

DRAFT

**Juvenile Justice Workgroup
2021 CCJBH Legislative Report
Concepts and Recommendations**

Below for workgroup discussion purposes are draft juvenile justice-related concepts and recommendations for the 2021 CCJBH Legislative Report, which were developed based on input provided by Councilmember Workgroup Advisors, as well as presentations and discussion that occurred during the March and June 2021 workgroup meetings. These concepts and recommendations may be refined/edited or deleted, and additional recommendations may be added based on further workgroup discussion.

Definitions

Juvenile Justice System

The “juvenile justice system” encompasses more than juvenile halls, juvenile institutions and/or incarceration, in general, which is a point that is frequently lost in discussions about justice-involved youth even though the data are clear that the percentage of youth in the juvenile justice system is five times greater than those incarcerated, and many youth who come into contact with the juvenile justice system do not experience incarceration at all.¹ This report, including relevant recommendations, focuses on all justice-involved youth, not just those who experience a period of incarceration.

At-Promise Youth

There are youth who may be at-risk of juvenile justice system involvement as a result of many factors, such as home environment, abuse, academic failure, negative peer influence, early substance use problems, mental health issues, etc., but have not yet experienced a police contact, so they cannot accurately be described as “justice involved.” However it is important to address these youth in this report to understand and advocate for an appropriate response. Given the movement away from the term “at-risk” when referring to youth as per [AB 413](#), these youth will be referred to as “at-promise” youth.

Justice-involved Youth

For this report, the term “justice-involved” refers to youth who have had, at a minimum, at least one police contact. That contact may or may not have resulted in a formal entry into the juvenile justice system (e.g., having a petition filed), but it presents the possibility that the youth could ultimately fall under the jurisdiction of the juvenile court.

¹ Need citation.

Prevention and Intervention Findings and Recommendations

Recommendations for youth should focus on **prevention** (the effort to keep youth out of the juvenile justice system), whereas recommendations for youth who actually entered the system should focus on effective **interventions**. Thus, the report should distinguish between prevention and intervention, as follows:

Prevention Findings

There are multiple entities that can identify “at-promise” youth and refer them to community-based services designed to address the factors or issues that place them at risk of future justice system involvement. These entities include schools, counseling programs, community centers, etc. Research² on chronic involvement in the juvenile justice system (i.e., youth who penetrate deeply and repeatedly in the juvenile justice system) is clear on the factors that may be used for such identification, including:

- First arrest before age 13
- Some form of family dysfunction
- Academic failure
- Justice-involved peers
- Substance use beyond experimentation

The presence of a single factor is not predictive, but youth presenting with two or more of those factors are at greater risk of not only entering the system, but remaining in the system until the age of majority.

Furthermore, most youth who do have a police contact, or who actually enter the juvenile justice system, do not penetrate deeply or repeatedly, but would benefit from referrals to appropriate community-based services. In fact, up to 70 percent of youth who have one contact never return before they become adults.³ Thus, the point of intervening early and at the appropriate level with “at-promise” youth to prevent formal and deep penetration into the system is made.

In the juvenile justice case processing continuum, probation (by statute) plays a screening role for youth who have a law enforcement contact and face the possibility of formally entering the system (having petition filed and subsequently sustained). California law requires probation to evaluate the youth, including the circumstances of the referral, to determine whether the youth needs to formally enter the system or can be redirected (diverted) to an alternative course of action, which can include counseling and other community-based programs. Of

² Loeber, R., Farrington, D. P., Petechuk, D., (2003) [Child Delinquency: Early Intervention and Prevention](#)

³ Need citation.

the 71,000 juveniles referred to probation in 2018, only about 7,000 were placed in detention facilities.⁴

Prevention Recommendations

Given these findings, the following are recommendations to avoid entry or prevent further involvement into the juvenile justice system:

- Academic supports should include tutoring, truancy intervention, social and psychological services, and family supports.
- Family intervention should include family counseling, and parental assistance.
- Mentors, prosocial community programs and activities should be used to support prosocial leisure time.
- Local partners should seek to divert youth away from the juvenile justice system if they have infractions instead of disrupt their lives with juvenile hall, and provide more community-based parental support. For example, a case in which a student who performed well at school and, thus, did not come to the attention of educators, but was hospitalized and placed in a residential setting for being suicidal and aggressive towards the parents, who called law enforcement for assistance – this youth could have been instead diverted from the juvenile justice system.

Intervention Findings

Based on data that is available from probation departments around the state, youth who do enter the system have been assessed as having a high risk to recidivate, and also generally have behavioral health needs. Research has demonstrated that there should be minimal supervision/interventions for low-risk youth. Conversely, youth who are high-risk and have behavioral health issues should receive higher levels of dedicated resources (supervision and interventions).

Intervention Recommendations

Research is also generally consistent in terms of the types of services/programs that should be provided to youth who are at a high risk to recidivate. Accordingly, CCJBH recommends that respective county-level entities that serve justice-involved youth consider implementing the following:

- Memorandums of Understanding (MOU). The California Health and Human Services Agency [AB 2083 Systems of Care Memorandum of Understanding](#) guidance, designed to address coordination for local foster care child/youth-

⁴ [California's Historic Juvenile Justice Evolution: Led by Chief Probation Officers, California has seen a historic shift in how we serve youth referred to our justice system.](#)

serving agencies, could be adapted to the justice-involved youth population-serving agencies, including courts, to clearly establish how coordination will occur within each county. In addition, a standing meeting or other convening platform at the local level can help to further facilitate communication and collaboration.

- Collaborative Comprehensive Case Planning. According to the CSG Justice Center, [Collaborative Comprehensive Case Plans](#) are developed when “the agencies involved in the participant’s case planning team and in the recovery processes work together with the participant (and the people in his or her support system) throughout the case planning process, and when the case plan includes information from behavioral health, criminogenic risk, and psychosocial assessments in a way that does not value results from one assessment over another.” Collaborative Comprehensive Case Plans, along with a secure electronic information exchange system/process, should be implemented to reduce duplication and increase coordination through ongoing and structured partnerships across relevant agencies and their providers.
- The following models should be considered for justice-involved youth:
 - The Positive Youth Justice model (PYJ). PYJ is a restorative justice model that captures the therapeutic philosophy of the juvenile court, along with the concept of accountability. The PYJ approach includes utilizing the youths strengths while at the same time addressing deficits (criminogenic risk factors) while working towards behavior change towards a goal of prosocial community involvement. PYJ involves a community and justice system collaboration.
 - Juvenile Wraparound. Juvenile Wraparound involves a multidisciplinary approach that focuses on the entire family and not just the youth. It originated in the child welfare system with a primary objective of addressing family issues so that dependent youth could remain in, or more quickly return to their homes. It was then applied to justice-involved youth and found to be effective. Numerous studies show recidivism reductions and reduced risk factors for justice-involved youth who are provided with Wraparound. Wraparound teams typically include, a counselor, a therapist (as necessary), a probation officer, a school representative, a parent partner, and a youth partner.
 - Crossover Youth Practice Model (CYPM). CYPM is one application of a fairly common theme employed around the country that combines the juvenile justice and child welfare systems. The process starts when the youth who may be a dependent at the time, or has a child welfare history, commits a criminal act. During the referral process, a collaborative assessment is made involving both child welfare and the juvenile justice

system. The assessment produces a recommendation for the court as to which system can best serve the youth (and community) needs. The strength of this model is that it combines the resources and expertise of both systems to meet the youth's needs. It may also involve the practice of "dual status" where a youth can be in both the juvenile justice and child welfare systems simultaneously.

- Current probation practices should continue and be enhanced based on new research, continuous quality improvement activities, and by ensuring that the appropriate community agencies are available to receive and properly serve these youth (e.g., funding, training). While a therapeutic approach has always been the goal, a balanced approach is behaviorally focused towards behavior change for youth. There needs to be engagement from a therapeutic model, and probation officers must be trained in this area to a level of competency.

SB 823:

Findings

- An increase in adult commitments of high risk youth could be an unintended consequence of SB 823. As a State, we need to avoid a situation where courts find it more palatable to impose increasingly severe consequences for justice-involved youth, or a more restrictive environment, when there are still alternatives available that are currently used by probation.
- A key goal is a reduction in the use of adult court for justice-involved youth.
- It is critical to ensure that there is consistency across counties such that justice-involved youth have access to needed services no matter where they reside.
- An important consideration is the transition from the juvenile justice system to career or vocational training. DJJ currently provides this type of training to help reduce recidivism, which help youth to have purpose and career opportunities.

Recommendations

- Case management and risk and needs assessment should be informed by peers with lived experience.
- Youth across the State should have equal access to services so that no youth are disadvantaged by a lack of availability of a particular needed service in their county that may be available in another county.
- County systems should work collaboratively to share resources and information, and mitigate the notion that county borders stand in the way of a youth getting necessary services.
- Local probation agencies should leverage the CDCR Title 15 and Title 24 Regulations that guide the conditions of confinement and move towards treatment rather than an overly punitive approach to support the realigned youth.

- The scope of educational services should be expanded at the county level to offer college or post-high school workforce development to match the services that have been traditionally offered by DJJ. The [Department of Rehabilitation](#) could be a resource that may be able to offer career opportunity resources for youth who have with mental health needs.

Mitigating the Impact of COVID-19 on Justice-Involved Youth Returning to School

Findings

- The pandemic highlighted the disproportionalities that exist in the education system for students with behavioral health needs face, especially substance use disorders.
- Youth involved in the juvenile justice system have always had many additional barriers from homes, neighborhoods, probation conditions, schools, etc., and need more and additional supports (before and now exponentially due to the pandemic).
- Many of these students were disengaged before the pandemic; therefore, even more concerted efforts/strategies are needed to engage them during and after the pandemic.
- Many youth who are justice-involved have experienced some type of abuse, and, schools are a usual place for reporting child abuse. Given the shelter in place orders due to the pandemic, many educators are worried that youth have been getting abused without notice.
- The pandemic has been a traumatic event. Students have experienced grief and losses.
- Multi-Tier System of Support (MTSS) Tier 1 is for all students to feel safe and secure; therefore, having the reconnection to school is crucial.

Recommendations

- It is critical in education that administrators and teachers recognize the difference between behavioral health (e.g., anxiety), versus behavioral needs, and not respond punitively, but rather have a behavioral health-informed response. Educators should be cautious not to mistake a behavioral health outburst, which could result in law enforcement becoming involved and the youth being placed into custody rather than treatment. Staff should be trained on increased compassion and what to expect when students act out due to behavioral health and be able to identify the available support services offered by the district and other community-based entities that may assist the student.
- There should be a criteria established beyond a behavioral health diagnosis that educators may be used to mobilizes appropriate services and supports to address youth who may have behavioral health needs that do not necessarily equate to a formal behavioral health diagnosis. Services should be preventative, and educators should be trained to recognize these needs (e.g., self-harm,

anxiety, depression, substance abuse, self-medication, suicidal ideation, decreased ability to self-regulate) and be able to help identified youth access the appropriate resources to address those needs.

General School-based Supports for Justice-Involved Youth

Findings

- Schools should be leveraged as a resource. Funding is not currently an issue. Instead, the issue is accountability, and there should be coherence across systems and funding streams, with a focus on equity.
- It is important to begin approaching youth from a lens of understanding what happened to the youth rather than assuming it is the youth's choice or fault for their behavioral and/or behavioral health needs.
- Inclusion takes time and it takes intention. All stakeholders, including parents/families and youth, must be educated on the various systems so that they may be effective partners. Currently, the California Department of Education (CDE) is approaching this engagement from multi-systems perspective, seeking to leverage the expertise of trusted messengers (individuals who can help to educate/engage) and inviting a variety of stakeholders into the process and ensuring they are informed.
- Teachers do not often live in the neighborhoods in which they teach, which results in a lack of full comprehensive of their student's community and home environment that may be a key factor leading to justice system involvement. If teachers have a better awareness of these environments, then they would likely have more compassion. This would be a paradigm shift.
- Data currently show an increase in drug use and overdose during pandemic;⁵ therefore, it is important to recognize substance use disorder (SUD) in addition to mental health, and youth in the juvenile justice system should have access to the same quality level of treatment as more affluent youth. Punitive responses should be avoided, and instead SUD should be approached through a health care lens. Youth with SUD are likely to relapse more than once, which is part of the process of recovery. If the goal is to decriminalize these youth, locking them up is not a best practice for recovery. In fact, research shows that incarceration is counterproductive to recovery.⁶ Furthermore, only justice-involved youth get locked up due to relapse during recovery, which further marginalizes and re-traumatizes the youth with addiction.

Recommendations

- School districts should increase their bandwidth to provide support and set [Intentional Support Plans](#) that include an advocate for students who are

⁵ Need citation.

⁶ Need citation.

justice-involved. These plans should support student in their academics and behavioral health, linking them with a community advocate who can interface with the school, justice system, and other relevant systems (i.e., be a caring adult, which is extremely important), and providing appropriate services and supports to their family while being careful not to overwhelm parents at one time with all of the available resources.

- Disproportionality should be addressed by creating transition/reentry plans for students leaving juvenile hall to ensure communication between the court system, county Office of Education, probation, and a liaison for each school district. For example, a youth should not be in juvenile hall for 21 days, get released, and then return to their school with “business as usual” expected. Consider the utilization of MOUs.
- All system partners should take time to hear youth voices, asking them what they need, and incorporating their input into policies and practices to drive meaningful changes.
- SUD treatment resources should be provided to students in need in convenient settings rather than place them in a position to have to travel to get treatment, and avoid exposing them to drug court altogether, which requires a disruption to their lives, including absence from school.
- Educators serving justice-involved youth should be encouraged and supported to perform a home visit to meet their students’ families in order to assess and determine how best to provide the appropriate resources and level of support. This should occur beginning at the elementary level to build consistent connections, and to understand different customs and norms.
- Education staff, particularly school psychologists, should focus on the parent and student interviews, observations, and reviewing the student’s record for trends rather than focus solely on assessment scores. For example, a case in which a teacher reported that a student was not engaged/daydreaming, but when the student was interviewed, multiple traumas were revealed that equated to a lack of trust in adults. Students should be evaluated from both a quantitative and qualitative perspective, and trauma should also be assessed.
- Educational staffing patterns should be re-envisioned within existing frameworks (MTSS). New funding should not be spent on a one-time basis as it is allocated. Rather, it should be used as an opportunity to continuously build sustainable systems based on best practices related to justice-involved youth, including training, system building, youth input, and data collection.
- To inform quality improvement, data can be examined for justice-involved youth, going back to their early childhood to identify system gaps. Target youth in 5th and 6th grades for high-quality early intervention since this is when youth begin entering the juvenile justice system by.
- The CDE should promote a shift towards social emotional learning and share resources with the county Offices of Education.

- System partners should strive to establish uniformity/consistency across counties, focusing on best practices in educational systems across counties, so that counties know what resources are available.
- Counties should support the CDE in their efforts to learn how best to work with counties in order to integrate education into county systems.
- Accountability measures should be established and used to monitor the use and outcomes of available resources. For individuals over the age of 18, adult education should be integrated, approaching learning as a continuum.
- System partners should engage in and support CDE's Disproportionality Workgroup, particularly the Task Force CDE plans to implement to focus on the justice-involved population.

Additional information to be considered and incorporated:

- Recent Federal and State investments
- Past CCJBH Legislative Report Recommendations
- Recent Research/Reports