

Solano County

2017

**Solano County, California**  
Readiness Assessment Consultation

Submitted by:

W. Haywood Burns Institute

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## Introduction

Despite being a core requirement of the Juvenile Justice Delinquency and Prevention Act (JJDP), racial and ethnic disparities (R.E.D.) continue to be pervasive within youth justice systems across the country. Nationwide in 2013, Black youth were 4.6 times as likely as White youth to be securely detained and Latino youth were 1.7 times as likely as White youth to be securely detained.<sup>1</sup> Although many jurisdictions have implemented strategies to reduce disparities, most have failed to attain measurable results. Consequently, jurisdictions continue to support studies, host annual conferences and fund prevention and intervention programs that do not specifically target the policies and practices that contribute to disparities in their localities. While these strategies have some value, they are not necessarily designed or funded based on their ability to reduce racial and ethnic disparities in the youth justice system.

## Overview of the Burns Institute

The W. Haywood Burns Institute (BI) was established to provide local jurisdictions with practical, proven approaches to reducing racial and ethnic disparities. For over 15 years, BI has successfully worked with jurisdictions nationwide to reduce R.E.D. by leading traditional and non-traditional stakeholders through a data-driven, consensus-based process. It is BI's experience that local jurisdictions can implement successful and sustainable strategies that lead to reductions in racial and ethnic disparities by examining key decision-making points within the youth justice system. BI has also developed a thorough assessment process—our “Readiness Assessment Consultation” (RAC)—to assist jurisdictions in identifying their strengths and opportunities for improvement. In addition to documenting the assessment findings and recommendations, this RAC is intended to help guide Solano County's ongoing R.E.D. reduction effort.

We appreciate the cooperation and participation of everyone involved with the assessment in Solano County. The stakeholders were generous with their time and forthcoming with their observations.

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<sup>1</sup> Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2015) "Easy Access to the Census of Juveniles in Residential Placement." Available Online: <http://www.ojjdp.gov/ojstatbb/ezacjrp/>

## Methodology

This section describes BI's approach to conducting the RAC. The assessment process utilized in Solano County was developed by BI staff in collaboration with the Institute for Social and Environmental Justice Education. The process was designed to ensure that a wide range of perspectives are taken into account by using both qualitative and quantitative research methods.

## Evaluation Design

The purpose of this assessment is to identify and assess factors influencing Solano County's ability to successfully address racial and ethnic disparities. The following assessment goals were established:

- 1) Assess and document the state and extent of racial and ethnic disparities in Solano County.
- 2) Assess and document how the following impact Solano County's ability to address disparities:
  - a. Understanding racial and ethnic disparities;
  - b. Purpose of detention and detention utilization;
  - c. Collaboration including:
    - i. Interagency collaboration;
    - ii. Community engagement; and
  - d. Data collection and analysis capacity.

Findings and recommendations found in this report are based on BI's extensive expertise and information gathered from the following:

### 1) Stakeholder Interviews

On March 2-3, 2017, BI staff conducted interviews with Solano County stakeholders. Key stakeholders included representatives from the judiciary, Juvenile Probation, the Public Defender's Office, the District Attorney's Office, law enforcement, mental health, as well as formerly system-involved youth and their parents. A total of 35 stakeholders were interviewed, and the interviews ranged from 45-60 minutes in length.

### 2) Stakeholder Surveys

In an effort to ensure that the assessment took into account a wide range of perspectives, BI developed an online survey that was administered to system and community stakeholders between March 6<sup>th</sup> and March 29<sup>th</sup>, 2017. A total of 29 surveys were completed with seventy-two percent (72%) of the respondents representing the Solano County Probation Department. Other survey respondents included representatives from the courts, mental health, law enforcement, and community-based organizations. Additionally, a survey of currently/formerly system-involved youth was also conducted between March 20<sup>th</sup> and March 30<sup>th</sup>.

### 3) Documents Review

The following documents were obtained and reviewed in the course of the assessment:

1. Solano County Youth Justice Data provided by the Probation Department **(See Appendix A)**;
2. Solano County Juvenile Institutions Mission Statement (POD) and Booking Criteria **(See Appendix B)**;
3. Solano County Juvenile Probation Detention Risk Assessment Instrument **(See Appendix D)**;
4. Solano County Juvenile Probation Detention Screening Tool **(See Appendix E)**,
5. Solano County Probation Department, Juvenile Field Services, Program Matrix (March 2015),
6. Juvenile Community Accountability Program, Intake Officer's Guide – Pilot (August 2016).

### Overview of Solano County

Solano County is located in the northeast of the nine-county San Francisco Bay Area region and covers a total area of approximately 906 square miles. Fairfield is the county seat, and Vallejo is the County's most populous city. In 2015, the County had a population of approximately 436,092.<sup>2</sup> In 2015, the racial and ethnic makeup of the county was 41% White, 17% Asian, 15% Black or African American, 26% percent Latino of any race and 1% Native American. In 2015, the racial and ethnic makeup of the youth population, ages 10 to 17, was 31% White, 16% Asian, 16% Black or African American, 37% percent Latino of any race and 1% Native American.

The County is governed by a five-member Board of Supervisors elected by residents of their respective districts. The Board of Supervisors is responsible for providing the County with direction and oversight regarding local policies and budgeting.

According to the Solano County Probation Department's official website, "The mission of the Solano County Probation Department is to reduce the incidence and severity of crime in our community."<sup>3</sup> In an effort to achieve this mission, Solano County Probation Department and the Vallejo City Unified School District partnered with the Sierra Health Foundation (SHF) to improve youth justice practice and policy through the Positive Youth Justice Initiative (PYJI). PYJI combines positive youth development with an innovative behavioral health approach known as trauma-informed care, and delivers both approaches using a wraparound service model. Operationally, it seeks to remove systemic deficiencies and bias that have long exacerbated the over-representation of youth of color in county youth justice systems across California.<sup>4</sup>

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<sup>2</sup> Puzzanchera, C., Sladky, A. and Kang, W. (2016). "Easy Access to Juvenile Populations: 1990-2015." Online. Available: <http://www.ojjdp.gov/ojstatbb/ezapop/>

<sup>3</sup> Solano County Probation Department website: <https://www.solanocounty.com/depts/probation/contact/juehall.asp>

<sup>4</sup> Briefing Paper (April 2012). [https://www.sierrahealth.org/assets/PYJI\\_Briefing\\_Paper\\_Reprint\\_2013.pdf](https://www.sierrahealth.org/assets/PYJI_Briefing_Paper_Reprint_2013.pdf)

## Understanding Racial and Ethnic Disparities

### *Working Collaboratively to Reduce R.E.D.*

Healthy stakeholder collaboration across the various youth-serving systems is essential to successfully reducing R.E.D. because these agencies are directly responsible for making decisions that impact the lives of youth, families, and ultimately entire communities. It is BI's experience that effective interagency collaboration allows for increased resources and diversity in the expertise provided to system-involved youth and families.

Additionally, regularly convening a group of community and system stakeholders who maintain a culture of introspection within this collaborative atmosphere is necessary to coordinate the various facets of R.E.D. reduction initiatives. A well-functioning committee should consist of representatives from key county agencies such as probation, the judiciary, the Public Defender's Office, the District Attorney's Office, education, law enforcement, child welfare, and mental health. Further, it is imperative that community stakeholders have meaningful representation within committees engaged in disparity reduction efforts. Community stakeholders include parents, youth, service providers and community and faith-based organizations. Any collaborative implementing disparity reduction strategies should take full advantage of the collective expertise and resources of both system and community stakeholders and identify specific roles each stakeholder can play in reducing disparities in the jurisdiction.

Based on interviews with local stakeholders, Solano County has experience working collaboratively to address issues affecting youth in the justice system. Many interviewees stated that in Solano County, collaboration is the norm. The County is currently participating in the Positive Youth Justice Initiative (PYJI), which helps "communities across California transform juvenile justice practice and policy into a more just, effective system that is aligned with the developmental needs of young people."<sup>5</sup> Through PYJI, Probation and Vallejo City Unified School District (VCUSD) have practiced data-driven decision making by collecting and analyzing data at key youth justice decision-making points.

The County also collaborates through the Juvenile Justice Coordinating Council (JJCC). JJCC's mission is to develop and implement a multiagency strategy for providing an "effective continuum of responses for the prevention, intervention, supervision, treatment, and incarceration" of youth who come in contact with the justice system.<sup>6</sup> Additionally, Chiefs from the probation and law enforcement departments meet monthly with the District Attorney's (DA) Office to review data and explain changes in policies and procedures (i.e., new booking criteria). Other forms of issue-based interagency collaboration include weekly meetings between Child Welfare and the Probation Department to decide which agency is most appropriate for crossover youth pursuant W.I.C. 241.1

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<sup>5</sup> Sierra Health Foundation, Positive Youth Justice Initiative website: <http://www.shfcenter.org/positive-youth-justice-initiative>

<sup>6</sup> Solano County Juvenile Justice Coordinating Council Meeting Agenda, October 12<sup>th</sup>, 2016. Retrieve online on April, 4<sup>th</sup> 2017 from <http://solanocounty.com/depts/probation/jjcc/default.asp>

and bi-monthly Commercial Sexual Exploitation of Children Committee (C-SEC) meetings that work collaboratively to address the issue of youth trafficking in Solano County.

The Sullivan Interagency Youth Services Center (Sullivan Center) also represents an example of a County partnership established to meet the needs of youth in the justice system. The Sullivan Center combines representatives from the Fairfield-Suisun Unified School District (FSUSD), Fairfield Police Department, Fairfield Police Activities League (PAL), the Probation Department, A Better Way, and Healthy Partnerships to provide a “one-stop shop for interventions, support and outreach.” The Sullivan Center promotes accessibility of services for youth and parents and allows participating agencies to more efficiently coordinate services to address the needs of youth in the justice system. Moreover, monthly meetings attended by these agencies provide a great space to identify cross-cutting issues. Similarly, Probation utilizes a multi-agency Day Reporting Center (DRC) to provide youth with supervision, supports, and services pursuant their terms of probation.

Also co-located at the Sullivan Center is the Mentally Ill Offender Crime Reduction (MIOCR) Diversion Program. The MIOCR Diversion Program, funded through a state grant of the same name, is a partnership between Probation, the Fairfield Policy Department, and Solano County Mental Health (via A Better Way agency), and the FSUSD.

The Probation Department also partners with the Solano County Bar Association to run the Juvenile Community Accountability Program (JCAP). Since its inception in July 2016, the program enlists Arbitrators, who are community members trained by the Bar Association, to hold diversion hearing with youth and their parents in a community setting. The program utilizes a restorative justice approach and is available county-wide, providing an opportunity for all youth in the County to be diverted.

Another example of interagency collaboration is the partnership between Vacaville Police Department Youth Services Section, Vacaville Unified School District, and Social Services. This partnership is focused on reducing unnecessary involvement with the justice system by: (1) distinguishing which behaviors will be addressed in school rather than by the justice system; and (2) collaboratively hiring, training, and supporting school resource officers (SROs) with school administration and Social Services. For their efforts, the Vacaville Police Department’s Youth Services Section won the 2015 National Association of School Resource Officers’ Model Agency Award.

Clearly, Solano County has an atmosphere of collaboration and the requisite structures to facilitate a multiagency initiative to reduce R.E.D. in the justice system. Despite this current collaborative environment, the aforementioned initiatives are not specifically focused on reducing R.E.D. In BI’s experience, the most successful sites have made intentional efforts to engage a diverse body of stakeholders in developing and implementing data-driven, community-informed strategies to reduce disparities. Interviews with both system and community stakeholders revealed that improvements can be made regarding youth and family outreach. For example, interviewees mentioned that the services provided by the Sullivan Center and DRC are chosen with little to no community, youth, or parent input. Youth and parent input are crucial to assessing the developmental and social needs of youth in the justice system and developing targeted strategies to meet these needs in the least restrictive and most accessible environments. Thus, BI recommends that the County form and

regularly convene a collaborative body comprised of key system and community stakeholders who will be responsible for overseeing the local R.E.D. reduction effort.

When asked which system stakeholders are needed for effective R.E.D. reduction, but are missing from the collaborative table, several participants stated the need for increased participation and investment from the

“We clearly have disparities, just look at the Hall.”

Courts and DA. While the Probation Department has control over pre-adjudication admission to secure detention and post-adjudication supervision type (i.e., Probation case load), the DA plays a critical role in deciding what petitions to file and which youth are eligible for felony diversion. The Court makes important decisions regarding which youth become wards and how long youth spend in secure detention. All these decision points have existing disparities in Solano County. Thus the Courts’ and DA’s participation in future R.E.D. reduction initiatives is essential to fully implementing reforms related to these decision points. However, few stakeholders mentioned the need for youth, family, and community voice at the table. Moving forward it will be important for Solano County to make community engagement an integral part of the reform process. Community engagement will be discussed further in a later section of this memo.

### *Perceptions of Racial and Ethnic Disparities*

Another challenge expressed by multiple stakeholders was the general lack of stakeholder buy-in regarding the need to address racial and ethnic disparities. It is critical that system stakeholders accept the existence of racial and ethnic disparities and believe in the need to reduce these disparities by implementing targeted reforms in the County’s policies and practices. Without substantial stakeholder buy-in, it is unlikely that the County will address current policies and practices that perpetuate or exacerbate existing disparities. Importantly, this lack of stakeholder buy-in is likely due to a misunderstanding of the issue.

Understanding local perceptions of R.E.D. provides important insight into the County’s initial capacity for disparity reduction. If stakeholders cannot agree on whether disparities exist and/or what factors contribute to their existence, the work must begin with ensuring that collaborative partners thoroughly understand the issue and acknowledge that there is a problem to be solved. In Solano County, some stakeholders referenced disproportionality or inappropriate contact with the justice system as examples of disparities. One participant stated “[w]e clearly have disparities, just look at the Hall.” Others equated disparities with blatant racism, implicit bias, or differential treatment based on race. Despite the various definitions provided, almost all interviewees and seventy-six percent (76%) of survey respondents believed that racial and ethnic disparities exist in Solano County and only twenty-one percent (21%) were unsure.

In response to questions about whether and why disparities exist, stakeholders often feel they are being accused of perpetrating racist behaviors or attitudes and reflexively cast blame upstream and fault decision points outside of their purview. In actuality, the work to reduce racial and ethnic disparities involves using a data-informed process to identify policies and practices that may contribute, often unintentionally, to higher rates of system involvement for youth of color. As the

County moves forward with reduction efforts, stakeholders will need to gain a thorough understanding of this concept in order to develop an effective work plan and sustain a successful reduction effort.

### *Beliefs about Why Disparities Exist*

In Solano County, stakeholders consistently identified a few key factors they believe contribute to racial and ethnic disparities. Most stakeholders who were interviewed stated that any existing disparities were a consequence of poverty and more closely tied to a youth's socioeconomic status than their race. Several stakeholders identified "parental issues" and inadequate access to resources as causes of disparities. Others cited social and cultural bias in areas beyond their control as the primary cause of disparities in Solano County, including citizens calling law enforcement and schools referring youth of color to the justice system more frequently than white youth. A few stakeholders expressed that disparities are due to "one race committing more crimes than another" and that there are "no systemic problems within the justice system, only external issues."

When asked about which policies or practices contribute to R.E.D., a small number of interviewees and seventeen percent (17%) of survey respondents stated that the County does not have any practices or policies contributing to disparities. Similarly, a slight majority of survey respondents (55%) stated that implicit or explicit racial bias contribute to disparities within the system. However, many respondents and interviewees identified various decision points they believe drive disparities. For example, several stakeholders mentioned over-supervision of electronic monitoring, detention overrides of the local detention risk assessment instrument (DRAI)<sup>7</sup>, and some students no longer being bussed to school as specific policies and practices that drive disparities in the justice system. Thirty-eight percent (38%) of respondents identified arrests and charging decisions as two decision points contributing to disparities. Furthermore, thirty-one percent (31%) of survey respondents believed that a lack of access to effective counsel and probation officers' responding inconsistently to youth noncompliance with probation terms cause disparities. As articulated by one interviewee, this combination of practices results in "overly severe and inappropriate responses to their behavior."

BI recognizes the complex web of macro and micro societal and systemic factors that contribute to disparate contact and treatment of youth of color in the youth justice system across the country. Although many factors contribute to disparities, jurisdictions must be strategic and intentional about implementing targeted strategies that will positively impact the health and well-being of youth of color. BI encourages Solano County to reduce disparities by developing a culture of inquiry that focuses on factors under their local control, such as policies and practices that lead to further system-involvement and ultimately to incarceration.

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<sup>7</sup> Solano County recently created a Detention Screening Tool (DST; "new tool"; see Appendix E) to replace the current Detention Screening Assessment ("old tool"; see Appendix D).

### *Understanding Racial and Ethnic Disparities Recommendations*

The following recommendations are focused on developing a strong governance structure responsible for overseeing the County's disparity reduction effort as well as educating members of the related collaborative bodies in order to effectively implement the work.

1. Solano County should form and regularly convene a collaborative body comprised of key system and community stakeholders who will be responsible for overseeing the local R.E.D. reduction effort.
  - a. BI recommends that the Probation Department lead this committee due to its central role in the youth justice system continuum.
  - b. BI recommends that Solano County create an R.E.D. Coordinator position within the Probation Department to coordinate the R.E.D. Committee's work.
  - c. In an effort to effectively engage all levels of the Probation Department, BI recommends that line Probation Officers and Group Counselors (JDF Staff) participate in the R.E.D. Committee.
  - d. To ensure that the R.E.D. Committee is diverse and reflects its consumers, the County should obtain greater investment, insight and resources from court-involved youth and parents, affected communities and the District Attorney's Office.
2. The R.E.D. Committee should participate in a training that highlights essential components to successful R.E.D. reduction efforts. The training should provide participants with an understanding of key terminology. It should also address the basics of using data to explore disparities, develop strategies to reduce disparities, and track progress.
3. The R.E.D. Committee should formalize a process for training and orienting new R.E.D. Committee members. The orientation process should include an overview of the local youth justice system, local data, committee governance structure, and the purpose and goals of the R.E.D. Committee.

### **Purpose of Detention**

There is a significant body of research which indicates that secure confinement, including pre-adjudication detention, is harmful to youth.<sup>8</sup> In addition, research has found that pre-adjudication secure detention negatively affects youth during later stages in the youth justice process. For example, detained youth are more likely to receive more severe dispositions than their similarly situated non-detained counterparts.<sup>9</sup> Based on this research, and the reality that youth of color are disproportionately detained and confined in secure facilities throughout the nation, BI supports the best practice of limiting secure detention to youth who present a significant community safety threat and/or a flight risk.

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<sup>8</sup> The Annie E. Casey Foundation. (2011). "No Place for Kids: The Case for Reducing Juvenile Incarceration." Baltimore, MD: Richard A. Mendel. Retrieved from <http://www.aecf.org/resources/no-place-for-kids-full-report>.

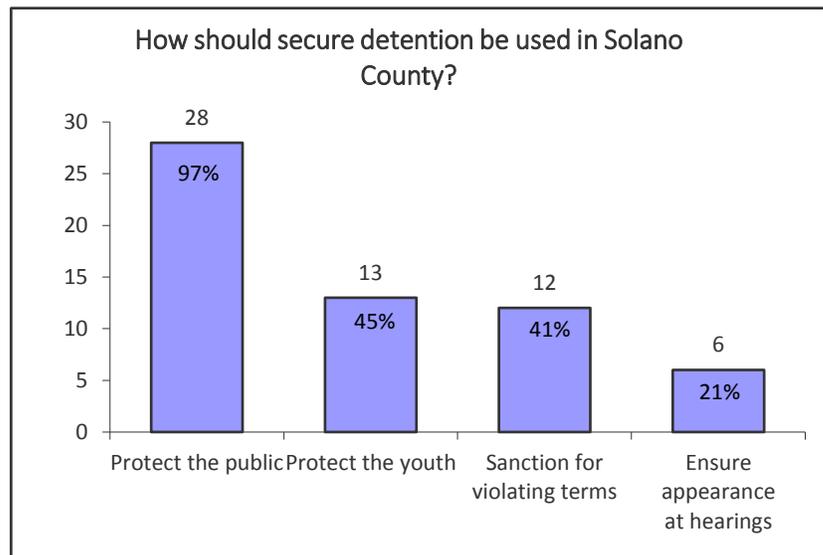
<sup>9</sup> Leiber, M., and Fox, K. 2005. "Race and the impact of detention on juvenile justice decision making." *Crime & Delinquency* 51(4):470-497.

The current Juvenile Institutions Mission Statement (Purpose of Detention in Solano County) is “limit the use of secure detention to youth accused of committing serious crimes, who otherwise cannot be safely released to the community and are likely to flee the jurisdiction of the Court. Provide short-term post-disposition detention for youth awaiting placement to other residential care.” However, the majority of Solano County stakeholders who spoke with BI staff or responded to the survey extended the purpose of detention to include providing youth with access to needed services.

Many stakeholders acknowledged that although detention was used more broadly and perhaps inappropriately at times, the County is in the process of establishing an overarching philosophy that limits the use of secure detention to youth who present a significant community safety threat and/or a flight risk and “refers youth to Child Welfare if it’s a better fit.” Several stakeholders expressed that the youth justice system has experienced a culture shift that has resulted in more limited use of secure detention, which is reflected in the recent implementation of new booking criteria that are more closely aligned with the Juvenile Institutions Mission Statement.<sup>10</sup> However, several participants also stated that this cultural transition has received substantial push back from Probation line staff and law enforcement due to differing perspectives on the purpose of detention.

A stakeholder group’s fidelity to an overarching philosophy that guides the use of secure detention is critical to sustaining reform and impacting disparities. While this articulated “purpose of detention” may not cover every situation, it should reflect the ideal parameters for the limited use of detention. A stakeholder group should regularly review the reasons for which youth are admitted to secure detention and determine whether those reasons are consistent with the youth justice system’s established philosophy. This is not meant as an abstract exercise, but as a means to regularly review whether detention utilization is consistent with the stated purpose of secure detention.

While the majority of stakeholders identified public safety as the primary purpose for secure detention, many stakeholders also agreed that secure detention was used for reasons that extend beyond both best practices and the County’s stated purpose of detention. For example, although forty-one percent (41%) of survey respondents indicated that secure detention was an appropriate sanction for youth who violate the terms of their supervised release, seventy-six percent (76%) believe youth are currently detained for this reason. Similarly, slightly less than half of those surveyed (45%) noted that secure detention was appropriate to protect youth from themselves, but fifty-nine percent



<sup>10</sup> See Appendix B for a copy of Solano County’s Juvenile Institutions Mission Statement and Booking Criteria.

(59%) stated that detention is currently used for this purpose. As one stakeholder stated, “the Hall is used to give services that help prevent youth from violating the law, and detention can be a stable environment to provide these services.”

Stakeholders articulated varied perspectives of how detention should be utilized and insisted that detention is still viewed inconsistently both within and across agencies. BI’s research as well as local data indicate the need for County stakeholders to continue to engage the issue of the appropriate use of detention. If stakeholders disagree as to why youth should be placed in secure detention, it is likely that they will continue to make inconsistent decisions for similarly-situated youth who enter the justice system. In addition to reviewing the reasons for which youth are admitted to secure detention and determining if those reasons are consistent with the youth justice system’s philosophy, the County should directly engage the issue of inconsistent and inappropriate use of detention, using data to focus the discussion. This discussion should include non-justice system stakeholders and community members to gain a wider range of perspectives and input from stakeholders not currently at the collaborative table.

It should be noted that many interviewees expressed admiration for Chief Hansen’s leadership in moving the jurisdiction toward a more equitable youth justice system. One participant remarked that, “the Chief is trying to make sure only the right youth are in detention, and he views it as an opportunity to change their trajectory.” Chief Hansen’s leadership and vision for equity is an invaluable asset to reducing disparities in Solano County. However, the County must make a deliberate effort to secure the same level of buy-in from stakeholders throughout the Jurisdiction’s youth-serving systems.

### Screening Assessments

In Solano County, the Probation Department’s Juvenile Detention Risk Assessment Instrument (DRAI; “old tool”)<sup>11</sup> is administered by Intake Probation Officers at the Juvenile Detention Facility (JDF) for each youth who is physically referred there by law enforcement and Probation. Additionally, Probation has developed a new tool called the Detention Screening Tool (DST) that they are currently field testing. The DRAI is a risk assessment instrument (RAI) that is designed to guide Intake Probation Officers in determining whether a youth should be detained, released with conditions, or released outright. RAIs predict which youth are at-risk of re-offending and/or failing to appear at their hearing. The RAI is designed to protect against biased treatment (intentional or unintentional) at intake by holding all youth to the same standards while ensuring that youth are not released if they pose a risk to public safety or have a history of failing to appear in court. Commonly used criteria include the nature and severity of the offense or the number of prior referrals. While it is critical to implement an objective tool that limits the unnecessary detention of youth, it is equally important that jurisdictions regularly review the tool to ensure that it is not disparately impacting youth of color.

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<sup>11</sup> Note: the Solano County Probation Department recently revised the old tool (DRAI) and is currently testing a new RAI, called the Detention Screening Tool. Please see Appendices D and E for the old and new tools, respectively.

In Solano County, the DRAI assesses the following items:

- A) Most Serious Current Offense
- B) Prior Offense History
- C) Aggravating Factors
- D) Mitigating Factors
- E) Mandatory Detention Cases

Youth who score ten (10) or more points are eligible for detention. Youth who score between seven (7) and nine (9) points are eligible for release with restrictions. Youth who score six (6) points and under are eligible for release without restrictions. An Intake Probation Officer's decision to override the instrument's recommendation requires the approval of a Supervisor as well as written justification.

Ideally, the DRAI should ensure that Solano County is limiting secure detention to youth who present a significant community safety threat and/or a flight risk. BI recommends continuous critical examination of the tool and developing regular reports about its effectiveness and the rate at which staff adhere to its recommendation to detain or release. Moreover, to ensure the equitable administration of justice, stakeholders should consider whether specific factors or questions negatively impact youth of color.

As stated previously, this tool is currently completed by Intake Probation Officers who do not have a permanent office at JDF. Only Group Counselors are present at JDF 24 hours and seven days a week. Intake Probation Officers are usually present at JDF from 7am until 2pm. This results in youth who would otherwise be released, spending the night in secure detention to await the arrival of an Intake Officer the next morning. The Probation Department is currently in the process of making several revisions to their intake process, including implementing a new screening tool and training all JDF staff in the use of this new tool. Training all JDF staff in the implementation of the new Detention Screening Tool (DST) will allow low-scoring youth who are referred to JDF to be released to their families as soon as possible.

### *Local Alternatives to Detention<sup>12</sup>*

Solano County's pre-adjudication alternatives to detention (ATDs) include House Supervision Program and Electronic Monitoring Program.

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<sup>12</sup> An ATD is a non-secure detention alternative offered to youth (both pre and post adjudication) who would otherwise be placed in secure detention. ATDs help jurisdictions prevent unnecessary detention by providing justice stakeholders with options other than releasing a youth directly to a parent and/or guardian or admitting them into secure detention. ATDs are not the same as diversion programs, which attempt to extract youth from further system-involvement. Some examples of Solano County's diversion programs include: Misdemeanor Diversion Program, Juvenile Community Accountability Program, Vacaville SRO Diversion Program, and the Weekend Academy Program.

### Home Supervision Program

The Home Supervision Program (HSP) provides supervision within the youth's community pending adjudication. Conditional Release Officers maintain contact with the youth and family to monitor behavior, refer services as needed, and inform assigned probation officers of adherence to the HSP contract, drug test results and general behavior while on HSP. Parents are charged a daily fee for HSP services, which may be waived after the projected in-custody disposition date. In April 2017, Probation recognized that youth on HSP were being over-supervised and modified the contact standards for this program. Probation also eliminated school-based contacts for HSP and EMP due to the detrimental effects this type of contact was having on youth.

### Electronic Monitoring Program

The Electronic Monitoring Program (EMP) differs from HSP in that youth are monitored more intensively through an ankle bracelet. Youth may also be assigned community service, referred to counseling or provided access to employment opportunities. Youth are monitored through drug testing and school attendance checks. EMP violations may result in a remand back to JDF. Violations include unauthorized absences, poor school attendance, and substance use. Parents are charged a daily fee for EMP services, which ends after completion of the assigned EMP commitment time or by court order.

### Addressing ATD Issues

Solano County has helped reduce unnecessary secure detention by utilizing ATDs intended to both hold youth accountable and reduce recidivism. However, all of the County's ATDs are administered by stakeholders within the justice system. Several interviewees mentioned the lack of community-based, community-driven ATDs that engage youth in prosocial activities. In fact, eighty-three percent (83%) of survey respondents believed that a primary role of community is to "serve as diversion to formal system involvement or further system involvement."

BI believes that creating or expanding on detention alternatives is an opportunity to engage community. For example, some jurisdictions have utilized community organization and educational institutions by requiring participation in extracurricular activities or youth programs that support students academically and provide culturally-relevant social experiences in safe environments. BI recommends engaging and partnering with community organizations to develop and implement community-operated ATD's that support youth with the least restrictive level of supervision appropriate for each youth's circumstances.

Stakeholders also mentioned that EMP over-supervises youth and may contribute to the County's disparities. Research has found that over-use of electronic monitoring unnecessarily increases the time in which a youth is in the justice system, leading to a myriad of associated collateral

consequences.<sup>13</sup> For example, EMP violations that may lead to extended time on EMP or even detention are often neither a threat to public safety nor an indication of increased flight risk (i.e., failure to charge devices, missing curfew, or even attending school or family-related events without prior authorization).

Moreover, electronic monitoring restricts a youth's ability to participate in positive activities and diminishes their ability to learn self-regulation skills and impulse control.<sup>14</sup> Self-regulation is a primary task of adolescence and the most important contributor to academic achievement, prosocial behavior, emotional wellbeing, physical health, and future economic success.<sup>15</sup> Thus, the County should ensure that all ATDs focus on strengthening self-regulation skills instead of unnecessarily restrictive mechanisms of supervision. Additionally, the electronic monitoring device stigmatizes youth and undermines the confidentiality of the youth justice system.

Several stakeholders mentioned that fees charged to parents while youth are completing ATDs are a significant challenge for court-involved families. Due to the pervasive connection between race and economic status, the imposition of fees for ATDs like HSP and EMP will have a greater detrimental impact on people of color.

### *Purpose of Detention Recommendations*

Establishing a countywide understanding on the purpose of detention is essential to any disparities reduction effort. Coming to a consensus with other key stakeholders will be difficult and perhaps even uncomfortable, but it is BI's experience that this *process* provides the various stakeholders with the opportunity to listen to each other's perspectives and ultimately come to a common understanding of how detention should be used in Solano County. The following recommendations are focused on developing the County's purpose of detention:

1. The R.E.D. Committee, once formed, should establish a consensus on the purpose of secure detention in Solano County.
  - a. The R.E.D. Committee should convene a meeting to discuss how secure detention should be utilized in the County. Once a consensus is reached, the Committee should draft a written statement documenting the purpose of detention in Solano County.
  - b. The R.E.D. Committee should develop a communications plan for sharing the purpose of detention statement with other relevant agencies and community organizations.
  - c. The R.E.D. Committee should review data on a quarterly basis to ensure that secure detention and detention alternatives are being utilized for the stated purposes.

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<sup>13</sup> Weisburd, Kate. (25 March 2015). "Monitoring Youth: The Collision of Rights and Rehabilitation." Iowa Law Review. Available Online: [http://ilr.law.uiowa.edu/files/ilr.law.uiowa.edu/files/ILR\\_101-1\\_Weisburd.pdf](http://ilr.law.uiowa.edu/files/ilr.law.uiowa.edu/files/ILR_101-1_Weisburd.pdf);  
Kilgore, James. (October 2015). "Electronic Monitoring is Not the Answer: Critical reflections on a flawed alternative." Media Action Grassroots Network. Available Online: <http://centerformediajustice.org/wp-content/uploads/2015/10/EM-Report-Kilgore-final-draft-10-4-15.pdf>

<sup>14</sup> Ibid.

<sup>15</sup> Self-Regulation and Toxic Stress: Foundations for understanding self-regulation from an applied developmental perspective. Office of Planning, Research and Evaluation Report # 2015-21. Administration for Children and Families. United States Department of Health and Human Services (January 2015).

Reviewing data on DST outcomes and override reasons is key to understanding decision making.

2. The R.E.D. Committee should review the DST annually to ensure objectivity and equity in detention decision-making.
  - a. In addition to providing Probation staff with a user-friendly guide, probation leadership should ensure that all Probation staff responsible for administering the RAI participate in a brief “refresher” training regarding modifications to the tool. It may not be necessary to coordinate a division-wide training. The training can take place during Probation unit meetings.
3. BI recommends engaging and partnering with community organizations to develop and implement community-operated ATD’s and/or diversions that support youth with the least restrictive level of supervision appropriate for each youth’s circumstances.
4. BI recommends that the County evaluate the frequency of use and extent of supervision of EMP in order to prevent collateral consequences resulting from the over-use and over-supervision of electronic monitoring and reduce the likelihood of unnecessary progression through the justice system. The County should strongly consider hosting focus groups with youth and families to gain insight about their personal experience with EMP.
5. Develop written criteria for diversions with stakeholders and distribute criteria to all justice system agencies.

### Community Engagement

The active participation of community stakeholders from the neighborhoods most affected by the youth justice system is a critical component of a successful and sustainable R.E.D. reduction effort. Community-based stakeholders bring important insights from the community, as well as a heightened level of urgency that is often a catalyst for action that is missing within traditional system stakeholder collaborative tables. In some jurisdictions, community stakeholders have the interest and capacity to collaborate with system stakeholders to safely supervise youth in the community who would otherwise be detained. This relationship serves the dual purpose of both ensuring youth are properly supervised and also providing youth with access to positive role models, programs, and services. BI commonly refers to such collaboration between community representatives and justice system officials as “community engagement.”

There are multiple ways in which community engagement can occur. Community engagement can take place through formal partnerships with community-based organizations, by ensuring that interactions with the youth justice system are family and youth friendly, and by involving those most impacted by the youth justice system in decision-making processes, such as substantive participation on a local R.E.D Subcommittee or other multi-disciplinary body.

In Solano County, a majority of the stakeholders interviewed expressed an interest in engaging community in their local reform effort. Additionally, 83% of survey respondents indicated that community could play a critical role in the County through participation in local collaborative bodies focused on reducing R.E.D. Local system stakeholders should consider developing a meaningful

strategy for outreaching and recruiting community stakeholders into their reform effort early in the process. As indicated previously, community insight is critical to the success of any justice reform effort.

Solano County does a good job of partnering with community-based organizations as evidenced through several existing partnerships. Many of these partnerships are aimed at creating positive outcomes for youth and families such as the Positive Youth Justice Initiative (PYJI), the Fighting Back Partnership, and the Sullivan Center. Probation, schools, and mental health service agencies are leading many of these initiatives in Solano County with hopes to address critical issues faced by youth.

In addition to partnering with community-based organizations, Probation has contracted with mental health organizations such as Aldea and HealthRIGHT360 to provide services to system-involved youth. Additionally, Probation contracts with a community member to provide mentoring services to youth through a “community coaching” model. These mentoring services are also available in the community.

System stakeholders expressed an interest in engaging community, however, family dynamics and limited parent engagement was brought up consistently. Many system stakeholders appear to have a deficit-based perception of the parents and families they encounter. Stakeholders repeatedly stated that a high level of family dysfunction exists in the County because of low socioeconomic status, homelessness, drug abuse, and intergenerational involvement with the justice system. Some stakeholders stated that they would focus reform efforts on improving the “values, morals, and character” of the youth’s parents. In BI’s experience this type of sentiment is problematic and indicates families, many of which are people of color, are being perceived as having a moral deficiency. Having youth and families participate in local reform efforts will create a space for mutual understanding of families’ needs/strengths and system stakeholders’ roles and responsibilities.

Both system and community stakeholders recognize the need to improve communication with families. Not having a clear understanding of how to navigate the system can be a frightening experience. In order to ensure that families have a thorough understanding of the system, a collaborative effort should be made to provide an orientation for families new to the youth justice system. There are local, culturally responsive practices and models that once implemented can support in this effort, such as the National Compadres Network Cara y Corazon curriculum or the Promotora Model.

An example of the need to create more linkages to community-based resources is that Probation field officers do not use a formal service directory to connect their youth and families to community programs. Some probation and law enforcement officers stated they use cheat sheets or have personal knowledge and relationships with particular community-based organizations and schools. However, this is an inconsistent practice which does not fully encompass what is available in the community. There is a clear and urgent need to provide an inventory of current services and organizations across the County.

As previously stated, stakeholders expressed the need to increase recruitment and outreach support to youth and families in existing initiatives, such as the Sullivan Center. Many survey respondents suggested that there should be an emphasis on improving capacity and funding opportunities for more culturally-responsive, community-led programs and extracurricular activities. Asset identification, also known as a community profile, would be a valuable process for Solano County. The County can then use this community profile to design a formal community-based service directory. This directory will also help the County identify duplication and/or potential gaps in service delivery and document community-based resources.

Various stakeholders mentioned the need to address cultural barriers for Latino and Black youth and families. For example, language barriers were noted as an issue, particularly for Latino youth and families. The representation of bilingual practitioners helps increase understanding and positive interactions between system and community stakeholders. Translation and interpretation services allow for transparency and improved communication which will afford families the ability to navigate the youth justice system and ultimately advocate for themselves and their children.

Stakeholders also raised numerous concerns related to transportation for youth and families in the justice system. The primary issue regarding transportation is that there is only one youth court in Solano County, which is located in Fairfield. This can place an unnecessary hardship on youth and families who must travel 20 miles from Vallejo or ten (10) miles from Vacaville. Although the Probation Department provides bus passes to youth and adults on probation, stakeholders stated that the public transit systems were inconsistent and difficult to navigate. In Vacaville, there is no Probation office, drug testing location, courthouse, or day reporting facility. Additionally, the majority of youth contacted for this assessment stated that they depend on a parent or guardian for transportation because they do not have a car. The combination of inadequate transportation options and of the reporting requirements that are part of any probationer's life, make successful completion of probation difficult for youth, especially poor youth. Transportation barriers for indigent families living in Vallejo and Vacaville must be thoroughly considered in light of efforts to address R.E.D. countywide.

Another concern related to transportation is that some school districts in Solano County do not provide transportation to school. Lacking adequate means of transportation to school may increase chronic truancy and tardiness, which consequently increase the risk of student referrals to law enforcement and unnecessary entry into the youth justice system.<sup>16</sup> Affordability was another issue mentioned by stakeholders, notably that most services and programs (such as the electronic monitoring fee, the post-notice custody fee, the Juvenile Detention Facility support fee, and the New Foundations program support fee, the probation supervision fee, and the investigation report fee) require a fee or cost to participate, which can contribute to R.E.D. unintentionally. On May 1, 2017 the Solano County Board of Supervisors placed a moratorium for one year on the assessment and collection of certain Probation Department fees charged to system-involved youth.

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<sup>16</sup> Truancy Prevention Efforts in School-Community Partnerships. Safe Schools Healthy Student, National Center Brief (2012). Key features of a pro-attendance culture include: positive feedback for students meeting daily goals; a reward system to acknowledge long-term compliance; and family involvement – all of which can be implemented schoolwide or selectively to chronic absentees.

BI understands that youth, family, and community engagement is a challenging and time-intensive process. Some stakeholders explained that community engagement is lacking in part because there are limited community resources and funding for organizations in Solano County. Others said there are resources in the community, including organizations and individuals, but they are disconnected to system stakeholders. In BI's experience, robust community engagement is possible in any site when stakeholders prioritize it and are willing to be creative and intentional about identifying opportunities to do so.

### *Community Engagement Recommendations*

1. BI recommends that Solano County stakeholders participate in a training focused on the importance of engaging community, identification of effective outreach strategies, the role of community in local reform, and best practices in community engagement from other jurisdictions.
2. BI recommends that system stakeholders develop a targeted strategy to identify system-involved or formerly system-involved youth and families to participate in the various committees working on youth justice related issues.
3. A collaborative effort should be made to develop and provide an orientation for families new to the justice system to ensure they have a thorough understanding of the system and how to navigate it.
4. Solano County justice system should make a concerted effort to reduce language barriers that limit youth and parent access to and engagement within the justice system.
  - a. Solano County justice system should recruit and hire multilingual staff, specifically those who are fluent in Spanish.
  - b. Solano County stakeholders should create a database of translation and interpretation services for youth needing language services inside the Hall, as well as provide translated documents and resource materials to their families.
5. BI recommends that Probation hold focus groups and conduct surveys with system-involved youth and families to identify issues of accessibility and affordability.
  - a. Transportation services should be made available to youth traveling to Fairfield from Vallejo and Vacaville, to ensure youth are able to attend court hearings. In addition, The County should consider creating a system for youth to take drug tests in a remote location closer to where they live.
  - b. Based on the feedback from focus groups, the County should also consider creating additional day or evening youth reporting centers closer to where youth live.
6. The R.E.D. Collaborative should conduct an inventory of current community services and organizations existing in Solano County and create a community service directory based on these findings.

### Data Capacity and Utilization

An essential component to reducing racial and ethnic disparities in the youth justice system is the capacity to collect, analyze, and utilize data to improve outcomes for youth of color. Stakeholders must have the ability to accurately identify which youth are involved in the youth justice system to know where to target their efforts. To do so, system stakeholders and analysts must not only collect certain data, but they must know the appropriate data-related questions to ask in order to drive the reform initiative forward. Stakeholders and analysts must evaluate gaps in current data systems and the quality of the available data. They must also establish an intentional process of deliberating on the data in collaborative meetings to discuss and establish potential reforms around reducing R.E.D. Finally, stakeholders must use data to inform changes to policies, practices, and programs.

To assess Solano County's capacity to collect, analyze, and utilize data, BI explored the following questions through the assessment:

- 1) *What is the capacity to collect and analyze necessary data?*
- 2) *What assurances of quality and/or data integrity exist?*
- 3) *Is there a practice of utilizing data to drive policy?*

### Capacity to Collect and Analyze Data

In youth justice systems across the country, BI often observes a gap between staff who understand the complexities involved in the youth justice processes and those who understand the information systems that capture data about youth who go through these processes. For example, it is not uncommon for Information Technology (IT) staff to have substantial technical skills with regard to computer programming, but lack a clear understanding of the youth justice system process. Similarly, management and line staff may clearly understand the youth justice process, but do not understand information systems or why improving data entry practices is so crucial to accessing reliable data. Moreover, many agencies lack dedicated staff to develop reports or analyze data. Finally, outdated information systems and lack of protocols to ensure data integrity pose a serious challenge to the quality of data that is available.

Solano County Probation Department has an excellent team of dedicated IT staff. Two Senior Systems Analysts provide support to the Probation Department by both managing data and working to understand the processes these data represent. This individual acts as a bridge between system stakeholders and IT staff, provides stakeholders with data reports upon request, and initiates reports based on a regular analysis of data.

The case management system employed by Probation is called CASE. The data stored in CASE is stored on in-house servers within Solano County. These data include arrests, diversions, prosecutorial filings by the DA, admissions to secure detention, and dispositions. Some of this data was requested for this analysis.<sup>17</sup>

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<sup>17</sup> See Appendix A for a more detailed list of data requested by BI and provided by Solano County Probation Department.

Solano County Probation Department is planning to update its information systems in the near future. This new information system will more easily communicate with information systems used by the DA and Public Defender offices. BI recommends these upgrades to information systems that transition from electronic file storage to a more dynamic way to store information. Additionally, Probation is using a suite of products by Automon including CE (Caseload Explorer) Assessments, which is currently being used to house the Detention Screening Tool (DST), and is in the process of implementing CE Provider, which will allow service providers to more easily communicate with Probation. Early in 2017, Probation also incorporated CE Planning, which houses Probation case planning data.

One area that is in immediate need of a better data collection system is the JDF. As it stands, JDF staff have limited access to the Probation Department's CASE Management System, which they use to enter case notes, demographic information when youth are booked, and completing serious incident reports. However, JDF staff do not use an electronic data management system in the daily practice of managing youth while they are in JDF. For example, information on which youth are in which pods is kept via hardcopy or ad hoc spreadsheets. BI recommends that JDF utilize an information system to track youth while they are in detention.

### *Quality Assurances*

CASE has a sufficient foundation of quality assurance measures and basic protections built into the information system. There are also validation processes in place. For example, exit dates must come after entry dates and users select offenses from a drop down menu with existing offenses, which only IT department staff can modify. Probation's Juvenile Clerical staff have a rigorous procedure for data validation. However, data input by other staff, while accurate, does not undergo the Juvenile Clerical staff process. BI recommends that all staff who enter data into an information system have a written procedure for data validation and regular trainings on best practices for entering data.

When youth are admitted to secure detention on multiple charges, it is important for the jurisdiction to have an accurate method for entering and extracting data on the most serious reason for admission. Solano County uses a hierarchy of offenses established by the State of California, which contains thousands of offenses. This hierarchy is built into CASE. When multiple charges are entered into the information system, the system can compare the charges against the hierarchy in order to identify the most serious charge.

One area for improvement relates to the development of a data dictionary to establish consistency of system terminology. For example, BI observed some lack of clarity over terminology between IT staff and Probation staff regarding local codes for tracking the most serious reasons for admission to secure detention. Stakeholders could minimize this issue if they created, distributed, and regularly updated a data dictionary to document key terms and variables. A data dictionary will also ensure better knowledge transfer should any critical staff leave the department or transition to other roles. Clarity and consensus over terminology is especially important when it comes to R.E.D. reduction work because this is a difficult and sometimes uncomfortable issue to discuss and distractions over terminology can be particularly tempting to stakeholders. A data dictionary, or similar agreement

over terminology, can also help orient new members to the collaborative who may not have the same level of experience with the youth justice system.

Generally, most stakeholders reported confidence in the integrity of the data stored within CASE. However, stakeholders who were most knowledgeable and experienced with CASE stated that while they were confident with the data CASE produced, there remains room for improvement. For example, the need for electronic data recording in JDF.

### *Use of Data in Decision Making*

BI's interviews, surveys, and initial receipt of data signal that Solano County Probation Department has the essential infrastructure in place to collect and analyze data for the R.E.D. reduction work.

However, despite a solid foundation with respect to collecting and analyzing data, few stakeholders interviewed and surveyed mentioned *using* data disaggregated by race and ethnicity to inform decision making on a regular basis. Without a clear process for how R.E.D. data is used to make or augment policies and practices, the County runs the risk of keeping R.E.D. work isolated and unresolved. As Solano County continues its R.E.D. reduction work, BI recommends that the County clarify this governance process for stakeholders and utilize BI's process to help stakeholders understand where to focus their data-driven efforts.

### *Analysis of Racial and Ethnic Disparities in Solano County*

#### *BI Process for Using Data to Reduce Disparities*

Through its work around the country, BI has developed a three-step process for using data to reduce racial and ethnic disparities in the youth justice system:

- (1) **Identifying** racial and ethnic disparities;
- (2) Identifying, analyzing, and strategizing around a **target population** and implementing policy and practice change to reduce disparities; and
- (3) **Monitoring** reductions and measuring progress.

Jurisdictions must first identify whether and to what extent disparities exist at various decision-making points throughout the youth justice system with a focus on pre-adjudication detention.

Second, jurisdictions should identify a target population. A target population is a group of youth of color at a particular decision-making point who are experiencing negative outcomes. Often, target populations are comprised of youth who are detained for technical violations or lower-level offenses. Once a target population is identified, jurisdictions must "dig deeper" into the target population to learn more about policies, practices, and other factors that contribute to disproportionality and disparities. Once jurisdictions understand more about factors contributing to disparities *that are under system stakeholder control*, they can strategize about how changes in policy, practice, and/or procedure can reduce disparities.

Finally, jurisdictions should monitor how any interventions have reduced disparities over time. Implementation of new interventions requires troubleshooting, and regularly monitoring progress

can help ensure that adjustments are made in a timely manner. Monitoring interventions is also useful in order to document success and share strategies with the field.

Importantly, these three steps for using data to reduce disparities must take place in the right context. As discussed above, a collaborative body comprised of system and community stakeholders must regularly review and deliberate on the data. This body must become skilled in posing and answering new data-related questions in order to drive their disparity reduction efforts forward. Training for collaborative members in how to use data is often helpful.

Typically, BI focuses initial attention on the decision to securely detain. As noted previously, BI believes that decision makers should use secure detention only as a last resort. Thus, the analysis for this assessment focuses on disparities in detention utilization. However, limited data at other decision-making points are included. BI's process for using data can be applied to any decision-making point to analyze and reduce disparities. In the next section, BI applies the approach described above to analyze data from Solano County.

### *Analysis of Local Data*

To identify whether and to what extent R.E.D. exist in Solano County, BI analyzed 2016 data from a number of decision points, including arrests, diversions, admissions to detention, court filings, and formal probation. Data for these decision points was provided by Solano County. The charts, graphs, and tables in this report utilize these data, with the exception of youth population data which BI retrieved from the U.S. Census.

During the interview process, BI discovered that the County does not have a uniform method of collecting data on race and ethnicity across all youth-serving agencies. For example, upon arrest, a law enforcement official may not ask the youth to self-identify their race and ethnicity and may make a recording based on his or her own judgment. However, when that youth is referred to Probation, staff may ask the youth to identify their race and ethnicity, or Probation staff may simply import the law enforcement records regarding the youth's race or ethnicity. A vital aspect of understanding the extent to which R.E.D. exist is ensuring that the data on a youth's race and ethnicity is accurate. Without proper collection procedures, data can misrepresent the extent of disparities. (See **Note on Latinos in the Justice System.**)

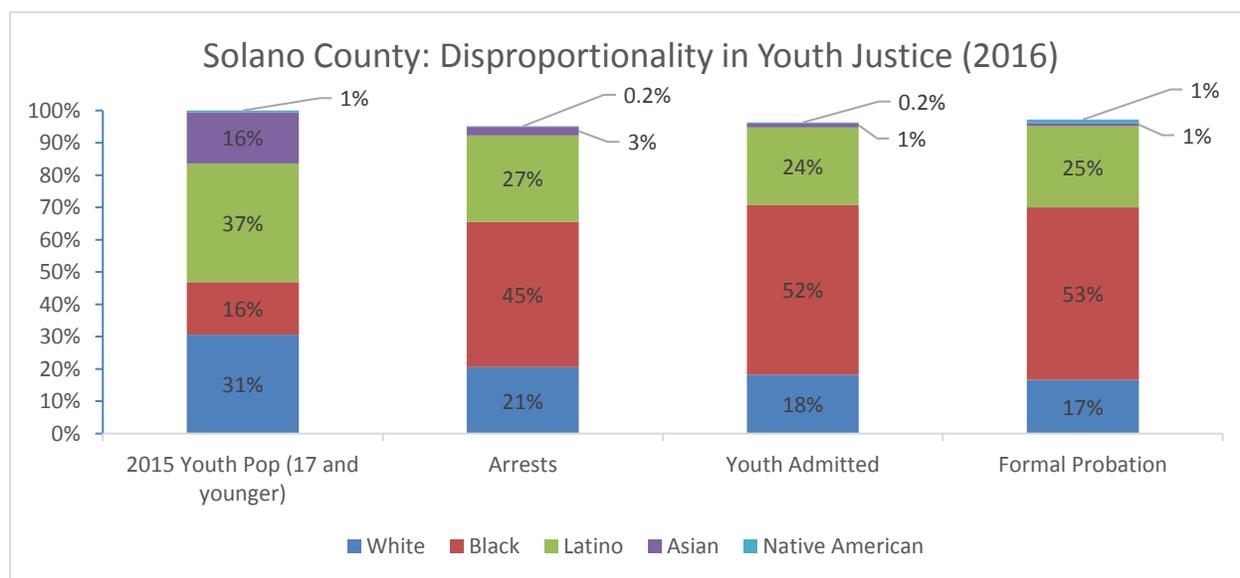
#### **Note on Latinos in the Justice System:**

A uniform protocol for collecting this data is essential because when population data disregard ethnicity, or do not prioritize the collection of ethnicity data and only focus on race, the vast majority of Latinos are counted as White. Lack of accurate data regarding Latino youths' involvement is problematic because appropriate policy solutions cannot be crafted if there is no clear understanding of the extent of the problem. An additional result is a likely inflated rate of system involvement for White youth, and an underestimation of the disparity gap between White and Black youth. In other words, if Latino youth are not being correctly identified, then the rate of Black youth involvement in the justice system is being compared to the rate of White and Latino youth. If Latino youth are correctly taken out of the pool of White and Latino youth, the resulting group of White youth involved in the system will be smaller, and the disparity gap between Black and White youth is wider.

Sickmund, Melissa, and Puzanchera, Charles (eds.). 2014. Juvenile Offenders and Victims: 2014 National Report. Pittsburgh, PA: National Center for Juvenile Justice. Retrieved from <http://www.ojjdp.gov/ojstatbb/nr2014/downloads/NR2014.pdf> (Nationally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" (89 percent) would be identified as "White.")

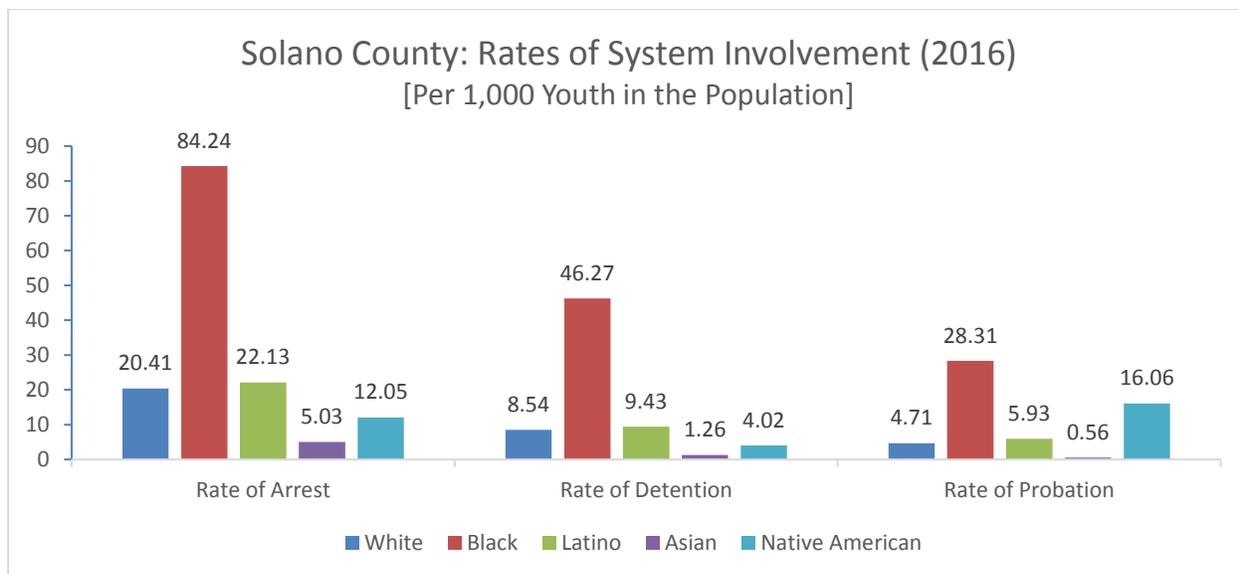
### Identifying Whether and to What Extent R.E.D. Exists

The total youth population in 2015 in Solano County ages 10-17 was 45,103.<sup>18</sup> Black youth are overrepresented at all points for which data were collected. Black youth represent 16 percent of the youth population in Solano County and make up 45 percent of arrests, 52 percent of admissions to secure detention and 53 percent of youth on formal probation. Latino youth represent 37 percent of the youth population and make up 27 percent of arrests, 24 percent of admissions to secure detention and 25 percent of youth on formal probation. White youth are underrepresented at all decision points. White youth represent 31 percent of the youth population and make up 21 percent of arrests, 18 percent of admissions to secure detention and 17 percent of youth on probation. The chart below diagrams this data.



Proportions (in the chart above) can provide a quick picture of system involvement for different groups of youth. However, BI encourages stakeholders to analyze the rates or chances of system involvement for youth of color to more accurately identify disparities in the youth justice system. Calculating rates of involvement at various points of contact within the youth justice system is important because it provides an additional level of clarity regarding the *likelihood* that different populations of youth will be affected at various points in the decision-making process, regardless of population size. The chart below shows rates of system involvement for youth in Solano County in 2016 at three key decision points.

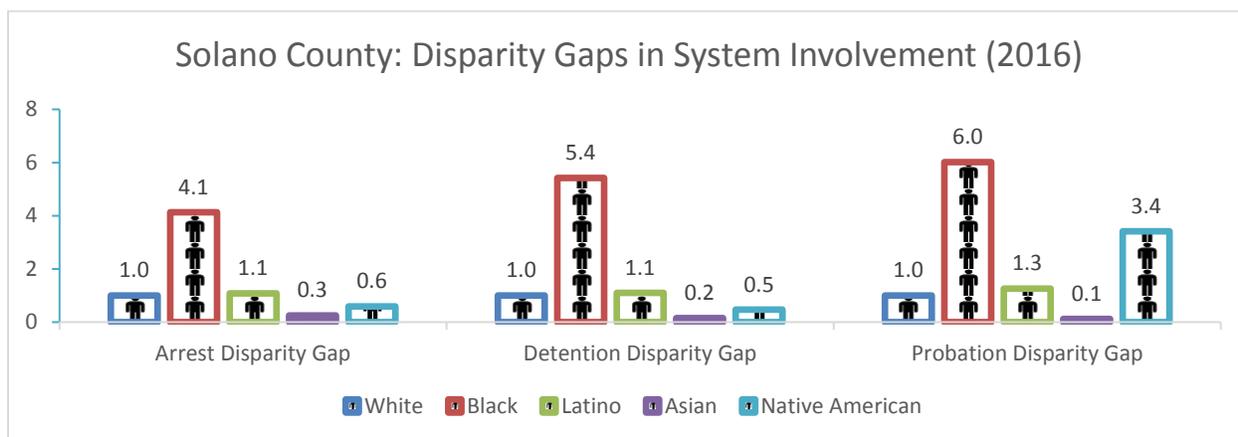
<sup>18</sup> Puzzanchera, C., Sladky, A. and Kang, W. (2015). "Easy Access to Juvenile Populations: 1990-2015." Online. Available: <http://www.ojjdp.gov/ojstatbb/ezapop/> (Most recent population data available.) [The last year of available U.S. Census data is 2015.]



A rate analysis also shows that youth of color are overrepresented at all decision points analyzed and that disparities grow as youth enter further into the justice system. The chart above can be read as follows:

- For every 1,000 White youth in the population in Solano County in 2016, there were 20 arrests, 9 admissions to detention and 5 youth on probation.
- For every 1,000 Black youth in the population in Solano County in 2016, there were 84 arrests, 46 admissions to detention and 28 youth on probation.
- For every 1,000 Latino youth in the population in Solano County in 2016, there were 22 arrests, 9 admissions to detention and 6 youth on probation.

A third metric stakeholders can use to understand the extent of racial and ethnic disparities is the relative rate of involvement, which is a comparison of youth of color to White youth.<sup>19</sup> The table below is one way to visualize the disparity gap data in Solano County in 2016.



<sup>19</sup> This illustrates the disparity gap at each decision point and requires first calculating the rate of system involvement (as described above) and then dividing the rate for each race and ethnicity by the White rate.

The disparity analysis also shows that youth of color, particularly Black youth, are more likely to be system involved as they go further into the youth justice system. The data in the table above can be read as follows:

- In 2016, Black youth in Solano County were
  - more than four (4) times more likely than White youth to be arrested (84 Black youth/ 20 white youth);
  - more than five (5) times more likely than White youth to be detained (46 Black youth/ 9 White youth); and
  - more than six (6) times more likely than White youth to be on probation (28 Black youth/ 5 White youth).
- In 2016, Latino youth in Solano County were
  - slightly more (1.1) likely than White youth to be arrested (22 Latino youth/ 20 White youth);
  - slightly more (1.1) likely than White youth to be detained (9 Latino youth/ 9 White youth); and
  - slightly more (1.3) likely than White youth to be on probation (6 Latino youth/ 5 White youth).

### *Length of Stay Analysis*

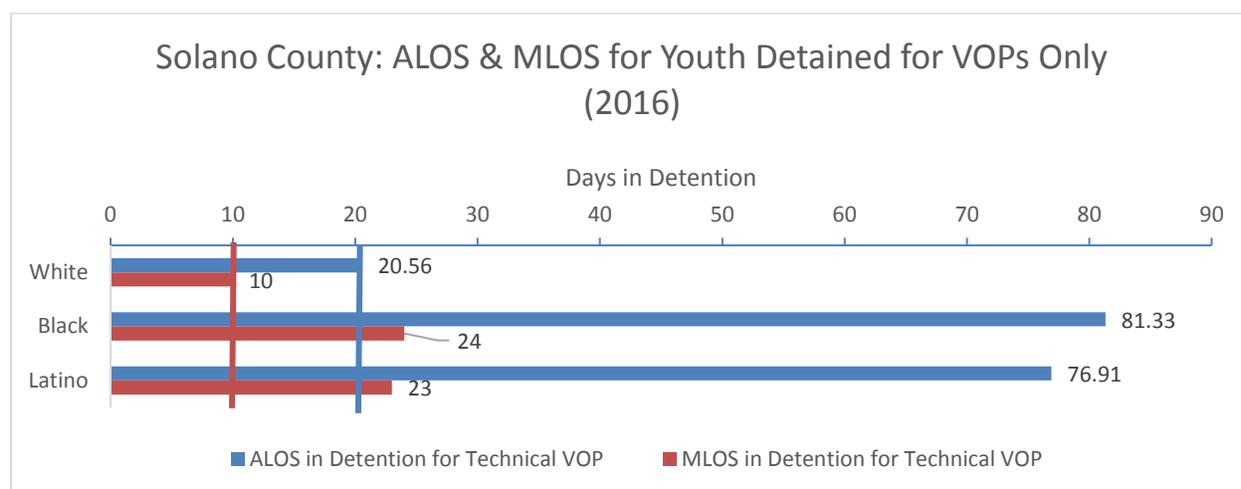
Examining length of stay (LOS) in detention is yet another way of identifying disparities.<sup>20</sup> The data shown below is the first level of analysis, showing that Black and Latino youth have longer average pre-adjudication lengths of stay than White youth. The average pre-adjudication length of stay (ALOS) was 35 days for Black Youth; 43 days for Latino youth; and 17 days for white youth.

BI also recommends reviewing the median length of stay (MLOS) because the average length of stay is often skewed if there are outliers (e.g. a few youth who had comparably longer or shorter lengths of stay). MLOS refers to the median days a youth is securely detained such that half of the youth are detained for less time and half of the youth are detained for more time. MLOS often provides a more realistic picture of length of stay, excluding outliers from the analysis. MLOS data indicate that Black and Latino youth had longer lengths of stay than White youth. The MLOS for White youth was 9 days, 16 days for Black youth, and 11 days for Latino youth.

Solano County: Pre-adjudication Length of Stay (2016)	White	Black	Latino	Asian	Pacific Islander	Native American	Other	Total
<b>Average Length of Stay (ALOS)</b>	17.41	35.1	42.81	16.13	16.25	50.5	13.9	192.1
<b>Median Length of Stay (MLOS)</b>	8.5	16	11	16.5	17	50.5	16	135.5
<b>Number of youth released</b>	114	320	161	8	4	2	21	630
<b>Total Bed Days</b>	1,985	11,232	6,892	129	65	101	292	121,023

<sup>20</sup> Note that length of stay should be calculated based on youth released from detention, as there is no way of calculating how long a youth has stayed until he/she is released.

Again, the analysis described here is only a *first step* in using length of stay data to understand whether racial and ethnic disparities exist. A better measure of whether there are disparities in length of stay would examine length of stay by offense. If the collaborative uses length of stay data in the future, stakeholders should review the data broken down by offense. For example, Solano Probation was able to pull data on ALOS and MLOS for youth detained for violations of probation only. The data was stark: the ALOS for Black youth for VOPs was 81 days, for Latino youth 77 days, and for White youth 21 days. The MLOS also revealed a disparity in the length of stay between White youth and youth of color. The MLOS for Black youth for VOPs was 24 days, for Latino youth 23 days, and for White youth 10 days.



Solano County (2016)	White	Black	Latino	Asian	Other	Total
<b>ALOS - VOP Only</b>	20.56	81.33	76.91	18	10	206.8
<b>MLOS - VOP Only</b>	10	24	23	18	10	85
<b>Number of youth released</b>	9	12	11	1	1	34
<b>Total Bed Days</b>	185	976	846	18	10	7,031

This section of the report examined several strategies and metrics to identify the *extent* of R.E.D. in Solano County. Regardless of the metric used, identification of the problem is only the first step. To help the collaborative develop strategies to reduce R.E.D., it is necessary to investigate policies and practices that contribute to disparities throughout the decision-making process, with a particular focus on secure detention. This is step two of BI's process.

### *Identifying, Analyzing, and Strategizing around a Target Population*

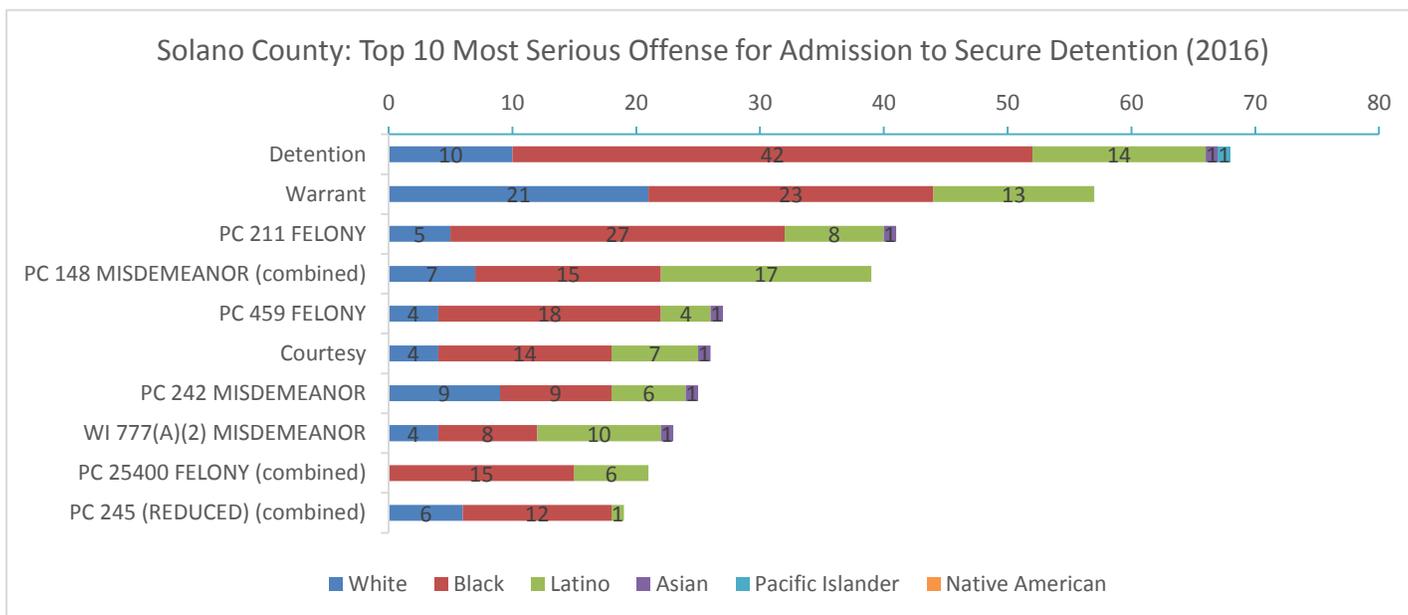
In BI's experience, stakeholders can achieve significant reductions in R.E.D. by identifying, analyzing, and implementing policy solutions that focus on specific target populations. The solutions for each target population are different, but the work to reduce disparities becomes more manageable and more achievable when focusing on distinct populations of youth.

There are numerous ways to identify a target population. Target populations are identified by better understanding *why* youth of color are system involved. The next section of this report describes two approaches:<sup>21</sup>

- A. Whether a significant number of youth of color are detained for lower-level offenses or technical/administrative violations; or
- B. Whether youth of color experience disparate treatment in decisions regarding the use of detention.

### *Lower-level Offenses or Technical/Administrative Violations*

A simple strategy for identifying a target population is examining whether a significant number of youth of color are detained for reasons that may be inappropriate or unnecessary. Usually, these are lower-level offenses or technical/administrative violations. Using this strategy, BI is interested in whether there are certain “target” offenses and/or policies and practices that, if changed, could result in a reduction in the number of youth of color in the youth justice system.



In the table below, potential target populations are highlighted in red as examples: warrants (e.g., failure to appear in court) and violations of probation. Understanding more about why youth are detained is a critical step in any work to reduce R.E.D. BI calls this process of analysis “digging deeper” into the data.

<sup>21</sup> Another approach is to ask, *whether youth of color are subject to inconsistent decision making*: Other inconsistencies in youth justice decision making can occur between departments or agencies (interagency decision making) or within a department or agency (intra-agency decision making). While an analysis of this sort was beyond the scope of this assessment, examining the consistency (or lack thereof) of decision making between or within agencies is a useful strategy for identifying areas of reform. Examples of these strategies are provided in **Appendix C**.

Solano County, California: Top 10 Admission to Secure Detention by Most Serious Offense <sup>22 23</sup> (2016)	White	Black	Latino	Asian	Pacific Islander	Native American	Other	Total
Detention	10	42	14	1	1		4	72
Warrant	21	23	13				2	59
PC 211 FELONY	5	27	8	1				41
PC 148 MISDEMEANOR (combined) <sup>24</sup>	7	15	17				1	40
PC 459 FELONY	4	18	4	1			1	28
Courtesy	4	14	7	1				26
PC 242 MISDEMEANOR	9	9	6	1				25
WI 777(A)(2) MISDEMEANOR	4	8	10	1			1	24
PC 25400 FELONY (combined)		15	6				1	22
PC 245 (REDUCED) (combined)	6	12	1				2	21
[All Other]	48	157	70	3	2	1	9	290
<b>Total</b>	269	158	114				6	547

Examples of digging deeper questions about admissions for violations of probation (W.I.C. 777(A)(2)), failure to appear (Warrant), “Detention,” and “Courtesy” are included below. *These are not the only possible target populations, and the list of digging deeper questions is not exhaustive.* It is critical for Solano County stakeholders to engage in the process of posing and answering questions that stakeholders believe will lead to improvements in policy and practice. For example, this process could begin with the collaborative coming to a clear understanding on what “Detention” and “Courtesy” mean and where possible create more descriptive terms for these reasons for detention.

#### Questions about Violations of Probation

- What are the demographics of youth who violated probation?
- How many violations were filed in-custody vs. out-of-custody?
- What is the rate of violations per youth on probation?
- How many violations were ordered by the court vs. initiated by probation?
- What conditions of probation were youth violating?
- What interventions were attempted prior to filing a petition for violating probation, and how successful were the interventions?
- What was the length of stay for violations of probation?
- How long were youth on probation prior to their first violation?

#### Questions about Warrants

- What are the demographics of youth who were detained for bench warrants?

<sup>22</sup> Most serious offense, if multiple offenses at admission.

<sup>23</sup> Terminology: Warrant - Warrant issued by the court, for example a warrant for Failure to Appear; Detention - Court remands: youth is still pending further proceedings or a final disposition; Courtesy - Either an out of county warrant (youth has a warrant out in another county), or New Foundations Time Out;

<sup>24</sup> “(combined)” - Indicates that there were multiple similar codes in the raw data from Solano County Probation that were combined into one line of data.

- What are the current policies/practices in place for reminding youth of their court appearance (if any)?
- What type of warrants are there? Do youth and parents understand the difference?
- Where do youth reside?
- For which hearings are youth failing to appear (arraignment, progress reviews, disposition, etc.)?
- How long do youth stay detained for warrants?
- Are there “warrant-related” policies or practices that are already in place (e.g., two-tiered warrants, warrant holds, discretionary warrants, etc.)?

#### *Questions about “Detention” and “Courtesy”*

- What do the terms “Detention” and “Courtesy” mean?
- Are there more specific descriptors for these reasons for detention? What are those terms?
- Is there a way to update the information system to reflect more descriptive terminology?

#### *Disparate Treatment*

Another strategy is to examine whether youth of color experience *disparate treatment* in justice decision making. For instance, are similarly-situated White youth and youth of color being treated differently regarding the decision to securely detain? When this happens, it is *rarely* the result of overtly discriminatory policies or practices. Instead, there are often racially neutral policies (policies that on their face do not mention race or ethnicity) that in the end harm youth of color disproportionately.

To identify whether similarly-situated youth are treated differently by the system, jurisdictions must first identify similarly-situated youth. It should be noted that in identifying similarly-situated youth, it is beyond the capacity of most jurisdictions to control for *all* differentiating characteristics (particularly factors like socio-economic status, educational attainment, family structure, etc.).

#### *Detention Risk Assessment Instrument<sup>25</sup>*

One way of identifying similarly-situated youth is to use data from the DRAI. Generally, the goal of a DRAI is to assist probation in making consistent and accurate decisions about whether or not to release a youth. While many characteristics of youth are different, youth who score low or medium on the DRAI are usually considered a low risk to public safety and a low risk of flight. Consequently, the tool recommends that low-level youth are released and medium level youth are released with a condition (house arrest, electronic monitoring, etc.). If staff are overriding what the DRAI deems to be low and medium risk youth, then stakeholders may need to adjust the tool or the staff might need more training in its use.

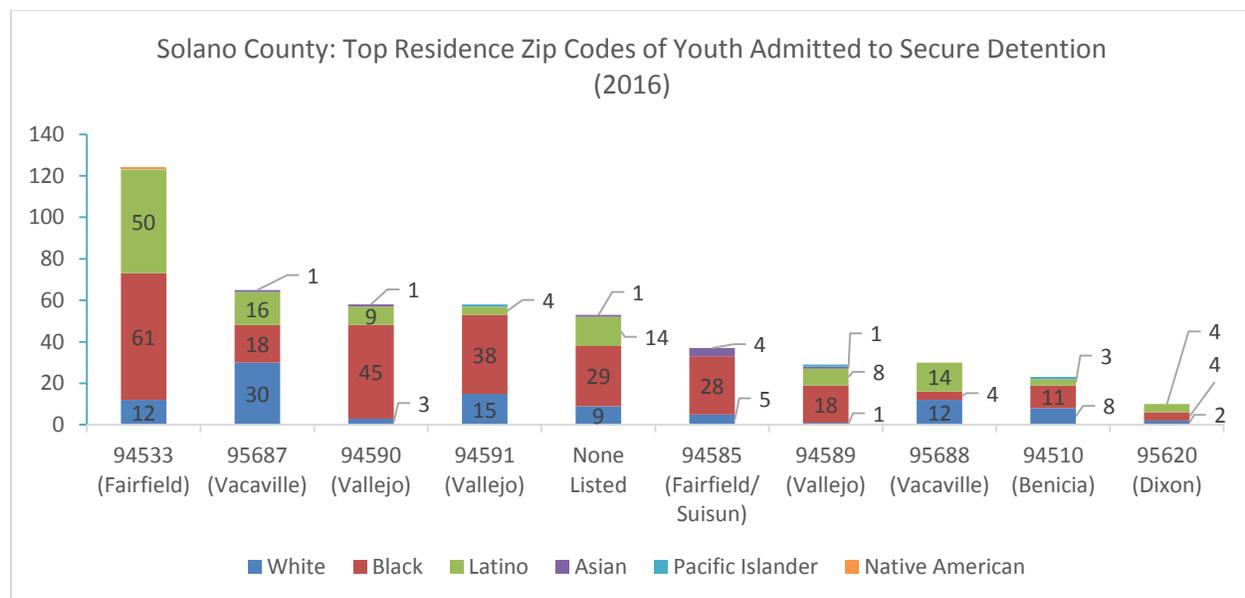
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<sup>25</sup> Note: the Solano County Probation Department recently revised the old tool (DRAI) and is currently testing a new RAI, called the Detention Screening Tool. Please see Appendices D and E for the old and new tools, respectively.

Beginning in the fall of 2016, Solano County Probation Department worked with BI within the Positive Youth Justice Initiative to review its DRAI. The Probation Department has invested both time and resources to update what leadership and line staff recognized as an outdated tool. This process was done with both JDF staff and Probation officers to ensure buy-in. After meeting for several months, the committee developed a new Solano County Detention Screening Tool (DST). The Probation Department also invested resources to ensure that data collection for the field testing<sup>26</sup> component of this work is done electronically. To that end, the data collection for the new tool (DST) will begin on June 1, 2017.

### Where Detained Youth Live

In addition to understanding *why* youth are arrested or detained, it's helpful to understand *where* youth live. By examining whether justice system-involved youth are coming from particular neighborhoods, stakeholders increase their understanding of the relevant resources that are present where the youth live. Understanding where youth live and what resources already exist in their neighborhoods can help focus reform efforts. Answering the questions below may provide insight as to how to reduce detention numbers specifically for the youth from Fairfield, Vacaville, and Vallejo.



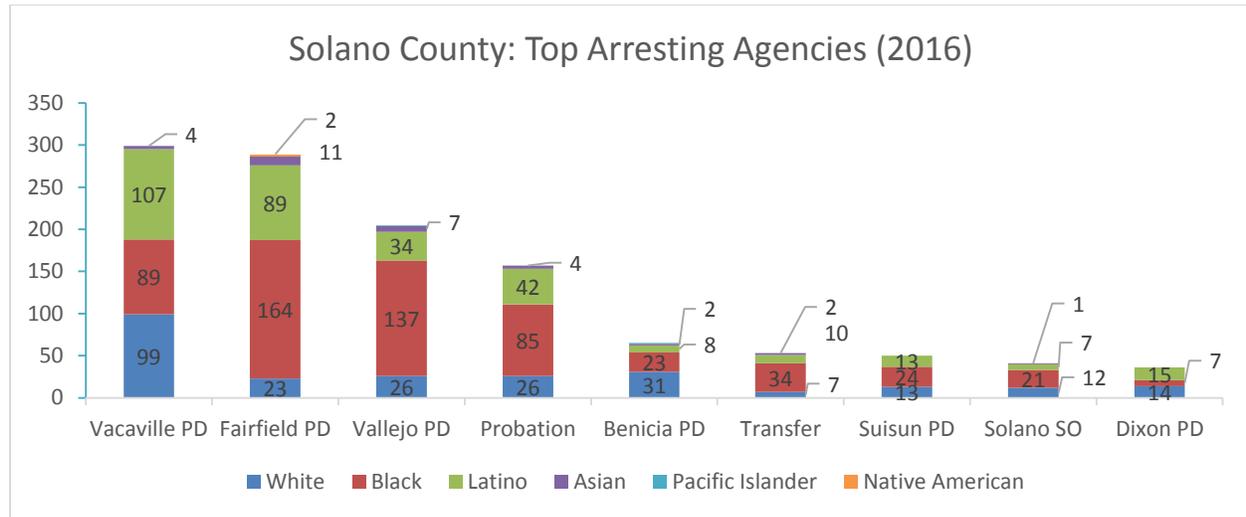
Questions about where youth reside include:

- What community-based resources and services exist in these zip codes?
- Can youth from these zip codes access court-ordered programs?
- Do youth from these zip codes have transportation to court and/or probation offices?
- Are there representatives from these areas that might be identified to serve on the collaborative?

<sup>26</sup> During the field testing process, the current ("old tool") will be used to make front-door detention decisions.

*Which Agencies Are Arresting Youth*

In addition to understanding where youth live, understanding which agencies arrest and refer youth provides insight into whether key stakeholders are missing from the collaborative. The top arresting agencies in Solano County in 2015 are Vacaville PD, Fairfield PD, Vallejo PD, and Probation. If these agencies are not already part of the collaborative, it will be beneficial to include them.



Solano County: Top Arresting Agencies (2016)	White	Black	Latino	Asian	Pacific Islander	Native American	Other	Total
Vacaville PD	99	89	107	4			15	314
Fairfield PD	23	164	89	11		2	13	302
Vallejo PD	26	137	34	7	1		5	210
Probation	26	85	42	4			8	165
SARB <sup>27</sup>	21	15	28	1			7	72
Benicia PD	31	23	8	2	1		6	71
Transfer	7	34	10	2			5	58
Suisun PD	13	24	13				4	54
Solano SO	12	21	7	1				41
Dixon PD	14	7	15					36
California Highway Patrol - Solano	2	2	4	1			1	10
Other Reporting Agency	3	2	4			1		10
Rio Vista PD	4		3	1				8
Other	3		3	1				7
Other Public Agency or Individual		1	2				1	4
Travis AFB Special Investigations		1						1
<b>Grand Total</b>	<b>284</b>	<b>605</b>	<b>369</b>	<b>35</b>	<b>2</b>	<b>3</b>	<b>65</b>	<b>1363</b>

<sup>27</sup> Note on School Attendance Review Board (SARB) data: SARB does not represent one law enforcement agency. Data recorded here is from separate entities usually run by local school districts. Regardless of the agency, SARB's don't arrest for criminal offenses but do issue citations for school-related status offenses, for example, truancy. The youth implicated in these data were referred to the Juvenile Truancy Court but were not detained at JDF.

### *Monitoring Reductions and Measuring Progress*

Measuring progress is critical to reducing R.E.D. Without a process for measuring progress, the collaborative will not understand whether its work is having the intended impact. BI recommends monitoring specific target populations as well as broader indicators such as rates of detention and total numbers of detained youth.

Even if an early program evaluation or other data collection efforts indicate positive results, jurisdictions cannot assume that a successful intervention will continue to achieve reductions in disparities over time. Without carefully monitoring the numbers of youth affected by the policy change, increases and decreases may go unnoticed. Furthermore, as changes in the target population become apparent, the process for selecting additional target populations and developing strategies to reduce disparities begins again. In short, it is critical to institutionalize a process of utilizing data. Some common circumstances that affect the success of interventions include:

1. *Changes in leadership or staff.* Staff who are not aware of the intervention or policy changes or who actively oppose the intervention can derail efforts.
2. *Unintended consequences.* The intervention may have unexpected or unintended consequences and adjustments may be needed.
3. *Policy and practice changes in other youth-serving systems.* For example, if schools change their discipline policies and begin arresting more youth at school for behavioral issues, justice system stakeholders will need to appropriately respond to these referrals.

BI recommends measuring success by using a variety of indicators. It is possible to make large progress on some indicators (for example, reducing the numbers of youth in detention) but very little in others (for example, the disparity gap between detention rates for White youth and Black youth). BI believes that eliminating or significantly reducing disparities will include reducing the *number* of youth of color in the youth justice system; reducing the *rate* at which youth of color become unnecessarily involved or pushed deeper into the system; *and* ensuring that youth of color are not subject to *disparate treatment* by the justice system. Therefore, when the numbers and rates of youth of color in detention are reduced, but the rates of detention for youth of color remain much higher than they are for White youth, the committee should celebrate the real progress that has been made, while continuing to push for equity.

### *Data Capacity and Utilization Recommendations*

1. Improving Data Quality and Capacity
  - a. Develop MOU between municipalities and Probation's IT department to help facilitate data sharing and obtain a better understanding of youth justice in Solano County.
  - b. Implement a two-step, two-question process for collecting data on race and ethnicity across all youth justice agencies.

- c. Develop and distribute a data dictionary.
  - d. Review MSO reasons for detention, including “Detention” and “Courtesy,” and develop more specific terms.
  - e. Distinguish conditions of probation that were violated and resulted in admission to secure detention within CASE.
2. Identifying a Target Population and Reviewing Data Regularly
- a. Apply BI’s Process for Using Data
    - i. Dig deeper into target populations identified by data analysis:
      - 1. Target populations suggested in this report include youth detained for Violations of Probation, Warrants, “Detention,” and “Courtesy.”
      - 2. Stakeholders should review data and identify other possible target populations as well.
    - ii. Modify existing or implement new policies, practices or interventions.
    - iii. Identify and review indicators of progress, and modify interventions as needed.
  - b. Develop a regular report to highlight disparities and track progress. BI can assist in developing a template and provide support to use this report to monitor disparities.
  - c. Review RAI data on a quarterly basis.

## Conclusion

Solano County has the potential to make significant progress in disparities reduction. Stakeholder interviews, survey responses, and a review of local documents reveal strong leadership and a commitment to collaboration among all youth-serving agencies in the County. The assessment also demonstrates that the Solano County Probation Department has the necessary capacity to collect, extract, and analyze justice system data, which is essential to this work.

Although Solano County has significant strengths, there are areas of improvement that should be addressed. Several collaborative efforts are taking place in the County. Proper coordination is necessary to prevent any overlap or duplication between these initiatives. It is also critical to ensure meaningful community engagement by including both system and community stakeholders within the composition of the collaborative. The collaborative should make a concerted effort to seek out new stakeholders with fresh ideas on reducing disparities. Solano County has many of the essential components necessary to achieve positive outcomes for system-involved youth of color. The recommendations outlined in this report provide the County with the necessary steps to address barriers to success as well as build upon existing strengths.

### Full List of BI Recommendations

1. Solano County should form and regularly convene a collaborative body comprised of key system and community stakeholders who will be responsible for overseeing the local R.E.D. reduction effort.
  - a. BI recommends that the Probation Department lead this committee due to its central role in the youth justice system continuum.
  - b. BI recommends that Solano County create an R.E.D. Coordinator position within the Probation Department to coordinate the R.E.D. Committee's work.
  - c. In an effort to effectively engage all levels of the Probation Department, BI recommends that line Probation Officers and Group Counselors (JDF Staff) participate in the R.E.D. Committee.
  - d. To ensure that the R.E.D. Committee is diverse and reflects its consumers, the County should obtain greater investment, insight and resources from court-involved youth and parents, affected communities and the District Attorney's Office.
2. The R.E.D. Committee should participate in a training that highlights essential components to successful R.E.D. reduction efforts. The training should provide participants with an understanding of key terminology. It should also address the basics of using data to explore disparities, develop strategies to reduce disparities, and track progress.
3. The R.E.D. Committee should formalize a process for training and orienting new R.E.D. Committee members. The orientation process should include an overview of the local youth justice system, local data, committee governance structure, and the purpose and goals of the R.E.D. Committee.
4. The R.E.D. Committee, once formed, should establish a consensus on the purpose of secure detention in Solano County.
  - a. The R.E.D. Committee should convene a meeting to discuss how secure detention should be utilized in the County. Once a consensus is reached, the Committee should draft a written statement documenting the purpose of detention in Solano County.
  - b. The R.E.D. Committee should develop a communications plan for sharing the purpose of detention statement with other relevant agencies and community organizations.
  - c. The R.E.D. Committee should review data on a quarterly basis to ensure that secure detention and detention alternatives are being utilized for the stated purposes. Reviewing data on DST outcomes and override reasons is key to understanding decision making.
5. The R.E.D. Committee should review the DST annually to ensure objectivity and equity in detention decision-making.
  - a. In addition to providing Probation staff with a user-friendly guide, probation leadership should ensure that all Probation staff responsible for administering the RAI participate in a brief "refresher" training regarding modifications to the tool. It may not be necessary to coordinate a division-wide training. The training can take place during Probation unit meetings.
6. BI recommends engaging and partnering with community organizations to develop and implement community-operated ATD's and/or diversions that support youth with the least restrictive level of supervision appropriate for each youth's circumstances.

7. BI recommends that the County evaluate the frequency of use and extent of supervision of EMP in order to prevent collateral consequences resulting from the over-use and over-supervision of electronic monitoring and reduce the likelihood of unnecessary progression through the justice system. The County should strongly consider hosting focus groups with youth and families to gain insight about their personal experience with EMP.
8. Develop written criteria for diversions with stakeholders and distribute criteria to all justice system agencies.
9. BI recommends that Solano County stakeholders participate in a training focused on the importance of engaging community, identification of effective outreach strategies, the role of community in local reform, and best practices in community engagement from other jurisdictions.
10. BI recommends that system stakeholders develop a targeted strategy to identify system-involved or formerly system-involved youth and families to participate in the various committees working on youth justice related issues.
11. A collaborative effort should be made to develop and provide an orientation for families new to the justice system to ensure they have a thorough understanding of the system and how to navigate it.
12. Solano County justice system should make a concerted effort to reduce language barriers that limit youth and parent access to and engagement within the justice system.
  - a. Solano County justice system should recruit and hire multilingual staff, specifically those who are fluent in Spanish.
  - b. Solano County stakeholders should create a database of translation and interpretation services for youth needing language services inside the Hall, as well as provide translated documents and resource materials to their families.
13. BI recommends that Probation hold focus groups and conduct surveys with system-involved youth and families to identify issues of accessibility and affordability.
  - a. Transportation services should be made available to youth traveling to Fairfield from Vallejo and Vacaville, to ensure youth are able to attend court hearings. In addition, The County should consider creating a system for youth to take drug tests in a remote location closer to where they live.
  - b. Based on the feedback from focus groups, the County should also consider creating additional day or evening youth reporting centers closer to where youth live.
14. The R.E.D. Collaborative should conduct an inventory of current community services and organizations existing in Solano County and create a community service directory based on these findings.
15. Improving Data Quality and Capacity
  - a. Develop MOU between municipalities and Probation's IT department to help facilitate data sharing and obtain a better understanding of youth justice in Solano County.
  - b. Implement a two-step, two-question process for collecting data on race and ethnicity across all youth justice agencies.
  - c. Develop and distribute a data dictionary.

- d. Review MSO reasons for detention, including “Detention” and “Courtesy,” and develop more specific terms.
  - e. Distinguish conditions of probation that were violated and resulted in admission to secure detention within CASE.
16. Identifying a Target Population and Reviewing Data Regularly
- a. Apply BI’s Process for Using Data
    - i. Dig deeper into target populations identified by data analysis:
      - 1. Target populations suggested in this report include youth detained for Violations of Probation, Warrants, “Detention,” and “Courtesy.”
      - 2. Stakeholders should review data and identify other possible target populations as well.
    - ii. Modify existing or implement new policies, practices or interventions.
    - iii. Identify and review indicators of progress, and modify interventions as needed.
  - b. Develop a regular report to highlight disparities and track progress. BI can assist in developing a template and provide support to use this report to monitor disparities.
  - c. Review RAI data on a quarterly basis.

## Appendix A: List of Data Requested by the Burns Institute

Solano County Probation Department provided the following 2016 data to BI. All data was broken down by race and ethnicity. Some of the data was analyzed for the purposes of this report.

1. Arrests disaggregated
  - a) by most serious offense (includes youth who are cited and released; diverted; as well as youth physically brought to the juvenile detention facility); and
  - b) by arresting agency
2. Probation diversions disaggregated by most serious offense (or reason for diversion).
3. Admissions to secure detention disaggregated
  - a) by most serious offense; and
  - b) by youth's residence
4. Quarterly snapshot of average daily population in secure detention (total ADP including pre- and post-adjudication populations)
5. Average and median lengths of stay in secure detention
6. Detention screen score and outcomes
7. Youth on probation:
  - a) Number of youth on formal probation
  - b) Admissions to detention for technical violations of probation
  - c) Average length of stay in detention for technical violations
  - d) Number of youth successfully completing Probation
  - e) Average length of time (in days) youth are on probation
8. Court Dispositions and Out of Home placements

Additionally, the following data were originally requested, but BI learned these data are not available in aggregate format at this time.

1. RAI scores and detention decisions, including:
  - a) Discretionary override reasons
  - b) Mandatory override reasons
2. Alternatives to Secure Detention by Program (Electronic Monitoring, House Arrest, and Home Commitment Program), including:
  - a) Average Daily Population for each program
  - b) Total Exits
  - c) Successful exits
  - d) Unsuccessful exits
3. Youth on probation:
  - a) Conditions violated that resulted in admission to secure detention

## Appendix B: Solano County Juvenile Institutions Mission Statement (POD) and Booking Criteria

### Solano County Juvenile Probation Department Purpose of Detention and Booking Criteria

#### Juvenile Institutions Mission Statement (Purpose of Detention in Solano County)

Limit the use of secure detention to youth accused of committing serious crimes, who otherwise cannot be safely released to the community and are likely to flee the jurisdiction of the Court. Provide short-term post-disposition detention for youth awaiting placement to other residential care.

#### Juvenile Detention Facility: Criteria for the Detention of a Juvenile in Solano County

All youth brought to the Juvenile Detention Facility by law enforcement officers, Probation Officers, or other authorized persons, with the intent of having the youth detained pending a Juvenile Court hearing or the filing of a petition, must be screened to determine if the §602 WIC offense is appropriate for booking.

Inappropriate offenses for processing and booking include, but are not limited to:

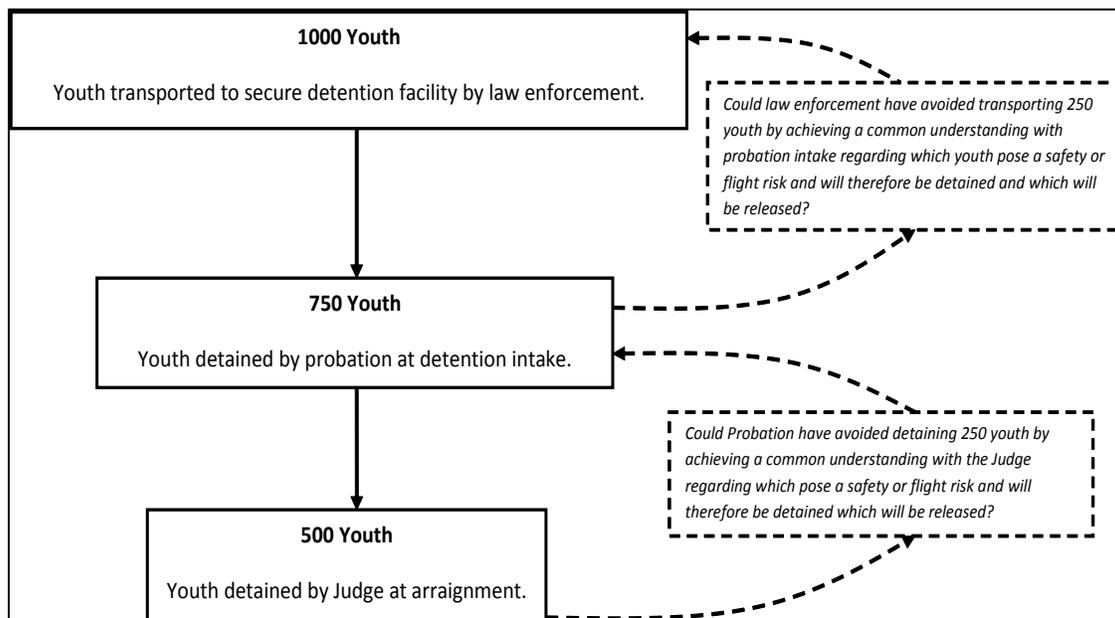
- Any infraction, including but not limited to:
  - Possession of alcohol/tobacco
  - Traffic infractions
  - §11357 H&S Possession of marijuana (including on school grounds)
  - §11358 H&S Cultivation of marijuana
  - §11359 H&S Possession of marijuana with intent to sell
  - §11360 H&S Selling, transporting, or giving away marijuana
- §11364 H&S Instruments for smoking controlled substances (marijuana only)
- §601 WIC Status offenses
- §300 WIC Dependency Court/Foster youth (including violations of Family Court orders)
- §647(f) WIC When a responsible parent is available
- §777(a) WIC (Violation of Court Order of Probation – VCOP) unless approved by a Probation Supervisor (Field or Institution)
  - **Note:** §777(a) WIC applies only to Wards of the Court per §602 WIC.
  - Youth on diversion, §654 WIC, §654.2 WIC, §725(a) WIC, or Deferred Entry of Judgement (DEJ) **cannot** be booked solely on a VCOP (probation violation).
- Any non-violent misdemeanor
  - Including:
    - School Fights (without serious bodily injury and medical attention)
    - Fights with a family member (without serious bodily injury and medical attention)
  - Excluding:
    - Possession and/or use of, or instruments for the use of:
      - Heroin/Opiates
      - MDMA/Ecstasy
      - Methamphetamine
      - Cocaine
      - Illegal possession of prescription drugs
- Any offense allegedly committed by a youth under the age of 14
  - Excluding:
    - 707(b) WIC Mandatory detention
    - 667.5(c) PC Violent felonies
    - 1192.7(c) PC Serious felonies
    - Any alleged crime involving the personal use of a firearm in the commission of a felony offense

## Appendix C: Identifying Inconsistencies in Decision Making

### *Inconsistent Decision Making between Departments or Agencies*

Because the “system” of youth justice is actually a series of autonomous decision-making agencies—each operating with distinct policies, practices, and mandates—inconsistencies occur quite often. For example, inconsistent decision making occurs when arrested youth are transported to a youth detention facility by law enforcement and released by corrections intake. If the youth was going to be released by corrections intake anyway, perhaps law enforcement did not need to transport that youth to the detention facility. Similarly, inconsistent decision making occurs when a judge releases a youth at his or her arraignment hearing after he or she has been detained by corrections intake. If the youth is going to be released by the judge within 24-72 hours, why did corrections intake need to securely detain the youth in the first place? Not only is inconsistent inter-agency decision making unnecessary and harmful for the youth it affects, it is also a drain on limited resources for all departments.

Inconsistency in inter-agency decision making can occur at a variety of critical youth justice decision-making points, but consistency is most important around the decision to securely detain youth. The figure below highlights where inconsistencies occur in the decision to securely detain youth. However, the tool may be easily modified for use with other decision-making points.



When inconsistencies in the policies and practices of departments or agencies impacting detention utilization are identified, the Subcommittee should review how youth of color are impacted at the various decision-making points and begin the process of digging deeper to learn where policy or practice change may reduce disparities. The table on the next page helps to identify where policy and practice from decision maker to decision maker throughout the process may be inconsistent. The table distinguishes local policy from local practice since the two are not necessarily the same.

*Identifying Inconsistent Decision Making between Departments or Agencies*

Agency	Statutory/ Local Policies	Practice	Indicators
<b>Local Police</b>	<p>Are there any state laws that require police to transport youth to secure detention?</p> <p>Are there any local police policies that require police to transport youth to secure detention?</p> <p>Do police have booking criteria?</p>	<p>What are law enforcements' practices when they encounter youth in conflict with the law?</p> <p>What diversion opportunities are available?</p> <p>Does practice differ from policy?</p>	<p>How many youth are arrested to secure detention by local law enforcement?</p> <p>Which agencies are arresting youth?</p> <p>Which agencies are diverting youth?</p> <p>What can we learn when we break the youth arrested down by race/ethnicity and offense?</p>
<b>County Sheriff</b>	<p>Are there any state laws that require sheriff to transport youth to secure detention?</p> <p>Are there any local county sheriff policies that require sheriff to transport youth to secure detention?</p> <p>Are sheriff's options different based on warrant type?</p>	<p>What are sheriff's practices when they encounter youth in conflict with the law?</p> <p>Does practice differ from policy?</p>	<p>How many youth are arrested to secure detention by the county sheriff?</p> <p>What can we learn when we break the youth arrested down by race/ethnicity and offense?</p>
<b>Probation Intake</b>	<p>Are there any state laws that require probation to detain certain youth?</p> <p>Are there any local probation department policies that require certain youth be detained?</p> <p>How is the RAI instructive in determining who is detained?</p>	<p>What are probation's practices at intake?</p> <p>Does practice differ from policy?</p>	<p>How many youth are detained by probation intake?</p> <p>What can we learn when we break the youth arrested down by race/ethnicity; offense; and RAI score?</p> <p>What can we learn about youth who were arrested by law enforcement but released by probation?</p>
<b>Juvenile Court</b>	<p>Are there any state laws that require the judge to detain certain youth?</p> <p>Are there any judicial orders that require certain youth be detained?</p> <p>Does the judge use the RAI as guidance on who should be detained?</p>	<p>What are the judge's practices at the detention hearing?</p> <p>Does practice differ from policy?</p>	<p>How many youth are detained by the judge?</p> <p>What can we learn when we break the youth arrested down by race/ethnicity; offense; and RAI score?</p> <p>What can we learn about youth who were detained by probation but released by the judge?</p>

### *Inconsistent Decision Making within a Department or Agencies*

Similarly, juvenile justice decision-makers within a single department or agency may respond inconsistently to youth behavior, and these inconsistent responses may disparately impact youth of color. For example, within a single Probation Department, probation staff may respond very differently to youth violating a certain condition of his or her probation. While one officer may develop an informal contract with a youth in an effort to modify his or her behavior, another officer may book that youth into secure detention.

The table below illustrates how you can identify inconsistencies in intra-agency decision making. The table uses examples within law enforcement for police who come in contact with youth in conflict with the law; for probation when youth are in violation of their probation; and for juvenile court when youth are in violation of court orders. However, the same format may be used to help identify inconsistencies in other intra-agency decision making. When inconsistencies within a department or agency are identified, the Subcommittee should review how youth of color are affected and dig deeper to learn where policy or practice change may reduce disparities.

### *Identifying Inconsistencies in Intra-agency Decision Making*

Agency	Example	Decision-making Options	Questions about Policy Guiding Decision
Law Enforcement	Youth in conflict with the law	Divert Cite and release Contact and refer to PO Refer to rac Center Book youth in secure detention	What, if any, policies guide how decisions are made? Are all officers using the same criteria to determine which option is utilized? How do you know? Are officers arresting youth consistently? When arresting youth, how are decisions made about the degree charged for a particular offense? How do you know?
Probation	Youth in violation of probation conditions	Informally elevate sanctions File probation violation but do not book at juvenile hall File probation violation and book youth in secure detention	Are officers filing probation violations for the same reasons? Is the threshold for violating youth the same? Is the threshold for booking the youth in secure detention the same? How do you know?
Juvenile Court	Youth in violation of a Court Order	Modify Conditions of Probation Detain Youth	Are judges in the county responding to youth in violation of Court Orders in a similar fashion? Is the threshold for securely detaining a youth in violation of court orders the same? How do you know?

**Appendix D: Solano County Detention Risk Assessment Instrument ("Old Tool")**

Solano County Juvenile Probation Department  
Detention Risk Assessment

Name: \_\_\_\_\_ J No: \_\_\_\_\_

DOB: \_\_\_\_\_

Admit Date: \_\_\_\_\_ Admit Time: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Sex:  M  F

Primary Referral Offense, Code Section & Offense: \_\_\_\_\_

DPO # \_\_\_\_\_

**A: OFFENSE (Score only the most serious instant offense)**

- |  |    |  |
|--|----|--|
| <input type="checkbox"/> W&I Section 707(b) offenses (no mitigation applies) | 10 |  |
| <input type="checkbox"/> Other violent or sex felonies against person        | 10 |  |
| <input type="checkbox"/> Sale of narcotics/drugs                             | 10 |  |
| <input type="checkbox"/> Possession of loaded firearm                        | 10 |  |
| <input type="checkbox"/> Residential burglary                                | 10 |  |
| <input type="checkbox"/> Series of 3 or more separate felony offenses        | 7  |  |
| <input type="checkbox"/> Possession of narcotics/drugs for sale              | 7  |  |
| <input type="checkbox"/> Felony Property crimes, including Auto              | 5  |  |
| <input type="checkbox"/> Felony possession of narcotics/drugs                | 5  |  |
| <input type="checkbox"/> Other felony not covered above                      | 4  |  |
| <input type="checkbox"/> Violent misdemeanor (including terrorist threats)   | 4  |  |
| <input type="checkbox"/> All other misdemeanors                              | 2  |  |
| <input type="checkbox"/> Probation Violation                                 | 1  |  |
- \_\_\_\_\_ OFFENSE POINTS

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

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Current ward/DEJ  | 6 |  |
| <input type="checkbox"/> Felony crimes of violence or felony sex offense (incl. terrorist threats) | 6 |  |
| <input type="checkbox"/> Felony property, weapons, escape, auto theft                              | 5 |  |
| <input type="checkbox"/> Felony sale of drugs or possession of drugs                               | 4 |  |
| <input type="checkbox"/> Violent misdemeanor offense (includes terrorist threats)                  | 4 |  |
| <input type="checkbox"/> Prior ward  | 3 |  |
| <input type="checkbox"/> Non-violent misdemeanor offense   | 2 |  |
| <input type="checkbox"/> Current/Prior 654.2/725 W&I   | 2 |  |
| <input type="checkbox"/> Current/Prior diversion with law enforcement/Probation                    | 1 |  |
| <input type="checkbox"/> No prior petitions, but 1+ referrals by law enforcement/Probation         | 1 |  |
- \_\_\_\_\_ HISTORY POINTS

**C: AGGRAVATING FACTORS (Can increase by a total of 1-3 points)**

- |   |       |  |
|---|-------|--|
| <input type="checkbox"/> Gang membership                                | _____ |  |
| <input type="checkbox"/> Witness/victim threats                         | _____ |  |
| <input type="checkbox"/> Runaway history                                | _____ |  |
| <input type="checkbox"/> Poor or No school attendance                   | _____ |  |
| <input type="checkbox"/> Unruly Behavior                                | _____ |  |
| <input type="checkbox"/> Crime was particularly severe or violent       | _____ |  |
| <input type="checkbox"/> Under the influence at the time of the offense | _____ |  |
- \_\_\_\_\_ AGGRAVATION POINTS

**D: MITIGATING FACTORS (Can decrease by a total of 1-3 points)**

- |  |       |  |
|--|-------|--|
| <input type="checkbox"/> Stable & supportive family/caretaker                                      | _____ |  |
| <input type="checkbox"/> Stable in school or employment  | _____ |  |
| <input type="checkbox"/> First offense at 16 or older  | _____ |  |
| <input type="checkbox"/> No arrests in last 12 months  | _____ |  |
| <input type="checkbox"/> Involvement in this offense was remote, indirect, or otherwise mitigated. | _____ |  |
- \_\_\_\_\_ MITIGATION POINTS

**TOTAL RISK SCORE (A+B+C-D)** \_\_\_\_\_ **TOTAL RISK SCORES**

RELEASE OVERRIDE

Minor is released because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

DETENTION OVERRIDE (Specify reason):

- Parent/guardian refusal to pick up
- Unable to reach parent/guardian
- Threat to public safety
- Victim threats or victim resides in home
- Likely to flee
- Safety of minor
- Bench Warrant Status

Other: Minor is detained because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OVERRIDE APPROVAL (Supervisor's Signature Required)

Approved By: \_\_\_\_\_, Supervisor

DECISION SCALE: 0-6 RELEASE, 7-9 RESTRICTED RELEASE, 10+ DETAIN.

**RESTRICTED RELEASE = HOME SUPERVISION, EMP, ETC. (RECOMMENDED IN DETENTION REPORT)**

DETENTION DECISION:

1.  Release, no action taken.
2.  Release, with out of custody.
3.  Release for walk-in arraignment
4.  Release at detention hearing (Drug Court minors only) \*\*
5.  Detain

**\*\* When Drug Court minors are booked in JDF on a warrant and there is no VCOP filed by the assigned DPO, release will be recommended at the detention hearing.**

**Appendix E: Solano County Detention Screening Tool ("New Tool")**

Detention Screening Tool

3/02/2017

**Solano County Juvenile Probation Department  
Detention Screening Tool**

Name: \_\_\_\_\_ CASE ID No: \_\_\_\_\_  
 DOB: \_\_\_\_\_ Race/Ethnicity: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Admit Date: \_\_\_\_\_ Admit Time: \_\_\_\_\_  
 Primary Offense, Code Section & Offense: \_\_\_\_\_  
 Booking Staff: \_\_\_\_\_

**A: Offense** (Score only the most serious instant offense)

- W&I Section 707(b) offenses (no mitigation applies) ..... 10
- Other violent or sex felonies against person ..... 10
- Possession of firearm and ammunition ..... 10
- Other felony not covered above ..... 5
- Violent misdemeanor (including §422 PC Terrorist Threats) ..... 4
- All other misdemeanors ..... 2
- Probation Violation (W&IC §777(a))..... 0
- Other (Warrant or Mandatory Detention case)..... 0

Section A  
Points:  
\_\_\_\_\_

**B: Prior Offense History** (Score only one of the following)

- Current felony wardship/DEJ ..... 6
- Pending Court on felony ..... 6
- Documented escape from secure custody within the past 18 months (W&IC §871) ..... 5
- Prior felony adjudication within the past 24 months ..... 4
- Last sustained offense within the past 12 months ..... 2
- No known prior offense history..... 0

Section B  
Points:  
\_\_\_\_\_

**C: Aggravating Factors** (Add all that apply, up to 3 points maximum)

- Series of 3 or more separate felony offenses at instant booking ..... 1
- Possession of a firearm during instant offense without use or threatened use ..... 1
- Documented warrants within the past 12 months (1 point per warrant) ..... \_\_\_\_\_
- None ..... 0

Section C  
Points:  
\_\_\_\_\_

**D: Mitigating Factors** (Subtract all that apply, up to 3 points maximum)

- First arrest at 16 or older ..... 1
- No arrest within past 12 months ..... 1
- Youth is under 14 years old ..... 1
- Youth has no documented warrant history ..... 1
- None ..... 0

Section D  
Points:  
\_\_\_\_\_

**Section A Points** + **Section B Points** + **Section C Points** - **Section D Points** = **Total Score:**  
 \_\_\_\_\_

**E: Mandatory Detention Cases**

(These cases are to be automatically detained but above scores are to be added. Select all that apply.)

- Escpee from secure institution (W&IC §871)
- Out of County Warrant (including Courtesy Holds)
- §707(b) offense (14 years and older)
- Personal use of firearm in commission of felony
- Warrant (Bench/Arrest/Ramey)
- Placement Failure (including Challenge Academy and New Foundations)
- In-custody Transfer
- Court Remand
- EMP/HSP Failure
- None

## Detention Screening Tool

3/02/2017

F: Release Override Youth is released because:

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G: Detention Override (Specify reason)

- Likely to flee: prior history of fleeing  
 Threat to public safety: current offense type (assault, sex related offense, etc.)  
 Threat to public safety: prior offense type (assault, sex related offense, etc.)  
 Victim threats (witnessed at intake)  
 Victim resides in home  
 Insufficient information available  
 Other (provide description):

Youth is detained because: \_\_\_\_\_

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H: Detention Pending Release (Youth eligible for release, will be released, but cannot instantly be released for one of the following reasons)

- Parent/guardian: unable to reach/cannot locate  
 Parent/guardian: cannot leave work  
 CPS: Youth is homeless  
 CPS: Parent refuses custody  
 CPS: Youth is victim of human trafficking  
 CPS: Youth is victim of family violence  
 Other (provide description):

Youth is detained because: \_\_\_\_\_

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I: Supervisor Review

Approved by: \_\_\_\_\_

J: Decision Scale:

- 0-6 Release
- 7-9 Restricted Release (Home supervision, EMP, etc.)
- 10+ Detain

K: Detention Decision:

- Release  
 Restricted Release  
 Detain

PTA Required for release of a minor 14 years old or older for an alleged felony offense.