

reformingreform

GT 12-4-03

Santa Cruz County's radical new juvenile justice reform finds itself in the national spotlight | by Hunter Holcombe

Juvenile Hall

It has just begun to rain when Javier Chavez reaches the door. He raps lightly a few times—no answer. A pit bull stands a few feet away, dutifully barking in perfect syncopation with its wagging tail, while a tiny pink Chihuahua scampers in circles around his feet. Chavez laughs, then whips out his cell phone and dials in one fluid motion.

"I need a status report on Miguel Lozoya... He did? O.K., thanks."

Chavez pockets his phone and pats the pit bull on the head. "See you again in a little while, Rocko."

One hour later, Chavez returns. This time the door opens to the broad smile of a healthy-looking teenager.

"Hey Miguel, how you been? Staying out of trouble?" Chavez asks, half joking, half serious.

Miguel's smile widens. "Yeah, man, I've been good."

This is the typical greeting between Miguel, a friendly, well-built Capitola teenager, and Chavez, his probation officer.

Miguel was released from Santa Cruz County Juvenile Hall two months ago and granted the opportunity to stay home on supervision. He wears an electronic ankle bracelet that lets the probation department know the exact time he leaves or re-enters the house. Since released, he has stayed out of trouble, taken a job, and paid off his fines.

If Miguel were anywhere else in the United States,

however, chances are good he would still be in juvenile hall. He would have no job, his fines would be waiting for him, and, having just turned 18 last week, Miguel would be ushered into the notorious California Penal System.

Instead, Miguel is lucky to be in Santa Cruz County, one of three test sites in the nation for a radical new juvenile justice reform program that is showing staggering success rates.

California has one of the highest incarceration rates in the United States. Forty-two percent of juveniles are detained in overcrowded facilities and 30 percent more beds are being built. Santa Cruz County has been able to reduce its juvenile hall population by 33 percent in the last six years, saving millions of dollars for tax payers. In addition, 98 percent of the kids released have not committed other crimes while awaiting their court hearing.

This system is a striking success, pushing Santa Cruz into the national spotlight as a model for detention reform.

Many Kids Don't Belong

Tucked away in the Santa Cruz mountains, about five miles up Graham Hill Road near Felton, the county Juvenile Detention Center looks more

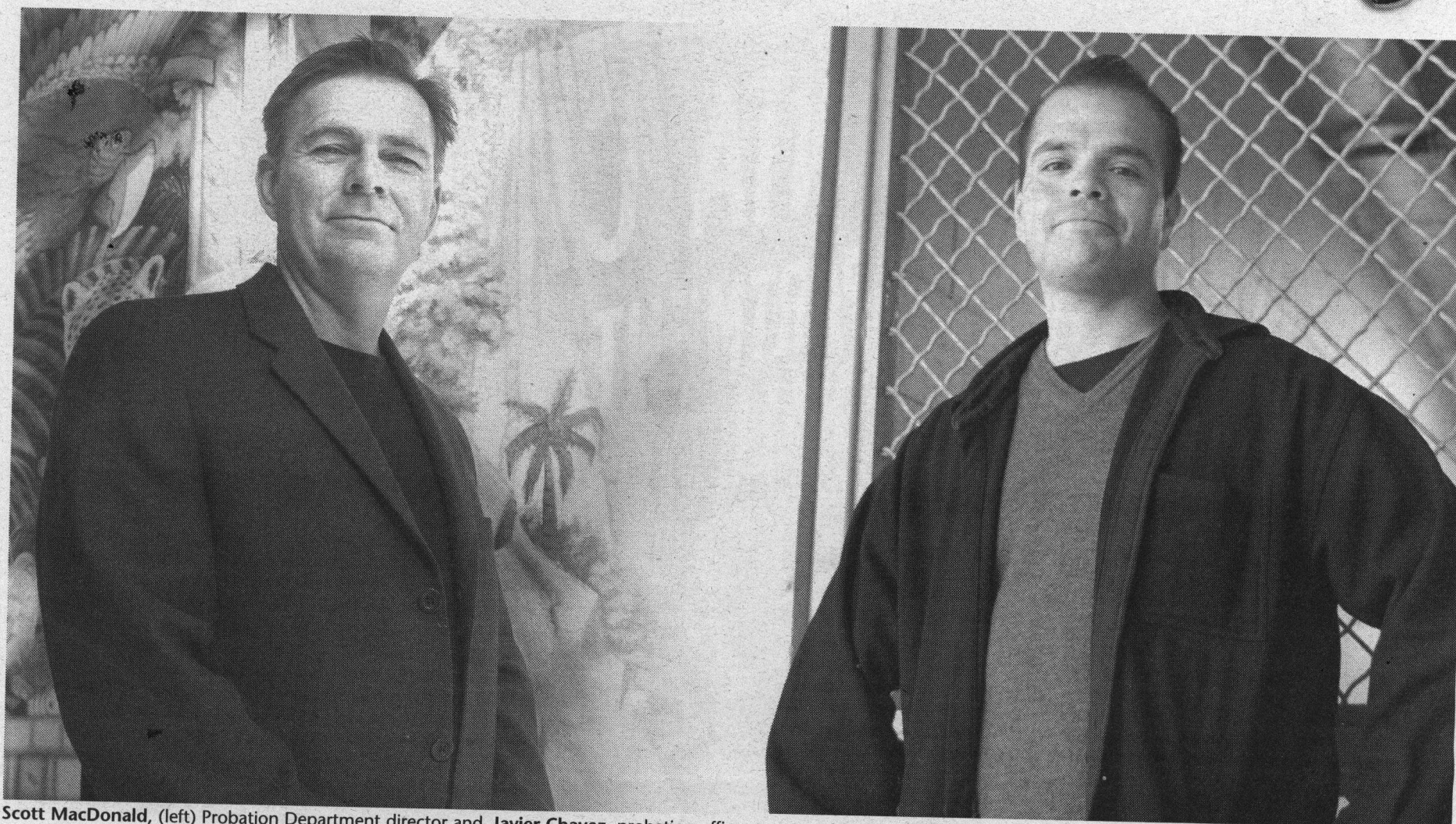
like a nice weekend getaway than a place kids go when they get in trouble. Inside the lobby, however, the atmosphere is heavy-thick with the trepidation of purgatory.

Several teenagers sit beside parents. Some are talking, most are silent. To their left, beyond a metal detector and muscular security guard, lie the heavy wooden doors of Juvenile Court. To the right, a series of steel doors and grate windows leading to juvenile hall, with a maximum occupancy of 42.

A third set of doors leads to the administrative offices. Inside these doors, Scott MacDonald, director of the Probation Department, is a whirlwind of enthusiasm as he talks about the success of the program.

"There are a lot of amazing things that are going on here," MacDonald says. "Not many people are aware of how much Santa Cruz juvenile detention reform is being viewed by the rest of the nation. People are coming from all over the United States to look at our program. And it is starting to spread."

The reform program began locally in 1997 when Santa Cruz County was selected as a test site by the Annie E. Casey Foundation, a nonprofit that has been committed to improving the lives of disadvantaged children since 1948. Through its research, the foundation began to notice several problems in juvenile detention, primarily that only a small percentage of



Scott MacDonald, (left) Probation Department director and Javier Chavez, probation officer.

youths were being detained for violent crimes, and many of them didn't need to be held while awaiting their hearing.

"A significant number of juveniles held in detention don't need to be there," says Bart Lubow, director of Families and High Risk Youth at the Casey Foundation. "They are mostly nonviolent offenders. Putting them on home detention makes so much more sense."

In addition, the foundation saw that detaining kids in juvenile hall was much more expensive than placing them on home arrest. Many halls were overcrowded, forcing some kids to sleep on floors and opening the facilities to lawsuits. Minorities were grossly over-represented.

In response, the foundation came up with the Juvenile Detention Assessment Initiative (JDAI). This system called for a careful analysis of every juvenile case to determine which kids needed to be held in juvenile hall and which ones didn't.

Sandra Knowles (pseudonym) is a case in point.

The 16-year-old was arrested for a significant violation several months ago—the nonfatal stabbing of a female peer. This offense placed Knowles in the Santa Cruz County Juvenile Detention Center for more than a week. But probation officials, under the stipulations of JDAI, analyzed her case and decided that, because this was her first offense and she had a solid explanation (self-defense), she should be placed at home.

"That is not who I am. It happened because I was scared, and it was an accident," Sandra says.

After a month on home arrest, Sandra has a perfect record, leaving home only for school and meetings with a counselor. Her mother drives her everywhere. "I am so happy to be out of that place. I couldn't see my mom. It didn't feel like I belonged there. Now," Sandra says, "I can take showers by myself."

Sandra anxiously awaits her upcoming court date. She wants to accept whatever punishment is given her and get on with her normal life. Her probation officer is confident she is a one-time offender.

Bucking the Trend

The story of juvenile justice in America is as volatile as it is ironic. Over the last several decades, juvenile arrest rates have actually been in steady decline. However, a crime wave in the early '90s, in concert with a national crackdown on crime, led to a surge in detention rates, particularly in California.

One of the reasons for this, says Dr. Frank Zimring, a professor of law at UC Berkeley, is that the juvenile system followed in its parent's footsteps.

"What happened was that the incarceration rate doubled in the criminal [adult] justice system, and then the same people who made that happen decided to go after

the juvenile justice system," Zimring says. "And California has always been high in its detention rate. This is because of juvenile halls. If you build it, they will come. And we built them in every county."

According to the Department of Justice, national juvenile detention rose nearly 47 percent between 1983 and 1995. But the number of juveniles entering detention outpaced capacity.

Thom McConnell, executive director of the California Board of Corrections (BOC), says one reason for this is that most of the facilities in California are 40 years old, and were not able to keep up with the population influx. As a result, overcrowding became a serious problem.

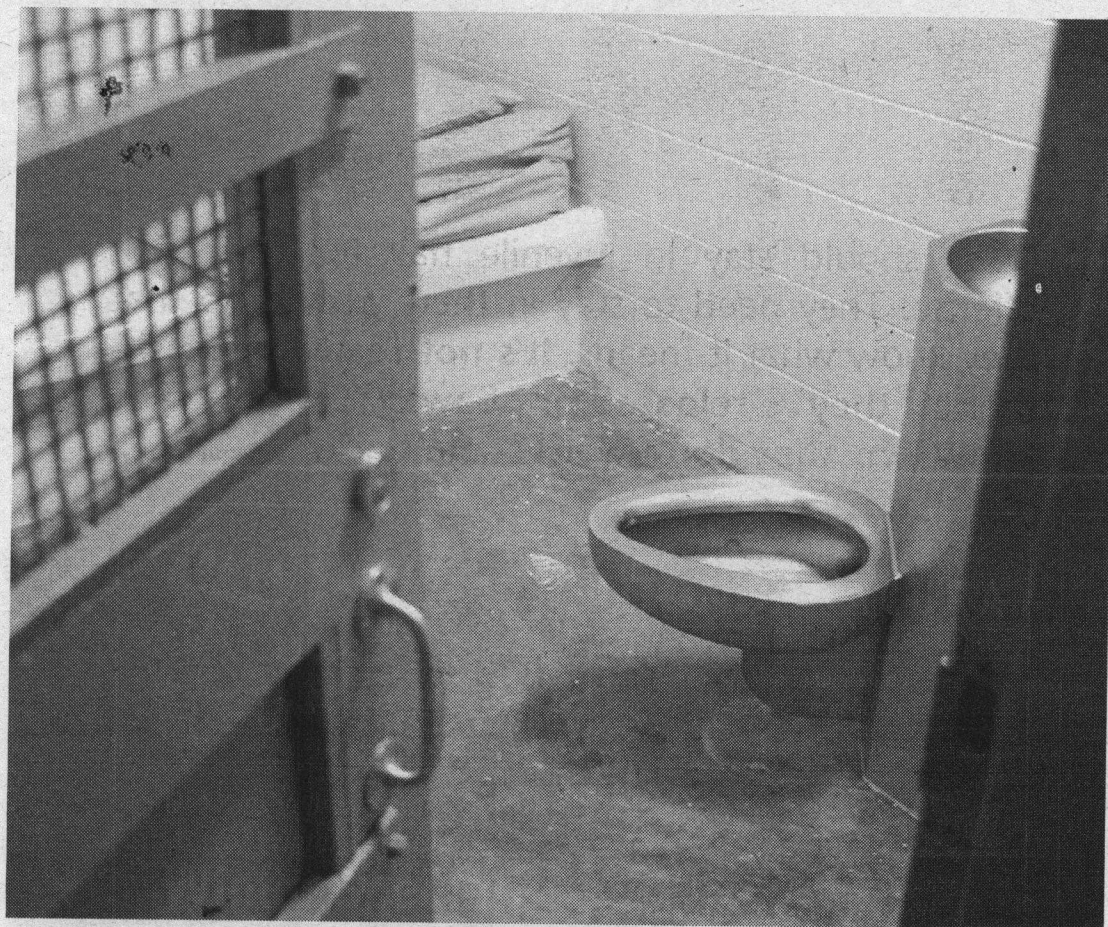
"A few of the counties that were suffering overcrowding actually had kids sleeping on the floor," McConnell says.

Even Santa Cruz County, with a relatively small facility, was not able to escape this trend. In 1997, for example, the average daily population of the juvenile hall was 47, overbooking its rated capacity of 42. By following the guidelines of JDAI, however, Santa Cruz County now has a population of only 31, a decrease of 33 percent.

These rates stand in stark contrast to the rest of California, where overcrowding still exists for 42 percent of juveniles in detention. In addition, the BOC plans on building 30 percent more detention beds.

The success of JDAI in Santa Cruz appears to come from its methodology, but there are other factors that

REFORMING REFORM



may contribute. In the last several years, both juvenile crime and detention have been in a downward trend. According to the Department of Justice, there was a 20 percent decrease in juvenile arrests nationwide from 1997 to 2001. In California, there was a 30 percent decrease in juvenile felony arrests from 1993 to 2001, according to the BOC. Finally, since 1999, there has been a 4.5 percent drop in the juvenile detention population in California.

The decrease in Santa Cruz County's juvenile detention population is not the sole method of measuring the program's success, however, nor is it necessarily the most important.

The two primary factors in determining if a youth should stay in juvenile hall are 1) Whether the youth is at risk of re-offending, a risk to the public, or at risk themselves, and 2) Whether the youth is likely to skip their court hearing.

Under JDAI, Santa Cruz County has had a 95 percent success rate with juveniles attending their hearings, and a 98 percent success rate with juveniles not re-offending.

"I've seen fantastic results," says Judge John Salazar, who has been the Santa Cruz County Juvenile Court judge for the last four years. "These kids are showing that they respect the program by their actions. Once they're released from juvenile hall, they have more freedom, and that would give them the opportunity to re-offend. But they're not re-offending."

Most would agree that these numbers are impressive. There are other numbers, however, that carry a more universally pleasing message.

Juveniles on home detention cost the county about \$81 per day. Those in juvenile hall, however, cost upwards of \$184 per day. That contrast, MacDonald estimates, has saved taxpayers nearly \$500,000 annually since JDAI was initiated.

While all of these numbers spell out success for juvenile reform in Santa Cruz, perhaps the most important results are ones that cannot be measured.

"This is really about the kids," MacDonald says. "It's about improv-



ing one's self, about improving one's own chances for a productive future. Some kids need to be held in juvenile hall. But for a lot of them, it's about being accountable within the community—paying off restitution to a victim, working off their time."

Miguel is one example. He had been in the system for about three years for drug abuse and vandalism (tagging). Now he is on home detention, only able to leave for work and some special instances. He is also on electronic monitoring, which means he must wear an electronic ankle bracelet that alerts the probation department if he leaves home. But Miguel believes this program has worked much better for him than juvenile hall.

"The ankle bracelet makes me feel like shit. But it also gives me a sense of responsibility," Miguel says. "I appreciate the freedom I have now, and it has let me pay off my restitution by working with my dad. I wouldn't have been able to do this in juvenile hall."

Miguel makes it clear that he is intent on putting his mistakes behind him and concentrating on his future: "Santa Cruz is great. I want to stay here and work with my dad, and take over his construction business when he retires."

It may have been easy for the probation department to decide to keep Miguel out of juvenile hall. Other cases are more difficult, however.

Frankie Terrili (pseudonym) is only 13, but he is no rookie to juvenile justice. Taking a cue from his father, who he lived with for several years, Frankie went in and out of juvenile halls in Sacramento, Seaside and Santa Clara for drug charges, probation violations, and an assortment of other activities atypical of 11-year-olds. After the last time his father was arrested, however, Frankie moved in with his mother in Santa Cruz. Here, he has been in the system for two years.

"He is good for awhile, but then he blows it," says Chavez, his probation officer. Because of his inconsistent behavior, the relative mildness of his offenses, and his age, probation has been unsure about whether to put him in detention or not.

"Kids should stay in juvenile hall for their first offense. They need to stay in there awhile, so that they know what it means. It's not really a punishment if they're released right away. They need to know why they don't want to go back." —Miguel Lozoya

REFORMING REFORM



HUNTER HOLCOMBE

In person, Frankie comes across as your average innocent, friendly 13-year-old. He is endowed with a Herculean stamina at video games, and his eyes lit up when we was told that some people in San Jose get paid to play them. But he also has more realistic goals.

"I want to go back to school, and then be a tattoo artist. Or maybe build houses," he says.

What is most notable about Frankie is that he is a whirlwind of energy.

"He is really creative, and he needs to be doing things 100 percent of the time," says Frankie's mom, Cheryl. "It's always a roller-coaster ride with him."

The intensity of Frankie's two favorite activities, basketball and video games, contrast the structure and enforced docility of juvenile hall.

"There is nothing to do there; they make me walk with my hands behind my back," Frankie says. "I like being home much better, I have more control over my life."

Despite the success of JDAI in Santa Cruz, most agree that there are still plenty of kids that need to be detained. And, surprisingly, the kids themselves make this warning.

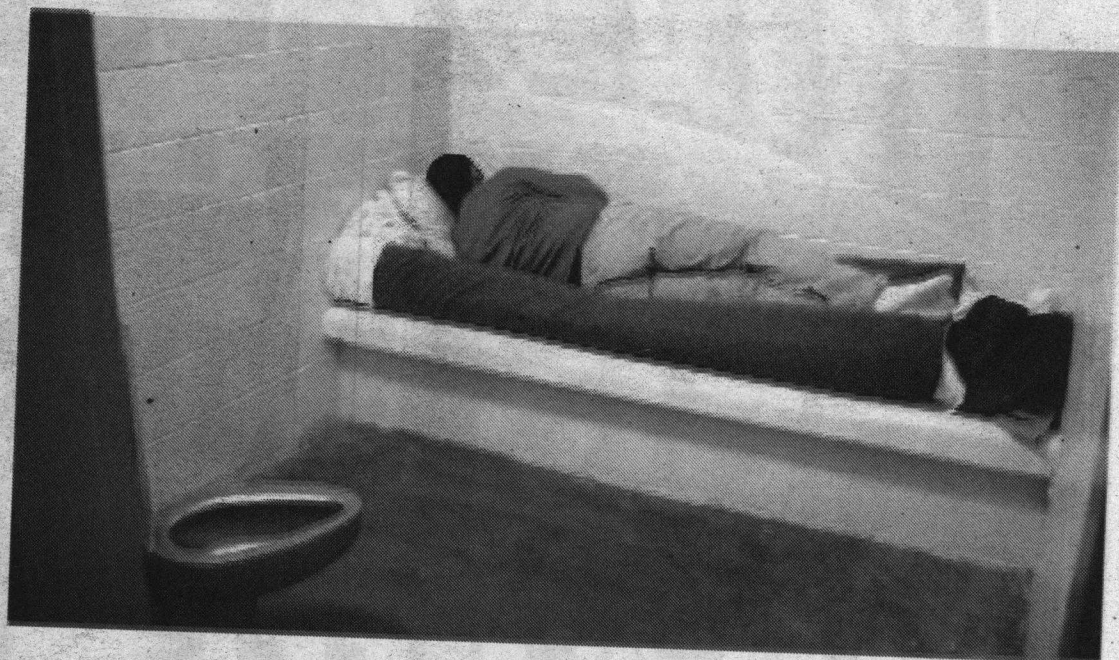
"Kids should stay in juvenile hall for their first offense," Miguel says.

"They need to stay in there awhile, so that they know what it means. "It's not really a punishment if they're released right away. They need to know why they don't want to go back."

Sandra, however, disagrees. She says kids should be released for their first offense. "Like me, they probably won't do it again. But if they keep screwing up, they shouldn't be allowed to stay at home."

For detention officials, it is more a matter of what type of offense the juvenile commits.

"There are some kids that are too great a threat," Judge Salazar says. "Based on their history or their current allegations, they may need to be in juvenile hall. However, if you look across the country, you will see a large number of kids are there just because they angered some judge or police officer somewhere. These are status



offenses. Why lock up a kid for missing school? Get them back in the school; give them the means to stay there."

Beyond Detention

The JDAI program was designed to reduce the number of kids unnecessarily detained in juvenile hall while they awaited their court hearing. After a juvenile is convicted, however, there are several different outcomes. Director MacDonald says that most are simply released for minor offenses, while another large percentage is placed on probation. The more serious cases serve time, either in juvenile hall or at camps, which are facilities designed for serving time after conviction. The camps are usually in a remote setting, and offer more freedom and activities than a juvenile hall. For the most severe cases, juveniles are sent to the notorious California Youth Authority, the

Javier Chavez, his probation officer, says that the program works so well that some kids want to continue participating in it even after they are released. "They can earn money through the program, and it builds their resumes," Chavez says.

A similar group, though in its infancy, is a culinary arts program in partnership with Dominican Hospital. Participants attend a three-hour cooking course once a week in the kitchen of the hospital, where Shawn Stanchfield, executive chef for Dominican, donates his spare time to teach kids how to prepare and cook everything from sushi to Italian cuisine.

"I just wanted to help high-risk kids," Stanchfield says. "If you point them in the right direction, they succeed."

Tara Fisher, the probation officer in charge of the program, says kids who graduate the program will likely receive internships, either at Dominican or restaurants in the community.

Juveniles on home detention cost the county about \$81 per day. Those in juvenile hall, however, cost upwards of \$184 per day. That contrast, MacDonald estimates, has saved taxpayers nearly \$500,000 annually since JDAI was initiated.

largest youth corrections facility in the nation, with more than 4,600 juveniles in 15 facilities throughout the state.

But whether a juvenile is awaiting trial at home or in a facility, serving time in juvenile hall, or receiving treatment at a group home, Santa Cruz County offers a wealth of various reform programs, youth groups and counseling.

"These programs receive 50 percent of our funds," MacDonald says. "They are incredibly successful in steering kids away from crime; putting them on a progressive path."

The Youth Community Restoration Program (Y-CORP) has become very popular for providing physical work in lieu of time in juvenile hall. Program participants work under a supervisor on community restorative projects such as erosion control and tree planting.

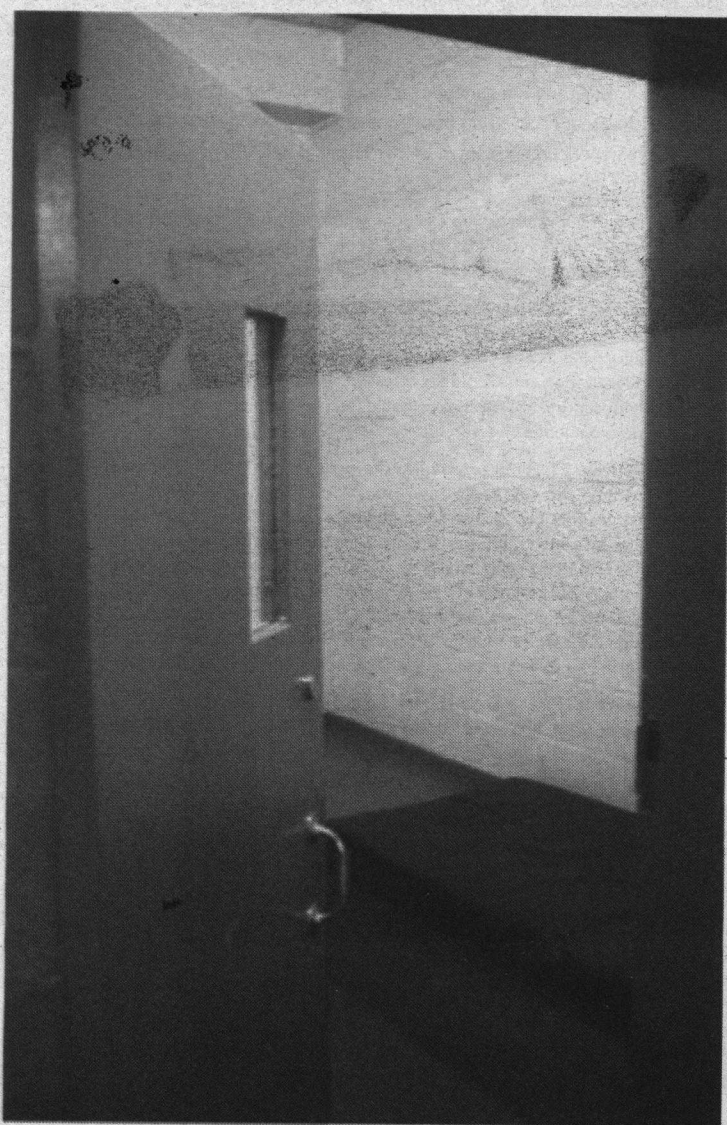
"I worked 150 hours with Y-CORE," Miguel says. "It was hard work, but it was better than sitting in juvenile hall."

"The goal is to get them into a program," she says. "They get to work off community service hours, but most of them are getting way into it. They always show up right on time, and one of them even plans on becoming a chef."

Other popular programs include Salinas-based Barrios Unidos, which provides education, job-training and leadership skills; OASIS, which offers counseling services; and a youth garden project. There are also anger-management classes.

In addition to these programs, Santa Cruz County was recently awarded \$1 million from the Robert Wood Johnson Foundation, under a drug and alcohol prevention program called Reclaiming Futures. The money will fund a four-year program to serve youth that need intensive support for drug and alcohol abuse.

"Kids need more treatment for their addictions," MacDonald says. "They need better treatment."



Modeling Success

Because of Santa Cruz County's success with JDAI and the corresponding attention it is beginning to receive, new JDAI sites are sprouting up across the nation, including San Francisco, Santa Clara and Ventura County in California.

"There are delegations from all over the country visiting such JDAI sites as Santa Cruz," says Vincent Shiraldi, president of the Justice Policy Institute, a Washington, D.C. think tank committed to reducing society's reliance on incarceration. "There is no question that this is spreading nationally. We are really looking at the tip of the iceberg right now, but it is going to grow over the next five to 10 years."

Bart Lubow of the Casey Foundation is seeing an enormous interest in the program. "Let me put it this way: There are more sites in the nation that are interested in replicating JDAI than we have the resources to respond to."

However, Lubow warns it is important that counties that want to adopt the success rates of Santa Cruz must be careful. The real challenge, he says, is making sure the new jurisdictions learn these methods accurately, so that they are not "diluted and bastardized."

"We are clearly on an accelerated pace here, and we must be sure not to lose the program's true potential," he says.

It remains to be seen whether or not the rest of the nation, let alone California, adopts JDAI and will share success with Santa Cruz County. As the juvenile hall population in the United States continues to rise, there is little doubt that the justice system will consider and implement a variety of solutions, and will be remolded under an eclectic range of pressures.

Meanwhile, as Miguel anxiously awaits his court hearing, he is sure that the program has worked for him, and looks forward to a new life.

"Leaving the house when I want to, going out of town—everything will be so strange," Miguel says. "I can't believe it. I haven't felt free in four years." >27

REFORM: JUST THE FACTS

Santa Cruz County may be experiencing significant success with its juvenile detention reform, however most of California is still in trouble. According to the California Board of Corrections (BOC), there is still overcrowding in 26 percent of juvenile halls in California. The problem is exacerbated, however, by the fact that these facilities house 42 percent of the juvenile detention population.

As a result of this overcrowding, California is planning on increasing its juvenile halls by 3,288 beds, a rise of about 30 percent.

"These new beds will be going to counties that were chronically overcrowded," says Thom McConnell, BOC executive director. "We have a responsibility not to have young people sleeping on the floor. This is an intolerable situation." The facility expansions will include the elimination and remodeling of 2,101 detention beds and corresponding facilities that are considered old and defunct, for a total of 5,389 new beds by 2007.

"The vast majority of the facilities in California are from the '40s and '50s. Many of them are horribly inadequate and dilapidated," McConnell says.

While some of the funds for these projects will come from local government, the state legislature has appropriated \$453.2 million to be distributed by the BOC.

McConnell has a lot of faith in detention reform programs like the one in Santa Cruz, but he maintains that California must build more beds to alleviate overcrowding, and to prepare for an increased juvenile population in the future.

"The population has grown much faster than our bed space," he says. "We are very hopeful that communities will find ways to keep kids out of detention, but we must be prepared to handle those that come into the system."

But some people don't see this large increase in California's bed space to be necessary.

Vincent Shiraldi, president of the Justice Policy Institute, a Washington, D.C. think tank committed to reducing society's reliance on incarceration, believes building more beds is not the right answer.

"Here you have a state with a model site for detention reform in Santa Cruz, and instead of learning from this, its funding a massive increase in beds," he says. "To spend millions of dollars to build a bigger building than you need—only the government would do that."

Shiraldi says that the BOC is virtually "forcing counties to build larger facilities because it is the only way to get funds to repair their old facilities." He points out that Santa Cruz County was denied funds to replace their old facilities because it wouldn't build a bigger one.

Scott MacDonald, director of Santa Cruz County Probation, agrees. "The argument to build more beds is a bankrupt policy. The current data does not support increased facilities. Detention rates are going down. Yet the public fear of juvenile delinquents remains the same. There needs to be a more objective view of what is going on here," he says.

—Hunter Holcombe