



## **Juvenile Justice Workgroup**

Friday, July 15, 2022

12:45 – 2:45 PM

In-Person and Virtual

**Workgroup Purpose:** The workgroup focused on optimizing educational success for justice-involved youth, many of whom have behavioral health needs.

### **Councilmember Advisors:**

Mack Jenkins, *Chief Probation Officer, Ret. San Diego County*

Danitza Pantoja, Psy. D., *Coordinator of Psychological Services, Antelope Valley Union High School District*

### **CCJBH Staff:**

Brenda Grealish, *Executive Officer, Council on Criminal Justice and Behavioral Health (CCJBH)*, Monica Campos, Elizabeth Vice, Kamilah Holloway, Jessica Camacho-Duran, Emily Grichuhin, Paige Hoffman, and Daria Quintero

### **I. Welcome & Introductions**

Ms. Grealish welcomed participants and reviewed the agenda.

### **II. CCJBH Juvenile Justice Compendium and Toolkit Contract**

On May 12, 2022, CCJBH had a Contract Kick-Off Meeting with the RAND Corporation and were joined by the Office of Youth and Community Restoration (OYCR). RAND shared their project overview, methods, and deliverables, and CCJBH and OYCR provided feedback on the proposed work plan. On June 10, 2022, CCJBH received the finalized work plan from RAND, which included CCJBH and OYCR's input to categorize the information by specific subpopulations, identify areas of region for the programs, and focus on the high priority outcomes such as reducing arrests, incarceration, and issues of representation and equity in the study samples. The work plan outlined the three deliverables that RAND will be completing:

- The Evidence-Based and Emerging Practices and Programs Compendium, due on February 13, 2023. RAND is currently working with their internal content experts to identify key search terms for the literature search.
- The System Capacity Toolkit, due on December 13, 2023, will provide implementation strategies for counties on the programs that are outlined in the compendium.
- The County Training and Technical Assistance Plan, due on April 12, 2024.



CCJBH is currently working with RAND to develop two Advisory Boards that will provide input on the development of the deliverables:

- The System Representative Advisory Board will be made up of approximately 15 state-level entities and county representative associations.
- The Lived Experience Advisory Board will have eight members with diverse perspectives to meet the needs of youth.

CCJBH is working closely with OYCR to identify the representatives for the advisory boards.

### **Q&A With Councilmember Advisors**

**Q:** Dr. Pantoja asked if OYCR will take over once CCJBH has completed the Juvenile Justice Compendium and Toolkit Contract.

**A:** Ms. Grealish stated OYCR will continue working with the counties, and will utilize these resources, as needed/appropriate.

### **\*\*\*PUBLIC COMMENT\*\*\***

No public comment was provided.

### **III. Collaborative County Behavioral Health Programs for Justice-Involved Youth**

ShaKenya Edison, K-12 Administration, Consultant and Facilitator, Edison Consulting

Ms. Edison stated the importance of having cross-sector conversations because children spend 180 days in school, but 365 days with their families and communities. Education offers the opportunity to change the trajectory of young people's lives, as well as their families and the community. It is important to think about the impact of society at large, given that 70 percent of incarcerated males do not have a high school diploma and most have approximately an eighth-grade reading level. Young people can be impulsive, irrational, risk-takers and it is important to afford the opportunity for all young people to make mistakes and to respond appropriately to adolescent behaviors and not criminalize them. The behaviors of students of color are often seen as crimes instead of mistakes.

We have an obligation to address the "isms" (e.g., racism, sexism) within our institutions and come together to co-create results for young people that set them up for success to be college, career, and community ready. The video [Know Your Why by Michael Jr.](#) was shared to ground the audience in the "why" for the work they are doing. The systems in which young people are involved have historically entrenched barriers that will not be able to be resolved immediately. It is important to focus on what can be resolved right now and what we want for our youth, then work backwards from there to maximize time and accelerate results.



Data are needed to make decisions and have conversations focused on the targeted and equitable interventions for youth in the juvenile justice system. Currently, foster and juvenile justice youth are not in separate categories on the California dashboard. There are foster youth who are on probation who are wards of the court, but there are also probation youth who are still within their family units and we are not tracking that data on a state level. When something is monitored, it is perceived to have a level of importance and people start having more conversations and allocating budget because they know it will be publicly available on the dashboard. From the data collected across the state, it is evident that the overall outcomes for justice-involved youth are far more negative than all other student populations. Based on data from the California Department of Corrections and Rehabilitation Office of Research 84 percent of the student population completed high school in 2016, but only 38 percent of probation youth completed high school. In terms of more current data, the California Dashboard includes probation youth who are wards of the court under the category of foster youth and do not have a separate reporting category for probation youth. In 2021 only 55.7 percent of the foster care population graduated from high school, while 83.6 percent of the general population graduated. This shows that they are not being supported to succeed in school despite the laws in place to support them. Foster youth represent 0.5 percent of the student population enrolled in California schools, but that only accounts for youth who are wards of the court and does not include general youth who are justice-involved, which furthers the point of the necessity to have a sub-population of justice-involved youth to track those data independently.

The right people need to be brought to the table and be meaningfully engaged, valued, and supported in conversations around solving issues for and supporting justice-involved youth. A crucial group to have at the table is the families to develop the first natural support. The video [Relationships Matter: The 5 Elements of Developmental Relationships](#) demonstrates the importance of family relationships. The Search Institute has interviewed over six million young people over the last decade to identify the factors that were present in their lives to help them thrive, which have been compiled into data and frameworks. Young people with strong relationships are more resilient in the face of trauma than peers who do not have strong relationships and are 21 times more likely to manage their emotions, 17 times more likely to take personal responsibility for their actions, 5 times more likely to be good at making and keeping plans, and 4 times more likely to have a sense of purpose in life. The framework for Developmental Relationships should be translated to the engagement for families to offer equitable support to the family.

When introducing frameworks across sectors, it is important to have a common understanding of the elements and actions so families can have common expectations of how they should interface with agencies and institutions. The [40 Developmental Assets Framework](#) brings together child welfare, education, and juvenile justice systems, as well as family support. It is important to bring the family into the discussion



as partners, and not just spectators, and teach them the best practices for supporting their youth. Pre-meetings to prepare the family are extremely helpful and can help orient them to the conversation that will take place, the jargon that will be used, ensure translation, if necessary, inform them of their options, and assure them no decisions will be made without their agreement. It is also important to include support systems outside the nuclear family, which is currently a barrier in education due to the inability to share information with anyone besides family. Many youths are unaccompanied minors or runaway students who should be able to identify who they want to bring to the table without barriers. There is research to support the linkage between young people who have external assets (e.g., support, empowerment, boundaries and expectations, constructive use of time) developmental relationships (e.g., express care challenge growth, provide support, share power, expand possibilities) that lead to internal assets and other social emotional strengths that allow them to thrive in adversity because of the support of their communities.

There are [24 Risk Behaviors](#) associated with juvenile justice involvement. These are identified in both the Education Code and the Penal Code, absent mental health behaviors, but some youth have the privilege of making mistakes without severe consequences and others are funneled into the juvenile justice system. Checks and balances need to be put in place to ensure all young people are afforded the privilege of making a mistake. The Search Institute identified eight assets that correlate to youth thriving, which are: success in school, helping others, valuing diversity, maintaining good health (i.e., physical, mental, emotional, and social), exhibiting leaderships, resisting danger, delaying gratification, and overcoming adversity.

Co-creation is essential to meaningful change. Co-creation is a shared ownership, accountability, and commitment of resources. Data has proven that the framework will have a positive impact on young people being successful in college, career and community, so we must align our contributions to support it. Partnerships with the community and private sector are necessary to fund the solution. It is essential to determine the desired results for youth, which will dictate how money, time and investments are made. Starting with the available resources limits results and perpetuates systems that create or support harm for young people. Each system needs to think about the resources needed to contribute to system involved youth graduating high school on time, preparing for college, career and community. For education, there needs to be:

- Concierge services for parents to assist in the transition from the court back to school that support onboarding and welcoming the student back. Young people should not be funneled to local continuation schools because they are behind in credits.
- A system that is responsive to their needs.
- An updated system to issue credits.



- An updated classroom structure with new approaches to engagement with instruction and assigned work.
- A partnership between education and probation need to provide an education liaison when youth are released from juvenile justice.

In Santa Clara County, the education and probation departments partnered to fund a social worker who acted as a liaison to facilitate the transition from juvenile hall back to school. They found that the return to school was faster, families were more engaged, and young people showed up because they knew someone was looking out for them.

The barriers of systems and institutions need to be removed so that young people do not need to be provided with tools to overcome the barriers, but rather that they have no barriers to overcome. It is the responsibility of the adults who are invested in the young people to collectively identify and remove the barriers. It is a disservice to know the barrier and invest in tools to move around the barrier, which is how our current system operates. Common barriers for justice-involved students are the number of court dates they have to attend, and the reality that when a young person on probation makes a mistake, their probation officer is called, but when a young person who is not on probation makes a mistake, they are provided with other means of correction and supports. The first step in identifying barriers is to start conversations and making sure everyone who is impacted by the barrier is in the room when discussions occur. Some conversations may be uncomfortable when families are invited into the space because their true and authentic experience will be heard, but we should see that as a source of data to do better.

The Center on the Developing Child at Harvard University says “every child who winds up doing well has had at least one stable and committed relationship with a supportive adult.” Ms. Edison stated in her experience most kids need at least five supportive adults outside the family. It is concerning when administrators doing site visits on campus speak to students who cannot identify one adult who they would go to when they have something to celebrate or need help. It is an issue of climate culture and the school needs to work with young people to ensure that young people’s developmental relationships are supported. We should strive to be those supportive adults and promote the need for them in every system so that young people can thrive and access the free public education and have the opportunity to succeed in college, career and community.

Jasmine Miller, Staff Attorney. Youth Law Center

The Youth Law Center is a national nonprofit law firm that focuses on making sure all youth, particularly those in the child welfare and juvenile systems, have what they need to thrive. They work with civil legal aid attorneys who see special education cases for youth in the juvenile justice system; school districts or educators who are interested in implementing policies in their districts; public defenders; community colleges; and the



California Student Aid Commission. The variety of perspectives engaged allow for a high-level perspective of the current state of education in California.

When considering demographics of youth in the juvenile justice system it is important to remember that they are youth, they have good days and bad days, hopes and ambitions, and individual strengths and needs. Systems often forget this and treat them as an assortment of adjectives. The overall population of justice-involved youth is different from the youth population at large due to:

- The disproportional number of youths of color. The incarceration rate in California for Black youth is almost 10 times the rate for white youth. Latinx and Native youth are also disproportionately incarcerated.
- The significant overlap with foster youth. By age 17, over half of youth in foster care have experienced an arrest, adjudication, or overnight stay in a detention facility. Youth who are in congregate care placements, called short-term residential treatment placements (STRTP) in California, are 2.5 times more likely to end up in the juvenile justice system than youth who are in family-based placements.
- The overrepresentation of youth with disabilities in the juvenile justice system. Estimates range from 30 to 80 percent of youth in juvenile facilities.
- The overrepresentation of LGBTQ youth in the juvenile justice system. Twenty percent of all youth in juvenile facilities identify as LGBTQ and almost 40 percent of girls in the juvenile facilities identify as LGBTQ.
- The overrepresentation of English language learners in the juvenile justice system in California. About 40 percent of youth are from families where English is not the primary language and many have individual or family needs related to immigration status.

There are a number of entities who have a role to play in juvenile justice reform. While the juvenile court and probation are key entities, many others must be considered, as well, such as the county office of education, district attorneys, police, defense attorneys and public defenders, community colleges, school districts, county behavioral health, and community-based organizations. People often think of juvenile justice as a pipeline with juvenile hall as the endpoint, but that is not the reality for most young people. Juvenile hall is similar to jail in the adult system, it is where youth wait before trial while people are determining placement. Once a youth is adjudicated the court will decide the best option for the youth, which can be to go home on supervision, go to foster care placement, go to the Division of Juvenile Justice (DJJ)<sup>1</sup>, or serve a term of local commitment in juvenile hall.

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<sup>1</sup> Per [Senate Bill 823](#) (2020), the Division of Juvenile Justice ceased intake of new youth effective July 1, 2021, and will be permanently closed by June 30, 2023. Youth who would have previously been remanded to DJJ will now be under the care of their home county.



Juvenile hall is particularly a revolving door for youth placed in out-of-home foster care placements, such as in-state group homes, STRTPs, or independent living programs, because it is used as a clearinghouse. When probation places a youth in foster care, they are eligible for the same benefits as foster youth who are supervised by child welfare, assuming that all other eligibility requirements are met. Benefits include the Chaffee Grant and extended foster care, which are valuable resources if counties choose to use them. The majority of youth who are in the juvenile justice system are placed at home. Data from Riverside County in 2019 showed that, of the 472 total wardship placements, 331 were placed in home, 33 were in foster care, 102 were committed to juvenile hall and 6 were committed to DJJ.

Youth are supposed to be able to return to their home school following involvement in the justice system, but in practice they are often enrolled in alternative schools, which can be an afterthought for districts. Alternative schools are rarely included in the district's planning around college and careers; may not have the necessary facilities such as science labs; sometimes have inferior special education services to public schools; focus more on independent learning through packets rather than classroom discussion or project-based learning; and have less available extracurricular opportunities. These factors can make it concerning to advocates on a system level that youth from the juvenile justice system are often pushed into alternative schools. Pushing justice-involved youth into alternatives schools perpetuates the messaging that they cannot be served in a traditional public school because they are too dangerous or their behavior is too bad.

With the closure of DJJ, some youth will instead be committed to a Secure Track program which will be housed in county juvenile hall. Counties are still deciding how to design their Secure Track programming. Some may default to long-term incarceration while others may decide to work on a graduated step-down model or invest in prevention programs. Depending on how counties decide to design their Secure Track and how often it is used, there may be more youth who are receiving large portions, or potentially all, of their high school and post-secondary education time in court school facilities. If counties only use Secure Track for youth who would have otherwise gone to DJJ, the increase will be relatively small, but there is concern that counties may place youth in Secure Track who would have otherwise been in a less restrictive placement. Optimally, counties would take this opportunity to invest in prevention and continue to reduce the juvenile population who is incarcerated.

Key education themes related to the structure of the juvenile justice system include:

- High student mobility due to the system disrupting youth's educational connections and relationships. High student mobility leads to concerns around re-enrollment after leaving a juvenile detention facility, ensuring youth are receiving credits while they are in school and that they're able to recover credits caused by disruption, and examining traditional accountability metrics



for youth who are only in school for a few months at a time. There are often youth who are being transferred between the same two or three places over the course of few months, which makes the education programming (e.g., education assessments, interviews on goals and needs) for youth entering custody very time-consuming, which can contribute to further educational disruptions. It is important to be cognizant of the goals when thinking of ways to address this issue because we do not want to build a parallel education support system that assumes youth are always going to be mobile. Rather, we should focus on trying to reduce disruption. Short-term policy solutions are not always unfavorable because you do want to address the issues in the system that exists while also building the system that should exist. When proposing legislation or programming, you do not want to reinforce the idea that youth will be highly mobile, which will require build out of bureaucratic infrastructure that supports mobility and reduces overall disruption.

- Quality of education is a concern given the potential for youth to remain in juvenile hall for longer periods of time. Much like alternative schools, court schools do not always have the same opportunities as traditional schools, such as certain courses or leadership opportunities. Attendance and school discipline are an issue in court schools despite the fact that the young people are in juvenile hall. There are high rates of chronic absenteeism, suspension and expulsion, which is concerning because these youth are very vulnerable and cannot access other education outlets or providers. A lack of federal education services, such as access to assistive technology or specialists, can also be an issue in court schools. Dual enrollment with community colleges is a promising practice that helps address credit recovery issues and prepares youth for college and career.
- Preparing for re-entry is essential for all youth, but particularly those who have been in custody for long periods of time. Education should be used as a bridge to maintain and improve connection to the community. In California, youth are required to have access to the internet for educational purposes in juvenile hall, which is a new provision that will hopefully provide innovative ways to create more opportunities for community connection. Postsecondary academic and career technical opportunities are important in preparing young people for life and can be an opportunity to bridge connections to the community.

Existing policy and framework initiatives to support the education of justice-involved youth are as follows:

- AB 490 Education Rights: Outlines youth rights for timely transfer of education records and immediate enrollment in school districts. Also provides an ability for youth to graduate under the state minimum requirements, which





- allows them to complete their high school diploma and move onto a postsecondary education program or work experience in the community.
- AB 2276/1354: Requires the county office of education and probation to work together to ensure youth are enrolled in school upon release. Also requires education plans for youth in detention for 20 school days or longer.
  - SB 716: Requires probation to provide access to online or in-person transfer level community college courses for all high school graduates.
  - \$15 million allocation in the FY 2022-23 Budget to expand community college programs serving justice-involved youth.

The Youth Law Center currently has a Pathways to Higher Education Project, which is a partnership with the Rising Scholars program at the California Community Colleges. The California Community Colleges is the largest higher education system in the world, with more than 2.1 million students attending 116 colleges, as well as the largest provider of workforce training. The program serves students impacted by the justice system in facilities and on campus and provides comprehensive support with academics and assistance with basic needs (e.g., food, housing, transportation). The first program was in San Mateo, which has been operating for a decade, and there are many other programs in other California counties. It is important to support education from kindergarten through age 22. There are many benefits to supporting higher education, such as increased high school graduation and creating connections with the community.

### **Q&A With Councilmember Advisors**

**Q:** Chief Jenkins emphasized the importance of distinguishing between at-promise and justice-involved youth. Prevention services can be offered to at-promise youth and include recognizing and intervening early to support the family and youth and prevent law enforcement contact. Justice-involved youth may have only had one contact with law enforcement, which does not indicate that they will enter the system, but should be seen as an opportunity to divert the youth away from the system. Chief Jenkins asked Ms. Edison how the risky behaviors presented by the Search Institute data compares to the correlation between early academic failure and chronic delinquency.

**A:** Ms. Edison stated that young people who are not engaged in school are more likely to be involved in risky behaviors or be involved in crimes. The Search Institute's identified risky behaviors are seen every day on school campus and are in the Education Code, but the largest disruption is just normal adolescent behavior. Education is the largest system of support because kids are required to attend. The 24 risky behaviors identified by the Search Institute include alcohol, tobacco, inhalants, marijuana, other drug use, driving and alcohol, sexual intercourse, anti-social behavior, violence, school truancy, gambling, eating disorders, depression, and attempted suicide. Prevention is usually seen as what we do for young people, but we need to incorporate what we do for the adults, as well. Prevention needs to



include adjusting the mental model of the adults to identify adolescent behavior as normal, even though it's unwanted, and respond appropriately to teach the expected behavior. Adults who have been working in systems for a long time may be detached from how the current generation operates and are more prone to zero tolerance, which is an unfair standard for young people. We need to ensure young people have positive prosocial activities they can access without barriers, such as income, finance, or transportation. One middle school brought the enrichment and extracurricular activities to the school during lunch time to eliminate barriers. Many young people may not have access to mental health support and are coping the best way they know how, even if that may be maladaptive responses in the view of adults. We need to be infusing, investing, and monitoring as many preventions and interventions as possible.

- Q:** Chief Jenkins stated the elimination of barriers serves everyone across the board. The focus of prevention, intervention, or diversion for justice-involved youth should not be only on the youth. It must focus on eliminating barriers for the family environment. Chief Jenkins highlighted the importance of starting at results and then shaping the effort to obtain resources to get there although it can be difficult, particularly when there are a number of different entities applying for the same limited pot of resources.
- Q:** Dr. Pantoja stated that one of the Council's recommendations is to add justice-involved youth to the California Department of Education's special populations for data tracking. She supported Ms. Edison's suggestion to have a concierge service for parents because parents can get overwhelmed with all the systems and coordinating the services. It would also be beneficial to educate parents on community resources to support their child if they are having a crisis at home so they do not have to call police, especially for mental health or behavioral issues. Dr. Pantoja agreed with Ms. Miller's perspective on dual enrollment and stated she has been having discussions with her Assistant Superintendent to have youth dually enrolled like the adult education program in the district. Students should be able to graduate with a certificate in a trade and a diploma by being dually enrolled in community college. The pandemic has resulted in an increase in fighting and drug use on campus and the education system may need to be reimaged since students have been home for two years. Students were not as engaged in school while at home and many are now behind in their academics, so we need to think of ways to help them catch up.
- A:** Ms. Miller stated that the pandemic highlighted the lack of investment in community-based mental health services because services were not easily accessible for young people and their families during the pandemic. In terms of creating meaningful metrics around education for young people, it is important that there are conversations with young people and their families because there is still stigma around juvenile justice involvement. It is not something that can be done quickly by



changing the Education Code, it has to happen through long-term engagement with a number of different stakeholders. There are data tracking models for undocumented students and foster youth that could be used as a guide.

**A:** Dr. Pantoja stated that data tracking often comes with resources. For example, districts have foster and homeless liaisons and it would be beneficial to have juvenile justice liaisons to assist with credit transferring, placement and transitions.

**A:** Ms. Edison stated data is a two-edge sword; it can be used to impact change or to perpetuate harm. It will be important to have prevention and mental model shifts in place prior to setting requirements for data collection. To codify something says it's the requirement, but to monitor it is about impact.

**Q:** Ms. Grealish asked what strategies can be employed to strengthen implementation of current laws/education codes related to at-risk and justice-involved youth.

**A:** Ms. Miller stated that the education liaison program is a good way to facilitate local-level implementation so parents and youth are aware of their rights. The Justice Ed program with the National Center for Youth Law is a good model to make sure folks know their rights and are receiving support when they want to exercise them.

**A:** Ms. Edison stated the Santa Clara Juvenile Probation Department partnered with the school district to fund a social worker to act as an educational liaison. It is important to allow young people to make mistakes and eliminate the idea that making a mistake is a privilege. We need to examine the Education Code and the Penal Code to see where behaviors are listed in both because the grey area creates harm and facilitates young people being ushered into the juvenile justice system. For example, Education Code 48900 a)1 and a)2 is about the use of force or violence and Penal Code 415 is about fighting, so depending on the lens the behavior is viewed through both could be right, but there is only one appropriate response for young people in adolescence. There is language in the Education Code that requires notification to law enforcement for being in possession of marijuana. We do not want marijuana on school campuses, but we should intervene and provide support at school before having to notify. The notification requirements are also vague and do not clearly state if the school must notify on the first incident, after several incidents, or more a certain amount. The Education Code needs to be evaluated and implemented. Education Code 48900 w)1-2 and z) state that the responses to adolescent student behaviors such be age appropriate, ability appropriate, met through a trauma informed lens, and that the response should teach the expectations for the target behavior. This part of the Education Code was added in 2020, but there are other parts that are from 1980, which conflicts with how to oversee student behavior and leaves an opportunity for disparate outcomes based on the adult. People who work in the system need to think differently, which could be done through training for school campuses, law enforcement, and probation so there is alignment and a shared understanding of how to respond. To facilitate a system and expectations



that support young people and give them all the privilege of a mistake, we have to go through the Education Code and Penal Code and make sure they are in alignment and that we are responding appropriately to adolescent behaviors and not criminalizing a particular population.

**A:** Ms. Miller stated a bill ran this past year focused on narrowing the mandatory notification requirements so that teachers do not have to notify law enforcement for things that could be addressed within the school setting. The bill did not pass this year, but she anticipates another bill will pass within the next couple of years.

**\*\*\*PUBLIC COMMENT\*\*\***

No public comment provided.

**IV. Announcements**

The next [Juvenile Justice Workgroup](#) meeting will be held on September 16, 2022 from 12:45-2:45 PM via Zoom and will feature a discussion on and approval of the CCJBH 2022 recommendations related to the juvenile justice system in California. The [Diversion and Reentry Workgroup](#) will be held on September 16, 2022 from 3:00-5:00 PM via Zoom and will feature a discussion on and approval of the CCJBH 2022 recommendations related to the furtherance of diversion and reentry activities throughout California. The next [Full Council Meeting](#) will be July 29, 2022, from 2:00-4:00 PM via Zoom and will feature a presentation from the Department of Health Care Access and Information on their work, as well as a presentation by Dr. Geoff Twitchell and Councilmember Mack Jenkins on the results of San Diego's Inter-professional Collaborative Practice Learning Academy and Curriculum for Mental Health Providers Working with the Justice Involved.

**V. Adjourn**