

Juvenile Detention Reform in Santa Cruz County of Santa Cruz

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After an arrest for an alleged offense, a youth aged 18 years or younger may be placed in juvenile hall. The youth is usually held there for one reason: to await due process through the juvenile court. The law requires that reasonable efforts be made to keep a juvenile at home and in his or her community, rather than in detention. The youth is only kept in juvenile hall if public and personal safety issues rise to the level where home release is not feasible, or there is a strong likelihood that the juvenile will not make his or her court appearance. The purpose of detention, prior to the court determining that an offense has been committed, is to ensure that due process is carried out without jeopardizing safety. The ultimate goal of the juvenile court is to rehabilitate. Probation workers and judges use discretion to apply legal standards to determine whether a juvenile should be released or detained. This subjective application of the law can lead to crowded conditions in a juvenile detention facility.

Santa Cruz follows detention reform outline to ease crowding

Since 1997, the Santa Cruz County Probation Department, in conjunction with the county administrator's office, the Board of Supervisors, and the Juvenile Court, has been working on the issue of crowding in the county's juvenile hall. This on-going, collaborative effort uses detention reform as outlined in the Annie E. Case Foundation Juvenile Detention Alternative Initiative Pathways documents. After working with five different sites around the county, the Casey Foundation found that there were some basic strategies that could be applied to help address the problem of overcrowding in juvenile detention facilities. These strategies are:

- 1) collaborative planning
- 2) objective admissions practices
- 3) case processing innovations
- 4) data-driven decision making and
- 5) alternative programs.

Four objectives of this detention reform method

The Casey Foundation's strategies for addressing juvenile facility overcrowding are tied to four objectives of the initiative, as follows:

- To reach consensus among all juvenile justice agencies about the purpose of secure detention and to eliminate its inappropriate or unnecessary use.
- To reduce the number of alleged delinquents who fail to appear in court or commit a new offense.
- To use limited juvenile justice resources in a more efficient manner by developing responsible alternatives to secure confinement rather than adding new detention beds.
- To improve conditions and alleviate overcrowding in secure detention facilities.

The effects of overcrowded detention facilities

Years of research and court cases have concluded that overcrowding produces unsafe, unhealthy conditions for both detainees and staff. An article published by the National Juvenile Detention Association and the Youth Law Center summarizes crowding's impact:

Crowding affects every aspect of institutional life, from the provision of basic services such as food and bathroom access to programming, recreation and education. It stretches existing medical and mental health resources and, at the same time, produces more mental health and medical crises. Crowding places additional stress on the physical plant and makes it more difficult to maintain cleaning, laundry and meal preparation. When staffing ratios fail to keep pace with population, the incidence of violence and suicidal behavior rises. In crowded facilities, staff invariably resorts to increased control measures, such as lockdowns and mechanical restraints.

Overcrowding often results in an increase in the use of chemical restraints, such as mace or pepper spray. There are more costs for the use of on-call staff and overtime to meet mandated staffing requirements. In such conditions, one might ask if rehabilitative goals are being met or if, on the other hand, the crowded institution has the unintended negative effect of exacerbating problems that promote delinquency.

Santa Cruz County decides to look at alternatives

In January 1997, Santa Cruz County experienced its highest monthly daily count of 61 detainees in juvenile hall. The facility has a capacity of 42 beds. This overcrowding had been building over a number of years, and was at the point that decisions had to be made regarding where the allocated dollars should best be spent.

As a result, Santa Cruz County decided to examine juvenile detention alternative initiative ideas. The county wanted to work on developing a good risk system at the front gate of detention and to develop sound alternatives based on assessment of risk in individual cases. Research shows that low-risk cases can be released at intake, as incarceration is not necessary. Medium-risk cases need some form of alternative supervision.

Home supervision, electronic monitoring and a community service component

The most commonly used alternative for medium-risk cases is home supervision. A juvenile is actually detained, but released home under very close supervision with daily visits from probation staff. When supervision is combined with electronic monitoring, it provides an alternative that the court is willing to order. Previously, these cases likely would have remained in custody. The success rate of the home supervision program is excellent. Santa Cruz County has experienced a 95 percent success rate with home supervision and a 98 percent rate with electronic monitoring. Success is defined as the attendance at all court hearings, without re-offending during the court process.

Both of these programs offer relatively inexpensive alternatives to incarcerations. Unique to Santa Cruz is the addition of a community provider service component to the program. A non-profit community agency, in partnership with probation staff, provides healthy activities, such as counseling, twelve-step meetings and supervised outings. Additionally, parent advocacy and assistance through the court process is given.

Two parts to detention reform: intake and length of stay

As described above, detention reform is a two-part process. There is initial work that must be done at the front gate during intake. The next step is equally important because it affects how cases are processed through the system. In addition to controlling the number of cases that gain entrance to the institution, the length of stay must be controlled as well. Unnecessary delays in the court process must be recognized and addressed. Essentially, crowding in an institution is based on two things: intake (how many) and length of stay (how long).

Santa Cruz significantly cuts its average length of stay

The average length of stay in juvenile halls in California is 27 days, according to the latest figures from the state Board of Corrections. The length of stay in Santa Cruz County Juvenile Hall varies between nine and 10 days. The county accomplishes this shorter stay by monitoring all of its detention decision points on an ongoing basis. It has streamlined its court process. Once the court makes an order, cases are moved very expeditiously. A value is placed on bringing cases to service quickly.

Santa Cruz County also is proud of its short wait times for children ordered into placement. Many crowded juvenile halls in California have children who have appeared in court, been ordered into out-of-home placement and are waiting to be delivered. In Santa Cruz, a youth who receives a court order for residential care is moved to placement in an average of less than two weeks. This time period greatly contrasts with crowded facilities in other parts of the state that experience 90-to 100-day delays in securing residential care.

Full integration of services

In addition, Santa Cruz County has developed a number of alternatives to placement. A strong emphasis is placed on keeping children with their families and in their communities to the greatest extent possible. The county has developed strength-based, wraparound services delivered in the community and at day treatment sites. These efforts are done in partnership with the county mental health department and community-based providers. The result is that the county has one of the lowest out-of-home placement rates in the state.

Since 1989, Santa Cruz Probation Department has been a key partner, with Santa Cruz Children's Mental Health, in the California system of care established by the Children's Mental Health Services Act. The goal of this effort is to create a service delivery system that is community-based, comprehensive and is distinguished by full integration of inter-agency partners.

A system of care value

Services are targeted to children and their families who are at-risk of court ordered out-of-home placement. The essential values of system of care are as follows: (a) family preservation: children should remain in their homes with their families whenever possible; (b) least-restrictive setting appropriate to their needs when out-of-home placement is necessary; (c) natural setting: children benefit most from mental health services in their natural environments, where they live and learn; (d) inter-agency collaboration and coordinated service delivery system; (e) family involvement: family participation is an integral part of assessment, intervention and evaluation; and (f) cultural competence: service effectiveness is dependent upon both culturally relevant and competent service delivery.

Need to monitor

One of the county's ongoing efforts is to monitor all of its decision points having to do with detention. A committee, made up of the stakeholders in the system, reviews all the data, including that on gender and race issues.

The probation department has made a concerted effort to look at the issue of disproportionate minority confinement. At one point, the detention center was averaging a total population of 61; with Latinos making up approximately 64 percent of these cases. However, Latinos account for only 33 percent of the children aged 10 to 17 in Santa Cruz County. The department looked at this issue systematically by analyzing its decisions and looking at how those decisions may have contributed to or exacerbated the situation. When it found barriers, the department attempted to overcome them.

The department develops new services when it determines a need or gap in the system. The outcome is that the percent of Latinos has dropped by 18 percent. Detention reform and efforts to address disproportionate minority confinement go hand in hand. They both must be considered in developing strategies to solve crowding.

A lower daily population has led to considerable savings

The county has been able to lower its average daily population in its juvenile hall so that the facility has not been crowded for the past 19 months. This population decrease represents a 40 to 50 percent drop in the detained population. As a result, there are fewer incidents in our facility, and the children who must be detained are receiving the kind of programs from which both they and the community benefit.

From the county's perspective, this effort has led to considerable savings, which has been redirected toward more front-end services. Lower daily population rates also have helped reduce liability issues.

Benefits of reform over building more facilities

Detention reform is a much better answer than trying to build our way out of crowding. It is cost effective. It does not create undue public safety risk. It provides intensive home supervision of medium-risk cases for juveniles awaiting court appearances. It reduces inefficiencies in the court system.

Those youth who pose a particularly serious risk to public safety are remanded to custody when appropriate. It is hoped that those youth who are detained will not have to stay in crowded juvenile facilities, nor will they have to remain in custody any longer than necessary.

In Santa Cruz, accountability is measured in terms of the extent to which youthful offenders repair harm to their victims and the community, as well as their engagement in competency building activities, not by how long they sit in an institution pending court proceedings or delivery of services. The county believes that its detention reform effort is integral to good crime control. It mitigates the unintended negative effects of incarceration in crowded detention facilities.

For more information

For further information about the juvenile Detention Alternative Initiative Pathways series, contact the Annie E. Casey Foundation at 701 St. Paul Street, Baltimore, MD 21202; 410/547-6600 (phone), 410/547-6624 (fax) or www.aecf.org.

John Rhoads is the Chief Probation Officer for Santa Cruz County

(Note, Mr. Rhoads held this position until 2002, the position is now held by Chief Judy Cox)