

Juvenile Offenders and Recidivism: Orange County Solutions



GRAND JURY 2013-2014

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SUMMARY

The juvenile detention system is a kinder, gentler system than in the recent past. The Orange County Probation Department (OCPD) has shifted its focus and attitude from punishment and incarceration to rehabilitation and re-entry into the community. Juvenile crime is down from five years ago. Collaborative efforts of numerous County agencies assisted in this transition to ensure success. The 2013 - 2014 Grand Jury had the opportunity to closely observe the juvenile justice system to assess progress in reducing recidivism rates (reducing the rate of juveniles re-engaging in criminal offending, despite having been punished).

“It feels good to see my Probation Officer smile,” said a Community Day School student.

“How often do you hear a comment like that?” asked the Community Day School staff. Everyone silently acknowledged to themselves that the School must be doing most things right.

The OCPD participates in the Juvenile Detention Alternatives Initiative (JDAI), along with its juvenile justice stakeholders. JDAI is a proven method of assigning the least restrictive community-based rehabilitative alternatives for low-risk offenders who do not pose a concern to public safety. Orange County's JDAI initiative is made possible through grant funding from the Annie E. Casey Foundation.

Orange County is widely considered a leading county in developing and sustaining effective juvenile justice initiatives due to its use of evidence-based practices. The County continues to meet budgetary challenges while focusing on keeping the juvenile justice system strength-based, innovative, vital and responsive to the

needs of the communities and citizens in the County. This report identifies and reviews additional evidence-based practices and programs with which to augment the existing continuum, as well as pinpoints some gaps or deficiencies.

One observation that the Grand Jury made during this review is that the OCPD is severely handicapped with the reduction of personnel in the research department. A second observation is that juvenile recidivism is a complex concept and not easily tracked due to a different definition associated with each program.

One solution to reducing recidivism, worthy of recognition, is the Community Day School pilot program, which is a collaboration primarily of the Santa Ana Unified School District (SAUSD), OCPD and many other community organizations and services. The school has incorporated a newly formed pilot program that is aimed at channeling at-risk youths into school classes, behavioral and mental health counseling, and other community and County services to deter juveniles from re-offending.

REASON FOR THE STUDY

This report is a review of juvenile offenders, their recidivism rates, and the programs aimed at reducing recidivism in Orange County.

Recidivism is a fundamental aspect of the juvenile justice system and refers to a relapse into criminal behavior within a set period of time of release from detention. One of the functions of the OCPD is to deter offenders from becoming repeat criminals. A comparison of recidivism rates for juvenile offenders in Orange County, the State of California, and nationally will validate the effectiveness of local programs of intervention, rehabilitation and re-entry into the community.

Intervention, through positive change, is best accomplished by identifying at-risk youth. Juvenile offenders are far more malleable in the critical years leading up to adulthood. How can early intervention be achieved? The Grand Jury learned that there have been programs for many years aimed at reducing recidivism. These programs are foundational to the successful outcomes achieved through early intervention. However, it goes deeper than that. Socio-economic, community and parental dynamics play pivotal roles in reducing juvenile recidivism.

When the 2009-2010 Grand Jury looked at assessing the success of the Juvenile Detention Alternatives Initiative, it was found that the initiative was still in its early stages and too new to rate. However, with the passage of four years, the 2013-2014 Grand Jury felt it was appropriate to again review progress of this initiative.¹

BACKGROUND AND FACTS

During this investigation, the Orange County Grand Jury has noted that the OCPD has a good deal of compassionate thinking and delivers on its Mission Statement:

“We are dedicated to a safer Orange County through positive change.”

The Probation Department’s Mission Statement continues:

“As a public safety agency, the OCPD serves the community using efficient and research-supported corrections practices to:

1. Reduce Crime.
2. Assist the Courts in Managing Offenders.
3. Promote Lawful and Productive Lifestyles.
4. Assist Victims.”¹

¹ 2009-2010 Orange County Grand Jury Report, *Is the Juvenile Detention Alternatives Initiative Working?*

Definitions are elemental to understanding the corrections process.

Recidivism – General definition²: The act of re-engaging in criminal offending despite having been punished. The jail or prison recidivism rate is the proportion of persons released from incarceration that are rearrested, reconvicted or returned to custody within three years following their release from custody or placement on probation. Offenders are returned to jail or prison for one of two reasons: (1) For committing a new crime that results in a new conviction, or (2) For a technical violation of supervision, such as not reporting to their parole or probation officer or failing a drug test.

Recidivism – California definition³: “Number of individuals no longer under the jurisdiction of the juvenile court who had at least one sustained petition/adjudication during the period of supervision (not including original offense).”

Recidivism – Orange County definition⁴: Number of individuals no longer under the jurisdiction of the juvenile court that had at least one sustained petition/adjudication during the period of supervision (not including original offense).

Parole – A period of conditional supervised release in the community following a prison term. It includes parolees released through discretionary or mandatory supervised release from jail or prison, those released through other types of post-custody conditional supervision, and those sentenced to a term of supervised release.

Probation – A court-ordered period of correctional supervision in the community, generally as an alternative to incarceration. In some cases, probation can be a combined sentence of incarceration followed by a period of community supervision. See Appendix A for a flow chart on the Criminal Justice System.

Juvenile Probation – Differs slightly from adult probation procedures. Depending on how serious the crime is, the case may be handled informally (no court process). This means that the juvenile and their parents agree to a period of informal supervision under certain rules. Upon successful completion of this period of supervision, the application for petition will be closed with no further action needed. If the crime is more serious or state law requires the matter to be handled formally, the case will be reviewed by the District Attorney’s Office who will file a petition which will result in a Juvenile Court action. A Probation Officer will be assigned to the juvenile and the office will contact the parents, advising them of the dates and

² U.S. Department of Justice, Bureau of Justice Statistics, *Probation and Parole in the United States*, 2011, November 2012, NCJ239686; and Pew Center of the States, State of Recidivism: *The Revolving Door of America’s Prisons*, Washington DC; The Pew Charitable Trusts, April 2011.

³ Chief Probation Officers of California; www.cpoc.com

⁴ Orange County Probation Department interview.

times of court hearings. Rules and guidelines are set up at the court hearings for the juvenile to successfully complete probation.

Probation Officers (POs) – Officers that conduct investigations for both the adult and juvenile courts and provide counseling, guidance and referral services to probationers. POs are sworn peace officers and can make arrests and conduct search and seizure operations.

Evidence-Based Practices – Practices that involve complex and conscientious decision-making which is based not only on the available evidence but also on individual characteristics, situations, and preferences. It recognizes that care is individualized and ever changing and involves uncertainties and probabilities.

Status Offenses – Acts such as curfew violations, incorrigibility, running away, and truancy.

Orange County – Embracing Better Programs and Practices to Reduce Recidivism

The Juvenile Detention Alternatives Initiative (JDAI) is a collaborative effort of key partners throughout the juvenile justice system. In Orange County, the Juvenile Court stakeholders include juvenile justice system representatives from the Courts, the District Attorney, Public Defender, Probation Department, Juvenile Justice Commission, Social Services Agency and the Orange County Sheriff’s Department.

A Memorandum of Agreement between the Annie E. Casey Foundation and the County of Orange for the provision of technical assistance to implement the Juvenile Detention Alternatives Initiative has been entered into on an ongoing yearly basis. The grant provides funds from the Foundation to support its vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults.

JDAI focuses on the juvenile detention component of the juvenile justice system because youth are often unnecessarily or inappropriately detained at great expense, with long-lasting negative consequences for both public safety and youth development. JDAI promotes changes to policies, practices, and programs to:

- a) reduce reliance on secure detention,
- b) improve public safety,
- c) reduce racial disparities and bias,
- d) save taxpayers’ dollars, and
- e) stimulate overall juvenile justice reforms.

JDAI's eight core strategies in Orange County include:

1. An interagency collaborative to plan and monitor detention reforms.
2. Objective, risk-based admissions screening.
3. New or enhanced non-secure detention alternatives.
4. Expedited case processing to reduce lengths of stay and adjudicatory delays.
5. Improved policies and practices for dealing with warrants, violations of probation, and similar types of cases.
6. Specific strategies aimed at reducing racial disparities in the use of detention.
7. Consistent monitoring of conditions of confinement and improvements in areas found deficient.
8. Development of a capacity to track the results of these changes.

Community Day School

Typically, community day schools, or continuation schools, provide instruction to students who have been expelled from a traditional school or are on probation. These schools have a low teacher-student ratio and are run by the County or local school districts. However, the OCPD has taken this day school concept a step further in an effort to reduce recidivism among juvenile offenders. A pilot program at Community Day School consists of the OCPD teaming up with the Santa Ana Unified School District (SAUSD) and numerous other community organizations and services. Consideration is being given to replicating this pilot program in other areas of Orange County, assuming the data proves it is a successful approach to reducing recidivism. The program is aimed at channeling at-risk youths into school classes, mental health counseling and other services to keep them from re-offending. Further discussion of the Community Day School will be found in the Analysis section of this report.

Statewide – The Case for Reducing Juvenile Incarceration⁵

The Annie E. Casey Foundation (noted earlier) describes itself as a private charitable organization dedicated to helping build better futures for disadvantaged children in the United States. The Foundation makes grants to help states, cities and neighborhoods fashion more innovative cost-effective responses to the needs of today's vulnerable children and families.⁶

What is wrong with juvenile detention? The Annie E. Casey Foundation has done extensive studies since the year 2000 and makes a compelling case. The Foundation sums up that juvenile detention facilities are no place for kids and that America's youth prisons and correctional training schools can be neatly summarized in six words:

⁵ Annie E. Casey Foundation, *No Place for Kids*, 2011; <http://aecf.com>

⁶ *Ibid.*

1. Dangerous
2. Ineffective
3. Unnecessary
4. Obsolete
5. Wasteful
6. Inadequate

Dangerous. Juvenile detention facilities subject the youth offender to intolerable levels of violence, abuse, and other forms of maltreatment. In 2008, an Associated Press story found that 13,000 claims of abuse had been reported from 2004 to 2007 in juvenile facilities nationwide. Of these, 1,343 instances of abuse had been officially confirmed by authorities. Countless more claims had never been investigated properly or never filed by youth due to lack of functioning grievance systems and/or fear of retribution. The Foundation even goes on record as stating, “California’s youth corrections system has remained in perpetual crisis for more than a decade.” In March 2006, a team of nationally recognized experts assembled to assist in implementing court-ordered reforms observed, “This is a system that is broken almost everywhere you look.” The experts listed 18 severe and systemic deficiencies including high levels of violence and fear, unsafe conditions for youth and staff, frequent lockdowns, and capitulation to gang culture. The Foundation concluded, “...it is not just reform that is needed. Everything needs to be fixed.”⁷

Ineffective. The outcomes of correctional confinement are poor. Recidivism rates are almost uniformly high, and incarceration in juvenile facilities depresses youths’ future success in education and employment. While recidivism studies vary in many important dimensions, the overall body of recidivism evidence indicates plainly that confinement in youth corrections facilities doesn’t work well as a strategy to steer delinquent youth away from crime. Juvenile incarceration also exacts a heavy toll on youths’ future employment.

Unnecessary. A substantial percentage of youth confined in youth corrections facilities pose minimal risk to public safety. A tragic irony of the abuses and regrettable outcomes is that many of the youth confined in juvenile detention facilities have no records of serious offending that would necessitate their confinement to protect the public.

⁷ Murray, Christopher, Chris Baird, Ned Loughran, Fred Mills, & John Platt, *Safety and Welfare Plan: Implementing Reform in California*, Division of Juvenile Justice, California Department of Corrections and Rehabilitation, March 31, 2006; <http://www.prisonlaw.com/pdfs/DJJSafetyPlan.pdf>.

Obsolete. Experts could not point to a single delinquency prevention or intervention program model with solid scientific evidence of effectiveness. Experts have found, however, that programs offering counseling and treatment typically reduce recidivism, while those focused on coercion and control tend to produce negative or null effects.

Wasteful. Most states are spending vast sums of taxpayer money and devoting the bulk of their juvenile justice budgets to correctional institutions and other facility placements when non-residential programming options deliver equal or better results for a fraction of the cost.

Inadequate. Despite the exorbitant daily costs, most juvenile correctional facilities are ill-prepared to address the needs of many confined youth. Often, they fail to provide even the minimum services appropriate for the care and rehabilitation of youth in confinement.

Collaborative Courts of Orange County⁸

Collaborative court programs are specialized courts that combine judicial supervision with monitored rehabilitation services. These programs focus on:

- a) integrated treatment and social services,
- b) oversight and accountability,
- c) a team approach to decision-making and problem-solving, and
- d) frequent interaction between the participants and the judicial officer.

Juvenile Drug Court

The Juvenile Drug Court was established in 1998 to focus on critical substance abuse issues of minors. The program's goal is to support the youthful offender's commitment to sobriety by providing the supervision and treatment needed to promote abstinence from alcohol and drug abuse and to deter criminal behavior. The Juvenile Drug Court team includes members from the Court, District Attorney, Health Care Agency, OCPD, Public Defender and any retained counsel. Minors participating in this program are required to:

- a) attend weekly self-help groups,
- b) participate in family, group, and individual counseling,
- c) remain clean and sober,
- d) attend educational and skill-building classes, and
- e) be present at frequent progress review hearings with a judicial officer and follow the conditions and terms of probation.

⁸ Collaborative Courts, 2012 Annual Report, Superior Court of California, County of Orange

Truancy Court

The Truancy Court was established in 2001 to deal with juveniles whose school attendance is not corrected by school level intervention. The school district then refers students to OCPD. The Truancy Court has the goals of stabilizing school attendance and reducing the number of juveniles who go on to commit crimes. Note that first grade students with nine or more total absences are twice more likely to drop out of high school than their peers who attend school regularly. Approximately 82% of prisoners in America are high school dropouts.⁹

“A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.”¹⁰

The Court involves parents, students, and government agencies including the Department of Education, District Attorney’s Office, Health Care Agency, Juvenile Court, OCPD, Public Defender, and the Social Services Agency. The Court will order parents to attend the Parent Empowerment Program and may refer the family for counseling services provided by the Health Care Agency and the Social Services Agency. The students must provide proof of attendance to the Court each week until the chronic truancy problem is resolved.

Dependency Teen Programs – Girls Court

The psychological effects of abuse or trauma can put girls at a high risk of becoming school drop outs, becoming homeless, using drugs, and becoming involved with the criminal justice system. Many of these girls are living in foster care group homes. Because frequent changes of homes and schools can negatively impact self-esteem and the girl’s behavior, one of the Girls Court’s goals is to reduce the number of placement changes. Another goal is the reduction of run-aways where a girl leaves her foster home without permission, which sometimes results in living on the street or under the influence of an older boyfriend. In 2012, only one girl in the program had a new law violation. This is considered a good result, considering all the disruptions these girls are exposed to on a regular basis.

The Girls Court team includes the Court Appointed Special Advocates (CASA), Department of Education, District Attorney’s Office, Health Care Agency, Juvenile Court, Juvenile Defenders, Orange County Counsel, Orangewood Children’s Foundation, OCPD, Public Defender, Social Services Agency, and appointed counsel.

⁹ *In School + On Track*, Attorney General’s 2013 Report on California’s Elementary School Truancy & Absenteeism, 2013; <http://oag.ca.gov/truancy>

¹⁰ California Education Code 48260 (a).

Dependency Teen Programs – Boys Court

Most of the boys in this dependency program have had multiple foster care placements, mental health and socialization problems, and substance abuse, and they are at high risk of becoming involved in the criminal justice system as adults. Most of the boys were abandoned or neglected by their parents and many of them have suffered from violent emotional, physical, and/or sexual abuse. The boys diagnosed with mental illness and substance abuse issues receive therapy and treatment for these problems.

The Boys Court team includes the Court Appointed Special Advocates (CASA), Department of Education, District Attorney’s Office, Health Care Agency, Juvenile Court, Juvenile Defenders, Orange County Counsel, Orangewood Children’s Foundation, OCPD, Public Defender, Social Services Agency, and appointed counsel.

Detention vs. Treatment Facilities

“We fix kids. That’s our job”

This is a sentiment the Grand Jury heard on several occasions and this is how the staff at the juvenile treatment centers see their job. It was also articulated that staff sometimes feel there is not enough time to have a positive impact on the youths in the 30-day or less sentences currently being handed out to juveniles.¹¹ On the other hand, a dramatic drop in detention population is evidence that shorter detention is more effective than longer detention. Subsequent interviews indicated that most of the programs introduced in the juvenile treatment centers are followed through in the Community Day School and other programs.

Juvenile residential facilities (Joplin Youth Center, Juvenile Hall, Youth Guidance Center and Youth Leadership Academy) have a number of programs and activities to reduce recidivism. Most programs and activities are not data-driven, except Thinking For Change (T4C), Aggression Replacement Training (ART), and substance abuse programs. The length of stay in these facilities in most cases is 30 to 60 days.

A typical flow chart of Juvenile Probation in Orange County’s Criminal Justice System may be found in Appendix A.

¹¹ Orange County Grand Jury Inspection of the Youth Leadership Academy, 2013.

California Juvenile Court Cases

Each year, juvenile courts across the country voluntarily provide data to the National Juvenile Court Data Archive, a project maintained by the National Center for Juvenile Justice (NCJJ) with funds provided by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Table 1

California Juvenile Court Case Counts, 2010								
Reporting Counties (Counties over 500,000 population)	2010 Population Estimate	Delinquency			RATIO			
	Total	Petition (Detained)	Non- Petition (Non- detained)	Total Delinquency	Total Delinquents as percent of Population	Detained Delinquents as Percent of Population	Non- Detained Delinquents as Percent of Population	Ratio of Detained to Non- Detained Delinquents
Alameda	1,513,000	2,506	2,202	4,708	0.31%	0.17%	0.15%	1.14
Contra Costa	1,052,600	1,403	1,875	3,278	0.31%	0.13%	0.18%	0.75
Fresno	933,200	2,803	4,087	6,890	0.74%	0.30%	0.44%	0.69
Kern	842,800	2,481	2,793	5,274	0.63%	0.29%	0.33%	0.89
Los Angeles	9,826,800	8,271	556	8,827	0.09%	0.08%	0.01%	14.88
Orange	3,017,600	6,847	4,315	11,162	0.37%	0.23%	0.14%	1.59
Riverside	2,203,000	3,083	4,856	7,939	0.36%	0.14%	0.22%	0.63
Sacramento	1,422,100	2,347	1,817	4,164	0.29%	0.17%	0.13%	1.29
San Bernardino	2,042,000	5,786	2,294	8,080	0.40%	0.28%	0.11%	2.52
San Diego	3,105,100	3,360	2,422	5,782	0.19%	0.11%	0.08%	1.39
San Francisco	805,300	581	767	1,348	0.17%	0.07%	0.10%	0.76
San Joaquin	687,700	2,216	3,558	5,774	0.84%	0.32%	0.52%	6.62
San Mateo	719,600	1,961	738	2,699	0.38%	0.27%	0.10%	2.66
Santa Clara	1,786,300	2,596	2,402	4,998	0.28%	0.15%	0.13%	1.08
Stanislaus	515,400	1,564	1,605	3,169	0.61%	0.30%	0.31%	0.97
Ventura	825,400	1,242	1,450	2,692	0.33%	0.15%	0.18%	0.86

Table 1 lists the number of delinquencies in *all* of the counties throughout California that have a population over 500,000 people. Note that different counties have different ratios of petition (detained) versus non-petition (non-detained) cases, depending upon the case handling in each particular county. For example, in Los Angeles County, a juvenile delinquent has a much greater chance of being detained, rather than being placed on probation. In Fresno County, a juvenile delinquent has a greater chance of being placed on probation, rather than being detained. Orange and San Diego counties are similar in population, however Orange County has twice the number of delinquencies.

While many interpretations can be drawn from the chart above, it is clear that different counties have different ratios between petitioned and non-petitioned case handling (and total delinquency numbers) due to local county juvenile justice policies.

In general, the Juvenile Court Risk Assessment Intake (RAI) determines whether a case will be *petitioned* (formally handled and detained in a detention or treatment facility) and scheduled for an adjudicatory or waiver hearing or being *non-petitioned* (informally handled and non-detained and placed on probation). The *petition* is a document alleging that a juvenile is a delinquent and asks the court to assume jurisdiction of the juvenile or asks that an alleged delinquent be waived to criminal court for prosecution as an adult. Non-petitioned (informally handled) cases are handled by judges, referees, probation officers, other officers of the court or an agency designated to handle juveniles.¹²

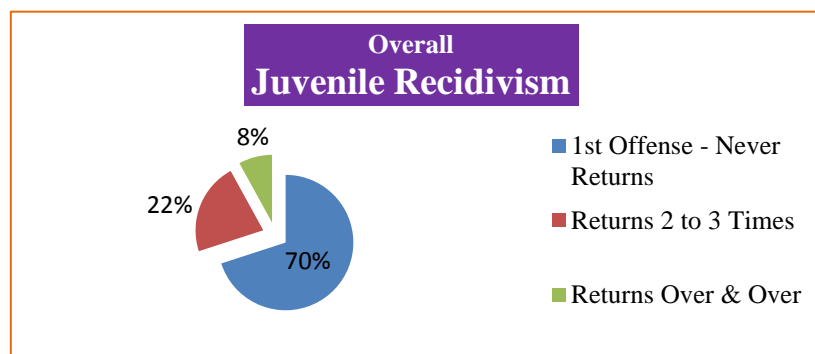
Juvenile Recidivism

As mentioned earlier, the definition of Recidivism has always been fluid. The definition has changed from year to year, and varies slightly from source to source. For example, one definition may be used in 2011 by the State of California as the basis for statistics in a chart; while another definition may be used in 2013 by the County of Orange as the basis for statistics in a chart.

70% of *first-time* offenders do not commit a second crime. 22% of first-time offenders will commit 2 to 3 crimes. The remaining 8% of first-time offenders will continue to commit crimes over and over.

One purpose of this study is to raise awareness for the remaining 30% of first-time offenders comprised of the 22% that will commit several more crimes, and the 8% that will continue to commit crimes. Juvenile Probation has embarked on innovative programs for these juveniles. Using evidence-based research, Probation's goal is to *nip it in the bud* before a juvenile can become a habitual offender. Juvenile Probation's *current thinking is to find the 8 Percenters before they become 8 Percenters*.¹³

Figure 1



¹² U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention; www.ojjdp.gov.

¹³ 8 Percent Problem Study Findings, Orange County Probation Department; <http://ocgov.com/gov/probation/about/8percent/>

Figure 1 above illustrates research done in the 1990's which defined juvenile recidivism as follows:¹⁴

1. **Non-Recidivists (1st Offense – Never Returns)** are those minors with one referral to the OCPD for a criminal offense during a three-year period (about 70%).
2. **Low-Rate Recidivists (Returns 2 to 3 Times)** are those minors with 2 or 3 criminal justice referrals during a three-year period (about 22%).
3. **Chronic Recidivists (Returns Over & Over)** are those minors with 4 or more referrals (about 8%).

It was also noted that the recidivism rate is more complex than the previous definition, and the severity of the crime can color the results of the research. For example, juveniles vandalizing via graffiti represents the highest crime rate, and a first-time offender may be charged with this misdemeanor over and over again. Juveniles that commit a murder actually represent the lowest crime rate. If a first-time offender commits murder, then they may never commit another crime, since they will be detained by the justice system.

Risk factors tend to play an important role in juvenile recidivism. The OCPD takes the following factors into consideration for juveniles:

- a) early onset of criminal activity,
- b) family domestic violence,
- c) gang affiliation, and
- d) substance abuse.

Evidence-based practices have added three additional risk factors:

1. anti-social thinking,
2. criminal thinking attitude and beliefs, and
3. lack of pro-social leisure activities.

Juvenile Arrests¹⁵

Table 2 below illustrates Juvenile Arrest Trends from 2002 to 2011. There was a 21% decrease in juvenile arrests from 13,646 to 10,481 in Orange County. Misdemeanor arrests decreased 25%; arrests for status offenses decreased 16%; and felony arrests decreased 13% during this ten-year period.

¹⁴ Ibid.

¹⁵ *The 19th Annual Report on the Conditions of Children in Orange County, 2013*, <http://ochealthinfo.com/phs/about/family/occp/report>.

Table 2

Orange County Juvenile Arrest Trends For Youth 10 to 17 Years of Age 2002 to 2011										
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Felony Arrests										
Violent Crimes	727	720	643	602	692	710	824	832	690	562
Property Offenses	1,645	1,733	1,547	1,656	1,630	1,751	1,719	1,709	1,493	1,156
Other Offenses*	947	1,101	1,103	1,266	1,490	1,633	1,549	1,596	1,491	1,158
Misdemeanor Arrests	8,304	8,002	8,157	8,073	8,539	9,080	8,819	8,597	8,229	6,219
Status Offenses	2,023	2,024	1,583	1,417	1,685	1,841	2,016	1,620	1,592	1,706
Total Juvenile Arrests	13,646	13,580	13,033	13,014	14,036	15,015	14,927	14,354	13,495	10,801

*Other Offenses include drug, sex, weapons and other offenses.

Trends

Notable trends concluded from Table 2 are:

- a) Since its 2007 peak, the County juvenile ratio had gone down by 17% in 2011.
- b) In the last three years, there was a 16% decrease in referrals to Probation from 12,456 in 2008 to 10,454 in 2011; after a 16% increase from 2002 to 2008.
- c) Referrals for person, property and drug offenses all decreased over this ten-year period (35%, 18% and 15% respectively).
- d) Of all referrals to Probation, misdemeanor referrals decreased 30% from 8,217 in 2002 to 5,769 in 2011, while felony referrals increased 71% from 3,319 in 2002 to 4,354 in 2011.

Efforts to continue to reduce recidivism rates for juveniles are being made to maintain this decreasing trend through the Juvenile Justice and Crime Prevention Act (JJCPA). The Board of State and Community Corrections continues to support JJCPA programs in the County to help prevent minors from committing new crimes. Through these programs, drug counseling and comprehensive psychological and substance abuse assessment and treatment services are provided:

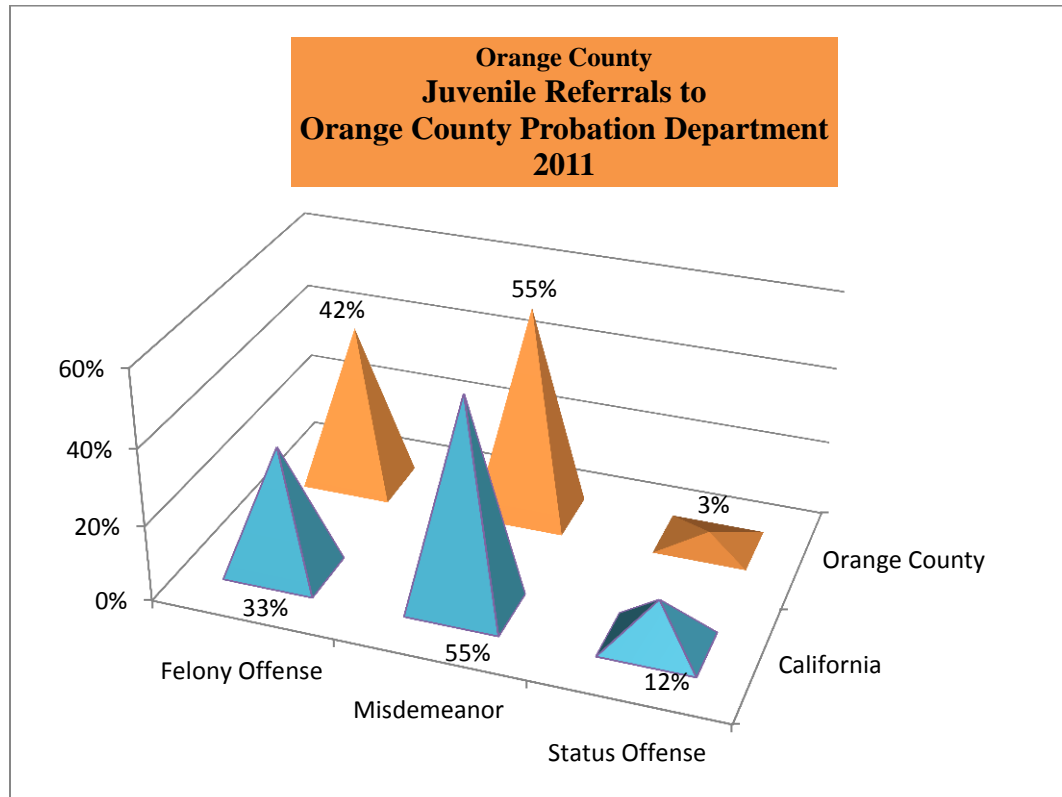
- a) Addiction and Substance Abuse Education and Recognition Treatment (ASERT),
- b) Sobriety Through Education and Prevention (STEP),
- c) Decentralized Intake (DCI), and
- d) School Mobile Assessment and Response Team (SMART).

Juvenile Referrals to Orange County Probation Department (OCPD)¹⁶

Referrals to the OCPD include mostly 10 to 18 year old minors who received a final disposition. Almost all of these referrals involve a criminal offense because arrests for status offenses are generally handled by the arresting agency. Disposition actions on these referrals can include diversion, informal supervision under the Welfare Institution Code 654, deferred entry of judgment or consideration by the juvenile court for dismissal or to become a ward of the court. In 2011, there were 148,250 referrals to Probation reported to the Department of Justice from all 58 counties throughout California. Of that total, 33% involved felony offenses, 55% were for misdemeanor offenses and 12% were for status offenses.

In Orange County, in 2011, there were 10,454 referrals to Probation. Of that total, 42% involved felony offenses, 55% were for misdemeanor offenses and 3% were for status offenses. See the following Figure 2.

Figure 2



Juvenile arrests make up only a small portion of the total County arrests, reaching an all-time low ratio of juvenile arrests of 13% in 2011 over a ten-year period. There was an overall decrease of 3% in all referrals to Probation from 10,770 in 2002 to 10,454 in 2011.

¹⁶ Ibid.

Type of Crime

A breakdown of the majority of all juvenile referrals to the OC Probation Department by type of crime is illustrated in Table 3 below. The table shows that probation violations, vandalism and truancy are the most common juvenile referrals.

Table 3

Orange County Juvenile Referrals to Orange County Probation Department By Type of Crime 2011		
Crimes against persons	11%	1,186
Drug related offenses (not including alcohol & DUI)	11%	1,152
Crimes against property	23%	2,369
Other offenses (mainly probation violations, vandalism and truancy)	55%	5,747
Total Juvenile Referrals	100%	10,454

Trends by Ethnic Groups¹⁷

From 2002 to 2011, the percent of referrals for:

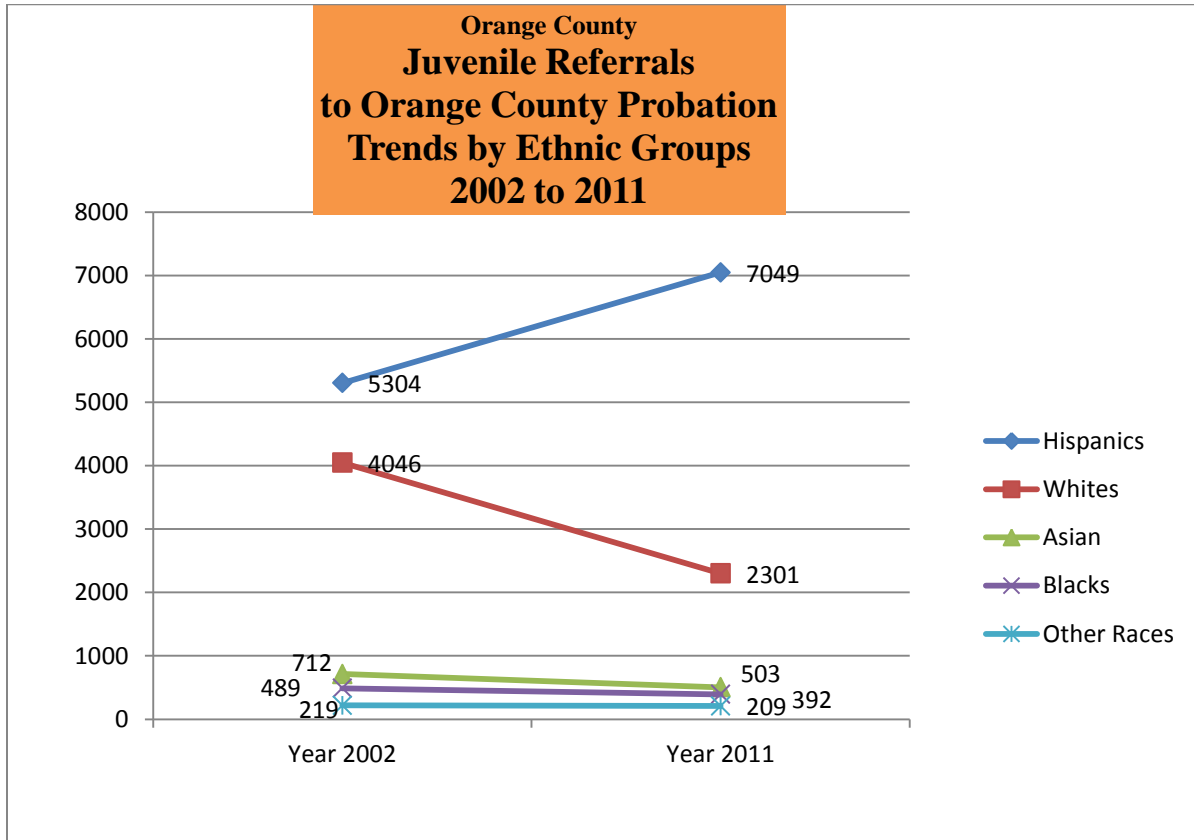
- a) Hispanics increased from 49% (5,304) to 67% (7,049),
- b) Whites decreased from 38% (4,046) to 22% (2,301),
- c) Asians decreased from 7% (712) to 5% (503) and
- d) Blacks decreased from 5% (489) to 4% (392).

The U.S. Census 2000 found that 65% of Orange County’s population identified as White (non-Hispanic) and 31% as Hispanic. The U.S. Census 2010 found that Orange County’s population changed to 44% White and 34% Hispanic respectively. The Asian and Black ethnic groups had minimal changes.

These trends are further depicted in Figure 3 below.

¹⁷ Ibid.

Figure 3



METHOD OF STUDY

It should be noted that all Juvenile records are held in the strictest confidence by our justice system. No individual names or records were used in this report. Confidential interviews were held with Orange County Probation Department management officials. Probation Officers were observed interacting with juvenile probationers.

1. Orange County Probation Department, Adult Supervision
2. Orange County Probation Department, Juvenile Supervision
3. Youth Reporting Center (for Juveniles)
4. Community Day School and Reentry Support Services

Confidential interviews were held with additional Orange County agencies.

1. Orange County Public Defender’s Office
2. Orange County Social Services
3. Lamoreaux Justice Center, Orange

Site tours were taken at the following Orange County juvenile facilities.

1. Joplin Youth Center
2. Orange County Juvenile Hall
3. Youth Guidance Center
4. Youth Leadership Academy

The Grand Jury also analyzed and reviewed the following sources.

1. Documents and publications received from the Orange County Probation Department (OCPD)
2. California Criminal Law Procedures and Practice, 2007
3. The 19th Annual Report on the Conditions of Children in Orange County 2013
4. Annie E. Casey Foundation website
5. Prior Grand Jury reports and responses
6. California Welfare and Institutions Code
7. Media reports and news articles on the topic
8. Documents from websites and blogs

ANALYSIS

The 2013-2014 budget appropriation for the OCPD is \$169,000,000. The OCPD has 1,456 employees. In Fiscal Year 2011-2012, 62% of 1,679 juveniles were terminated from formal probation without any new law violations, exceeding the goal of 60%.

Several meetings with the OCPD revealed that there are innovative approaches to reducing juvenile recidivism. Current research on recidivism is not as readily available for juveniles as it is for adults. The OCPD does rely on *evidence-based practices* in making their supervision decisions.

1. Officers assess juvenile offenders' risk to re-offend using a validated Intake Risk Assessment tool.
2. The highest risk offenders are contacted and drug tested more often than low-risk offenders.
3. Officers work with juveniles and their families to create individualized case plans resulting in referrals to appropriate community based services.
4. Swift and certain incentives and sanctions are used to motivate juvenile offender change.

Community Day School and Re-Entry Support Services

This collaborative implementation of services, which is actually held at an existing alternative school facility provided by the Santa Ana Unified School District, includes:

- a) academic programming,
- b) substance abuse counseling or treatment,
- c) behavior management,
- d) employment preparation,
- e) cognitive restructuring,
- f) family counseling and parenting skills, and
- g) community service referrals.

By providing all these services, the Probation Department feels all the parties will help ensure the successful reentry of participants into the community, improve school attendance, reduce recidivism, and enhance public safety.

A pilot program at Community Day School consists of the OCPD teaming up with the Santa Ana Unified School District and numerous other community organizations and services. The program is aimed at channeling at-risk youths into school classes, mental health counseling and other services to keep them from re-offending.

While numerous programs are successfully provided to the youths by the Probation Department, the Grand Jury felt this pilot program, “Community Day School and Re-Entry Support Services”, was outstanding. The Probation Department, along with the Santa Ana Unified School District, shares a common interest in the effective supervision and rehabilitation of juvenile offenders detained in Orange County’s juvenile institutions. They also have a common interest in preparing the youth to return to the community as law abiding citizens. Lastly, they are concerned with those students that have been determined to be at risk for truancy and other behavior problems.

In light of overall budget reductions felt in all areas of Orange County, it is important to note that this pilot program is being done at no significant additional cost. In fact, an example was given to the Grand Jury by a school district staff member who commented that having been involved in a number of grant funded projects over the years, this was the first time such a project had started with zero seed money and grown organically to this level of success.¹⁸

The school can accommodate up to 120 students and serves both youths on probation and at-risk non-probation minors. Currently, there are 106 juveniles attending the school. The student population changes daily and weekly as students transition back into their original schools, or other appropriate schools, once their sanctions have been satisfied.

Two Deputy Probation Officers (DPOs) and one Santa Ana Police Officer are based on the school grounds. The daily presence of the school based DPOs and police officers tend to remove most of the stigma the students may harbor. In fact, during a recent visit by the Grand Jury, it was noted that as classes ended and students streamed across the small campus, the school staff,

¹⁸ Interview with Santa Ana Unified School District staff member, 2014.

DPOs and school police officers were all outside, greeting students on a friendly first-name basis. The staff further indicated that they knew the students families and stayed in contact with most after they left the Community Day School.

The Grand Jury had the opportunity to interview three young male students. Each youth stated positive comments about how they understood the fairness of the strict school rules and also understood the consequences if they break the rules. All three respected the staff and teachers and held them in high esteem. When asked if each would like to see any improvements in the school, one comment was the school was lacking in competitive sports leagues because there were not enough students to create teams.¹⁹

After initial agreements were reached with OCPD and the Santa Ana Unified School District and their ongoing programs, in December, 2013, additional services are continuing to be vetted and added. Memorandums of Understanding with non-profit organizations and faith-based organizations are being executed on an ongoing basis. A youth forum was formed and identified needs such as Latino Health Access, tutoring, art and music. The Santa Ana Public Library (currently operating out of Jerome Park) offers sound mixing, video design, guitar lessons, and team support. Saddleback College offers tutoring and mentoring with college attendees.

The Grand Jury visited several of the partnerships with the Probation Department. One non-profit venture provides basic services of teaching and training the youth in bicycle repair and maintenance. “Wrapping the youths in community services and providing normalcy is the most important contribution.”²⁰

The OCPD has indicated they have two outstanding areas that still need to be addressed. The pilot program will be greatly enhanced when they can provide:

1. *Evening Meals:* Since the counseling sessions frequently extend into the evening hours, meals for the youths and their families would be beneficial. These meals could be casual in nature since they would not need to be structured to qualify under the school health codes.
2. *Evening Transportation:* Door to door transportation in the evening hours is necessary since many students live a great distance from the school, or in high risk neighborhoods.²¹

When the Santa Ana Unified School District staff and Community Day School staff were asked the same question as to what still needs to be addressed in this pilot program, the same two items indicated above (meals and transportation) were named. Additionally, the SAUSD indicated they are diligently working on getting the school accredited, which will solve some school issues. The school uses the same curriculum and text books as the rest of the District. This

¹⁹ Interviews with staff and students at Community Day School, Santa Ana, CA, 2014.

²⁰ Interview with Orange County Public Defender's office, 2014.

²¹ Interview with OCPD, 2014.

allows for a smooth transition back into the youth's original school. Unfortunately, the credits earned at the school do not meet all the California course requirements to apply to a 4-year college/university. It was noted by the Grand Jury that both the Community Day School staff and the SAUSD are pursuing accreditation. Both agencies are also working on adding anger management and drug therapy programs to the curriculum. Lastly, SAUSD felt a full-time mental health/licensed clinical social worker would greatly augment the staff.

While the Community Day School pilot program is still in the early stages, both the OCPD and SAUSD have indicated their intention of replicating this model to other areas of Orange County.

Orange County Public Defender

The Grand Jury interviewed a member of the Orange County Public Defender's Office to obtain that member's views on detention versus rehabilitation of juveniles. The charge of the public defender is to provide legal representation in juvenile cases. The Juvenile Detention Alternatives Initiative (JDAI) is considered a success and fully supported by the Public Defender's Office. Incarcerating youth causes more damage than rehabilitating them. Providing education, counseling and wrapping the youth in community services are the reasons JDAI has been successful to date.

"The Community Day School pilot program is the wave of the future. It provides the youth with a normal school and community setting and exposes them to a number of cognitive behavior programs. Understanding that the teen-age brain and personality is still under construction is vital to collaborating on various ways to improve their rehabilitation."²²

The JDAI is finally getting some traction in Orange County. The Probation Department and segments of the justice system are fully onboard and committed to this alternative to detention.

"However, JDAI is counter-intuitive to some agencies that deal with adult crime and recidivism issues. There is room for better communication on the alternative programs available for the youth. Too many kids with mental health issues are housed in our juvenile facilities. We need to get to the core of what they need and fix the things that can be fixed."²³

²² Interview with Orange County Public Defender's office, 2013.

²³ Ibid.

Collaborative Courts of Orange County

Juvenile Drug Court

The success of this program is evident in a low recidivism rate of 10% of juveniles within one year and 13% within two years of graduation (release from custody). The average cost of housing a minor at one of the four Orange County juvenile correctional and treatment facilities in 2012 is \$368/day. The 17 participants who graduated in 2012 had 2,193 days reduced from their detention, which resulted in a cost saving to the County of \$807,000.

Truancy Court

About 63% of the students successfully complete Truancy Court programs. Of the students who do, 95% had an improved attendance rate and 67% had 90 or more consecutive days of perfect attendance. Of the 1,665 students who have successfully completed the truancy program since its inception, only 6% were arrested for violating the law in the six months following their exit compared with 21% of the students who did not successfully complete the program.

Dependency Teen Programs – Girls Court

Many of the Girls Court participants develop a better attitude toward education and 70% remained in one school during the year of 2012, while 73% decreased their incidence of suspension compared to the prior year of 2011. None of the participants were expelled from school and none were referred to the Truancy Court program. In addition, 70% of the girls improved their grade point average and most girls passed the California High School Exit Exam during 2012.

Dependency Teen Programs – Boys Court

The Boys Court's goals are the same as the Girls Court objectives: a reduction in the number of placement changes in foster homes, a reduction in runaway incidents, and improved attitudes toward education compared to prior years. These goals were achieved. There was a 56% reduction in the number of boys suspended from school compared to prior years coupled with an increase in grade point average.

Juvenile Recidivism Rate by United States, California, and Orange County

Table 4

Overall Juvenile Recidivism Rates 2012		
United States	California	Orange County
12-55%*	50-70%**	37%
<p><i>*Wide range because all 50 states in United States are represented.</i> <i>**Wide range because all 58 counties in California are represented.</i></p>		

Table 4 above, represents the recidivism rates for the United States, California, and Orange County.

The most specific definition of recidivism (re-incarceration for delinquent offenses in the juvenile system only) to the broadest definition (re-arrest for delinquent or criminal offenses in the juvenile and adult systems) is among the multiple definitions.

The Chief Probation Officers of California (CPOC) have agreed with the California definition of Recidivism: “Number of individuals no longer under the jurisdiction of the juvenile court who had a least one sustained petition/adjudication during the period of supervision (not including original offense).”

The Orange County definition of recidivism now concurs with the CPOC definition.

Juvenile Recidivism rate by Detention Facility

The following Table 5 outlines the recidivism rates based on the four juvenile detention and treatment facilities. These percentages refer to the occurrence of one or more new law violation arrests within 180 days of release for those minors released during the 2012 calendar year. These percentages may be low, as some detainees were transferred to a State facility when they reach a certain age. Since the Joplin Youth Center houses boys from 12 to 14 years of age, they will not be transferred during their detention.

Table 5

Orange County Juvenile Recidivism by Detention Facility 2012			
Joplin Youth Center	Juvenile Hall	Youth Guidance Center	Youth Leadership Academy
63%	31%	30%	23%
<i>These juveniles ARE detained in a locked or in a secured facility.</i>			

Juvenile Recidivism Rate by Collaborative Courts & Programs

Table 6 below outlines the recidivism rates based on the four collaborative courts.

Table 6

Orange County Collaborative Courts			
2012 Juvenile Drug Court	2012 Truancy Court	2012 Dependency Teen Programs (Girls Court)	2012 Dependency Teen Programs (Boys Court)
57%	8%	n/a	n/a
<i>These juveniles are NOT detained in these programs.</i>			

Juvenile Drug Court: This percentage (57%) refers to the occurrence of one or more new law violation arrests during the fiscal year of 2012-2013.

Truancy Court: This percentage (8%) refers to the occurrence of one or more new law violation arrests during the fiscal year 2012-2013.

Dependency Teen Programs (Girls Court) and Dependency Teen Programs (Boys Court): Statistics are not being tracked due to a lack of funding and staff.

Each of these data points required a different recidivism definition either due to the inherent parameters of the program or due to available resources and information. Many of these programs serve different populations. For example, Truancy Court deals with non-delinquent status offenders. These juvenile offenders are much lower risk for re-offense than a Drug Court participant, who are not only on formal probation already, but are in intensive programs due to their higher risk (multiple suspensions, severe drug use, multiple petition, etc.)

Conclusion

Currently, success rates on reducing recidivism are not fully documented by the Probation Department. Relevant pieces of missing information are (1) what happens after a youth finishes probation; and, (2) how many youths “graduate” to jails after reaching age eighteen. Juvenile recidivism is measured only against those juveniles who break probation and/or commit offenses while on probation. Records of their youthful offenses do not follow them to jail. *Thus the ability to measure recidivism is very limited.*

The Probation Department has noted that recidivism rates can also be confounded by the fact that some youth are released from an institution to state prison, county jail or the California Department of Corrections and Rehabilitation – Division of Juvenile Justice. Those releases will not show recidivism within 180 days because they are still incarcerated elsewhere and therefore, do not have the opportunity to re-offend. There may also be older youth who are terminated from probation prior to the end of the 180-day evaluation period, and thus have less opportunity to re-offend within 180 days, where a younger probationer may be on probation for the entire 180-day period.

Making recidivism comparisons across programs is very difficult since there are so many variables that may not be accounted for without strict experimental research, data collection and analysis. Since evidence-based planning is critical to allocating limited funding, the Grand Jury feels it is important to re-establish a research department to collect and analyze this data.

During recent cutbacks at the Probation Department, the existing Research Department, which consisted of approximately 12 employees (5 were Juvenile researchers), was reduced to only 8 full-time employees (3 are Juvenile researchers), due to budget constraints. The Probation Department is handicapped by this reduction in staff since they are unable to determine the true cost impact of their programs and recidivism rates due to the lack of research personnel to collect and analyze data.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2013-2014 Grand Jury requests responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court. Based on its study, the Grand Jury has arrived at eleven principal findings as follows:

F.1. Many juveniles are detained in treatment centers for 30 to 60 days, yet many probation staffers believe that additional days of treatment and classes will result in a lower recidivism rate.

F.2. By treating juveniles for more days, there are greater “upfront” costs to the County.

F.3. The use of evidence-based practices (what treatment modalities work) results in lower recidivism rates since the focus has shifted from detention and punishment to rehabilitation and re-entry into the community.

F.4. Budget constraints have reduced the County’s research department. The Probation Department is handicapped by this reduction in staff since they are unable to determine the true cost impact of their programs and recidivism rates due to the lack of research personnel to collect and analyze data.

F.5. The Juvenile Detention Alternatives Initiative (JDAI) is an innovative approach utilized by Orange County for a number of years

F.6. The decline in the number of juvenile detainees has resulted in unused capacity in several juvenile facilities, resulting in the closure of one facility and consolidation in the remaining four facilities. Modest unused capacity is a good thing.

F.7. As of 2010, juvenile court cases in Orange County are in line proportionately with other like-sized counties of populations over 500,000.

F.8. The recently established collaborative teams of the Community Day School, Santa Ana Unified School District, Orange County Probation Department, and various community services, are working as a cohesive team within the budget limitations of this pilot program.

F.9. The Probation Department and Santa Ana Unified School District staffs are dedicated to behavioral modification treatments. Additional staff and programs are needed to provide psychological therapies for many juveniles.

F.10. To date, the pilot program of Community Day School is not academically accredited.

F.11. OCPD indicated their intention to replicate the Community Day School to other areas of Orange County, upon successful completion of the pilot program.

RECOMMENDATIONS

In accordance with California Penal Code §933 and §933.05, the 2013-2014 Orange County Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of juvenile recidivism in Orange County, the 2013-2014 Orange County Grand Jury makes the following recommendations:

R.1. The Orange County Probation Department and the Board of Supervisors should re-constitute a research department to collect and analyze the cost effectiveness of their programs, and further monitor their juvenile recidivism rates. **(F.3., F.4., F.6.)**

R.2. The Santa Ana Unified School District, the Superintendent of Schools, and the Orange County Probation Department should continue to seek academic accreditation for the Community Day School. **(F.10.)**

R.3. The Orange County Probation Department and the Board of Supervisors should budget for evening meals/snacks, transportation home after evening programs, and additional trained behavior modification specialists. **(F.9.)**

R.4. After successful evaluation of the Community Day School pilot program, the Orange County Probation Department and the Superintendent of Schools should pursue replicating this model to other areas in Orange County. **(F.11.)**

RECOMMENDATIONS AND REQUIRED RESPONSES

The California Penal Code §933 requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from:

Responses to Findings are requested from:

Orange County Probation Department: F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, and F11.

Responses to Findings are required from:

Orange County Board of Supervisors: F4

Superintendent of Schools: F8, F9, F10, and F11.

Santa Ana Unified School District: F8, F9, F10, and F11.

Responses to Recommendations are requested from

Orange County Probation Department: R1, R2, R3, and R4..

Responses to Recommendations are required from:

Orange County Board of Supervisors: R1 and R3.

Superintendent of Schools: R2 and R4.

Santa Ana Unified School District: R2

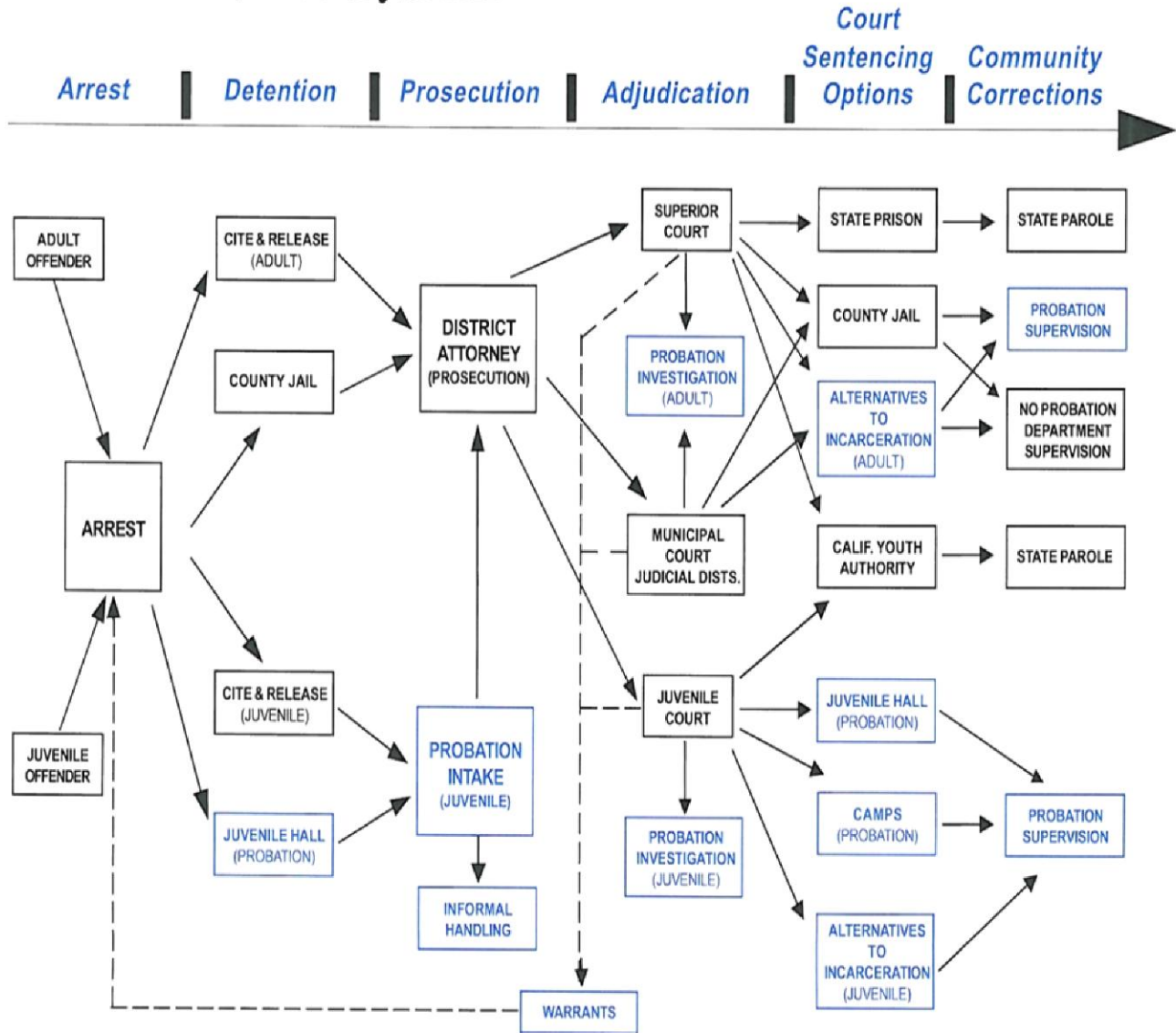
COMMENDATIONS

The 2013-2014 Orange County Grand Jury is impressed with the dedication of the staff at the Orange County Probation Department, and especially the leadership in the Juvenile Division, as well as with the Santa Ana Unified School District staff at the Community Day School.

APPENDICES

Appendix A: Probation in Orange County's Criminal Justice System

Probation in Orange County's Criminal Justice System



Appendix B: Acronyms & Agency Abbreviations

AECF	Annie E. Casey Foundation
ART	Aggression Replacement Training
ASERT	Addiction and Substance Abuse Education and Recognition Treatment
CASA	Court Appointed Special Advocates
CDS	Community Day School
DA	District Attorney
DCI	Decentralized Intake
DPO	Deputy Probation Officer
FY	Fiscal Year
HCA	Health Care Agency
JCS	Juvenile Court Statistics
JDAI	Juvenile Detention Alternatives Initiative
JJC	Juvenile Justice Commission
NCJJ	National Center for Juvenile Justice
OCC	Orange County Counsel
OCPD	Orange County Probation Department
OCSD	Orange County Sheriff's Department
OJJDP	Office of Juvenile Justice and Delinquency Prevention
PO	Probation Officer
SAUSD	Santa Ana Unified School District
SMART	School Mobile Assessment and Response Team
SSA	Social Services Agency
STEP	Sobriety Through Education and Prevention
T4C	Thinking For Change
YGC	Youth Guidance Center
YLA	Youth Leadership Academy