
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: AB 1998 **Hearing Date:** June 28, 2016
Author: Campos
Version: June 16, 2016
Urgency: No **Fiscal:** Yes
Consultant: AA

Subject: *Juveniles: Data Collection*

HISTORY

Source: NOXTIN: Equal Justice for All

Prior Legislation: AB 1913 (Cardenas) – Ch. 353, Stats. 2000.

Support: Center on Juvenile and Criminal Justice (prior version); Chief Probation Officers of California; Commonwealth Juvenile Justice Project; National Association of Social Workers California Chapter (prior version); Pacific Juvenile Defender Association (prior version)

Opposition: None Known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to 1) require the Board of State and Community Corrections, by January 1, 2018, to “develop recommendations for best practices and standardizations for counties on how to disaggregate juvenile justice caseload and performance and outcome data by race and ethnicity;” and 2) consolidate and revise the data that is required to be collected and reported for two major state juvenile justice grant programs, as specified.

Juvenile Justice Data

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

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

Current law requires that, as part of its annual crime statistics report, DOJ shall provide statistics showing the “administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals

or delinquents,” (Penal Code § 13012(a)(3) and the “administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.” (Penal Code § 13012(a)(4).)

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

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

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

Current law establishes the “Board of State and Community Corrections” (“BSCC”), as specified. (Penal Code § 6024.) *Current law* provides the following mission for the BSCC:

The mission of the board shall include providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult and juvenile criminal justice system, including addressing gang problems. This mission shall reflect the principle of aligning fiscal policy and correctional practices, including, but not limited to prevention, intervention, suppression, supervision, and incapacitation, to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety through cost-effective,

promising, and evidence-based strategies for managing criminal justice populations. (Penal Code § 6024(b).)

Current law establishes within the BSCC the “California Juvenile Justice Data Working Group. The purpose of the working group is to recommend options for coordinating and modernizing the juvenile justice data systems and reports that are developed and maintained by state and county agencies,” with a report that was due and produced earlier this year. (Penal Code § 6032.)

This bill would require the BSCC, by January 1, 2018, to “develop recommendations for best practices and standardizations for counties on how to disaggregate juvenile justice caseload and performance and outcome data by race and ethnicity.”

Juvenile Justice Crime Prevention Act of 2000 (“JJCPA”)

Current law establishes the Juvenile Justice Crime Prevention Act of 2000 (“JJCPA”), including the establishment in each county treasury a Supplemental Law Enforcement Services Fund (SLESF) to receive funding from the state, as specified. (Government Code § 30061 *et seq.*)

Current law requires that of this funding, half goes to the county or city and county “to implement a comprehensive multiagency juvenile justice plan The juvenile justice plan shall be developed by the local juvenile justice coordinating council in each county and city and county,” as specified. (Gov’t Code § 30061(b)(4).)

This bill would revise this language to instead provide that the plan described above shall be reviewed and *updated* (deleting *revised*), and authorizes instead of requires a revised plan to be approved by the county board of supervisors or mayor, as specified.

This bill additionally provides that plan or updated plan be submitted to the BSCC “in a format specified by the board that consolidates the form of submission of the annual comprehensive juvenile justice multiagency plan to be developed under this chapter with the form for submission of the annual Youthful Offender Block Grant plan that is required to be developed and submitted pursuant to Section 1961 of the Welfare and Institutions Code.”

The bill also revises the reference in this section from “juvenile justice plans” to a “multiagency juvenile justice plan.”

Current law requires that these plans include, but not be limited to, all of the following components:

- (i) An assessment of existing law enforcement, probation, education, mental health, health, social services, drug and alcohol, and youth services resources that specifically target at-risk juveniles, juvenile offenders, and their families.
- (ii) An identification and prioritization of the neighborhoods, schools, and other areas in the community that face a significant public safety risk from juvenile crime, such as gang activity, daylight burglary, late-night robbery, vandalism, truancy, controlled substances sales, firearm-related violence, and juvenile substance abuse and alcohol use.

(iii) A local juvenile justice action strategy that provides for a continuum of responses to juvenile crime and delinquency and demonstrates a collaborative and integrated approach for implementing a system of swift, certain, and graduated responses for at-risk youth and juvenile offenders.

(iv) Programs identified in clause (iii) that are proposed to be funded pursuant to this subparagraph, including the projected amount of funding for each program. (Gov't Code § 30061(b)(4).)

This bill would revise these requirements to include a description of the programs, strategies, or system enhancements that are proposed to be funded.

Current law requires that programs proposed to be funded shall satisfy all of the following requirements:

(i) Be based on programs and approaches that have been demonstrated to be effective in reducing delinquency and addressing juvenile crime for any elements of response to juvenile crime and delinquency, including prevention, intervention, suppression, and incapacitation.

(ii) Collaborate and integrate services of all the resources set forth in clause (i) of subparagraph (A), to the extent appropriate.

(iii) Employ information sharing systems to ensure that county actions are fully coordinated, and designed to provide data for measuring the success of juvenile justice programs and strategies.

(iv) Adopt goals related to the outcome measures that shall be used to determine the effectiveness of the local juvenile justice action strategy. (Gov't Code § 30061(b)(4)(B).)

This bill would revise this language to reference “programs, strategies and system enhancements” instead of programs.

This bill also would delete requirement (iv) described above.

Current law requires juvenile justice plans under this program to “also identify the specific objectives of the programs proposed for funding and specified outcome measures to determine the effectiveness of the programs and contain an accounting for all program participants, including those who do not complete the programs. Outcome measures of the programs proposed to be funded shall include, but not be limited to, all of the following:

(i) The rate of juvenile arrests per 100,000 population.

(ii) The rate of successful completion of probation.

(iii) The rate of successful completion of restitution and court-ordered community service responsibilities.

- (iv) Arrest, incarceration, and probation violation rates of program participants.
- (v) Quantification of the annual per capita costs of the program. (Gov't Code § 30061(b)(4)(C).)

This bill would delete this subparagraph, and replace it with the following:

To assess the effectiveness of programs, strategies, and system enhancements funded pursuant to this paragraph, each county or city and county shall submit by October 1 of each year a report to the county board of supervisors and to the Board of State and Community Corrections on the programs, strategies, and system enhancements funded pursuant to this chapter. The report shall be in a format specified by the board that consolidates the report to be submitted pursuant to this chapter with the annual report to be submitted to the board for the Youthful Offender Block Grant program, as required by subdivision (c) of Section 1961 of the Welfare and Institutions Code. The report shall include all of the following:

- (i) An updated description of the programs, strategies, and system enhancements that have been funded pursuant to this chapter in the immediately preceding fiscal year.
- (ii) An accounting of expenditures during the immediately preceding fiscal year for each program, strategy, or system enhancement funded pursuant to this chapter.
- (iii) A description and expenditure report for programs, strategies, or system enhancements that have been cofunded during the preceding fiscal year using funds provided under this chapter and Youthful Offender Block Grant funds provided under Chapter 1.5 (commencing with Section 1950) of Division 2.5 of the Welfare and Institutions Code.
- (iv) Countywide juvenile justice trend data available from existing statewide juvenile justice data systems or networks, as specified by the Board of State and Community Corrections, including, but not limited to, arrests, diversions, petitions filed, petitions sustained, placements, incarcerations, subsequent petitions, and probation violations, and including, in a format to be specified by the board, a summary description or analysis, based on available information, of how the programs, strategies, or system enhancements funded pursuant to this chapter have or may have contributed to, or influenced, the juvenile justice data trends identified in the report.

This bill would require the BSCC, within 45 days of having received the county's report, to post on its Internet Web site a description or summary of the programs, strategies, or system enhancements that have been supported by funds made available to the county under this chapter.

Current law requires the BSCC to compile the local reports and, by March 15, 2003, and annually thereafter, make a report to the Governor and the Legislature on program expenditures within each county and city and county from the appropriation under this program, on the outcomes of the programs funded by this program as specified, and the statewide effectiveness of the comprehensive multiagency juvenile justice plans. (Gov't Code § (b)(4)(E)(ii).)

This bill would revise this requirement to instead require BSCC to compile the local reports and, by March 1 following the October 1 submission and annually thereafter, make a report to the Governor and the Legislature summarizing the programs, strategies, and system enhancements and related expenditures made by each county and city and county from the appropriation made for this program. “The annual report to the Governor and the Legislature shall also summarize the countywide trend data and any other pertinent information submitted by counties indicating how the programs, strategies, or system enhancements supported by funds appropriated under this chapter have or may have contributed to, or influenced, the trends identified.”

This bill would authorize the BSCC to “consolidate the annual report to the Legislature required under this paragraph with the annual report required by subdivision (d) of Section 1961 of the Welfare and Institutions Code for the Youthful Offender Block Grant program. The annual report shall be . . . posted for access by the public on the Internet Web site of the board.”

Youthful Offender Block Grant

Current law establishes the Youthful Offender Block Grant for the purpose of enhancing “the capacity of county probation, mental health, drug and alcohol, and other county departments to provide appropriate rehabilitative and supervision services to youthful offenders,” as specified. (WIC § 1951.)

Current law requires each county to prepare and submit to the BSCC for approval a Juvenile Justice Development Plan on its proposed expenditures for the next fiscal year from the Youthful Offender Block Grant Fund, as specified. (WIC § 1961(a).)

This bill would delete the requirement in this subdivision that counties report on proposed expenditures, and instead would require counties to report on proposed “programs, strategies and system enhancements.”

Current law requires that the plan required under this section include all of the following:

- (1) A description of the programs, placements, services, or strategies to be funded by the YOBG.
- (2) The proposed expenditures of block grant funds for each program, placement, service, strategy, or for any other item, activity, or operation.
- (3) A description of how the plan relates to or supports the county’s overall strategy for dealing with youthful offenders, as specified.
- (4) A description of any regional agreements or arrangements to be supported by the YOBG.
- (5) A description of how the programs, placements, services, or strategies identified in the plan coordinate with JJCPA programs. (WIC § 1961(a).)

This bill would delete paragraph (2) above, concerning proposed expenditures of block grant funds.

Current law requires that the plan required by these provisions be submitted as specified. (WIC § 1961(b).)

This bill would revise this language to update it, and to provide that the plan conform to a format that consolidates with the JJCPA plan, as specified.

Current law requires counties receiving YOBG grants to submit annual reports, as specified, including all of the following:

1) A description of the programs, placements, services, and strategies supported by block grant funds in the preceding fiscal year, and an accounting of all of the county's expenditures of block grant funds for the preceding fiscal year.

2) Performance outcomes for the programs, placements, services, and strategies supported by block grant funds in the preceding fiscal year, including, at a minimum, the following:

- a) The number of youth served including their characteristics as to offense, age, gender, race, and ethnicity.
- b) As relevant to the program, placement, service, or strategy, the rate of successful completion by youth.
- c) For any program or placement supported by block grant funds, the arrest, rearrest, incarceration, and probation violation rates of youth in any program or placement.
- d) Quantification of the annual per capita cost of the program, placement, strategy, or activity. (WIC § 1961(c).)

This bill would provide that these reports be consolidated with the JJCPA report, as specified.

This bill would delete (a) and (b) above.

This bill would require "countywide juvenile justice trend data available from existing statewide juvenile justice data systems or networks, as specified by the board, including, but not limited to, arrests, diversions, petitions filed, petitions sustained, placements, incarcerations, subsequent petitions and probation violations, and including, in a format to be specified by the board, a summary description or analysis, based on available information, of how the programs, strategies, and system enhancements funded pursuant to this chapter have or may have contributed to, or influenced, the juvenile justice data trends identified in the report."

This bill would require a description and expenditure report for programs, strategies, and system enhancements that have been co-funded during the preceding fiscal year using YOBG and JJCPA funds, as specified.

This bill would make additional technical conforming changes to this section.

Current law requires BSCC to prepare and make available to the public on its Internet Web site summaries of the annual county YOBG reports, as specified. (WIC § 1961(d).)

This bill would revise these requirements, including requiring that the annual report to also summarize the countywide trend data and any other pertinent information submitted by counties

indicating how the programs, strategies, and system enhancements supported by YOBG funds have or may have contributed to, or influenced, the trends identified. This bill also would give the BSCC authority to consolidate this annual report with the report required for JJCPA, as specified.

Current law authorizes BSCC to modify the performance outcome measures specified in this section, as specified. (WIC § 1961(e).)

This bill deletes this authority.

Current statute provides that the BSCC, “in consultation with the Division of Juvenile Facilities, may provide technical assistance to counties, including, but not limited to, regional workshops, prior to issuing any Request for Proposal,” and provides that the BSCC “may monitor and inspect any programs or facilities supported by” YOBG block grant funds, and “may enforce violations of grant requirements with suspensions or cancellations of grant funds.”

This bill revises this provision to update its references, to delete the reference to the Division of Juvenile Facilities, and to state that the BSCC may provide technical assistance “for the purpose of encouraging and promoting compliance with plan and report requirements” described in this bill, as specified.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

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

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

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

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

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

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

COMMENTS

1. Stated Need for This Bill

The author states:

Latino communities, especially Latino youth, are increasingly singled out by the criminal justice system. The extent of this problem is not well known because of our state’s flawed data collection system, which does not consistently disaggregate race from ethnicity in the justice system. With many Hispanics/Latinos being classified as white or African American, it is currently impossible to determine the full scope of the unequal treatment of Latinos at key decision points in the juvenile justice system

The California Juvenile Justice Data Working Group published an executive summary of their findings in January 2016 entitled “Rebuilding California’s Juvenile Justice Data System: Recommendations to improve data collection, performance measures and outcomes for California youth.” The summary describes the current Juvenile Detention Profile Survey as lacking crucial information about juveniles in detention, “such as race/ethnicity.” Including race and ethnicity is among the working group’s recommendations.

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

The complete degree of Latino mistreatment is unknown due to the lack of comprehensive information resulting from inadequate data gathering practices. Currently, most localities fail to separate race and ethnicity categories when

surveying Hispanic youth. For example, most questionnaires do not allow a youth to identify his or her race (physical characteristic) as black and his ethnicity (cultural factor) as Hispanic. They are forced to choose one or the other. Because of this, many Latino youth are classifying themselves based solely on their race (black, white, other) resulting in the underreporting of Latinos in the justice system.

2. Recent Amendments

This bill was recently amended to revise its language concerning the BSCC addressing how juvenile justice caseload and performance and outcome data might best be disaggregated by race and ethnicity. More significantly, the bill was amended to include revisions to reporting language included in two significant juvenile justice state funding programs: the Juvenile Justice Crime Prevention Act, and the Youthful Offender Block Grant. In April of last year, a Working Group of the BSCC on Juvenile Justice Data recommended revising these existing provisions, stating in part:

The Juvenile Justice Crime Prevention Act (JJCPA), adopted in 2000, supports an array of local youth crime prevention and juvenile justice supervision programs. The Youthful Offender Block Grant (YOBG) provides counties with resources to manage the caseload of non-violent juvenile offenders shifted from state to local control under California's juvenile justice realignment law (Senate Bill 81, Statutes of 2007). In Fiscal Year 2013-14 these grant programs provided counties with \$220 million in juvenile justice system funds.

The need to review JJCPA and YOBG reporting requirements was driven by a growing recognition that current statutory reporting requirements are producing disjointed and unreliable data that are not useful in assessing the overall performance of the grants or the juvenile justice systems they support. Additionally, a 2012 report from the California State Auditor was critical of the approach used to report outcomes for the YOBG program, citing poor methodology and flaws in sampling.¹

3. Support

Commonweal, which supports this bill, states in part:

Nearly all of the proposed YOBG and JJCPA changes in AB 1998 derive from the recommendations of the Juvenile Justice Data Working Group. As constituted by AB 1468 in 2014, the JJDWG was charged with recommending a plan “for improving the current juvenile justice reporting requirements” of the two grant programs “including streamlining and consolidating current requirements without sacrificing meaningful data collection”. Members of the Working Group included representatives of affected state agencies (BSCC, DOJ, DJJ), probation (CPOC), courts (Judicial Council), counties (CSAC), research experts and children's

¹ <http://www.bscc.ca.gov/downloads/JJDWG%204-30-15%20JJCPA-YOBG%20Report%20FINAL%205.15%20cc.pdf>.

advocacy organizations. The JJDWG spent six months reviewing the grant programs and submitted its report and recommendations to BSCC in April of 2015. . . .

In summary, the JJDWG drew the following observations and conclusions upon review of current JJCPA and YOBG plan and report requirements.

- There is needless duplication of county effort in having to produce separate plans and annual reports to BSCC for two grant programs having similar (if not identical) target populations and juvenile justice system support goals. This is also true of the current requirement that BSCC must produce separate annual reports to the Legislature on the two overlapping grant programs.
- The outcome measures specified in the YOBG and JJCPA statutes are flawed because they lack standard definitions; they are not adequately supported by available data; and they are of limited or poor utility to the juvenile justice agencies providing the information and to the policymakers reviewing it. (For example, reports of probation violations, based on no standard protocols for what violations or behaviors should be counted, have very low value as indicators of youth or program success).
- Given these factors, the JJDWG made a number of recommendations to improve the reporting requirements for the grant programs “without sacrificing meaningful data collection”, as summarized below.

. . . In our view the statutory changes for the YOBG and JJCPA grant programs, as contained in AB 1998, include and will implement nearly all of the grant-related recommendations of the broadly representative Juvenile Justice Data Working Group. The Working Group’s recommended elimination of unworkable statutory outcome measures is counter-balanced by an alternate reporting approach that is viewed as more relevant and informative, using data-based indicators of grant program effectiveness in each participating county. In all, the revisions as proposed will yield a net reduction in workload and will eliminate needless duplication of forms and reports, both for counties and for BSCC (by consolidating plans and reports into single-submission formats). In short, we believe the YOBG/JJCPA grant provisions as proposed for inclusion in AB 1998 respond adequately to the Legislature’s interest in “streamlining and consolidating grant report requirements without sacrificing meaningful data collection” (excerpt from the AB 1468 mandate setting up the JJDWG). If the revisions fail to move forward, counties will remain pinned down with outcome measures that JJDWG expert-group has determined to be flawed and ineffective as indicators of grant program success or failure, and both counties and BSCC will continue to generate duplicate reports that could otherwise be consolidated for better efficiency.

For these reasons we urge your support of AB 1998 with respect of the JJCPA and YOBG grant reporting changes.

4. Background – Data by Race and Ethnicity

This bill would require the BSCC to “develop recommendations for best practices and standardizations for counties on how to disaggregate juvenile justice caseload and performance and outcome data by race and ethnicity.”

The BSCC website states:

The Board of State and Community Corrections (BSCC) has long recognized the significance of disproportionality and its effect on California’s youth and families. The goal of the Reducing Racial and Ethnic Disparities (R.E.D.)* Initiative is to create a fair and equitable juvenile justice system. Through the leadership of the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) and the R.E.D. Subcommittee, the BSCC is committed to reducing racial and ethnic disparity across the justice system. The BSCC uses a multi-faceted approach, with system-reform as the framework. The R.E.D. activities are fluid and consist of a three-track initiative framed by data-driven decision making, implicit bias trainings, and technical assistance, to include: 1) direct service through grants aimed at reducing racial and ethnic disparity; 2) education/awareness through our implementation of educational mandates for grantees and stakeholders; and, 3) support through both resources and advocacy.

The State R.E.D. Subcommittee uses intentional, collaborative, and multi-faceted approaches to eliminate bias and reduce the overrepresentation of youth of color coming into contact with the juvenile justice system.

(*Previously Disproportionate Minority Contact – DMC)

In its July 15, 2013 assessment on California Disproportionate Minority Contact report, the BSCC, through its State DMC Subcommittee, explained:

California is committed to reducing racial and ethnic disparities among youth in contact with the justice system. The statewide population is diverse, boasting a population that is majority (60%) people of color according to the U.S. Census. As such, working toward a climate of fairness and equity with respect to rates of contact along the justice continuum is paramount. In California, 13 counties have been engaged in efforts to reduce racial and ethnic disparities among youth who are in contact with the criminal and juvenile justice systems. Through the Disproportionate Minority Contact Technical Assistance Project (DMC TAP), California has offered intensive information, training, and technical assistance to support these and other efforts associated with the reduction of DMC (Disproportionate Minority Contact). The counties in receipt of support services include six original DMC TAP sites, which were funded between 2010 to 2013: Alameda County, Los Angeles County, San Diego, San Francisco, Santa Clara County, and Santa Cruz. In 2011, seven additional counties received specific TAP funding, which will continue through 2014: Fresno County, Humboldt County, Marin County, Orange County, Sacramento County, Ventura County, and Yolo County. . . .

As one of the largest states in the U.S., California is divided into 58 counties. In local California counties, there are 120 juvenile detention facilities including 58 camps, 58 juvenile halls and four special purpose juvenile halls (small facilities designed for short periods of detention). Fifty-three (53) counties have at least one juvenile hall. Thirty-three counties have at least one camp. Los Angeles County, which is the largest in California in terms of general population, has three juvenile halls and 19 camps. On a typical day in the fourth quarter of 2011, nearly 8,000 juveniles were housed in local juvenile detention facilities. Another 1,700 juveniles were “detained” (i.e., receiving custody credits) in home detention or another form of alternative confinement (e.g., work programs, day schools and special purpose juvenile halls).

The report notes that data disaggregated by race and gender were not available from existing BSCC surveys for its studies. At the time of the report, 13 counties received funding for the DMC TAP. As part of that effort, in Alameda, Los Angeles, San Francisco, Santa Clara, Santa Cruz, Fresno, Humboldt, Marin, Orange, Sacramento, Ventura and Yolo counties, the W. Haywood Burns Institute (BI) used local data to identify whether and to what extent youth of color are overrepresented at various decision-making points in the juvenile justice system. In San Diego, the San Diego Association of Governments was the technical assistance provider, and was “heavily guided by the local data provided by the San Diego County Probation department and partners.” With respect to these 13 participating counties, which collected race and ethnicity data, the report notes, “(a)nalysis reveals progressive improvements with respect to decreasing disparity for several counties at different decision points.”

The findings of this report show that California’s DMC Counties have been able to, at various points, reduce both the number of Youth of Color in contact with the justice system and, at various points, reduce the disproportionate rates at which specific racial and ethnic groups are in contact with the justice system. Data limitations challenge the development of overarching observations regarding progress and opportunity for improvement statewide; however, the findings of this report show where specific jurisdictions have been able to make important and measurable strides toward reducing the representation of Youth of Color in contact with the justice system and reducing their contact rates relative to their White counterparts.

5. Background: Juvenile Data a Longstanding Issue

Juvenile justice data collection in California has long been an issue of concern among many juvenile justice advocates and experts. In its September 1994 report, *The Juvenile Crime Challenge: Making Prevention a Priority*², the Little Hoover Commission stated:

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

² <http://www.lhc.ca.gov/earlyreports/127rp.html>.

In its final report dated September of 1996, the California Task Force to Review Juvenile Crime and the Juvenile Response³ stated:

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

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

Twenty years later, in January 2016, a report produced by a working group of the Board of State and Community Corrections (required by AB 1468 in 2014) concluded that California continues to have "critical gaps, fractures and omissions in the total foundation and framework of the state's juvenile justice data system."⁴

-- END --

³ Created by AB 2428 (Epple) (Ch. 454, Stats. 1994), the Task Force was chaired by Riverside District Attorney Grover Trask, and comprised of statutorily-designated members.

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