

File No. 211317 Committee Item No. 3  
Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Youth, Young Adult, Families Committee Date February 11, 2022

Board of Supervisors Meeting Date \_\_\_\_\_

**Cmte Board**

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

**OTHER (Use back side if additional space is needed)**

- SF Close Juvenile Hall Work Group Rpt Nov 2021
- Referral FYI Hearing 121721
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Completed by: Erica Major Date February 4, 2022

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

# San Francisco Close Juvenile Hall Work Group



## Final Report

November 2021



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## **I. Consultants Acknowledgements**

The National Institute for Criminal Justice Reform (NICJR) and the Haywood Burns Institute (BI) are grateful to have been given the opportunity to provide consultation and support for this historic endeavor. Initially, NICJR and the BI worked together to assemble and coordinate the San Francisco Close Juvenile Hall Workgroup (Workgroup) process in the fall of 2019. After the Covid-19 global pandemic required shelter-in-place mandates, the consultants continued efforts to move ahead virtually.

We acknowledge the efforts of the San Francisco Human Rights Commission to provide the technological and logistical support needed to allow the Workgroup to continue virtually. Director, Dr. Sheryl Davis, Cathy Mulkey-Meyer, Amelia Martinez Bankhead, Stephanie Garcia, and Anjeanette Coats, Angeliqum Mahan, and Becky LoDolce were instrumental in keeping up momentum during a very difficult time. As the consultants we cannot thank them enough.

We were assisted primarily by Supervisors Shamann Walton, Hillary Ronen and Matt Haney and their staffs. We could not have guided this endeavor without the participation of youth, families and communities that were so passionate about the youth justice apparatus in San Francisco. They enthusiastically participated in Workgroup meetings, learning exchanges, listening sessions, webinars, and other related opportunities.

As time progressed NICJR became the lead consultant on the legislative directive regarding replacing the current juvenile detention center and the BI became the lead consultant on issues involving community services and programs. This report and the Proposals contained herein reflect the work of both consultants to this process.

## II. Executive Summary

The San Francisco Board of Supervisors (BOS) passed legislation in 2019 requiring the current youth detention facility in San Francisco be shuttered by December 31, 2021 and that community alternatives be improved to accommodate justice involved young people. The Haywood Burns Institute (BI)<sup>1</sup> and the National Institute for Criminal Justice Reform (NICJR)<sup>2</sup> were selected as the consultants to guide the processes of the San Francisco Close Juvenile Hall Work Group (Workgroup) towards compliance with the legislative mandates. The legislation did *not* give the Workgroup the power to implement the proposals. That power was retained by the BOS. It is now up to the BOS to determine if and how these proposals will be implemented.

The Board legislation specifically states that confining young people at the youth detention facility is not rehabilitative, nor does it effectively address public safety. The legislation promotes alternatives to detention by enumerating the negative impacts of detention and calling for a “positive developmental process.”

The closing of the San Francisco Juvenile Hall (JH) tests the strength and confidence of alternatives for youth involved in significant harmful behaviors. Turning away from the framework of custody, suppression and control to examine different approaches is relatively new and presents unique challenges. The legislation enacted by the BOS is a statement that encourages the practice-based evidence approach of reducing incarceration while building successful investments in community-based, culturally rooted programming aimed at promoting safety and well-being.

The ordinance clarifies the legislative purpose is to:

1. close Juvenile Hall by no later than December 31, 2021;
2. strengthen and expand community-based alternatives to detention;
3. provide a rehabilitative, non-institutional place or places of detention, in locations approved by the Court, which is available for all youth declared “wards” of the Court and persons alleged to come within the jurisdiction of the court;
4. reinvest any monies saved by the closure of Juvenile Hall in high-quality, effective, community-based alternatives to detention, an alternative, rehabilitative, non-institutional center for youth who are detained; and mental health and educational support for detained youth; and
5. preserve, protect and aim to expand the role of the public sector in the direct provision of juvenile rehabilitation services, both in community-based alternatives to detention and in any rehabilitative non-institutional place or places of detention.

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<sup>1</sup> The W. Haywood Burns Institute (BI) is a black-led national, non-profit with a diverse team working to transform the administration of justice. BI employs strategies and tactics to establish a community centered approach of justice administration that is anchored in well-being by facilitating a collaborative environment where community and cross-system stakeholders work together through shared values, using qualitative and quantitative data to drive localized solutions.

<sup>2</sup> The National Institute for Criminal Justice Reform (NICJR) works to reduce incarceration and violence, improve the outcomes of system-involved youth and adults, and increase the capacity and expertise of the organizations that serve these individuals.

## Close Juvenile Hall Workgroup Process and Operation

The Workgroup composition was dictated by the legislation. Once the Workgroup was empaneled, the legislation required establishing an Executive Team and Chair. Initially six sub-committees were established to address the comprehensive nature of closing the Hall as well as provide recommendations regarding quality, non-institutional and sustainable alternatives. Each sub-committee created a workplan and ‘rules of the road’ to reduce duplication. The Workgroup soon adapted to the realities of the COVID-19 pandemic by convening virtually and over time adjusted the committee structure to focus on the two legislative mandates of expanding community alternatives and recommending criteria for a rehabilitative non-institutional place of detention.

The Workgroup increased their knowledge about best practices in other communities across the country by conducting *Learning Exchanges* on a variety of topics and also conducted *Listening Sessions* which consisted of interviews and hearings that included a wide spectrum of voices, interests, and perspectives on the closure of the youth detention facility and expansion of community alternatives.

## Core Values

The Workgroup formally adopted values to guide its work to expand community alternatives and establish a rehabilitative non-institutional place of detention. The values were established by workgroup members after numerous listening sessions with community, youth and families impacted by the justice system.

1. Understand the needs before reaching to counterbalance youthful misbehavior.
2. Family and youth needs must be addressed for a youth to thrive and succeed.
3. Preservation of Family: Young people want to be with their families, and this should always be the goal.
4. Young people must have the space to make mistakes and recover from those mistakes without long lasting consequences.
5. All interactions with youth should not do more harm to them, their situation or that of their family, but rather allow for youth and families to achieve a high level of Well-being.

## Data Findings and Process Analysis

The legislation mandated data analysis to provide the Workgroup with information necessary to make critical decisions about reduced reliance on custody and an increased use of community-based programs to serve youth. This group gathered data and provided analysis to inform the Workgroup about reasons for arrest, diversion, and detention, length of stay in detention, demographics of youth arrested and detained, and other pertinent information.

The data provided information necessary to suggest changes to current practices for some categories of young people at important decision points in the youth justice continuum. Examples include establishing diversion and other collaborative agreements with law enforcement, accelerating

court processes, and expanding the use of current programs, as well as reducing the use of warrants and placing children outside their homes. The Workgroup also used this data analysis to provide population estimates for any new non-institutional place of detention. Key findings include:

- Racial and ethnic disparities at arrest and admission to the JH are stark.
- San Francisco could expand its diversion practices substantially.
- Reliance on detention could be significantly reduced for the most frequent reasons leading to admission to the JH, including robbery, warrants, and out-of-home-placements.

### **Creating a Non-Institutional Place of Detention**

The Workgroup identified options that are essential to close the JH for young people needing to be held in secure custody. Specifically:

- Open a home for girls who are pre-adjudicated and post-adjudicated, pre-placement (no more than 5 beds)
- Open a home for boys who are pre-adjudicated (8-12 beds)
- Open a home for boys who are post-adjudicated, pre-placement (8-12 beds)

Ideas submitted to accomplish the items listed above regarding new residential homes include:

- 1055 Pine provides floors for each of these three “homes”
- Covert two cottages at 1801 Vicente into a JDP staff run, staff secure homes for boys
- Have the Real Estate Department (RED) find 2-3 single family homes in the City that meet required criteria in certain zip codes.
- Have RED find available warehouse space, potentially in an industrial section of the city, that can be redesigned as a therapeutic, educational, rehabilitative environment for all of the custody needs addressed above.

The Workgroup had discussions about the qualities that a replacement to the JH should reflect.

1. A maximum of 15 youth
2. A non-correctional setting with home-like living units/rooms – non-institutional furniture
3. A therapeutic environment with positive images on walls, warm colors, positive sayings and quotes on walls
4. A room that is configured to provide a calming and safe space
5. A configuration that provides adequate space and equipment to support high quality education, programs and individual counseling, recreation, and outdoor access.
6. A space that accommodates scheduled phone calls, video visits, and in-person visitation with loved ones
7. A space that provides a kitchen and dining area for cooked meals and train youth in food preparation
8. A diverse staff that reflects the youth population trained in Positive Youth Development and verbal de-escalation
9. A positive development approach utilizing a token economy for behavior management

10. A place that has programming for short-term use preparing youth for next steps - e.g., transition to community.

The Workgroup discussed shared leadership with community-based organizations (CBO's) and JPD in the design and operation of the replacement for the JH. There are a variety of options that offer a range of shared power designs.

Several different bed capacity estimates for the new non-institutional place of detention were discussed by the Workgroup. Consensus was not reached about which estimate should be chosen to guide the selection process.

### **Expanding Community Alternatives by Implementing Protocols for Well-being**

This well-being approach was introduced in the listening sessions and widely discussed in the sub-committee meetings. The visioning around this approach requires making structural changes to the current youth safety apparatus. Such a seismic shift requires us to reconsider and reframe the fundamental principles that inform the administration of justice. If we change the foundation, policies and practices will reshape accordingly. Structural well-being requires inclusion of the voices of communities of color that are impacted by the administration of justice almost daily. In San Francisco the data shows that our youth come from disinvested communities. For those communities to be safe and thrive local residents must be at the center of engagement.

The legislation calls for alternatives that are community and family informed that are located in communities proximate to where young people spend most of their time. In addition to being close to home, the legislation holds that community alternatives also need to be developmentally appropriate, trauma-informed and culturally and linguistically based.

The *Expand Community Alternatives' Subcommittee* conducted a landscape analysis of programs that self-reported and/or were funded to provide services for justice involved youth and their families, which revealed there are approximately 100 programs that are available to serve young people in trouble with the law.

However, these programs are not effectively meeting the needs of youth who end up in detention. City policies and practices must be changed regarding program utilization by implementing structural changes for:

- **Early interventions:** The Workgroup encouraged using restorative practices from the very first contact with the justice apparatus.
- **Coordinating Program Utilization:** There are many programs for the relatively small number of justice involved young people that work in silos. To improve the outcomes for young people and their families, reduce expense and improve service delivery, this report proposes structural change in the departmental funding practices.



- **Program Funding Practices:** As currently practiced, it is difficult for funds to be used flexibly because of prescribed restrictions on how dollars can be spent. Proposals suggested dollars be more flexible and responsive to the needs of youth and families.
- **Residential Bedspace:** There is a shortage of options for overnight beds available for young people that need brief residential respite for the entire youth justice apparatus. Proposals were suggested to address this issue.
- **Behavioral and Mental Health:** The Data Subcommittee provided important information regarding the intersection of youth justice and behavioral health. Of the case files reviewed almost 30% of the young people in the JH had a DSM diagnosis. The report reflects discussed improvements to current practices.

### Public Safety Improved with Well-Being for Youth and Families

The Workgroup discussed improving the capacities and effectiveness of community services and restorative practices that reduce the footprint of the JPD accordingly. This approach requires new structures and practices such as:

- **Well-Being Advocate (WBA):** the dynamics and choices at initial contact are important and the Workgroup recommends an intentional approach to shepherding the parties through the complicated maze of choices and procedures. The Well-Being Advocate is a notable change to our current youth justice structure.
- **Well-Being Committee (WBC):** For cases that require more attention by the justice sector the Workgroup discussed a collaborative process to address the needs of young person accused of doing harm and the person harmed that engages restorative practices outside the formal court structure. The framework of the idea for the WBC involves establishing an entity composed of system-impacted youth and families, program representatives, restorative practitioners, and department representatives.
- **Centers for Well-being and Youth Development:** The Workgroup discussed options for young people that do not need the security of the youth detention facility but would benefit from a short respite. Members discussed having centers for Well-being and Youth Development that is a step-down from secure detention that is staffed with professionals trained in therapeutic responses and youth development.

The Workgroup created by the Board has proffered a panoply of ideas and proposals to accomplish that goal. While there was not consensus reached on the details of the proposals, there was broad agreement on intervention and services being preferable to detention. The ideas summarized here are for a successful approach to replacing the current juvenile hall while being steeped in principles of youth development.

## Summary of Proposals

### Diversion

1. San Francisco should aim to divert at least 80% of youth at the point of law enforcement contact.
2. San Francisco should implement a community-based intake and connection “Hub/Well-Being Center” that is available citywide, including to schools, parents, and service providers.
3. San Francisco’s community-based intake “Hub/Well-Being Center” should serve as the direct referral pathway for *any* youth who comes into contact with police, including youth who are unaccompanied minors and youth who reside outside San Francisco County.
4. San Francisco should eliminate the juvenile traffic court program; instead, citation cases should be processed through the “Hub/Well-Being Center.”

### Review of Charging Decisions

1. San Francisco should work with the SFPD to reform booking practices to incorporate adolescent development.
2. San Francisco should require the SFPD to issue a written statement of probable cause for any youth delivered to the custody of JPD.
3. San Francisco should implement policies to guide JPD’s immediate review of the statement of probable cause written by law enforcement to ensure the facts are sufficient to justify detention.
4. San Francisco should implement a process for an accelerated review by prosecutors of charges that require youth to be transported to JPD custody.

### Reducing Reliance on Detention for Warrants

1. San Francisco should implement policies to avoid the issuance of warrants to the greatest extent possible.
2. When a warrant cannot be avoided, San Francisco should implement warrant policies that preserve options to release youth pending their court hearing, sometimes referred to as a “two-tiered warrant.”

3. San Francisco should create processes to allow outstanding warrants to be resolved and cleared without detention of the young person.

### Limiting Time on Probation

1. San Francisco should consider implementing a local policy limiting the time youth spend on probation and thereby reduce warrants issued for violating terms of probation.

### Reducing Reliance on Detention for Out of Home Placement (OOHP)

1. San Francisco should increase comprehensive support to families, thereby reducing the need for congregate care placements.
2. San Francisco should scrutinize existing STRTPs more closely and seek to decrease its reliance on congregate care.
3. When youth AWOL from OOHP, San Francisco should establish a process for locating them safely rather than issuing a warrant, arresting them and detaining them until placed again.
4. San Francisco should continue to build alternatives to JH for youth awaiting OOHP

### Expedited or Same Day Detention Hearings

1. San Francisco should set up expedited or same day detention hearing system.

### Expanding Detention Alternatives

1. San Francisco should engage detention alternatives sooner and more often.
2. San Francisco should further explore the use of “non-secure detention.”
3. San Francisco should limit or eliminate the role of JPD in supervising youth on “home detention.”
4. San Francisco should connect youth with community-based systems of support, not electronic monitoring, when they are released from detention on “home detention.”
5. For youth who are detained in juvenile hall, San Francisco must continue to utilize and fully fund programming that maximizes post-detention diversion options.

### Unaccompanied Minors

1. San Francisco should ensure that any unaccompanied minor who is in contact with the justice system has appropriate representation by specialized attorneys.
2. San Francisco should capitalize on the existing programs like Unaccompanied Children Assistance Program (UCAP) and further analyze the reasons why youth are involved in the justice system in lieu of UCAP.

### Non-Institutional Place of Detention

1. San Francisco should review the capacity analyses to determine the number of secure beds that are needed and the most appropriate homes. Subcommittee proposals include opening:
2. San Francisco should ensure adequate staff to youth ratio during waking hours.
3. San Francisco should collaborate with the Real Estate Department to vet the following options:
4. San Francisco should commit to shared leadership with community-based organizations (CBOs) and JPD in the design and operation of the non-institutional place of detention.

### Community Alternatives

San Francisco should implement structural change for:

1. Early interventions to expand the use of non-legal options that impact pre-arrest diversion.
2. Coordinating program utilization.
3. Program assessment.
4. Behavioral health.
5. Program funding practices.
6. Residential bed space.

### Re-Imagining Well-Being Alternatives to Detention

San Francisco should implement:

1. a Well-Being Advocate (WBA) at First Contact.
2. a Well-Being Assessment
3. a Well-Being Committee.
4. a system for flexible funding.
5. San Francisco should develop Centers for Well-Being and Youth Development for young people who do not need to be placed in a secure facility but who would benefit from a short respite.

### III. Participants

#### *Workgroup Members*

- Christina “Krea” Gomez, Young Women’s Freedom Center, JJPA 1 *CBO/JJPA*
- Valentina Sedeno, Young Community Developers, 2 *CBO/JJPA*
- Charles Peacock (attended through March 2020), 3 *Young person*
- KI (attended through August 2020), 4 *Young person*
- Joanna Hernandez, Roadmap to Peace, Five Keys Charter, 5 *Parent/Guardian*
- Lonnie Holmes, 6 *Center Design Expert*
- Denise Coleman, Huckleberry Youth Programs, 7 *Mental Health Expert*
- Daniel Macallair, CJ CJ, 8 *Reform Expert*
- Constance Walker, SFUSD, 9 *Labor*
- Deborah Bill, Youth Guidance Center, 10 *JUV staff*
- Samuel Carr, Youth Guidance Center, 11 *JUV staff*
- Katherine “Katy” Miller, Juvenile Probation Division, 12 *JPD*
- **Patricia Lee, Public Defender’s Office, 13 Public Defender (Selected as Chair)**
- Gena Castro Rodriguez & Kasie Lee, 14 District Attorney

#### *San Francisco Government Agencies*

- California Board of State and Community Corrections
- City and County of San Francisco Board of Supervisors
- Five Keys Charter High School
- San Francisco County Superior Court
- San Francisco Department of Children, Youth, and their Families
- San Francisco Department of Public Health
- San Francisco District Attorney’s Office
- San Francisco Human Rights Commission
- San Francisco Human Services Agency
- San Francisco Juvenile Probation Division
- San Francisco Police Department
- San Francisco Public Defender’s Office
- San Francisco Real Estate Department
- San Francisco Unified School District

- San Francisco Youth Guidance Center
- UCSF Department of Psychiatry and Behavioral Sciences | Weill Institute for Neurosciences
- Zuckerberg SF General Hospital, Division of Infant, Child and Adolescent Psychiatry (ICAP)

#### *Subcommittee Membership*

##### 2020 Subcommittees

##### *Reinvestment and Policy*

- Margaret Brodtkin, Vice Chair JPD Commission
- Mollie Brown, Community Member
- Alysse Castro, San Francisco Unified School District
- *Denise Coleman, Huckleberry Youth Programs*
- Carolyn Goossen, San Francisco Public Defender's Office
- *KI, Young Women’s Freedom Center*
- Allison Magee, Zellerbach Foundation
- Dinky Manek Enty, Center on Juvenile and Criminal Justice
- *Katherine Miller, Juvenile Probation Dept*
- Laura Moye, Department of Public Health
- Gloria Romero, Instituto Familiar de la Raza
- Stacy Sciortino, Huckleberry Youth Programs
- Peter Walsh, San Francisco Police Department

##### *Needs Assessment and Data*

- Dan Macallair, Chair, Center on Juvenile and Criminal Justice
- Meredith Desautels, Vice Chair, Youth Law Center
- Denise Coleman, Huckleberry Youth Programs
- Christina “Krea” Gomez, Young Women's Freedom Center
- Patricia Lee, San Francisco Public Defenders Office
- Allison Magee, Zellerbach Family Foundation
- Maria McKee, Juvenile Probation Department
- Laura Ridolfi, W. Haywood Burns Institute
- Clarence Ford, W. Haywood Burns Institute
- Anna Wong, W. Haywood Burns Institute

### **Mental Health Subcommittee**

- *Dr. Gena Castro Rodriguez, San Francisco District Attorney's Office/Victim Services Division*
- *Denise Coleman, Huckleberry Youth Programs*
- *Caitlin Costello, University of California, San Francisco*
- *Brittany Ford, Mo'Magic Collaborative*
- *Kasie Lee, San Francisco District Attorney's Office*
- *Rebecca Marcus, San Francisco Public Defender's Office*
- *Mona Tahsini, Department of Public Health, Special Programs for Youth (SPY)*
- *Dr. Marina Tolou-Shams, University of California, San Francisco, Zuckerberg San Francisco General Hospital and Trauma Center*

### **Facilities Subcommittee**

- *Joanne Abernathy, Community Member*
- *Geraldine Anderson, Community Member*
- *Deborah Bill, San Francisco Youth Guidance Center*
- *Mollie Brown, Community Member*
- *Georgia Buie, Community Member*
- *Samuel Carr, Youth Guidance Center*
- *Dr. Reggie Daniels*
- *Greg Feldman, San Francisco Public Defender's Office*
- *Jim Fithian, San Francisco Unified School District*
- *Nathan Ford, San Francisco Rebels*
- *Lonnie Holmes, former Director of Community Programs at the San Francisco Juvenile Probation Department*
- *Katherine Miller, Juvenile Probation Dept*
- *David Muhammad, National Institute of Criminal Justice Reform*
- *Bill Shannon, Community Member*
- *Thylon Sizemore, Community Member*
- *Ron Stuckle, Sunset Youth Services*

### **Programs Subcommittee**

- *Christina "Krea" Gomez, Young Women's Freedom Center*
- *Joanna Hernandez, Community Member, Roadmap to Peace, Five Keys Charter School*
- *Stephanie Mandigo, Young Women's Freedom Center*
- *Valentina Sedeno, Young Community Developers*
- *Charles Peacock, Community Member*
- *Dawn Stueckle, Sunset Youth Services*
- *Constance Walker, San Francisco Unified School District*

### **2021 Subcommittees**

#### **Expand Community Alternatives**

- *Dr. Gena Castro Rodriguez, San Francisco District Attorney's Office*
- *Denise Coleman, Huckleberry Youth Programs*
- *Christina "Krea" Gomez, Young Women's Freedom Center*
- *Kasie Lee, San Francisco District Attorney's Office*
- *Valentina Sedeno, Young Community Developers*
- *Constance Walker, San Francisco Unified School District*

#### **Non-Institutional Place of Detention**

- *Deborah Bill, San Francisco Youth Guidance Center*
- *Samuel Carr, San Francisco Youth Guidance Center*
- *Joanna Hernandez, Community Seat, Roadmap to Peace, Five Keys Charter*
- *Lonnie Holmes, former Director of Community Programs at the San Francisco Juvenile Probation Department*
- *Patricia Lee, San Francisco Public Defender's Office*
- *Dan Macallair, Center on Juvenile and Criminal Justice*
- *Katherine Miller, San Francisco Juvenile Probation Department*

## IV. Introduction and Scope of the Report

### Closing Juvenile Hall and Engaging Community Alternatives

The San Francisco Board of Supervisors (BOS) passed legislation requiring the current youth detention facility in San Francisco be shuttered by December 31, 2021 and that community alternatives be improved to accommodate justice involved young people. The Haywood Burns Institute (BI)<sup>iii</sup> and the National Institute for Criminal Justice Reform (NICJR)<sup>iv</sup> were selected as the consultants to guide the processes of the San Francisco Close Juvenile Hall Work Group (Workgroup) towards compliance with the legislative mandates. The consultant's expertise was utilized to identify and engage the issues involved with closing the Youth Detention Center for the Workgroup, however, they were not empowered to resolve them.

### The legislative mandate enabled the Workgroup to make proposals regarding:

- 1) A rehabilitative non-institutional place of detention; and
- 2) Expanding community alternatives.

Additionally, the legislation did not give the Workgroup the power to implement the proposals. That power was retained by the BOS. As stated above, the consultants were contracted to facilitate a process that brought forward the best ideas, suggestions and proposals to the BOS. Then the BOS would determine if and how those proposals would be implemented.

With those parameters in place, this report includes those items that were raised and discussed in the various fora established to receive input and deliberation regarding the legislation's mandates. However, it is important to note that the report reflects differing points of view ranging from mild to strong disagreements. While agreement was reached about broad principles in some instances, there was a lack of consensus by the Workgroup about operationalizing those principles.

As consultants, our obligations were to create a structure to elicit and honor the participants by giving voice to their points of view. Our job was to engage and expose the group to ideas and practices that would assist in the Workgroup's important work. Our job was not to impose a point of view on the Workgroup and nothing in this report represents proposals inserted by the consultants that were not raised or discussed in the various meetings throughout the process.

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<sup>iii</sup> The W. Haywood Burns Institute (BI) is a black-led national, non-profit with a diverse team working to transform the administration of justice. BI employs strategies and tactics to establish a community centered approach of justice administration that is anchored in well-being by facilitating a collaborative environment where community and cross-system stakeholders work together through shared values, using qualitative and quantitative data to drive localized solutions.

<sup>iv</sup> The National Institute for Criminal Justice Reform (NICJR) works to reduce incarceration and violence, improve the outcomes of system-involved youth and adults, and increase the capacity and expertise of the organizations that serve these individuals.

## V. History

It is vital to put into historical context where this legislation is situated in the decades long attempts to improve San Francisco's treatment of young people in trouble with the law. This legislation joins a long line of previous efforts to address how our elected and appointed officials are to design and implement a series of interventions and sanctions to maintain their obligation to provide safety.

The seminal Supreme Court ruling in *Ex Parte Crouse*<sup>[1]</sup> (1838) granted the State authority over the interests and safety of children brought to its attention (and into its care), but it would take until 1899 for the nation to see the establishment of its first youth court. Due to the advocacy and diligence of Chicago community members Julia Lathrop and Lucy Flower to create it, Cook County's youth court sought to address "the child's need and not the deed"<sup>[2]</sup>. This mandate is what empowers San Francisco's youth justice apparatus—Courts, the District Attorney, Juvenile Probation Department (JPD) and Law Enforcement today.

Since its inception, "need" over "deed" has faced significant challenges from the larger society as a whole and in San Francisco as well. Even though known as a liberal and progressive city, San Francisco has struggled with finding a balance between using the principles of positive development and healing with the impulses for retribution and punishment. This struggle has been waged for decades and is still not resolved. San Francisco is not immune from the default position of punishment and incarceration as the primary instrument of social control. However, it has often been displeased with the results of that approach to youth misbehavior.

For our purposes, we recount this history beginning in the 1960's when a variety of youth advocacy voices pushed to move away from the *Youth Guidance Center* (YGC) and towards more community centered approaches. During that time, Jean Jacobs, leader of Citizens for Juvenile Justice toured YGC and discovered very young children being held there and demanded alternatives. A variety of voices added to the call for changes in those times including but not limited to Margaret Brodtkin, Jim Queen, Dan MacAllair, Ray Balbaran, Lefty Gordon, Jack Jacqua and Concha Salcedo. These voices resulted in local elected and appointed addressing the adequacy of YGC and the youth justice apparatus.

In 1962, an analysis by the Bar Association and former Supervisor Quentin Kopp reported San Francisco's over emphasis on detention and prosecution of runaways. It should be noted that this was prior to deinstitutionalizing of what we now know as "status offenders". Another report issued by the Bay Area Social Planning Council in 1968 raised the issue of detention of status offenders and also noted that racial disparities were prevalent throughout the machinery of youth justice. The proposals from these reports were not accepted or implemented.

During the 1970's the federal government addressed the issue of status offenders by prohibiting secure detention for behaviors such as curfew, runaway or ungovernability. This forced San Francisco to find an alternative facility for this population of young people. In response the JPD Department created a

special facility at YGC which defied the spirit and intent of the federal requirement but kept YGC as an essential part of youth justice in San Francisco. It took almost a decade of advocacy to establish Huckleberry House as a community alternative for that population and move them away from the facility within the YGC.

During the 1980's a tragic suicide brought YGC into the spotlight yet again. The addiction to YGC as San Francisco's primary response to youth misbehaviors was coming under more scrutiny. The scrutiny was heightened when Presiding Judge Daniel Weinstein pushed for an external investigation into the conditions at YGC. This resulted in a city-commissioned report by Jefferson Associates (Jefferson Report) in 1987.

The Jefferson Report had the distinction of being the largest, most comprehensive and unbiased evaluation ever of the San Francisco youth justice apparatus. The findings were anxiously awaited. The Jefferson Report supported the findings of previous reports and specifically added there was an "unnecessary and often counterproductive over reliance on secure confinement at the Youth Guidance Center". Additionally, the Jefferson Report recommended a 50% reduction in the detained population from 132 to 60 youth. Yet again, San Francisco failed to implement the recommendations of the Jefferson Report.

Subsequently, Supervisor Nancy Walker led a political initiative to remove responsibility for YGC and the youth justice apparatus from the Judges and place them under the control of the Mayor of San Francisco. This change in power occurred in 1988 with the passage of Proposition L. The power of the Mayor over JPD is still in effect today.

During the 1990's, YGC continued to be in the spotlight for negative reasons. In 1991, current consultant James Bell was lead counsel at the Youth Law Center. He led a lawsuit against YGC over alleged unconstitutional conditions of confinement including physical violence by staff against youth, inadequate clothing and recreation, inadequate education, and inappropriate room confinement. This resulted in a settlement that focused mostly on renovations.

A 1995 audit by budget analyst Harvey Rose found financial improprieties in the hundreds of thousands of dollars regarding YGC's operations. Mayor Willie L. Brown took office in 1996 and responded to the on-going criticism of YGC and the JPD by revisiting the Jefferson Report and appointing Dr. Mimi Silbert of the Delancey Street Foundation to take another comprehensive look at youth justice. That process resulted in the creation of the Community Assessment and Resource Center (CARC) which was supposed to reduce the footprint of the JPD and promote community alternatives.

Construction was completed and the new Juvenile Hall being used today was occupied in 2006. However, the issues of management, harmful policies and practices still continued. Additionally, the issues of racial and ethnic disparities were becoming harder to ignore throughout the country and in San Francisco. The U.S. Justice Department required local counties to document their levels of disparities.



Then as now, San Francisco youth detention ranks as one of the most racially and ethnically disproportionate in the country. As gentrification and displacement of Black, Latino and Pacific Islander communities rapidly increased, the impact of youth incarceration was brought more into focus.

In recent times the focus by national philanthropy, local leaders, advocates and families on youth justice improvement has borne fruit to reduce the harms mentioned above. The creation of innovative programs has resulted in significant declines in the numbers of youth detained at the JH. Expanded diversion and restorative justice opportunities demonstrate that San Francisco continues to evolve towards the mandates of the current legislation to close the Juvenile Hall.

## VI. Introducing Decarceration for Youth in Trouble with the Law

Recent focus on the structural racism baked into our justice apparatus has brought this issue into civil society's consciousness about the best approach to safety. Indeed, San Francisco and other counties across the country are grappling with a different approach to safety. For many, a different approach is a non-starter. For them, it is simply too hard to imagine a safe and secure setting that doesn't look like or replicate the elements of mass incarceration as represented by our current youth detention facility. It is understandable that we have difficulty imagining something we haven't seen. It's what we have known as the only way to incarcerate people since the establishment of the New York House of Refuge for Youth, built in 1824. Since then, there have been few demands for a different model.

However, the BOS has challenged the City and County of San Francisco to develop an alternative. It passed legislation in 2019 to try once again to impact the youth justice apparatus. Additionally, Mayor London Breed also established a Blue-Ribbon Commission to conduct a comprehensive look at youth services citywide.

The BOS legislation specifically states that confining young people at the youth detention facility is not rehabilitative, nor does it effectively address public safety. The legislation promotes alternatives to detention by enumerating the negative impacts of detention and calling for a "positive developmental process."

It is indisputable that the numbers of youth in the JH have decreased significantly in recent years. However, the racial and ethnic disparities have remained constant or increased. A variety of reform efforts involving placements, expanded community alternatives, restorative practices, and vigorous representation for children in trouble with the law have contributed to the reduction of detained youth.

The closing of the JH tests the strength and confidence of alternatives for youth involved in significant harmful behaviors. For those youth, the reliance on the traditional carceral process remains significant. This is not to suggest that restriction of movement is unnecessary but to examine the possibilities of supervision in settings that are different in physical plant and program from the youth detention facilities routinely approved by the State of California.

Turning away from the framework of custody, suppression and control to examine different approaches is relatively new and presents unique challenges. Jurisdictions throughout the country have engaged challenges to strengthen community alternatives and participation. Today, the positive impact of community-based programming as an alternative to pre-adjudication detention is well-documented and has become the status quo in many places across the country.

In March 2019, The San Francisco Chronicle published a visual essay entitled [Vanishing Violence](#), which garnered public attention about the costs associated of incarcerating young people in California in an era of drastically declining youth crime. As the article pointed out "over the past decade, the state's

numerous expanded juvenile halls have become near-empty monuments to a costly miscalculation – a mistake compounded each year as the number of young offenders plummeted. Some California counties are spending \$1,400 a day to incarcerate each juvenile, or \$500,000 annually.”

San Francisco was one of the 14 California counties whose data was obtained through a public records act request. At the time of the analysis, the annual cost of detaining a youth in San Francisco had risen to \$266,000 and the JH was typically 70% empty. The data was collected pre-COVID, and populations have declined further during the pandemic.

Following the Chronicle’s investigation, additional media coverage ensued. The BOS made public statements pledging to “investigate alternatives” to juvenile hall. While grassroots and social justice activists based in San Francisco continued their efforts to improve the youth justice apparatus. The increased media coverage and the national dialog and activism engendered by the murder of George Floyd and others lent a sense of urgency to justice practices here and across the country.

Longtime advocates for systemic change and racial justice expressed hope that the closure of San Francisco’s Juvenile Hall marks the end of not just the hyper-incarceration of youth of color, but the use of locked cells altogether as a response to law violations by young people. Other counties will look to San Francisco’s experience to understand whether and to what degree they can reduce their reliance on jail-like confinement in the administration of youth justice. The legislation enacted by the BOS is a statement that encourages the practice-based evidence approach of reducing incarceration while building successful investments in community-based, culturally rooted programming aimed at promoting safety and well-being. It is bold step that will be examined closely. This report discusses issues and makes proposals that improve the chances for success in this endeavor.

## VII. Summary of Ordinance

In July 2019, the San Francisco Board of Supervisors passed an ordinance to establish the Close Juvenile Hall Working Group, tasked with creating a plan to close the JH no later than December 31, 2021 (see Appendix G).

### The ordinance clarifies the legislative purpose is to:

1. close Juvenile Hall by no later than December 31, 2021;
2. strengthen and expand community-based alternatives to detention;
3. provide a rehabilitative, non-institutional place or places of detention, in locations approved by the Court, which is available for all youth declared “wards” of the Court and persons alleged to come within the jurisdiction of the court;
4. reinvest any monies saved by the closure of Juvenile Hall in high-quality, effective, community-based alternatives to detention, an alternative, rehabilitative, non-institutional center for youth who are detained; and mental health and educational support for detained youth; and
5. preserve, protect and aim to expand the role of the public sector in the direct provision of juvenile rehabilitation services, both in community-based alternatives to detention and in any rehabilitative, non-institutional place or places of detention

### The ordinance lays out key principles to guide the work of the Workgroup:

1. A juvenile justice system should balance public safety, positive youth development, family and community health, and victim restoration.
2. Detention has a devastating impact on youth, their families, and their neighborhoods, and undermines the safety and health of both detained youth and their communities.
3. The rehabilitative goals of the juvenile justice system can best be accomplished in family-based settings in the communities where youth live.
4. The vast majority of young people in detention should be diverted from that system and given access to developmentally appropriate, trauma-informed programs and services that address racial and ethnic disparities.
5. Youth in the juvenile justice system and their families should have a role in identifying what kind of support would be most helpful to them.
6. Resources invested in Juvenile Hall should instead be invested in youth, their families, and community-based programs, including mental health and educational support
7. Community-based programs that serve juvenile justice -involved young people should be supported, strengthened, and where appropriate, expanded.
8. Youth in the juvenile justice system should be referred to programs and court ordered placements in the City whenever possible.
9. JH staff should be given the opportunity, consistent with civil service rules, to transfer to other jobs with the City or the San Francisco Unified School District once JH is closed.

## VIII. The Close Juvenile Hall Workgroup Process and Operations

As mentioned above the Workgroup composition was dictated by the legislation. Once the Workgroup was empaneled the legislation required establishing an Executive Team and Chair. Together with advice from the consultants the Executive Team began to move the Workgroup forward towards completion of this historic task.

To complete this significant task with virtual meetings during the 2020 global pandemic, the Workgroup agreed to a set of values and group norms. The values consisted of fundamental beliefs that provided a north star for

replacing the JH and engaging community alternatives. In addition to core values, the Workgroup established group norms and rules of the road for respectful deliberations and interactions.

### **Core Workgroup Values**

The agreed upon values were:

1. Attention to the impact of decision-making on racial and ethnic disparities;
2. Centering community voices in decision-making regarding recommendations;
3. Using a Youth Development and Well-being Framework for recommendations;
4. Transparency in the decision-making structures; and
5. Evidence-informed policies and practices to assure quality outcomes.

### **Initial Six Sub-Committees and Mid-Course Correction**

Initially sub-committees were established to address the comprehensive nature of closing the current juvenile and establishing a quality and sustainable alternative. Those sub-committees were:

1. Needs Assessment and Data;
2. Programs;
3. Mental Health;
4. Facilities;
5. Labor; and
6. Reinvestment and Policy

It should be noted that the Sub-Committees were established at the beginning of 2020, however Covid-19 forced us to manage them virtually in May 2020. At the beginning of 2021, we adjusted the committee structure to focus on the two major mandates of the legislation:

1. Expand Community Alternatives; and
2. Rehabilitative Non-Institutional Place of Detention.

These two subcommittees' task was to work towards finding a quality alternative for the current youth detention center and engage the issue of community alternatives for justice involved young people and their families.

## Learning Exchanges

The Workgroup was interested in learning from other counties that had participated in creating alternative facilities to their youth detention facility to be informed about best practices and possible pitfalls. Since San Francisco will be the first large jurisdiction to close its JH, the learning exchanges focused on elements essential to the closure. The Learning Exchanges brought forth perspectives and modalities that currently exist in the field as potential models San Francisco could utilize as frameworks. Practices such as using Credible Messengers to perform certain justice functions, non-institutional models for secure confinement and expanded use of alternatives that reduce JPD supervision (See Appendix A).

## Listening Sessions

The Workgroup also conducted Listening Sessions to hear a wide and expansive set of voices and opinions about closing the JH. The Workgroup developed a list of people and interest groups that should be heard. Those groups included but are not limited to community folk, parents, young people (directly impacted and not) advocates as well as government departments such as probation officers, indigent defenders, prosecutors, restorative justice practitioners, case managers and mental health experts (See Appendix B). The Listening Sessions provided a wealth of qualitative data regarding the impact on youth and families of everyday practices in our current youth justice structure. We heard about gaps in services, disjointed and non-sensical procedures and bureaucratic obstacles to quality interventions for youth and families.

### Participants enumerated a quality youth justice apparatus should include:

1. Quality of care to be individualized;
2. Healing utilized as a barometer of success;
3. The sources of harm in the community are addressed; and
4. An emphasis on accountability and healing rather than punishment.

The listening sessions also revealed difficult issues involving program utilization. There are differing views on whether large established programs are being preferred over smaller programs that see themselves as closer to the communities that populate the youth justice apparatus. This is discussed in more detail in the Re-Imaging section of this report.

## Logo Contest

The Workgroup requested the Human Rights Commission implement a logo contest for young people to create an artistic rendering that would be used to represent this effort. The winner was awarded a prize.

## IX. Listening Sessions and Values

The closing of the juvenile hall in San Francisco for many is not just a process of shuttering a building, but rather an opportunity to shift a system that has rarely supported or worked for certain San Francisco residents. The listening sessions provided an opportunity for those most impacted by the system to discuss ideas that could potentially lead to a process where support is available, needs are met, and communities can truly be safe city wide. One of the first lessons from the listening sessions was that the language and the NorthStar of all systems that youth interact with must center the paradigm of the well-being of youth, families, and impacted communities versus the current model of rehabilitation and punishment. Revising the language and behavior of systems in San Francisco will be key in the process of achieving best outcomes for our communities in San Francisco. This will take a set of common values that should be present in all pathways youth and family traverse when engaging with systems.

### **Core Values Established During Listening Sessions:**

1. Understand the needs before reaching to counterbalance youthful misbehavior.
2. Family and youth needs must be addressed for a youth to thrive and succeed.
3. Preservation of Family: Young people want to be with their families, and this should always be the goal.
4. Young people must have the space to make mistakes and recover from those mistakes without long lasting consequences.
5. All interactions with youth should not do more harm to them, their situation or that of their family, but rather allow for youth and families to achieve a high level of Well-being.

The listening session revealed common values that have always been present in the hearts and minds of families most impacted. Those that participated in the listening sessions were able to come forward in a heartfelt way and propose actual processes that could be implemented to achieve well-being.

Youth and families expressed what success looked like within a new paradigm and provided key elements that set the tone for the work:

1. Roadmaps for youth and families should be Individualized.
2. Healing needs to be an indicator of success; unresolved trauma can lead to unwanted future outcomes.
3. The harms that occur in a community need to be addressed and healing needs to occur as well, so that communities are likewise safe and future harms are mitigated at all costs.
4. Accountability and Healing is the NorthStar versus Punishment and Rehabilitation within a new paradigm.

The listening sessions also gave rise to the ideas of what the new process should entail in the new non-institutional setting and those that may staff and work with the youth and families in that capacity. Participants of the listening sessions felt the San Francisco Probation Department has a unique opportunity to reassess their mission, vision, and strategies when working with youth, families and community that would align with a Well-being Model:

1. Probation should develop a plan to shrink the footprint of youth in custody and develop a plan for zero detention.
2. Probation should reassess the number of staff needed to keep youth and families who are system impacted at a high level of well-being and out of the system
3. Probation should play a larger role in working in community as an advocate for community well-being versus the focus being in a carceral setting.

Youth and families also stressed that within a secure non-institutional setting the following need to be present:

1. Better food; larger portions or extra food, healthier, special dietary accommodations, etc.
2. Better beds: mattress (opposed to thin pad/mat on concrete) and adequate bedding (blankets/pillows/sheets), etc.
3. Better clothing: new under clothes (new socks/boxers), proper size clothes that fit.
4. Better hygiene products, soap, etc.
5. Private or individual restroom (no windows to see youth using bathroom) and multiple showers, and preferably nonmetal toilets/sinks.
6. No lights on for 24 hours (disrupts sleep) or cold air on all day AND night (not enough layers of clothes to stay warm).
7. Men do not interact with girls.
8. Expanded phone call access to a small list of people in support circle (not just parent).
9. Privacy when doing bodily business or no windows in door of restrooms.
10. Access to more than 2 books.
11. Access to art supplies & recording studio.
12. No limit to a variation of experience and exposure to explore interests and career pathways, via choice in art, sports, technology, construction, coding, internships, etc.
13. Better treatment to parents/caregivers, no judgement when visiting/advocating, no mistreatment at facility or in court and culturally responsive.
14. Transportation Expenses for visiting adults.



In relationship to programming in a secure non-institutional setting, youth and family provided the following feedback:

1. Programming must be provided by community-based organizations with expertise in these specialized programs to engage in healthy interactions with community partners.
2. In addition to the 2 hours of programming offered after each school day, there must be weekend programming available, so there is more time to help youth develop better life skills, personal enrichment, social/emotional intelligence awareness, conflict resolution training, wellness/mindfulness, employment preparation and exposure to career pathways, etc.
3. Implement strength-based *assessments* that help identify youth's learning style approach (ex. kinesthetic, audio, visual), to build on and match with youth's particular abilities, talents, and overall knowledge, offering choice in vocational skill building activities.
4. Integration of the latest technology and multimedia programs should be implemented and enhanced to improve approaches to distance learning education, training, literacy, programming, recreation/entertainment, and communication, which includes regular access to electronic devices such as tablets, that will allow access to virtual simulators and learning platforms, educational applications, documentaries, current event/historical articles, music, video visits, etc.
5. Develop specific and specialized programming for youth who have children that explicitly focuses on parenting skills, family resources, decision-making, problem solving, independent living, financial literacy, life-coaching, employment development, etc.
6. Recreation time should include outdoor activities such as gardening, basketball, flag football, kickball, physical fitness, health & wellness, etc.
7. To improve outcomes and program participation, it is recommended to offer consistent and adequate programming time for youth to interact and "community build" with other youth.
8. In a direct correlation to programming offered, the importance of sleeping arrangements is highlighted. It's suggested that if ample recreation/program time is available for youth to engage, Individual rooms for youth are preferred, because there may be interpersonal issues and it allows for a safe space to reflect on actions and transition.
9. However, if programming access and open recreation time is not consistent, youth prefer to have the option to select their sleeping arrangements, between an individual room or shared room with one other youth, of similar age range, depending on their *safety risks*.

Lastly, the participants spoke about the relationship between youth and staff in a secure setting that should be considered moving forward:

1. **Power dynamics.** Several youth spoke about intimidation from staff while in detention, dependency on staff for basic things and feeling vulnerable and sometimes felt the situation was racialized.

2. **Purpose and Role.** During the listening sessions it became apparent that staff did not understand their role and purpose when interacting with youth, this is a paramount point that allowed many youth to slip through the system without their needs being met but rather only probationary rules being satiated. Many youth said they felt staff in detention and probation officers were doing their job simply for the money. There was also a note of the Savior Complex as a repeated theme when speaking with probation and counselors.
3. **Purpose of Detention.** If there is a need for a youth to be in a secure setting this means that a youth's life has reached a level of diverse needs.
4. **Staffing.** Youth and Parents also shared feedback that highlighted who they believed should work with youth in a non-institutional rehabilitative location:
  - Staff that has similar experiences as the youth and were able to transform their lives as living examples of success
  - Staff that could maintain a safe space and not take advantage of the power dynamics that naturally will exist among staff and youth
  - Staff that have a deep understanding of their role and purpose when interacting with youth
  - Staff that were free of paternalistic values and punitive practices
  - Staff that have a background in adolescent and youth development
  - Staff that have non-violence communication skills

Youth and family provided invaluable insight to inform the proposals within this report. They were clear that recommendations for shuttering juvenile hall needs a definitive focus on the Well-being of the youth and families. They described that while probation as an reform agency had its origins in the community, over time it has become an institution centered in law enforcement and has thusly adopted practices that have been non-conducive for the well-being of youth and families. And while JPD has made reform efforts over the years, many youth are still being pushed deeper into the system without their needs being met, with Black, Brown and Indigenous young people bearing the overwhelming brunt. This dynamic has created continual disparate hardships on specific youth and families in San Francisco. The overall sentiment was the county can do much better under a different paradigm, that of the Well-being of youth and families most impacted.

## X. Data Findings and Process

The CJHWG ordinance established a “work focus area” charged with using available data to conduct a needs assessment for youth detained in juvenile hall. To accomplish this charge the Workgroup established a Data and Needs Assessment Subcommittee that focused on analyzing the extent to which juvenile hall is used in situations not required by State law and to develop proposals for reduced reliance on custody and an increased use of community-based programs to serve youth.

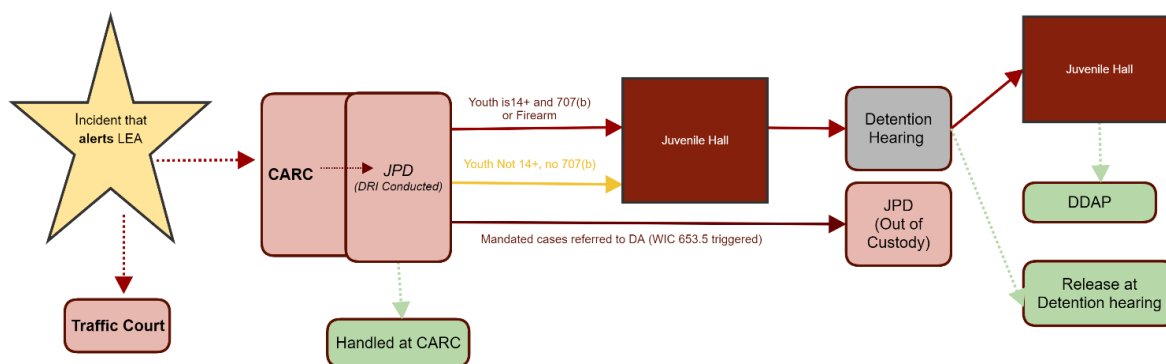
This section of the report contains very detailed data analysis and is quite dense. However, we believe it is important to establish the foundation for the proposals that emerged from the Workgroup. It includes the legal framework and data that we are relying on for a number of the proposals suggesting changes to current practices necessary to reduce reliance on the JH.

This section reviews all key decision-making points that lead to detention in San Francisco and numerous key data-related findings regarding the current use of juvenile hall in San Francisco. These data-related findings are informed by numerous reports and analyses, some which were not previously available, but were developed in direct response to the needs of the Workgroup<sup>v</sup>. The proposals for change supported by this in-depth data analysis related for each key decision point can be found on page 59. Along with details regarding data process and challenges, the full list of reports referenced is included in Appendix C.

### Understanding the Flow: Youth Justice System Processing

This illustrated process map provides a basic overview of the decisions that lead to juvenile hall in San Francisco. The map is intended to summarize, not detail, key decision-making points<sup>vi</sup>.

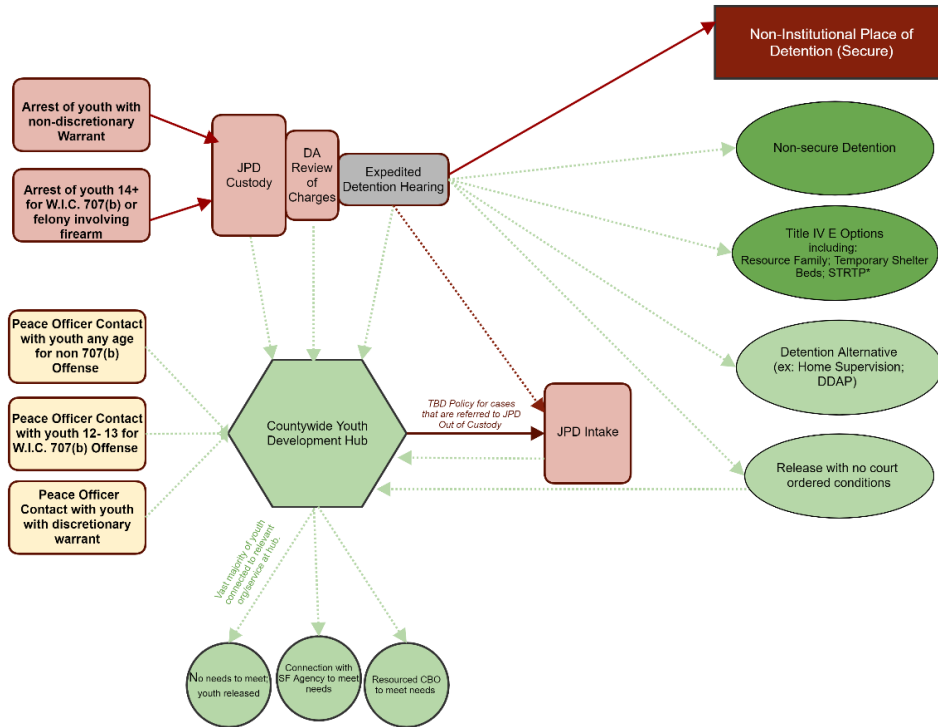
**Figure 1:** Simplified Youth Justice System Process Leading to Juvenile Hall



<sup>v</sup> In addition to the findings in this report, the Data and Needs Assessment Subcommittee produced the following reports: (1) San Francisco Population Profile Report (June 2020); Policy Brief on Warrants (April 2021); Policy Brief on Diversion (September 2021).

<sup>vi</sup> Because the focus of this report is closing juvenile hall, the flow chart only reviews cases in custody, not all out of custody decisions.

**Figure 2:** Opportunities for Immediate Reforms to Promote Harm Reduction and Reduce Reliance on Detention.



### Harm Reduction Proposals

This legislation affords the City and County of San Francisco the opportunity to implement a range of changes to the current status quo. While Section XII on re-imagining well-being alternatives provides an overview of more structural solutions that could be implemented to achieve change that addresses root causes, this section includes a review of data suggesting that modest proposals for change can be implemented for an immediate impact. Speedy and effective implementation of these proposals will significantly reduce the need for “secure beds” in the non-institutional place of detention.

Practices that reduce harm that the BOS can begin to take action on over the next 6-12 months include:

- a. Expand pre-arrest diversion;
- b. Increase mechanisms to review charges, particularly for charges that require law enforcement to deliver youth to the custody of JPD, including robbery;
- c. Expedite detention hearings; and
- d. Expand the use of detention alternatives and community supervised home release.

Data supporting the need for these harm reduction strategies are presented below, starting with available data on arrest and diversion, followed by available data on youth who were detained in juvenile hall. Detailed proposals for policy change follow.

### a. Arrest and Diversion

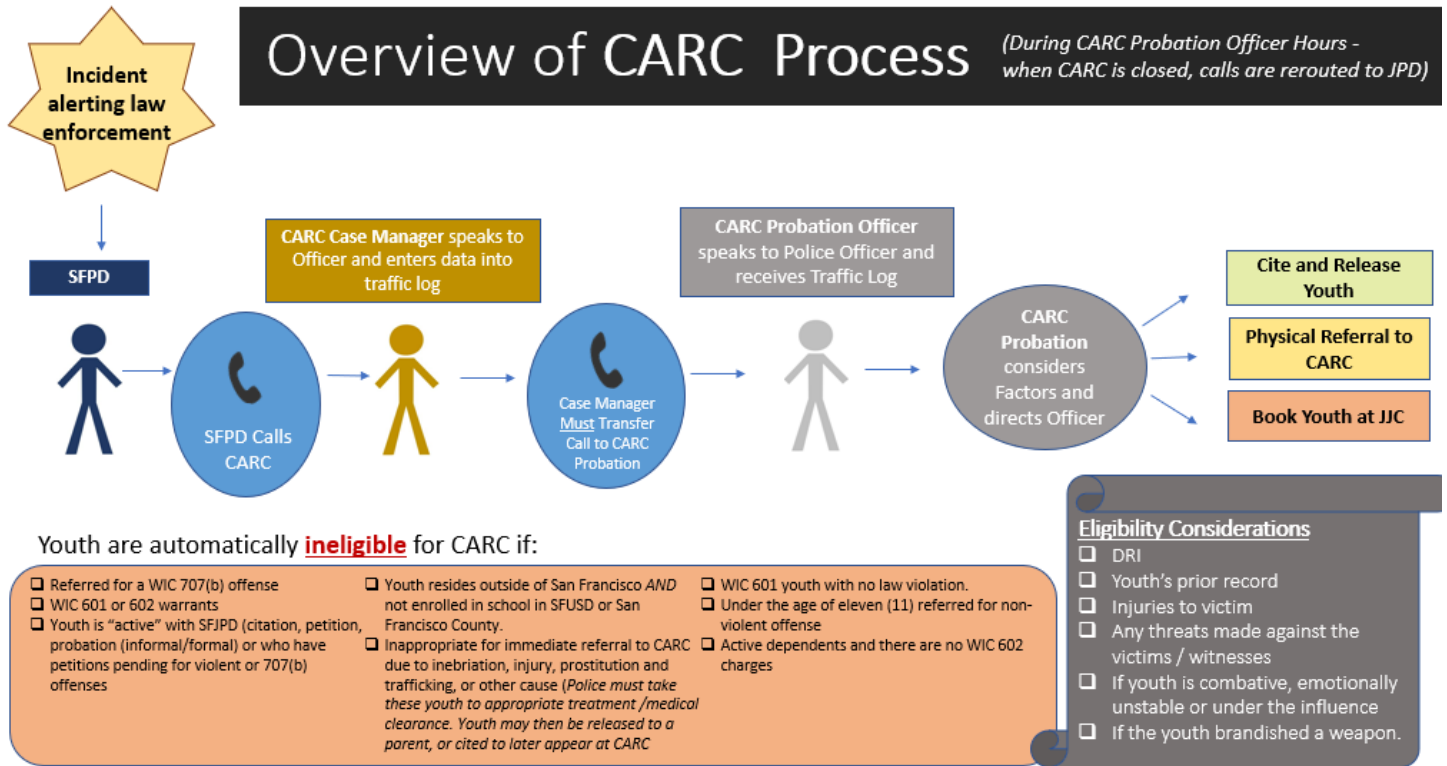
A key component to closing Juvenile Hall and reducing reliance on detention is limiting the number of young people who are formally in contact with the justice system. As discussed in Section XI on Community Alternatives, community-based interventions that respond to youthful misbehavior with a broad array of resources and without further involvement of law enforcement must be sufficiently funded and should always be pursued. Closing the JH requires strengthening alternatives. This starts with ensuring youth are diverted away from the system entirely at the earliest point possible. Research affirms that even a first-time arrest increases a youth's risk for negative outcomes that decrease health and well-being.

Moreover, while adolescence is a time of risk-taking behavior for all youth, in San Francisco white youth are less likely to be criminalized for the same behavior and more likely to be given access to supportive alternatives to justice system involvement than youth of color. Research shows that expanding diversion leads to better and more equitable outcomes for youth and the community. Diverted youth can connect with services without juvenile court involvement, reducing contact with police and JPD and avoiding detention in juvenile hall.

The law states that when a youth comes into contact with law enforcement, the youth may be referred or transported to a public or private agency for diversion services.<sup>1</sup> There is no requirement to notify JPD, the DA's Office, or the Court. The BOS could establish for the county an office or division whose role is to provide direct and indirect services to prevent youth from engaging in delinquency.<sup>2</sup>

When diversion is initiated by the police, all youth are eligible, except youth ages 14 and older who have been taken into custody by law enforcement for an offense listed in W.I.C. 707(b) or for any attempt or commission of a felony with the personal use of a firearm.<sup>3</sup>

San Francisco has a strong foundation of youth diversion programming, anchored by Community Assessment and Referral Center (CARC), operated by Huckleberry Youth Programs. Since 1998, CARC has served as a crucial resource for arrested youth in San Francisco. CARC has dual roles: it offers a community-based intake option in lieu of transport to juvenile hall, and it offers diversion programming for youth with minor cases in lieu of referral to juvenile court. However, as described below, CARC is limited in its ability to divert youth away from the justice system entirely.



Currently, when a youth is arrested by SFPD, the officer calls CARC.<sup>vii</sup> The CARC Case Manager enters key data into the Traffic Log. According to JPD policy, the Case Manager must then transfer the call and provide all Traffic Log information to JPD. JPD then determines whether the youth is eligible for CARC, considers a number of factors and directs law enforcement to cite the youth, bring the youth to CARC, or take the youth to be booked at Juvenile Hall<sup>4</sup>.

**The data show that San Francisco could expand the scope of its diversion programming to keep more youth out of the justice system.**

CARC provided 2020 arrest data to the Data & Needs Assessment Subcommittee. The data include all arrests captured in the CARC Traffic Log in 2020. The data represent 351 individual youth arrested in 2020. Across the 351 youth arrested, there were 451 arrest episodes in 2020.<sup>viii</sup> Analysis of the arrest data (shared with the Workgroup in May 2021), are included below.

<sup>vii</sup> If not during CARC Probation Officer hours, the JJC On-Duty Probation Officer is to advise the arresting officer to transport the youth to CARC, if eligible and cite the youth back to CARC in 2 business days.

<sup>viii</sup> CARC Data revealed that 351 youth were arrested in 2020: 82 percent of youth (289 youth) were arrested once in 2020 and 18 percent of youth (62 youth) were arrested on more than one occasion. For the analyses including arrest reasons, only the most serious alleged offense associated with the arrest is counted. For example, a youth who is arrested and charged with robbery and battery is only counted for more serious charge. In this example that would be, robbery.

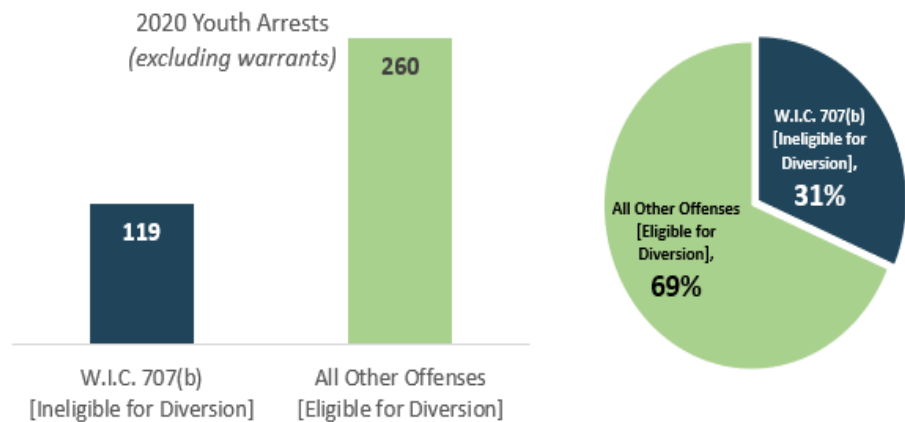
### 1. Black and Latino youth are significantly more likely to be arrested than White youth.

According to CARC data, in 2020, Black youth were 29 times more likely than White youth to be arrested. Latino youth were four times more likely.



### 2. The majority of youth arrests in San Francisco are diversion eligible.

For the purposes of studying arrests that are eligible for diversion, youth arrested for warrants are excluded.<sup>ix</sup> After excluding warrant arrests, only 31% of arrests were for offenses that that requires transport to the custody of JPD.<sup>x</sup> The remaining 69 percent of arrests (260 of the remaining 380 arrests) were for other felony, misdemeanor or infractions meaning the vast majority of youth arrested for new law violations were arrested for offenses that were diversion eligible under state law.

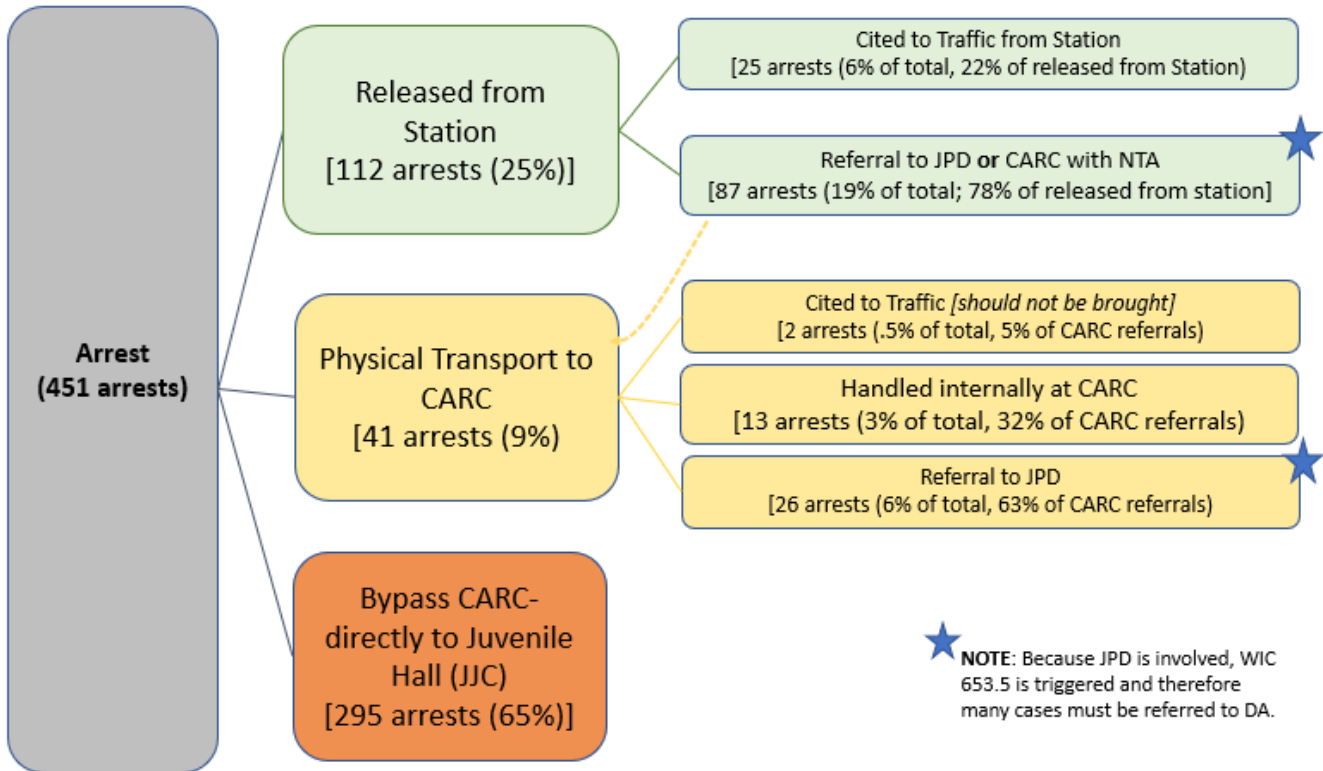


### 3. Diversion is currently underutilized.

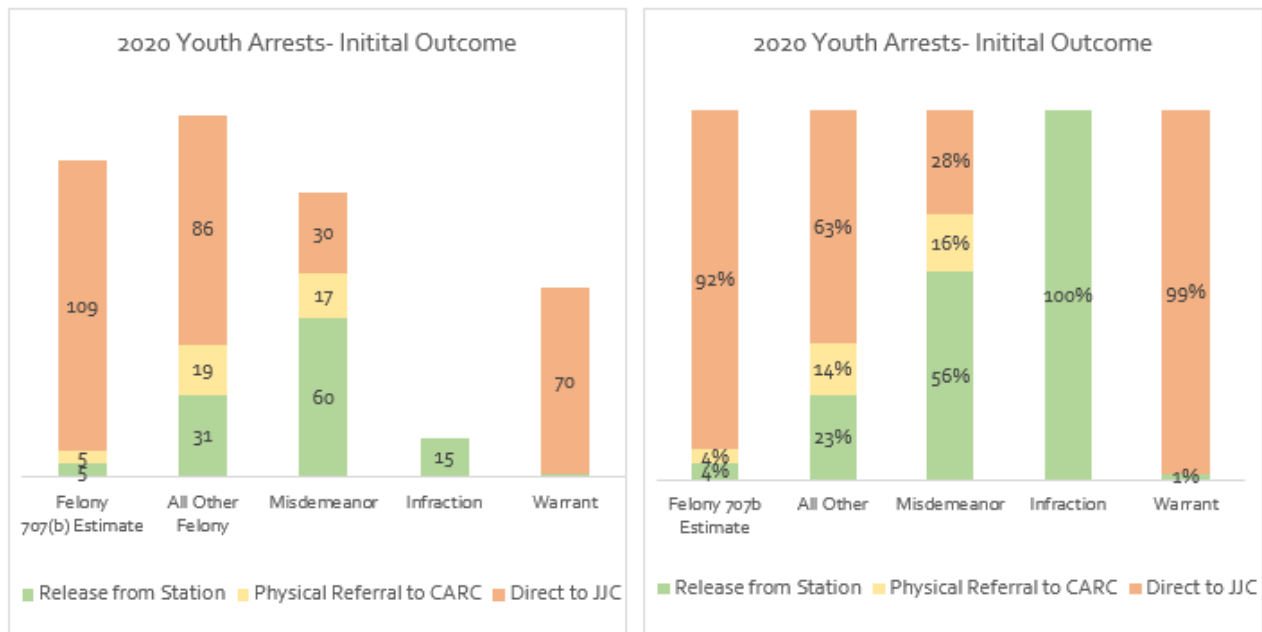
Data reveal that diversion is underutilized. The CARC database captures initial arrest outcome types on all youth arrests in San Francisco. Broadly, these arrest outcome types include release from station (25% of arrests); physical transport to CARC (9% of arrests); and bypass of CARC to Juvenile Hall (65% of arrests).

<sup>ix</sup> 72 arrests (16 percent of all 451 arrests) were for warrants. Please see Data and Needs Assessment Policy Brief on Warrants for more information on strategies to reduce the issuance of warrants and detention resulting from warrant arrests

<sup>x</sup> CARC data do not flag offenses as WIC 707(b) offenses, offenses that require transport to Probation. A review of most serious offense includes the following felony offenses in the "Felony 707(b) Estimate": Armed Robbery(5); Assault w/ Intent to commit GBI(4); Assault with a Deadly Weapon (ADW)(4); Assault with a Stun Gun/Taser(1); Attempted Murder(4); Attempted Robbery(5); Carjacking(1); Force or ADW Not Firearm GBI Likely(3); Murder(5); Robbery (75); Robbery 2<sup>nd</sup>(10).



The vast majority (92%) of arrests for offenses listed in W.I.C. 707(b) bypass CARC and were brought directly to Juvenile Hall. In contrast, 63% of arrests for other felony offenses and 28% of arrests for misdemeanor offenses bypassed CARC and were brought to juvenile hall, meaning more youth could be diverted.





#### **4. A small number of arrests for low-level cases are referred to juvenile traffic court**

While relatively small in number (27 arrests, 6% of all youth arrests), youth arrests for low level offenses are going to juvenile traffic court and offer additional opportunity for reform. A number of these cases were youth driving without a license (9 arrests), a misdemeanor, and youth driving without a licensed adult (7 arrests), an infraction. Other offenses include fare evasion and failure to stop a red light.

While 2020 data were available for arrests based on the CARC traffic log, 2019 data were available on youth detained in juvenile hall. The findings from the 2019 administrative data are included below.

Proposals for policy solutions addressing issues of diversion are found in Section XV.

##### **b. Highlights from the 2019 Juvenile Hall Population Data**

Current law limits who may be detained in juvenile hall.<sup>5</sup> When law enforcement transports a youth to JPD's custody, they must, at the time the youth is delivered to JPD, provide JPD with a written statement of the facts justifying the arrest.<sup>6</sup> JPD must then make their own determination about whether there is reason to believe the youth has committed the alleged offense and whether custody is therefore statutorily required.<sup>7</sup> After this independent investigation, JPD has a statutory duty to *"immediately release to a parent, legal guardian, or responsible relative,"* unless it finds evidence that: (1) Continuance in the home is contrary to the youth's welfare, and either: (i) Detention is a matter of immediate and urgent necessity for the protection of the youth, or reasonable necessity for the protection of the person or property of another; or (ii) Youth is likely to flee the jurisdiction of the court; or (iii) Youth violated an order of the juvenile court. Even if JPD finds one or more of these factors, they may still choose to release the youth unless the young person is fourteen years or older and accused of an offense enumerated in W.I.C. 707(b) or personal use of a firearm in the attempt or commission of a felony.

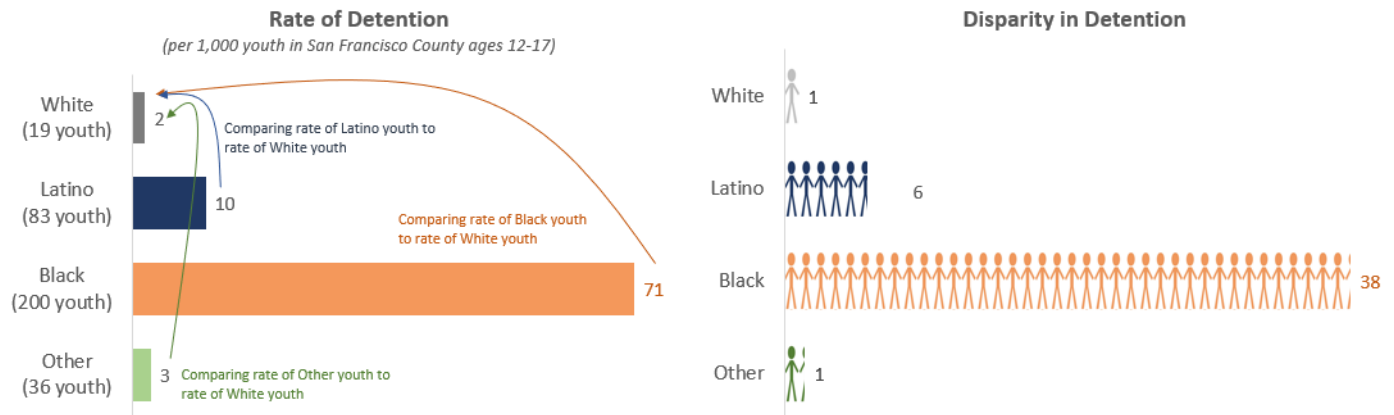
To guide their decisions regarding detention, JPD currently uses a Detention Risk Instrument. The primary objective of the tool is to "support the probation officer or senior juvenile hall counselor in determining if a minor can be released to a parent, guardian or responsible relative, or if such release would be inadvisable pursuant to the provisions in 628 W&I."<sup>8</sup>

##### **Data on Juvenile Hall Admissions reveal immediate opportunities for decreased reliance on Juvenile Hall.**

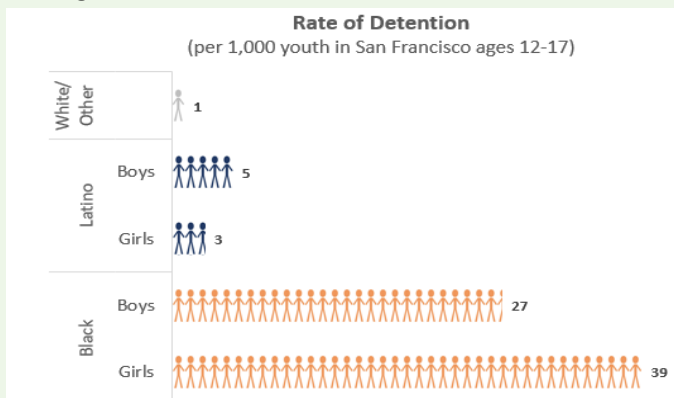
Administrative data provided to the Data and Needs Assessment Subcommittee by the American Institute for Research (AIR) provide insights about the use of juvenile hall. The data include all Juvenile JPD Department (JPD) referral and detention episodes in 2019. The data represent 608 individual youth referred to JPD in 2019. Of this total, 338 (56 percent) were detained at least once, and 270 (44 percent) were never detained. Among the 338 youth detained, there were 486 detention episodes. These data were supplemented with the in-depth case file review, also conducted by AIR.

## 2. There are significant racial and ethnic disparities in detention admissions in San Francisco, with disparities most acute among Black girls.

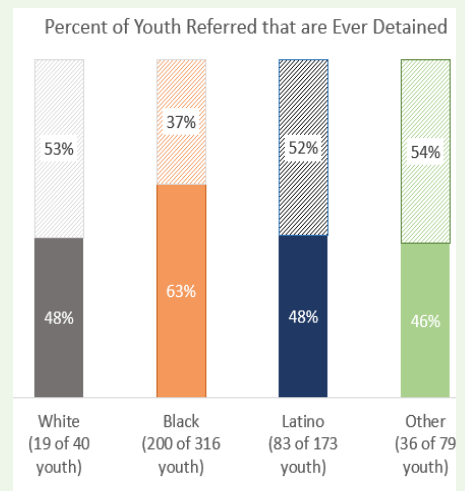
Racial and ethnic disparities have plagued the youth justice apparatus for decades. Analysis of the 338 youth detained at least once during 2019 reveals that youth of color are significantly more likely to be detained than White youth. Comparing rates of detention for each racial/ethnic group, we see that Latino youth are nearly 6 times as likely as White youth to be detained; Black youth are more than 38 times as likely as White youth to be detained, and all other youth are 1.4 times as likely as White youth to be detained.



Analysis by gender and race/ethnicity revealed that Black girls are the most likely to be detained. Black boys are 27 times more likely than White/Other Boys to be detained. Black girls are 39 times more likely to be detained than White/other girls. Confidentiality protections limited the analysis of race/gender because so few White youth are exposed to juvenile hall. When “other” youth are removed from the analysis, disparities in the use of juvenile hall for Black girls becomes even more acute.

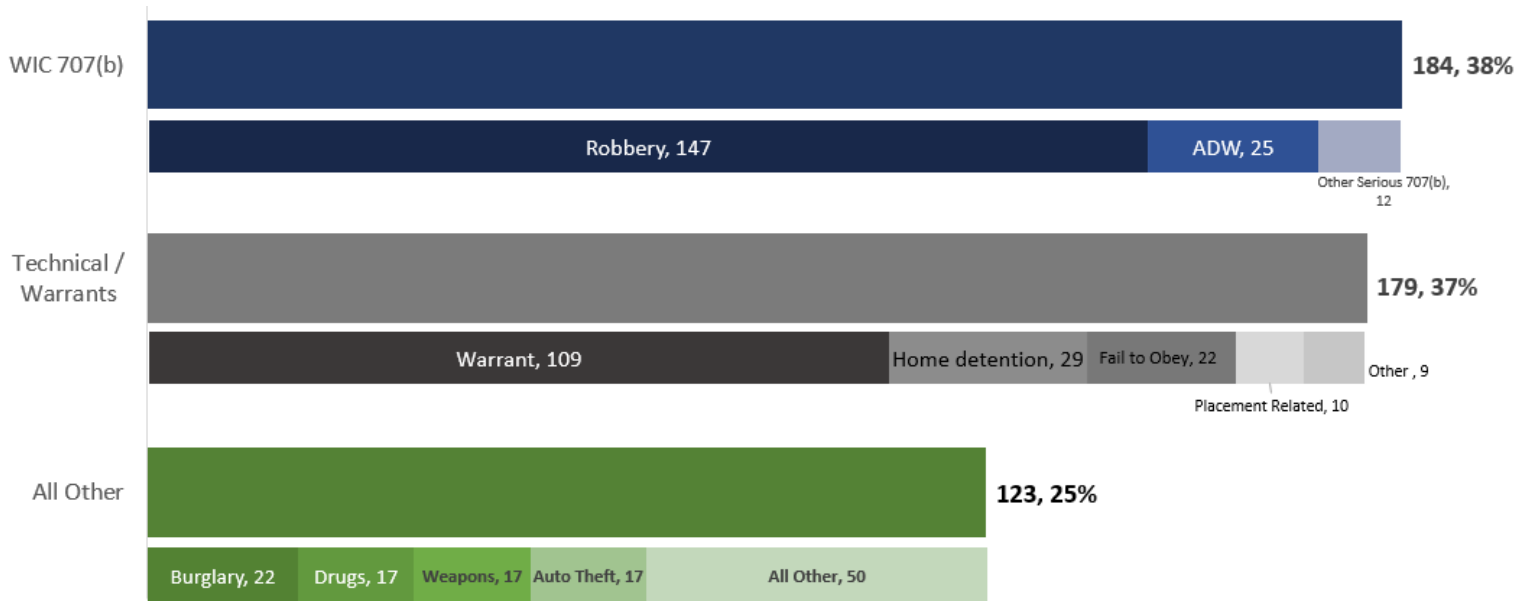


Once a youth is referred to JPD, youth of color are more likely than White youth to be detained- 63 percent of Black youth referred to JPD are detained compared to 48 percent of White youth referred to JPD.



**3. Fewer than half of youth detained at juvenile hall were accused of an offense enumerated in Welfare and Institutions Code (WIC) Section 707(b), requiring detention.**

As previously described, state law requires that youth who are 14 years or older and accused of either an offense enumerated in Welfare and Institutions Code 707(b) or personal use of a firearm in the attempt or commission of a felony must be delivered by law enforcement to JPD custody. Data reveal that fewer than half of youth detained in juvenile hall (184 youth or 38% of all detention admissions in 2019) were the result of being accused of an offense enumerated in WIC 707(b). The vast majority of 707(b) admissions (147 or 80% of all admissions for WIC 707(b) offenses) were for Robbery. See Page 27



for a deeper analysis of Robbery Cases.

**4. The majority of youth detained at juvenile hall were the result of a technical violation, warrant or non-mandatory felony or misdemeanor.**

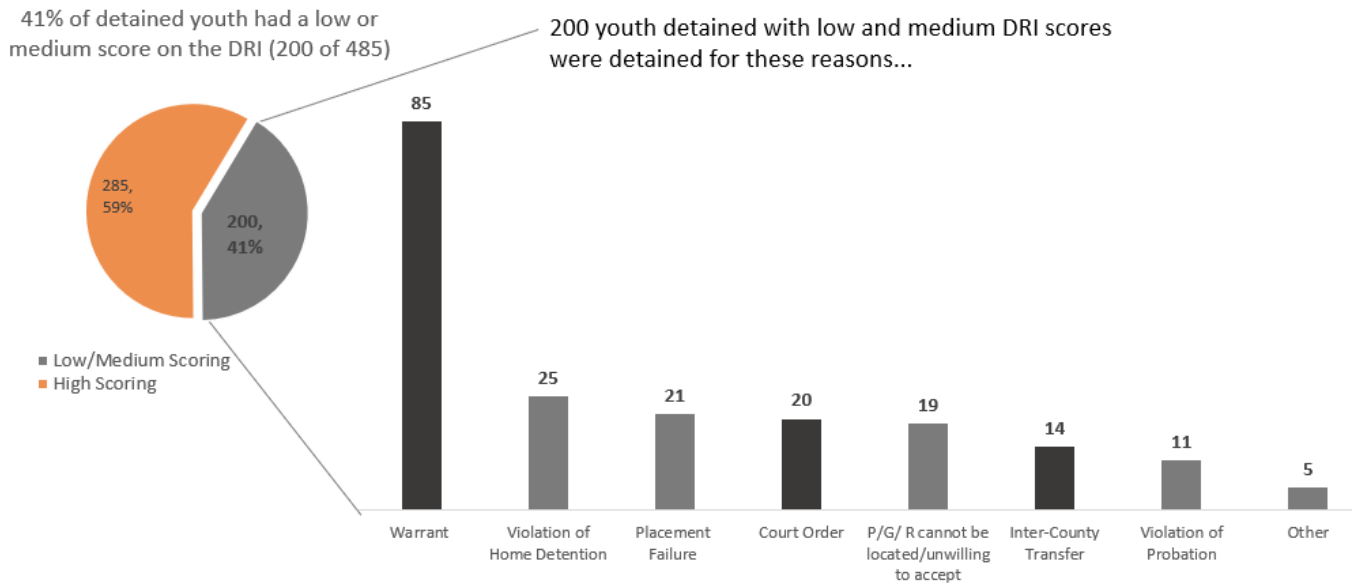
More than one third of admissions were the result of a technical violation, often resulting in the issuance of a warrant. Of the total 486 admissions to juvenile hall in 2019, 179 (37%) were the result of a technical violation or warrant. Notably, 61 percent of the admissions in this category were the result of a warrant. Deeper analysis of warrants, included on page 34, indicates that many of these warrants were the result of a rule violation or running from a court ordered placement.

The remaining 25% of admissions, 123 of 486 admissions in 2019, were for accusations of all other misdemeanor and felony offenses combined. All of these admissions were for offenses that do not statutorily require custody by JPD.

**5. Nearly half of youth detained in juvenile hall scored a “low risk” or “medium risk” on the Detention Risk Instrument (DRI), meaning that but for an overriding policy reason, these youth were determined not to be a public safety or flight risk.**

Two hundred (200) youth were securely detained despite scoring below the threshold number required by the Detention Risk Instrument (DRI) which attempts to gauge risk to the public or risk of failing to appear in court. These policy holds represent 41% of all youth who received the DRI. In these cases, the tool indicates eligibility for release, but the youth is not released for other reasons. The other reasons can include state or local policy reasons, including the lack of availability of a non-secure option or because the intake officer – with supervisory authorization- sought authorization to override the tool’s release recommendation. Warrants account for 43 percent of all overrides into detention (85 of 200 overrides). Other top reasons for detaining youth despite low or medium DRI scores were violation of home detention (25) and placement failure (21).<sup>xi</sup>

In October 2021, JPD completed a detailed analysis of the usage of the DRI and is in the process of reforming the detention decision making procedures and revising the DRI to remove most policy reasons that are not required by law. Once these changes are implemented, we would expect to see an increase

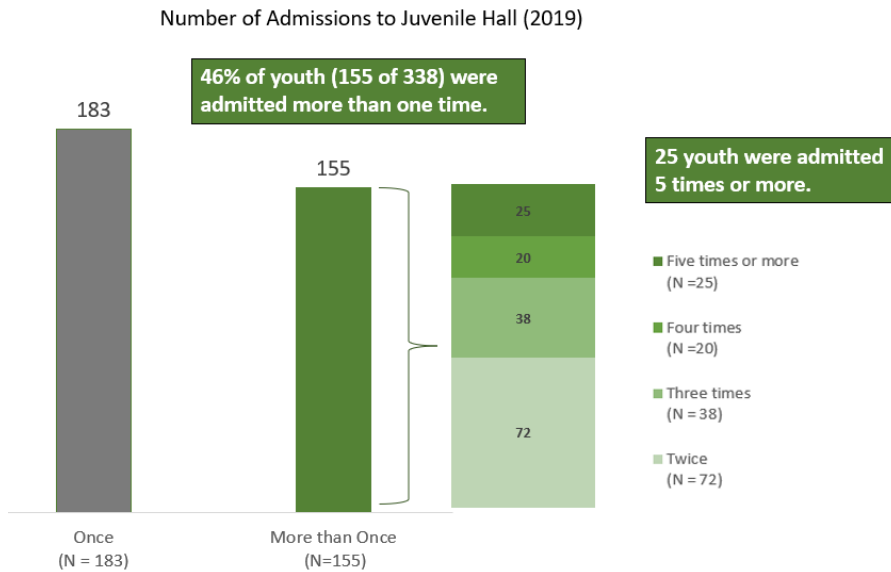


in releases and a decrease in the override rate, whether due to discretionary or policy reasons.

## 6. Nearly half of all youth detained cycle in and out of juvenile hall.

Data reveal that nearly half of youth detained at juvenile hall in 2019 were admitted more than once,

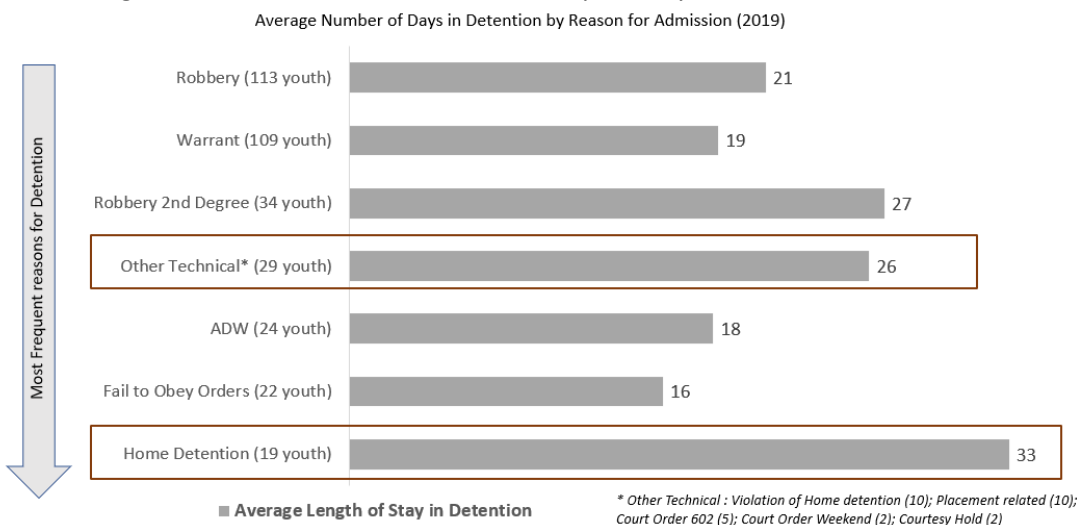
and 16 percent were detained five (5) or more times. With available data, it was not possible to learn about what the original and subsequent detention reasons were, whether any of the release conditions and/or services provided to these youth were misguided or inappropriate nor whether any detention alternatives could have been made available to the young person.



## 7. Youth are held in detention for the longest period of time for technical violations, including home detention violations.

In 2019, youth spent the longest time in detention for technical violations. Youth detained for robbery spent an average of 21 days in detention, whereas youth detained for home detention violations spent an average of 33 days in detention.

Length of stay in detention is not distinguished by status, but rather by the reason for admission regardless of detention status. For example, if a youth was detained for a warrant, and then held in

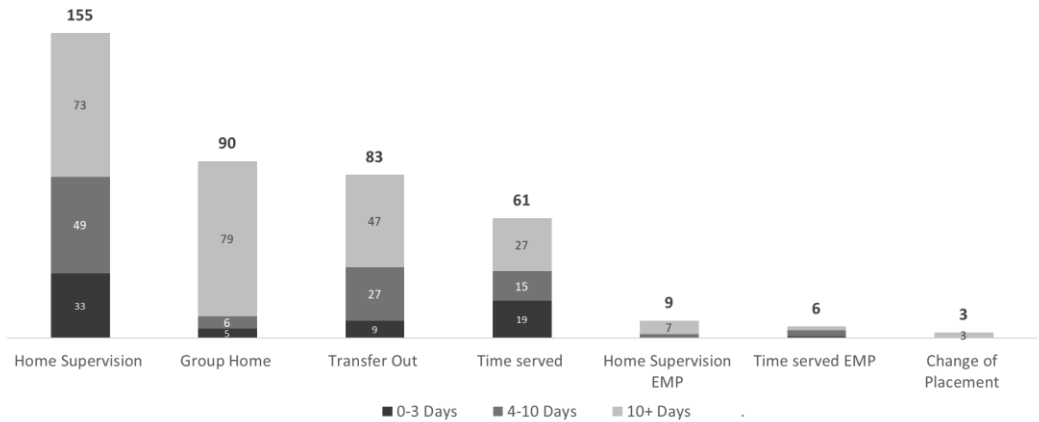


detention while the court determined a new placement, the youth's LOS for that warrant would reflect the full time in detention (including, for example, time prior to seeing the judge and any time and awaiting a new placement).

**8. A high proportion of detained youth are simply released to home supervision or with “time served” calling into question what—if anything—was accomplished by detaining the youth in the first place.**

Of the total youth for whom a release reason was logged<sup>xii</sup>, 155 youth (38%) were released to home supervision. Of these 155 youth, nearly half of these youth (73) spent more than 10 days in detention before being released. Another 90 youth 22% were released to a “Group Home,” or some form of Out of Home Placement (OOHP).

Additionally, 61 youth (15%) were released with the reason of “time served.” The high proportion of detained youth are simply released to home



supervision or with “time served” calling into question what—if anything—was accomplished by detaining the youth in the first place.

Proposals for policy solutions addressing issues of detention holds are found in Section XV.

**c. In-Depth Analysis of Key Drivers of Juvenile Hall**

Data reveals that the JH is used most often for three populations of young people:

- i. Youth arrested for robbery;
- ii. Youth arrested with warrants; and
- iii. Youth that are placed out of home.

Each population of interest is presented below with legal considerations and supporting data highlights, and proposals from Workgroup members and community.<sup>xiii</sup>

**i. Robbery**

Robbery is among several offenses listed in W.I.C. 707(b), meaning that youth ages 14 and up brought to JPD custody on this offense must be held in custody until a judge can conduct a detention hearing<sup>9</sup>. Because of this law, robbery charges cited by law enforcement at arrest determine whether a youth must be held in custody pending a detention hearing or may be released by JPD.

<sup>xii</sup> Data on youth released from juvenile hall in 2019 were available for 418 detention episodes. Data were missing for 68 cases.

<sup>xiii</sup> On June 30, 2021, BI presented highlights from AIR’s case file review of 77 youth detained between March and September 2020 to WORKGROUP members. Findings were discussed and recommendations were generated, which are included in this section.

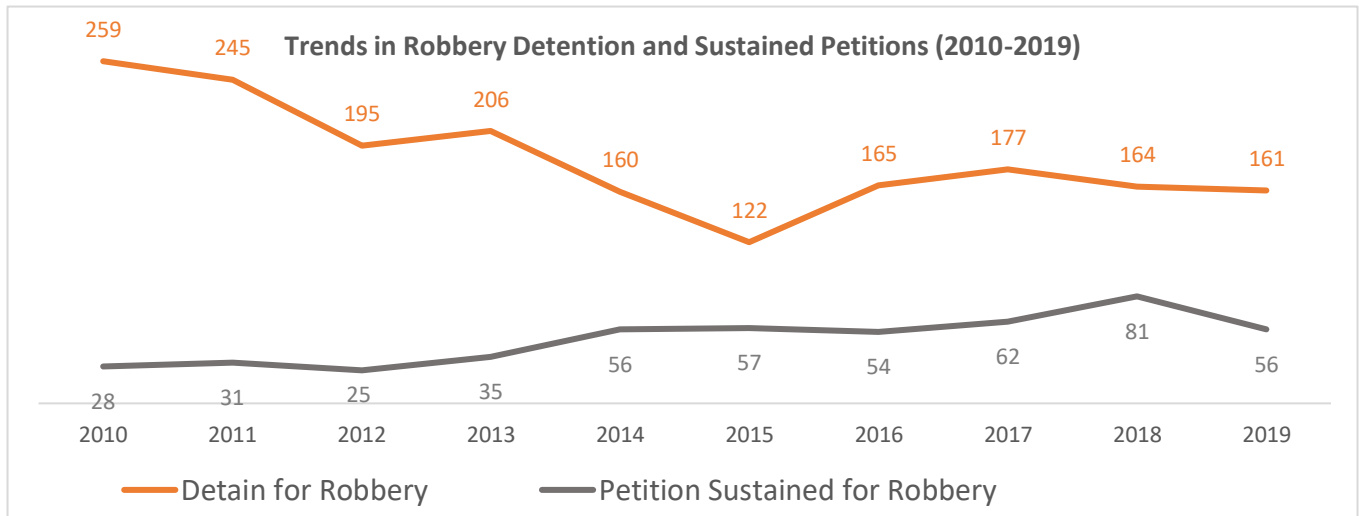
Robbery is the most frequent offense contributing to juvenile hall admissions. In 2019, robbery accounted for 30 percent of admissions (147 of 486 total admissions). Youth detained with robbery charges made up 80 percent (147 of 184) of all admissions for W.I.C. 707(b) offenses. Data on the extent to which robbery admissions affect youth of color compared to white youth were not available.

**Most youth arrested for robbery do not have sustained petitions for robbery.**

Although initially labeled with robbery charges by police, a deeper analysis of those cases reveal that preliminary label is misleading. The case file review revealed that 40 percent of 707(b) offenses are not filed, and robbery charges account for 50 percent of 707(b) cases not filed<sup>10</sup>. When examining petitions that are filed in robbery cases, the case file review found that the robbery charge was sustained in only 35 percent of cases.<sup>11</sup> When this serious accusation- requiring delivery to the custody of JPD- is not ultimately filed on or sustained in court, questions arise around whether detention in juvenile hall served any public safety purpose in the first place.

This finding from the case file review was not an aberration from the norm. Analyses of historical data reveal that accusations of robbery that result in custody, as statutorily required, infrequently result in a sustained petition for robbery. Over the past 10 years, annually, an average of 26% of youth who were detained as the result of a robbery accusation have a sustained petition for robbery<sup>12</sup>.

**Figure \_\_:** Trends in Detention Admissions for Robbery and Sustained Petitions for Robbery (2010-2019)



**Facts regarding robbery charges raise questions about the extent of public safety concerns in many of the cases.**

This deeper review analyzes why this discrepancy between being labeled as robberies and being found by the court to have committed a robbery is significant. It is not unreasonable for the term “robbery” to evoke fear of serious injury and personal invasion.

However, the case file review uncovered a range of behaviors that are charged as robbery. The case file review revealed additional information about robbery that elicit questions regarding whether the youth charged with robbery pose a public safety threat that justifies detention.

Most robberies appear to be a “snatch and grab.” Across all robbery incidents examined, the robbery typically occurred on the street or on public transportation, and often (62 percent of cases) involved the taking of cell phones. A smaller number of cases involved the taking of cameras, video games or laptops (19 percent of cases). In 35 percent of cases, the robbery also included the taking of a wallet, backpack or duffle bag. In almost half of cases (44 percent of cases), the property was returned, with bystanders becoming involved in quickly apprehending the youth and property. It does not appear that use of guns is common in robbery cases.

Weapons were used in 27 percent of cases (7 of 26 cases), with half of these cases involving a handgun. In one instance, the handgun was fake. While 39 percent of cases involved injury to the victim, few victims wanted medical attention. Injuries sustained were described as pain, bruising, cuts or swelling. There were no life-threatening injuries associated with the robbery charges.

While these incidents require some form of intervention, the data analysis reveals that greater scrutiny regarding what type of intervention best serves the interest of the young person and public safety.

Proposals for policy solutions regarding reviewing charging decisions are found in Section XV.

## ii. Warrants

All juvenile warrants are issued by a juvenile court judge. A bench warrant is typically issued when a youth has failed to appear at a court hearing. The court has sole authority to issue a bench warrant. An arrest warrant may be requested by other agencies working with a youth, including JPD.<sup>13xiv</sup>

Under the terms of the warrants currently being issued by San Francisco’s juvenile court, JPD does not have the discretion to release youth who are brought to the JH as a result of a warrant. The court order directs JPD to detain the youth in juvenile hall until their court hearing. Under California law, JPD and the courts could change their local policy to grant JPD discretion to release youth arrested on warrants, as in many California counties and other counties across the country.

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<sup>xiv</sup> Probation may request an arrest warrant when: a) a petition has been filed seeking a hearing in court, and b) one of three circumstances is present: (1) It appears to the court that the conduct and behavior of the minor may endanger the health, person, welfare, or property of himself or herself, or others, or that the circumstances of his or her home environment may endanger the health, person, welfare, or property of the minor; (2) It appears to the court that either personal service upon the minor has been unsuccessful, or the whereabouts of the minor are unknown; (3) It appears to the court that the minor has willfully evaded service of process.

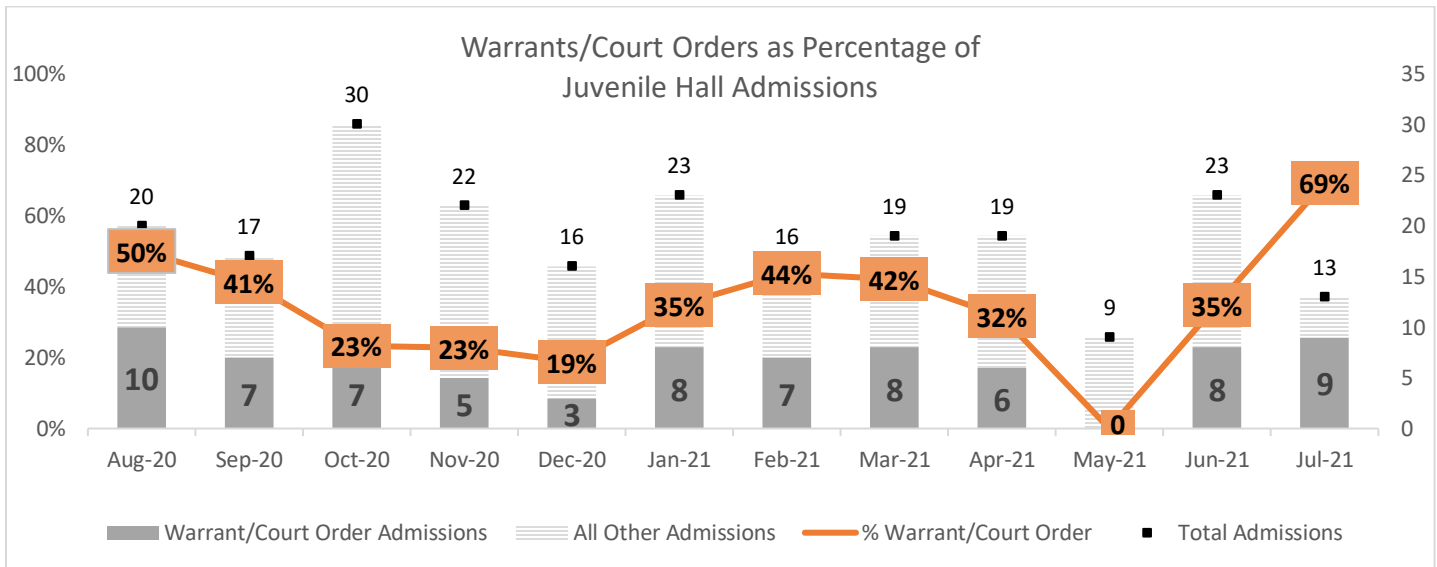


Warrants are among the most frequent factors contributing to juvenile hall admissions. In 2019, warrant admissions accounted for 22 percent (109 of 486 total admissions). More recent data over the past 12 months (August 2020-July 2021) reveals that warrants account for 34 percent of admissions (78 of 227 admissions).

While the number of warrant admissions and their relative proportion of total admissions has fluctuated over the past year, in July 2021, the latest month for which data were available, warrants accounted for 69 percent of admissions. Data on the extent to which warrant admissions affect youth of color compared to white youth were not available.

More fully explored in the Workgroup Data and Needs Assessment Policy Brief on Warrants, research on warrants reveals the following:

- San Francisco’s policy of mandatory detention for all juvenile warrants conflicts with the overarching juvenile court principle of keeping youth at home whenever possible.
- Detention for warrants imposes significant harms on youth and is counter-productive to the rehabilitative goals of the juvenile court.
- There is no deterrence justification for detaining youth with warrants.
- There is no public safety justification for the blanket detention of youth with warrants.
- Detention on warrants may lead to an increased risk of recidivism.
- Other jurisdictions have implemented policies to (a) reduce reliance on warrants; (b) reduce detention of youth who are arrested on



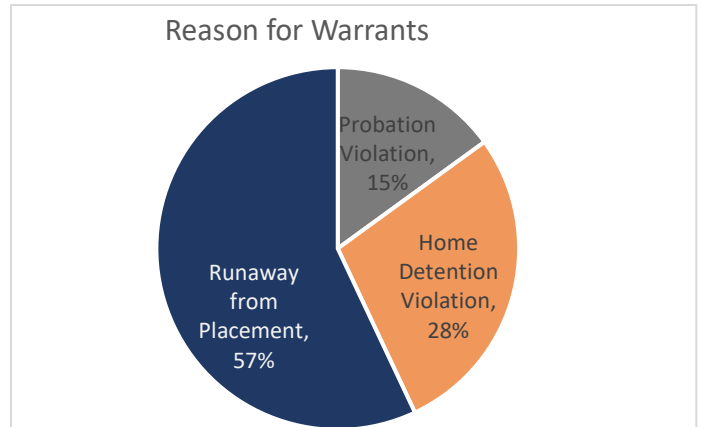
***The majority of warrants are issued as a response to youth leaving court-ordered placements.***

The case file review reveals the majority of warrant detentions (57%) are the result of youth running away from placement.<sup>14</sup> Youth typically run from placement soon after arriving;<sup>15</sup> youth often go to a relative’s house; and most youth were arrested within one week of the warrant being issued. When youth were released from detention, they were frequently ordered to an out-of-home placement. Based

on these data, the warrant may be viewed as a symptom of challenges associated with out-of-home-placements, discussed further below.

*Warrants are also issued as the result of violating terms of home detention (including electronic monitoring) and terms of probation, also sometimes associated with running away.*

The case file review further reveals that warrants are issued as the result of home detention violations and probation violations. Running away also trigger warrants for these reasons—for youth detained on warrants for home detention violations, 46% were issued once youth ran away from home; for youth detained on warrants for probation violations; 38% were issued once youth ran away. In the majority of warrants for violations of probation and home detention, the warrant was issued for other rule violations.<sup>xv</sup>



Proposals for policy solutions regarding warrants are found on in Section XV.

### iii. Out of Home Placements (OOHP) and Detentions from Issues Related to OOHP.

After a youth’s delinquency charges are adjudicated, the Court may make the youth a ward of the Court and order the youth to out-of-home placement (OOHP) as one of the dispositional options<sup>16</sup>.” When the court orders OOHP, the JPD is responsible for determining an appropriate placement, which includes: placement with relatives, nonrelated extended family members, and tribal members; foster family homes and certified homes or resource families of foster family agencies; treatment and intensive treatment certified homes or resource families of foster family agencies, or multidimensional treatment foster homes or therapeutic foster care homes; and certain enumerated group care placements (short-term residential therapeutic programs, group homes vendored by a regional center, community treatment facilities).<sup>17</sup> The law does not require detention while a suitable placement is being identified, but in practice, youth in San Francisco are often detained awaiting placement<sup>xvi</sup><sup>18</sup>.

To determine the appropriate placement, the JPD is responsible for convening a child-family team to identify placement options as part of the child’s case plan, a process that is usually required to begin following from the youth’s initial detention<sup>19</sup>. By law, JPD must prioritize placement with relatives,

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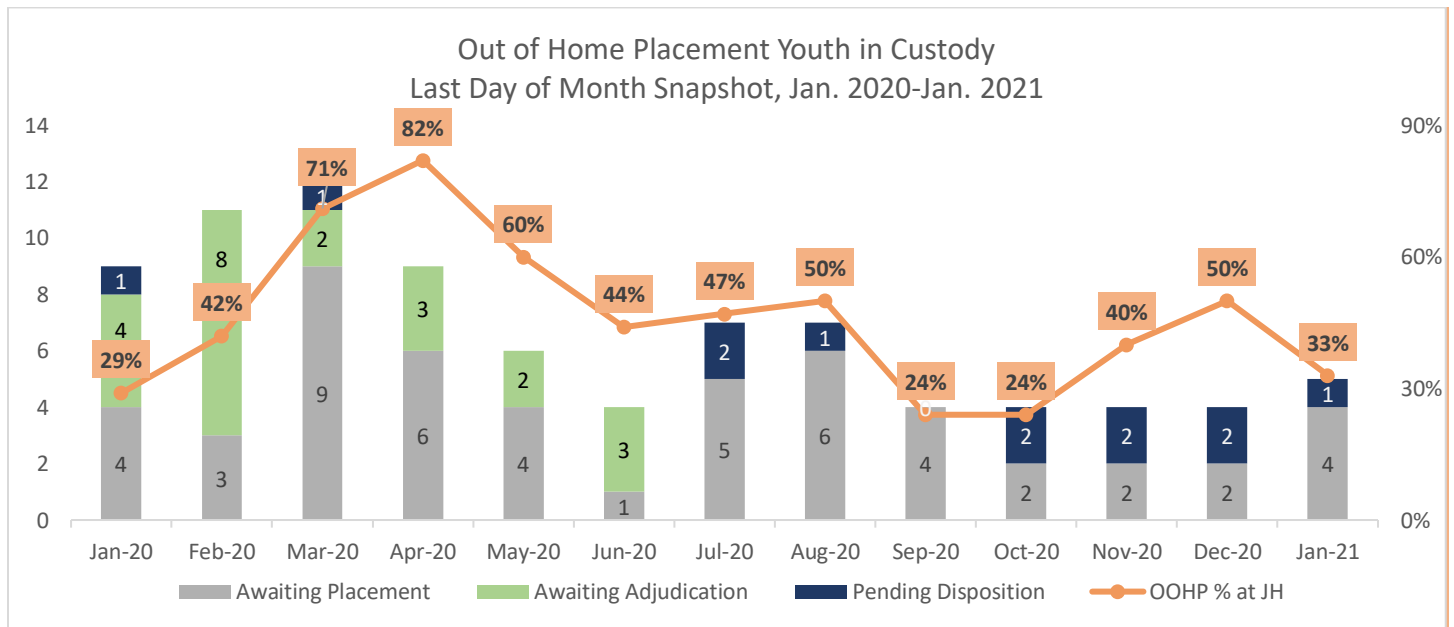
<sup>xv</sup> Data were not available on the types of violations associated with the issuance of the warrant, whether the warrant was initiated by the bench or at the request of JPD, whether the court ordered conditions the youth was subject to were objectively reasonable, whether alternative interventions were tried before seeking a warrant, or whether the alleged violations were within the youth’s control.

<sup>xvi</sup> In fact, the law requires the youth shall be immediately released to their placement, unless there is a reasonable basis for the delay.

nonrelated extended family members, and tribal members first, and then all other types of family-based care before any group, congregative, or institutional settings<sup>20</sup>.

Planning for a family-based placement starts at detention, as JPD’s “family-finding obligation” is triggered whenever JPD decides to detain a youth and recommends detention to the court<sup>21</sup>.<sup>xvii</sup> The family finding obligation requires JPD to identify and locate relatives in order to ensure that children remain with family whenever possible.<sup>22</sup> JPD must undertake an investigation to identify, locate, and provide certain information to a child’s relative, including information about becoming a placement option.<sup>23</sup> Prior to the youth’s case disposition, if JPD is recommending OOHP, JPD must convene a child and family team to develop the child’s case plan, including a proposal on placement<sup>24</sup>. Data regarding admissions to detention for OOHP related issues indicates that “placement related” detention admissions account for only two percent (2%) of detention admissions. However, there are more placement-related detention admissions than it appears at first glance because so many of the youth detained on warrants are issued as the result of youth running away from placement<sup>25</sup> and many youth detained end up in detention for a longer period of time while awaiting placement.

A May 2021 study affirms that issues related to OOHP drive the use of detention, whether youth are detained as the result of running from a placement or they are awaiting placement, awaiting adjudication, or pending disposition. The data indicate that in 2020, youth detained because of something related to a placement order made up 43% of the juvenile hall population.<sup>26</sup>



<sup>xvii</sup> Probation has an obligation to avoid further detention by identifying and locating relatives as soon as a young person is detained. Any time Probation makes the determination that a youth must be detained, this constitutes a “removal” from the youth’s custodial parent or guardian. This “removal” must be based on Probation’s determination that it is “contrary to the welfare” of the child to return home. There is no authority to detain a child in juvenile hall unless there is a finding that returning home is contrary to the child’s welfare (Welf. & Inst. Code §§ 628, 636.)

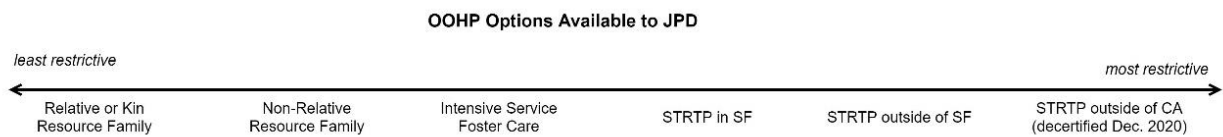
Further, in January of 2021, youth in OOHP comprised 12 percent of JPD’s total active caseload (45 of 369)<sup>27</sup>. Of the total 45 youth on OOHP caseload, only 42% (19 youth) were actually in a placement (either a Short Term Residential Therapeutic Program (STRTP) or resource family home). The remaining 58 percent (26 youth) were in detention, (pre-disposition, pre-placement, or pre-adjudication stages), AWOL (had run away from placement), on a home trial, in a transitional housing program, or in county jail on a subsequent adult charge.<sup>28</sup>

A positive development on this front is a newly launched foster care pilot for youth in the justice system. The pilot is a collaboration between the Department of Children, Youth and Their Families (DCYF) and Juvenile Probation and community-based licensed foster family agencies. In response to the recent study commissioned by Probation and that enumerated several opportunities for reforms, a request for proposals (RFP) was issued in June 2021 and Alternative Family Services was awarded the grant on July 30, 2021. The Pilot will provide both emergency and long-term placements for youth ordered to out of home placement by the SF Juvenile Court, in licensed resource family homes in the Bay Area, including Intensive Services Foster Care (ISFC) approved resource family homes. The pilot commenced operation in September 2021. To date, there are seven (7) licensed intensive foster care beds reserved for youth ordered to an out of home placement by San Francisco Juvenile Court. The BOS should support this.

Youth of color are dramatically over-represented in dispositions that result in OOHP, comprising 97 percent of youth with OOHP dispositions<sup>xviii</sup>.

*Few Out of Home Placement Options Exist in San Francisco*

May 2021 research described the continuum of OOHP options available to JPD. At the time the report was published, JPD only worked with one non-relative resource family and did not use intensive service foster care. This means that youth who had an OOHP disposition must either be placed with a relative or kin resource family or go to an STRTP placement.<sup>29</sup>



*Youth placed out of home often have multiple prior attempts at OOHP.*

The AIR case file review provides additional insight into the outcomes from OOHP. Out of 77 youth in the review, 28 were placed out of home (36 percent of the case file review population), many experiencing multiple placements. There were a total of 78 placements across these 28 youth.

<sup>xviii</sup> Data based on 92 youth with OOHP dispositions from January 1, 2019 through March 8, 2021). Black youth comprise only 5.5 percent of San Francisco’s youth population in 2020, but 51 percent of the probation population, and 63 percent of youth with OOHP dispositions.

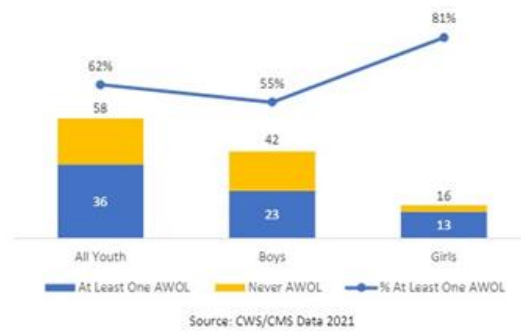
**Youth awaiting placement, including those for whom placement has already failed, often languish in the juvenile hall while waiting for another option.**

Time in detention for placement related issues is lengthy, both when compared to other reasons for detention and compared to time spent in placement before running away and subsequently being arrested on a warrant and detained. In fact, youth spent fewer days in placement compared to days AWOL (after runaway before arrest) and days in detention after arrest<sup>30</sup>.

**On the whole, Out of Home Placements are unsuccessful, particularly for girls.**

The case file review indicated that only 23 percent of placements were deemed successful. Almost two-thirds (59 percent) resulted in youth running away from placement and 18 percent were deemed failed placements even though the youth did not run away<sup>31</sup>. Data indicate that a particularly high proportion of girls run away, although girls make a smaller proportion of all OOHP: 81 percent of girls went AWOL at least once, as did 55 percent of boys.

All probation placements since January 1, 2019 in CWS/CMS data, N= 58 youth

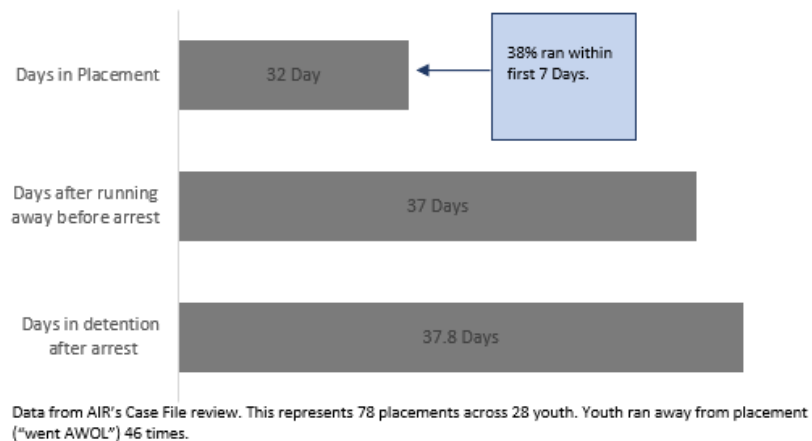


**Prior to OOHP, some youth are not receiving Family Finding, as required by law.**

As described above, JPD must conduct a “Family Finding,” as part of its duty to ensure that a youth remains with family whenever possible. The case file review revealed that among cases for which there was an OOHP ordered, a family finding was not always conducted<sup>32</sup>. When a family finding was conducted, family was identified 65 percent of the time. Timing of family finding is crucial—when JPD complies with its obligation

to begin the family finding process at detention, there is more time to develop a family-based placement option together with the child and family team. The goal is to ensure that the placement can be available at the time of disposition to prevent the youth from enduring a lengthy stay in juvenile hall awaiting placement after disposition.

**Time spent in placement versus AWOL (after running away) and in detention after arrest**



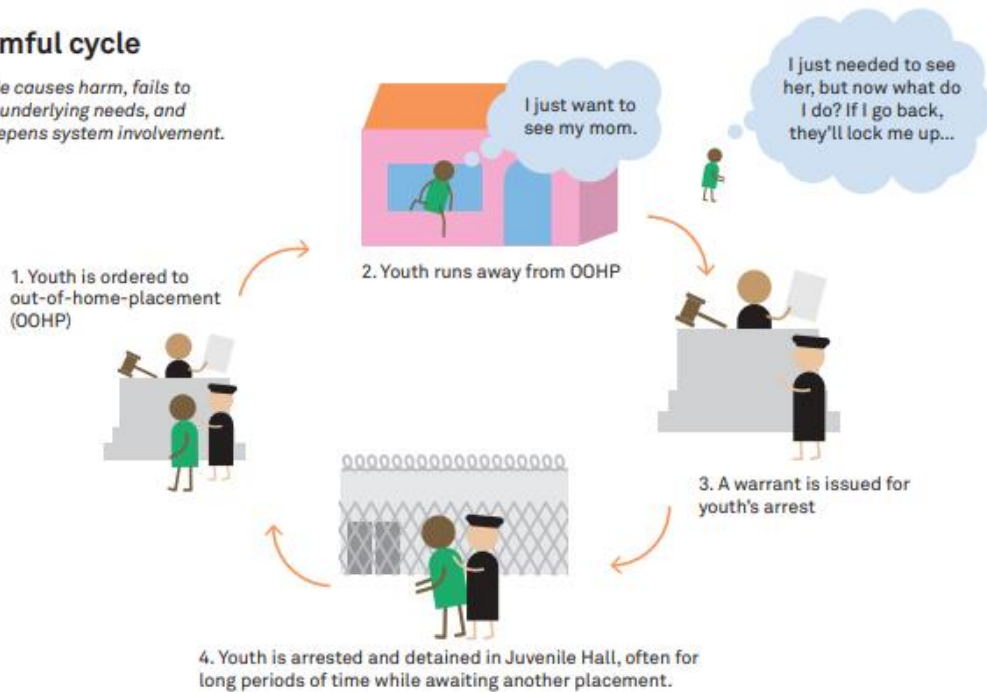
*Youth running from OOHP seek family members or other trusted people in their lives.*

The case file review revealed that after running away from placement, some youth were found to be living with a person who was initially *not* approved as a Resource Family (RFA) placement. This finding was affirmed with anecdotes by members of the Workgroup and community participants in working sessions to discuss the findings of the case file review. This finding raises questions about reducing barriers to Resource Family approval so that youth can be placed with the adults they trust and, in the homes, where they prefer to live.

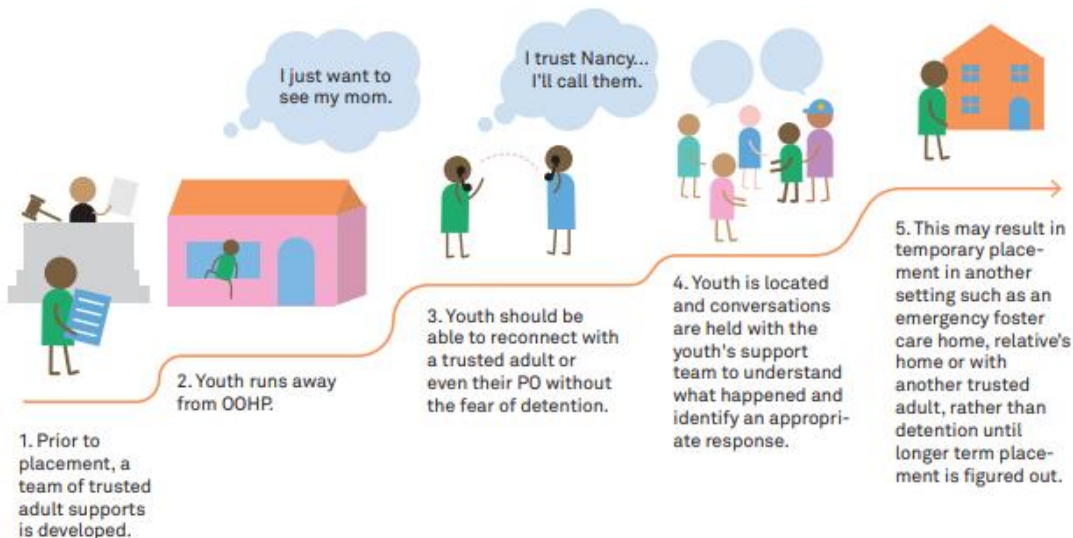
Proposals for policy solutions regarding Out of Home Placement are found in Section XV.

**A harmful cycle**

*This cycle causes harm, fails to address underlying needs, and often deepens system involvement.*



**A better idea**



#### d. Detention Hearings

If JPD detains a young person, the young person has the right to a detention hearing where a judge will decide whether they need to remain in custody for the remainder of their court proceedings. By law, youth detained by JPD must be brought before a judge “as soon as possible,”<sup>33</sup> so the judge can decide whether continued detention is necessary. Despite this legal mandate, typical practice is to delay these hearings until the next business day after the DA files a petition in court. Legally, the DA has up to 48 hours after arrest to file a petition. Because of this, detention hearings often take place several days after arrest.

At the detention hearing, there is a presumption that the young person be released. To keep a youth in custody, the judge must find that the prosecutor has made a “prima facie” case that the youth is alleged to have committed a crime, and that:

- the youth has violated an order of the juvenile court, or
- the youth has escaped from the commitment of the juvenile court, or
- the youth is a flight risk, or
- it is a matter of immediate and urgent necessity for the protection of the youth that the youth be detained, or
- it is reasonably necessary for the protection of the person or property of another that the youth be detained.

To help make the decision, the judge will ask for input from the district attorney, JPD, the young person, the young person’s attorney, and the young person’s parents or guardians.

All youth may be released at the detention hearing<sup>34</sup>. There is no statute that requires the court to detain youth. Even if all circumstances justifying a detention order exist, the court has the discretion to release the youth as they deem appropriate.

JPD’s 2021 report “Data Deep Dive: Time to Detention Hearings” reveals important data regarding detention hearings in San Francisco. The report reviews data for 554 admissions to juvenile hall in 2019 and 2020. The report finds that youth remain in detention longer when the arrest occurs closer to the weekend, as these youth typically must wait until Monday for a detention hearing. Youth admitted at the start of the week (Mon-Wed) waited two (2) days for a detention hearing while youth admitted at the end of the week waited four (4) days for a detention hearing.<sup>35</sup> The report found that 20% of youth are released on the same day as their detention hearing, and an additional 20% are released within one week of their detention hearing<sup>36</sup>.

Thirty-seven percent (37%) of youth who were detained as the result of an “automatic detention<sup>xix</sup>” (where JPD indicates they had no discretion to release youth prior to their detention hearing) were released within one week of their detention hearing, and 48% of youth who were detained for “non-

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<sup>xix</sup> In JPD’s Data Deep Dive: Time to Detention Hearings Report, Automatic detention is defined as “state-mandated reasons for detention and placement return or failure where a non-secure option is not available.” Examples include: “707b & age 14; Warrant; Court Order; Transfer-In; Placement return/failure (non-secure option unavailable).”



automatic” detention<sup>xx</sup> were released within one week of their detention hearing. For youth with automatic detentions, this high proportion of subsequent quick releases raises questions about whether JPD would have released the young person if not for the “mandatory” nature of the youth’s initial detention. For at least some of these youth, it is possible that JPD would not have detained the youth if JPD had discretion. For the youth with non-automatic detentions, this high proportion of relatively quick releases suggests that alternatives to detention may have been initiated in lieu of detention in the first place. Regardless of whether the initial detention was automatic or non-automatic, when youth were released within a week, youth were often released on home supervision (53%) and with “time served (14%).<sup>xxi37</sup>

Proposals for policy solutions regarding expedited or same day detention hearing are found in Section XV.

### e. Detention Alternatives

Current law requires that JPD establish a “home supervision” program for youth who would otherwise be detained in juvenile hall.<sup>38</sup> Home supervision is *only* authorized when youth meet the criteria for detention. In other words, if the law does not support detention, it does not allow for home supervision – the youth must simply be released. Services can be ordered to support youth, but no conditions imposed. Home supervision is defined as a program that permits youth to remain at home pending the disposition of their case under the supervision of a JPD *or* a community worker.<sup>39</sup> The purpose of home supervision is to ensure that youth abide by their court ordered conditions of release, including showing up for court appearances<sup>40</sup>. The law prioritizes connecting youth with relevant systems of support in their community and requires that, whenever possible, the person supervising the youth on home supervision should reside in the same community as the youth<sup>41</sup>.

Data reveal that home detention is frequently attached to a youth’s release from juvenile hall<sup>42</sup> but that nearly half of home detentions (44%) were unsuccessful. Home detention violations are both a common reason for detention (6 percent of detention overall) and a common reason for a warrant that leads to detention (28% of warrants). Together, this equates to approximately 12 percent of detention admissions (60 of 486). When youth are on home detention, electronic monitoring (EM) is ordered in 80% of cases.<sup>xxii</sup> When EM is associated with a youth’s home detention order, home detention fails more often.

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<sup>xx</sup> In JPD’s Data Deep Dive: Time to Detention Hearings Report, non-automatic detention is defined as “DRI Score ≥ 11; Detention Override; Courtesy Hold; and Other.”

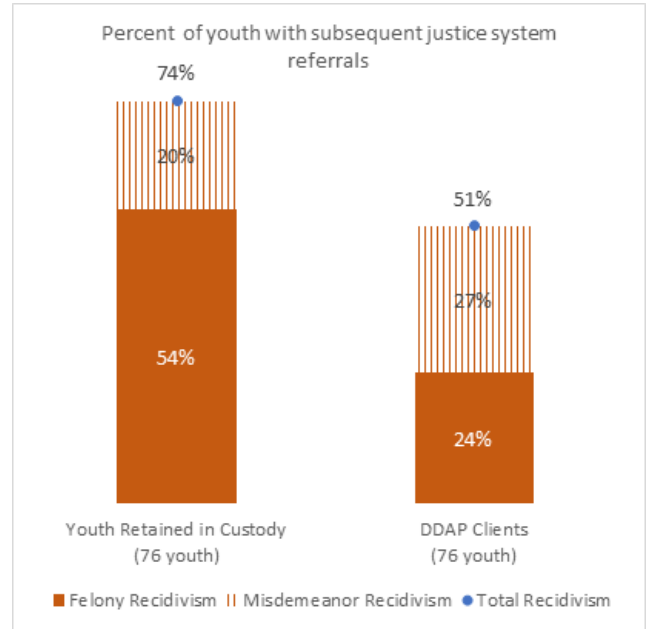
<sup>xxi</sup> Time served is noted as “catch all” release reason likely capturing many dismissals.

<sup>xxii</sup> Recent data produced for the Probation Commission affirms the high use of EM. Between January 2020 and June 2021, 187 youth were referred to SCRAM of CA, an electronic monitoring company, which by far received the most referrals from Probation during this time period.



An independent evaluation of one detention alternative in San Francisco, the Detention Diversion Alternative Program (DDAP), revealed that when used, it led to an increase in youth well-being and public safety. In the evaluation, youth who remained in custody were more likely to recidivate than youth who were referred to DDAP. While data were not available on all detention alternatives being used in San Francisco, the analysis of DDAP reveals that currently available options for detention alternatives are not used as early or as often as they could be.

DDAP is operated by the nonprofit organization, the Center on Juvenile and Criminal Justice (CJCJ). DDAP is designed as a detention alternative for youth who have been charged with serious offenses and are either in juvenile hall or are likely to be detained in juvenile hall. Currently, youth are typically referred to DDAP by defense counsel after an initial decision by JPD to detain a youth. After youth are referred to DDAP, DDAP case managers build a release plan for the youth that capitalizes on the youth’s needs and strengths and present it in court. If the judge agrees, the youth is released to DDAP supervision and avoids further detention in juvenile hall.<sup>43</sup>



The independent evaluation of DDAP<sup>xxiii</sup> revealed that approximately 51 percent of DDAP clients recidivated compared to nearly 74 percent of youth in custody. In other words, youth who remained in custody were approximately 1.44 times more likely than DDAP clients to recidivate. Additionally, just under 24 percent of DDAP clients had one or more subsequent justice system referrals for a felony charge, compared to 54 percent of youth retained in custody. In other words, youth retained in custody were 2.3 times more likely than DDAP clients to receive subsequent felony referrals.

Proposals for policy solutions regarding detention alternatives are found in Section XV.

#### f. Unaccompanied minors

Unaccompanied minors who are in contact with the justice system present an independent humanitarian crisis that requires special attention, one that San Francisco is working to confront. Often fleeing difficult circumstances in their home countries, San Francisco acknowledges that these youth should not be further traumatized by justice system involvement and incarceration. While unaccompanied minors make up an unknown but relatively small proportion of the youth population in

<sup>xxiii</sup> Evaluators of DDAP took measures to ensure a fair comparison between youth referred and accepted into DDAP and similarly situated youth retained in custody. The youth are comparable in terms of their initial crimes, previous justice involvement, age, gender, and timeline for arrest and intervention/non-intervention.

San Francisco, they made up one-sixth of the cases reviewed in the case file review. All youth in that sample were from Honduras and the most common reason for detention was suspected drug dealing.

Unaccompanied minors who were detained in juvenile hall had legal representation, but it was not clear if they had specialized immigration lawyers. The case file review did not reveal any attorneys who were officially designated as immigration lawyers, though some of the public defenders appeared to have specialized skills in working with unaccompanied minors and provided high levels of advocacy on behalf of their clients.<sup>44</sup> Youth who are clients of the Public Defender Office receive a *Padilla* consult and receive representation with adult immigration unit. A local organization, Legal Services for Children can also provide services for youth they are already working with on immigration issues.

At the time of booking, it appeared that unaccompanied minors did not have a stable place to live or could not identify a legal guardian in the Bay Area. Through the efforts of JPD, the defense attorney, and an HSA social worker, in each case a parent in Honduras was contacted and able to send a copy of youth's birth certificate. In 61% of the cases, the youth was already connected to HSA or a referral was made during the detention stay. For many of the youth, there was at least one family member in the Bay Area (predominantly in Oakland).

In 2020, in response to increasing numbers of law enforcement referrals of unaccompanied minors for offenses for which detention is not mandated by state law, JPD initiated new policies and procedures in collaboration with the Family and Children's Services Division of the Human Services Agency and Huckleberry House to develop alternatives to detention when parents or guardians are not available. According to JPD, this has led to a dramatic reduction in the number of unaccompanied minors detained.

In March 2021, a memorandum of understanding to support a diversion program for unaccompanied minors, The Unaccompanied Children Assistance Program (UCAP), was signed by the District Attorney's Office, the University of San Francisco Law School Immigration Clinic, The Public Defender's Office and the Bar Association of San Francisco. The program is aimed at youth who are victims of human trafficking and who have been arrested for drug-related offenses. The program diverts youth out of the legal system pre-filing and into a program that is tailored for the needs of children fleeing violence, poverty, and trauma in Central America. The District Attorney has sole discretion over which cases are referred to UCAP.

Proposals for policy solutions addressing issues of unaccompanied minors in Section XV.

## XI. Creating a Non-Institutional Place of Detention

The legislation established the Workgroup to conduct research, use data and best practices to suggest a replacement for the current JH. We have discussed data findings that impact utilization of the JH for a variety of populations. This section of the report addresses those young people that will be held in secure confinement.

### Rehabilitative Non-Institutional Residential Homes

The Workgroup identified the options that are essential to close the JH for young people needing to be held in secure custody. Specifically:

- Open a home for girls who are pre-adjudicated and post-adjudicated, pre-placement (no more than 5 beds)
- Open a home for boys who are pre-adjudicated (8-12 beds)
- Open a home for boys who are post-adjudicated, pre-placement (8-12 beds)

Preferred staff to youth ratio during waking hours: 1 staff for every 5 youth. The Workgroup suggested co-leadership with JPD and community members as a possibility.

Ideas submitted to accomplish the items listed above regarding new residential homes include:

- 1055 Pine provides floors for each of these three “homes”
- Covert two cottages at 1801 Vicente into a JDP staff run, staff secure homes for boys
- Have the Real Estate Department (RED) find 2-3 single family homes in the City that meet required criteria in certain zip codes.

There are significant and complicated issues involved with replacing the current Hall. If it has not done so already, The Board of Supervisors should consider engaging the City Attorney’s Office to conduct its own legal analysis of existing state statutory and regulatory requirements. This analysis should be done not by a legal team in charge of compliance, but by a team tasked with finding ways to implement the legislative directive of the Close Juvenile Hall Ordinance. Once it conducts its own analysis, the team from the City Attorney’s office should make an effort to meet and confer with BSCC counsel to determine whether the City’s goals can be met within existing law.

Further, the Mayor and the Board of Supervisors may want to consider working with their state legislative representatives to put forward legislation that gives the City and County a two-to-three-year pilot phase that exempts the restrictions required by the Board of State and Community Corrections youth detention regulations. This provides more flexibility and allowance for a home-like setting.

### Considerations Regarding 1801 Vincente

1801 Vicente (1801) offers a non-traditional, non-institutional, idyllic residential setting. Modifications to the cottages can both comply with the BSCC guidelines and make the environment therapeutic, home-like, and conducive for positive youth development.

Using 1801 poses two significant challenges: 1) The location is far from where most youth and their families live who will be there and public transportation is difficult to navigate; and 2) Community members and advocates attending the Work Group have raised issues about concerning incidents that have occurred there in the past.

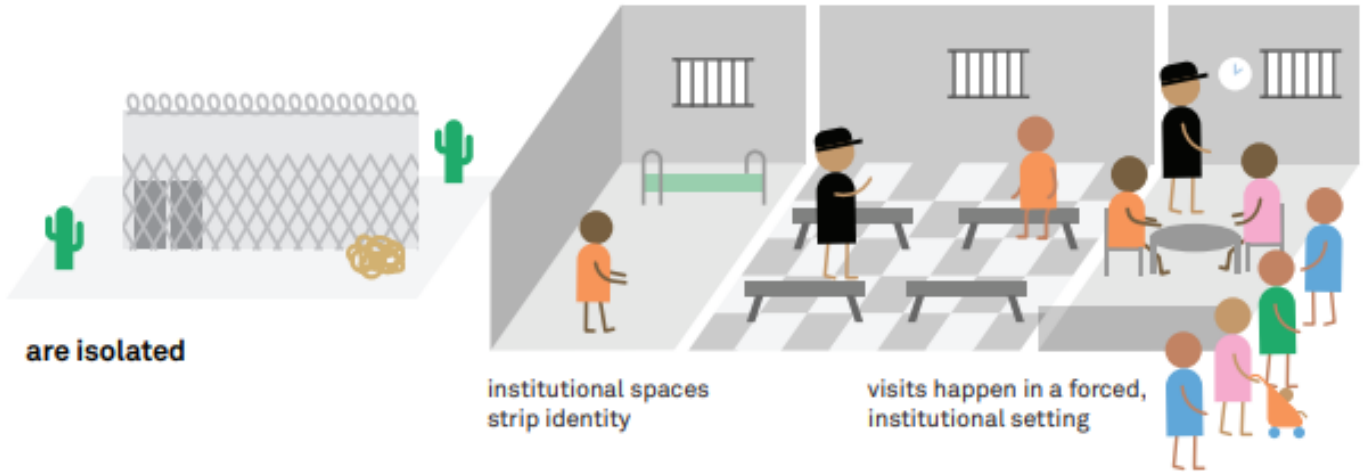
To mitigate these two issues, the City and County should offer free shuttle transportation to families to visit their loved ones who will be in the cottages. Also, the staff operating the facility (in addition to community partnership) will be JPD staff, and only boys should be placed on the campus. The need for bed space for girls is very limited, likely no more than five at any given time, and alternative options can be developed for girls.

#### Key Steps for Further Consideration:

- **Begin lease negotiations with 1801** and submit a down payment of \$850,000, which is required as soon as possible due other organizations being interested in leasing the space.
- **Juvenile Probation Chief submit a letter to the BSCC** formally requesting approval to use the 1801 cottages as the County's new JH. Also request expedited approval and/or use the BSCC pilot or alternative approval process if that provides for quicker approval.
  - The City and County of San Francisco should also consider engaging its state legislative representatives and seek legislation giving SF temporary relief from BSCC approval for up to three years on the condition a locally appointed committee – including the Juvenile Probation Chief, Presiding Juvenile Court Judge, and community members – approve of the site (there is precedent for state legislation applying to only one county).
- **Initiate a Community Engagement process** with residents of the neighborhood surrounding 1801.
- **Enter into a lease agreement with 1801.** 1801 has indicated it will require \$250,000 - \$300,000 per month to lease the two available cottages.
- **Make required renovations.** This step will take the longest and has the greatest risk of delay. For instance, all the windows and front doors of both cottages will have to be replaced with detention grade windows and doors, which is an expensive project both material and labor.
- **The Juvenile Probation Department (JPD) submit an Operational Program Statement (OPS)** to the BSCC on how the facility would operate, including items like how intake would be operationalized, where school would be held, staffing patterns, etc. The full required contents of the OPS are contained in the enclosed communication from BSCC.
- **Request Court Approval**
- **Receive all local permits and approvals**
  - Fire Department/Fire Marshall
  - Health Department
  - Zoning
  - Others
- **JPD request formal BSCC inspection and approval.**
- **Engage in labor negotiations.** Simply changing staff's location but maintaining their duties may not require formal meet and confer. Regardless, the City and County should engage labor to reinforce statements made by Board President Shamann Walton that this change will not result in any layoffs and has the intended impact of an improved work environment for staff.

## Re-envisioned Non-Institutional Place of Detention

### Current Juvenile Halls



### New Non-Institutional Place of Detention



## Qualities of a Youth Development Centered Youth Home

The Workgroup had discussions about the qualities that a replacement to Juvenile Hall should reflect.

1. A maximum of 15 youth.
2. A non-correctional setting with home-like living units/rooms – non-institutional furniture.
3. A therapeutic environment with positive images on walls, warm colors, positive sayings and quotes on walls.
4. A room that is configured to provide a calming and safe space.
5. A configuration that provides adequate space and equipment to support high quality education, programs and individual counseling, recreation, and outdoor access.
6. A space that accommodates scheduled phone calls, video visits, and in-person visitation with loved ones.
7. A space that provides a kitchen and dining area for cooked meals and train youth in food preparation.
8. A diverse staff that reflects the youth population trained in Positive Youth Development and verbal de-escalation.
9. A positive development approach utilizing a token economy for behavior management.
10. A place that has programming for short-term use preparing youth for next steps - e.g., transition to community.

## Co-Designed/Co-Led Youth Programming in Youth Facilities

The Workgroup discussed shared leadership with community-based organizations (CBO's) and JPD in the design and operation of the replacement for the JH. There are a variety of options that offer a range of shared power designs. They include:

- CBOs designing and operating specific programs in the JH (current practice).
- JPD & CBOs designing and operating one or more units together, 24/7.
- CBOs designing and operating one or more units 24/7 with JPD providing "security."
- CBOs designing and operating all units 24/7 with JPD providing "security" and executive management (as the Title 15-designated facility administrator).
- Joint sharing of executive management and operations.

One idea of facility staff and community co-leading programming in the JH is that JPD staff work alongside and in partnership with CBO staff to deliver programming and care for youth in-custody. The idea would be that during most waking hours for youth, CBO staff would be in the facility, on the units/in the rooms,<sup>xxiv</sup> engaged in the programming.

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<sup>xxiv</sup> Rooms here does not mean youth individual rooms, but if the facility is transitioned to be more of a home, the living area will not be units, but rooms.

During school time, CBO staff can support teachers and provide in class tutoring as well as help with behavioral challenges. SFUSD will have to be engaged in this discussion. After school, CBO staff can both run programs as they do now, but also remain in the living units/rooms until bedtime helping youth with homework, interacting with activities akin to a homelike environment. These interactions are important to address any challenges, like de-escalating tensions.

CBO staff would work alongside facility staff in partnership. CBO staff would not be involved in any physical restraints or physical force of any kind. Any necessary restraint or force would be administered by facility staff who have completed required training per Title 15.

It is important to note that the above overview of “shared leadership” is between public and private agencies – not individual community members or family members. A process should also be developed that allows individual community members who are not employed by a CBO partner in the shared leadership model. Additionally, a Youth Shared Leadership Advisory Council should be established that includes youth, CBO staff, individual community members, SFUSD staff, and JPD to assist in design, program, operations and monitoring.

The following models are examples of shared leadership of pods/programming/facilities. While they differ from a detention center in that they (1) are post disposition and (2) select the groups of youth/adults they admit, these programs offer inspiration and ideas for our consideration.

- California Leadership Academy (See Appendix H)
- DJJ Therapeutic Communities RFP <sup>45</sup>
- Delancey Street operated pod in San Mateo Co. jail
- NYC Close to Home

### **Considerations for Co-Design**

The Workgroup noted that several details would have to be decided upon to realize a co-designed model. Primary details are:

#### **Selection/Design:**

- How does joint planning and design happen?
- What are the values and process we use to determine the types of services we want, and select the organizations who will provide them?
  - How are the voices of community centered in this selection process?
  - How is racial equity centered in this selection process?
- How are CBOs selected to participate? Is there a “lead” CBO?
- What is the term (length of time) for which CBOs are identified, and how are transitions facilitated?
- Who manages the grants/contracts?

#### **Scheduling:**

- Who and how is it determined which CBOs are scheduled when?
- What about weekends and holidays, when it traditionally has been hard to schedule CBOs?

#### **Leadership & Staffing:**

- What is the process for making design and operational decisions - and resolving conflict - between JPD and CBO staff at all levels, from line staff to leadership?
- Who oversees supervising CBO staff daily? Will there be CBO supervisors on-site? Who evaluates staff performance?
- What happens when CBO staff on-site have disciplinary issues? Does JPD have authority to discipline/remove/ban?
- What requirements must CBO staff meet to work in a detention facility?
  - Mandated training?
  - Mandated restrictions?
- What about weekends and holidays when it traditionally has been hard to schedule CBOs?
  - How do sworn and non-sworn (CBO) staff navigate decisions and roles in de-escalation, discipline and use of force?
  - Do CBOs follow BSCC-approved policies and procedures, or will there be different expectations?

#### **Protocol for Incidents of Harm, including youth assault on CBO staff:**

- What protocols exist for incidents of harm and how do they need to change?



### **a. Estimating Capacity Needs for Non-Institutional Place of Detention**

Several different bed capacity estimates for the new non-institutional place of detention were discussed by the Workgroup. Consensus was not reached about which estimate should be chosen to guide the selection process. For instance, JPD estimates a “peak capacity” of 40 beds – 31 for boys and 9 for girls, but also suggests policy change may reduce capacity needs by 40 percent. An alternative analysis from BI -based on projected reductions in admissions that result from policy change for various admission reasons- includes an estimate of between 5-10 beds. Some Workgroup members have registered a concern about having insufficient capacity during peak usage, which might result in either unconstitutional and harmful overcrowding, or youth being detained in other counties.

However, it must be noted that historically, the justice sector has relied on worst case scenario type planning. This inevitably leads to construction of locked cells, rather than investment in community alternatives. Since California’s last buildout of prisons and jails in the 90s, it has become clear the BOS does not adhere to that ethos. Beds remain empty but resources are encumbered maintaining those facilities, even when just a few youths are detained. These are resources that cannot then be invested in community well-being or alternatives to detention.

Since the BOS is forging a new path in its current effort to close juvenile hall, it must examine the underlying justification for the estimate. The analysis below presents two sets of estimates for the BOS to examine.

#### **1. Estimating Peak and Average ADP**

JPD analyzed average daily and peak populations in juvenile hall over three years—2018, 2019, and 2020—for boys and girls. The average daily population includes the average number of young people who were detained in juvenile hall during the calendar year; the “peak” population is greatest number of young people ever detained during that calendar year.

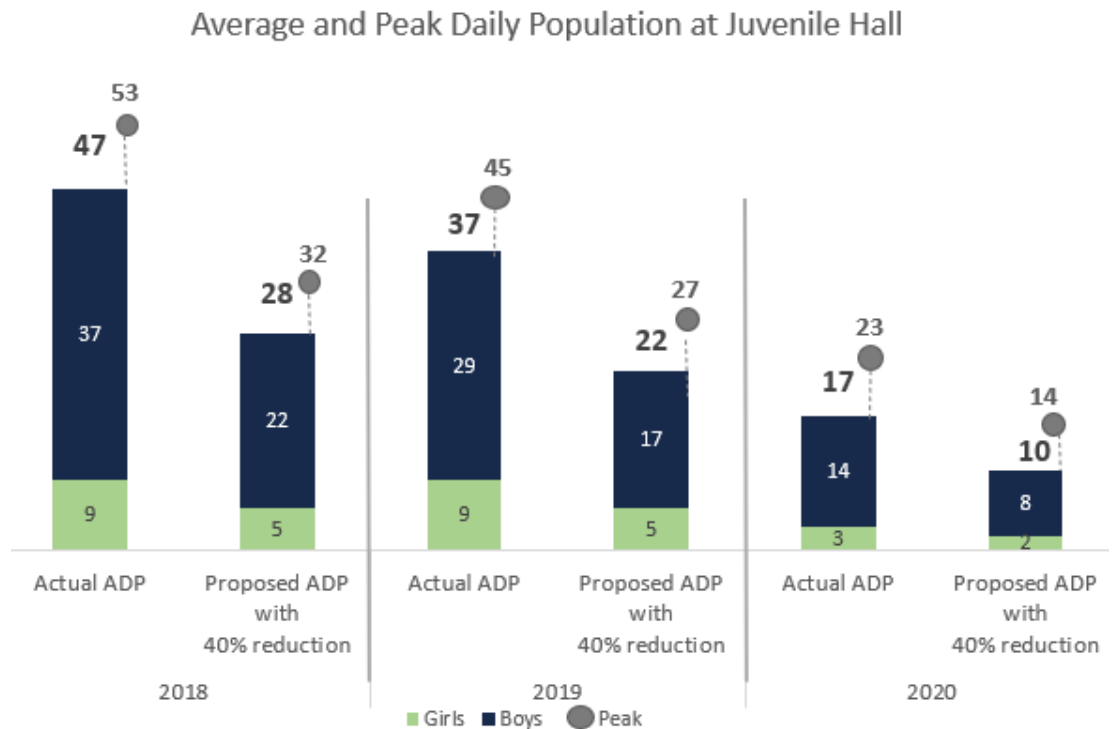
JPD notes that the three-year analysis covers a period of enormous policy change in San Francisco’s approach to youth justice including a new administration at JPD that emphasizes policies that reduce the use of detention. In addition, the onset of the COVID-19 pandemic resulted in a significant decline in reliance on the use of secure detention. Some posit that these reductions are time limited, other suggest that decline signals an over-reliance on custody pre-COVID 19 that we should strive to maintain as COVID restrictions subside.

JPD suggests that the average population across the three-year sample period provides an informed projection for the number of non-institutional beds that San Francisco may need in the years to come. JPD asserts confidence that the strategies identified by the Workgroup as well as the Blue-Ribbon Panel to divert youth from the system, limit the circumstances under which youth are detained, expedite releases from detention, and bolster the provision and coordination of services can lower the capacity need by as much as 40 percent.<sup>xxv</sup>

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<sup>xxv</sup> JPD notes that should the age of adulthood be raised via state legislation, we would need to revisit these projections.

According to JPD data, in 2019, a year that represents initial policy shifts in the new administration but is prior to any reduced reliance after the pandemic, there was an ADP of 37 youth in Juvenile Hall, 9 girls and 29 boys. With the 40 percent reduction proposed by JDP, the capacity needs of a non-institutional place of detention in 2019 would be 22 beds, 5 for girls and 17 for boys. In 2020, a year that more fully represents policy shifts under the new administration but also includes reductions that resulted from COVID-19, there was an ADP of 17 youth, 3 girls and 14 boys. With the 40 percent reduction proposed by JPD, the capacity needs of a non-institutional place of detention in 2020 would be 10 beds, 8 for boys and 2 for girls.



**iv. Estimating Impact of Policy Changes**

Applying lessons learned from the data reviewed in this report along with policy proposals proposed by members of the Workgroup and community participants, BI developed its analysis for the capacity needs of a non-institutional place of detention. This analysis estimates that once recommended policy changes are implemented and take effect, a significantly smaller facility (or multiple facilities) with a capacity of 5-10 beds may be adequate to serve as the non-institutional placement. This estimate is based on:

- **Preventing the events that trigger** the need for a non-institutional place of detention;
- **Eliminating detention for youth** who do not pose a risk to public safety;
- **Increasing the use of alternatives to detention;** and
- **Capitalizing on lessons learned during the COVID-19 pandemic** to reduce reliance on detention.

The following steps were taken to make the estimation:

- ✓ Step 1: Using 2019 and 2020 annual data provided by AIR, calculated average monthly admissions for each admission reason.
  - *For example, in 2019 there were 147 admissions for robbery. Monthly, this would translate to an average of 12 admissions for robbery each month in 2019. In 2019 there were 78 admissions for robbery. Monthly, this would translate to an average of 7 admissions for robbery each month in 2020<sup>xxvi</sup>.*
- ✓ Step 2: Using the policy proposals included in this report, estimated reductions in the number admitted per month for each admission reason.
  - *For example, since fewer than half of youth admitted for robbery ever have a sustained petition for robbery, BI estimates that San Francisco County may reduce admissions for robbery by 60% using strategies recommended in Section XV. With this reduction, the number of admissions for robbery could be reduced from 12 monthly admissions to 5 (using the 2019 data) and from 7 monthly admissions to 3 (using the 2020 data).*
- ✓ Step 3: Using the average number of hours youth stay in detention (included in the 2019 and 2020 data provided by AIR), translated average length of stay into days and months.
  - *For example, in 2019, youth accused of robbery were detained at juvenile hall for an average of 22.3 Days,<sup>xxvii</sup> just over three weeks (.73 months). In 2020, youth accused of robbery were detained in juvenile hall for an average of 8.4 days or just over a week (.27 months).*
- ✓ Step 4: Calculated the average daily population/ capacity needs of a non-institutional place of detention. Using the estimated number of monthly admissions (with estimated reductions) and multiplying admissions by the time youth spend in detention monthly for each admission reason<sup>xxviii</sup>.
  - *For example, an average of between 5 youth (using 2019 data) and 3 would be admitted to detention monthly if there were a 60 percent reduction in admissions for robbery.*
  - *For 2019, the 5 admissions were then multiplied by .72, the average length of stay in detention (by month) for robbery in 2019. Based on this analysis, using 2019 data, the non-institutional place of detention would require 4 beds for youth charged with robbery offenses moving forward. For 2020, the 3 robbery admissions was multiplied by .28, the average length of stay in detention (by month) for robbery in 2020. Based on this analysis, using 2020 data, the non-institutional place of detention would require 1 bed for youth charged with robbery offenses on an ongoing basis moving forward.*
  - *Using both years, the analysis reveals that the non-institutional place of detention would require between 1 and 4 beds for youth accused of robbery moving forward.*

Using these steps, BI estimated the reduction in the capacity needs of a non-institutional place of detention as follows. Each step in its entirety is included in Appendix F.

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<sup>xxvi</sup> Data are rounded to nearest whole number. See Appendix F for exact numbers.

<sup>xxvii</sup> According to the AIR Administrative data for 2019, 113 youth were detained for an average of 503 hours (21 days), for “Robbery” charges and an average of 643 days (26.8 days) for the 34-youth detained on “Robbery 2<sup>nd</sup> Degree” charges. BI combined all robbery charges and calculated the average length of stay for the robbery offenses combined.

<sup>xxviii</sup> This analysis conservatively assumes that length of stay does not change. If time in detention is reduced, the bed capacity would decrease even more.

## XII. Expanding Community Alternatives by Implementing Protocols for Well-being

In order to replace our reliance on custody, suppression, and racialized social control, we must change the paradigm about the best way to achieve public safety. We must adopt new principles to undergird a structure of well-being. Our current system has been built and nurtured for almost two hundred years on a narrative of fear and “othering”. It won’t be easy to discard centuries

If we are truly at the precipice of a transformative moment, the most tragic of outcomes would be that the demand be too timid and the resolution too small. If we are indeed serious about creating a more just society, we must go much further than that. We must get to the root of it.

- **Nikole Hannah-Jones**

of narratives that have led to our addiction to incarceration as the only and best way to change the behaviors of young people and keep the public safe. The legislation tells us that incarceration will not make us safer and we have been given the opportunity to take steps away from the jailhouse door and have the courage to try a different approach. That approach is to make sure we keep the community safe, address harm and support youth development.

This well-being approach was introduced in the listening sessions and widely discussed in the sub-committee meetings. The visioning around this approach requires making structural changes to the current youth safety apparatus. Such a seismic shift requires us to reconsider and reframe the fundamental principles that inform the administration of justice. If we change the foundation, policies and practices will reshape accordingly.

The first change requires the demolition of racialized social control. We can no longer tolerate equating public safety with systemic racism. Ultimately, this means examining our program utilization practices determining how communities of color are most controlled in the name of public safety. It begins with demanding every component of the safety apparatus document the impact of their practices on communities of color. Additionally, we must redesign our orientation, protocols and practices away from meaningless surveillance procedures and towards meaningful responses that improve life outcomes.

“Shift from using detention as a way to address youth’s behavior, use education, take the time to find out why youth are landing in detention and create more opportunities for youth developing trades, careers and a way to make money.”

Youth Listening Session, January 25, 2021

Structural well-being requires inclusion of the voices of communities of color that are impacted by the administration of justice almost daily. In San Francisco the data shows that our youth come from disinvested communities. For those communities to be safe and thrive local residents must be at the center of engagement. It isn’t unusual for the line to be very thin, if not invisible, between the person conducting harm and the person harmed. Both should play meaningful roles.

Indeed, community residents must be at the center of policies and practices that impact them and the justice sector. Centering community reflects a commitment to authentic inclusion and power-sharing. It values impacted communities' experience and expertise in driving the solutions that will achieve equity. We have incorporated the findings from the listening sessions and Workgroup participation to assure voices are heard.

In order to center communities as the central partner in writing the rules for structural well-being, elected officials and justice practitioners will have to share power. Yet the power justice professionals hold is bestowed upon them by the very institutions of social control that need transforming. The directly impacted folks see firsthand the circuitous journey required to negotiate the complex, non-sensical rules and obligations, involving multiple institutions, that have very little to do with keeping us safe.

So it is with these values that we discuss expanding alternative programs. These structural changes will take a longer time to implement and must be phased in accordingly to assure accountability.

### **Expanding Community Based Programming**

As mentioned above the legislation mandating the closure of the San Francisco Juvenile Hall specifically states:

*The vast majority of young people in detention should be diverted from that system and given access to developmentally appropriate, trauma-informed programs and services that address racial and ethnic disparities.*

The legislation acknowledges that to step away from the use of detention, a healthy youth justice apparatus invests in the positive development of young people and their families. This represents a shift towards serving young people in their communities rather than relying on San Francisco's youth detention facility to serve as the default catch-all for program gaps and deficiencies.

The legislation calls for alternatives that are community and family informed that are located in communities proximate to where young people spend most of their time. In addition to being close to home, the legislation holds that community alternatives also need to be developmentally appropriate, trauma-informed and culturally and linguistically based. This requirement is particularly important since data reveals that since the legislation passed Black youth are disturbingly over-represented followed by Latino's and Pacific Islanders.

In order to comply with the tenets of the legislation, community alternatives should be close to the young people and their families geographically and culturally. Currently, the array of programs offered do not reflect this approach, requiring proposals that address this lack of balance in areas of need and places for service provision.

There is no doubt that the intent to align services with the needs of youth and families is not easy in a city that is burdened with significant income inequality. Additionally, the City's historic racial segregation

in housing does not lend itself to easily match services for youth in trouble with the law and community alternatives that are effective and culturally aligned.

Thus, the mandate to expand community alternatives to reduce the utilization of the juvenile hall requires proposals that suggest significant changes to the current practices that animate the use of community alternatives. Strengthening the capacity and efficacy of services and interventions in the community reduces the need for reliance on the current secure confinement facility for San Francisco's youth and families.

Therefore, to meet the requirements of this legislation our proposals must confront the current structures and re-imagine new approaches. The Expand Community Alternatives subcommittee explored the agencies responsible for services to justice

involved youth (DCYF, DPH and JPD) determined there were significant problems with the existing policies and practices. Issues regarding program utilization surfaced practices used by City departments that impede successful outcomes for youth and families.

"We need to focus on best practices, not just programs. We shouldn't be focused on an individual program. We should focus on what actually works"

- Parent Listening Session, December 15, 2020

There are numerous structural impediments to delivering quality services for justice impacted youth and families. These impediments negatively affect almost every aspect of service delivery requiring workarounds and extraordinary individual effort at best yield unsatisfactory results. This approach to trying to overcome the structural deficiencies and the resulting insufficient program outcomes increases the use of the juvenile hall. It is an unfortunate cultural tradition in the San Francisco youth justice apparatus that there is an overreliance on the juvenile hall when the structural flaws in the system of community alternatives reveal themselves.

Therefore, we need to address the ubiquitous nature of these impediments. New approaches to program referrals, program utilization, efficacy metrics and the needs of girls and other specialized populations. These are significant and complicated issues that have been operational for decades and will not be easily transformed. Therefore, the subcommittee reported out that the WG should provide a re-imagined approach to overcome current practices. While the WG's new ideas that deconstruct certain current practices require additional planning, said ideas meet the spirit and intent of the legislation.

The proposals that follow represent a synthesis of the listening sessions, written suggestions by the Workgroup and input from the public and interested parties.

### **Programs Serving Justice Involved Youth**

The *Expand Community Alternatives' Subcommittee* conducted a landscape analysis<sup>11</sup> of programs that self-reported and/or were funded to provide services for justice involved youth and their families.

Additionally, we were provided lists of programs in the community that were funded by the Department of Public Health, the Department of Children Youth and Families and the San Francisco Juvenile JPD Department. That comprehensive analysis revealed there are approximately 100 programs that are available to serve young people in trouble with the law. Some were funded by City departments while others were not.

Data reveals that in 2019 (prior to the Covid-19 restrictions) there were approximately 600 young people arrested for misbehaviors in San Francisco. The City Departments that funded the just over 100 programs invested millions of dollars to serve a large percentage of these young people. Importantly, the Workgroup's data analysis reveals the importance of efficacy and utilization regarding the use of these dollars since young people are recycling in and out of the juvenile hall. So, while there are adequate numbers of programs, their utilization needs to be improved. Program utilization is a function of how the City finances, maintains, and measures the outcomes for the panoply of programs serving justice involved youth.

### **City Policies and Practices must be Changed Regarding Program Utilization.**

#### **Structural Change for Early Interventions**

We begin our suggestions about transforming program utilization by examining early program interventions that direct young people away from the doors of detention. The Workgroup encouraged using restorative practices from the very first contact with the justice apparatus. The Workgroup's vision for changes to current practices regarding early intervention requires building a significantly altered infrastructure that provides services after a young person is arrested but does not trigger involvement by the Juvenile Probation Department (JPD). This is important to construct responses that are non-judicial for a substantial number of young people that are currently referred to the justice apparatus.

Currently, law enforcement has broad discretion in handling a young person they take into custody. This idea is to expand the use of non-legal options that impact pre-arrest diversion. Non-legal interventions at the point of arrest will explore new eligibility requirements, expanded program availability and the creation of service hubs.

**Proposals for policy solutions addressing early interventions are found in Section XV.**

#### **Structural Change for Coordinating Program Utilization**

The analysis revealed that while there are many programs for the relatively small number of justice involved young people, they tend to work in silos and independently. This leads to a fractured uncoordinated system of service delivery to young people and their families. The subcommittee found this structure is the product of the City's department funding practices. Since the funding sources are siloed and don't work holistically, neither do the programs they fund.

For example, Medi-Cal funding directs young people to certain programs. To improve the outcomes for young people and their families, reduce expense and improve service delivery, we suggest a structural change in the departmental funding practices. This proposal is more fully discussed below in our Well-Being section.

“Consistency works, which was not something that was happening for me with programs I had to participate in.”

-Youth Listening Session, February 6, 2021

### Structural Change for Program Assessments

In addition to the overarching issues associated with the lack of coordination, there are more granular structural process issues that contribute to gaps in services and inadequate results. A significant issue involves how children are **assessed** to determine what services they need and what agency might be best situated to provide appropriate services. There are critical issues regarding the type of assessment, when and how many times they are conducted and how they are utilized to address the young person’s service needs.

Additionally, the current system is bedeviled by data silos. Data silos are when a collection of information is held by one agency that is not as readily accessible or fully accessible by other agencies/organizations. These silos happen often and are caused by a myriad of reasons, including bureaucracy, agency growth, and lack of investment in infrastructure, to name a few. Data silos are costly, impede decision-making processes, and generate mistrust in collaborative efforts to eliminate racial and ethnic disparities in the youth justice system.

To best service justice-involved youth, data collection should be consistent, uniform, and shared across the various agencies/organizations’ the youth encounter. The data collected to conduct the analyses in this report were gathered from various sources, which added challenges and limitations to the level of precision in understanding some of the findings. However, after a plethora of email corresponding and meetings, much of the data challenges were overcome.

Additionally, there are funding streams that are triggered by particular assessments. This can lead to assessments being conducted because of service dollars rather than the needs of the young person. Moreover, different City departments use different assessment tools which can be duplicative, traumatizing and inaccurate. To meet this requirement of the legislation, there will need to be changes to how assessments are conducted. Some ideas include using a universal assessment implemented by trusted sources and address the complicated funding issues associated with the current assessment process. The assessment would be centralized and accessible by multiple stakeholders in an effort to coordinate services more efficiently and comprehensively.

Proposals for Policy solutions addressing issues of assessments are found in Section XV.



### **Structural Change to Program Funding Practices**

Another structural issue closely related to problems associated with assessments involves **allocation of dollars** to provide services. As currently practiced, it is difficult for funds to be used flexibly because of prescribed restrictions how dollars can be spent. There was widespread agreement that funds are needed for certain basic needs such as rent, utilities, transportation, food or one-time emergency costs but rarely are there a pool of funds to draw upon to accommodate these needs.

There was a lot of discussion about the ability to provide funding to families that would address needs that can result in law violations. Workgroup members discussed exploring the tenets of Universal Basic Income and other income supports to improve life outcomes for justice involved young people.

This legislation envisions changing isolated and prescribed sets of dollars to be more flexible and responsive to the needs of youth and families. While this can be complicated to unpack, ideas have been suggested regarding tapping certain pools of existing funds that could be used flexibly which should be overseen by a to be determined collaborative for quick allocation.

Flexibility allows providers to address the needs for substance abuse services, relationship violence, youth employment and other necessary positive life skills. When combined with the programs operating in silos as discussed above, successful interventions are more difficult to achieve.

**Proposals for Policy solutions addressing issues of flexible funding are found in Section XV.**

### **Structural Change for Residential Bedspace**

There is a shortage of options for overnight beds available for young people that need brief residential respite for the entire youth justice apparatus. Housing in general is at a premium in San Francisco with competition for market rate, low income, and unhoused people. Short residential bedspace is not easy to secure and sustain especially when coupled with the traditional over-reliance on the JH as discussed in the Placement section of this report. This problem is acute for girls and other young people that need transitional housing such as those classified under AB12. This Workgroup suggested extensive family findings to increase Placement options even if the young person cannot stay with their immediate family.

**Proposals for Policy solutions addressing issues of residential bedspace are found in Section XV.**

### **Structural Change for Behavioral and Mental Health**

The Data Subcommittee provided important information regarding the intersection of youth justice and behavioral health. Of the case files reviewed almost 30% of the young people in the JH had a DSM diagnosis. Oppositional disorder, depression and anxiety were highly represented.

Workgroup members working representing behavioral and mental health discussed improvements to current practices. They suggested that Medi-Cal eligibility needs to be stabilized. To improve care and consistency amongst providers they suggested programs that specifically serve justice-involved youth

that extend beyond their probation terms including clinical outpatient programs. Similarly, programs should be allowed to follow the youth to ensure a healthy continuation of services.

Mental health services are particularly susceptible to funding silos. Justice involved youth with mental health issues are best served by a continuum of options that require flexible funding and close supervision of outcomes. This aligns with the suggestions regarding the Well-Being Committee discussed below.

Proposals for policy solutions addressing issues of Mental Health are found in Section XV.

### **XIII. A Re-imagined Approach to Expanding Community Alternatives**

The Close Juvenile Hall legislation acknowledges and accepts the premise that young people are still developing and need positive community centered responses to misbehavior. In the section above we have discussed the structural changes to current City policies and practices necessary to improve community-based program efficacy to address the legislation's mandates.

This section provides suggestions and proposals surfaced in the Workgroup processes to reimagine options for a transformed way to expand community alternatives. The Workgroup framed these items as a Well-Being approach. The elements of the Well-Being frame are outlined below. That frame was proposed and buttressed by principles that are embedded in *SEC. 5.40-3* of the legislation. It is important to state that while members of the Workgroup discussed the Well-Being approach in a variety of settings, there was not consensus or formal adoption of this idea. Objections were not so much about the idea of a Well-Being approach but more so about the details of its guard rails vis-a-vis current practices. Members were particularly interested in impacts on current programming and funding.

#### **Racial and Ethnic Disparities**

We begin by recognizing and engaging the populations that will be served by our efforts to re-imagine. The level of racial and ethnic disparities in the San Francisco youth justice apparatus is as disturbing as it is uncomfortable for a jurisdiction that prides itself on progressive and innovative policies and practices. However, for this legislation to realize its potential we must come to grips with how the justice apparatus is being used in San Francisco as a vehicle for social control of people of color. Racial and ethnic disparities in youth incarceration results from long-held structural investments in custody, control and punishment purported to achieve public safety. These investments perpetuate a structural system of racial inequity ingrained in our country's history, culture and institutions of which San Francisco is not immune.

The data analysis reveals these numbers. In one of our analyses conducted for youth detained during 2019, we discovered that youth of color are significantly more likely to be detained than White youth. Comparing rates of detention for each racial/ethnic group, we see that Latino youth are nearly 6 times as likely as White youth to be detained; Black youth are more than 38 times as likely as White youth to be detained, and all other youth are 1.4 times as likely as White youth to be detained.

To achieve equity and well-being for the communities most impacted by the administration of justice (Black, Latinx, Pacific Islander, Asian and Indigenous), we must understand and acknowledge our current levels of racial and ethnic disparities and interrogate them. It additionally requires an intersectional approach, tackling the unique ways that the justice system has impacted marginalized identities existing at the intersection of race, sexual orientation, gender identity and income instability.

To inform our future we must center community in our efforts. We emphasize that our process to formulate these proposals included the voices that are most impacted by these practices. We listened to

these voices (see section) to bear witness to their truths about how white supremacy and patriarchy have operated in the administration of justice and directly impacted youth, families and communities.

In San Francisco data provides a clear picture of the zip codes and neighborhoods that contribute most to our justice apparatus. Folks in those neighborhoods are most impacted by crime and violence should play meaningful roles in defining what safety looks like. We heard those voices in listening sessions and in our public meetings. Centering community reflects a commitment to authentic inclusion, power-sharing and the valuing of impacted communities' experience and expertise to drive solutions.

### **Public Safety Improved with Well-Being for Youth and Families**

In keeping with the principles embodied in the legislation which recognizes that young people are cognitively different than adults, we acknowledge that young people experience decision-making, risk-taking and trauma differently than adults. This requires an intentional investment in building their strengths and relationships to others to thrive. We have used this as a fundamental value in our proposals regarding expansion and utilization of community alternatives. We focus on building an approach that is characterized by opportunities that promote a sense of belonging, usefulness, and power by helping youth develop competencies enabling them to grow and lead healthy, responsible, and caring lives.

The legislation specifically states that the Workgroup should *“shift the focus from punishment and incarceration to support and care for young people”* because the *“City’s focus increasingly has been on new and innovative interventions that invest in young people, rather than punishment.”* This language demonstrates the Board of Supervisors intent to use the practices of positive youth development and restorative justice to seek better safety outcomes by investing in those that harm and are harmed.

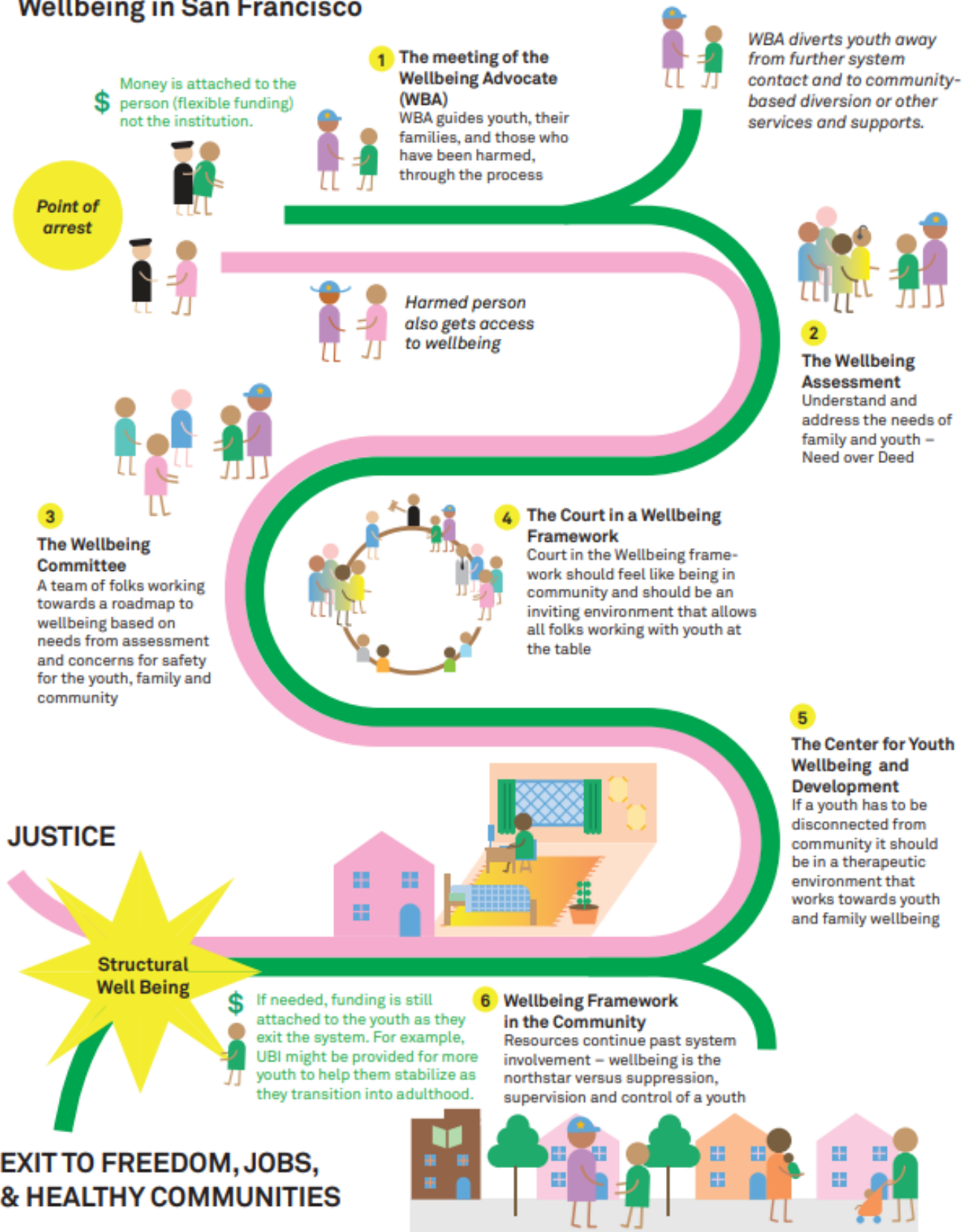
Over the last several years, on-the-ground analyses of various reforms have revealed the inextricable links between the structural inequities built into the administration of justice. Inequities outlined above resulting in procedures and protocols that are driven by tools of compliance and social control in the name of safety.

The suggestions are driven by the spirit of the legislation to create structural change capable of achieving improved equity, well-being for youth and staff, and community health and safety in lieu of punishment, custody and control. This means improving the capacities and effectiveness of community services and restorative practices that reduce the footprint of the JPD accordingly. Suggested adjustments to current practices require an approach that empowers credible messengers to be integral co-designers.

Guided by these principles, the Subcommittee suggests the following new approaches. Since the Well-Being approach does not currently exist the Subcommittee suggested timelines for the BOS to engage implementation of the Well-Being approach.

**Proposals for policy solutions addressing Well-Being issues are found in Section XV.**

# Ushering in Structural Wellbeing in San Francisco



### **Well-Being Advocate (WBA)**

As discussed above, the dynamics and choices at initial contact are important and the Workgroup recommends an intentional approach to shepherding the parties through the complicated maze of choices and procedures. The Well-Being Advocate is a notable change to our current youth justice structure. Details about specific implementation should be worked out more fully.

The Workgroup suggests that issues needed to be addressed in the design and planning to operationalize this critical change include 24-hour availability, appropriate training and clear lines of authority. While there were a considerable number of Workgroup members proposing the early intervention envisioned by the Well-Being advocate, other Workgroup members were concerned it represented an unnecessary layer of additional bureaucracy or that these functions were currently being done by defense counsel.

The purpose of the Well-Being Advocate (WBA) is to create a position that is responsible at the first event for establishing contact with youth, families and those who have been harmed to begin the process of ensuring the well-being and assessment of the youth and restoration and healing for the person harmed. The WBA is the designated contact for both parties throughout the upcoming process.

The idea is that the WBA provides a consistency and a point of contact responsible for coordinating and implementing programs and needs. The WBA redirects responsibility from JPD and law enforcement towards an independent youth development actor that access to a pool of flexible funds to address immediate needs at this early stage. The WBA taps into resources that are currently underutilized and undervalued. They will serve as spoke in the wheel of services and systems directing

The Workgroup discussed that the WBA position requires a high-level understanding of the justice apparatus and empathy for the importance justice involvement has on all involved. The WBA position responsibilities should be supported professionally and personally with the resources necessary for stability to provide quality services and interventions. Compensation should be comparative to salaries that necessitate living in San Francisco and commensurate with the skills and experience necessary to do the job.

These were the broad outlines discussed by the Workgroup. As mentioned, operational details will need to be filled in by the BOS as they implement the well-being approach. Details should be agreed upon by June 2022.

Proposals for policy solutions addressing the Well-Being Advocate are found in Section XV.

### **Well-being Assessments**

In previous sections we discussed the need for change in the current processes regarding assessing young people for access to appropriate services and the necessity of developing a roadmap to well-being and a fully informed narrative of a young person and their needs and strengths. Changing the assessment process is a notable change from our current youth justice structure.

The current assessment process is complicated, multi-layered, and attached to funding services. The Workgroup recommends adopting a streamlined more universal assessment conducted with attention to cultural and linguistic needs that can be used by community programs and other appropriate justice practitioners. This is especially important for increasing the efficacy of youth and families with behavioral health needs.

The Subcommittee thought it important for the Well-Being Assessment to be utilized by the Judges as another source of information to increase their ability to make decisions on next steps for the youth. The Well-Being Advocate is empowered to have the assessment conducted within 24-48 as part of their initial duties. The BOS should provide the details for this by April 2022.

Proposals for policy solutions addressing the Well-Being assessment are found in Section XV.

### Well-Being Committee (WBC)

For cases that require more attention by the justice sector as noted above, the Workgroup discussed a collaborative process to address the needs of young person accused of doing harm and the person harmed that engages restorative practices outside the formal court structure. The framework of the idea for the WBC involves establishing an entity composed of system-impacted youth, program representatives, restorative practitioners, department representatives from DCYF, Public Health, District Attorney's, Indigent Defenders and Juvenile Probation.

The WBC is envisioned to be the body that advances, supports, and implements an accountable continuity in the provision of community alternatives that address the structural issues discussed in previous sections. The idea discussed is a restorative approach that is empowered to ensure the person that does harm and the person harmed are always being centered. The WBC is a meaningful change to the current youth justice structure requiring designing and planning regarding its relationship to the court.

Workgroup members discussed that the well-being approach requires developing the contours of the well-being committee and court processes. Included in the discussions were ideas put forward regarding maintaining restorative justice principles. Considerations should be made for conducting hearings in circles with the consent of the parties. There are steps in this direction currently being utilized in the restorative justice courts in San Francisco. This legislation affords an opportunity to expand on that model by increasing the ability of all parties to be heard and resolutions for the person committing harm and the person harmed to receive the interventions needed to maintain public safety.

Planning will have to address the WBC as the entity that receives the Well-Being Advocate's proposals and then bringing their expertise to guiding and supervising the utilization of community alternatives and interacting with the court system. The WBC is specifically responsible for engaging families as a part of their holistic planning for justice involved young people. Workgroup members suggested a grace



period for certain warrants or probation violations so that the young person adjusts to comprehensive programming. The goal of the WBC is to provide a team of specialized workers responsible for success.

An essential element of monitoring services is being data informed. The work of the WBC necessitates data capacity that tracks necessary information to understand in real time, the progress of the service and intervention outcomes. This assists in funds following youth needs (addressed below). Additionally, it would be helpful in filling the current gaps between agencies responsible for mandatory reporting. A Well Being Data Coordinator position will be necessary for the Well Being Committee. Workgroup members expressed a need to work through restrictions on data sharing to be more effective. As mentioned, operational details will need to be filled in by the BOS as they implement the well-being approach. Details should be agreed upon by August 2022.

Proposals for policy solutions addressing the Well-Being Committee are found in Section XV.

### **The Conundrum of Flexible Funding**

For the WBA/WBC and other proposals to have the best chance for better outcomes, the Workgroup recommends that we address the current issues involved in the restrictions that funding streams place on services and interventions. As they are currently constructed, they are siloed, overly restrictive, cumbersome, and too complicated. The proposal to create a vehicle for flexible funding is a meaningful change to the current youth justice structure that will require additional designing and planning.

The need for flexible funding is abundantly clear, however, complicated webs of law and bureaucracy conspire to make it a steep climb. Nevertheless, current practices deter or prohibit common sense needs such as access to basic immediate needs and/or critical family support services such as one-time or occasional PG&E bills, emergency rent or transportation costs, food, relocation, clothing, or one-time furniture costs.

Over decades bureaucracies have built the barriers to using flexible funds and they will not be easy to overcome but overcome them we must, to meet the dictates of this legislation. There is no doubt that we will fall short if we do not have a smooth and consistent vehicle to meet the needs of youth and families.

### **Centers for Well-being and Youth Development**

The Workgroup discussed options for young people that do not need the security of the youth detention facility but would benefit from a short respite. Members discussed having centers for Well-being and Youth Development that is a step-down from secure detention that is staffed with professionals trained in therapeutic responses and youth development. The location will be a respite for youth with access to staff that have the ability to ensure well-being and true youth development.

The details of this alternative will need to be worked out, but it is to function as a step down from secure confinement with an emphasis on intervention, services and transition back into the home services as determined by the Well-Being Committee. The listening sessions discussed having the



centers modeling navigation type options for outlying populations such as unaccompanied, monolingual, trans and gender non-conforming young people.

### **Independence and Accountability**

The ideas embodied in the well-being approach envision a new way of using community-based programs. The discussions regarding the Well-Being approach focused on accountability and reduction of providing services in silos. There was consensus that current City departments are operating in silos that need to be addressed to improve program utilization and outcomes. However, there was no consensus about how that is best achieved. There was significant sentiment expressed that there should be an independent agency that was solely responsible for service delivery as discussed in the sections above that could borrow elements from the Office of Youth Development in Los Angeles that presented to the Workgroup.

Adherents to this point of view believed that the current departments have demonstrated over many years they are not capable of operating with coordination and accountability regarding the utilization of community programs for successful youth and family outcomes. Thus, they recommended there be one department responsible for youth and family well-being for justice involved youth was preferable to using resources necessary to coordinate the multiple complexities of JPD, the Public Health Department and the Department of Children, Youth and Families.

Opponents of this idea believed that the current departments have shown minimum levels of effectiveness that can be improved upon and that a new department would be an unnecessary additional layer of bureaucracy. As mentioned above, operational details will need to be filled in by the BOS if they are interested in implementing the well-being approach. Details should be agreed upon by August 2022.

Proposals for policy solutions addressing an independent department are found in Section XV.

## XIV. Conclusion

The San Francisco Board of Supervisors passed legislation in 2019 requiring the current youth detention facility in San Francisco be shuttered by December 31, 2021. Similarly, in the same year, Mayor London Breed expressed her interest in comprehensive change for the delivery of youth services when she established her Blue-Ribbon Commission.

By enacting this legislation, the Board challenged the City and County of San Francisco (City) to develop a rehabilitative non-institutional place of detention. The legislation specifically states that confining young people at the current youth detention facility is not rehabilitative, nor does it effectively address public safety. The Board sought a different approach by calling for a replacement of the Juvenile Hall that was more homelike and non-institutional in the context of state requirements for secure detention. The Board is also challenging residents to consider that public safety for law violations by young people is best achieved by utilizing alternatives to incarceration, healing relationships and reducing reliance on institutional confinement.

The Workgroup created by the Board has proffered a panoply of ideas and proposals to accomplish that goal. While there was not consensus reached on the details of the proposals, there was broad agreement on intervention and services being preferable to detention. The ideas are here for a successful approach to replacing the current juvenile hall while being steeped in principles of youth development. The Workgroup hereby presents these ideas and proposals to the Board for their implementation.

## XV. Summary of Proposals

The proposals that follow came out of discussions, feedback and suggestions from members of the Workgroup and broader community. Many ideas were presented and discussed based upon direct experience with our current justice apparatus, data, research, and expertise of the consultants. The proposals are organized by category.

### Proposals Regarding Diversion

#### 1. San Francisco should aim to divert at least 80% of youth at the point of law enforcement contact.<sup>xxix</sup>

Youth who are eligible for diversion should be provided with individualized programming that includes: addressing the basic needs of the entire family, offering strengths-based, trauma-informed, and culturally responsive programming to the youth, and incorporating healing, mental health services, and restorative justice, as appropriate. When youth are diverted, the programming should be tailored to the specific needs of the individual youth, as determined by the diversion program provider(s) or the well-being advocate and committee, if and when these are in place. Immediately, San Francisco’s existing successful diversion programs, including CARC and Make it Right, should be used more frequently. For youth receiving more robust diversion interventions, the focus should be on nurturing healthy development through positive supports.<sup>46</sup>

#### 2. San Francisco should implement a community-based intake and connection “Hub/Well-Being Center” that is available citywide, including to schools, parents, and service providers.

The “Hub/Well-Being Center” will serve a critical diversion pathway that does not rely on arrest. The “Hub/Well-Being Center” should apply a holistic approach that focuses on health and well-being and centers the youth and their family. San Francisco must fully embrace the principle that young people and families should not have to rely on law enforcement involvement to access the supports and services they need. A diversion model that depends on arrest first is too late, as any police contact causes harm for young people, particularly youth of color.<sup>47</sup> Indeed, the Workgroup has received feedback from community members that youth need better access to supportive resources to prevent system-involvement, including universal basic income.

Based on this need, San Francisco should develop a community-based intake and connection hub (referred to here as the “Hub/Well-Being Center”) that is not connected to any law enforcement entity, such as the police or JPD. When a young person’s behavior requires intervention and support, the “Hub/Well-Being Center” can serve as a streamlined point of entry that is directly available to the young person and their supportive network—their family and extended kin, their

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<sup>xxix</sup> Annie E. Casey Foundation (AECF) suggests that at least 60% of cases, and likely a larger percentage, could be diverted. They also note that Pierce County, Washington diverts over 80% of its cases,<sup>xxix</sup> and that numerous counties divert at least 75% of cases.<sup>xxix</sup> With its vast array of community-based services to support youth, San Francisco should strive to surpass these rates and become a leader in youth diversion nationally and worldwide.

schools, and their community. This Hub/Well-Being Center can connect young people and their families both with supportive public services and with community-based service organizations.

*It is crucial that law enforcement have no role at the “Hub/Well-Being Center” in order to prevent any stigma from utilizing its services, and to prevent the risk of a youth becoming system-involved as a result of a referral.*

As a proactive, supportive resource, the “Hub/Well-Being Center” should apply a holistic approach that focuses on health and well-being and centers the youth and their family. Through intake, staff at the Hub/Well-Being Center can identify service needs and make connections to resources for housing, health care, food, childcare, behavioral health, transportation, employment, youth development and enrichment, and education.

Importantly, the infrastructure for this exists. Currently DCYF funds six multi-service agencies throughout the city intended to be the major referral source for youth. DCYF should create more flexible funding streams and conduct an analysis regarding the extent to which the agencies need to restructure to respond to the concrete needs of youth and their families.

**3. San Francisco’s community-based intake “Hub/Well-Being Center” should serve as the direct referral pathway for any youth who comes into contact with police, including youth who are unaccompanied minors and youth who reside outside San Francisco County.**

The Hub/Well-Being Center would serve as a centralized point of contact for the SFPD to initiate the City’s response to the incident.<sup>48</sup> In all cases where youth are not required by law to be transported to the custody of JPD, police can either refer or deliver the youth to the Hub/Well-Being Center for intake.<sup>49</sup> Upon intake, the staff at the Hub/Well-Being Center will utilize guidelines developed to determine whether a youth may be eligible for diversion services.<sup>xxx</sup>

All youth should be considered for diversion programming, including youth who are unaccompanied minors or who reside out of county. When unaccompanied minors are arrested, many of them are admitted into juvenile hall not because detention is required based on the nature of their offense, but rather on a discretionary basis because no caregiver can be identified and there are no non-secure options available.<sup>50</sup> By ensuring that unaccompanied minors are eligible for diversion intervention, San Francisco can reduce its reliance on juvenile hall to address unaccompanied minors. Youth who live outside San Francisco should also be eligible for diversion programming. Many of the young people who live outside San Francisco have strong ties to the City, including through their families or their schools, and have simply been pushed out due to gentrification, the high cost of living, and other factors.<sup>51</sup> Serving these youth through the Hub/Well-Being Center’s diversion programming is important not only because of these social factors, but also because it will help reduce youth detention. Out-of-county youth are frequently detained in juvenile hall,

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<sup>xxx</sup> The guidelines for diversion eligibility must be developed by a working group that includes the participation of community members and directly-impacted youth and their families.

accounting for 34.6% of juvenile hall admissions in 2020.<sup>52</sup> By ensuring that diversion options are available to youth who reside outside of the county, San Francisco can further reduce its reliance on the juvenile hall.

**4. San Francisco should eliminate the juvenile traffic court program; instead, citation cases should be processed through the “Hub/Well-Being Center.”**

San Francisco’s juvenile traffic court program must be eliminated. Traffic court directly conflicts with the goals of diversion by putting citations, the lowest level offenses, through formal court processing. Data show that the juvenile traffic court program is regularly utilized by the police, and it bypasses CARC, where youth would be better served. Another Bay Area County—Santa Clara—eliminated its juvenile traffic court program through an order of the court after concluding that it was no longer supportive of youth and families in Santa Clara County. Instead of referring youth with citations to juvenile traffic court, the SFPD should refer these cases to the “Hub/Well-Being Center” for consideration for diversion programming. No youth should be formally processed in court for a citation.

**Proposals Regarding Reviewing Charging Decisions**

**1. San Francisco should work with the SFPD to reform booking practices to incorporate adolescent development.**

Current booking practices, particularly related to robbery offenses, trigger juvenile law consequences that cut off diversion options for young people and may contribute to long standing racial and ethnic disparities in delinquency system processing. Reforming the booking practices of the (SFPD) has the potential to greatly expand the pool of youth who are eligible for diversion.

The police can divert most youth from the point of initial law enforcement contact. The exception is any youth 14 years and older charged with more serious offenses, such as robbery. These youth are excluded from early diversion, yet the data show that in many of these cases the prosecutor files reduced charges in court or *files no petition at all*.<sup>53</sup> The severity of the charges assigned at booking by SFPD is causing youth to be unnecessarily excluded from diversion at the first point of police contact. It also contributes to racial disparity in the system, as research has shown that SFPD assigns more severe charges to people of color at the booking stage, leading to disparate outcomes at subsequent stages of the system.<sup>54</sup>

Reforming SFPD practices in assigning charges at arrest is necessary in order to divert more youth away from detention and juvenile court, particularly youth of color. This could begin with developing a “checklist” or criteria for officers in considering whether to write up the arrest as a robbery or other type of charge. Considerations may include whether the youth is apprehended on the spot; whether property is recovered; and whether the victim sustained more serious injury in the process. This reform should include training and incorporating adolescent development principles and the intersection with racial bias into police policies and practices.<sup>55</sup>

**2. San Francisco should require the SFPD to issue a written statement of probable cause for any youth delivered to the custody of JPD.**

Current law already requires that law enforcement prepare a concise written statement of probable cause for taking a young person into custody and requires that this statement be provided to Probation at the time the youth is delivered to JPD's custody.<sup>56</sup> If a young person is delivered to JPD custody without a statement of fact, JPD should not accept the young person into their custody until the report is completed.

**3. San Francisco should implement policies to guide JPD's immediate review of the statement of probable cause written by law enforcement to ensure the facts are sufficient to justify detention.**

Current law already requires that JPD immediately investigate the circumstances of the youth and the facts surrounding his or her being taken into custody with a presumption that the youth be released to their parent or guardian.<sup>57</sup> When youth are delivered by law enforcement to JPD custody, JPD staff should immediately review the statement of probable cause provided by law enforcement at the time the youth is delivered to ensure it is sufficient to justify detention. As described above, police must deliver to JPD's custody youth who are 14 years and older charged with more serious offenses, such as robbery. JPD describes these cases as "automatic detentions"<sup>58</sup>. JPD should develop a policy that will guide officers in reviewing the statement of probable cause for cases that were brought to their custody on a mandatory basis, such as robbery. If JPD's independent investigation reveals that facts do not justify detention, the youth should be immediately released to their parent or guardian.

**4. San Francisco should implement a process for an accelerated review by prosecutors of charges that require youth to be transported to JPD custody.**

For any case that JPD determines – after their independent investigation of law enforcement's statement of probable cause – that the facts justify the detention, the prosecutor should immediately review the charges. If the prosecutor determines that facts support lesser charges, the charges should be immediately reduced, thereby enabling JPD to release the youth to their parent or guardian.

**Proposals to Reduce Reliance on Detention for Warrants**

**1. San Francisco should implement policies to avoid the issuance of warrants to the greatest extent possible.**

In line with the proposal above to partner with youth service providers to support youth on home detention, and minimize the role of JPD, San Francisco should partner with community-based organizations to prevent the need for warrants. This type of strategy is employed in King County Washington. Drawing on the science of adolescent development, the program should utilize incentives and a strengths-based framework to encourage compliance with court orders and appearance at court hearings. Engaging a community-based provider will reduce fear among youth

that they will be locked up if they come forward to address past mistakes. San Francisco could begin with a pilot program, which would allow it to collect data and fine-tune its intervention strategies over time to address emerging needs or barriers.

JPD has undertaken efforts to reduce the number of youth who are admitted to juvenile hall as the result of a warrant. Prior to requesting an arrest warrant from the court, JPD conducts an individualized analysis of options to encourage the youth to comply with court orders, and engages with the young person’s family/caregiver, community-based case manager, and defense counsel to encourage the youth to appear before the court voluntarily.

**2. When a warrant cannot be avoided, San Francisco should implement warrant policies that preserve options to release youth pending their court hearing, sometimes referred to as a “two-tiered warrant”.**

In line with juvenile court law and as recommended by the Annie E. Casey Foundation, San Francisco should revise its warrant practices so that they do not result in automatic detention. San Francisco’s warrants should allow for release options, including release to non-detention alternatives or to non-secure detention options.

The current efforts underway are a good first step in this direction. JPD’s policy should build on reforms to preserve an option for release in as many cases as possible and should be memorialized so that a uniform standard is applied in all cases.

JPD has also been exploring a two-tier warrant policy since learning about this approach in October 2020. Under such a policy, probation would have the discretion to release a minor after arrest on a warrant. JPD is collaborating closely with the Superior Court to develop a standardized approach that mirrors other counties in California, such as Santa Cruz. Currently, the court uses this option only on a case-by-case basis.

**3. San Francisco should create processes to allow outstanding warrants to be resolved and cleared without detention of the young person.**

San Francisco should have a clear, transparent process that allows any youth to seek a court hearing to resolve an outstanding warrant without coming into detention. Currently, these hearings happen on an *ad hoc* basis, leaving youth unsure of whether they will face detention if they proactively turn themselves in. This uncertainty encourages youth to avoid their probation officer and law enforcement. It also conflicts with the practices in adult court in San Francisco, where it is a routine practice to allow people to add matters to the court’s calendar for the purpose of addressing an outstanding warrant. In addition, San Francisco should adopt a policy of warrant expiration dates, to be set at the time that they are issued.

After assuming her role as Chief, in mid-2020, Chief Katy Miller initiated a comprehensive warrant review process resulting in a 50 percent reduction in the back log of outstanding warrants. Outstanding warrants are regularly reviewed to determine if they can be resolved without the use of detention.

Expiration dates would help ensure that youth are not unnecessarily detained on warrants that are invalid or outdated.

### **Proposal Regarding Limiting Time on Probation**

#### **1. San Francisco should consider implementing a local policy limiting the time youth spend on probation and thereby reduce warrants issued for violating terms of probation.**

San Francisco should consider adopting a local policy that would limit the time youth spend on probation similar to California legislation introduced as AB 503 (Stone), currently a two-year bill. AB 503 establishes a presumption of a six-month, non-custodial wardship probation term, while preserving a judge's discretion to grant an extension of probation should the court determine by a preponderance of the evidence that it is in the young person's best interest. The bill is supported by research indicating that long probation terms disparately impact youth of color and are in conflict with the fundamental principles of youth development and adolescent psychology research demonstrating that keeping youth on supervision for longer than six months does not result in public safety gains.

### **Proposals to Reduce Reliance on Detention for Out of Home Placement (OOHP)**

#### **1. San Francisco should increase comprehensive support to families, thereby reducing the need for congregate care placements.**

This can be achieved by providing support to families earlier and developing planning and services to prevent removal and return youth who have been removed to their families as soon as possible. JPD has opted into the Title IV-E prevention program, detailed in California's plan for implementing the federal Family First Prevention Services Act. Implementation will be led by the Human Services Agency in collaboration with the Department of Public Health and JPD. As the work develops, stakeholders should anticipate details regarding access to new or expanded prevention services on behalf of youth and families impacted by the justice system, while ensuring there is not a net-widening effect.

JPD should also engage in case planning whenever the court orders a youth to be detained, and proactively convene and engage the child and family team in the planning process. The child and family team should center the youth's voice and include the youth's chosen supportive adults. By encouraging a robust and strengths-based child and family teaming process, JPD can expand viable resource family placements, both relative and non-relative, and increase the likelihood that the ultimate placement will be successful for the youth.

JPD should also ensure that it is initiating the family finding process for every youth that the court orders to be detained. To supplement kin and extended-family member placements, JPD should continue to support development of foster family homes, including homes providing intensive services foster care. Across all family settings, JPD should commit to ensuring that the families have



the support they need to be successful, such as access to respite care, access to in-home mental health services, and services to address family basic needs, such as food, housing, and transportation.

**2. San Francisco should scrutinize existing STRTPs more closely and seek to decrease its reliance on congregate care.**

Given the high rates of youth going AWOL from placements and ending up in detention, there should be closer scrutiny of these placements, taking gender, culture and special populations into account. The environment at placements should be conducive to young people’s success<sup>xxxii</sup>.

For example, any placement should have staff who reflect youth’s cultural identity and should have programming that is rooted in youth’s cultural identity. Culturally rooted programs provide Black, Indigenous, Latinx and youth of color a positive frame free of racism, where their identities, language, art, foods, and traditional practices are reflected and affirmed through the contributions, power, and resiliency of their peoples.

JPD should also strive to strictly limit its reliance on congregate care. Since 2015, California has been implementing Continuum of Care Reform, a set of statewide policy changes to curtail congregate care placements rooted in research that such placements have low success rates and are often harmful to children<sup>59</sup>. Today, group care settings are only available for youth with specific treatment needs and should be an option of last resort<sup>60</sup>.

JPD should continue to grow its efforts to cultivate family-based placements. As noted above, when youth run away from group homes, they often go to their relatives who were not approved as a placement. JPD should analyze its Resource Family approval process to determine whether there are barriers to approval that if addressed would increase approval of family placements. Through an analysis, JPD can determine whether these barriers might be cleared through changes to local practices or policies or whether they will require advocacy at the state level. Removing barriers to Resource Family approval would help reduce reliance on congregate care.

**3. When youth AWOL from OOHP, San Francisco should establish a process for locating them safely rather than issuing a warrant, arresting them and detaining them until placed again.**

As described above in the warrant proposals, even if youth run away, it should not result in a cycle of warrant—arrest—juvenile hall—placement. Young people and their families should be engaged in the process of developing alternative solutions to this common problem, but an example of an alternative process is described below. Youth should always feel safe to “turn themselves in” to their probation officer or another trusted adult without fearing that their decision will lead to detention, or to being brought back to a placement that is unsuitable, that is not meeting their needs, or that is actively causing emotional or physical harm.

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<sup>xxxii</sup> McKinnon’s study includes a section on best practices for STRTPs.

- Prior to placement, a list of trusted contacts/adult supports should be developed for each young person.
- If a youth AWOLs, everyone on that list should be contacted. If the youth is located by one of their adult supports, this person should not fear that trust will be broken by sharing information about the youth's whereabouts that results in detention. The supportive adult would call the youth's probation officer, who would meet the youth and place them in an emergency foster care home rather than bringing them to detention.
- As is the process for youth in placement through the dependency system, when the youth is picked up by law enforcement, JPD should respond in person to bring the youth to an emergency foster care home rather than detention. <sup>xxxii</sup>

#### **4. San Francisco should continue to build alternatives to JH for youth awaiting OOHP**

As noted, a positive development on this front is a newly launched foster care pilot for youth in the justice system. In addition to the pilot described, JPD could consider funding foster care beds that are reserved for emergency use when youth are awaiting foster care placements. Options could include funding housing for a professional foster parent who is recruited from the local community and shares cultural and/or lived experiences with the youth or reserving temporary beds in local STRTPs or transitional housing programs (for older youth) where youth could be placed when they receive an OOHP disposition until they are settled with their longer-term placement. The Pilot program should not be viewed as a permanent solution, but as a first step in the right direction. If successful, permanent funding will need to be allocated to support sustainable operations; if unsuccessful, the strategy and/or service providers will need to be re-examined and adjusted.

#### **Proposals related to Expedited or Same Day Detention Hearings.**

##### **1. San Francisco should set up expedited or same day detention hearing system.**

San Francisco should set up an expedited detention hearing system so that youth who, by law, must be delivered to JPD's custody can be released without admission to a non-institutional place of detention. For example, if detention hearings were scheduled over the weekend, extra days in detention for youth who are ultimately released could be minimized. This system of expedited detention hearings would start with a community-based location where youth could be delivered by the police to the custody of JPD. As soon as youth have a detention hearing and are ordered released by the court, they can be referred for diversion. To accomplish this, San Francisco may explore the extent to which a judicial referee can be used to make initial decisions<sup>xxxiii</sup>.

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<sup>xxxii</sup> The warrant form in the dependency system instructs law enforcement to call CPS. The case carrying worker will go out and meet the police if they're available. If they're not available, an emergency response worker goes out and takes custody. The youth is then placed into an emergency foster home.

<sup>xxxiii</sup> Youth taken into custody must be brought before a judge or referee for a hearing to determine whether the youth should be further detained (WIC 632(a)). No order of a referee that involves removing a youth from their home shall become effective until approved by a judge (WIC 249).

**Proposals related to Expanding Detention Alternatives.**

**1. San Francisco should engage detention alternatives sooner and more often.**

An urgent-response team that includes youth’s natural supports and community-based service providers should develop a release plan for the youth that could be presented at the same day detention hearing. As more fully described below, the Well-Being Advocate could eventually play a key role. This release planning should incorporate San Francisco’s existing detention alternatives. If the court approves the plan, the youth could be released and potentially referred back to the “Hub/Well-being Center” for additional supports not included in their release plan. If the court does not approve the plan, the youth would be transported to the non-institutional place of detention for conventional case processing. For any youth not released at the detention hearing, a revised release plan for detention alternatives should be presented at every subsequent hearing.

Understanding the success of DDAP, this program and other detention alternatives, should be used for more youth, including youth accused of serious offenses and youth who are currently detained as the result of a warrant. Stakeholders note that there is a need for different levels of case management. Youth accused of more serious offenses, such as robberies and incidents involving firearms, who are released to a detention alternative may require a more intensive level of case management. CBOs offering detention alternatives should be engaged to develop and implement alternatives that meet individual youth’s needs, whether there is a need for a lower or higher level of case management. This might look like some youth being involved in longer hours of more structured programming, counseling, or more frequent check-ins with case managers.

**2. San Francisco should further explore the use of “non-secure detention.”**

Current law permits JPD to independently operate, or contract with community based or other public agency providers to operate, “non-secure detention facilities.”<sup>xxxiv</sup> Non-secure facilities<sup>xxxv</sup> may be used for the detention of youth who are not considered escape risks and are not considered a danger to themselves or to the person or property of another<sup>61</sup>. Youth in a non-secure detention facility are not subject to the same type of physical restrictions as youth in secure detention and have greater freedom to continue their normal daily lives, including school, work and other extracurricular activities. Currently, there are no non-secure detention facilities in operation in San Francisco. San Francisco should immediately explore additional options for non-secure detention.

**3. San Francisco should limit or eliminate the role of JPD in supervising youth on “home detention.”**

In San Francisco, when youth are released from detention, most are placed on “home detention.”<sup>62</sup>

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<sup>xxxiv</sup> Non-secure detention facilities are distinct from and should not be confused with community care facilities regulated by California Department of Social Services (CDSS).

<sup>xxxv</sup> While no clear definition of a “nonsecure detention facility” exists in the Welfare and Institutions Code, definitions of “secure facility” and “nonsecure facility” are defined in the context of youth who come under the court’s jurisdiction because of a dependency matter in W.I.C. Section 206. Drawing from this, nonsecure detention has been defined as occurring when “minor’s freedom is controlled by the staff of the facility, and: 1) the minor is under constant personal visual observation and supervision by staff of the law enforcement facility; 2) the minor is not locked in a room or enclosure; and 3) the minor is not physically secured to a cuffing rail or other stationary object

While current practice typically involves youth being supervised by JPD in releases to detention alternatives, this is not required by law. San Francisco should partner with youth service providers to support youth on home detention and eliminate or minimize the role of JPD in this function. Non-law enforcement youth service providers often naturally use a different lens when working with youth. Without the tool of detention, they approach problem solving in a less punitive way, with less of a focus on surveillance and more on support. Ultimately, this will help more youth on home detention succeed.

**4. San Francisco should connect youth with community-based systems of support, not electronic monitoring, when they are released from detention on “home detention.”**

While on home detention, most youth have electronic monitoring as a component of their home detention order<sup>63</sup>. While data regarding the number of home detention violations that were associated with the use of electronic monitoring was not available, the use of electronic monitoring does not align with the healing-based, health first approach to youth justice promoted by San Francisco. Electronic monitoring relies on a model of control and suppression and can lead to detention, rather than avoid it, and is a short-sighted tool. Instead, the resources used for electronic monitoring should be invested into community-based organizations to make connections with young people.

**5. For youth who are detained in juvenile hall, San Francisco must continue to utilize and fully fund programming that maximizes post-detention diversion options.**

San Francisco can support a continuum of diversion “off-ramps” available to both JPD and the DA’s Office instead of proceeding in juvenile court. These options can include holding a case in abeyance pending diversion referral, restorative justice programming through the Make It Right program, and informal probation with intensive community-based supports. Many of these practices already exist and should be supported financially along with expanded community-based diversion so that system-involvement is minimized to the greatest extent possible for the greatest number of youth possible.

**Proposal Regarding Unaccompanied Minors**

**1. San Francisco should ensure that any unaccompanied minor who is in contact with the justice system has appropriate representation by specialized attorneys.**

Data from the case file review revealed that while counsel representing unaccompanied minors appeared to have specialized skills in working with the special population and provided high levels of advocacy on behalf of their clients, no unaccompanied minors had specialized immigration attorneys. Youth who are unaccompanied minors have complex needs as they navigate the legal system. They should be afforded specialized immigration attorneys to ensure their complex needs are met.

**2. San Francisco should capitalize on the existing programs like Unaccompanied Children Assistance Program (UCAP) and further analyze the reasons why youth are involved in the justice system in lieu of UCAP.**

San Francisco should capitalize on existing programs like UCAP to reduce justice system involvement and detention for unaccompanied minors. In an effort to further decrease detention for unaccompanied minors, analyze why unaccompanied minors who are detained were found ineligible for UCAP, including the extent to which their detention was the result of the DA not referring the youth to UCAP or UCAP's inability to provide the young person with the kind of services and supports deemed necessary. Where gaps in services that are needed to allow more unaccompanied minors to be diverted into programs like UCAP are identified, these specialized services should be appropriately funded and made available.

### **Proposals Regarding Non-Institutional Place of Detention**

#### **1. San Francisco should review the capacity analyses to determine the number of secure beds that are needed and the most appropriate homes. Subcommittee proposals include opening:**

- A home for girls who are pre-adjudicated and post-adjudicated, pre-placement (no more than five beds);
- A home for boys who are pre-adjudicated (8-12 beds);
- A home for boys who are post-adjudicated, pre-placement (8-12 beds)

#### **2. San Francisco should ensure adequate staff to youth ratio during waking hours.**

San Francisco should ensure staff to youth ratio during waking hours is 1:5 (1 staff for every 5 youth).

#### **3. San Francisco should collaborate with the Real Estate Department to vet the following options:**

- 1055 Pine Street, with each floor becoming one "home";
- 1801 Vicente, converting two cottages into JDP staff-run, staff-secure homes for boys;
- Identify two to three single family homes in specific zip codes in San Francisco that meet other required criteria.
- Have RED find available warehouse space, potentially in an industrial section of the city, that can be redesigned as a therapeutic, educational, rehabilitative environment for all of the custody needs addressed above.
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#### **4. San Francisco should commit to shared leadership with community-based organizations (CBOs) and JPD in the design and operation of the non-institutional place of detention.**

There are a variety of options that offer a range of shared power designs. They include:

- CBOs designing and operating specific programs (current practice in JH);
- JPD & CBOs designing and operating one or more units together, 24/7;
- CBOs designing and operating one or more units 24/7 with JPD providing "security";
- CBOs designing and operating all units 24/7 with JPD providing "security" and executive management (as the Title 15-designated facility administrator);
- Joint sharing of executive management and operations.

### Proposals Regarding Community Alternatives

**1. San Francisco should implement structural change for early interventions to expand the use of non-legal options that impact pre-arrest diversion.**

Non-legal interventions at the point of arrest will explore new eligibility requirements, expanded program availability and the creation of service hubs.

**2. San Francisco should implement structural change for coordinating program utilization.**

San Francisco should implement structural change for coordinating program utilization in order to improve outcomes for young people and their families, reduce expense and improve service delivery. This ties to changing departmental funding practices (see proposal #5).

**3. San Francisco should implement structural change for program assessment.**

San Francisco should implement structural change for program assessments and address the complicated funding issues associated with the current assessment process. One idea is to use a universal assessment implemented by trusted sources.

**4. San Francisco should implement structural change for behavioral health.**

For instance, Medi-Cal eligibility needs to be stabilized and programs that serve justice-involved youth such as clinical outpatient programs should extend beyond their probation terms.

**5. San Francisco should implement structural change to program funding practices.**

Isolated and prescribed sets of dollars should be more flexible and responsive to the needs of youth and families. Universal Basic Income (UBI) should be explored.

**6. San Francisco should implement structural change for residential bed space.**

There is a shortage of options for overnight beds available for young people that need brief residential respite. The problem is acute for girls and other young people that need transitional housing such as those classified under AB12. The workgroup suggested extensive family findings to increase placement options.

### Proposals Regarding Re-Imagining Well-Being Alternatives to Detention

**1. San Francisco should implement a Well-Being Advocate (WBA) at First Contact.**

The purpose of the WBA is to create a position that is responsible at the first event for establishing contact with youth, families and those who have been harmed to begin the process of ensuring the well-being and assessment of the youth and restoration and healing for the person harmed. Details should be agreed upon by June 2022.

**2. San Francisco should implement a Well-Being Assessment**

San Francisco should implement a Well-Being Assessment, an instrument that assesses for access to appropriate services and the necessity of developing a roadmap to well-being and a fully informed narrative of a young person and their needs and strengths. Details should be agreed upon by April 2022.

**3. San Francisco should implement a Well-Being Committee.**

San Francisco should implement a Well-Being Committee, a collaborative process to address the needs of young person accused of doing harm and the person harmed that engages restorative practices outside the formal court structure. Details should be agreed upon by August 2022.

**4. San Francisco should develop a system for flexible funding.**

This will require additional design and planning.

**5. San Francisco should develop Centers for Well-Being and Youth Development for young people who do not need to be placed in a secure facility but who would benefit from a short respite.**

These centers would be a step-down from secure detention but staffed with professionals trained in therapeutic responses and youth development.

## End Notes

- <sup>1</sup> Welf. & Inst. Code § 626(b).
- <sup>2</sup> Welf. & Inst. Code § 234.
- <sup>3</sup> Welf. & Inst. Code § 626.6.
- <sup>4</sup> SAN FRANCISCO JUVENILE PROBATION DEPARTMENT POLICY AND PROCEDURE MANUAL PROBATION SERVICES CHAPTER 8 INTAKE, 8.28 CARC Probation Officer. Effective Date December 29, 2015.
- <sup>5</sup> Welf. & Inst. Code § 628.
- <sup>6</sup> Welf. & Inst. Code §§ 626(d), 626.6.
- <sup>7</sup> Welf. & Inst. Code § 630(a).
- <sup>8</sup> SAN FRANCISCO JUVENILE PROBATION DEPARTMENT POLICY AND PROCEDURE MANUAL PROBATION SERVICES CHAPTER 8 INTAKE, 8.01- DETENTION RISK INSTRUMENT. Effective Date May 20, 2019.
- <sup>9</sup> Welf. & Inst. Code § 628.
- <sup>10</sup> Jarjoura, Roger. *Review of San Francisco Juvenile Probation Department Case Files*, American Institutes for Research, Presentation Prepared for the Close Juvenile Hall Working Group, available at: <https://drive.google.com/file/d/1XFc-1ZC8MkW866V8QbDieOOApmBAA1qW/view>.
- <sup>11</sup> Jarjoura, Roger. *Review of San Francisco Juvenile Probation Department Case Files*, American Institutes for Research, Presentation Prepared for the Close Juvenile Hall Working Group, available at: <https://drive.google.com/file/d/1XFc-1ZC8MkW866V8QbDieOOApmBAA1qW/view>.
- <sup>12</sup> San Francisco Juvenile Probation Department Annual Statistical Reports (2006-2020), available at: <https://sfgov.org/juvprobation/publications-documents>.
- <sup>13</sup> Welf. & Inst. Code § 663(a).
- <sup>14</sup> Jarjoura, Roger. "Review of San Francisco Juvenile Probation Department Case Files." American Institute for Research (AIR), June 2021, available at: <https://drive.google.com/file/d/1XFc-1ZC8MkW866V8QbDieOOApmBAA1qW/view>.
- <sup>15</sup> Ibid.
- <sup>16</sup> Welf. & Inst. Code §§ 725(b), 727(a)(3)
- <sup>17</sup> Welf. & Inst. Code § 727(a)(4), 706.6(d).
- <sup>18</sup> Welf. & Inst. Code §727(a)(5).
- <sup>19</sup> Welf. & Inst. Code §§ 636.1, 706.6
- <sup>20</sup> Welf. & Inst. Code §706.6(d)(1)].
- <sup>21</sup> Welf. & Inst. Code §§628(d), 635(d), 636(c).
- <sup>22</sup> Welf. & Inst. Code § §§ 628, 636.
- <sup>23</sup> Welf. & Inst. Code § 628(d)(2)).
- <sup>24</sup> Welf. & Inst. Code §§706.5, 706.6
- <sup>25</sup> Jarjoura, Roger. *Review of San Francisco Juvenile Probation Department Case Files*, American Institutes for Research, Presentation Prepared for the Close Juvenile Hall Working Group, available at: <https://drive.google.com/file/d/1XFc-1ZC8MkW866V8QbDieOOApmBAA1qW/view>.
- <sup>26</sup> McKinnon, Reyna. *Out-of-Home Placement in the San Francisco Juvenile Justice System*, A Study Conducted for the San Francisco Juvenile Probation Department (May 2021).
- <sup>27</sup> Ibid.
- <sup>28</sup> Ibid.
- <sup>29</sup> Ibid.
- <sup>30</sup> Jarjoura, Roger. *Review of San Francisco Juvenile Probation Department Case Files*, American Institutes for Research, Presentation Prepared for the Close Juvenile Hall Working Group, slide X, available at: <https://drive.google.com/file/d/1XFc-1ZC8MkW866V8QbDieOOApmBAA1qW/view>.
- <sup>31</sup> Ibid.
- <sup>32</sup> Ibid.
- <sup>33</sup> Welf. & Inst. Code § 315.
- <sup>34</sup> Welf. & Inst. Code § 635.
- <sup>35</sup> Detention Deep Dive *Data Deep Dive: Time to Detention Hearings*, Juvenile Probation Department (JPD) (2021).
- <sup>36</sup> Ibid.
- <sup>37</sup> Ibid.
- <sup>38</sup> Welf. & Inst. Code § 840
- <sup>39</sup> Ibid.
- <sup>40</sup> Welf. & Inst. Code § 841



<sup>41</sup> Ibid.

<sup>42</sup> Detention Deep Dive *Data Deep Dive: Time to Detention Hearings*, Juvenile Probation Department (JPD) (2021).

<sup>43</sup> *An Independent Evaluation of the Detention Diversion Advocacy Program (DDAP)*, Center on Juvenile and Criminal Justice (CJCJ) (July 28, 2021).

<sup>44</sup> Ibid.

<sup>45</sup> California Department of Corrections and Rehabilitation: Request for Proposal Secondary Method. Therapeutic Communities Services (TCS). RFP Number C56-9348-D.

<sup>46</sup> *Id.* at p. 10.

<sup>47</sup> See e.g., Anne McGlynn-Wright, Robert D. Crutchfield, Martie L. Skinner, and Kevin P. Haggerty, "The Usual, Racialized, Suspects: The Consequence of Police Contacts with Black and White Youth on Adult Arrest," *Social Problems* 2020, available at: <https://www.researchgate.net/publication/346731319> (research finding that "police encounters in childhood increase the risk of arrest in young adulthood for Black but not White respondents").

<sup>48</sup> Welf. & Inst. Code §§ 234, 234.

<sup>49</sup> Welf. & Inst. Code § 626(b).

<sup>50</sup> Jarjoura, Roger. *Review of San Francisco Juvenile Probation Department Case Files*, American Institutes for Research, Presentation Prepared for the Close Juvenile Hall Working Group, slide 28, available at: <https://drive.google.com/file/d/1XFc-1ZC8MkW866V8QbDieOOApmBAA1qW/view>.

<sup>51</sup> See Report of the San Francisco Mayor's Task Force on African-American Out-Migration (2009) p. 19, available at: <http://bayviewmagic.org/wp-content/uploads/sites/4/2010/02/AA-OutMigration-TF-1.pdf>.

<sup>52</sup> See San Francisco Juvenile Probation Department, Annual Report (2020) p. 19, available at: [https://sfgov.org/juvprobation/sites/default/files/2020AnnualReport\\_Statistics.pdf](https://sfgov.org/juvprobation/sites/default/files/2020AnnualReport_Statistics.pdf).

<sup>53</sup> Jarjoura, Roger. *Review of San Francisco Juvenile Probation Department Case Files*, American Institutes for Research, Presentation Prepared for the Close Juvenile Hall Working Group, slide 32, available at: <https://drive.google.com/file/d/1XFc-1ZC8MkW866V8QbDieOOApmBAA1qW/view>.

<sup>54</sup> Owens, Emily, Erin M. Kerrison, Bernardo Santos Da Silveira, "Examining Racial Disparities in Criminal Case Outcomes among Indigent Defendants in San Francisco," Quattrone Center for the Fair Administration of Justice, 2017, 44-45, available at: <https://www.law.upenn.edu/live/files/6793-examining-racial-disparities-may-2017-full>.

<sup>55</sup> Henning, Kristin. *The Reasonable Black Child: Race, Adolescence, and the Fourth Amendment*, 67 Am. U. L. Rev. 1513, 1571-72 (2018), available at: <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=2062&context=aulr>.

<sup>56</sup> Welf. & Inst. Code § 636(d).

<sup>57</sup> Welf. & Inst. Code § 682(a)(1).

<sup>58</sup> See San Francisco Juvenile Probation Department Monthly Statistical Reports, available at: <https://sfgov.org/juvprobation/publications-documents>; see Detention Deep Dive *Data Deep Dive: Time to Detention Hearings*, Juvenile Probation Department (JPD) (2021) for definition of "automatic detention" (including 707(b)).

<sup>59</sup> California Department of Social Services, "California's Child Welfare Continuum of Care Reform," January 2015, available at: [https://www.cdss.ca.gov/cdssweb/entres/pdf/CCR\\_LegislativeReport.pdf](https://www.cdss.ca.gov/cdssweb/entres/pdf/CCR_LegislativeReport.pdf).

<sup>60</sup> Welf. & Inst. Code §§ 706.6, 727.

<sup>61</sup> Welf. & Inst. Code § 636.2

<sup>62</sup> Jarjoura, Roger. *Review of San Francisco Juvenile Probation Department Case Files*, American Institutes for Research, Presentation Prepared for the Close Juvenile Hall Working Group, available at: <https://drive.google.com/file/d/1XFc-1ZC8MkW866V8QbDieOOApmBAA1qW/view>; *Data Deep Dive: Time to Detention Hearings*, Juvenile Probation Department (JPD) (2021).

<sup>63</sup> Ibid.

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Sheryl Evans Davis, Director, Human Rights Commission

FROM: Erica Major, Assistant Clerk, Youth, Young Adult, and Families Committee

DATE: December 17, 2021

SUBJECT: HEARING MATTER INTRODUCED

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The Board of Supervisors' Youth, Young Adult, and Families Committee has received the following hearing request, introduced by Supervisor Walton on December 14, 2021:

**File No. 211317**

**Hearing on the Close Juvenile Hall Work Group recommendations for adoption and to hear from community, experts, and departments on the services offered at the current Youth Guidance Center; and requesting Human Rights Commission to report.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Lydia Ely, Mayor's Office of Housing and Community Development  
Brian Cheu, Mayor's Office of Housing and Community Development  
Maria Benjamin, Mayor's Office of Housing and Community Development

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Walton

Subject:

Close Juvenile Hall Workgroup Recommendations

The text is listed:

Hearing on the Close Juvenile Hall Work Group Recommendations for adoption and to hear from community, experts, and departments on the services offered at the current Youth Guidance Center.

Signature of Sponsoring Supervisor: /s/ Shamann Walton