Positive Youth Justice Initiative
Implementation Phase II Concept Paper

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Sierra Health Foundation

Center for Health Program Management
Sierra Health Foundation

Positive Youth Justice Initiative

The Positive Youth Justice Initiative is a Sierra Health Foundation initiative managed by the Center for Health Program Management, with additional funding from The California Endowment and The California Wellness Foundation.

OVERVIEW

In spring 2012, Sierra Health Foundation launched the Positive Youth Justice Initiative (PYJI) to spur reform in county juvenile justice policy and practice in California. PYJI's goal is to build new approaches to local juvenile justice practice to serve as vanguards for transforming the field more broadly. To accomplish this outcome, PYJI requires participating counties to establish developmental practice models that combine four distinct design elements — **Positive Youth Development, Trauma-Informed Care, Wraparound Service Delivery and Improved Operational Capacity** — and apply them to one of the most difficult-to-serve juvenile justice subpopulations: crossover youth. By assessing the reforms counties employ to align policy and practice with developmental needs of the target population, PYJI hopes to build a body of knowledge that system leaders and youth advocates can leverage to accelerate reform within and beyond PYJI counties.

PYJI's 2012 launch proved timely, as the initiative's planning phase coincided with a sudden and dramatic shift in state criminal justice policy. Driven by the Office of the Governor to meet a Supreme Court-mandated prison population cap, commonly referred to as criminal justice realignment, the emergent policy framework was centered on the devolution of significant criminal justice funding and system design authority from the state to counties. Criminal justice realignment mirrored the concept that had been established through juvenile justice realignment in the previous decade.[1] The design readiness of PYJI in combination with the rapidly changing and supportive state policy environment proved decisive as Sierra Health Foundation's board of directors committed three years and $1.8 million in grant support to the initiative's launch. Subsequently, The California Endowment and The California Wellness Foundation joined Sierra Health Foundation as strategy and funding partners.

[1] https://www.sierrahealth.org/assets/pubs/SHF_RJJ_Report_Final.pdf

Key developments since PYJI launched in 2012 include:

- In June 2012, 10 applications from the 17 California counties eligible to take part in PYJI were submitted.
- In October 2012, $75,000 one-year planning grants were awarded to six California counties to support a yearlong reform planning phase.
- In August 2013, Resource Development Associates was contracted to conduct a systems-level evaluation of PYJI.
- In October 2013, grants of $400,000 over two years were awarded to four counties — Alameda, San Diego, San Joaquin and Solano — to implement their reform plans.
- In January 2014, a launch event was hosted to publicly acknowledge the counties awarded implementation grants.
- In December 2014, the first-year evaluation findings of PYJI were released.

In fall 2014, Sierra Health Foundation's board received its annual PYJI progress report as it considered extending the initiative an additional three years. The report focused on the advancement made by PYJI's county partners over the two-year period, the burgeoning alignment of federal policy with the initiative objectives[2] and growing public support for justice reform in California. Key discussion items presented in support of the synergy between PYJI objectives and growing public and political support for reform included the passage of Proposition 47: The Safe Neighborhoods and Schools Act; the ongoing implementation of Assembly Bill 109, the legislation that enacted California's criminal justice realignment; and the significant decrease in youth held in state custody. With regard to juveniles, the report focused on the far less talked about drop in the number of youth held in state custody, which has declined from 10,000 in 1995[3] to just over 600 today (94% decline).

While California's shift away from warehousing youth in large, distant and often dangerous state institutions has largely taken a back seat to adult justice system reform, its significance should not be overlooked as a critical opportunity for closing off an intake to the cradle-to-prison pipeline. Accordingly, the shift in policy requires responses to important practice questions about the cultural orientation of local juvenile justice practice (punitive or developmental), the adoption of meaningful performance metrics (data collection and utilization), compliance standards (minimum scope of supports and services), and the identification of behavioral, social, health and other well-being outcomes the system should be held accountable for achieving. In short, if a devolved delivery system is the future of juvenile justice in California, and the dismantling of the punitive and costly cradle-to-prison pipeline is the objective, then now is the time to ensure juvenile justice reform is not simply about where youth are served but how well they are served. With PYJI site progress ramping up, and a growing and supportive bipartisan political and policy context continuing to evolve at the state and national levels, Sierra Health Foundation's board renewed the foundation's commitment for an additional three years and $1.8 million.

PROGRESS TO DATE

There have been a number of notable accomplishments within the four counties, which are summarized below by category.

System Changes

- Automated the ability to query departmental data systems to track crossover youth in probation information systems by race and gender (all counties)
- Developed structured decision making tools (rewards/sanctions grid) for probation officers that incentivizes youth's behavior on probation (all counties)
- Created case planning procedures to formally bring youth and family voice into the process (two counties)
- Implemented the Girls Health Screen[4] in a county detention facility (one county)
- Established school-based trauma screening for at-risk youth, including crossover youth (one county)
- Expanded and prioritized county Senate Bill 163 wraparound slots for crossover youth (two counties)

[2] http://www.ojjdp.gov/newsletter/242652/topstory.html

[3] http://www.cjcj.org/uploads/cjcj/documents/Renewing_Juvenile_Justice.pdf

[4] http://www.girlshealthandjustice.org/

"It is nice to see professionals' eyes light up when they talk about youth. That is different than what's happened in the past."

- County leadership

- Modified service contracts to better reflect trauma-informed practice and a positive youth development approach (three counties)
- Created a smaller, specialized caseload for deputy probation officers to provide more intensive case management and supervision (one county)

Professional Development

- Provided training in trauma-informed care and/or positive youth development for more than 2,000 juvenile justice professionals, including probation staff in detention facilities and field services, educators, social workers, attorneys, court staff, service providers and other community-based organization staff members (all counties)

Interagency Collaboration

- Established new referral procedures for crossover youth to gain access to community-based youth development opportunities (e.g., civic engagement opportunities, culturally based healing circles and workforce experiences) (two counties)
- Developed a new data-sharing memorandum of understanding and interagency agreements between public agencies and community-based organizations (two counties)
- Strengthened the multiagency, collaborative approach in supporting crossover youth and their families (all counties)

Policy

In addition to the important work going on in the four counties, Sierra Health Foundation staff has been engaged in educating policymakers and juvenile justice stakeholders. Specifically, staff has:

- Provided testimony at key legislative committees for juvenile justice issues, including the Assembly Select Committee on Justice Reinvestment, Assembly Select Committee on the Status of Boys and Men of Color and Assembly Select Committee on Gun Violence in the East Bay.
- Participated in two Executive Steering Committees of the Board of State and Community Corrections to inform funding decisions on training and regulatory requirements on juvenile and criminal justice personnel.

"It is showing that interest and showing that we actually care and that's the big piece, you are showing these youth that you care about them and you want them to do better and make changes."

- Probation officer

- Presented at numerous state and national conferences, including the Annual Children's Mental Health Research and Policy Conference, Georgetown University's Center for Juvenile Justice Reform Leadership Network, Youth Transition Funders Group National Convening, and National Council on Crime and Delinquency's Conference on Children, Youth and Families.

As the progress outlined in this report indicates, the four selected counties have made impressive strides in the past 24 months. However, their programmatic advancement is still too nascent to fully integrate the PYJI elements and potentially serve as examples for broader systemic reform. The next phase of PYJI is informed by phase I evaluation findings, as well as current research, new state and federal policy opportunities, and hands-on experience with the counties implementing the initiative. The key components of PYJI's Implementation Phase II are described below.

SYSTEMS CHANGE AND CULTURE CHANGE EQUAL JUVENILE JUSTICE REFORM

From the outset, the PYJI efforts to achieve juvenile justice reform have been focused on developing interventions for a subpopulation that would be used as models for the initiation of system-wide reform. Although PYJI's county partners have worked diligently to move their systems toward more developmentally appropriate approaches by codifying, adapting or making wholesale changes to the policy frameworks that direct agencies' operations, a deeper level of work is needed to normalize the practice changes the policy reforms call for. As stated in the first-year evaluation report,[5] strategies need to be developed to shift organizational culture to make good on the PYJI premise that positive youth development is the most effective public safety approach. Being conscious of organizational development and change management strategies will maximize this opportunity to shift the philosophy of the system.

Tip of the Spear Approach: Expanding Beyond Crossover Youth

In the first phase of implementation, the Positive Youth Justice Initiative targeted crossover youth — youth with documented abuse and neglect and historical involvement in the child welfare system, who currently are engaged in their county's juvenile justice system. This frequently overlooked and underserved population has started to see increased visibility in the juvenile justice field, and rightfully so, given the documented poor long-term outcomes this population experiences.[6] But in the context of the Positive Youth Justice Initiative, the crossover youth population has always been a

[5] http://www.sierrahealth.org/assets/PYJI/SHF_PYJI_Year_1_Evaluation_Report_Full_20150108_STC.pdf

[6] Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County (Culhane D.P., Metraux, Stephen, et al, 2011)

starting point for reform and not a point of completion.[7] Therefore, a key focus of PYJI's next phase will be to scale across the entire juvenile justice system to ensure all youth, particularly those at highest risk of recidivism, are treated and supported in a more holistic and developmentally appropriate manner than what is common in current practice.

Extending Juvenile Justice Reform: Partnerships with Purpose

In the early development of the Positive Youth Justice Initiative, an underpinning of successful reform initiatives taking root across the country was that it was not simply up to one agency to change. Successful reform manifests when like-minded public agencies, community-based organizations, mental health service providers, the faith community, workforce development organizations, education agencies, law enforcement, community advocates and, most importantly, youth and families engage in long-term efforts to change the status quo. The four funded counties, through their local collaboratives developed under PYJI, have established the building blocks to expand reform to agencies that have responsibilities connected to the county juvenile justice systems to improve the life outcomes of justice-involved youth. Descriptions of new or expanded opportunities for local partnership development follow.

"It isn't going to be one agency that drives this. Everyone has to work together in a collaborative and respectful way with a common goal of better outcomes for kids; and people who are willing to see and accept that they can do better."

– County partner

Educational Attainment: A Cornerstone of Healthy Development

Long-standing research[8] shows that educational attainment is a significant predictor of one's overall health. Across racial or ethnic groups, adults with more educational success report an overall healthier condition. This not only has implications for the individual in the immediate sense, but in the long term, as youth develop into adulthood and, for some, parenthood.

In addition to health outcomes, educational attainment plays a significant role as a pathway into the workforce. A previous study documented the median income of those with various levels of educational attainment: $19,000 for individuals without a high school diploma, $27,000 for those with a high school diploma and $47,000 with a bachelor's degree. Unfortunately, juvenile justice system involvement can dramatically interrupt one's educational experience. As stated in the 2014 study *Just Learning*,[9] "In 2009…most 'longer-term students' enrolled in juvenile justice schools (those enrolled for 90 days or more) whose progress was documented, failed to make any significant improvement in learning and academic achievement."

However, the educational system holds much promise in supporting youth as they move through the juvenile justice system. Legislation passed in California in 2014 helped strengthen the educational rights of youth engaged in the juvenile justice system. Assembly Bill 2276 (Bocanegra) and Senate Bill 1111 (Lara) were two pieces of legislation that should help expedite the enrollment of students back into public school and contribute to the educational success for justice-involved youth.

[7] https://www.sierrahealth.org/assets/PYJI_Briefing_Paper_Reprint_2013.pdf

[8] http://www.commissiononhealth.org/PDF/c270deb3-ba42-4fbd-baeb-2cd-65956f00e/Issue%20Brief%206%20Sept%2009%20-%20Education%20and%20Health.pdf

[9] http://www.southerneducation.org/getattachment/cf39e156-5992-4050-bd03-fb34cc5bf7e3/Just-Learning.aspx

Educational Partnership in Practice: A Case Example

Vallejo City Unified School District, the lead agency for PYJI in Solano County, in partnership with Solano County Probation and the County Office of Education, has made significant progress supporting crossover youth's re-entry from the county's youth detention facility back into the school district. The team has supported a PYJI liaison that visits youth while in detention, participates on a multidisciplinary team for re-entry planning and then connects with the student upon release to ensure a seamless transition back into the school district. The PYJI liaison also works in collaboration with the district's Full Service Community School staff at each school to address any social service need that may act as a barrier for the youth and his or her family. If the student is not from Vallejo City Unified School District, a liaison from the Solano County Office of Education acts in the same capacity to connect the student with the respective district contact. This education-based safety net for students required new data-sharing agreements and a memorandum of understanding between agencies, but through steadfast leadership, the new system is in place. This approach could be scaled to the youth who are most in need of support to ensure educational outcomes are prioritized.

Partnering with Law Enforcement: Closing the Front Door of the Justice System

The role of law enforcement and the appropriate response to youth of color has been thrust into the spotlight. From Michael Brown in Ferguson, Missouri, to Tamir Rice in Cleveland, Ohio, law enforcement's response with young people can be disproportionate to the perceived offense. These highly visible cases and tragic fatal outcomes have reignited a conversation about the relationship law enforcement has with communities of color and raised questions about departments' control for unconscious bias.

A recent study[10] that examined the accuracy with which individuals estimate the ages in children, specifically boys, of different races found that black children are frequently estimated to be older than their actual age. Participants in the study, which included a specific cohort of police officers, found that black boys were estimated to be 4.53 years older than their actual age. The police officer respondents in the group had a slightly higher estimation at 4.59 years older than actual age. This perception that a certain set of children are substantially older than their actual age can have dire consequences when they encounter law enforcement officials.

In practice, if a law enforcement official overestimates the age of a young person, they are likely to respond in a way that assumes the youth is older and therefore more culpable in his or her decision making. An example took place in McKinney, Texas, where law enforcement was called to break up an altercation at a pool party. A responding officer can be seen on video using force and pointing his weapon at the teens. While only one example, this incident reinforces the urgency for local law enforcement to expand their training curriculum to include adolescent brain development, implicit bias, trauma and positive youth development.

[10] http://www.apa.org/pubs/journals/releases/psp-a0035663.pdf

Partnering with Judicial Officers to Promote Equity from the Bench

It is well documented that youth of color receive disparate treatment once engaged in the juvenile justice system. From arrest, adjudication and disposition, youth of color do not receive the same treatment as white youth. A 2014 study by the National Council on Crime and Delinquency is one example to document this unequal treatment. In addition to the increasing percentage of youth receiving dispositional decisions (66.8% in 2002 to 80.4% in 2012), specific dispositions impacted youth of color more negatively. In fact, the percentage of youth of color being sentenced to out-of-home placement and secure confinement grew to 14% and 22% from 10% and 12.4% respectively.[11]

In addition to disposition, fitness hearings — the determination of whether a case stays in juvenile court or is transferred to adult court — is another decision point where racial disparities exist. According to the Attorney General's 2013 Juvenile Justice in California Report, "a greater percentage of whites were found to be fit to remain in the juvenile system compared to the percentage of Hispanic and black juveniles (66.7 vs. 23.3 and 43.1 respectively)." Direct filings to the adult court are also an area where significant racial disparities present. In the same report, of the 633 referrals resulting in a direct file disposition, 63% were Hispanic, 23.5% were black, 4.1% were from other races and 9.3% were white.[12]

In each of the four PYJI counties, jurisdictions have tracked key decision points (adjudication, detention, placement in higher-level group homes, access to county wraparound slots) by race/ethnicity and gender, and in all counties youth of color are overrepresented at the various decision making points. It's clear that racial disparities exist at these various points of decision making, both for crossover youth and those who are without any historical involvement in child welfare.

In the next phase of PYJI implementation, it will be imperative that judicial officers move from support to action. That may mean evaluating and adjusting court practices to ensure they are consistent with a trauma-informed approach, assessing dispositional decisions for consistency with each county's least restrictive, community-based, positive youth development approach and ensuring that fairness for all young people and their families are made a reality throughout the system.

Partnering with Advocates and Organizers to Accelerate and Sustain Reform

As mentioned, cross-system collaboration has been a hallmark characteristic of successful justice reform across the country. This has been a theme throughout the first phase of PYJI as well, and in each of the four counties there is an impressive array of public and private agencies working together to inform implementation.[13] With some variation between lead agencies, they've built collaborations with institutions with which they had pre-existing relationships — education agencies, behavioral health partners, social service and child welfare partners, service providers, community-based organizations and, frequently, crossover youth. This is neither unusual nor unexpected, but it is no small task to bring and keep these agencies together to discuss structural reform.

> *"We've moved from a CBO that you send your troubled kids, to a legitimate partner at the table."*
>
> -CBO leadership

The next phase of reform, however, requires the engagement of a new set of community actors, those that are directly connected to the neighborhoods most impacted by the justice system and serve the community in entirely different ways than the service agencies previously mentioned. These community-based institutions and leaders are frequently kept on the outside, advocating inward against complex public systems on behalf of youth and families. These change agents often fill boards of supervisors chambers or elected officials'

[11] http://www.nccdglobal.org/sites/default/files/publication_pdf/deincarceration-summary-report.pdf

[12] http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/misc/jj13/preface.pdf

[13] http://www.sierrahealth.org/assets/PYJI/SHF_PYJI_Year_1_Evaluation_Report_Full_20150108_STC.pdf

"We're talking about undoing generations of normalized practice that have hurt a community. It's not going to happen overnight and over two years. There needs to be more support, resources, and training."
-PYJI partner

offices with parents, young people and other community members demanding improvement to the system that is frequently seen as the "injustice" system.

In fact, there have been documented successes when these stakeholders are active in justice reform. In the report, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth*, advocates played a strong role in spurring statewide justice system reform through various strategies (i.e., grassroots mobilization, conducting research, building leadership and litigation). Another innovative approach supported by Community Connections for Youth, a nonprofit agency in New York City, is training clergy in the community to serve as court advocates for youth navigating the justice system.[14] Another example is New York City Probation Department's development of the Neighborhood Opportunity Network (NeON),[15] which was designed in conjunction with neighborhood advocates, residents and system stakeholders.

Grounding reform efforts in the communities that youth come from and with community stakeholders is essential for sustaining systemic changes so they cannot be undone by the changing political winds. A specific PYJI example is in San Joaquin County, where the Probation Department is sharing financial resources and decision making power with nonprofit agencies like Sow a Seed Community Foundation and Community Partnership for Families of San Joaquin, and engaging community-based advocates like Fathers and Families of San Joaquin.

As the Positive Youth Justice Initiative matures and enters the next phase of reform, counties will be called to:

- scale the reforms to serve all young people in the system, particularly those at high risk of recidivism;
- deepen and expand systemic reform beyond current partners with a specific focus on engaging advocacy organizations; and
- continue the organizational development strategies that shift the system from harmful punitive practices to those that see youth as assets and actively promote their healthy development to achieve public safety.

Given the growing importance and time-sensitive nature of PYJI's bold vision, the commitment of our county partners' elected and appointed leadership, and the inclusion and growing influence of community and youth advocates, there is reason to believe the initiative reform efforts will lead to greater understanding of how to achieve better outcomes for the young people engaged in the juvenile justice system. In addition to our partners' work and commitment, Sierra Health Foundation will continue to inform the broader field by evaluation, sharing lessons learned and advocating for the adoption of pro-developmental policy to make good on the promise of Positive Youth Justice as the 21st century model for juvenile justice.

[14] http://www.nydailynews.com/new-york/bronx/bronx-clergy-trained-advocate-court-troubled-youth-reduce-crime-recidivism-article-1.1011790

[15] http://www.nyc.gov/html/prob/html/neon/neon.shtml

Quotes are from the Positive Youth Justice Initiative Year 2 Evaluation Report.

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