

# **San Francisco Juvenile Detention Alternative Initiative Alternative to Detention Program Assessment**

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## **Introduction**

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

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

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

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

## **Methodology**

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

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

- C the stability in the overall rate of detention despite a significant decline in arrests, both felonies and misdemeanors, and the establishment of CARC in 1998;
- C a number of youth arrested on misdemeanors and low level felonies are not diverted to the CARC as intended, but rather cited to the Youth Guidance Center (YGC);
- C the Wald report data shows that in 2004, 1323 youth, 1229 or 53 percent were detained for at least 24 hours on criminal charges and 650 were detained for other reasons, (e.g., probation violation, FTA, weekend detention, placement failure).
- C the Civil Grand Jury reported that between 1998 and 2004, the percentage of youth charged with misdemeanors who were detained increased from 60 to 63 percent.
- C the Wald report noted most juveniles arrested have no prior juvenile justice history: only 11 percent of youth arrested in 2004 had a previous juvenile arrest.
- C substantial rates of Probation Officer (PO) override of the Risk Assessment Instrument (RAI);
- C disproportionate minority (African American) confinement at arrest and in detention; and
- C the large number of youth in detention whose ultimate disposition is probation.

### **Overview of Program Types**

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

#### **A. Diversion**

##### **1. Community Assessment and Referral Center (CARC)**

CARC was established in 1998 to receive direct referrals from the San Francisco Police Department. Youth eligible for direct police referral are those charged with misdemeanor offenses and

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

## **B. Alternative to Detention Programs**

### **1. Electronic Monitoring**

Electronic monitoring (EM) is provided by Leaders in Community Alternatives (LCA), a private company, through a contract with JPD. LCA will outfit the referred youth with a bracelet and instruct the youth and family on how to install the base equipment in the youth's home. EM is used as a stand-alone requirement with nightly curfew monitored and reported by LCA or in conjunction with home detention programs. LCA is contracted to monitor 15 youth at a time but reports that it has been over capacity typically monitoring 25 youth at a time, and has had as many as 40 youth on EM. **2.**

### **Evening Reporting Centers**

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

### **3. Home Detention**

Home detention is used as an alternative to detention. There are two types of home detention services in San Francisco. The first, provided by Mission Neighborhood Center, is funded by JPD and relies on probation-officer referral and is considered the "official" home detention program. Standard conditions are imposed upon all youth referred to home detention. These standard conditions include one home visit per week, one face-to-face contact with you per week, one parent contact per week (phone or face-to-face), monitoring of adherence to the nightly 6:00 p.m. curfew (Monday through Saturday), "stay away" orders, and school attendance, and drug testing. The Mission Neighborhood Center Home Detention program provides weekly progress reports and summary reports to JPD and JPD provides the summary reports to court at each court appearance. The program was initially designed to supervise youth for 15 days, but informal practices have continued supervision until the case reaches disposition. The Mission Center Home Detention Program has the capacity to serve 40 youth at a time, but program staff report that it is not usually at capacity.

The second home detention program is Detention Diversion Advocacy Project (DDAP) operated by the Center for Juvenile and Criminal Justice (CJ CJ) through a contract with the Department of Children, Youth and Families (DCYF). DDAP focuses on youth charged with serious offenses who would not be referred by POs to other ATD programs. DDAP undertakes its own case finding efforts working closely with the Public Defender. DDAP goes to court to advocate for release to its program

and provides comprehensive case management of which home detention is one part of an individual service and supervision plan. DDAP's capacity is 70 youth and the program is usually at capacity.

### **C. Post Adjudication Programs**

#### **1. Intensive, Home-based Supervision (IHBS)**

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

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

#### **2. Mental Health Services: Family Mosaic**

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

#### **3. Schools-based Treatment Programs**

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

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

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

#### **4. Residential/Shelter Programs**

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

## **Recommendations and Findings**

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

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

**2. The SFJJ system should focus on ATD issues.**

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

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

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

(e.g., completion rates, rearrest rates, violation rates). As a result, impressions of how well or not well programs are working are anecdotal in nature.

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

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

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

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

The key referral agents in the San Francisco juvenile justice system are the police officers who are expected to divert youth arrested on misdemeanors and low/mid level felonies to CARC and probation officers who are expected to apply the RAI to determine eligibility for a detention alternative for those youth who are not eligible to be diverted through CARC. Police and/or probation officers are the gatekeepers to CARC, the detention facility and detention alternative programming. The focus groups and interviews indicate that these key gatekeepers do not always adhere to eligibility criteria or follow referral procedures that are intended to reduce the use of detention. Police officers and POs are not held accountable for their disinclination to follow criteria and procedures. With respect to CARC-eligible youth, police officers sometimes bypass CARC and bring CARC-eligible youth to the detention facility. In other cases where a youth is referred to CARC by the police officer, the PO assigned CARC or the duty officer rejects the referral and has the youth brought instead to the YGC.

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

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

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

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

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

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

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

**9. The system should have clear policies for termination for non compliance and a system of**

**graduated sanctions that increases supervision or contact rather than a reliance on detention as the response to non compliance.**

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

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

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

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

Communication problems described by POs and CBOs are in part a reflection of system issues, i.e., the lack of common definitions, clear policies and procedures, systems of accountability and evaluation. However, even with systems that are more transparent and coherent, interpersonal and cross agency communication is vital to establishing mutual respect, confidence and trust. In San Francisco, communication is hampered by the absence of regular meetings, cross system training, and the isolation of juvenile probation from communities and community-based organizations.

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

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

Communication was also raised in parent and youth focus groups. Parents and youth had

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

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

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