

# Facing the Future: Juvenile Detention in Alameda County

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## **Facing the Future: Juvenile Detention in Alameda County**

### **Juvenile Detention: The Gateway to Juvenile Justice**

Juvenile detention is the entry way into the juvenile justice system and the cornerstone upon which the system is built. At the point of detention, most of our young people face the bleakness of their likely futures. Unfortunately, being incarcerated in a detention facility is a strong predictor of continuing incarceration in the juvenile and adult justice systems.

The purpose of detention according to the National Juvenile Detention Association is “the temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court and require a restricted environment for their own community’s safety while pending legal action”<sup>1</sup>. In other words, detention should be used to protect the public and to insure that youth appear before the court for a hearing. Although detention centers are defined as pre-adjudication holding facilities for dangerous youth or those likely to flee the jurisdiction, they are increasingly used for other purposes (e.g., holding youth who are waiting placement).

The effect of incarcerating youth in detention facilities is felt most acutely in minority communities. In this nation, African Americans make up 41 percent of detained youth<sup>2</sup> and are incarcerated at three times their representation in the general population. Latinos are also over-represented in detention facilities. In Alameda County, the over-representation of incarcerated African Americans is even more pronounced. While African Americans make up approximately 15 percent of the total population in the County<sup>3</sup>, they comprise the majority (61 percent) of the bookings into juvenile hall<sup>4</sup>. In fact, 89 percent of the youth admitted to the Alameda County juvenile hall are children of color.

Meanwhile, across the state of California, there has been a juvenile detention facility construction boom. California already had one of the highest incarceration rates in the country. Now, the Legislature through the Board of Corrections has provided construction grants for new juvenile facilities in 40 of the 58 counties. California is increasing its capacity to detain youth by 50 percent, adding 3,150 new beds, in addition to replacing 1,300 existing detention beds<sup>5</sup>. The growth in detention is fueled by old crime trends when the number of juvenile arrests were at their peak. In the past ten years, felony juvenile arrests in California have declined by 45 percent<sup>6</sup>.

As the nation’s foremost resource on juvenile justice research and practice, the National Council on Crime and Delinquency (NCCD), has seen many jurisdictions use detention beds inappropriately or conduct inadequate planning for future bed needs. NCCD has a long history of unparalleled experience in helping juvenile justice policymakers and practitioners use research-based evidence to effectively plan for the future of the children in their jurisdictions. It is with this experience, that we challenge the policymakers and community members of Alameda County and across California to examine the facts and make the appropriate decisions for juvenile detention reform.

There are four simple and generally accepted tenets upon which an evidence-based juvenile justice plan should be based.

1. *In a civil society, incarcerating a person must be justified and used appropriately.*

The first step in planning is to determine who is being detained, on what charges, and for how long? Policymakers and the public must determine whether the detention center is being used appropriately for their community. Some youth who are held in the Alameda County juvenile hall could be held or supervised in less restrictive environments. Given the fact that detained youth often fall deeper into the system, the decision to detain youth should be used only when absolutely necessary.

2. *Conditions within facilities must be safe and appropriate.*

If we choose to take away a person's liberty, then he or she must be safe in our custody. Our responsibility is even greater when we are incarcerating a child. Providing adequate conditions of confinement are an integral part of any juvenile justice plan. The National Juvenile Detention Association states that juvenile detention must provide:

“a wide range of helpful services that support the juvenile's physical, emotional, and social development. Helpful services minimally include: education, recreation, counseling, nutrition, medical and health care services, reading, visitation, communication, and continuous supervision.”<sup>7</sup>

The conditions of confinement within the Alameda County juvenile hall are not acceptable. We agree with local policymakers that the current facility in San Leandro is inadequate and needs to be replaced. If the facility is as unsafe as local policymakers and practitioners have stated, then young people should not currently be housed in the facility. With the seismic and other safety concerns, policymakers cannot wait five years until a new facility is built, they must act NOW.

3. *The system (should work) to minimize failure to appear in court and offending while under court supervision.*

There are programs that have demonstrated their effectiveness as detention alternatives. The purpose of detention is to assure that youth appear in court and do not endanger the public prior to disposition. These alternatives have been shown to minimize both non-appearance and offending<sup>8</sup>.

Alternatives to detention are underutilized in Alameda County. It is vital to place the youth who are admissible for alternatives into the right program, and leave valuable detention beds for those who must be incarcerated for public safety reasons.

4. *Finances should be used wisely and directed to the most cost effective strategies.*

Incarceration is expensive. Not only are facility construction costs high, but the operating costs can be astronomical. For instance, the Probation Department estimates that the cost of care for one month for each youth in the juvenile hall is \$4,745<sup>9</sup>. We are currently in an economic downturn with budget cuts imminent at the federal, state, and local level. It is time for belt tightening, not loosening. Policymakers have a responsibility to direct resources to programs that best serve the public interest for the lowest cost. The proposed facility expansion will be very expensive in the long term and will not best serve the interest of public safety.

In addition to these four tenets reliable data must guide policy and practice. True evidence-based planning is paramount and it should become clear from the next section that the proposed detention expansion is not based on sound evidence.

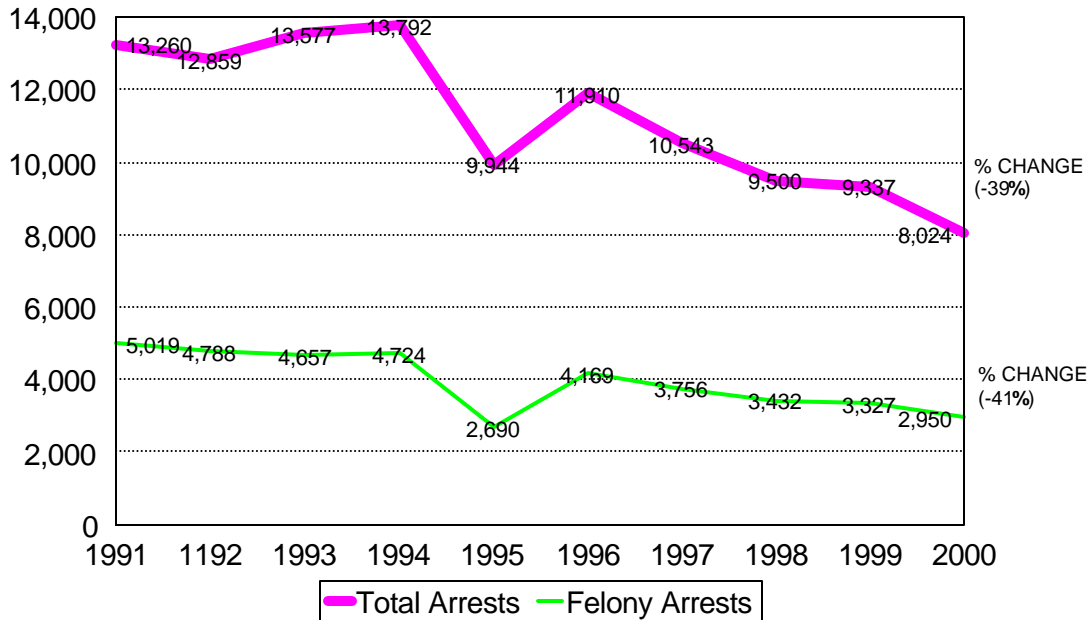
### **Facts From Fiction: Juvenile Justice Statistics in Alameda County**

Alameda County is moving forward with building a new juvenile justice complex in Dublin. The current juvenile hall in San Leandro has a capacity of 299 youth. One major component of this complex was a proposed 540 bed detention facility. The bed space projections were part of a report called the Alameda County Needs Assessment and Master Plan, referred to here as “The Plan”<sup>10</sup>. After much public debate, the number of proposed new detention beds has been reduced to 420.

Before presenting the data, it is important to discuss an underlying assumption that has been accepted by most of the Alameda County policymakers. This assumption is that the local justice system is functioning optimally. Why would the County base a long-term bed space needs assessment on numbers produced by a justice system that is currently functioning poorly? This method assumes that the goal is not to improve the system, but simply to accept the status quo. We believe that while it is necessary to examine data from the past to look forward to the future, it is also crucial to create policies and programs aimed at improving the functioning of our systems and not assume that the future of our children will go from bad to worse.

The first important trend to examine is the number of juvenile arrests. Figure 1 shows the total number of juvenile arrests in Alameda County and the number of felony arrests by year. Mirroring trends in the rest of the state, there has been a very large decrease (41 percent) in the number of juveniles arrested for felonies in Alameda County between 1991 and 2000. These arrest trends do not point to the need for an increased number of detention beds.

**Figure 1**  
**Total and Felony Juvenile Arrests for Alameda County**  
**1991 - 2000**

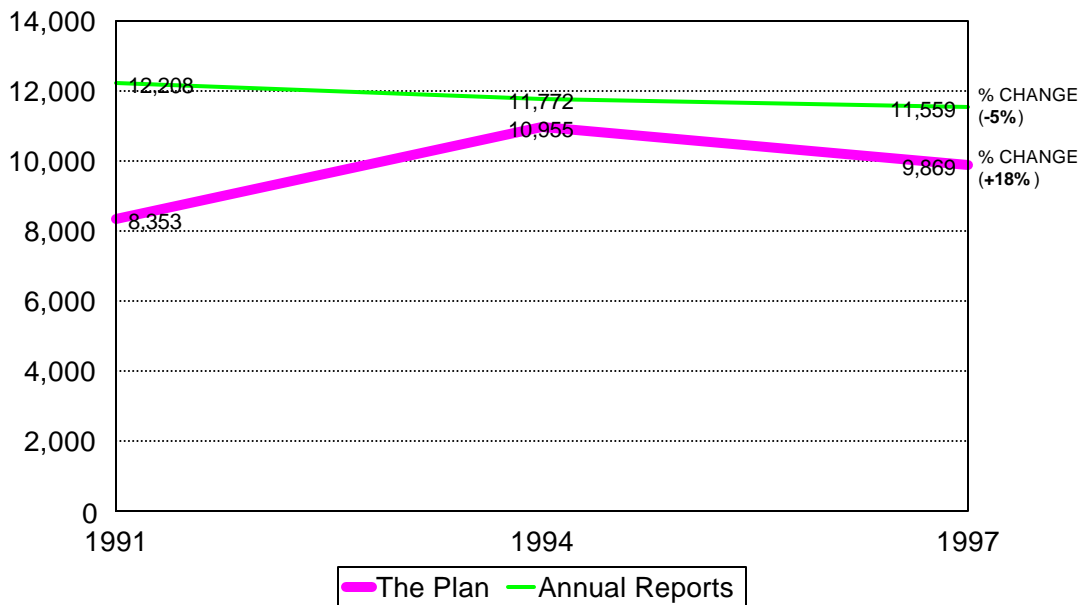


Source: Criminal Justice Profile 1991-2000, Criminal Justice Statistics Center, California Department of Justice, online <http://caag.state.ca.us/cjsc/statisticsdatatabs>, 2001.

Besides being based on negative assumptions, The Plan used faulty data upon which to base projections of future bed space needs. As pointed out in The Plan, the data used for the analysis has a critical flaw, youth who turn 18 are deleted from the database. Clearly the data from earlier years will be more incomplete than from the most recent years. Thus, it is inaccurate to use this database when examining trends.

The discrepancy in the numbers is visible in Figure 2. The Plan shows a low number of referrals in 1991, thus claiming an increase in referrals from 1991 to 1997 (of 18 percent). Data from the Annual Reports of the Probation Department tell a drastically different story. The Annual Reports show a decrease of five percent in the number of referrals to the Probation Department during the same time period. The decreasing number of referrals continues into 1999 (the most recent data available to us in an Annual Report). In 1999, the Probation Department reported 10,527 juvenile referrals. When calculated from the base year of 1991, this reflects a marked 14 percent decrease in the number of juvenile referrals. The decrease in the number of referrals does not point to a need to increase the number of detention beds.

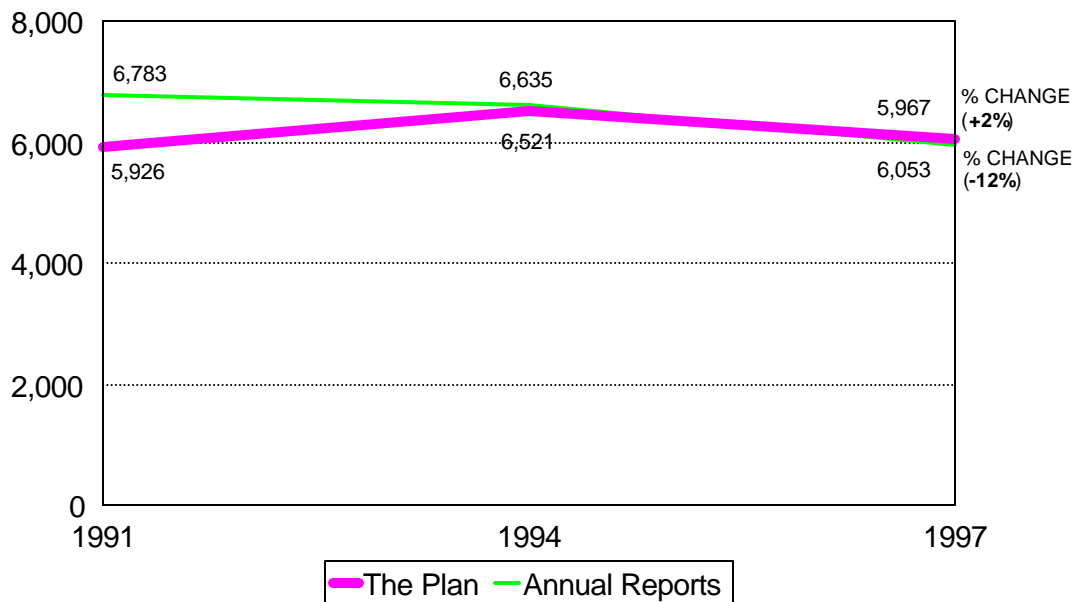
**Figure 2**  
**Alameda County Probation Juvenile Referrals**  
**1991, 1994 and 1997**



Source: Rosser International/Alameda County Team, Alameda County Juvenile Justice Complex: Needs Assessment & Master Plan, December, 1998; Annual Reports from the Alameda County Probation Department, 1991, 1994, 1997

This downward trend is mirrored in the number of overall detentions in the County. Again, there is a difference in the trend reported for juvenile detentions in the The Plan, and the trend based on data from the Probation Department's Annual Reports. Figure 3 illustrates the difference; while The Plan reports a two percent increase in the numbers of detentions between 1991 and 1997, Annual Report data indicate that there was a decrease of 12 percent decrease in the number of detentions. When 1999 data is used to calculate trends, the number of detentions decreased by almost 19 percent, with a total of 5,525 detentions in 1999. The apparent decrease in the number of admissions to detention, surely would not lead one to plan a large expansion of the number of beds.

**Figure 3**  
**Alameda County Probation Juvenile Detentions**  
**1991, 1994 and 1997**

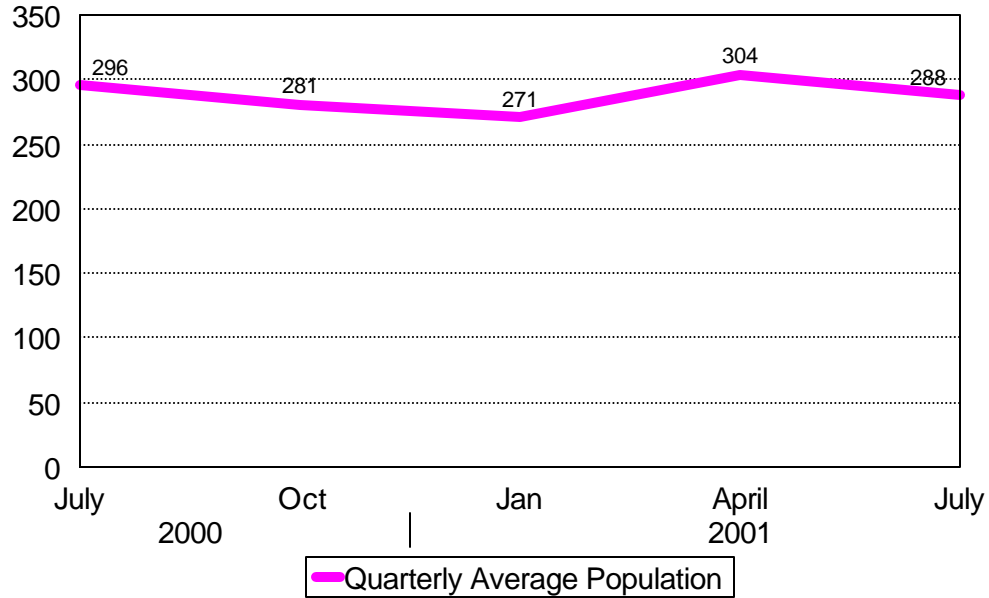


Source: Rosser International/Alameda County Team, Alameda County Juvenile Justice Complex: Needs Assessment & Master Plan, December, 1998; Annual Reports from the Alameda County Probation Department, 1991, 1994, 1997



It is also important to note that The Plan would predict grossly different juvenile hall populations than have actually been living in the facility. The data submitted by the Probation Department to the Board of Corrections shows a population hovering around current capacity and generally under 300 (shown graphically in Figure 4).

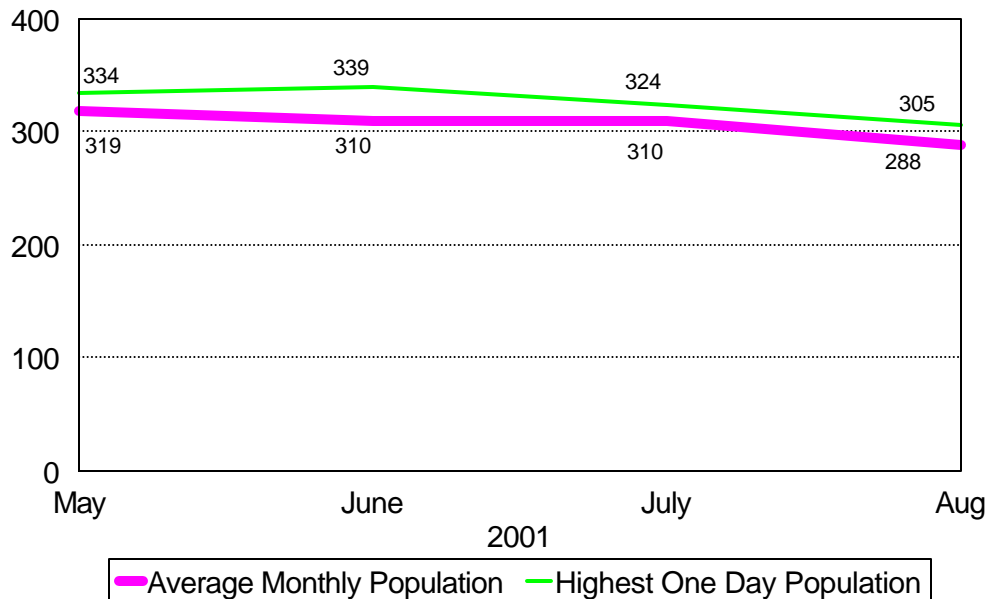
**Figure 4**  
**Average Quarterly Population in the Alameda County Juvenile Hall**  
**July 2000 - July 2001**



Source: California Board of Corrections, Quarterly Juvenile Detention Survey submitted by the Alameda County Probation Department.

Even when examining the highest population numbers for the most recent months available from the Board of Corrections, we do not see the extraordinarily high numbers that are predicted in The Plan. Figure 5 shows that even on the most crowded day in June 2001, there were 339 youth in the juvenile hall. As stated earlier, this large population is in part due to a system that could be substantially improved. Detention alternatives could be created and case processing could be expedited to reduce the amount of time a youth must be held.

**Figure 5**  
**Average Monthly Population and Highest Population**  
**in the Alameda County Juvenile Hall**  
**May 2001 - August 2001**



Source: California Board of Corrections, Monthly Juvenile Detention Survey submitted by the Alameda County Probation Department.

Besides having serious doubts about the validity of the data used, we also question the methodology used for making the projections. The projection technique used, called ARIMA, is inflexible because it is based purely on historical trend data. With this technique, policymakers cannot evaluate options based on various policy choices. Other projection techniques allow decision-makers to examine the effects that policy and program changes would have on the detention population<sup>11</sup>. The other main methodological problem with The Plan is that bed space was projected based on the highest population counts and not the average population count. Using the highest population count for detention is not a generally accepted practice because it can grossly overestimate the need for beds.

Thus, the following three methodological factors contributed to an exorbitant estimate of bed space needs: 1) using a projection model that did not take into account policy changes, 2) beginning with an inflated estimate by using the high population count, and 3) using inaccurate trend data.

### **Our Troubled Youth: Meeting Their Needs**

While using accurate numbers and methods to predict needed bed space is a necessary bedrock of any planning approach, the needs of the troubled young people entering the system must also be considered. We must design policies and programs to address these needs without tracking youth deeper into the justice system.

One of the most important needs is placing youth in the appropriate setting as quickly as possible. According to the Alameda County Probation Department, approximately one out of four youth in the juvenile hall are awaiting placement in a non-secure placement such as a group home or foster care placement<sup>12</sup>. These youth spend an average of two months incarcerated even though they are supposed to be placed in a group home or foster home. Many fewer youth are held in the hall on very serious offenses. On average approximately 12 percent of the youth in the juvenile hall are the most serious offenders awaiting transfer to the adult system.

With the help of the Alameda County Probation Department in 2000, NCCD conducted a study of the needs of youth in the juvenile hall. These data represent the responses of 361 youth entering the detention center between February and May of 2000.

- # One quarter of all youth were placed in detention for a warrant on a previous charge or for failing to appear in court.
- # Twenty-two percent of all youth entering to juvenile hall stated that they had witnessed or been the victim of shootings, stabbing, or other forms of severe violence.
- # About one in five youth reported that police or child protective service workers were called to their home as a result of domestic disputes. Females were more likely than males to report police/agency contact as a result of family/household disputes; twenty-nine percent of females reported one or more incidents.
- # More than one quarter (twenty-eight percent) reported that they had previously been removed from their home by the court.
- # Six percent said they had children of their own.

- # Five percent were homeless or had been homeless in the past year and six percent had been without food, heat, water, or electricity in their home for more than three days.
- # Almost one-half of all youth had been suspended from school in the past year and 16 percent were expelled.

Clearly, most of the children and teens entering the detention center have had troubled pasts. Among other difficulties, they have witnessed violence, suffered abuse and neglect, and failed in school. There are many good people working diligently in Alameda County to protect these young people and provide services for them. However, the cost of bed expansion in financial and social terms will only detract from these services. More programs and better policies need to be implemented so the County can intervene and shut the revolving door, rather than widening the door so more youth can be further traumatized and stigmatized by incarceration.

## **Recommendations**

NCCD makes the following recommendations based on the best available data, our national experience of detention reform, and our previous work with Alameda County:

- # Replace the juvenile hall because the facility is old, unsafe and decrepit.
- # Since the hall has been found to be seismically or otherwise unsafe, create an emergency plan to protect and remove the young people as soon as possible.
- # Determine the number of secure beds necessary using sound methodology, accurate data, and policy and program options that make use of the best known detention and alternative practices.
- # Use proven detention alternatives to reduce the unnecessary incarceration of certain populations of youth (e.g., youth awaiting placement, non-serious offenders, specified probation violators) and redirect some funding from the Crime Prevention Act (CPA) 2001, Temporary Assistance for Needy Families (TANF), and Juvenile Accountability Incentive Block Grant (JAIBG) to pay for the start up of these alternatives.
- # Create a high-level management position in the Probation Department to move cases through the system more quickly and reduce the inappropriate use of detention.
- # Embrace the enthusiasm and optimism of young people, such as those involved with Books Not Bars. Our young people are not the enemy, they are our future.

## ENDNOTES

1. Stokes, T., & Smith, S. (1990). Juvenile detention: A nationally recognized definition. *Journal for Juvenile Justice and Detention Services*, 24-26.
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