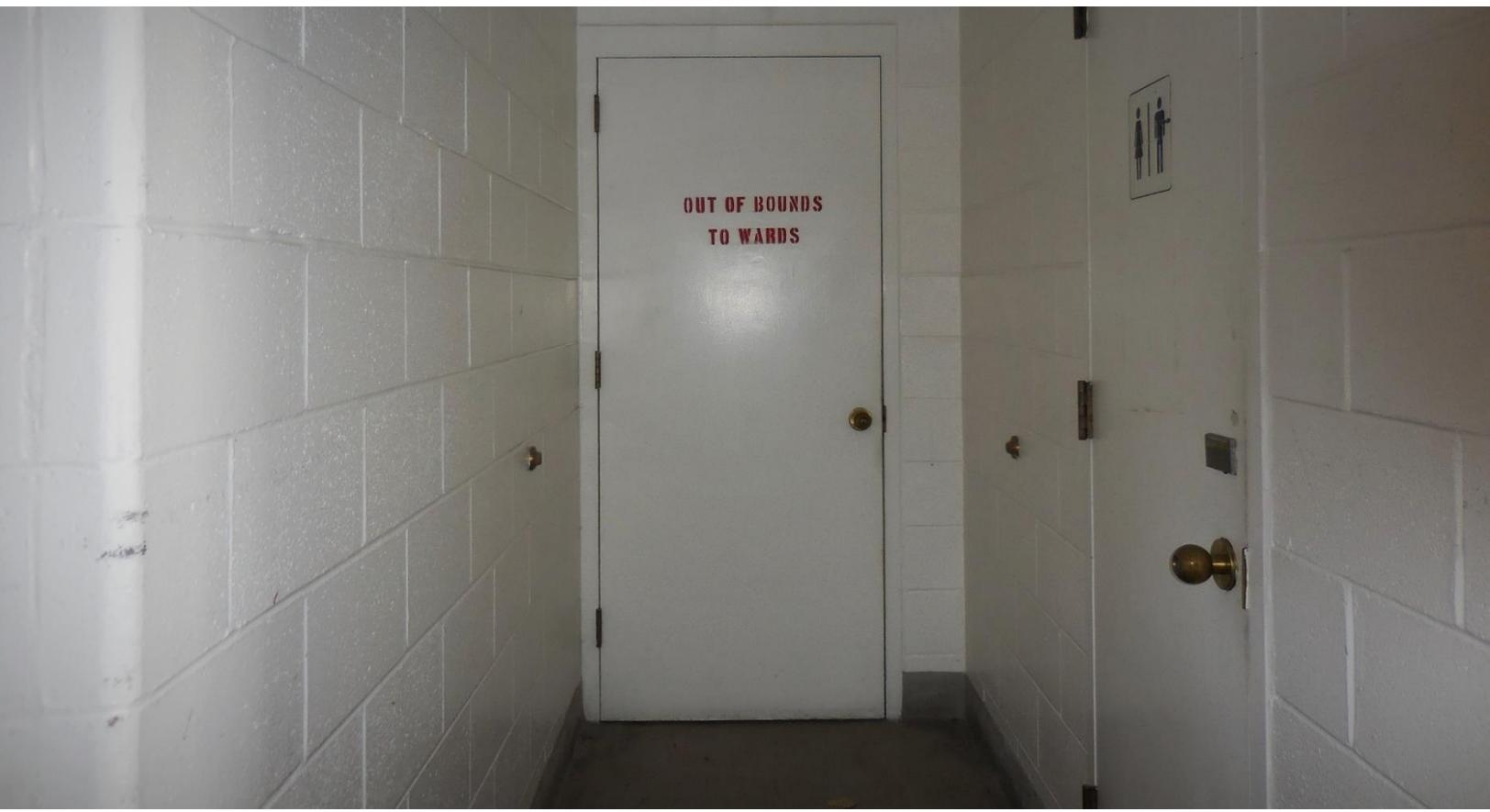
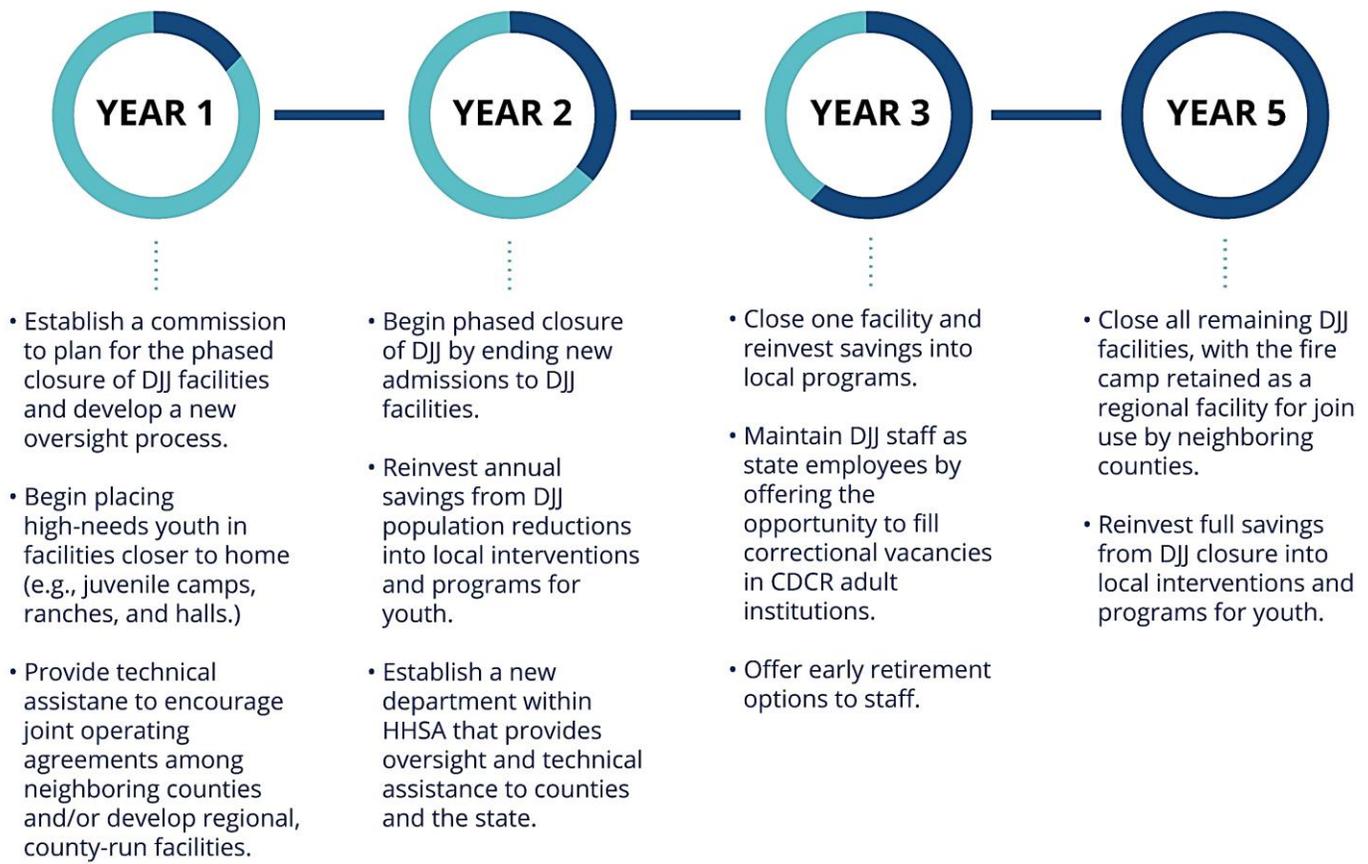


Figure 6. Recommended timeline and summary of phased juvenile justice realignment



to rise in coming years (CJCJ, 2020a). In 2008, when per capita costs were just \$252,000, the Little Hoover Commission, an independent state oversight agency, facilitated a series of hearings detailing concerns and recommended full juvenile justice realignment from DJJ to counties (LHC, 2008). The state’s continued spending on juvenile confinement not only results in high costs to taxpayers but detrimental impacts on youth and their families.

We can begin the process of phasing out DJJ in favor of coordinated close-to-home care for youth by ending new commitments to DJJ facilities. Many counties already serve youth with DJJ-qualifying offenses in their local facilities, including small counties and those with larger budgets. County camps can offer a longer term¹⁸ placement for youth with high needs in smaller, more suitable settings. A number of counties, such as San Francisco, have minimized or nearly eliminated their reliance on the state system. Innovative practices and community involvement provide a blueprint for high-committing counties to replicate in shifting responsibility for youth at risk of DJJ placement (CJCJ, 2009; CJCJ, 2013a). In addition to ending new commitments to DJJ, a multi-year phased realignment would ensure suitable placements for youth through local investments and regional partnerships.

We recommend that the state provide technical assistance, oversight, and resources to support phased juvenile justice realignment. The state should encourage joint operating agreements among neighboring counties to ensure those without a juvenile facility or without adequate treatment space in their facility can place all youth close to home. Through the HHSA, the state may provide technical assistance and financial incentives to counties to promote these partnerships as necessary.¹⁹ Currently, no state agency or department has the appropriate expertise to hold state and county juvenile justice

¹⁸ While length-of-stay considerations are important, there is no relationship between the time youth spend in confinement and their likelihood of committing an offense upon release. On the contrary, extended time spent in secure, prison-like settings can deepen trauma and result in negative outcomes for youth (Lattimore, 1995).

¹⁹ See Fouts Springs in Solano County for an example of a successful county-run regional facility (CJCJ, 2013a).

systems accountable. During the planning process, the state should establish a commission tasked with overseeing the phased closure of DJJ facilities and developing a new oversight department within the HHSA responsible for conditions and programming in local juvenile justice facilities.²⁰ This will meet a

critical need for oversight and monitoring to ensure youth at all points of contact with the justice system are kept safe and provided with effective support.

Phased realignment is not a new concept but one preceded by decades of criticism surrounding the state youth correctional system. As DJJ continues to harm youth, realignment is more urgent than ever. The reallocation of over \$290 million²¹ from the failing state system to counties would reduce costs while investing in a modernized juvenile justice approach that better protects

youth and communities. This recommendation is founded upon experience and research that has shown, time and again, that youth who receive care in a safe, therapeutic environment close to their families see greater success.

Youth Testimony

"DJJ failed to meet my needs by not providing necessary and vital treatment that would contribute to...my overall well-being."

(California State Assembly, 2019)

CONCLUSION

For too long, California's state youth correctional system has caused immeasurable harm to youth and communities. The harsh, prison-like conditions in these facilities exacerbate youths' underlying trauma and behavioral challenges by exposing them to violence, isolation, and family separation. The result: an impaired ability to successfully reintegrate into their communities and a toxic cycle of justice system involvement that only causes further harm. Despite many previous promises of reform within DJJ, the lessons of history inform us that the institutional culture of violence overpowers and outlives even the most positive goals of reform-minded leaders. As risks to youths' health and safety continue at high rates, we must recognize the inherent inability of archaic state institutions to serve as spaces for rehabilitation.

California has an opportunity to transform its approach to juvenile justice and provide services at the point where they are most likely to succeed—in communities. By investing locally, boosting accountability, and closing outdated state institutions, we will enhance the health and safety of our communities and end the harm inflicted by these institutions.

²⁰ Diverse stakeholders represented on the commission should include formerly detained or confined youth, family members of detained or confined youth, and individuals with expertise in the following areas: adolescent development, trauma, and best practices for secure confinement.

²¹ Amount based on the Governor's proposed budget for Fiscal Year 2020-21 (DOF, 2020).

METHODS

The analysis in this report draws largely from publicly available data and information received from DJJ via a California Public Records Act request. As noted earlier, a decision in the spring of 2019 to remove statistical reports from DJJ's public website has severely hindered our ability to track ongoing data trends. This has required us to engage in a lengthy and cumbersome request process to obtain basic statistics, such as the population of DJJ's facilities.

In addition to data, this report relies on observations by CJCJ staff during tours of DJJ facilities, which took place in September 2019 (Ventura) and November 2019 (Chad and O.H. Close). DJJ provided us with the photographs included in this report following tours of Chad, O.H. Close, and Ventura that we conducted in July 2018. The facilities have not undergone any major changes since our tours in 2018, a finding confirmed by subsequent visits.

Additionally, the discussion in this report of DJJ's effects on youths' well-being relies on interviews conducted in 2018 as part of our research for a previous report: *Unmet Promises: Continued Violence and Neglect in California's Division of Juvenile Justice*. Our interviewees included four attorneys who have represented youth currently or recently at DJJ, four family members of youth currently or recently at DJJ, four staff members currently or recently employed by DJJ, and eleven youth recently released from the facilities.

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Please note: Jurisdictions submit their data to the official statewide or national databases maintained by appointed governmental bodies. While every effort is made to review data for accuracy and to correct information upon revision, CJCJ cannot be responsible for data reporting errors made at the county, state, or national level.

APPENDIX

Youth felony arrests, commitment rates, and estimated DJJ costs, by county

COUNTY	YOUTH FELONY ARRESTS (2018)	DJJ POPULATION (DEC 31, 2019)	DJJ POPULATION PER 1,000 FELONY ARRESTS	POTENTIAL COST (DJJ POP. x \$336,021)
Alameda	830	10	12	\$3,360,210
Alpine	1	0	0	\$0
Amador	1	0	0	\$0
Butte	102	9	88.2	\$3,024,189
Calaveras	9	1	111.1	\$336,021
Colusa	3	0	0	\$0
Contra Costa	316	34	107.6	\$11,424,714
Del Norte	8	0	0	\$0
El Dorado	34	0	0	\$0
Fresno	596	40	67.1	\$13,440,840
Glenn	6	0	0	\$0
Humboldt	37	2	54.1	\$672,042
Imperial	57	8	140.4	\$2,688,168
Inyo	8	0	0	\$0
Kern	504	39	77.4	\$13,104,819
Kings	124	14	112.9	\$4,704,294
Lake	23	1	43.5	\$336,021
Lassen	23	0	0	\$0
Los Angeles	3,943	167	42.4	\$56,115,507
Madera	73	4	54.8	\$1,344,084
Marin	103	1	9.7	\$336,021
Mariposa	0	0	-	\$0
Mendocino	84	2	23.8	\$672,042
Merced	226	12	53.1	\$4,032,252
Modoc	5	0	0	\$0
Mono	1	0	0	\$0
Monterey	226	32	141.6	\$10,752,672
Napa	52	1	19.2	\$336,021
Nevada	50	0	0	\$0
Orange	825	9	10.9	\$3,024,189
Placer	125	1	8	\$336,021

COUNTY	YOUTH FELONY ARRESTS (2018)	DJJ POPULATION (DEC 31, 2019)	DJJ POPULATION PER 1,000 FELONY ARRESTS	POTENTIAL COST (DJJ POP. x \$336,021)
Plumas	6	0	0	\$0
Riverside	524	50	95.4	\$16,801,050
Sacramento	639	49	76.7	\$16,465,029
San Benito	20	0	0	\$0
San Bernardino	1,556	42	27	\$14,112,882
San Diego	1,178	47	39.9	\$15,792,987
San Francisco	485	8	16.5	\$2,688,168
San Joaquin	564	30	53.2	\$10,080,630
San Luis Obispo	61	2	32.8	\$672,042
San Mateo	299	7	23.4	\$2,352,147
Santa Barbara	285	6	21.1	\$2,016,126
Santa Clara	1,187	33	27.8	\$11,088,693
Santa Cruz	141	7	49.6	\$2,352,147
Shasta	58	1	17.2	\$336,021
Sierra	1	0	0	\$0
Siskiyou	6	0	0	\$0
Solano	224	14	62.5	\$4,704,294
Sonoma	195	13	66.7	\$4,368,273
Stanislaus	425	17	40	\$5,712,357
Sutter	43	5	116.3	\$1,680,105
Tehama	28	1	35.7	\$336,021
Trinity	2	1	500	\$336,021
Tulare	306	31	101.3	\$10,416,651
Tuolumne	19	0	0	\$0
Ventura	476	4	8.4	\$1,344,084
Yolo	92	5	54.3	\$1,680,105
Yuba	50	4	80	\$1,344,084
TOTAL	17,265	764	44.3	\$256,720,044

Source: CDCR (2020b); DOF (2020); DOJ (2019a). Note: The sum of county cost estimates (\$256,720,044) is less than the total FY 2020-21 budget for DJJ given that county costs are derived from 2019 populations. Populations are expected to increase in FY 2020-21.

For more information about this topic or to schedule an interview, please contact CJCJ Communications at (415) 621-5661 x 103 or cjcjmedia@cjcj.org.