



PRESS RELEASE

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New Report Examines Counties' Pervasive Use of Juvenile Halls for Youth Confinement

With pending closure of state juvenile facilities, authors call for transformation of youth justice practices at local level to avoid replicating state problems

In the wake of major youth justice reform, California is at risk of replicating past mistakes, says a new report. The report, *California's County Juvenile Lockups: Expensive, Overutilized, and Unaccountable*, examines the county-based juvenile justice systems across California that will be taking over responsibility for justice-involved youth with the recently enacted closure of the state's juvenile facilities. Published by the Pacific Juvenile Defender Center (PJDC) and the Youth Law Center (YLC), the report finds that counties across the state have been utilizing county juvenile hall facilities for extended periods of incarceration, despite the high costs of such facilities and robust research showing that such confinement leads to poor youth outcomes. The report calls on counties to reconsider their use of these facilities and to transform their approach to youth justice, warning that the benefits of "realigning" youth from state facilities to their home communities will be lost if counties simply re-create local versions of the problematic state system.

The report investigates a recent trend in many counties of utilizing locked juvenile facilities for lengthy terms of confinement. Counties generally operate two types of juvenile justice facilities. "Juvenile halls" are locked facilities generally used to confine young people arrested on suspicion that they committed a criminal offense, and they typically have limited programming space and strict restrictions on freedom of movement. In contrast, juvenile justice "camps" historically have been in rural settings and afford more freedom of movement, programming, and outdoor activities.

Although juvenile halls were designed to be for short-term detention pending resolution of the youth's delinquency case, counties are increasingly using them as a "sentencing" option for long-term commitment to locked confinement. Some counties have blatantly skirted state law limitations on using juvenile halls for such "commitments" by creating commitment programs in or on the grounds of their juvenile halls and calling them "camps." While counties do not report any race or ethnicity data about the youth in their juvenile facilities, youth of color are likely to be disproportionately impacted by such confinement, as they are overrepresented among youth who are placed in residential settings through the juvenile justice system.

For the past two years, staff from PJDC and YLC have researched juvenile hall commitment programs in an effort to understand the physical conditions of confinement, what happens in the programs, who is in them and how long they stay. The results are disturbing:

- The physical conditions in juvenile hall commitment programs focus on hardware and control, provide little freedom of movement or personal autonomy, often lack adequate programming areas for rehabilitative programming and education, separate youth from their families and community, and rely on “reward” systems that underline the punitive character of the institutions;
- In some counties, most juvenile hall commitments are for violations of probation rules, not new offenses;
- Although by law juvenile halls are intended to be used for temporary detention, it is common to find commitments of a year or more in some counties;
- Youth held in county facilities have disproportionately experienced trauma and more than 50% have a diagnosable mental health disorder, but probation officers receive almost no training on addressing these issues;
- Many programs use generic “one-size fits all” components that are not tailored to individual youth needs, and many focus on youth deficits rather than strengths; few provide services that are essential to healthy adolescent development;
- Juvenile hall commitment and any placement outside of a family interferes with healthy adolescent development by depriving youth of critical conditions for positive development, including the presence of a parent/parent figure invested in the youth’s lifelong success;
- The cost of juvenile hall commitments is astronomical – an average of \$285,700 per year to house a child in juvenile hall in 2018. These institutions are largely funded by county dollars, as the use of locked confinement cuts off access to federal funding streams such as Medicaid and foster care funding;
- In some counties, juvenile hall commitment programs replaced the county’s less restrictive youth residential options, like their camp programs.

“What we found,” said Sue Burrell of the Pacific Juvenile Defender Center, “is that juvenile hall commitment programs suffer from many of the very things that caused Governor Newsom to want to shutter the state facility system. The Governor’s goal of transforming youth justice as we know it cannot be fulfilled by locking youth in jail-like settings where they cannot exercise judgment, develop skills or engage in healthy peer activities, and where they lack meaningful access to their families and the community.”

Meredith Desautels from the Youth Law Center added, “This is the moment when counties must critically examine their systems for responding to youth involved in the justice system. These juvenile hall facilities are extremely expensive to operate and counterproductive to youth and community wellbeing. Research shows that locking up young people increases their risk of future incarceration, decreases their chances of finishing school or getting a job, and even harms their health into adulthood. Put simply, incarceration conflicts with the science of adolescent

development and fails to promote healthy outcomes. Community-based alternatives to incarceration have consistently shown better results than confinement at much lower costs.”

Even with the results of the research for this report, much is still not known about commitment programs. “It was shocking how difficult it was to learn even the most basic information about some of the local confinement programs,” said Rhiannon Bronstein, a legal fellow for Pacific Juvenile Defender Center, who analyzed Public Records Act responses and conducted interviews for the report.

The lack of transparency is compounded by the fact that the state oversight agency, the Board of State and Community Corrections (BSCC), has no specific enforcement regulations for commitment programs. The BSCC collects very minimal data about counties’ use of local facilities—the data profiles do not capture racial demographics at all, nor do they include any information on youth confined in county facilities specifically as a part of a commitment program. And again, the BSCC has allowed counties to subvert the state law limitation on use of juvenile hall commitments by allowing counties to designate programs on their juvenile hall campuses as “camps.”

At the individual level, this lack of transparency and accountability leaves young people with serious doubts about the fairness of the system. “Youth are completely at the mercy of juvenile hall staff to determine whether they progress in the commitment program,” said Richard Braucher of the Pacific Juvenile Defender Center. “They have no due process rights to challenge unfairness or mistakes.”

The authors call on counties to embrace this moment in the historic shift to county-based systems to leave jail-like facilities with arbitrary, ineffective programs behind. Now is the time to invest in family- and community-based programs that are truly evidence-based, support healthy development, and promote community success.

The report is available at:

<https://www.pjdc.org/wp-content/uploads/Californias-County-Juvenile-Lockups-November-2020-Final.pdf>

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About Us

The Pacific Juvenile Defender Center works to promote justice for all youth by ensuring excellence in juvenile defense and advocating for systemic reforms. www.pjdc.org

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