

Is the Juvenile Detention Alternatives Initiative Working?

1. SUMMARY

The Orange County Probation Department has launched an aggressive multi-agency initiative aimed at reforming juvenile detention guidelines by offering alternatives to traditional detention. The vehicle for reform is the innovative, evidence-based Risk Assessment Instrument (RAI) point system of the Juvenile Detention Alternative Initiative (JDAI), a project of the Annie E. Casey Foundation. The JDAI program is based on the Casey Foundation's philosophy that the more restrictive and more intense the justice system is, the more negative its impact on a juvenile.

The new program was adopted as budget constraints forced the Probation Department to make cutbacks in its facilities and in traditional strategies.

Whether JDAI will achieve its goals in Orange County is not yet clear because of questions about the program's effectiveness in reducing recidivism – repeat criminal behavior.

Among the Grand Jury's findings in this study:

- JDAI is an innovative approach which has the potential to benefit juveniles who get in trouble. If successful, JDAI could reduce the County's high cost of placing more juveniles in detention.
- The Probation Department's method of communicating with law enforcement agencies provides no assurance that information is reaching the personnel whose agencies will be working directly with the RAI process.
- Saving money for the County by vacating beds at Juvenile Hall is clearly a worthy objective, but it is not the only criterion that must be considered.

2. REASON FOR INVESTIGATION

The Orange County Grand Jury sought to determine if the JDAI is generating positive results. The Grand Jury wanted answers to these questions:

- Is juvenile recidivism declining because of JDAI?
- Are crime rates for juveniles declining as a result of JDAI?
- How does the JDAI program work and what are its components?
- Is the JDAI program cost effective?

3. METHOD OF INVESTIGATION

Orange County Probation Department (OCPD) officials and staff were interviewed, and JDAI sites in Orange County were inspected by the Grand Jury. Similar programs in other jurisdictions were reviewed. The Grand Jury also reviewed and analyzed Probation Department materials, interviewed police department personnel and reviewed the Annie E. Casey Foundation website.

4. BACKGROUND AND FACTS

The Annie E. Casey Foundation describes itself as a private charitable organization, dedicated to helping build better futures for disadvantaged children in the United States. It was established in 1948 by Jim Casey, one of the founders of United Parcel Service, and his siblings, who named the foundation in honor of their mother.

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.

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The Casey Foundation promotes a juvenile justice reform agenda that is designed to improve the odds for delinquent youth to successfully transition to adulthood. The primary instrument is reform of the juvenile justice system so that fewer youths are locked up, and there is more reliance on proven, family-focused interventions that create opportunities for positive youth development.

The Orange County Probation Department became interested in JDAI's objectives and strategies in March 2008. Supervising probation officers from Orange County visited Ventura County (which has had a JDAI since 2002) to review the Risk Assessment Instrument they were using. The RAI is a point system used by the Probation Department to determine the level of supervision that an arrested juvenile should receive. This assessment is used in deciding whether the juvenile is sent to Juvenile Hall for booking or is placed on a detention alternative.

Orange County began a pilot project in April 2008, using Ventura County's RAI as a model to determine if there were possible benefits. Orange County Probation found that the pilot project showed a potential to reduce detention rates by 22%. After an RAI tailored to Orange County was created and tested in a 60-day pilot project starting in January 2009, a potential to reduce detention rates by 21% was projected by Probation. The Orange County RAI was fully implemented in April 2009 and for the five months after implementation there was an actual 18% reduction in detention.

To the Grand Jury, it appeared that a reduced detention rate was the primary benefit desired by those conducting the pilot program. This was consistent with JDAI literature from the Casey Foundation and the Probation Department, both of which emphasize reducing the number of juveniles in custody but have little to say about reducing recidivism rates.

When budget constraints caused layoffs, the Orange County Probation Department closed Los Pinos juvenile custodial camp, resulting in the loss of 156 custodial beds. As of March 2010, approximate-

ly 105 custodial beds at two other custodial facilities also were closed. In an effort to reduce costs by improving efficiency in the use of custodial beds, the Probation Department adopted the JDAI program and reserved custodial beds only for the most serious juvenile offenders.

4.1 The Juvenile Detention Alternative Initiative

Established in 1992 by the Casey Foundation, JDAI seeks to help youth involved in the juvenile justice system to develop into healthy, productive adults through policies and programs that maximize their chance for success, reduce their likelihood of incarceration, and minimize the risk they pose to their communities. JDAI is a multi-year initiative in which communities across the country create and test ways to establish more effective and efficient juvenile justice systems.

The Juvenile Detention Alternative Initiative is an objective process that assesses each arrestee as an individual.

JDAI promotes changes to established policies and practices in the juvenile justice system in order to:

- Reduce reliance on secure confinement.
- Improve public safety.
- Reduce racial disparities and bias.
- Save taxpayers' dollars.
- Stimulate overall juvenile justice reforms.

4.2 JDAI Nationally

There are now about 100 communities in 24 states and the District of Columbia that have JDAI programs.

According to the Casey Foundation, the communities that have adopted JDAI have achieved measurable results through better screening, more reliance on data, collaboration between systems and communities, and effective alternatives to detention.

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4.3 JDAI in Orange County

The Juvenile Detention Alternative Initiative is a collaborative effort of key stakeholders 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 and the Probation Department. Representatives were added from the Juvenile Justice Commission, Social Services Agency and the Orange County Sheriff's Department.

A basic assumption of JDAI is that there is a negative impact on juveniles who are placed in secure detention facilities. Orange County's JDAI uses such alternatives to traditional detention as Youth Reporting Centers (YRC), Global Positioning System (GPS), Radio Frequency (RF) and release without restriction.

Orange County's juvenile justice stakeholders learned JDAI's principles from literature and videos supplied by the Annie E. Casey Foundation. Using that information, they created an RAI work group and then fashioned a Risk Assessment Instrument tailored to Orange County.

In January 2009 a 60-day pilot project was launched. The RAI work group met monthly to review RAI data and to decide if those findings necessitated adjustments in the point system. In order to provide a valid test period, no adjustments have been made since September 2009.

Under the RAI process, the arresting officer will call Juvenile Hall and speak with the intake deputy probation officer (DPO), who assesses the circumstances of the arrest. Using the RAI point system, the DPO determines the level of supervision for a juvenile who has committed an offense.

The RAI system assigns points for the offense that was committed, the juvenile's record and his flight risk history. Aggravating factors such as a gang connection, attempting to flee or resisting arrest add to the points against a juvenile.

There also are mitigating factors, which work in the juvenile's favor, such as not having been arrested

within the previous 12 months, or the minor's stability in school or employment.

Other factors considered in deciding the juvenile's level of supervision in the juvenile justice system include whether the minor poses an immediate or substantial risk to himself, to another person or to the property of another; whether a parent, guardian or responsible relative is willing and able to provide structure and ensure court appearances; and whether the minor voluntarily acknowledged wrongdoing at the time of arrest and/or cooperated with police.

The RAI points are totaled to determine whether the juvenile will be detained in Juvenile Hall, be released with electronic monitoring or be released without restriction, i.e. without supervision.

4.4 Youth Reporting Centers

The Orange County Probation Department has two Youth Reporting Centers, one in Anaheim and one in Santa Ana. The centers are an intermediate step in monitoring and educating juveniles instead of detaining them in Juvenile Hall. A juvenile in the YRC is considered in "non-custody intervention." The Probation Department deems the YRC "the end of the line" before detention for some juvenile offenders.

The YRCs provide two educational tracks that are designed to help their young clients to pass the California High School Exit Exam or to earn a General Education Development (GED) certificate. One track focuses on English and history, the other deals with math and science. In addition, a Transition Program helps juveniles to return to the public school system.

The centers provide transportation, education, counseling, meals and cognitive-behavioral programs.

The YRCs are an Orange County collaborative that includes the Probation Department, the Orange County Department of Education, the Health Care Agency and some community-based organizations.

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Orange County Probation is encouraged by some figures that have emerged from the YRCs. Between July 2009 and February 2010 there were 450 juveniles who attended a YRC program. During the seven-month period, 193 of them—42.9%—satisfactorily completed the program.

There were 239, or 53.1%, who did not satisfactorily complete the program and 18 who left the program through no fault of their own (moved out of the area, etc.). If a juvenile does not satisfactorily complete the program he will be placed in detention at Juvenile Hall.

A satisfactory completion rate of 42.9% would seem to indicate an unsuccessful program. However, the Grand Jury agrees with the Probation Department that, against the background of the involved juveniles' history, the 42.9% rate is a significant achievement.

The juveniles attending the YRCs had violated probation, and before coming to YRC they had had too much idle time. Most were not attending school. They were prime candidates for more trouble with the law and gang involvement.

Probation and YRC personnel told the Grand Jury that as a new program, the YRC is still a work in progress. Regular analysis of results produces changes that are intended to improve the program, the Grand Jury was told.

4.5 Global Positioning System (GPS) Monitoring

Depending on their RAI score, juveniles may be placed in the Global Positioning System monitoring program in which they wear an electronic bracelet attached to the ankle with a tamper-proof strap. The juveniles' movements are monitored 24 hours a day through a signal relayed by the bracelet to a GPS satellite, which downloads the information to a Probation Department computer.

This allows the juveniles to attend school or work and also alerts the Probation Department when the juveniles are in areas deemed off limits. The Probation Department will take appropriate

action if the juvenile is found in violation of the monitoring restrictions.

4.6 Radio Frequency (RF) Monitoring

The Radio Frequency monitoring program is similar to the GPS program and is used primarily for home supervision. A radio frequency transmitter attached to the juvenile's ankle with a tamper-proof strap sends the Probation Department information about the juvenile's whereabouts. If the juvenile is not at home at the stipulated times, an alert message is relayed to the supervising probation officer. The Probation Department will take appropriate action if the juvenile is found in violation of the monitoring restrictions.

4.7 Release Without Restriction

A juvenile who is released without restriction is put in the custody of a parent, guardian or other responsible adult. The juvenile may be required to appear in court at a later date, when further action, if any, will be taken.

4.8 Law Enforcement and RAI

The Grand Jury contacted several of Orange County's law enforcement agencies to learn how well the RAI process is understood. As a result of interviews with those agencies, the Grand Jury concluded that the RAI process was not fully explained to law enforcement personnel.

The Probation Department told the Grand Jury that it had sent a letter with a brief description of the RAI process and a DVD with a more detailed description to all affected law enforcement agencies. Although the law enforcement agencies that were contacted by the Grand Jury were all using RAI, most indicated they were not aware of its purpose and did not recall seeing the DVD or receiving any information describing the RAI. Frequently law enforcement personnel said that they first learned of the RAI process when attempting to book a juvenile in Juvenile Hall or by word of mouth from fellow of-

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fficers. Some law enforcement personnel interviewed felt the reason for the RAI process was to solve what they perceived to be an overcrowding issue at Juvenile Hall.

In order for JDAI to achieve optimum effectiveness, the Grand Jury believes it is important that all affected law enforcement agencies have a working knowledge of RAI. Additionally, Orange County Probation Department needs to collaborate with law enforcement.

4.9 Arrest Rate and Recidivism Rate

According to the California Department of Justice, juvenile felony and misdemeanor arrests in Orange County show no significant changes in recent years. The arrests for 2008, the latest data year available, were 12,911, yet the average number of arrests since 1999 is 12,598.

The Grand Jury questioned why current arrest numbers were not declining since the inception of the JDAI. The Probation Department explained that arrest totals are not necessarily indicative of success or failure of the JDAI. They said JDAI is better evaluated by the recidivism rate that documents repeat offenders because the Probation Department only has influence over those juveniles already in their system. The Probation Department can not control those who have not yet committed a crime. However, first-time offenders contribute to arrest totals.

According to the Probation Department, in calendar year 2009, there was a 34% recidivism rate among juveniles on probation. In other words, of those juveniles on probation for a previous law violation, 34% committed another crime. In Fiscal Years 2007-2008 and 2008-2009, the recidivism rates were 33% each year; however not all juveniles in the JDAI program are on probation.

Because the JDAI program in Orange County is still in its early stages, it is too soon to assess the program's success in reducing the recidivism rate.

4.10 Cost Effectiveness

The Orange County Probation Department provided the Grand Jury with information indicating a cost saving of \$10.6 million in 2009 and a projected saving of \$14 million to \$15 million in 2010. Coming during a period of County job reductions, these savings can be attributed to custodial bed closures, implementation of the YRCs and increased numbers of juveniles assigned to the Home Supervision Program, such as GPS or RF. Prior to JDAI, those juveniles would have been detained in Juvenile Hall.

5. FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2009-2010 Grand Jury requires, or as noted, requests responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of the Orange County Probation Department's Juvenile Detention Alternative Initiative, the 2009-2010 Orange County Grand Jury has arrived at five principal findings, as follows:

- F.1 **JDAI potential:** JDAI is an innovative approach which has the potential to benefit juveniles who get in trouble. If successful, JDAI could reduce the County's high cost of placing more juveniles in detention.
- F.2 **Lack of communication:** Many law enforcement personnel say that they first learned of the RAI process when attempting to book a juvenile in Juvenile Hall or by word of mouth from fellow officers.
- F.3 **Method of communication:** The Probation Department's method of communicating with law enforcement agencies provides no assurance that the information is reaching the personnel whose agencies will be working directly with the RAI process. Probation personnel have told the Grand Jury that they

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are making a new effort to strengthen communication.

F.4 **JDAI assessment:** Because the JDAI program in Orange County is still in its early stages, it is too early to assess the program's success or failure.

F.5 **Cost effectiveness:** Saving money for the County by vacating beds at Juvenile Hall is clearly a worthy objective, but it is not the only criterion that must be considered.

Responses to Findings F.2 through F.5 are requested from the Probation Department.

6. RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2009-2010 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 Orange County Probation Department's Juvenile Detention Alternative Initiative, the 2009-2010 Orange County Grand Jury makes the following four recommendations:

R.1 **Lack of communication:** In order for the RAI to achieve its optimum effectiveness, the Grand Jury believes it is important that all affected law enforcement agencies have a working knowledge of RAI. Additionally, the Orange County Probation Department needs to collaborate with law enforcement.

R.2 **Method of communication:** Orange County Probation Department must ensure that law enforcement agencies have received and understood RAI information, and the agencies have an opportunity to provide feedback to the Probation Department.

R.3 **JDAI assessment:** Orange County Probation should continue monitoring recidivism rates to determine whether the JDAI program is an appropriate approach to intervening with juveniles who enter the juvenile

justice system, and is in fact reducing recidivism rates.

R.4 **Cost effectiveness:** The Grand Jury cautions the Probation Department that success should not be measured just by empty beds in Juvenile Hall and related cost savings, but in reducing recidivism rates.

Responses to Recommendations R.1 through R.4 are requested from the Orange County Probation Department.

7. REQUIRED RESPONSES

The California Penal Code specifies the required permissible responses to the findings and recommendations contained in this report. The specific sections are quoted below:

§933.05

(a) For purposes of Subdivision (b) of Section 933, 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) For purposes of subdivision (b) of Section 933, 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 timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or

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reviewed, including the governing body of the public agency when applicable. This timeframe 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.

8. COMMENDATION

The Grand Jury was pleased that the Orange County Register newspaper recently printed two articles about the JDAI program in Orange County. These reports were timely given the study being conducted by the Grand Jury.

