

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

August 1, 2005

Honorable Robert L. Dondero
Presiding Judge
Superior Court
Department 206
400 McAllister Street
San Francisco, CA 94102

Dear Judge Dondero:

The following is a report on the 2004-2005 Civil Grand Jury Report, "A New Chief of the Juvenile Probation Department: An Opportunity for Reform."

The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.

If you have questions please contact me at 554-4446.

Sincerely,

Adele Destro
Assistant Clerk of the Board

c: Mayor's Office
Members, Board of Supervisors
Mary McAllister, Foreperson, Civil Grand Jury
Gloria Young, Clerk of the Board
William Siffermann, Juvenile Probation Department
Ed Harrington, Controller
Ted Lakey, Deputy City Attorney
Cheryl Adams, Deputy City Attorney
Gary Giubbini, Civil Grand Jury
Kay Gulbengay, Deputy Clerk



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

File # 050870

RECEIVED
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SAN FRANCISCO

Ed Harrington
Controller

Monique Zmuda
Deputy Controller

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BY CR
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August 3, 2005

Hon. Robert L. Dondero
Presiding Judge
San Francisco Superior Court
400 McAllister Street, Room 206
San Francisco, CA 94102

**RE: Controller's Response to the 2004-2005 Civil Grand Jury Report
entitled: "A New Chief of the Juvenile Probation Department: An
Opportunity for Reform"**

Dear Judge Dondero:

Pursuant to Penal Code sections 933 and 933.05, the Controller's Office submits the following response to the recommendations related to the San Francisco Civil Grand Jury report entitled, "A New Chief of the Juvenile Probation Department: An Opportunity for Reform"

Finding 7: The role of community-based programs (CBOs) in preventing detention is not clear. Some of the CBOs may be more effective than others in preventing detention.

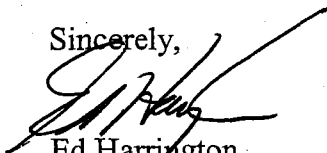
Agree. While the Juvenile Probation Department does have processes for selecting and administering CBO programs that assess the effectiveness of the providers, in general this function would benefit from clear performance goals explicitly stated for CBO contractors in their agreements, and for the Department in its management and program objectives.

Recommendation 7: Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBO's should be conducted periodically by the Controller's Office.

The Controller's Office, under its City Services Auditor charter mandate, has begun a standard program of financial and performance auditing of CBOs doing business with the City. We will include organizations working for the Juvenile Probation Department in this program. CBOs to be audited are selected using a risk-based approach.

Please don't hesitate to contact me if you have any questions.

Sincerely,


Ed Harrington
Controller

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

CC: Board of Supervisors
Mayor Gavin Newsom
Juvenile Probation Department
Mayor's Office of Criminal Justice
Juvenile Probation Commission
Police Commission
SFPD

CITY AND COUNTY OF SAN FRANCISCO
JUVENILE PROBATION COMMISSION



July 7, 2005

Mayor Gavin Newsom

Commissioner Jim Queen, President
Commissioner James Rodriguez, Vice President
Commissioner Rev. Dr. Harry Chuck
Commissioner Hully Fetiçõ
Commissioner Damone Hale
Commissioner Jacqueline Lingad Ricci
Commissioner Lidia Stiglich

Honorable Robert L. Dondero
Superior Court Judge, Dept 206
400 McAllister ST.
San Francisco, CA 94102

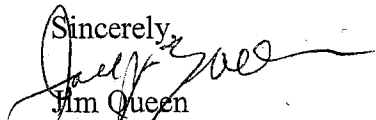
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SAN FRANCISCO JUVENILE PROBATION COMMISSION
bhp

Honorable Judge Dondero;

I am pleased to present you with the attached response of the Juvenile Probation Commission, to the Grand Jury's report on the Juvenile Probation Dept.

We are happy to have had the chance to hear the concerns of the Grand Jury and believe we have addressed those concerns completely. We look forward to a continued improvement of our system for all of the youth of San Francisco.

Please feel free to contact me if you have any questions.

Sincerely,

Jim Queen
President

Cc: Mary McAllister, Civil Grand Jury Floorperson
Chief William Siffermann
Gloria Young, Bd of Supervisors

CITY AND COUNTY OF SAN FRANCISCO
JUVENILE PROBATION COMMISSION



Juvenile Probation Commission response to the Civil Grand Jury Report.

Introduction

The members of the Juvenile Probation Commission [hereinafter the "Commission"] have read and considered the 2004-05 Civil Grand Jury Report entitled, "A New Chief of the Juvenile Probation Department: An Opportunity for Reform." The Commission would like to express its appreciation for the work done by the Grand Jury in investigating and identifying problems that have plagued the Juvenile Probation Department [hereinafter the "Department"] and related agencies. The Commission agrees with the Grand Jury's analysis of the reforms necessary for the effective and efficient delivery of services to at-risk youth. With respect to the Commission itself, the Grand Jury has examined the role and functions of the Commission and presented a list of concerns and recommendations. The Commission herein responds accordingly.

At the outset, we note the analysis and recommendations of the Grand Jury come at a time when there has been much change both within the Department and the Commission. As noted below, many of the concerns voiced by the Grand Jury have been recognized and rectified before the release of the final Grand Jury report. The city administration, under the leadership of Mayor Newsom, has dedicated much attention and energy to revitalizing the Department and the Commission with an eye to increasing its effectiveness and accountability.

Recommendations of the Grand Jury

The central criticism voiced by the Grand Jury report is that the Commission does not provide adequate leadership to the Department. The Grand Jury assigns this lack of leadership to the make-up of the Commission: the individual members of the commission do not have necessary relevant experience or direct contact with the Department and the CBO's to provide knowledgeable leadership. Further, the Grand Jury report indicates a belief that the Commissioners are distant and uninvolved in the day-to-day operations of the Youth Guidance Center. This contributes to an atmosphere where it is felt the Commission, the body responsible for overseeing the Department, is out of touch with the Department.

Recommendation 1: Appointees to the commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them

The Commission agrees with this recommendation. The number one focus of the Commission is to improve the ability of the Department to serve at-risk and detained youth. The current make-up of the Commission includes individuals who actively work with youth in community based organizations, individuals who have worked in the legal defense of detained youth, and individuals who have worked in policy organizations that work to improve the condition of detained youth. The President of the Commission has over 30 yrs of experience in designing and implementing programs and policies for at-risk youth, including being one of the key participants

CITY AND COUNTY OF SAN FRANCISCO
JUVENILE PROBATION COMMISSION



in developing the Jefferson Report. Accordingly, the Commission believes it is well-suited to understand and appreciate the issues of at-risk youth. To this end, it is the position of the Commission this recommendation has been adopted in spirit and in practice.

Recommendation 2: Commission members should devote the time and be willing to inform themselves of juvenile justice issues

The Commission agrees with this recommendation and is internally committed to a membership that is knowledgeable, aware, and receptive to the issues important to juvenile justice.

For instance:

This Commission, through its program committee, holds monthly public meetings at the Department to seek input from all stakeholders in order to identify the issues, which affect the Department and the work of the Commission.

The Commission passed a resolution, making it the policy of the Commission to use consumer driven district-based planning involving all stakeholders- consumers, policy makers, public, private, community based organizations as a foundation for making decisions about reforming the juvenile justice system.

The Commission has started holding its monthly commission meetings at community centers in the most impacted neighborhoods of the city.

Commissioners are actively engaged in coordination with the Chief Probation Officer in inspecting the Department's two main facilities, the Youth Guidance Center and Log Cabin Ranch, in order to meet with youth and staff and hear firsthand of any pressing issues.

Commissioners are working in coordination with the Chief Probation Officer, co-chair of the Juvenile Justice Coordinating Council, to ensure effective participation by the Commission in the development of the juvenile justice plan.

The Commission President sits on the executive committee of the Juvenile Detention Alternatives Initiative.

Two Commissioners sit on the Mayor's Work Group, a group committed to fundamentally reforming Log Cabin and Hidden Valley Ranches

The members of this Commission collectively give over forty hours per week of volunteer time working directly with at risk youth

Recommendation 3: Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system.

CITY AND COUNTY OF SAN FRANCISCO
JUVENILE PROBATION COMMISSION



The Grand Jury's report mentions the concerns of stakeholders who consider the relationship between some Commissioners and CBOs improper. It is also noted in the report that while the relationships are not held in violation of San Francisco's conflict of interest laws, the relationships contribute to an atmosphere of distrust and competition of resources. While association of Commissioners with organizations that receive monies from the Department or from the juvenile justice system does not necessarily mean a conflict of interest exists, the Commission recognizes the appearance of a conflict can be just as problematic. Currently, there are no Commissioners who hold outside positions at organizations receiving money from the Department. Further, the Commission is committed to openness surrounding any future issues that may arise, Commission in order to quell mistrust, concern and innuendo.

Recommendation 4: Commissioners should be evaluated according to these [preceding] criteria and replaced when their terms expire if necessary

Commissioners are appointed at the pleasure of the Mayor. It is the Mayor who appoints Commissioners and is responsible for evaluating an individual Commissioner's fitness for the position.

For Dignity and Respect

Jim Queen, President
Juvenile Probation Commission



**City and County of San Francisco
Juvenile Probation Department**

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JUVENILE PROBATION DEPARTMENT
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BY WPS

WILLIAM P. SIFFERMANN
CHIEF PROBATION OFFICER

June 23, 2005

Honorable Robert Dondero
Presiding Judge of the Superior Court
400 McAllister Street, Room 008
San Francisco, California 94102

Dear Judge Dondero:

On behalf of the Juvenile Probation Department, I offer the enclosed response to the 2004-05 San Francisco Civil Grand Jury Report entitled, "A New Chief of the Juvenile Probation Department: An Opportunity for Reform".

We are appreciative of the panel's thoughtful deliberations and look forward to addressing each recommendation in a comprehensive manner with the underlying intent to improve outcomes for San Francisco youth and their families.

We will be happy to provide any additional information the Superior Court or the Civil Grand Jury may require.

Sincerely,

William P. Siffermann

WPS:lta

Enclosure

Cc: San Francisco Board of Supervisors



**City and County of San Francisco
Juvenile Probation Department**

WILLIAM P. SIFFERMANN
CHIEF PROBATION OFFICER

**JUVENILE PROBATION DEPARTMENT RESPONSE
TO THE CIVIL GRAND JURY REPORT**

*Submitted by
William P. Siffermann
Chief Probation Officer*

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BY [Signature]

INTRODUCTION

The following is offered in response to the Civil Grand Jury Report of May 10, 2005. Our intent is to address the complex issues raised in this report in a manner that offers new hope for comprehensive systemic change. Our response seeks to emphasize key elements of a new vision that will unify and guide this Department on a journey in becoming more accountable to our public stakeholders, to be more focused and engaged with the minors and families we serve, and to elevate our operational efficiencies and outcomes.

Our goal will remain essentially the same: to provide comprehensive rehabilitative services to juveniles within the sound framework of enhanced public safety. The manner in which we attempt to achieve this goal will become more relevant, competent and measurable, given the installation of new leadership and inspired stewardship, and rededicated spirits. The message of Probation will be refocused from a preponderance of surveillance activities to an active development of competencies that will enable youth to respond to internal controls and become productive citizens. The messengers of Probation (Probation Officers, Counselors and CBO's) will be recalibrated so that their interventions and directions are clear, convincing, and adhered to.

Having been sworn in as Chief Probation Officer on April 1, 2005, I am cognizant that I own nothing related to the past, yet own everything related to the future of the Juvenile Probation Department. While my responses to the findings may have minimal contextual value, my response to the recommendations will have greater value. Their value will be based upon the following premise: the JPD staff still includes a core number of values directed individuals who care about their work, the youth they serve and the community of San Francisco. What this core group needs is effective leadership at the top and throughout the Department that will inspire, challenge, affirm, redirect and sharpen their efforts to become actual stewards of change who will then ignite the compliance of marginal co-workers. Changing the departmental culture from a surveillance/reactive orientation to a supportive/proactive orientation will be key to improving the outcomes of youth. It is the context from which this response is derived.

RESPONSE TO THE FINDINGS

- 1. San Francisco has made large investments of resources in providing alternatives to detaining youth in secure facilities, such as the creation of CARC and the funding of CBOs.***

Agree in Part

San Francisco has made considerable investments of resources in providing alternatives to secure detention. I offer this clarification of CARC. Since CARC is utilized only after the decision not to detain is made, CARC is not a detention alternative program in the strictest sense. Since CARC's value is characterized by its ability to mitigate circumstances leading to escalated delinquency that would prompt certain detention, CARC is more of a detention prevention program. Its impact to date in reducing future detentions is unmeasured. While nonetheless valuable to mitigating future detention, CARC cannot be identified as a true detention alternative since it fails the following test: Would the youth otherwise be in detention but for his/her participation in the program? CARC participation follows the loss of detention jeopardy once this decision is made by the on-duty Probation Officer not to detain. CARC is a YGC court diversion initiative and not a detention alternative. Using the above test of CBO funded probation programs to determine true detention alternatives value, only those providing electronic monitoring, home detention supervision and evening reporting center programming qualify as true alternatives to detention, since the youth participating in each would otherwise be in secure detention but for the existence of these programs.

The JPD is committed to its monitoring and oversight of all CBOs and vendors to insure relevant programming and accountable delivery of services. During the next fiscal year, we will be developing new RFPs that will include specific deliverables, reporting benchmarks, and outcome measurement tied to funding levels.

- 2. These investments have not resulted in a decrease in the rate of detention of arrested youth.***

Agree in Part

Your findings suggests the need to re-examine and consider other factors and forces that contribute to the rate of detention such as probation arrests which remain unmitigated by CARC and the RAI. While CARC has not decreased the immediate rate of detention, since it is not a true detention alternative (see response to previous findings), the long term impact on detention rates for CARC served youth who, through the diversion services prescribed by CARC, have not been later arrested and detained, cannot be totally discounted. While unmeasured to date, its impact on detention rates can only be surmised.

- 3. Although the Risk Assessment Instrument (RAI) indicates many times that youth need not be detained, probation officers (POs) often override the RAI in order to detain anyway. This is one of many indicators that the resistance of POs appears to be the chief obstacle to reducing the population of non-violent youth in secure detention, such as youth arrested for violating the terms of their probation.***

Agree in Part

In reality, there are only 4-5 probation officers who utilize the RAI in determining whether an arrested youth should be detained in secure custody. I agree with your assertion that these POs often override the RAI, but disagree with your conjecture that their decisions are resistant based upon their failure to subscribe to a policy of not detaining "nonviolent". I offer another more plausible conjecture.

3. *(Continued)*

I observe the POs' interpretation of their commitment to ensuring public safety (by holding adjudicated delinquents on their co-workers' caseloads accountable for chronic recidivism) and their duty to enforce the orders of the court (by providing an immediate consequence for violating a judge's order) as the real underlying issue. Only when the courts' and probation officers' appetites for juvenile justice includes a menu of alternatives that will hold minors accountable to the same degree as secure detention, will alternative responses to allegations of probation violations be embraced. See my response to the corresponding recommendation.

4. *Lack of management controls at the JPD appears to be a leading factor in persistent resistance of POs to alternatives to detention. For example, supervisors are not reviewing the PO's overrides of the RAI as required by JPD policy.*

Agree in Part

Lack of line staff and direct supervisory staff involvement in the early development of the RAI and the concepts supporting the creation of detention alternatives and policies was a major impediment to effective, consistent and accountable execution. JDAI business principles never took deep root because the ground staff was not properly cultivated. Management was forced to rely only upon management control to ensure compliance. When management positions dissolved and controls became weak, compliance evaporated and RAI overrides were unchallenged and quietly condoned.

5. *Reduced hours and inconvenient location of the Community Assessment Referral Center (CARC) is apparently a factor in preventing police from referring all arrested youth first to the CARC for assessment as required by SFPD policy.*

Disagree

The impact of CARC's reduced hours upon police referrals to CARC is negligible since the on-duty probation officer or YGC counselor can release and refer appropriate minors back to CARC when warranted. There was no documentation supporting the conjecture that the proximity of CARC for police purposes was inconvenient, and thereby, led to an avoidance of CARC first referral policy. The necessary function of moving arrested youth requiring secure custodial supervision in a timely fashion will and should always prevail over the CARC first referral format when near or beyond existing operational hours.

6. *Police have been instructed to make initial contact with CARC regarding arrested youth by a Police Department bulletin. However, these instructions are not in the Department's General Orders, which is a higher level of authority that could increase compliance.*

Decline Comment

Since the finding is beyond the Probation Department's scope of authority and responsibility, no comment is offered.

7. *The role of the community-based programs (CBOs) in preventing detention is not clear. Some CBOs may be more effective than others in preventing detention.*

Agree in Part

CBOs assume a variety of specific roles in response to police referred and juvenile court referred youth. Some of these roles are prevention, diversion, probation enhancement and detention alternative programming. We agree with your perception that their specific roles as they relate to reducing

7. *(Continued)*

recidivism and increasing compliance with probation orders (thereby reducing detention jeopardy) may not be sufficiently discerned or universally assumed. The roles and responsibilities of CBOs extend beyond detention prevention into competency development aimed at eliminating recidivism.

8. *The Juvenile Probation Commission may not be providing the necessary leadership to achieve the objective of reducing detention.*

Disagree

The Juvenile Probation Commission's support of the philosophies and policies, programs and practices associated with the Juvenile Detention Alternatives Initiative is clear and well documented.

RESPONSE TO RECOMMENDATIONS

1. *The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.*

Agree/The recommendation is being implemented.

Prior to the release of the Civil Grand Jury report, I initiated an analysis of detention overrides. The findings and recommendations are attached (**Exhibit 1**). The recommendations have been implemented. In addition, I convened meetings with management staff and line staff to outline the philosophy that all probation officer decisions, recommendations will reflect consideration of the least restrictive intervention, setting or consequence that does not compromise public safety.

This philosophy will be incorporated into the development of a new written mission statement, the existing policy and procedures manual with compliance evaluated in annual performance appraisals completed on probation officers who make detention decisions and on supervisors who review and approve these recommendations. My budget proposal recommends an additional supervisory position, and I intend to utilize in the capacity of a Detention Release Supervisor, whose duty it will be to examine the detained population on a daily basis, to identify minors who could qualify for expedited release and then develop a specialized release plan for immediate consideration by the court. The San Francisco Juvenile Detention Alternatives Initiative (JDAI) Executive Committee has embraced a set of core principles (**Exhibit 2**).

Additionally, an element of the Juvenile Detention Alternatives 2005-06 Work Plan includes the plan to develop a system of graduated non-detention sanctions that probation officers could create and utilize as alternatives to the use of secure detention in response to allegations of technical violations of probation. A multi-level work group will assemble in the next month to develop this idea. Our overall plan also includes the expedited release of some minors currently awaiting long term residential treatment into home based venues under the nationally recognized multi-systemic treatment (MST) modality. This plan will become operational within the next two months.

Positive trends in reducing detentions, average daily population and detention overrides are already observed (**Exhibit 3**). Continued efforts at standardizing the use of the RAI and reducing the use of detention for probation violations and placement waiting/staging area will further this positive trend.

- 2. The new chief of the JPD should make the supervision and management of JPD staff, particularly the POs, a top priority for his administration. For example, all POs must be evaluated routinely with respect to their adherence to Department policies and procedures.***

Agree/The recommendation is being implemented.

The key to effective staff management and maximum utilization of human resources is vigilant, consistent and supportive supervision. Manageable spans of control allows for proactive supervision, direction and allocation of staff. The FY 2005-2006 budget includes the reconstitution of two (2) senior supervisory staff positions along with the filling of three (3) vacant supervisory positions. These positions will be utilized to elevate accountability, enhance case planning, improve interventions with clients, standardize compliance with policies and practices and provide timely and comprehensive performance appraisals designed to elevate service capacities and improve case outcomes. Realignment of existing staff into new lateral assignments according to strengths and capacities that has already taken place. New promotional opportunities opening up for front line supervisor positions will infuse the management team with new energies and fresh perspectives.

Finally, learning by example is an effective way to inspire stewardship. The activities and goals listed in **Exhibit 4** are offered as evidence of my work experiences in my first two months as Chief Probation Officer. These documents were submitted to management staff as an example of my work ethic. They will be used as a template for management and line staff to use as a compass.

- 3. The new chief of the JPD should engage all stakeholders within the context of the Juvenile Detention Alternative Initiative in a reconsideration of the Risk Assessment Instrument (RAI) with the goal of strict adherence to the use of the RAI by POs.***

Agree/The recommendation is being implemented.

The process has already begun through discussions among the JDAI co-chairs and coordinator, as well as with the Executive Committee of all stakeholders at our May 2005 meeting. While the group speculates that an eventual revision of the RAI may be in order, it is committed to suspend any such discussion until there is consensus that the existing document is being applied uniformly and accurately. Plans to develop MIS capacity to electronically score the document and capture important data we will use to analyze efficacy are underway. Additionally, I have secured a commitment from the Annie E. Casey Foundation to provide technical assistance in our deliberations on the RAI at such time as we commence a revision.

Finally, it is very clear that until bona fide discretion, allowed by the judiciary, is afforded probation officers who administer the RAI when violation of court orders are considered, to pursue the possibility that a detention alternative, this population will continue to be immune from the RAI as we know it. The challenge remains to develop credible detention alternatives for probation violators that the judges find favor with and probation officers will consider. The judges' role in developing new detention alternatives, that they will eventually use, will be key.

- 4. The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.***

Agree in Part/The recommendation requires further analysis.

The recommendations to have CARC meet the original design of being a 24/7 365 days a week operation, while attractive, is not fiscally sound. The costs associated with this expansion of hours, coupled with the low number of youth arrested in some of the non-peak hours and days of the week,

4. (Continued)

(It is currently closed.) make expansion to a 24/7 operation at its current location cost prohibitive. When examining the true costs of CARC, the costs of the 'public agencies' must be included, such as the Probation Department, Sheriff's Department and SPY, as well as, the associated overtime that accompanies these staff positions (for example, when a public agency staff is ill, on vacation attends training, etc.) Additionally, the cost of CBO services must be included. When these real costs are included, it multiplies the overall cost of operating CARC. Probation is committed to improving the consultative services now provided the police when CARC is closed. Assigning a probation officer to every shift to receive calls from the police will be a priority so that more youth suited for CARC involvement will be referred back.

5. ***CARC should be moved closer to the Youth Guidance Center (YGC) to facilitate activities with YGC and to make transportation of arrested youth more convenient for transporting police officers. The School of the Arts directly across the street from YGC should be surveyed as a possible site for CARC.***

Agree in Part/The recommendation requires further analysis.

We find the recommendation to consider moving CARC across the street from JPD to SOTA to have too many challenges to consider. Among the potential problems are: the difficulty of negotiating with another board system which is currently struggling with massive budget cuts and internal reorganization (for example, SFUSD); the reality that a year or so ago the SFUSD was contacted to inquire about SOTA as a site for the new Y-TEC school, and the SFUSD did not express interest in this; and, the reality that moving CARC to SOTA will not likely enhance a partnership with JPD and CARC. We appreciate the advantage associated with moving CARC to a more centralized location that will make transportation easier for police officers and much more convenient for parents.

However, in support of the concept of making CARC a 24/7 operation, one that is a true partnership, we offer the following suggestion for public discussion, only after deliberation and support is obtained from the Juvenile Probation Commission:

- 1) Discussion and consideration could begin in the fall of 2005 that would contemplate the merits of moving CARC to a vacant space in the offices of the Juvenile Probation Department, or another fiscally prudent venue, by July, 2006.
- 2) CARC guidelines for eligibility will be reviewed (these have not been reviewed or changed since CARC was developed in 1997). Among criteria to be discussed will be: violations of probation; violation of home detention; warrants; non-violent and/or minor robberies, and youth who are rearrested and are currently part of the juvenile justice system.
- 3) Key players to review eligibility will be: JPD, HYP, DA, PD, Police, JDAI representatives from the DMC and the LA/CC work groups, and community representatives.
- 4) POs with experience and commitment compatible with CARC's philosophy will be assigned.
- 5) New protocols will be established for the intake PO and CARC case managers to work in partnership with each case beginning with the initial phone call from police and a collaborative decision making process regarding the youth.
- 6) Protocols will be established with the Police Department on diversion programs and all JPD intake staff and CARC staff will be trained, along with SFPD, on the process for referring youth to these diversion programs.
- 7) All youth brought to YGC, whether they are given to CARC or put in secure detention, will be administered the CARC strength/needs assessment, to begin the process of identifying services the youth and family need.

- 8) Firm guidelines will be established, training provided, and reviews instituted to insure compliance to the guidelines of CARC eligibility vs. need for secure detention. These guidelines will be developed by joining JPD/CARC/Community/DA/PD committee. While CBOs should be intentionally excluded from any fiscal discussion, they will be viewed a valuable resource in considering scope of services.
- 9) Significant savings could be realized by joining CARC and JPD. Among these savings will be the costs of a separate CARC PO, Deputy Sheriff, and SPY staff. We recommend that these savings be allocated to the JPD to strengthen the front door resources, including necessary probation support.

6. *Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.*

Agree in Part/Implementation is beyond the scope of the Juvenile Probation Department's authority.

The Juvenile Probation Department intends to increase its vigilance and attention to all matters brought to our attention regardless of the mechanism or administrative impetus determined by the SFPD administration. The JPD is committed to continuing its work in collaborating with the SFPD, MOCJ, and the Youth Commission, on a twice-monthly basis, to develop diversion initiatives and practices for Police to utilize even prior to CARC or JPD involvement. My experience in Chicago, where I developed and deployed probation officers to local police precincts to provide follow up for first offenders can also be offered as a template for replication in San Francisco. The JPD also supports the development of a collaborative strategy among school resource officers, JPD POs and CARC staff through regular meeting schedule and quarterly cross-training events.

7. *Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.*

Agree/Implementation is being implemented.

The SF Juvenile Probation Department has made and continues to make deliberate efforts to evaluate and monitor the programs that we fund to support, both youth in risk of involvement and those engaged with the Juvenile Justice system. A consultant of the Annie E. Casey Foundation completed a recent evaluation of detention alternatives programs. The report identifies a list of clear recommendations to improve service utilization and outcomes (**Exhibit 5**). Also, a Girls Justice Initiative project recently implemented a database to track referrals, successes and failures. For the past 4-5 years, the department has funded PriDE (the program Information for Development and Evaluation) system that takes individual youth and staff baseline and outcome data, coupled with staff monitoring and JJIS data to learn the impact and affects program interventions and involvement has had on youth development and recidivism. As demonstrated by the past two "**Fresh Directions**" reports (2003/04 and 2004/05), youth are less likely to re-offend or have further involvement to the Juvenile Justice System, if successfully engaged in meaningful programs.

Over the past year, the Community Programs Division has taken great strides to streamline contract management and to enhance reporting and accountability. To do this, the Community Programs Division of the Juvenile Probation Department, in tandem with our evaluation provider, have customized the Department of Children Youth and Families Contract Management System not only for better tracking of services equity, staffing and use of resources but to also begin to consolidate

and coordinate youth services around the City. The Community Programs Division has demonstrated to the Mayor's Office of Criminal Justice the benefits of electronic infrastructure for their contracting, evaluation and coordination needs as well. This collaborative effort will also facilitate improved case management and planning among the probation services staff.

8. ***CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.***

Agree In Part/Implementation initiated.

We agree that reduced rates of detention should be a performance outcome measure, but CBOs should be and will be held to a higher standard than simply reducing rates of detentions. Reducing recidivism rates and elevating competencies and skill levels are greater performance measures that have more of a profound impact on longer-term outcomes for youth.

The San Francisco Juvenile Probation Department has been highly innovative in its approach to developing and procuring community based programs and interventions for its youth in risk of involvement or engaged with the juvenile justice system. For the past five years, the department has collaborated with the Mayor's Office of Criminal Justice and co-facilitated a system wide local action planning process that was developed and approved by an eclectic mix of system stakeholders, law enforcement agencies, parents and community based organizations who form the Juvenile Justice Coordinating Council (JJCC). The JJCC assesses and sets policy around a continuum of care that looks at prevention strategies and services throughout a full gambit of early intervention, intensive intervention, residential care, state incarceration to aftercare services. The results of this work are developed into an annual Local Action Plan document that is then presented to the Juvenile Probation Commission and the Board of Supervisors as well as the Board of Corrections for further planning and funding considerations.

Through this process and other initiatives, the department has engaged stakeholders in realizing that juvenile justice resources are dramatically declining and have agreed that our emphasis should be placed on reducing recidivism. An analysis of respective alternative opportunities (which include use of CBOs, parents, youth and staff interventions) was assessed to enable San Francisco to better understand the operational infrastructure and connectivity of youth to services. The Juvenile Probation Department is committed to pursue the task of developing future contracts with community based service providers that provide meaningful programs with measurable outcomes benefiting San Francisco youth and families. Outside technical assistance will be utilized to formulate comprehensive RFPs and contract prototypes for our use in the coming year.

9. ***Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.***

Agree/Implementation beyond the scope of the Juvenile Probation Department's authority.

The Juvenile Probation Department stands ready to strengthen its collaboration with the Juvenile Probation Commission to improve our mutual understanding of the issues impacting youth, so that we will all be better prepared to identify specific strategies, policies and resources that are most responsive to youths' short term needs and long term outcomes.

REGISTERED SUPPORT OF MISCELLANEOUS CIVIL GRAND JURY FINDINGS

1. The observation that probation officers in the development of case plans underutilize CBOs is supported by an internal audit of caseloads.
2. The Civil Grand Jury Report's assertion that the Juvenile Justice System stakeholders must cooperate with each other to provide effective services requires emphasis and universal support.

REGISTERED DISSENT TO MISCELLANEOUS CIVIL GRAND JURY FINDINGS

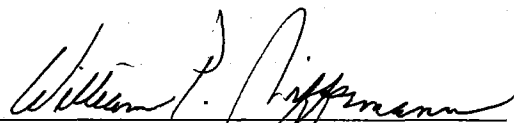
1. The Civil Grand Jury Report's reference to a specific individual probation officer by name was unnecessary and the unilateral assumption that because of his official status in the DPOA, his perspective has sufficient credibility to attach itself to all probation officers, is based on unsupported conjecture.
2. The Civil Grand Jury Report's implication that probation officers' resistance to the principles of the Juvenile Detention Alternative Initiative is motivated by fear of potential layoffs in the wake of diminished detentions is based on unsupported conjecture.

CONCLUSION

As the new Chief Probation Officer, I am prepared to lead the Juvenile Probation Department on our journey. While the Civil Grand Jury's Report names our journey as one of reformation, I prefer to view our journey as a mission of restoration, reclamation and redemption. I bring with me to my new position a strong sense of duty and firm commitment to:

- Re-energize the Juvenile Probation Department;
- Re-energize effective community partnerships;
- Restore the public's trust in Probation as an institution, a department and a profession; and
- Reclaim the futures of San Francisco youth.

I regard the thoughtful work of the Civil Grand Jury as a "personal" invitation for me to embrace as an "opportunity to reform". I will perform my duties in a manner that will advance the recommendations posed in this report according to the plans outlined in the above response. I will be grateful for assistance in the way of constructive criticism or committed support to help in my mission.




William P. Siffermann
Chief Probation Officer

EXHIBIT LIST

1. Analysis of Detention Overrides
2. JDAI Core Principles
3. Trend Charts
4. CPO's Summary of Activities and "To Do" List
5. Alternatives to Detention Assessment

Juvenile Probation Department

To: Chief William Siffermann

From: Nancy Yalon 

Date: May 6, 2005

Subject: Analysis of Detention Overrides from January 1, 2005 through April 24, 2005

Two reports were submitted to me for this review of detention overrides from January 1, 2005 through April 24, 2005. Garry Bieringer reported 145 or 25% out of the total 580 admissions of youth who were detained in the Juvenile Hall required an override during this time period. The report from IT was requested to determine the identity of the PO and the PO's Supervisor assigned to each case requiring an override. That report cited 170 overrides during this same time period.

There were names submitted on the IT report that were not included on Garry Bieringer's and without the RAI document it was not possible to determine the accuracy of Mr. Perla's data.

Analysis of Data

Overrides on Wards currently on Probation in the Department:

Probation Services 1 is a minimum to medium risk supervision unit. There are approximately 295 active cases in that division. There were 31 overrides, evenly distributed throughout the division with the exception of Carlos Gonzalez, who had 9. Probation Officer Gonzalez had 8 overrides for Honduran unaccompanied minors that had been sent back to their country of origin and returned to sell narcotics in San Francisco. Detention overrides protocol has not been followed in this probation unit.

Probation Services 2 is a high need/ mixed risk unit of youth that were active with DHS or the mental health systems before their arrest and in addition, this unit serves all youth referred for substance abuse treatment. There are approximately 170 cases in this probation unit with the highest amount of overrides at 36. Each of the domestic violence Probation Officers had 6 overrides. The majority of placement commitments generate from this unit. Most of the overrides fall into the "protection of minor" category due to the lack of mental health options, both outpatient and inpatient, available in the city and bay area at this time. This unit needs an increase of case management and clinical services in the FITS clinic to better manage this population. Currently, the department is meeting with the Dept. of Public Health to develop a strategic plan for Proposition 63 funds to serve this population. The majority of MST referrals will come from this probation unit and should help decrease the number of overrides. Detention override protocol has not been followed in this probation unit.

Juvenile Probation Department

Probation Services 3 is a maximum risk supervision unit, resulting in referrals of all validated gang members, youth with gun and 707 offenses. There are approximately 207 cases active and 15 overrides primarily for violation of Juvenile Court order. The most frequent reason for override in this unit is listed as "Failure to Obey an Order of the Court." Probation Officers work closely with the SFPD gang task force and the SFUSD. Detention override protocol has not been followed in this probation unit.

Probation Services 4 is the placement unit for both private placement facilities and Log Cabin Ranch. There are 185 active cases and 26 overrides. These overrides are primarily caused by youth who has been charged with a crime while committed by the Court to a residential facility. Log Cabin Ranch failures also score a 0 on the current RAI, which should be adjusted.

Override Categories submitted by OD:

During this time period, overrides fell into approximately nine categories. The majority of these were contained to three reasons: 1) Protection of Minor; 2) Violation of Probation and 3) Violation of Court Order.

1.) Protection of Minor: The OD's give this reason for an override most often for those youth arrested in the Tenderloin for selling drugs and prostitution. Charges of loitering with intent of prostitution or prostitution are routinely given an override. This is a result of a change of protocol per Chief Jesse Williams and the District Attorney, after two girls booked for prostitution into the Juvenile Hall were released from custody and later found murdered.

Overrides are consistently given to youth arrested for selling drugs and who have runaway from home. Youth who live in another county are given overrides until a parent or agency can be located to take them into custody.

2) Violation of Probation: The OD's seem to be overriding in this category as a result of discussions with the Probation staff about the youth's behavior in the community. Policy 10.15 has not been routinely followed in the department. Probation staff does not have confidence in many of the community-based agencies funded as part of a graduated sanctions continuum or in the current RAI instrument.

3) Violation of Court Order: The OD's are overriding in this category many times for failure of Home Detention/Supervision and for a Ranch Failure.

Juvenile Probation Department

Recommendations:

- Director of Probation Services will review policies with Supervisors regarding 1) Violation of Probation (Policy 10.14); 2) Revocation of Probation (Policy 10.15); 3) Release Criteria ((Policy 8.06); and 4) Independent Review of Detention Decisions (Policy 8.07).
- Director of Probation services will work with the Supervisor and staff of the CSI unit to emphasis release from detention with services in the first 24 hours of confinement. The Probation Officers in this unit will be directed, whenever possible, to order unconditional or conditional release of any youthful offender for whom a petition has been filed prior to a detention hearing.
- Director of Probation services will work with the Supervisor and staff of the CSI unit to emphasis an exit plan at the detention hearing with home detention, electronic monitoring or ERC orders from the Court along with other community based agency referrals to maximize the success of the release plan.
- Develop release alternatives for Duty Officers such as electronic monitoring and access to transportation personnel
- Weekend duties for CSI Probation Officers to reduce detention on weekends
- Work group to develop an alternative RAI instrument draft for review by the Chief Probation Officer
- **Note:** In my review of the 145 RAI documents counted as overrides, there were 15 that were filled out incorrectly by the OD, identified as an override rather than a special detention or were warrants and were counted as an override.

JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI)

Working Together----Planning Together----Solving Together

San Francisco Juvenile Detention Alternative Initiative Core Values

Coordinator:
Garry Bieringer
375 Woodside Ave. Rm 336
San Francisco, CA 94127
(415) 753-4411 (phone)
(415) 753-4477 (fax)
gbieringer@sftc.org

Executive Committee:
Co-Chairs: Honorable Patrick Mahoney
Chief Probation Officer Bill Siffermann

Honorary Co-Chair: Honorable Katherine Feinstein, Presiding Court

Members:
Walter Aldridge
Deputy District Attorney

Marsha Ashe, Cpt. Juv Division – SFPD

Steve Arcelona, Dept of Human Services

Alfredo Bojorquez, Instituto Familiar de la Raza

Dr. Ernest Brown, Director Y-TEC

Gena Castro, Girl's Initiative

Barbara Garcia, Deputy Director: DPH

Jack Jacqua
Omega Boys Club

Liz Jackson-Simpson, JPD Dir. of Community Prog.

Lt. Con Johnson, SFPD
Director of Office for Community Policing

Patti Lee
Dputy Public Defender

Julie Posadas Guzman, Director of Girl's Services

Jim Queen, Coalition for District-Based Juvenile Justice Planning

Murlene J. Randle, Director MOCI.

Shannan Wilber
Legal Services for Children

VALUES

1. The purpose of a juvenile justice system is to rehabilitate young people, to promote personal responsibility, and to ensure public safety.
2. Young people are an asset to our society and should be afforded every opportunity to contribute, to make amends, and to turn their lives around.
3. Juveniles involved in the system need individually tailored sanctions, support and supervision.
4. All stakeholders, including public agencies, non-profit service providers, and community advocates, must be held accountable for their respective roles and responsibilities.
5. Secure detention should only be used when the risk of flight or compromised public safety justify its use.

PRINCIPLES

1. JDAI planning is collaborative.
2. JDAI planning is focused on creating a continuum of detention options.
3. JDAI planning is guided by the objective of improving system efficiency from both operational and cost perspectives.
4. JDAI planning is comprehensive in scope.
5. JDAI planning is oriented toward action and practical results.
6. JDAI decisions are made by consensus.
7. JDAI decisions regarding policies and practices are guided by local data.
8. JDAI stakeholders analyzing data shall maintain strict confidentiality of all data.
9. New policies and practices will be reviewed and monitored to ensure desired outcomes are achieved.

GOALS

1. To reduce the use of unnecessary secure detention in our short-term facility
2. To reduce the disproportionate representation of minority youth in the system.
3. To educate stakeholders and the public concerning the value of detention reform, emphasizing two key points: the value of community support for our young people and community safety.

OBJECTIVES

1. To create a Risk Assessment Instrument that promotes consistent, objective detention decisions for young people who are arrested.
2. To create a graduated level of services appropriate to meet the needs of young people who have been arrested and are awaiting their adjudication hearing.
3. To create a graduated level of services appropriate to meet the needs of young people who have been adjudicated and/or have special detention situations.
4. To insure that all youth are treated equally within the juvenile detention system, regardless of ethnicity, race, gender, religion, or sexual orientation.
5. To enhance the case processing systems to improve efficiency, quality, and speediness of the process.

EXHIBIT 3.a

San Francisco Juvenile Probation Department
Juvenile Hall Population Count
1/1/2005 -- 3/31/2005

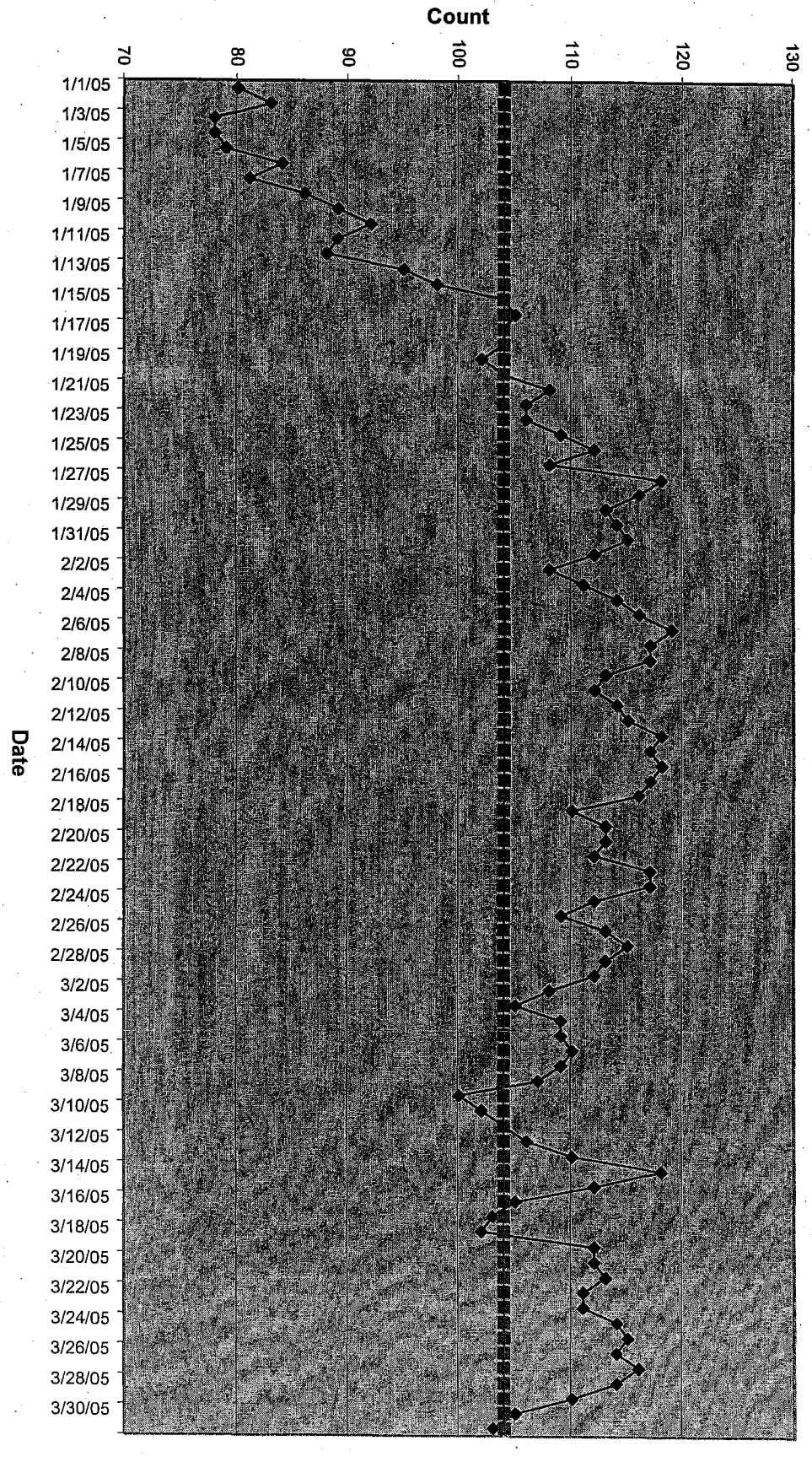
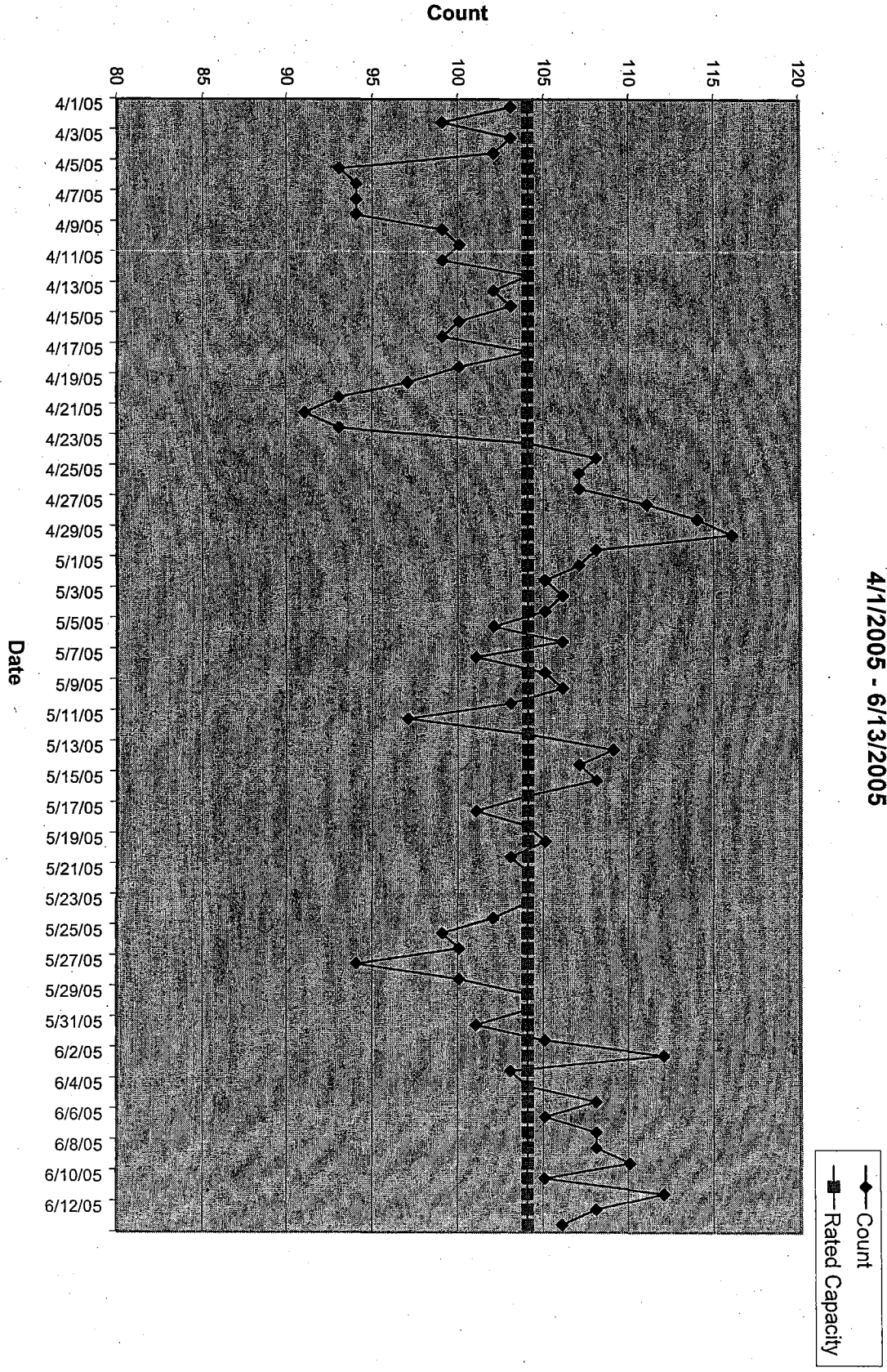
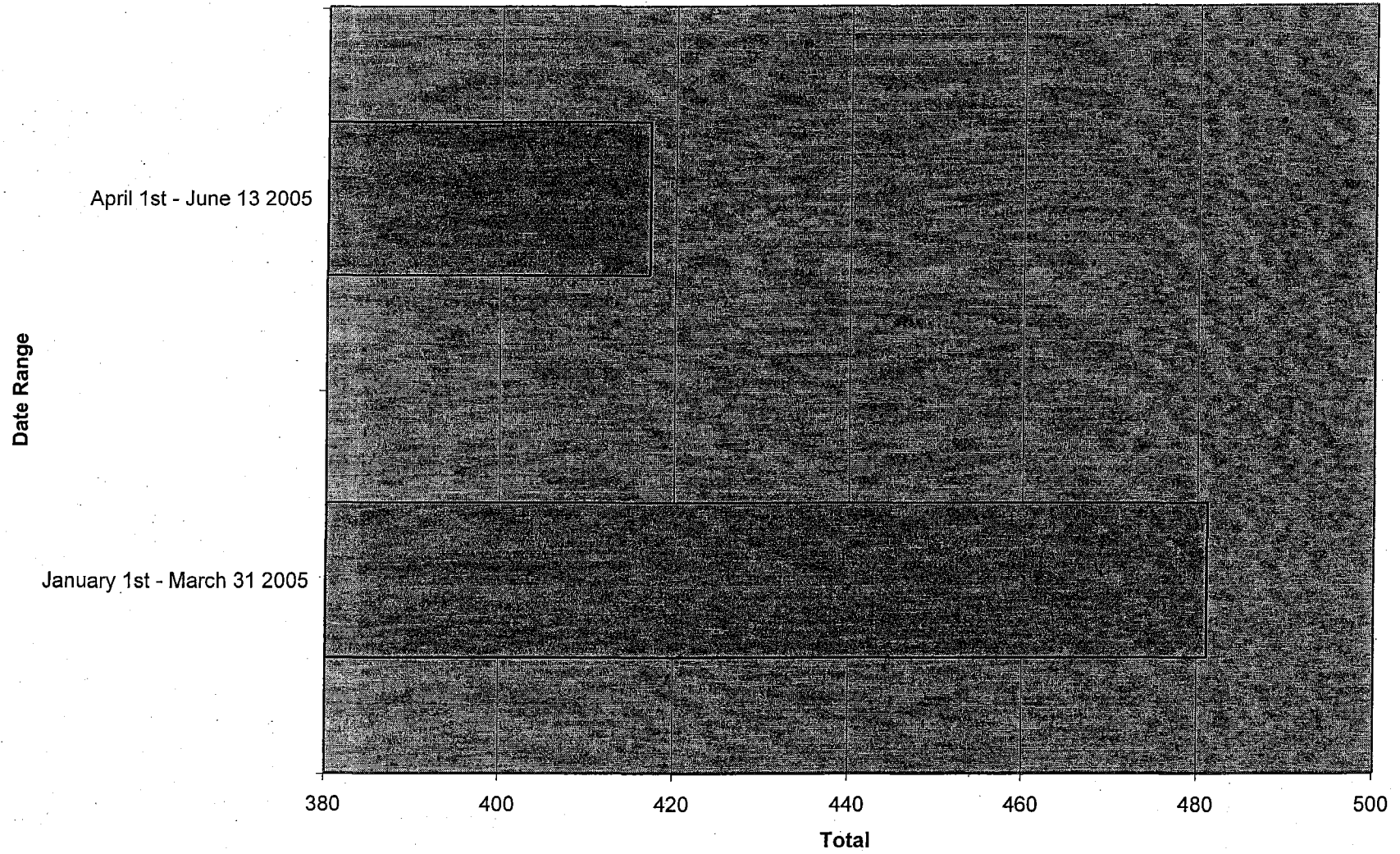


EXHIBIT 3.b

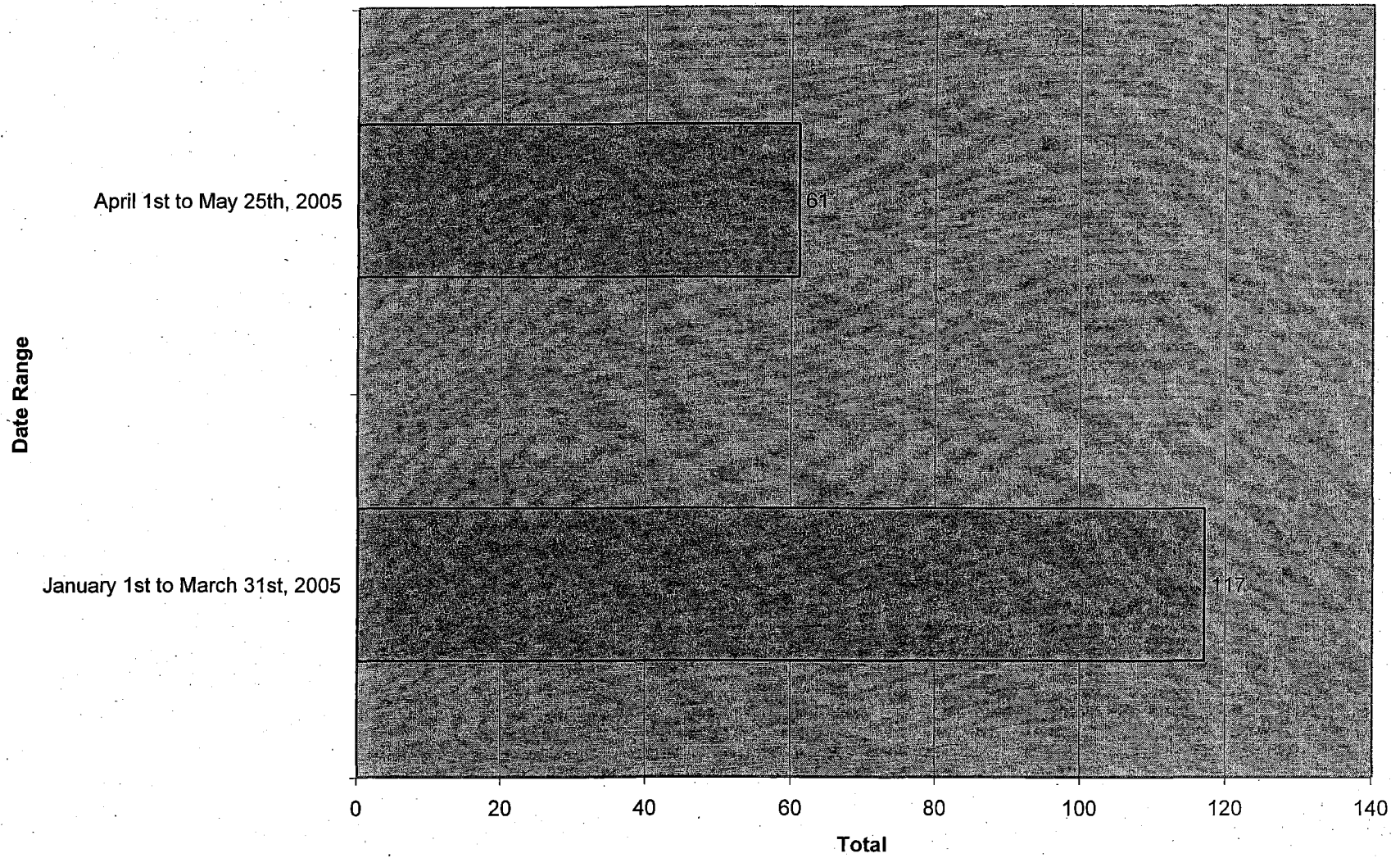
Juvenile Hall Daily Population Count 4/1/2005 - 6/13/2005



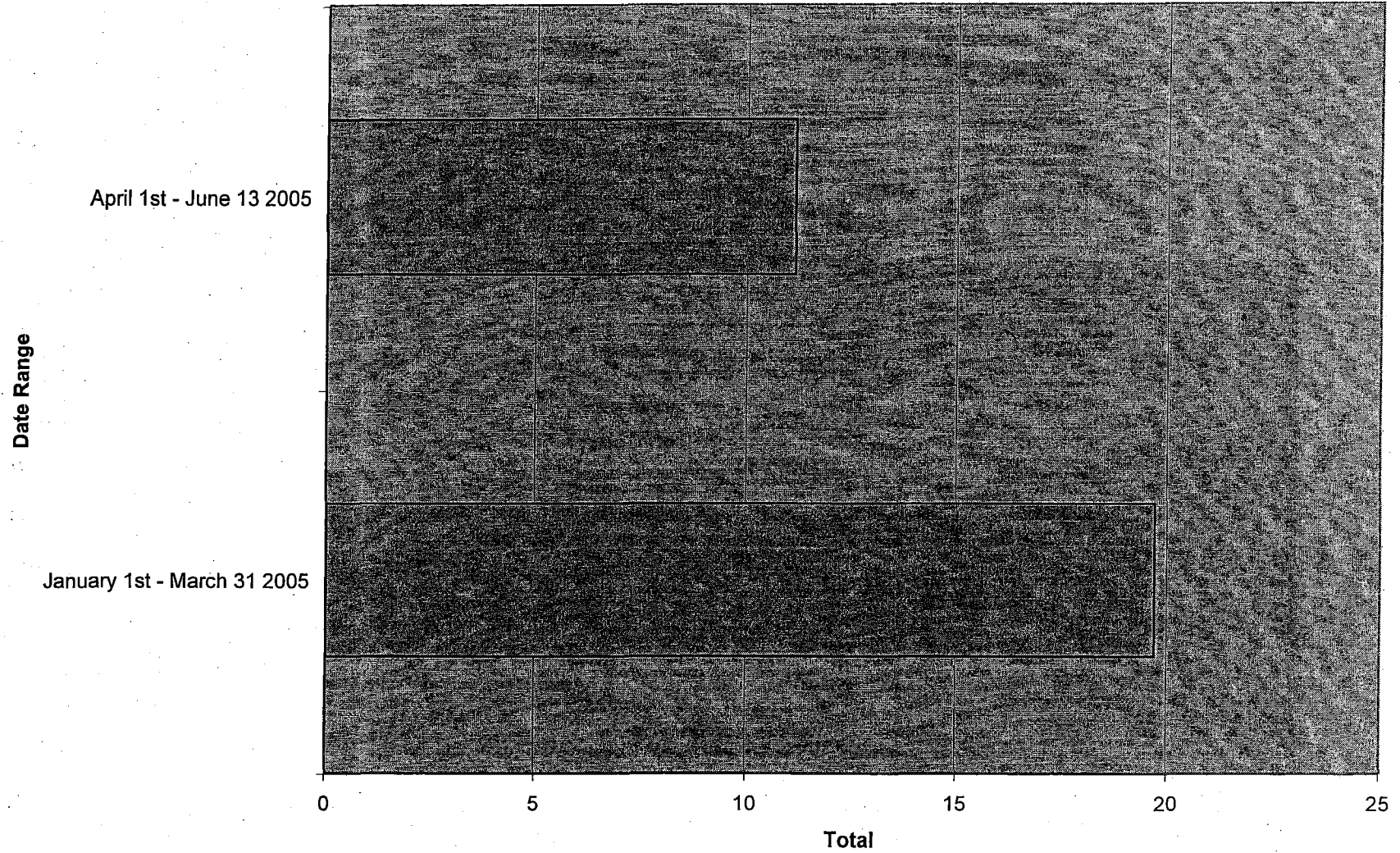
Admissions to Juvenile Hall



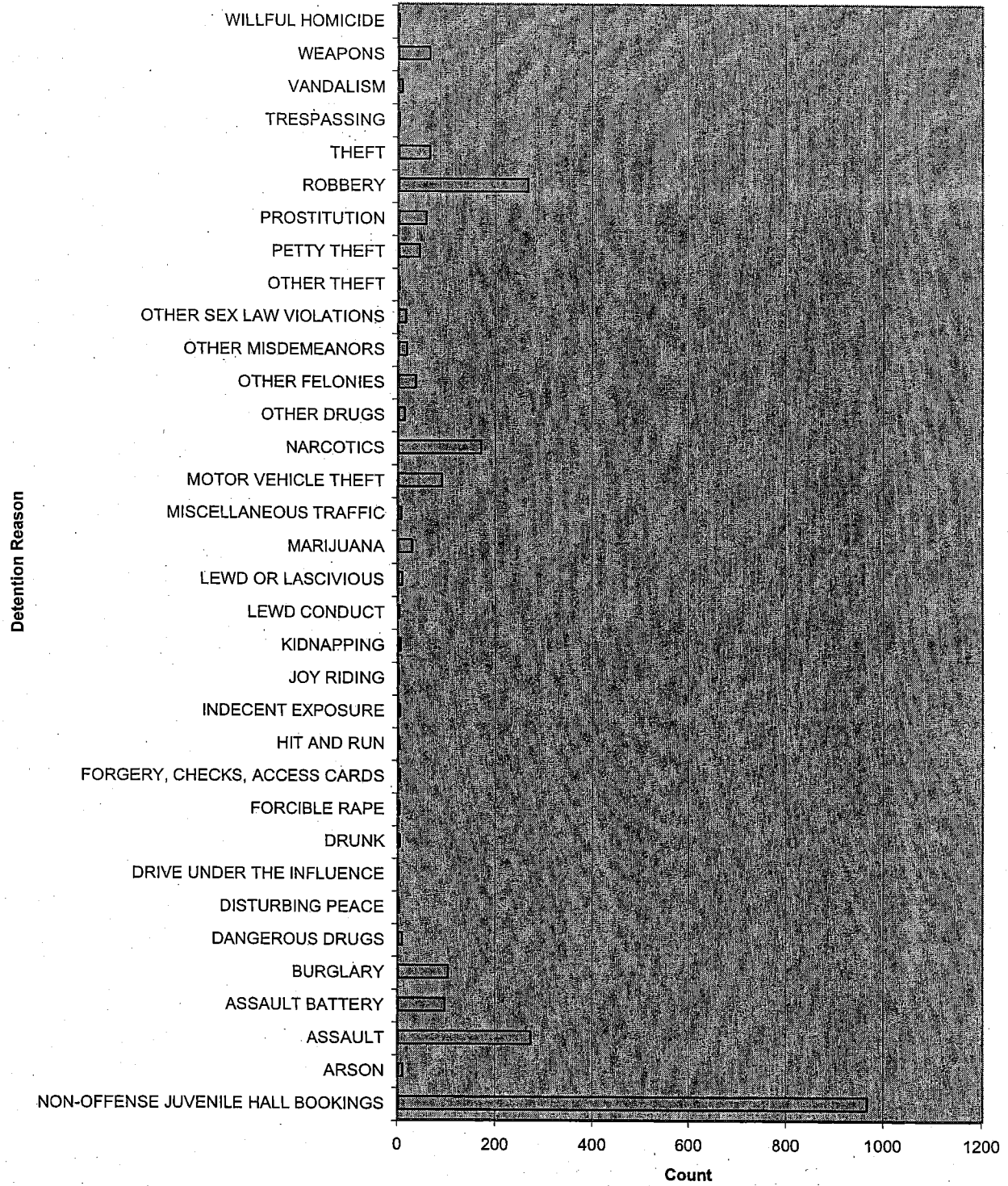
Juvenile Hall Detention Overrides



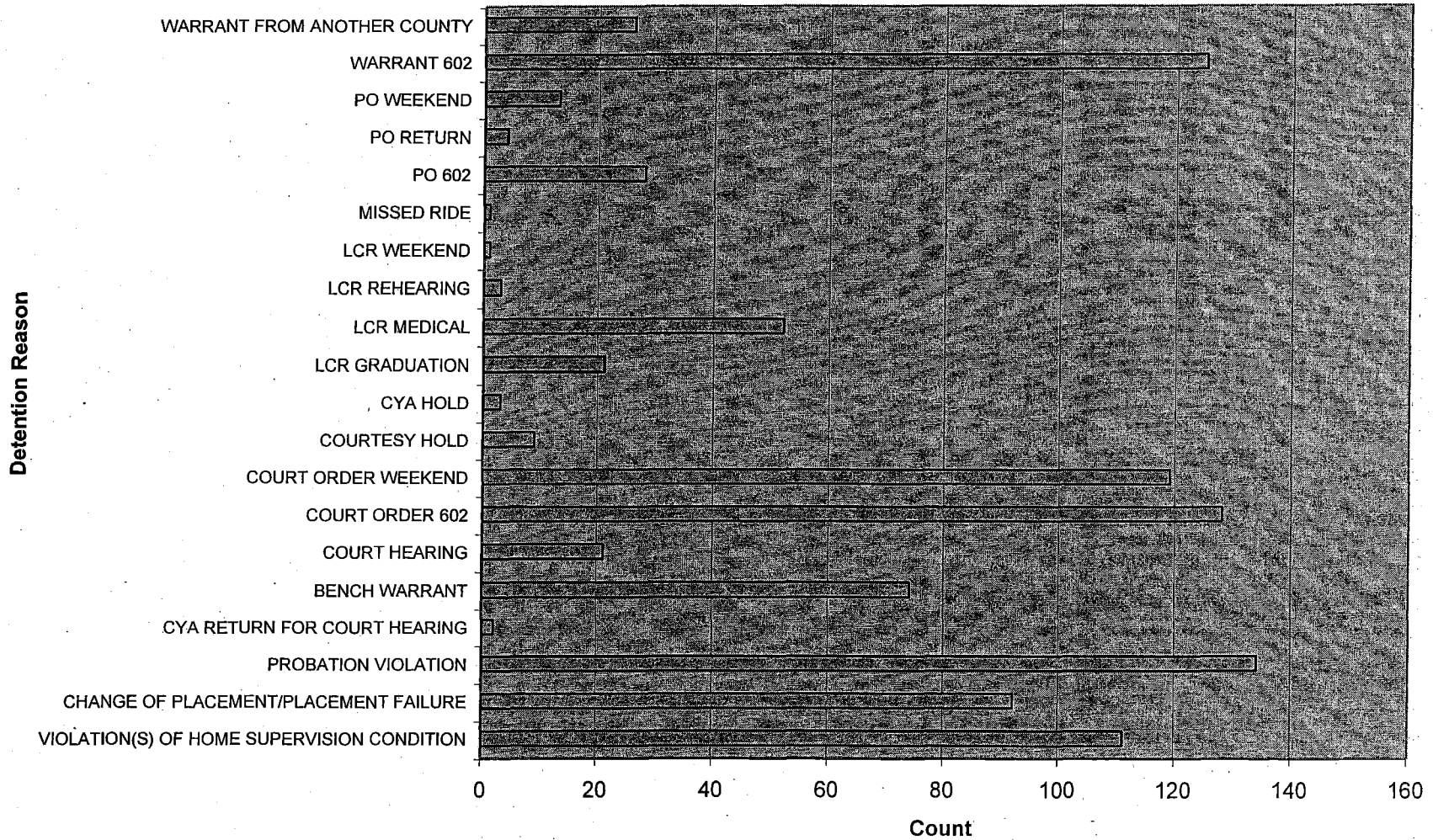
Average Length of Stay of Admission to Juvenile Hall



Juvenile Hall Bookings by Detention Reason 1/1/2004 through 3/31/2005



**Non-Offense Juvenile Hall Bookings by Detention Reason
1/1/2004 through 3/31/2005**



SUMMARY OF CHIEF PROBATION OFFICER'S ACTIVITIES

April 1, 2005 to June 10, 2005

Board of Supervisors

Government Audits & Oversight Committee
Supervisor Sophie Maxwell
Supervisor Chris Daly
Supervisor Jake McGoldrick
Supervisor Aaron Peskin

Community Groups

Town Hall Meeting
Patti Lee & Bayview Community Based Organization
Log Cabin Ranch Family Day
Youth Justice Project Celebration

Commission Meetings

JPC Special Mtg. (4/11/05) – Postponed
JPC Special Mtg. (4/18/05)
JPC Regular Mtg. (4/27/05) (ACPO covered)
JPC Special Mtg. (5/9/05)
JPC Special Mtg. (5/17/05)
JPC Regular Mtg. (5/25/05)

JJC Mtg. (5/5/05)
JJC Mtg. (6/2/05)

Conference Calls

4 calls (Annie E. Casey Foundation)

Conferences

- Dept. of Children Youth & Families @ the Marriott Hotel, SF
- Virginia Department of Juvenile Justice JDAI Conference in Richmond, Virginia
- Summit on Restoring Juvenile Justice, by the Public Defender's Office, in SF
- Leadership San Francisco, in SF

Log Cabin Ranch Task Force Meeting

6 times

Mayor's Public Safety Meeting

7 times

Training

Harassment Prevention

Union

Local 790

Group Meetings

Jose Perla & Sam Ho

Directors Mtg.

Bill Johnston, Laura Azzolino, Virgie Newman

Probation Services Supervisors Mtg.

Barbara Garcia et al (2 times)

JDAI Co-Chairs (2 times)

Margaret Baumgartner & David Carrillo – City Attorney's Office

Conflict Resolution Team Mtg.

Gary Thompson & James Bryant et al.

Information Technology Staff

Controller's Group

Food Services Mtg.

Mayor's Office of Criminal Justice

Juvenile Hall Supervisors Mtg. (2 times)

Management Team (2 times)

Visitors from London

(CJCJ) Dan Macallair, Andrea Shorter, Stephanie Hall

Bill Johnston & Nancy Yalon (2 times)

Ronald Yank, Martin Gran plus JPD staff

Ben Rosenfield and Allison Magee (4 times)

JDAI Executive Committee (2 times)

Bill Johnston & Fred Collier

Civil Grand Jury Group (3)

Ched Frierson plus his unit (Probation Services 1)

JDAI Mtg.

British Consul General Reception

Liz Jackson-Simpson plus the Community Programs group

Karen Starkes plus her unit (Private Placement PS4)

Margaret Brodtkin and Allison Magee

Murlene Randle and Lonnie Holmes

Donald Sanders and Dennis Doyle

Marlene Sanchez (Center for Young Women Development)

Steve Kawa, Martin Gran, Ronald Yank, & Nancy Yalon

Mark Mardahl's Unit (Custody Investigation)

Court Police (2 times)

Jose Perla, Sam Ho, & Jack Owens

Toni Powell plus her unit (Probation Services 2)

Denis Fuata plus his unit (Probation Services 3)

Marsha Weissman et al

Kristine Klotz plus her unit (Special Services)

Damien Burris and James Bryant et al.

Steve Kawa and Murlene Randle

Trent Rhorer – RE: State Wraparound Presentation

Lonnie Holmes and Norbert Taylor

Judge Susan Breall and Judge Ina Gyemant

Judge Patrick Mahoney and Judge Nancy Davis
Donald Sanders, Bill Johnston and Sam Kinghorne
Commissioner Georgette Elizalde, Dr. Pierre Marie-Rose, and Dennis Doyle
Early Study Academy Recognition Reception
David Inocencio, Michael Kroll and William Roy (Beat Within)
Probation Officers' Reception
Language Access Meeting
Joe Lanthier and Wayne Richardson
Bill Johnston, Mark Lui, Nancy Yalon and Sam Kinghorne
Bill Johnston, Mark Lui, Chris Losno, and Chef Frierson
Shawn Richard, Brothers Against Guns and Staff
Dr. Pierre Marie-Rose and Staff (Quarterly Mtg.)
Joanne Winship and Dennis Doyle
Mayor's Budget Unveiling
Workers' Comp Mtg.
Ayaka Turner and Wayne Richardson
Investigations & Discipline Mtg.
JDAI Work Group Mtg.
Bill Johnston, Mark Lui, Dennis Doyle, Tim Diestel, Sam Kinghorne, Joanne Winship,
Chris Losno, Jose Perla, Sam Ho, Luis Recinos, Kira Losno
DMC Meeting
Photo Shoot with Marlene Sanchez CYWD
JDAI Work Group Meeting
Early Morning Study Program Graduation
Janet Heller and Judy Nemzoff
Linda Connelly and Julio Cazares
MaryAnn Carpenter and Shelia Lumar
Deacon Nate Bacon, St. Peter's Church, & 6 others from SF Organizing Project &
Comunidad San Dimas

Individual Meetings

Mark Lui (2 times)
Dennis Doyle (5 times)
Juliet Gil
Medical Appointment (processing)
Kira Losno
Christian Losno
Liz Jackson-Simpson (3 times)
Gabe Calvillo
Mark Mardahl
Gary Thompson
James Ha
Margaret Brodtkin
MEA (re: benefits)
Anne Ryan, City Youth Now
Mitchell Salazar
Judge Patrick Mahoney (2 times)
Steve Kawa (2 times)
Fred Collier

David Onek (2 times)
Stephanie Younger
Trent Rhorer
Mike Leon-Guerrero – City Attorneys' Office
Yolanda McGary-Beitia
Cecile Ehrmann (3 times)
Stacey Lucas
Debra Koffler
Commissioner Jacqueline Lingad Ricci
Kamala Harris
David Roush
Bill Johnston (Daily)
Laura T. Azzolino (Daily)
Lonnie Holmes
Rev. Toni Dunbar (2 times)
Georgette Elizalde
Toni Powell
Ntanya Lee (2 times)
Damien Burris
Howard Chaves (2 times)
Omar Khalif
Julie Posadas
Bruce Fisher
Dr. Pierre Marie-Rose
Commissioner Jim Queen (2 times)
Jean Miranda and Sam Kinghorne
Carlos Gonzalez
Mercedes Hernamdez
Wayne Richardson
Murlene Randle
Jeff Adachi (2 times)
Joanne Winship (weekly)
Garry Bieringer (weekly)
Ken Berrick
Ronnie Muniz
Millard Larkin
Jim Laharty
Judge Katherine Feinstein (3 times)
Sr. Deputy Araujo (2 times)
Michael Wald
Rebecca Marcus
Sherryl Rains

Major Items on Chief Probation Officer's "To Do" List

- Establish Working Relationship with Staff
- Establish Communication protocols with the Juvenile Probation Commission
- Frame Vision and Re-Design the Juvenile Probation Department's Mission
- Evaluate Organizational Structure
- Identify and Hire Assistant Chief Probation Officer
- Advance JDAI Acceptance and Utilization
- Establish Juvenile Advisory Council
- Establish Presence in the Community
- Develop Quality Assurance Strategies
- Develop Short Term Plan to Improve conditions at Log Cabin Ranch
- Facilitate Discussion of Long Range Planning at Log Cabin Ranch
- Facilitate transition of Juvenile Hall residents & staff into new facility

San Francisco Juvenile Detention Alternative Initiative Alternative to Detention Program Assessment

Prepared by:

Marsha Weissman, Consultant, Annie E. Casey Foundation
June 7, 2005

Introduction

This assessment was undertaken to assist the San Francisco Juvenile Detention Alternative Initiative (JDAI) Executive Committee in examining and evaluating the available detention alternative resources. JDAI is an initiative supported by the Annie E. Casey Foundation to assist jurisdictions in developing a systemic approach to juvenile detention that includes reducing the unnecessary and inappropriate use of juvenile detention, redirecting public funds to support successful reform strategies, and improving conditions of confinement. JDAI was introduced in San Francisco in 2001.

This report is a preliminary, qualitative report based upon information provided during focus groups and interviews with community-based providers, probation officers, youth and parents conducted between May 10 -12, 2005. It provides a sense of the perceptions and concerns of these key stakeholders about the workings of the San Francisco juvenile justice system, but does not include objective, verifiable data or information. A more targeted examination of operational issues, including a review of data and documents is needed to determine whether programs are actually used to reduce the use of detention.

In this report, I define the San Francisco juvenile justice system (SFJJ) as the key decision makers and service providers responsible for justice system-specific events and outcomes. The Juvenile Court, the District Attorney, the Public Defender, the Juvenile Probation Department, the Police Department, the Mayor's Office of Criminal Justice and community-based providers all make up the SFJJ. They are supported by other partners such as the Department of Public Health, the Department of Human Services and the Department of Children, Youth and Families who contribute important resources and perspectives. While the San Francisco Juvenile Probation Department plays a pivotal role in the use of juvenile detention alternatives, the responsibility for creating and managing an effective JDAI is shared by all of the key stakeholders. The resolution of the issues identified in this report will require investment by all stakeholders in creating a shared vision and enforcing a plan that operationalizes that vision.

Several themes emerged from the focus groups and interviews that impact on the operation of the juvenile justice system in San Francisco. The first is that there is not yet a clear vision of a system of detention alternatives that will reduce the inappropriate use of detention. This is reflected in the lack of definition about or consensus on which youth are eligible for alternative to detention programming and what purposes detention alternatives are to achieve. Programs do not know whether the referral is to ensure appearance in court, respond to violations, address public safety concerns, etc. Second, there is a climate of mistrust and skepticism among the key stakeholders particularly the courts, the Probation Department and community-based providers. Finally, the appointment of a new Chief Probation Officer is viewed as an opportunity to move the JDAI forward. The City and County of San Francisco has resources that if marshaled effectively should be able to reduce the inappropriate and unnecessary use of detention of juveniles.

Methodology

Focus groups were comprised of community-based providers grouped by type of service provided and the Juvenile Probation Department's (JPD) Custody Screening and Investigation Unit (CSI). Individual interviews were conducted with programs that provide "one of a kind" services, i.e., Community Assessment and Referral Center (CARC), Family Mosaic (mental health assessment and service planning) and Electronic Monitoring. The Director of the Girls Initiative was a note taker for one of the focus groups and also agreed to be interviewed. We also conducted one focus group with parents who currently or previously had children in the juvenile justice system and two focus groups with youth currently in the juvenile justice system. Those focus groups were intended to understand how "consumers" of juvenile justice system services understand and experience that system. Focus groups were lively and interactive, with participants eager to share information about their programs, experiences, and perceptions including opinions about what was and was not working and their own recommendations for changes. A total of 68 people participated in focus groups or interviews. Organizations and participants were identified by Garry Bieringer, JDAI Coordinator and Liz Jackson, JPD Director of Community Programs. A brief description of program types is included below.

I also reviewed two reports released in May 2005: the report by the 2004-2005 Civil Grand Jury for the City and County of San Francisco "A New Chief of the Juvenile Probation Department, An Opportunity for Reform" released on May 11, 2005, and the draft report to the San Francisco District Attorney and the Mayor's Office of Criminal Justice prepared by Michael Wald, Lauren Brady, Sarah Dreisbach, Loren Griffith, Megan Nelson, and Katherine Weinstein Miller (herein referred to as the Wald Report). Both the Civil Grand Jury and Wald reports conclude that detention is over utilized in San Francisco's juvenile justice system. The data cited to support their conclusions include:

- the stability in the overall rate of detention despite a significant decline in arrests, both felonies and misdemeanors, and the establishment of CARC in 1998;
- a number of youth arrested on misdemeanors and low level felonies are not diverted to the CARC as intended, but rather cited to the Youth Guidance Center (YGC);
- the Wald report data shows that in 2004, 1323 youth, 1229 or 93 percent were detained for at least 24 hours on criminal charges and 650 were detained for other reasons, (e.g., probation violation, FTA, weekend detention, placement failure).
- the Civil Grand Jury reported that between 1998 and 2004, the percentage of youth charged with misdemeanors who were detained increased from 60 to 63 percent.
- the Wald report noted most juveniles arrested have no prior juvenile justice history: only 11 percent of youth arrested in 2004 had a previous juvenile arrest.
- substantial rates of Probation Officer (PO) override of the Risk Assessment Instrument (RAI);
- disproportionate minority (African American) confinement at arrest and in detention; and
- the large number of youth in detention whose ultimate disposition is probation.

Overview of Program Types

Of the eight program types that were represented in the focus groups, only three are specifically intended to serve as alternatives to detention (ATD): electronic monitoring, evening reporting centers and home detention. CARC is a diversion program for youth who would not be held in detention. The other programs listed either do not serve an ATD function, or do so in an informal

manner.

A. Diversion

1. Community Assessment and Referral Center (CARC)

CARC was established in 1998 to receive direct referrals from the San Francisco Police Department. Youth eligible for direct police referral are those charged with misdemeanor offenses and low to middle level felonies. These youth are screened by the Probation Officer assigned to CARC or the duty Probation Officer who determines whether to bring the youth to CARC or to send the youth to the YGC. Those youth who remain with CARC will have their case closed without further system intervention if they complete a community service assignment or a consequence class. They are also referred to services offered by community-based organizations that partner with CARC. According to the Civil Grand Jury report, there were 513 youth brought to CARC in Fiscal Year 03-04, representing just under 23 percent of all youth arrested in San Francisco during that time period. Program representatives indicated that budget cuts have curtailed CARC hours and when the program is not open, the police bring youth to the YGC. Some of these youth are subsequently cited back to CARC.

B. Alternative to Detention Programs

1. Electronic Monitoring

Electronic monitoring (EM) is provided by Leaders in Community Alternatives (LCA), a private company, through a contract with JPD. LCA will outfit the referred youth with a bracelet and instruct the youth and family on how to install the base equipment in the youth's home. EM is used as a stand-alone requirement with nightly curfew monitored and reported by LCA or in conjunction with home detention programs. LCA is contracted to monitor 15 youth at a time but reports that it has been over capacity typically monitoring 25 youth at a time, and has had as many as 40 youth on EM.

2. Evening Reporting Centers

Evening reporting centers (ERC) are recent developments encouraged by the JDAI initiative and based upon similar centers operating in Chicago. Two agencies provide evening reporting services - Bayview Hunter's Point Foundation that serves young men and Mission Neighborhood Center that works with young women. Youth are referred to ERCs by the court based upon recommendations made by the JDP. The hours of participation are 4:00 p.m. to 9:00 p.m., Monday through Friday. During this time, youth do homework, eat dinner and engage in recreational activities and counseling. The evening reporting centers transport youth to and from their centers and youth are home by 9:00 p.m. Probation officers check curfew adherence on weekends. The ERC capacity is 5 youth per center at any one time.

3. Home Detention

Home detention is used as an alternative to detention. There are two types of home detention services in San Francisco. The first, provided by Mission Neighborhood Center, is funded by JPD and relies on probation-officer referral and is considered the "official" home detention program. Standard conditions are imposed upon all youth referred to home detention. These standard conditions include one home visit per week, one face-to-face contact with you per week, one parent contact per week (phone or face-to-face), monitoring of adherence to the nightly 6:00 p.m. curfew (Monday through Saturday), "stay away" orders, and school attendance, and drug testing. The Mission Neighborhood Center Home Detention program provides weekly progress reports and summary reports to JPD and JPD provides the summary reports to court at each court appearance. The program was initially designed to supervise youth for 15 days, but informal practices have continued supervision until the case reaches disposition. The Mission Center Home Detention Program has the

capacity to serve 40 youth at a time, but program staff report that it is not usually at capacity.

The second home detention program is Detention Diversion Advocacy Project (DDAP) operated by the Center for Juvenile and Criminal Justice (CJCJ) through a contract with the Department of Children, Youth and Families (DCYF). DDAP focuses on youth charged with serious offenses who would not be referred by POs to other ATD programs. DDAP undertakes its own case finding efforts working closely with the Public Defender. DDAP goes to court to advocate for release to its program and provides comprehensive case management of which home detention is one part of an individual service and supervision plan. DDAP's capacity is 70 youth and the program is usually at capacity.

C. Post Adjudication Programs

1. Intensive, Home-based Supervision (IHBS)

The IHBS program model is used for post adjudicated youth, although some pre adjudicated youth are enrolled as well. Organizations providing IHBS services are funded by JPD and include: Bayview Hunter's Point Foundation, Brothers Against Guns, Community Youth Center, Instituto Familia de la Raza, Morrisania West, Potero Hill Neighborhood House, the Samoan Wellness Center and the Vietnamese Youth Development Center. The assessment did not include data review to determine whether youth placed in IHBS programs would have otherwise been placed in out-of-home placements.

Program requirements include three face-to-face contacts between program staff (case managers) and youth per week, school and home visits, and curfew checks via two to three calls per night. Programs may link youth and families to other services and activities, such as tutoring, mental health services, work skills and/or mentors. IHBS programs are required to provide monthly progress reports to probation and the case manager accompanies youth and family to all court appearances. Youth remain on IHBS until they are discharged from probation, typically six months to one-year.

2. Mental Health Services: Family Mosaic

Family Mosaic is a mental health program that includes among its identified populations youth on probation who have mental health needs. It is a family-centered program that provides a comprehensive assessment used to develop a plan to ensure mental health and other wrap around services.

3. Schools-based Treatment Programs

There are two specialized school-based treatment programs: Y-Tech and Impact. Y-Tech is a part of the juvenile drug court and essentially operates as a day treatment program. Once the youth is enrolled, the case is held in abeyance and the charges are dismissed if the youth successfully completes the program. Y-Tech incorporates therapeutic services provided by a CBO (Walden House) and an educational program provided by the San Francisco County School District. Youth in Y-Tech are also subject to a curfew that is checked nightly by a probation officer. Youth are sent to Y-Tech for a minimum of six months, but typically stay longer- one year to 18 months- to complete all drug court requirements.

Impact is a school for youth with mental health issues and is also used post adjudication. Youth are referred to Impact by probation officers. It incorporates individual and family therapy provided by the Family Service Agency of San Francisco and education, also provided through the San Francisco County School District. Impact has an on-site probation officer.

The Y-Tech program was described by its staff as an alternative for youth who would otherwise be placed out of home. However, I did not examine data to verify the extent to which the program actually displaces the placement beds.

4. Residential/Shelter Programs

There are three shelter programs. Huckleberry House provides temporary shelters for status offenders. Walden House is a 90-day therapeutic residential program that undertakes comprehensive assessment of drug or mental health problems. The San Francisco Boys and Girls Shelter is reserved for post adjudicated youth awaiting placement. Based on the described program eligibility criteria, none of these programs displace placement beds.

Recommendations and Findings

1. The San Francisco Juvenile Justice (SFJJ) system through JDAI should develop a well-articulated plan that clearly defines and delineates alternatives to detention (ATD) and alternatives to incarceration (ATI) populations and specific approaches for handling each population.

There is no clear vision of a juvenile justice system that is anchored to limiting the use of detention. The San Francisco juvenile justice system still does not have operational goals and operating procedures that emphasize detention alternatives and guides their use. The distinctions among general youth development services, diversion, detention alternatives and post adjudication programming are blurred. There are not commonly understood definitions, procedures, policies, methods of communication, methods of accountability, training, technical assistance, all of which are necessary parts of a functioning, healthy juvenile justice system that is positioned to reduce the inappropriate and unnecessary use of detention.

2. The SFJJ system should focus on ATD issues.

Despite the JDAI initiative and numerous reports prepared by various entities over the last decade (the most recent of which are the Civil Grand Jury report and the Wald report), San Francisco still does not have a coherent, data-driven plan and system of detention alternatives. As noted above, detention alternatives get lost in concern about more general human service needs of youth or post adjudication programming. Key system stakeholders - judges, probation, the district attorney, the defense and CBOs - must coalesce around an understanding of detention alternatives as short term programming used to safely release youth who would otherwise be held in secure detention and ensure their appearance in court. In order to create an appropriate system of detention alternatives, the SFJJ should use data to ensure that programming is not used to net-widen, i.e., engage youth who would not otherwise be detained, consistently use the risk assessment instrument (RAI) to properly identify youth who would be detained, and adhere to clear referral processes to ATD programs that reduce the use of detention. Once ATD issues are addressed, the SFJJ can proceed to a similar undertaking that better defines and plans for post adjudication or alternative-to-incarceration programming. Data should be collected to identify which youth are placed out of home and existing ATI programs should be evaluated to determine whether the ATI programs actually displace bed days.

3. The SFJJ system should develop and monitor program utilization standards including clearly defined target populations, length of stay, contact standards and outcome measures. The definitions of target populations and length of stay should be developed by JDAI based on detention alternative needs. Individual funding agencies should use the definitions to formulate contract standards and monitor those standards. Funders should use a well-crafted RFP process to procure programs that will meet the system's ATD needs and build in accountability measurements.

Programs are not tied to a data-driven analysis of why youth are held in detention. Programs do not have clearly defined target populations or ATD purposes, such as reducing FTA rates, or providing intensive supervision to high risk youth, or providing temporary shelter to youth who would be released but for the lack of parental supervision. Placements in programs are not tied to specified case processing or behavioral outcomes. Placements overlap without a coherent rationale about why multiple mandates are ordered. Neither the youth nor program staff understand why a youth is placed in multiple programs (e.g., evening reporting and home detention), nor are programs always aware of the multiple mandates. While individual programs may collect data on outcomes, these data are not collected in a systemwide data base (JJIS). Thus, the system does not have program-level outcomes (e.g., completion rates, rearrest rates, violation rates). As a result, impressions of how well or not well programs are working are anecdotal in nature.

A rigorous Request for Proposals process is an effective way to ensure that the SFJJ system can secure program options that will reduce the use of detention. The RFP should set forth expectations of service delivery and ways to measure the efficacy of programs in reducing the use of detention. The responses to the RFP should require demonstration of knowledge about and experience with the juvenile justice system and ATD purposes, a narrative that demonstrating understanding of the population to be served, a statement of the philosophy underlying service methods, demonstration of cultural competency and geographic accessibility, detailed description of service methods including type and number of contacts, activities, how the program will work with family members, staff qualifications, outcome measurements, ability to provide timely and accurate reports to courts and/or probation, and ability to collect and analyze program-level data.

4. The SFJJ system should establish clear, data-driven ATD eligibility requirements, and clear operational policies and procedures for making referrals. Referrals to programs should be timely and include methods to verify that the referral has been received and the youth enrolled in the program.

Focus group participants conveyed that programs do not have eligibility requirements tied to specific ATD needs. There are not clear definitions of which youth are eligible for which program. Referral procedures are informal, idiosyncratic, inconsistent and poorly monitored. Referrals are not tracked in a timely manner to ensure that programs are receiving referral information and/or that youth are following up. Community-based program representatives gave several examples of the delay between referral and actual enrollment, including three week delay between court mandate to the home detention program and the actual receipt of that referral. Referral practices are cumbersome, often involving the case to pass through several reviewers before the program is contacted to make the referral. Referrals to the Mission Neighborhood Center home detention program start with the judge, go court officer, then to the case carrying PO who passes the referral on to the home detention PO who finally makes the referral to the program.

5. The SFJJ system should hold key referral agents accountable for following standards of eligibility and procedures for making referrals.

The key referral agents in the San Francisco juvenile justice system are the police officers who are expected to divert youth arrested on misdemeanors and low/mid level felonies to CARC and probation officers who are expected to apply the RAI to determine eligibility for a detention alternative for those youth who are not eligible to be diverted through CARC. Police and/or probation officers are the gatekeepers to CARC, the detention facility and detention alternative

programming. The focus groups and interviews indicate that these key gatekeepers do not always adhere to eligibility criteria or follow referral procedures that are intended to reduce the use of detention. Police officers and POs are not held accountable for their disinclination to follow criteria and procedures. With respect to CARC-eligible youth, police officers sometimes bypass CARC and bring CARC-eligible youth to the detention facility. In other cases where a youth is referred to CARC by the police officer, the PO assigned CARC or the duty officer rejects the referral and has the youth brought instead to the YGC.

6. The SFJJ system through JDAI should establish methods and procedures to reduce the number of overrides of the Risk Assessment Instrument (RAI). The JPD through its supervisory structure, must hold individual probation officers accountable for overriding the RAI.

Probation duty officers who do the initial screening when a youth is brought to detention frequently override the RAI and POs assigned to the CSI unit endorse that override when presenting information to the court. POs also continue youth in detention even when a judge gives them the "right to release."

CBOs perceive that the overrides of the assessment protocols has resulted in the underutilization of detention alternatives. The utilization of programs should be verified by a review of data. The JPD officers should be held accountable for proper and consistent application of the RAI. The SFJJ system should monitor the use of the RAI and if the practice of frequent overrides continues it should consider whether the JPD can properly discharge this responsibility. Without accountability to ensure that risk assessment and referral processes are being followed, it will not be possible to reduce the use of detention.

7. The SFJJ system should use data to determine the mix of programs that are needed to reduce the use of detention.

Because this assessment did not include data review, I cannot make any specific recommendations about the extent to which existing ATD programs are matched to needs related to reducing the use of detention. It is striking however that most programs that participated in the focus groups are used for post adjudication purposes and that there are no shelter beds used as detention alternatives. The shelter programs are used for status offenders (Huckleberry House) or youth who have been adjudicated and are awaiting placement (San Francisco Boys and Girls Shelter and Waldon House). Data should be used to consider whether reducing the use of detention would benefit from a restructuring or retooling of resources that are now used for status offenders or post adjudicated youth.

8. The system should have clear policies for program completion. Rules for program completion should be transparent, understood by youth, CBOs, probation, defense, district attorneys and judges alike. Judges should make clear their expectations regarding program completion and this information should be transmitted to programs and probation officers. Program completion should be tied to the pre adjudication juvenile justice process or individual behavior goals appropriate to an ATD context.

Detention alternatives are short-term programs that serve youth whose cases are pending in juvenile court. They are intended to ensure appearance in court and provide a level of supervision to safely maintain these youth in the community. As such, detention alternatives should have a time

frame that is limited in duration, linked to pre adjudicatory court processes and reasonable expectations of youth behavior during the pendency of the case. In San Francisco, discharge policies are not linked to court processes and are often not formalized. For example, evening reporting centers require six weeks of participation regardless of the status of the case. Thus a youth may successfully complete the evening reporting program but not yet be adjudicated. The electronic monitoring program has no predetermined length of participation. The program simply receives a call from the probation officer informing them that EM requirement is over: there is no formal paperwork that documents the official discharge from EM. Judges may not be aware of these policies and expect youth to be in a program throughout the pendency of the case. It is not always clear whether a youth who is brought in on a new charge or a violation of probation is still engaged with a community-based program, yet recidivism is attributed to the inadequacy of the program. This undermines judicial confidence in alternative to detention programming.

9. The system should have clear policies for termination for non compliance and a system of graduated sanctions that increases supervision or contact rather than a reliance on detention as the response to non compliance.

Judges, probation, community providers, youth and the general public need confidence that detention alternatives are achieving their purposes. This requires clear procedures for reporting and responding to non compliance. Confidence in reporting and responding to non compliance is lacking in the San Francisco juvenile justice system. Probation officers suggest that CBOs are inaccurate or possibly duplicitous in reporting, and CBOs worry that their information goes unheeded.

While standards of non compliance are generally straightforward and typically include such behaviors as non attendance, violation of curfew, destruction of equipment (in the case of EM), there is no common understanding about the response to non compliance. In focus groups and interviews, CBOs described having little input about whether a youth who is non compliant should be violated or should be allowed to continue with the program. The responses to non compliance are described as inconsistent with some violations ignored while others result in immediate remand.

The need for graduated sanctions is cited as a method to hold youth accountable for violations without resorting to detention. Program representatives suggested that violations be tracked more consistently, and additional conditions of release be imposed prior to remand to secure detention. For example, youth sent to home detention, could be subject to additional controls through electronic monitoring if they violated the conditions of home detention. Guidance how to construct graduated sanctions is available in the Pathways to Juvenile Detention Reform # 4 "Consider the Alternatives: Planning and Implementing Detention Alternatives". The Multnomah County experience in developing a continuum of sanctions that increased personal supervision contacts, electronic monitoring, and other enhanced program requirements for youth who violated conditions of release is a demonstration of an effective system of graduated sanctions. The application of the sanctions is determined by reference to a grid that distinguishes the seriousness of violations and matches the violation with an appropriate sanction. The graduated sanctions should be applied in a way that reflects that ATD programs and secure detention are part of a continuum.

10. The SFJJ system should improve communication through meetings, cross training opportunities and improved technology (e-mail).

Communication problems described by POs and CBOs are in part a reflection of system issues, i.e., the lack of common definitions, clear policies and procedures, systems of accountability

and evaluation. However, even with systems that are more transparent and coherent, interpersonal and cross agency communication is vital to establishing mutual respect, confidence and trust. In San Francisco, communication is hampered by the absence of regular meetings, cross system training, and the isolation of juvenile probation from communities and community-based organizations.

The focus groups and interviews conveyed a lack of trust between key stakeholders, particularly the judiciary, probation and CBOs. Both POs and CBOs describe miscommunication, a lack of clarity of each other's roles and responsibilities, as well as different cultures and missions. Several providers commented on the need for cross system training so that organizations and agencies could better understand each other's mandates. They also thought that judges should be involved in cross system training.

POs and CBOs disagree about how information should be reported to the court. Most CBOs do not report directly to the court. However, CBOs thought that direct communication with the court would be beneficial, improving accuracy and ensuring that nuances in youth behavior are conveyed. POs were not supportive of having CBOs directly report to court.

Communication was also raised in parent and youth focus groups. Parents and youth had difficulty understanding juvenile justice system processes. Both groups felt disrespected by the system: youth said that they are not listened to. Youth comments also point to the need for training in methods and approaches that will increase the likelihood of successful completion. Youth described effective case managers as people who can convey real commitments to them that go beyond a job assignment. The SFJJ system should explore innovative ways to improve communication between system agents and youth and families such as employing parent advocates and youth peer leaders.

11. The system needs to collect, analyze and disseminate data on program outcomes. Specific performance measurement should be collected about FTA rates, program completion rates, rearrest rates, violation rates and reasons for violation. The data should be collected and disaggregated by race/ethnicity and gender.

The San Francisco juvenile justice system does not presently collect and disseminate objective data that can provide key stakeholders with information about how ATD programs are working including the extent to which they are displacing detention beds, and outcome measures. The lack of data exacerbates the mistrust in the system, leaving each stakeholder to rely on an anecdote to support his or her position or concern. Data on program outcomes is critical to ensuring that public funds are used in ways that effectively reduce the use of detention, to help the system identify new needs, and to help programs revise programs and approaches.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 11, 2005

The Honorable Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

SUBJECT: 2004-2005 Civil Grand Jury Report

Dear Supervisors:

RECOMMENDATION:

The Clerk of the Board's Office has received a report from the San Francisco Civil Grand Jury (CGJ) released on May 10, 2005:

A New Chief of the Juvenile Probation Department: An Opportunity for Reform

I recommend the following in accordance with San Francisco Administrative Code Section 2.10 and the California Penal Code Section 933:

1. Schedule a hearing before the Government Audits and Oversight, City Services or another Committee(s) to review and respond to the 2004-2005 Civil Grand Jury (CGJ) Report; and
2. Direct the Clerk of the Board to report to the Civil Grand Jury the Board's responses to their recommendations (Attachment A), no later than **Monday, August 9, 2005**, pursuant to California Penal Code Section 933.

BACKGROUND:

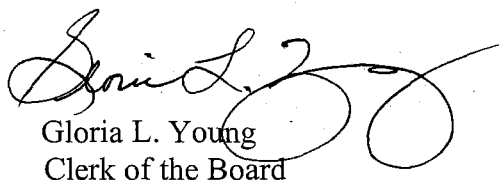
Pursuant to California Penal Code Section 933, the Board of Supervisors must respond to the recommendations outlined in the 2004-2005 Civil Grand Jury Report within 90 days of receipt of the report. In addition, Board members either called for a hearing at the Committee level, or contacted the Civil Grand Jury directly with information comments.

Administrative Code Section 2.10. Public Hearings – Reports Submitted by the Civil Grand Jury states that “(a) A public hearing by a committee of the Board of Supervisors shall be conducted to consider a final report of findings and recommendations that is submitted by the civil grand jury to the Board of Supervisors. The Clerk of the Board of Supervisors shall notify the current foreman of the civil grand jury and the immediate past foreman of the civil grand jury of any such hearing that is scheduled by the Board of Supervisors. (b) The Controller shall report to the

Board of Supervisors
May 10, 2005
Page 2

Board of Supervisors on the implementation of recommendations that pertain to fiscal matters that were considered at a public hearing. The report by the Controller shall be submitted no later than one year following the date of the public hearing.”

Respectfully,



Gloria L. Young
Clerk of the Board

Attachment

C: Honorable Members, Board of Supervisors
Honorable Robert Dondero, Presiding Judge (without Attachments (w/o Att.))
Mary McAllister, Foreperson, San Francisco Civil Grand Jury (w/o Att.)
Mayor's Office
Ed Harrington, City Controller
Ted Lakey, Deputy City Attorney (w/o Att.)
Cheryl Adams, Deputy City Attorney (w/o Att.)
Adele Destro, Assistant Clerk of the Board (w/o Att.)
Kay Gulbengay, Deputy Clerk

cc: mbr B & Dona ✓

CITY AND COUNTY OF SAN FRANCISCO
GRAND JURY

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

OFFICE
400 MCALLISTER ST., ROOM 008
SAN FRANCISCO, CA 94102
TELEPHONE: (415) 551-3605

2005 MAY -5 PM 2:07

May 5, 2005

BY

BP

Ms. Gloria Young
Clerk of the Board of Supervisors
#1 Dr. Carleton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Dear Ms. Young:

The 2004-05 San Francisco Civil Grand Jury will publish its report about the Juvenile Probation Department on Tuesday, May 10. Enclosed is an advance copy of that report. Please note that by order of Presiding Judge Robert Dondero this report is to be kept confidential until the date of release to the public.

Please respond to the findings and recommendations in this report in accordance with Section 933c of the California Penal Code* within 60 days of the release date, by Monday, August 9. Thank you for your cooperation.

Sincerely,

Mary McAllister

Mary McAllister, Foreperson
2004-05 San Francisco Civil Grand Jury

cc: Board of Supervisors

Enclosure

*Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of the Supervisors. As to each finding of the Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further as to each recommendation made by the Grand Jury, the responding party must report either (1) that the recommendation has been implemented, with a summary explanation of how it was; (2) the recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for the officer or agency head to be prepared to discuss it (less than six months from the release of this Report); or (4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (Cal. Penal Code, sec. 933, 933.05)

Summary of Recommendations

The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of youth in secure detention that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument as required by policy.

The new chief of the JPD should make the supervision and management of JPD staff, particularly the POs, a top priority for his administration. For example, all POs must be evaluated routinely with respect to their adherence to Department policies and procedures.

The new chief of the JPD should engage all stakeholders within the context of the Juvenile Detention Alternative Initiative in a reconsideration of the Risk Assessment Instrument (RAI) with the goal of strict adherence to the use of the RAI by POs.

The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.

CARC should be moved closer to the Youth Guidance Center (YGC) to facilitate activities with YGC and to make transportation of arrested youth more convenient for transporting police officers. The School of the Arts directly across the street from YGC should be surveyed as a possible site for CARC.

Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.

Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be periodically conducted by the Controller's Office.

CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice system should have a higher funding priority than those that do not.

Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.

Glossary

CARC – Community Assessment Referral Center: The screening point of entry into the juvenile justice system.

CBO – Community-Based Organization: Private organization providing services to youth, usually through contracts or grants with the City.

Detention – Detention results when arrested youth are held in a secure facility such as YGC. Youth arrested for misdemeanors must be given a hearing by the Court within 24 hours to be detained longer. Youth arrested for felonies must be given a hearing by the Court within 72 hours to be detained longer.¹

JDAI – Juvenile Detention Alternative Initiative: The program that encourages that arrested youth be provided alternatives to secure detention.

JP Commission – Juvenile Probation Commission: The Commission that is responsible for oversight of the Juvenile Probation Department.

JPD – Juvenile Probation Department: The City department that is responsible for supervising youth in the juvenile justice system.

JR – Jefferson Report: “Creating a New Agenda for the Care and Treatment of San Francisco’s Youthful Offenders”, prepared for the San Francisco Juvenile Court by Jefferson Associates and Community Research Associates, April 1987

NCCD – National Council on Crime and Delinquency

PO – Juvenile probation officer in the context of this report.

Referrals – Citation issued to youth to appear before a probation officer or youth taken to Juvenile Hall by arresting police officers for allegedly committing a criminal act. Other law enforcement agencies and the courts also make referrals.²

RAI – Risk Assessment Instrument: A questionnaire used by POs to evaluate whether or not youth are a danger to themselves or to others or are a flight risk and therefore should be detained in a secure facility.

YGC – Youth Guidance Center, commonly known as Juvenile Hall. YGC contains a secure facility for detaining youth.

Introduction

The Civil Grand Jury initiated its investigation of the juvenile justice system in response to press reports suggesting serious issues in the San Francisco Juvenile Probation Department (JPD). Allegations by employees of misconduct led to the resignation of the chief of the JPD in the summer of 2004.³ In the fall of 2004, allegations of dangerous conditions at the Log Cabin Ranch, the JPD’s secure residential facility for boys, led to the appointment of a Blue Ribbon Task Force by the mayor.⁴ Our interest in the welfare of children prompted us to study the underlying issues.

The recent appointment of a new chief of the JPD, William Siffermann,⁵ also represents an opportunity to focus the City’s attention on the problems that confront our juvenile justice system. He will need the strong support of the Juvenile Probation (JP) Commission and the

¹ JPD Annual Report, 1999

² Ibid.

³ “Probe of juvenile probation. Shredder seized, official locked out of her SF office,” Ilene Leichuk, SF Chronicle, August 4, 2004.

⁴ “Outrage at state of boys camp; DA tours center for troubled youth, demands changes,” SF Chronicle, December 14, 2004

⁵ “New chief of juvenile probation from Chicago,” SF Chronicle, February 23, 2005

mayor, as well as the staff of the JPD, to address these problems. We hope that our report will give the new chief a tool with which to justify the difficult and sometimes unpopular decisions we believe will be necessary to improve conditions at the JPD.

From inception, we were overwhelmed by the complexity of the juvenile justice system. Many City departments as well as community-based organizations (CBOs) are involved in providing services to youth. The police, the court, probation department, mental health, education, child welfare, district attorney, public defender, and social services are all involved in providing service to youth at-risk of detention. They must cooperate with one another to provide the most effective service. Although they all seem to share the same objective of helping youth to escape the confines of the juvenile justice system, they don't always agree about the means of achieving that objective. Furthermore, the large number of participants in the system diffuses authority, making it difficult to determine and enforce accountability.

Given our limited time and resources, we have focused on only a few of the many issues that are presently preventing the juvenile justice system from being as successful as it can be. The focus of our report is on the considerable efforts that the City has made to reduce the rate of detention of youth in secure facilities and the lack of success of these efforts. We acknowledge that our report is not comprehensive.

Background

We begin the troubled history of the Juvenile Probation Department in 1987, with the report of Jefferson Associates and Community Research Associates,⁶ known as the Jefferson report (JR), although evidence of difficulties precedes this comprehensive report by decades. The JR informs us that "twelve different studies that produced limited results"⁷ were published in the preceding decade. The JR was commissioned by the San Francisco Superior Court (which was responsible for the management of the JPD at the time), the JPD, and the mayor to "build a new agenda for the Youth Guidance Center."⁸ The description of some of the problems, which this study was designed to address, could have been written today:

- "...the deteriorated lines of vertical and horizontal communication which severely cripples the Department"
- "An unnecessary and often counterproductive overreliance on secure confinement exists at the Youth Guidance Center"
- "The staff at the Youth Guidance Center are...frustrated and often demoralized."
- "The range of [community] services available and the community's continued willingness to work in partnership with the Department is [sic] critical to the implementation of this plan."⁹

The JR projected that the population of youth in secure detention could be reduced by as much as 70%, using criteria developed by the American Bar Association and the National Advisory Committee for Juvenile Justice and Delinquency Prevention: "Two hundred and sixty-eight of the original 383 juveniles [detained by the JPD] would not be eligible for secure detention and

⁶ "Creating a New Agenda for the Care and Treatment of San Francisco's Youthful Offenders," prepared for the San Francisco Juvenile Court by Jefferson Associates and Community Research Associates, April 1987.

⁷ *Ibid.*, page 1.

⁸ *Ibid.*

⁹ *Ibid.*, page iv-v.

would instead be candidates for release to parents...or to other community-based secure alternatives.”¹⁰ The JR recommended that objective criteria such as those used by American Bar Association and the National Advisory Committee for Juvenile Justice be developed by the JPD to make the decision to detain youth in a secure facility.

The JR was therefore responsible for the development of the Risk Assessment Instrument (RAI), which established criteria for detaining arrested youth with the intention of reducing the population in secure detention. This goal was—and continues to be—based on a belief that the community, including youth in the juvenile justice system, is best served by providing alternatives to detention.

The JR speculated that the lack of available alternatives to detention was one of the reasons why youth were being unnecessarily detained. Since the number of community-based programs has increased substantially since 1987, one might expect to see some reduction in the rate of detention. Based on the small sample available in the JR, that does not appear to be the case. Of the 1,102 youth referred to YGC during a 45-day period, about 35% were detained in a secure facility at the time of the JR in 1987.¹¹ Detentions have been consistently 62% of referrals to YGC in the past 5 years (see Table 2). In other words, the rate of detention has apparently increased since the JR was written.

San Francisco voters approved Proposition L in 1989, which amended the City Charter to shift the management of the Juvenile Probation Department from the Superior Court to a seven-member Juvenile Probation Commission appointed by the mayor. The mayor as well as the entire Board of Supervisors supported this measure. The passage of Proposition L was a response to the demand for greater community involvement in the juvenile justice system. The Court was not perceived as accessible to the community. San Francisco was the first county in California to engineer such a change and only two other counties have made a similar change since. Issues related to the JP Commission will be discussed later in the report.

The chief probation officer is appointed by the mayor (based on recommendations from the Commission) to lead the Department. There has been extraordinary turnover in the chief probation officer position in the past 11 years. There have been 9 chief probation officers during that period. Such turnover in leadership is rare in other City departments in a comparable time frame and is symptomatic of deep-seated problems within the juvenile justice system.

San Francisco has also seen its fair share of change when it comes to juvenile justice reform. The mayoral administration of Willie Brown made a tremendous investment of resources to reduce the number of youth in detention by creating alternatives for eligible youth. One such program, the Community Assessment and Referral Center (CARC) was created in 1998 under the auspices of the JPD as part of the mayor’s Local Action Plan for Juvenile Justice reform.¹² According to the 2001 National Council on Crime and Delinquency (NCCD) report on CARC, the center sought to provide intensive services to arrested youth to prevent further involvement in the juvenile justice system:

¹⁰ *Ibid.*, page 78.

¹¹ *Ibid.*, page 42

¹² Community Assessment Referral Center Annual Report, 2002-03

“The purpose of CARC is to provide a single point of entry for assessment, service integration, referral, booking [detention], crisis intervention, and mentoring for youth 12 to 17 taken into custody by police in San Francisco.”¹³

CARC is administrated by Huckleberry Youth Programs, a community organization serving at-risk youth. Under contract¹⁴ to the City, CARC provides services in collaboration with the JPD, the Sheriff’s Department, Special Programs for Youth of the San Francisco Health Department, the Public Defender’s office, the District Attorney’s office, as well as other community-based organizations.¹⁵

The Juvenile Detention Alternatives Initiative (JDAI) was also introduced to San Francisco to support efforts to reduce the detention of youth. In the early 90s, the Annie E. Casey Foundation, which focuses on issues that affect at-risk families and young people, funded JDAI. Several cities in the US were awarded funds, technical support, and expert trainers to improve their juvenile justice systems. JDAI’s goals are to reduce the unnecessary use of secure detention, minimize delinquent behavior, provide alternatives to detention rather than more secure facilities, and improve conditions in secure detention facilities.¹⁶

JDAI came to San Francisco in late 2001, early 2002. In San Francisco, JDAI is not so much a program as a system of reform, which facilitates collaboration of all stakeholders. As a result of JDAI, many workgroups have been established, coordinating the efforts of the various stakeholders of the juvenile justice community. JDAI was instrumental in the comprehensive revision of the RAI that is presently used to determine the eligibility of youth for alternatives to detention.

While external fund sources for the development of alternatives to detention have increased, the funding of the JPD by the City’s general fund has decreased from \$30.6 million in FY 2000-01 to \$26.4 million in FY 2004-05. This loss of funding required a substantial reduction in staff of the JPD paid from general funds from 321.3 FTE’s in FY 2000-01 to 226.64 FTE’s in FY 2003-04.¹⁷ The reduction of financial support of the JPD while funding of community-based programs has increased has contributed to the competitive and confrontational relationship between the JPD and those who advocate for alternatives to detention. Several representatives of the JPD also informed us that the staff reductions have reduced supervisory staff and have contributed to the inadequate leadership of the POs that we will describe in our report.

Evaluating Alternatives to Detention

The Juvenile Probation Commission and the mayor (through the Mayor’s Office of Criminal Justice) are responsible for the management of the JPD through the chief PO. Both the Commission and the mayor are committed to providing alternatives to detention for as many youth in the juvenile justice system as possible. The primary mechanisms for achieving this goal are the Community Assessment Referral Center (CARC), the Juvenile Detention Alternative

¹³ “Evaluation of the Community Assessment and Referral Center, San Francisco,” National Council on Crime and Delinquency, 2001, page 1.

¹⁴ A grant mechanism is actually used to purchase these services. The grant functions like a contract.

¹⁵ *Ibid.*, page 21.

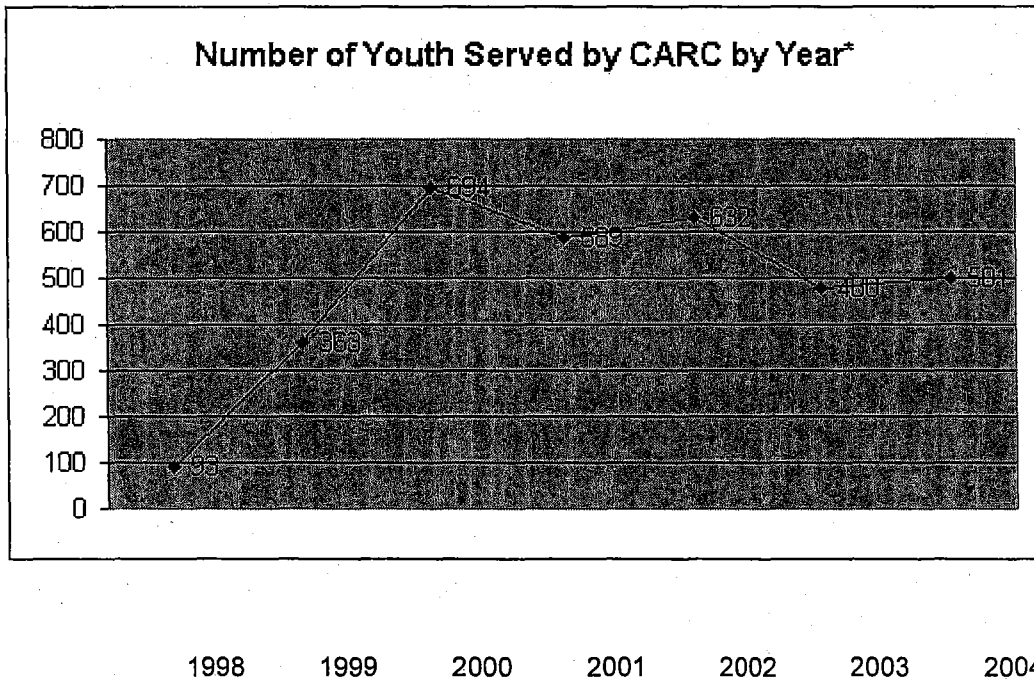
¹⁶ “Consider the Alternatives; Planning and Implementing Detention Alternatives,” Paul DeMuro, *Pathways* 1999:7

¹⁷ Source: Juvenile Probation Department

Initiative (JDAI), and the many community-based organizations (CBOs) which provide an array of services to youth at-risk of entering the juvenile justice system.

We evaluated the success of these efforts. By definition, youth that are eligible for services provided by CARC staff are not detained in a secure facility. They are released to their parent or guardian and staff provides case management with the objective of keeping them in their own homes and out of the juvenile justice system in the future. The number of youth served by CARC reached a high of 694 in 2000 and declined to 501 in 2004. The hours of operation of CARC were reduced in July 2004 from Monday through Saturday 10 am to 2 am to Monday through Friday 9 am to midnight as a result of budget cuts. This may be one reason why the number of youth served has decreased. Theoretically youth who are eligible for CARC services are referred back to CARC if they are taken to YGC when CARC is closed. In practice, this does not happen uniformly.

Chart 1



*Source NCCD Evaluation, May 1998 – March 2000

CARC, April 2000, November 2004; December 2004 extrapolated from July-June 2003 data

Note: Hours of operation expanded in March 1999 from M-F noon to 9 pm to M-Sat 10 am to 2 am

Hours of operation reduced in July 2004 to M-F 9 am to midnight

However, the percentage of arrested youth who are served by CARC has been stable during the last three fiscal years (See Table 2), indicating that the **declining number of arrests is also reducing the number of youth served by CARC**. We assume that the declining number of arrests is explained by the declining population of children in San Francisco, which is well-documented. According to arrest data available to CARC¹⁸, it is serving approximately 22% of all arrested youth. (Note that the periods of time in Tables 1 and 2 are different; Table 1 reports fiscal years, from July to June, and Table 2 reports calendar years.)

¹⁸ The number of arrests reported by CARC are lower than the number of referrals reported by JPD. This is consistent with the broader definition of referrals (see Glossary).

Table 1
Disposition of Arrested Youth*

	FY 01-02	Percent of Total	FY 02-03	Percent of Total	FY 03-04	Percent of Total
Brought to CARC	566	21.47%	595	22.41%	513	22.64%
Not Brought to CARC						
CARC closed	511	19.39%	481	18.12%	418	18.45%
Out of County	398	15.10%	276	10.30%	196	8.60%
Ineligible charge	589	22.30%	714	26.70%	622	27.40%
CARC denied by PO	177	6.71%	306	11.53%	229	10.11%
Station Release	207	7.85%	70	2.64%	57	2.52%
CARC not contacted	98	3.72%	153	5.76%	180	7.94%
No Guardian Available	52	1.97%	33	1.24%	24	1.06%
Other	38	1.40%	27	1.00%	27	1.20%
Total Arrested	2636	100%	2655	100%	2266	100%

*Source: CARC

The effectiveness of CARC can be measured in many ways, but we first considered the question of whether or not CARC has achieved one of its primary goals, which is to reduce the number of youth who are detained. According to data provided by the JPD, **the percentage of arrested youth who are detained has not changed since CARC was established in May 1998.**

Table 2
Juvenile Probation Department
Summary Statistics*

	1998	2004	Percent Change
Total Referrals	5222	3026	-42.05%
Referrals Detained by YGC	3285	1880	-42.77%
Percent Detained	62.91%	62.13%	-1.24%
Average Length of Stay	13	19.18	47.54%
Average Daily Population	120	94	-21.67%

*Source: JPD annual and monthly reports

These data indicate that:

- Detentions are consistently 62% of all referrals from 1998 to 2004.
- Both referrals and detentions have decreased by 42% from 1998 to 2004.
- The average length of detention has increased during this period by 48%
- It follows that the average daily population of detained youth has declined by only 22%, about half the decline in the number of arrests.

We conclude that although CARC service remains stable at about 22% of arrested youth, **CARC service to arrested youth has not resulted in a decrease in the rate of detention.**

Since youth who are arrested for serious crimes are not eligible for CARC services, one explanation for increased rates of detention could be that although the number of arrests is declining, the seriousness of the crimes for which youth are arrested is increasing. Therefore, we analyzed the crimes for which youth are arrested to determine if there is any increase in the seriousness of crimes. (see Appendix B) We determined that:

- The percentage of referrals to the JPD for misdemeanors remains stable at roughly 50% of total referrals from 1998 to 2003 (the latest period for which such data are available).
- The percentage of youth referred to the JPD for misdemeanors who are subsequently detained at YGC has increased from 60% to 63%.

Available data indicate that the **crimes for which youth are arrested in San Francisco are not becoming more serious.**

Given that CARC has not been successful in reducing the percentage of arrested youth who are detained by the Youth Guidance Center (YGC), we must consider if the existence of CARC has “widened the net”. This phrase is commonly used to describe one of the dangers of establishing a referral center such as CARC. “Net widening” occurs when youths are brought into the juvenile justice system that would not otherwise be brought into the system. Rather than reducing the population of youth in the juvenile justice system, the population is increased by “net widening”.¹⁹

The Center on Juvenile and Criminal Justice in San Francisco reported such a result to the Board of Supervisors:

“The Brown administration’s juvenile justice initiatives have not resulted in system reforms. Instead, to maintain a stable number of youth, it appears a wider pool of lower-risk youth were simply absorbed into the system in order to keep the juvenile hall and the rolls of the new programs filled. Such a process is known in corrections, as net widening. Net widening is the process in which lower-risk youths are processed into the juvenile justice system who would not have been processed previously.”²⁰

This is not to say that youth served by CARC do not benefit from those services. Youth who have been arrested, but would not have been detained in the past may be prevented from further involvement in the juvenile justice system as a result of their experiences with CARC, thereby ultimately narrowing the net. The National Council on Crime and Delinquency (NCCD) performed a comprehensive evaluation of CARC in 2001, to determine its benefits. It concluded that,

“...there are some helpful indicators that CARC is helping youths in San Francisco access services and alleviate some risk factors. Those who participated in the CARC program had fewer out of home placements, completed probation at a higher rate, and decreased their percentage of suspensions and expulsions [from school] from prior to

¹⁹ “Evaluation of the Community Assessment and Referral Center, San Francisco,” National Council on Crime and Delinquency, 2001, page 10

²⁰ “An Analysis of San Francisco Juvenile Justice Reforms During the Brown Administration. A Report to the San Francisco Board of Supervisors,” Center on Juvenile & Criminal Justice.

program entry to the follow-up periods. In addition those who successfully completed the intervention had significantly fewer arrests during the intervention and in the follow-up periods.”²¹

Case management by CARC staff account for some of these accomplishments. In addition, CARC staff refers the youth they serve to a wide array of community-based organizations (CBOs). The NCCD evaluation found that youth served (a random sample of 199 cases) by CARC were referred to 113 such organizations.²² To the extent that these services reduce the risk factors for subsequent arrest and detention, they are successful preventive measures. We will discuss the effectiveness of CBOs later in this report.

However, the NCCD evaluation also found no significant differences between the youth served by CARC and the control group used for comparison by the study in recidivism, restitution and community service requirements that were hypothesized by the study.²³ NCCD concluded that the NCCD “experimental design was flawed.” In particular, they believed that the non-random and historical sample used for the comparison group was not comparable to the group treated by CARC.²⁴

The cost of CARC must be taken into consideration. The budget for CARC in the current fiscal year is about \$750,000.²⁵ This excludes the cost of the probation officer, the deputy sheriff, and the public health employee, as well as the cost of the CBOs to which youth are referred by CARC. Recall that CARC’s hours of operation were reduced in July 2004. If the number of youth served per month during the first half of this fiscal year FY 04-05 is approximately the same in the second half of this fiscal year, about 400 youth will be served. In that case, the cost of CARC per youth served will be approximately \$1,875 in the current fiscal year, FY 04-05.

The cost of CARC compares favorably to the cost of detention at YGC. The JPD estimates that the direct cost of detention at YGC was \$257.94 per day in FY 03-04. The average length of stay for a youth in detention at YGC was 19.18 days in 2004 (Table 2). Therefore, the average cost of a typical detention at YGC is approximately \$4,947 or 2.6 times the cost of youth served by CARC.

Absent clear evidence that CARC has provided a rehabilitative alternative to youth who would otherwise have been detained or that those served by CARC are less likely to be arrested in the future, one might conclude that CARC has not been successful. We have, however, not reached this conclusion because we believe there are many factors outside CARC’s control that have prevented it from achieving these objectives. We will now attempt to identify some of those barriers and suggest means of overcoming them.

Barriers to Success of Alternatives to Detention – Risk Assessment Instrument

One of the chief barriers to CARC’s success is the PO’s misuse or the lack of use of the instrument used to decide when youth should be detained at Juvenile Hall or referred to CARC

²¹ “Evaluation of the Community Assessment and Referral Center, San Francisco,” National Council on Crime and Delinquency, 2001, page 79.

²² *Ibid.*, page 51. We were unable to confirm if NCCD meant to say “113 referrals to such organizations” as opposed to 113 organizations. We have therefore quoted the report, although we question its accuracy.

²³ *Ibid.*, page 79.

²⁴ *Ibid.*, Chapter 6, page 2

²⁵ Source: CARC

for case management. This instrument is called the Risk Assessment Instrument (RAI). (See Appendix C) It was created after the Jefferson report was issued in 1987 as a means of establishing policies (and monitoring adherence to those policies) regarding the decision to detain or release arrested youth. JPD policies require that youth be detained if they are considered a danger to themselves or to others or if they are considered a flight risk. The RAI was designed to predict these risk factors. To the extent that the RAI is employed, it ensures that detention decisions are made equitably and it documents that important decision.

When the Juvenile Detention Alternatives Initiative (JDAI) came to the JPD, they discovered that although the JPD was using the RAI, POs were overriding it more often than they were following it. JDAI therefore initiated a comprehensive evaluation of the RAI with the objective of increasing its acceptance by the POs who are responsible for using it. JDAI philosophy requires the collaboration of all participants in the juvenile justice system in the development of such policies. Collaboration theoretically facilitates consensus and ultimately cooperation of participants in the process. Therefore, the working group that revised the RAI was composed of representatives of several organizations, including probation officers, CARC staff, public defenders, and deputy district attorneys.

Despite the fact that POs were involved in the revision of the RAI, their adherence to it remains inadequate to meet the objective of reducing the population of youth detained at YGC. The following table is based on data collected by JDAI for a year starting just a few months after all stakeholders agreed to a revision of the RAI. There were 602 overrides of the RAI during this one-year period. There were 480 youth served by CARC in lieu of detention in 2003 (a period of time closely corresponding to the time period of the reported data regarding overrides). Therefore, of the total number of youth eligible for services of CARC (according to the RAI) in lieu of detention, more were detained (602) than were served by CARC (480). In other words, the number of youth who are detained even though the RAI indicates that they are eligible for release is greater than the number of youth who are released to CARC for case management.

POs continue to override the RAI more often they observe it.

The following table reports the types of arrests that are theoretically eligible for CARC services that are being detained by POs as a result of overrides of the RAI.

Table 3
Detained Youth - Overrides of Risk Assessment Instrument*
2/15/03 - 2/15/04

Charge	Penal Code Section	Percent Arrests	Percent RAI overrides
Violation of home detention	628.1	5.0%	16.3%
Violation of probation	777A2	5.0%	14.3%
Drug related	11350	9.0%	13.8%
Battery	242	4.0%	6.1%
Prostitution	647, 653.22	3.0%	6.0%
Shoplifting	484	3.0%	5.8%
Burglary	459	5.0%	5.3%
707 ²⁶ arrests under 14 are considered eligible for CARC as an exception	707 (under 14)	1.4%	5.0%
Car theft	10851	4.0%	4.8%
PO wants a youth in his/her caseload to be detained	PO602	2.0%	4.8%
Threats, e.g., terrorist	422	2.0%	3.5%
False information to arresting officers	148	2.0%	1.8%
Other	RAI score less than 10	13.0%	12.5%
Total		58.4%	100.0%

*Source: JDAI

The RAIs most likely to be overridden by POs were for violation of home detention and violation of probation. These violations of court orders account for over 30% of all overrides of the RAI. These non-violent charges are one of the chief targets of the JDAI. If these youth are not considered a danger to themselves or others, advocates for alternatives to detention maintain that they should not be detained just because they violated the terms of their probation. Advocates for alternatives to detention consider the detention for such non-violent violations unnecessarily punitive. One high-level court official that orders the terms of probation expressed the opinion during an interview that assignments to evening reporting centers may be more appropriate than detention for such violations.

There are other Departmental obstacles to the optimal use of the RAI to provide alternatives to detention. JPD policy²⁷ requires the signature of a supervisor for all overrides of the RAI by a PO. Every PO with whom we spoke, agreed that supervisors rarely approve overrides, in violation of that policy. In contrast, we understand that the chief probation officer in Santa Cruz County reviews all overrides of their risk assessment instrument within 24 hours. Alternatives to detention are aggressively pursued in Santa Cruz County. This is one of many symptoms of the lack of management control at the JPD in San Francisco.

²⁶ 707 is a penal code for a type of serious crime considered violent and therefore usually requiring secure detention.

²⁷ Section IV, Intake Services, Policy 8.01, Probation Services Division Policy and Procedures, January 5, 2004.

The PO at CARC makes the detention decisions for youth brought to CARC. We were informed that the RAI is not completed at CARC. The CARC PO decides whether or not to detain youth without such documentation of the basis for his decision, in violation of JPD policy that requires the completion of the RAI. This is another indicator of the lack of management control at the JPD.

The fact that some POs are not completing the RAI and that most overrides are not being approved by supervisors, as theoretically required by JPD policies,²⁸ should be a matter of some concern to the JPD and to the Courts. How can the public be assured that all arrested youth are being treated equitably? How can the JPD document equitable treatment of arrested youth? How can the JPD respond to accusations—which abound—that decisions made by JPD POs are arbitrary, subjective and violate the spirit and intent of the RAI policy?

The POs with whom we spoke were uniformly committed to their right and obligation to override the RAI without supervisory approval in order to detain arrested youth when they believe that their judgment is superior to the results of the RAI. The NCCD evaluation of 2001, also observed this attitude:

“Even in the second year of the CARC implementation, probation officers were skeptical of CARC’s services, effectiveness and its role in the juvenile justice system. Much of the complaints arose from concerns that CARC was not holding youth accountable for their offenses, that CARC staff were not trained to evaluate the circumstances surrounding the offense or determine the appropriate course of action for the youths... Probation officers at YGC did not seem to recognize that the probation officer at CARC had sole authority for accepting or rejecting referrals to CARC, within the eligibility guidelines... The CARC probation officers had access to the same database as the probation officers stationed at YGC via a networked computer terminal in their offices at the CARC offices.”²⁹

We have more recent evidence that the skeptical attitude of POs toward detention alternatives persists. Minutes of the JP Commission meeting of November 5, 2004, quote the President of the Probation Officer’s Association (POA):

“Rich Perino expressed the concerns of the POA for some of the principles and/or processes of the JDAI, saying it was taking up precious scarce resources in the Dept and asked for the opportunity to present their case to the Commission.”

Mr. Perino was the founder of the POA and has been re-elected the president several times. We therefore assume that his opinion of JDAI is typical of POs. In our interviews, we found that many POs felt invulnerable. One said, “I’m a Civil Service Employee. I’d have to rob a bank to be fired.” This display of bravado, however, belies the unspoken fear of potential layoffs if the City were successful in reducing the population of youth in secure detention.

²⁸ Section IV, Intake Services, Policy 8.01, Probation Services Division Policy and Procedures, January 5, 2004.

²⁹ “Evaluation of the Community Assessment and Referral Center, San Francisco,” National Council on Crime and Delinquency, 2001, page 55-56.

We hope the new chief will provide the strong leadership needed to move the JPD forward in the same direction and that he will have the support of the mayor and the Commission to do so. Even those POs who freely admit that they aren't following JPD policies, expressed a desire for the new chief to bring order to what many describe as chaos. One PO spoke of a need for the new chief to institute a "military model" of discipline. Several POs expressed a desire for the new chief to reinstate the "chain of command." As do the youth they serve, the POs feel the need for order.

POs are presently lobbying to revise the RAI to lower the score required to detain youth who would otherwise be eligible for the alternatives provided by CARC. Their objective is to reduce the number of overrides without reducing the number of youth in detention. **The arrival of a new chief probation officer provides a timely opportunity to reconsider the RAI for possible revision.**

There are probably several reasons why many POs are not committed to reducing the population of detained youth. A sincere desire to serve at-risk youth as well as to protect the public is undoubtedly one of the reasons. However, the dwindling number of arrested youth with the potential for a resulting reduction in the caseloads of the POs is surely another likely explanation. The JPD reported that the average caseload of POs in December 2004 was 25.³⁰ Several people we interviewed told us that the typical caseload of POs in other local jurisdictions is considerably larger. If caseloads of POs continue to decrease and current external sources of support of PO's salaries expire and are not replaced, POs will be vulnerable to layoff.

POs believe that their positions are secure because their salaries are heavily subsidized by a federal fund source (Title IVE). Approximately two-thirds of the salaries and benefits of the POs are paid by this fund source. We were informed that the purpose of this funding is to support children in foster care. Reports of the time POs devote to this specific population of children in foster care (or potentially in foster care) are used to determine the amount of the subsidy. If the population of foster children is stable, the amount of time spent serving that population should not necessarily decrease as the number of POs decreases. This implies that the number of POs could decrease without decreasing the amount of funding available from this source. Conversely, hiring more POs will not necessarily increase the amount of the salary subsidy, contrary to the stated beliefs of some of the POs we interviewed. If the caseload of the POs dwindles, POs would be wise to understand that their positions are not invulnerable because of the subsidy of their salaries.

POs could ensure their employment by actively engaging in the rehabilitative future of the juvenile justice system. There are opportunities for POs to participate in CARC, but so far they have been unwilling to do so. There is presently only one PO who is willing to serve at CARC full time. Coverage by a PO at CARC is therefore inadequate to cover all hours of operation.³¹ CARC staff must call the on-duty PO at YGC to make the detention decision for arrested youth when there is not a PO on duty at CARC. When the PO at CARC is on leave, a substitute is assigned by YGC. However, the substitutes often take a few hours to arrive and they are not always familiar with CARC's procedures. We hope that the new chief of the JPD will address these management issues.

³⁰ JPD, Monthly Report, December 2004, page 5

³¹ The CARC PO is available only 40 hours per week of the 75 hours per week of operation of CARC.

Other Barriers to Success

Police officers are the initial contact for all arrested youth. They are required by SFPD policy to contact CARC first when CARC is open. (see Appendix D) This policy was issued to police officers in the form of a "Department Bulletin" rather than being incorporated into the more official "General Orders". Although considerable progress has been made in implementing this policy, in practice police are still bringing youth to YGC when CARC is open. As reported in Table 1, **approximately 8% of arrested youth were transported directly to YGC without contacting CARC (while CARC was open) in FY 03-04, an increase from previous fiscal years.**

There are probably many factors in the reluctance of police to contact CARC before taking youth to YGC. We have identified a few of those factors. The fact that CARC is not open 24 hours per day, 7 days per week is probably the chief obstacle to uniform compliance. If CARC is always open, exceptions to its use are more difficult to justify. To illustrate this principle, we offer this example of a legitimate exception that exists presently. Although CARC is theoretically open until midnight on weekdays, the CARC staff is apparently unwilling to accept youth toward the end of their shift because it takes approximately 2 hours to complete the intake process. Youth cannot be kept overnight at CARC because there are no secure facilities.

The Tenderloin location of CARC is probably another factor in reducing compliance of police officers because it is near the north end of the City, far from YGC at the south end. A more centralized location might increase the willingness of police to contact CARC. If CARC were more centrally located, police officers would be able to spend time on the streets that they now spend transporting a juvenile to CARC. There are other potential benefits to relocating CARC. If it were closer to YGC, communication and therefore collaboration with POs might also improve.

The JP Commission is very supportive of CARC and other means of providing alternatives to detention. They recently asked CARC staff to explain why they were not able to provide services to more youth. We draw upon CARC's response³² to this question to identify other barriers to achieving its goals:

- Virtually all youth on probation are detained at YGC at the discretion of the supervising PO, regardless of the RAI score.
- CARC will not release arrested youth unless a parent or guardian will accept custody.
- Arrested youth are automatically detained if there is an outstanding warrant for their arrest.
- RAI scores are overridden by POs out of expressed concern for potential victims.
- Police officers consider arrested youth "out of control" which is a prerequisite to detention regardless of the reason for arrest.
- POs are under the mistaken impression that they have some liability if they release youth who are a danger to themselves or others.³³
- Youth who are wards of the court are sometimes detained because the group home or foster parent refuses custody. Because there is an insufficient number of alternative

³² Letter from Denise Coleman, CARC Program Director, to JP Commission, September 2, 2004

³³ The City Attorney has assured JPD POs that they have no personal liability for following JPD policies and procedures. This assurance is attached to the last page of the RAI (see Appendix C).

placements, these youth are sometimes “housed” at YGC even though they may not be considered dangerous. Shelter provided by the Department of Human Services may be a more appropriate placement than YGC in these cases.

Most of these practices and concerns could and should be addressed by JPD policies and procedures, in collaboration with other City departments as needed. Once clear-cut policies are in place, JPD management must monitor adherence to those policies. For example, **a supervisor who has made a commitment to the objective of reducing the population of youth in secure detention must approve all overrides of the RAI recommended by POs. Annual performance reviews of POs should be conducted, which include reports on adherence to all policies such as this.** We understand that such reviews are not presently being conducted. They should be a top priority for the new chief of the JPD.

Community-Based Organizations

The number of CBOs that are funded by grants³⁴ administered by the JPD has proliferated since 1996:

- FY 95-96: The JPD estimates that approximately 10 CBOs received about \$1.3 million.
- FY 04-05: The JPD is presently awarding grants to approximately 41 CBOs costing about \$3.7 million.³⁵

POs, in all likelihood aware of the flow of substantial amounts of money to CBOs, are predictably critical of the value of the services provided by the CBOs. We assume that perceived competition for scarce resources is the primary basis of their criticism. Given the substantial reductions in the budget of the JPD reported earlier, one should expect such a reaction.

However, we were less prepared for the criticism of CBOs from high-level Court officials. These officials expressed their opinion that the CBOs are serving primarily low-risk youth at the expense of high-risk youth. While funding of CBOs has increased, funding of the JPD has decreased, contributing to management problems at the JPD. The Chronicle corroborated this view in reporting the testimony of Judge Patrick Mahoney, one of the judges assigned to the Juvenile Delinquency Court at YGC, at a public hearing of the Board of Supervisors on March 2, 2005:

“Superior Court Judge Patrick Mahoney sent a statement that he, as a principal decision maker, has been keeping more juveniles locked up before their court appearances. He said he and other judges “lack sufficient confidence” about the quality of supervision in many community-based programs to release high-risk youth to them.”³⁶

All critics of CBOs were uniform in their perception that support for CBOs has a strong political component. That is, CBOs are perceived to have been the political base of the former mayor,

³⁴ We are reporting only those grants that are administered by the JPD. There are many grants, as well as contracts, that provide services to youth in San Francisco through other City departments, such as Children, Youth, and Families, Human Services, etc. We have not included these sources of funding of services to children in our report because they serve many youth outside the juvenile justice system.

³⁵ Source: JPD

³⁶ “Supes eye overcrowding,” SF Examiner, March 7, 2005.

Willie Brown. Providing funding to CBOs was apparently considered a means of serving the former mayor's community of interests.

However, we believe that it is the external fund sources used to purchase the services of the CBOs that are primarily responsible for the growth of the number of CBOs and the types of services that they provide. Federal and state grants have funded most of the grants awarded to CBOs. According to the Juvenile Justice Local Action Plan, "2005 Update", most of these fund sources were intended to be used to prevent youth from entering the juvenile justice system as well as to serve those that are already in it.³⁷ (see Appendix E) While the operations of the JPD are funded primarily from the City's General Fund, the CBOs are funded primarily by outside sources, which dictate how the funds must be spent.

The fund sources that support the CBOs require that the funding decisions be made by the Juvenile Justice Coordinating Council (JJCC).³⁸ This Council includes representatives from every City department that provides services to youth in San Francisco, as well as representatives from CBOs. The Council recently made its recommendations for the forthcoming fiscal year in its "2005 Update". The six meetings of the Council that resulted in this report were open to all stakeholders. The report lists the participation of over 120 stakeholders (including Council members) representing many different organizations, including the JPD. This document suggests that the CBOs were evaluated in a public forum in which all stakeholders had an opportunity to participate.

The Council reported in its "Update" that substantial reductions in available funding are anticipated next fiscal year and future fiscal years. (see Appendix E)

- Funding from the State Juvenile Justice Crime Prevention Act (JJCPA) is anticipated to be \$2,187,092 in FY 05-06. In the following fiscal year, FY 06-07, the Governor has proposed a 75% reduction.
- Funding from the Federal Juvenile Accountability Block Grant (JABG) is \$386,423 in the current fiscal year and is expected to be reduced by 70% to \$116,941 in the following fiscal year, 05-06. The president has proposed that this program be eliminated completely in the following fiscal year, 06-07.

The Council responded to these anticipated budget reductions by recommending a 12% decrease in the funding of all current CBOs:

"Based on the JJCC Work Group review of juvenile justice system priorities, funding streams, and currently funded programs, it was recommended that the current JJCPA and JABG programs continue to receive funding for FY 05-06, and that the funding level for all programs be cut by approximately 12%. This recommendation were [sic] approved by the full JJCC."³⁹

This is an apparent contradiction to observations made earlier in the same report that some CBOs are not providing service to youth now in the juvenile justice system. The report concludes that

³⁷ "Juvenile Justice Action Plan, 2005 Update," San Francisco Juvenile Justice Coordinating Council, March 2005, page 5.

³⁸ *Ibid.*, page 3

³⁹ *Ibid.*, page 20

services to youth in the juvenile justice system should be the highest priority for available funding.

- “However, only 11% of Beacon clients [one of the CBOs] were currently on probation and only 48% had...past contact with the juvenile justice system...as the JJCPA and JABG juvenile justice funding streams are diminishing and will be more focused in coming years on programs that work exclusively with juvenile justice youth.”⁴⁰
- “In allocating juvenile justice funding streams in funding years, strong priority will be given to programs that exclusively or primarily service youth in the juvenile justice system.”⁴¹

It seems that the Council has identified the problem of funding prevention at the expense of youth already in the juvenile justice system. Hence the observations of court officials that CBOs are serving low-risk youth at the expense of higher-risk youth. Although it set priorities for the future, it did not face this issue in its “2005 Update”.

In addition to the public evaluation of CBOs by the Juvenile Justice Coordinating Council, a comprehensive analysis of CBOs is posted to the JPD’s website. An outside consulting firm was employed by the City to evaluate CBOs. “Fresh Directions” is the result of their evaluation. The significance of this document is difficult to assess because many of the CBOs did not complete the evaluation tool.⁴²

However, the participation of POs in this evaluation of the CBOs is revealing. After persistent efforts to obtain feedback from POs, the authors of “Fresh Directions” were successful in obtaining evaluations of CBOs from 45% of POs. POs evaluated 38 CBOs to which they had referred youth. Their satisfaction with the services provided by the CBOs ranged from a low of 60% to a high of 100%. The percentage of POs reporting that they would refer youth to these CBOs in the future ranged from a low of 0% to a high of 100%.⁴³ (See Appendix F) The “Fresh Directions” evaluation identifies another indication of the independence and lack of supervision of POs:

“On average, Probation Officers made referrals to 13 of the 40 community-based programs that are funded by the SFJPD/CPD⁴⁴. Some Probation Officers referred youth to nearly all of the funded programs and others had referred youth to only one (range 1 to 38 programs). Similarly, some probation officers had referred a lot of youth to these programs and others had not referred any (range: zero to 111 individuals). On average, since July 2003, Probation Officers referred a total of 23 individuals to programs that are funded by SFJPD/CPD.”⁴⁵

Apparently, POs were free to refer youth under their supervision to CBOs as they wished during the period being surveyed. Some chose not to use these services at all. This seems to be another

⁴⁰ “Juvenile Justice Action Plan, 2005 Update,” San Francisco Juvenile Justice Coordinating Council, March 2005, page 17.

⁴¹ *Ibid.*, page 21

⁴² The document explains that threats of budget cuts reduced participation of CBOs in the study.

⁴³ The numbers of POs evaluating the effectiveness of individual CBOs is low and may not be predictive.

⁴⁴ SFJPD/CPD = San Francisco Juvenile Probation Department/Community Programs Division.

⁴⁵ “Fresh Directions: Community Programs Supported by the San Francisco Juvenile Probation Department,” La France Associates, 2004, page 12.

indication of inadequate management of POs. However, in March 2004, the JPD formulated a policy that requires POs to "...work in collaboration with public, private and community based organization youth service agencies" and to "...refer male and female youth to appropriate departmental programs and activities..."⁴⁶ **The JPD should hold POs accountable for following this policy and adherence to the policy should be monitored and evaluated in annual performance reviews.** We hope that the new chief of the JPD will address this important issue.

This is another example of how POs could ensure their employment future as the juvenile justice system evolves to a rehabilitative, from a punitive approach. There are many opportunities for POs to actively collaborate with the CBOs that provide services to youth on probation. Clearly, POs are not currently making optimal use of the resources that are available to them and their clients.

It is some consolation to know that this dilemma is not unique to San Francisco. The Annie E. Casey Foundation, the creators of JDAI, makes the following observation in its comprehensive report on alternatives to detention:⁴⁷

"Perhaps the most important management issue is whether a specific detention alternative should be run directly by the public sector or be contracted to a community-based agency. As with other areas of governmental services, the decision is complicated and sometimes controversial. Each method has advantages."⁴⁸

This report goes on to describe the trade-offs. The advantage of using community-based organizations to provide alternatives to detention is that they are often rooted in the neighborhood of the youth that they serve which puts them in a better position to empathize and supervise. Furthermore, they are usually cheaper and more flexible than government alternatives.

On the other hand, comparable services provided by governmental agencies are perceived to provide more immediate control over their operations. More importantly, the reaction of San Francisco's POs to the proliferation of CBOs is predicted by the JDAI report:

"...probation officers and other law enforcement staff, to say nothing of unions, may more readily accept an alternative that is run directly by a public bureaucracy. Cook County's home confinement program, for example, was more readily accepted by the court and the state's attorney because it was staffed by a special probation unit. In contrast, when Multnomah [Portland, Oregon] contracted with a non-profit provider for its community detention program, probation staff were suspicious and distrusting. It took almost two years for these concerns to be alleviated, and **more probation staff still see the contract agency as a threat to their jobs.**"⁴⁹ (emphasis added)

This prophecy has been fulfilled in San Francisco.

⁴⁶ "Collaboration with Service Providers," Policy 10.11, Probation Services Division Policies and Procedures, March 1, 2004.

⁴⁷ "Pathways to Juvenile Detention Reform: Consider the Alternatives," Paul De Mura, A Project of the Annie E. Casey Foundation, 1999

⁴⁸ *Ibid.*, page 38.

⁴⁹ *Ibid.*, page 39.

The Center on Juvenile and Criminal Justice has expressed its opinion to the Board of Supervisors⁵⁰ that the CBOs presently used by the JPD are not serving the youth most at-risk of detention. It advocates for an alternate program called Detention Diversion Advocacy Project (DDAP) that draws youth into a community-based program directly from detention facilities.⁵¹ This program removes youth from detention facilities and returns them to their homes, where DDAP provides intensive case management. The goal of DDAP is to keep youth in their homes and out of detention facilities and foster care. DDAP reports high rates of success with their pilot projects.

“...DDAP accepted youth, who conventional wisdom might dictate were a threat to public safety and who would have sat in detention for days or even weeks, had recidivism rates that were nearly 50 percent less than the comparison group. This supports the proposition that intensive supervision over an extended period of time, coupled with placement in community-based programs, enabled DDAP youth to lead relatively normal lives, while reducing the likelihood of further contact with the juvenile justice system.”⁵²

We use the DDAP project only as an example of a CBO that is most likely to reduce rates of detention. Several of the presently funded CBOs also address this need directly, such as the intensive home-based supervision programs and the evening reporting centers. We recommend that the JPD evaluate the relative effectiveness of the CBOs, which it is presently funding. Taxpayers are spending a great deal of money on CBOs. Stakeholders, including the community, do not universally consider the CBOs effective. **Therefore, we recommend that greater efforts be made to evaluate the services provided by CBOs. This evaluation would be best conducted by a disinterested entity, such as the management performance auditors employed by the Controller’s Office.**

The Juvenile Probation Commission

As reported earlier, the voters changed the responsibility for management of the JPD in 1989 from the Courts to the JP Commission, appointed by the mayor. We understand that the community believed that it would have greater access to and influence upon a Commission than it had upon the Courts. We understand that only two other counties in California have made a transition to a form of governance other than the courts. In both cases these counties elected to have their probation departments report to their board of supervisors.

We attempted to evaluate the effectiveness of management of the JPD by the JP Commission. We attended a Commission meeting, read the minutes of meetings of the Commission, interviewed representatives of the Commission, reviewed the resumes of commissioners, and asked all other stakeholders we interviewed to evaluate the performance of the Commission.

All information available to us indicates that the JP Commission is not presently in the best position to provide the necessary leadership to the JPD. Some commissioners appear to have vested interests in particular CBOs. Although the City’s conflict of interest laws do not

⁵⁰ “An Analysis of San Francisco Juvenile Justice Reforms During the Brown Administration. A Report to the San Francisco Board of Supervisors,” Center on Juvenile & Criminal Justice.

⁵¹ “Detention Diversion Advocacy: An Evaluation,” *Juvenile Justice Bulletin*, Randall G. Shelden, September 1999.

⁵² *Ibid.*, page 11.

specifically identify these relationships as being illegal, stakeholders that we interviewed as well as the local press consider them inappropriate.⁵³ This contributes to the atmosphere of distrust and competition for resources.

Many stakeholders in the juvenile justice system do not consider commissioners sufficiently knowledgeable or engaged to provide effective leadership. Four of the seven commissioners have been appointed since March 2004. High-level observers report that they have never seen any commissioners at YGC during a business day. The “2005 Update” of the Juvenile Justice Local Action Plan reports the participation of only one commissioner amongst over 120 stakeholders. In contrast, the Court is actively engaged and physically present at YGC. Judges see the results of JPD policies and practices on a daily basis.

Unfortunately, these disadvantages of commission leadership of City departments are not considered unique. Commissioners in San Francisco are political appointees with all the potential advantages and disadvantages inherent in such appointments.

Although it is probably not politically feasible to recommend a return of the management function to the Courts, we make these observations. We hope this observation increases the awareness of the public in the issues. We also hope that it increases the motivation of appointing officials to **make appointments that are most likely to serve the interests of the youth of San Francisco.**

Findings and Recommendations

Findings

1. San Francisco has made large investments of resources in providing alternatives to detaining youth in secure facilities, such as the creation of CARC and the funding of CBOs.
2. These investments have not resulted in a decrease in the rate of detention of arrested youth.
3. Although, the Risk Assessment Instrument (RAI) indicates many times that youth need not be detained, probation officers (POs) often override the RAI in order to detain anyway. This is one of many indicators that the resistance of POs appears to be the chief obstacle to reducing the population of non-violent youth in secure detention, such as youth arrested for violating the terms of their probation.
4. Lack of management controls at the JPD appears to be a leading factor in persistent resistance of POs to alternatives to detention. For example, supervisors are not reviewing the PO's overrides of the RAI as required by JPD policy.
5. Reduced hours and inconvenient location of the Community Assessment Referral Center (CARC) is apparently a factor in preventing police from referring all arrested youth first to the CARC for assessment as required by SFPD policy.

⁵³ “Selling out kids. As Juvenile Probation Department melts down, ethical questions swirl,” Bay Guardian, August 25, 2004.

6. Police have been instructed to make initial contact with CARC regarding arrested youth by a Police Department Bulletin. However, these instructions are not in the Department's General Orders, which is a higher level of authority that could increase compliance.
7. The role of community-based programs (CBOs) in preventing detention is not clear. Some CBOs may be more effective than others in preventing detention.
8. The Juvenile Probation Commission may not be providing the necessary leadership to achieve the objective of reducing detention.

Recommendations

1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.
2. The new chief of the JPD should make the supervision and management of JPD staff, particularly the POs, a top priority for his administration. For example, all POs must be evaluated routinely with respect to their adherence to Department policies and procedures.
3. The new chief of the JPD should engage all stakeholders within the context of the Juvenile Detention Alternative Initiative in a reconsideration of the Risk Assessment Instrument (RAI), with the goal of strict adherence to the use of the RAI by POs.
4. The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.
5. CARC should be moved closer to the Youth Guidance Center (YGC) to facilitate activities with YGC and to make transportation of arrested youth more convenient for transporting police officers. The School of the Arts directly across the street from YGC should be surveyed as a possible site for CARC.
6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.
7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.
8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.
9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them.

They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.

Required Responses (Please reply to those Findings and Recommendations that are within your jurisdiction.)

Board of Supervisors – 90 days
Juvenile Probation Commission – 60 days
Juvenile Probation Department – 60 days
Mayor – 60 days
Mayor’s Office of Criminal Justice – 60 days
Office of the Controller – 60 days
Police Commission – 60 days
SFPD – 60 days

Investigative Scope and Process

Documents

"An Analysis of San Francisco Juvenile Justice Reforms During the Brown Administration. A Report to the San Francisco Board of Supervisors," Center on Juvenile and Criminal Justice. Annual Report, Community Assessment and Referral Center, 2002-03
Annual Reports, Juvenile Probation Department, 1999-2003
CARC Budget, 2004-05
"Consider the Alternatives; Planning and Implementing Detention Alternatives," Paul DeMuro, Pathways to Juvenile Justice Reform, 1999:7
"Contract Agencies 2004-2005," Juvenile Probation Department
"Creating a New Agenda for the Care and Treatment of San Francisco's Youthful Offenders," prepared for the San Francisco Juvenile Court by Jefferson Associates and Community Research Associates, April 1987
"Detention Diversion Advocacy: An Evaluation," Juvenile Justice Bulletin, Randall G. Shelden, September 1999
Detention Risk Assessment Instrument, Juvenile Probation Department, 4/3/03
"Evaluation of the Community Assessment and Referral Center, San Francisco," National Council on Crime and Delinquency, 2001
"Fresh Directions. Analysis of JPD Community Programs," LaFrance Associates, May 2004
"Juvenile Justice Community Assessment and Referral Center (CARC)," Report of the 1999-2000 San Francisco Civil Grand Jury
"Juvenile Justice Local Action Plan, 2003 Update" and "...2005 Update," San Francisco Juvenile Justice Coordinating Council, March 2003 and March 2005
"Juvenile Justice System," Report of the 1996-97 San Francisco Civil Grand Jury
Minutes of Juvenile Probation Commission, January 2004-March 2005
Monthly Report, Juvenile Probation Department, December 2004
Organizational Structure, JDAI
Organizational Structure, Juvenile Probation Department
Policies and Procedures, Probation Services Division, January 2004
Proposition L, Ballot Description and Arguments, 1989
Responses to Civil Grand Jury Report of 1999-2000
Resumes of Juvenile Probation Commissioners
SFPD Department Bulletin A04-138, 5/21/04
SFPD General Order 7.01 Juvenile Policies and Procedures

Press

"New chief of juvenile probation from Chicago," SF Chronicle, February 23, 2005
"Outrage at state of boys camp DA tours center for troubled youth, demands changes," Chronicle, December 14, 2004
"Probe of juvenile probation. Shredder seized, official locked out of her SF office," Ilene Lelchuk, Chronicle, August 4, 2004.
"Supes eye overcrowding," SF Examiner, March 7, 2005

Interviews (20) – Representatives of:

Community-Based Organizations
Community Assessment and Referral Center
Juvenile Detention Alternatives Initiative

Juvenile Probation Commission
Juvenile Probation Department
Mayor's Office of Criminal Justice
San Francisco Police Department
Superior Court

**JPD Referrals and Detentions - Sorted Most to Least Serious Crimes
Using Department of Justice Summary Codes***

Law Violations	Referrals		Percent Detentions		Percent Detentions	
	1998	1998	2003	2003	2003	2003
Homicide	11	9	81.82%	6	6	100.00%
Rape	5	4	80.00%	3	3	100.00%
Robbery	206	176	85.44%	278	260	93.53%
Assault	373	271	72.65%	315	237	75.24%
Kidnapping	3	3	100.00%	5	3	60.00%
Burglary	218	138	63.30%	168	97	57.74%
Theft	277	117	42.24%	77	35	45.45%
Vehicle Theft	291	289	99.31%	90	66	73.33%
Forgery	19	14	73.68%	7	2	28.57%
Narcotics	485	437	90.10%	161	128	79.50%
Marijuana-Felony	150	122	81.33%	53	25	47.17%
Dangerous Drugs	21	16	76.19%	18	9	50.00%
Child Molest-Felony	8	5	62.50%	8	6	75.00%
Sex Law Violation						
Sexual Battery	8	4	50.00%	18	14	77.78%
Weapons-Felony	105	55	52.38%	64	30	46.88%
DUI	5	3	60.00%	2	1	50.00%
Hit & Run - Felony	4	1	25.00%	2	1	50.00%
Arson	3	2	66.67%	5	4	80.00%
Other Felony	145	65	44.83%	86	32	37.21%
Assault Battery	306	88	28.76%	210	70	33.33%
Total Felonies	2643	1819	68.82%	1576	1029	65.29%
Percent Felonies	50.38%	53.99%		49.48%	50.24%	
Petty Theft	585	118	20.17%	347	70	20.17%
Defrauding Innkeeper	5		0.00%	9	3	33.33%
Check, Access Cards						
Marijuana-Misdemeanor	41	10	24.39%	8		0.00%
Annoying Children	3		0.00%			
Lewd Conduct-Mis	10	3	30.00%	1		0.00%
Prostitution	38	30	78.95%	49	40	81.63%
Drunk	5	2	40.00%	3	1	33.33%
Liquor Laws	26	4	15.38%	4	1	25.00%
Disorderly Conduct	3		0.00%	4	3	75.00%
Distrubing Peace	52	25	48.08%	32	9	28.13%
Vandalism	124	42	33.87%	41	8	19.51%
Malicious Mischief	12	1	8.33%	6	1	16.67%
Trespassing	99	7	7.07%	33	5	15.15%
Weapons-Mis	11	8	72.73%	15	2	13.33%
Hit & Run-Mis	15	6	40.00%	2	2	100.00%
Selected Traffic	4		0.00%	2	1	50.00%
Joy Riding	5	3	60.00%	18	2	11.11%
Gambling	7		0.00%			
Other Mis	113	43	38.05%	40	17	42.50%
Burglary Tools	14	6	42.86%	6	1	16.67%
Escape	8	5	62.50%	2	2	100.00%
Arson-Mis						
Incorrigible	9		0.00%			
Other Status Offense	15	9	60.00%			
Probation Violation	27	24	88.89%	174	92	52.87%
Miscellaneous Traffic	90	13	14.44%	17	4	23.53%
Other Durgs-Mis	31	14	45.16%	12	8	66.67%
Other Misc Codes	1251	1177	94.08%	784	747	95.28%
Total Misdemeanors	2603	1550	59.55%	1609	1019	63.33%
Percent Misdemeanors	49.62%	46.01%		50.52%	49.76%	
Total Referrals	5246	3369	64.22%	3185	2048	64.30%

*Source: JPD Annual Reports

**San Francisco Juvenile Probation Department
DETENTION RISK ASSESSMENT INSTRUMENT (4/3/03)**

Name _____ DOB: _____ PFN: _____
 Arrest date _____ Arrest time _____ Ethnicity _____ Sex: M F
 Zip Code: _____ School: _____ Primary Language: _____

Primary referral offense: _____
DESCRIBE AND CITE CODE SECTION IF KNOWN

A. OFFENSE (Score only the most serious instant offense)

- WIC Section 707 (b) offenses 11
Note: 707(b) referrals of minors 14 and older can not be mitigated
- Other violent or sex felonies against persons 9
- Sale of narcotics/ drugs 7
- Possession of narcotics/drugs for sale 5
- Felony possession of narcotics/drugs 3
- Possession of firearm 11
- Felony property crimes including auto 5
- All misdemeanors 3
- All infractions and non-criminal probation violations 0

_____ OFFENSE POINTS

B. PRIOR OFFENSE HISTORY (Score only one of the following)

- Felony petition pending 6
- Prior felony adjudication within the last six months, OR two or more adjudications including one felony within last 12 months 5
- Prior felony adjudication within the last three years 3
- Documented escape from secure custody, last 18 months 5

_____ HISTORY POINTS

C. AGGRAVATING FACTORS (Add all that apply, up to 3 points)

- Multiple offenses are alleged for this referral 1
- Crime or behavior alleged was particularly vicious or violent 1
- Home situation is unstable, increasing risk of flight, FTA or misconduct 1
- Minor has willfully failed to appear one or more times in last 12 months 1

_____ AGGRAVATION POINTS

D. MITIGATING FACTORS (Subtract all that apply, up to 3 points)

- Involvement in offense was remote, indirect or otherwise mitigated 1
- Family member or caretaker able to assume responsibility for minor 1
- No arrests or citations within the last year 1
- Minor demonstrates stability in school or employment 1

_____ MITIGATION POINTS

TOTAL SCORE (A + B + C - D) →

DECISION SCALE: 0-7 RELEASE, 8-10 RESTRICTED RELEASE, 11+ DETAIN

SPECIAL DETENTION CASES (Check as applicable)

- WIC 707 (b) age 14 or older (WIC Sec. 625.3).
- Bench warrant, minor not authorized for release by probation officer
- Arrest warrant, minor not authorized for release by probation officer
- Placement return or failure—non-secure option not available
- Inter-county transfer, minor not authorized for release by probation officer
- Court-ordered detention including weekend custody

DETENTION OVERRIDES

- Parent, guardian or responsible relative cannot be located
- Parent, guardian or responsible relative refuses to take custody of minor
- Youth refuses to return home
- Home supervision not appropriate or available
- Other-- The minor is detained because: _____

RELEASE OVERRIDES

The minor is released because: _____

OVERRIDE APPROVAL by _____, Supervisor

Minor released to: _____ (specify relation); Release time & Date: _____

Survey instrument completed by: _____

SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
DETENTION RISK INSTRUMENT TRAINING
DUTY P.O. (INTAKE STAFF) SESSION - January 8, 2003

Training session outline

INTRODUCTION AND OVERVIEW (Jesse Williams)	5 min
RISK SCREENING OBJECTIVES AND BEST PRACTICES: National, state and San Francisco overview (David Steinhart)	10 min
PROCESS FOR DEVELOPMENT OF THE "NEW" RAI (Garry Bieringer) <ul style="list-style-type: none">o Stakeholder design, JDAI context, Testing, Exec Committee	5 min
RISK SCREENING BASIC PROCEDURE: Review (Steinhart/ B. Johnston) <ul style="list-style-type: none">o Who gets screeningo Who does the screeningo When does screening occuro Information sources for screening: police information, computer records, interview of minoro Detention decision making: Risk score in relation to PO discretion<ul style="list-style-type: none">o Overrides: Basis for. Supervisor approval needed (nights/weekends)o Release procedures: parental contact effortso Final form completion and processingo Duplicating and transmitting the RAI	15 min
LIABILITY OF PROBATION OFFICERS FOR RELEASE DECISIONS (Steinhart)	5 min
HOW TO COMPLETE THE RISK INSTRUMENT- line by line <ul style="list-style-type: none">o Offense scoringo Prior History scoringo Aggravation and Mitigation Factorso Total score and detention decisiono Home detention in lieu of secure detentiono Special Detention caseso Detention Overrideso Release Overrideso Special situations	30 min
QUESTIONS AND DISCUSSION	15 min

SAN FRANCISCO JUVENILE PROBATION DEPARTMENT

Detention Risk Assessment Instrument (RAI) Guidelines – January, 2003

The San Francisco Juvenile Detention Risk Assessment Instrument (RAI) has been updated and approved for implementation in January, 2003. Below are basic instructions on how to complete the revised RAI and to implement the detention screening process in specific cases. These guidelines are to be followed by intake personnel unless countermanded by a supervisor or by the Juvenile Court.

OFFENSE SCORING

1. *Score only the most serious instant offense.* Do not compound scores for multiple charges.
2. *WIC 707 (b) offenses.* Due to the change in WIC Section 625.3 (Proposition 21), minors 14 or older charged with any WIC 707 (b) offense must be detained until the case is reviewed by a court officer. Normally, this means that such a minor must be detained until the detention hearing. The case may not be mitigated or over-riden to effectuate release without judicial approval. In these cases, please check the first box under "Special Detention Cases", for WIC 707 minors 14 and older. Minors younger than 14 who are charged with a WIC 707 (b) crime may be mitigated and released at intake based on their total score. Since the mandatory detention provision of Proposition 21 now requires the secure detention of minors 14 or older charged with lesser forms of robbery (added to the 707 (b) list by Proposition 21), a new process is being designed to accelerate judicial review and possible release for these lower level robbery cases. This accelerated review process would be triggered by a probation officer seeking to release the minor in question, but the process is not yet finalized.
3. *"Other violent or sex felonies against persons".* These are non-707 (b) felonies against persons, where the offense involves violence or is a sex crime. An example would be P.C. 288.5, "continuous sexual abuse of a child".
4. *Drug offenses.* Assign 9, 7 or 5 points for sale, possession for sale or felony possession of narcotics or drugs. Prior to district attorney charging, some cases will require you to make a judgment call based on the facts offered by police and based on your experience (e.g., discriminating between possession and possession for sale). Misdemeanor possession (e.g., less than one ounce of marijuana) is scored under "All misdemeanors" (3 points).
5. *Possession of a firearm.* It is City and County policy to presume that these minors possessing firearms (loaded or unloaded) should earn 11 points and be detained. However, these cases are also subject to mitigation or over-ride, depending on all the facts of the individual case. Toy guns, knives and other non-firearm weapons do not earn 11 points in this category.
6. *Felony property crimes including auto.* Only felony property crimes earn 5 points.
7. *Misdemeanors* earn 3 points
8. *Probation violations.* Probation violations, without a new crime, earn zero points on the risk instrument. These minors should be cited or referred to a non-detention alternative. Additional "graduated sanctions" for probation violators are being reviewed and are likely to be developed in the context of the Juvenile Detention Alternatives Initiative.

PRIOR OFFENSE HISTORY

Score only one of the "prior history" situations listed in this section. For example, if the minor has a felony petition pending, assign 6 points and move on to the next section. The information source is the minor's computer record.

AGGRAVATING AND MITIGATING FACTORS

THESE SECTIONS ARE NEW in San Francisco. The risk instrument being replaced did not have aggravating or mitigating factors. Some of these factors require a judgment call by the intake officer, and for some factors listed there may be insufficient information on file or available at intake to make that judgment call. Below are guidelines for rating aggravation or mitigation; strategies to improve the level of information available at intake are still under review.

TIMING OF RATING AGGRAVATING AND MITIGATING FACTORS: Risk scoring must not be delayed to obtain aggravating or mitigating score information. If you lack information you feel is needed to make a reasonable judgment on any aggravating or mitigating factor, skip that factor (no points either way) and move on to complete the intake form and process.

Aggravating factors: You may add up to three points to the score in aggravation.

1. *Multiple offenses are alleged.* This means the minor is charged with more than one new criminal event— e.g., multiple burglaries or robberies. Do not count lesser included offenses that may be charged as part of the same criminal event; for example, assault with a firearm and illegal possession of a firearm in the same event are not to be treated as multiple offenses; same with sale and possession for sale or burglary/possession of stolen property.
2. *Crime was particularly vicious or violent.* You may use your own judgment here.
3. *Home situation is unstable* increasing risk of flight, FTA or misconduct. Information on this point at intake may be limited or nonexistent. If you have child welfare documentation or other reliable information about the home that leads you to believe reasonably that the minor is a flight risk, you may aggravate here. You may interview the minor and use information he or she provides in the interview to supplement your evaluation.
4. *Minor has willfully failed to appear* one or times in the last 12 months. The FTA should appear in the case file. The minor should be allowed to explain the FTA so you can confirm that it is not a mistake on the record or completely excusable for some legitimate reason.

Mitigating factors: You may subtract up to three points from the score in mitigation.
(Note again that arrests of minors 14 or older on WIC 707(b) charges may not be mitigated).

1. *Involvement in the offense was remote or otherwise mitigated.* This provides you with a flexible opportunity to lower the score of minors whose behavior is not fully reflected by the offense charged. Some examples:
 - Assault is charged but the minor was essentially standing around watching

- Drug possession is charged but this minor was riding in the car and there is no evidence that he personally possessed the substance.
- The minor is 11 or 12 years old and did not appear to fully appreciate the seriousness or criminality of the act.
- The minor has a clean record, the offense is not serious and the parents are eager and available to take custody.

2. *Family member or caretaker able to assume responsibility for the minor.* Minors will earn mitigation points if they have a family member who is reliable and immediately available to take custody of the minor. The mitigation point is earned if you believe that the family is not only willing but is also able to take custody and to supervise their child, thus lowering the risk of reoffending before a court appearance. Ordinarily, some contact with a responsive family member is necessary to trigger this point in mitigation.

3. *No arrests or citations within the last year.* This must appear on the minor's record. A probation violation that has been validated in court counts as an arrest or citation.

4. *Minor demonstrates stability in school or employment.* This is perhaps the most difficult factor to rate, because school and employment records are not normally available at intake. Nevertheless, for a variety of reasons the JDAI committees designing the new RAI nevertheless elected to keep this mitigating factor, while also endorsing strategies to improve the quality of information available at intake. To evaluate this mitigating factor, you may use information self-reported by the minor. You should use your judgment to decide whether the self-report is reliable, and you may inform the minor that if the mitigation results in release and the information turns out to be inaccurate, he or she will be re-detained. Information given by the minor, which results in reducing the minor's score here, should be verified to the extent possible within 24 hours.

TOTAL SCORE AND DETENTION SCALE

Add scores for all four main factors and write the total in the box for "total score". The detention decision scale tells you what should then happen: 11 or more points would normally result in detention. A score between 8 and 10 points means that you should release the minor, either outright to parents or on "restricted release" such as home detention (see inset below). A score of 7 or fewer points would indicate release pending court without special restrictions.

Home Detention. The detention scale indicates "release on restriction" for minors who score between 8 and 10 points. In San Francisco, the primary restrictive release option is home detention, or as it is described in the Welfare and Institutions Code, "home supervision". California Welfare and Institutions Code Sections 840 and 628.1 require the probation department to maintain a home supervision program for release to parents on specific conditions with enriched probation supervision (1:10 caseload). Currently, San Francisco does not meet this code requirement. The Juvenile Court makes referrals to a contract home supervision agency, but the probation department does not directly refer to home supervision. This will change. Until the home supervision program is developed for immediate utilization at intake, minors scoring 8 to 10 points should be released to the custody of their parents, if available.

SPECIAL DETENTION CASES

This section lists cases that are subject to secure detention regardless of their detention score. It includes WIC 707(b) mandatory detention for minors 14 and older. It also documents secure detention outcomes for minors who score less than 11 risk points but for whom a specific program, placement or case processing alternative to detention is not presently available. New alternatives are under discussion or development for certain types of warrant cases, placement failures and inter-county transfers. Until these alternatives are in place, the case should be treated as a special detention case. Mark the appropriate box.

NOTE THAT: Special detention minors must be risk scored (by offense, prior history and aggravating or mitigating factors) even if they are subsequently detained as a special detention case.

NOTE THAT: Probation violations are not automatic special detention cases; probation violators must be risk scored to qualify for secure detention.

DETENTION OVER-RIDES

The probation officer retains discretion to detain a minor, even though the minor scores less than 11 points (the detention cutoff) on the risk instrument. At the same time, it is the policy of the San Francisco Juvenile Probation Department to limit these over-rides to exceptional situations in which the probation officer reasonably believes that the minor presents some risk of criminality or flight that can justify secure detention in spite of the low risk score.

All minors with scores of 0-10 points, who are securely detained beyond 24 hours, must be accounted for in this section as a detention override, with supervisor sign-off. For purposes of completing the risk instrument at intake, you should mark the case as an over-ride if you reasonably expect that the minor will be detained for 24 hours under one of the circumstances listed in the detention over-ride section. Specific situations for detention override are as follows:

- *Parents cannot be located.* The Welfare and Institutions Code (Section 628) provides for release of a minor to a "parent, legal guardian or responsible relative". If no such person can be located, the minor may be detained as an over-ride. To justify this type of detention, a diligent and extended effort must be made to locate a parent, guardian or responsible relative. This level of effort should include: ask minor to provide contact information; minor's records are searched to determine the location of family members; multiple and periodic phone calls or other contact attempts are made while the minor is in custody. Calls that go unanswered in night-time hours should be tried again the next day. Attempts to contact family members should be documented by the probation officer.
- *Parents refuse to take custody.* A parental refusal to come to the Youth Guidance Center to retrieve a minor should be carefully handled. Though some latitude may be given to working parents who cannot leave their job without losing it, every effort should be made to convince parents of seriousness of the situation and to establish a time-certain when the retrieval will be made. Refusals based on "I don't want him/her back" should be countered with specific strategies unless it is clear that the minor will lack supervision or be endangered if returned home. Strategies to encourage parental pickup may include pointing out the liability of parents for the costs of probation custody under WIC Section 903.25. Persistent refusals or refusals

signifying child endangerment will justify a detention over-ride. The refusal circumstances should be documented by the probation officer.

- *Youth refuses to return home.* A refusal to return home may be taken as both a sign that the minor is at higher risk than indicated by the score and also as consent to detention. The reasons why a minor refuses to return home should be documented by the probation officer.
- *Home detention not available.* This is a temporary over-ride circumstance that is included on the form until the home supervision program is ready for utilization at intake. Normally, minors who score 8-10 points, for whom no home supervision program is currently available, should be returned home. However, the probation officer has the option of detaining the minor if special risks can be identified justifying secure detention in a particular case.
- *Other.* The RAI is a basic triage device that cannot capture every situation presented at intake. The "other" category gives the intake officer a means of justifying secure detention in unusual and high-risk situations. It may be that a serious and unusual offense, not listed in the offense section, has been charged (e.g., bomb-making). It may be that the minor has threatened to injure or kill some person in retaliation, or that you have evidence the minor may be at serious risk of gang retaliation. It may be that the minor has made a terrorism threat that requires further investigation for the protection of others. It may be that the minor has severe mental health problems or drug-intoxication problems requiring further evaluation or treatment. This form of detention over-ride should be used only when the probation officer has reason to believe that there is a special need to detain the minor as a matter of immediate necessity to protect the minor or another from harm, or to prevent a specific flight risk. WHEN THE "OTHER" CATEGORY IS USED, YOU SHOULD DESCRIBE SUCCINCTLY YOUR REASON FOR OVER-RIDE, USING ADDITIONAL SPACE AS NEEDED.

RELEASE OVERRIDES

A detention score of 11 or higher can be over-ridden in favor of release, if there are reasonable grounds for release despite the higher score. Examples might include: very young minors whose parents demonstrate an immediate ability to supervise and protect the minor; minors whose involvement in the offense was extremely remote but whose mitigation score is not high enough; or cases where the probation officer learns that the arrest is a case of mistaken identity. THE REASONS FOR A RELEASE OVER-RIDE MUST BE STATED IN THE SPACE PROVIDED.

OVERRIDE APPROVAL BY A SUPERVISOR

The signature of a Supervising Probation Officer is required to confirm any over-ride— detain or release. In late night or weekend situations, where a supervisor is not immediately available, you should contact a supervisor by phone for over-ride approval. One question that arises is whether a minor, qualified and scheduled for release, should be detained until a supervisor is successfully contacted, if parents are ready, willing and able to take the minor home. This question has not yet been answered; protocols for the method and timing of supervisor approval in these cases will be announced.

MONITORING (RELEASE) INFORMATION

The release information (date, time, released to) should be entered on the form for monitoring purposes at the time of release. Where release is not immediate, a post-release data entry process must be followed to complete the form. The method for accomplishing this is still being developed. For minors not immediately released, the duty officer completing the form should leave these lines blank.

SIGNING THE FORM

The intake officer completing the risk assessment form must sign it at intake.

SPECIFIC CASE SITUATIONS

Prostitution cases. Concern has been expressed, by probation officers and other JDAI stakeholders, about girls arrested for prostitution in “turnstyle” situations, where boyfriends or other adults representing themselves as family members try to obtain custody and the girls go immediately back to work on the street. Probation officers are justified in taking special steps to verify the identity of persons representing themselves as family members in prostitution cases. At the same time, if the young woman qualifies for release and has a legitimate family member able to take custody, then the release should proceed. Under discussion within the JDAI in San Francisco is the establishment of a temporary shelter facility or “safe house” which could, in lieu of juvenile hall, serve as a place of custody for these young women—helping them connect with legitimate family members and offering services that may deter resumption of illegal activities on the streets.

Terrorism charges. In the post 9/11 environment there is growing social anxiety about terrorism, and we have seen increases in the number of minors referred for terrorism threats under Penal Code Section 422. This offense can be charged either as a misdemeanor or as a felony, and there is no convenient place at present on the RAI to score PC 422 offenses. The RAI working group considered adding a special offense category for terrorism but decided against this—mainly because the offense covers such a wide range of possible behaviors, from schoolyard horseplay to focused and malicious threats backed by a present ability to produce serious harm. Instead of trying to lump all terrorism threats and behaviors into one category, the JDAI working group has suggested that probation officers, guided by police information, make their best judgment calls using the RAI as drafted and using override provisions if necessary for public protection.

Minors 12 and under. Presently, very young minors get no special treatment on the RAI. Even with juvenile hall classification criteria designed to protect younger detainees, there is always concern about predatory or bullying behavior when they are in the same institution with older youth. Santa Clara County has adapted to the special risks of detaining young minors by requiring a judge’s order to confirm continued detention of any minor 12 or younger. The JDAI/RAI working group reviewed eight cases of minors 12 and under referred to YGC during the April-May RAI test period. It found that the charges were mainly felony level and that petitions were filed in all cases. There is no recent evidence of abuse of younger minors at YGC. The working group therefore recommended that the decision to treat younger youth appropriately should be left to the discretion of the intake probation officer. When minors 12 or under are presented at intake, the probation officer should include in his or her evaluation a consideration of whether the highest levels of personal and public protection will be achieved in the detention center or in the family home.

Probation violations. Minors with technical (non-criminal) violations of conditions of probation earn zero points under the offense section. They are not special detention cases. They may be detained only if they earn 11 or more points when properly scored, or as an over-ride under in special situations where the probation officer can identify a specific public safety risk. Sanctions for probation violators are currently under review in the JDAI, and there is great interest in creating new and intermediate sanctions that will be made available to the probation department and the juvenile court for the enforcement of orders of probation. A special screening instrument, rating minors for probation violator risk, is also being considered. These reviews may produce new risk screening procedures and new sanctions for probation violations, based on the severity of the violation. Meanwhile, probation violations should be properly scored on the updated risk instrument, and scoring will be monitored to assure compliance.

Warrant cases. Arrest and bench warrant cases are presently special detention situations in which the probation officer lacks authority to release the minor. Minors presented at intake on warrants are universally detained in deference to the authority of the court issuing the warrant. However, it is recognized that some behaviors leading to a warrant are more serious than others, with higher associated public safety risks. Similarly, some failures to appear which cause a warrant to issue may be excusable for various reasons—for example, the minor or the family never received notice of an altered court date. Under JDAI, stakeholders are reviewing ways to provide the probation department with additional tools in warrant cases that may be low-grade or excusable for various reasons. There is no change in warrant policy as yet, and any future change that comes about will require Juvenile Court approval. In the meantime, warrants will continue to be handled as special detention cases.

Placement failures. Minors returned from private placements are almost always detained, pending resolution of the problem with the placement or placement in a new facility. Like the “old” RAI, the new RAI treats these as special detention cases. However, it is clear that there are many kinds of placement failures—some which are clearly due to the misbehavior of the minor and some which are not (an example of the latter would be a minor who leaves a placement after being beaten or sexually assaulted). Minors returned to the juvenile hall as placement failures should be scored on the RAI prior to being detained as special detention cases. With the help of a Placement Coordinator in the Public Defenders Office, additional efforts have been made to accelerate the movement minors with placement problems to appropriate facilities, and their numbers in detention have declined. Further efforts will be made under JDAI to develop options for minors returned from private placements.

December 22, 2002

TO: Juvenile Detention Alternatives Initiative (JDAI) Stakeholders
FROM: David Steinhart
RE: **LIABILITY OF PROBATION OFFICERS FOR INJURIES BY JUVENILES
RELEASED FROM CUSTODY**

QUESTION PRESENTED

Are probation officers, or city or county governments in California, liable for injury caused by an arrested juvenile who is released from the custody of the Probation Department?

CONCLUSIONS

Based on a review of California and United States statutes and court cases, here are key conclusions on the question presented:

1. *Under California law, government agencies and probation employees are immune from liability for injuries related to decisions to release arrested juveniles from custody. This immunity is derived principally from two statutes. Calif. Government Code Section 820.2 immunizes public agencies and employees from liability for any act or omission resulting from their exercise of discretion ("discretionary acts" immunity). Calif. Government Code Section 845.8 immunizes public agencies and employees from liability for decisions involving the release of a prisoner. These immunities have been specifically confirmed by the California Supreme Court for probation officers who release juvenile offenders (Thompson v. Alameda County, 27 Cal.3d 741, 167 Cal.Rptr.70, 1980). The constitutionality of California's immunity statute in released prisoner cases has been upheld by the United States Supreme Court (Martinez v. California, 444. U.S. 277, 100 S.Ct. 553, 1979).*
2. *Federal courts have recognized and generally accepted the doctrine of immunity for probation and parole entities and individuals from liability for injuries related to the release of an arrested person or prisoner, in cases brought under the Federal Civil Rights Act (42 U.S.C. 1983).*
3. *There may, nevertheless, be a duty to warn potential victims of imminent harm likely to be caused by a released juvenile. This duty to warn, arising under California case law, would apply only when the probation officer has reason to believe that an injury is likely to be caused by a released juvenile to a specifically known individual. Normally, a juvenile making such a threat or posing such a known risk would not be released in the first place.*
4. *Probation officers who exercise their discretion under California law to release arrested juveniles are broadly protected from liability for the actions of released minors. Any case filed against the probation department or one of its officers in such a situation would be highly unlikely to survive demurrer or a motion for summary judgment in the case. There is no basis in case law or statutory law for suggesting that probation agencies or their employees have significant exposure to liability under these circumstances.*

David Steinhart is a California attorney experienced in the design, application and analysis of juvenile detention criteria; he serves as a consultant for the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) project in San Francisco.



DEPARTMENT BULLETIN

A
04-138
05/21/04

JUVENILE PROCEDURES – ARRESTS COMMUNITY ASSESSMENT AND REFERRAL CENTER (CARC) (Supersedes DB 04-042)

The following procedure, regarding the arrest of juveniles, goes into effect on June 5, 2004. This procedure will be followed for any arrest except for minor traffic infractions.

Members who arrest a juvenile, regardless of the day or time of the arrest, shall phone the Community Assessment and Referral Center (CARC) at (415) 567-8078. This number will reach CARC staff during operating hours (0900-2400) or a Youth Guidance Center (YGC) juvenile probation officer when CARC is closed. In either case, a juvenile probation officer will, using available information regarding the arrest and the juvenile, make a determination as to whether the juvenile should be booked at YGC, brought to CARC, cited to CARC, or cited to Juvenile Court.

The member completing the police arrest report shall indicate the name of the official (at CARC or YGC) who authorizes the action taken with the arrested juvenile.

HEATHER J. FONG
Chief of Police

III. Review of Available Funding Sources

At the outset of this process, four funding sources were identified for review. Funding cuts for FY 05-06, and even more severe funding cuts proposed for FY 06-07, were highlighted. The four funding sources are highlighted below:

- Juvenile Justice Crime Prevention Act (JJCPA)
These are state funds that are allocated by the state Board of Corrections to each county based on its population. Funds are to be used for services that are “based on programs and approaches that have been demonstrated to be effective in reducing delinquency and addressing juvenile crime.” San Francisco has been allocated \$2,187,092 in these funds for FY 05-06. These funds may be cut significantly in FY 06-07 – the Governor’s recently released proposed budget slates JJCPA for a 75% cut state-wide in FY 06-07. In order to receive JJCPA funds, a county must engage in the extensive planning process described in this document. The Mayor’s Office of Criminal Justice administers these funds.
- Juvenile Accountability Block Grant (JABG)
These are federal funds that pass through the state Board of Corrections and on to the counties, based on each counties’ crime index and law enforcement expenditures. The goal of this grant is to hold juvenile offenders accountable for their criminal activities. These funds were cut by 70% for FY 05-06 – San Francisco will receive \$116,941 in FY 05-06, compared to \$386,423 in FY 04-05. In addition, the President has proposed eliminating JABG funds altogether for FY 06-07. The Mayor’s Office of Criminal Justice administers these funds.
- Title V Community Prevention Grant
These are federal funds that pass through the state Board of Corrections, which then competitively bids out the funds. This is a new grant opportunity for San Francisco. The state is giving out a total of \$1.9 million state-wide, and there is no guarantee that San Francisco will receive any of these funds. Funds must be used for prevention services and a Delinquency Prevention Plan must be prepared and approved by the JJCC as part of the grant proposal. The Mayor’s Office on Criminal Justice is applying for these funds on San Francisco’s behalf. The application is due on March 21.
- TANF Federal Funds or “TANF-Substitute” State Funds
Prior to 2004-2005, federal TANF (Temporary Aid to Needy Families) funds were passed from the state to county departments of human services and then on to county probation departments. In 2004, TANF funds were no longer directed to probation departments. Instead, the legislature created state “TANF-substitute” funds is the same amount, administered by the state Board of Corrections. In FY 04-05, this funding was for \$3,232,706. The Governor’s recently released budget proposes folding these funds back into TANF for FY 05-06, and funding counties at the same level as FY 04-05. The Juvenile Probation Department administers these funds.

Exhibit 2-3
Probation Officers' Feedback
Satisfaction with Programs Funded by the SFJPD/CPD

Type of Program	Organization	Program	% Who Are "Satisfied" or "Very Satisfied" With Services Provided	% Who Would Refer Youth to This Program Again
Case Management	Mission Neighborhood Center	Home Detention Program	(n=15) 100.0%	100.0%
	CARECEN	Second Change Tattoo Removal	(n=8) 87.5%	100.0%
	Bernal Heights Neighborhood Center	OMCSN*	(n=4) 50.0%	100.0%
Life Skills, Education, and Employment	Special Services for Groups	Ida B. Wells OTTP	(n=6) 83.4%	100.0%
	Youth Guidance Center Improvement	GED Plus	(n=12) 91.6%	100.0%
	Youth Guidance Center Improvement Committee	Focus II	(n=12) 100.0%	100.0%
	Youth Guidance Center Improvement Committee	Focus I	(n=15) 86.7%	93.3%
	SLUG/Department of Public Works	Saturday Community Service	(n=11) 90.9%	90.9%
	University of San Francisco	Street Law	(n=16) 93.8%	87.5%
	AARS/Straight Forward Club	Straight Forward Club*	(n=5) 80.0%	80.0%
	Ella Hill Hutch Community Center	UJIMA Co-Ed Mentorship Program	(n=8) 62.5%	62.5%
	Performing Arts Workshop	Impact High School	(n=5) 60.0%	50.0%
	Life Skills	Family Restoration House*	(n=3) 66.6%	33.3%
	Potrero Hill Neighborhood House	Peer Counseling Program	(n=1) 100.0%	0.0%
Family Support	Edgewood Children's Center	Kinship Support Network	(n=6) 100.0%	100.0%
	Parenting Skills	Parenting Skills Program	(n=15) 80.0%	92.9%
	Community Works	ROOTS	(n=0) NA	NA

**Exhibit 2-4
 Probation Officers' Feedback
 Satisfaction with Programs Funded by the SFJPD/CPD Continued**

Type of Program	Organization	Program		% Who Are "Satisfied" or "Very Satisfied" With Services Provided	% Who Would Refer Youth to This Program Again
Girls Services	Center for Young Women's Development	Sister Circle	(n=4)	100.0%	75.0%
	Community Works	Young Women's Internship Program	(n=3)	66.6%	66.7%
	Girls 2000	Family Services Project	(n=2)	100.0%	100.0%
	Mission Neighborhood Center	Young Queens on the Rise	(n=6)	83.3%	100.0%
	SAGE Project, Inc.	SAGE Project	(n=8)	100.0%	77.8%
	Solutions Program	Solutions Program*	(n=2)	50.0%	0.0%
	YWCA	Girls Mentorship Program	(n=4)	100.0%	100.0%
	YWCA	FITS Girls Program*	(n=3)	100.0%	100.0%
Intensive Home-Based Supervision	Morrisania West, Inc.	IHBS	(n=14)	92.8%	92.9%
	Instituto Familiar de la Raza	IHBS	(n=13)	92.3%	85.7%
	Brothers Against Guns	IHBS	(n=8)	87.5%	77.8%
	Vietnamese Youth Development Center	IHBS	(n=7)	85.7%	85.7%
	Potrero Hill Neighborhood House	IHBS	(n=11)	81.9%	70.0%
	Office of Samoan Affairs	IHBS	(n=9)	77.8%	87.5%
	Bayview Hunter's Point Foundation	IHBS	(n=14)	50.0%	53.8%
	Community Youth Center	IHBS	(n=4)	50.0%	66.7%
Juvenile Detention Alternatives	Instituto Familiar de la Raza	Intensive Case Management*	(n=14)	85.7%	84.6%
	Youth Accountability Boards	California Community Dispute Services*	(n=4)	75.0%	75.0%
	Center on Juvenile and Criminal Justice	Detention Diversion Advocacy Project*	(n=18)	44.5%	70.6%
Shelter	The San Francisco Boys and Girls Home	Pre-Placement Shelter	(n=14)	92.9%	92.9%
	Huckleberry Youth Programs	Status Offender	(n=7)	71.5%	71.4%

