

The Role of Probation in Reducing Minority Youth Confinement: Justice Development in Santa Cruz County, 1990-2008

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This report describes how probation officials in Santa Cruz in the last decade overcame a crisis of crowding in juvenile hall, dramatically reduced detention, and in the process built a more sophisticated, fair, and effective system of juvenile justice. Through innovations in management and the introduction of new programs, Probation became better at holding youth accountable without detention, and it dramatically reduced racial and ethnic disparities in confinement. The gains have been measurable and sustained: in 2008, there were 31 percent fewer felony arrests than in 1998, and 64 percent fewer youth in detention. Latino youth are 36 percent less likely to be arrested today than they were a decade ago, and 63 percent less likely to be booked into juvenile hall. Even with only more serious forms of delinquency brought to the attention of probation, the Department keeps a greater proportion of youth out of juvenile hall. Juvenile justice in the county today as a whole is more fair, effective, and efficient.

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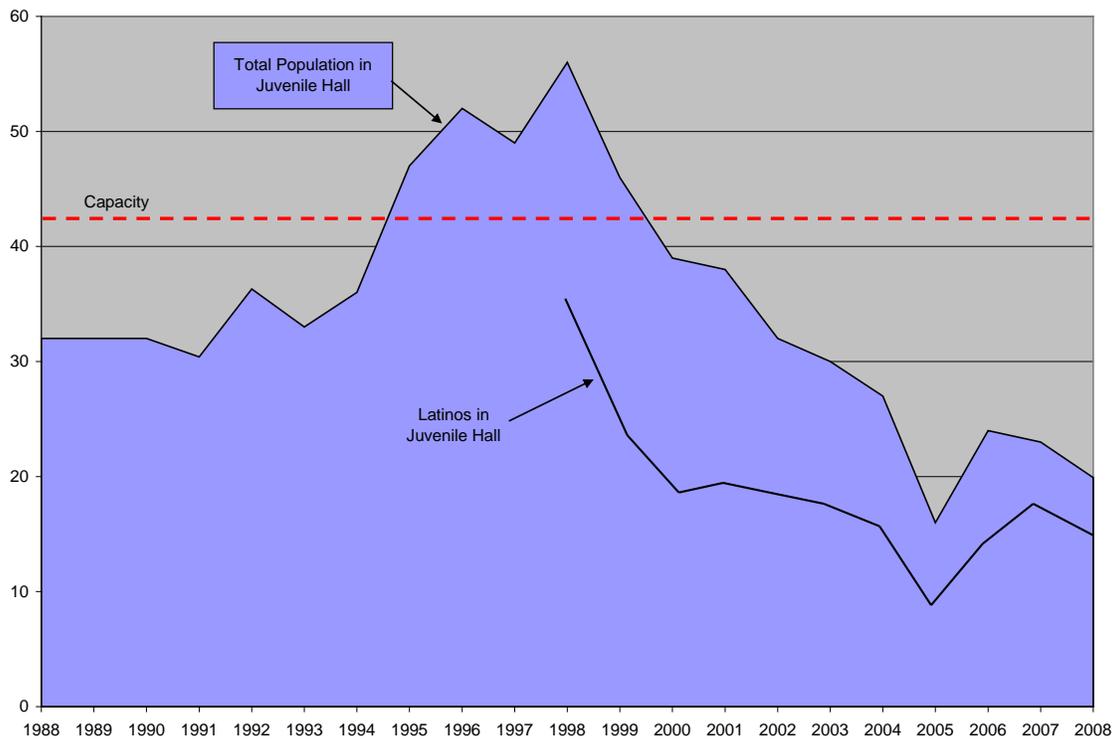
Over the last ten years, Santa Cruz County achieved remarkable improvements in safety and justice for minority youth. Throughout 2008, half as many Latino youth were in detention as a decade ago, when the juvenile hall was severely overcrowded and the county was considering an expensive and controversial expansion of capacity. Latino youth, who now comprise an estimated 50 percent of the juvenile population in the county, are half as likely to be arrested and brought to juvenile hall as they were a decade ago. The majority of youth spend far shorter periods of time in custody than they used to, are better treated while in detention, and upon release are connected to social services and community-based organizations that promote success in the future.

Juvenile justice in Santa Cruz County is also more sophisticated than it was a decade ago. Decisions about whether to bring delinquent youth to juvenile hall and keep them there are based on professionally recognized criteria and carefully reviewed by senior staff in probation. There is a continuum of services and responses to youth who have trouble complying with the conditions of probation, including an Evening Center. There are tailored assistance and accountability plans for youth at high risk of being removed from their homes and families. There are non-residential treatment centers for youth with severe substance abuse problems and culturally competent and community-based family counseling programs. Nearly half of the line probation officers are bi-lingual. Many probation officers spend as much time working with organizations outside the formal justice system as within it.

Some of these innovations are no longer newsworthy: since the Probation Department in Santa Cruz began reengineering operations, a wide array of options for dealing with juvenile crime and delinquency has become popular in California. Indeed, many Probation Departments in the state today have a broad continuum of services, and several have strong relationships with community-based organizations that help delinquent youth get back on track. But the drop in the use of detention in Santa Cruz County in the last decade was extraordinary: nowhere else in the state was there an equivalent or simultaneous gain in justice and safety for minorities. In some counties there were sharp increases in the amount of detention as well as an intensification of the degree of disproportionate minority contact with juvenile justice.

To appreciate the scale and meaning of these changes, it helps to visualize the transformation in juvenile justice over time. As the chart below shows, there were on average 32 youth in juvenile hall on any given day between 1988 and 1991. This number increased sharply in the mid 1990s, reaching a peak of 56 in 1998. It then fell sharply and steadily until 2005, when there was a short-lived increase. By 2008, the number of youth in custody was less than half what it was a decade before, when juvenile hall was dangerously crowded. Notice also that the use of detention is scarcer today than it was twenty years ago: the justice system in Santa Cruz did not simply revert to its former practices after the resolution of the crisis with overcrowding. Instead, the juvenile justice system in Santa Cruz County became less reliant on the incarceration of juveniles to administer justice and promote safety than it had been in the 1980s.

Figure 1. Average Daily Population, Juvenile Hall, 1998-2008



How did this happen? This report argues that the turnaround in juvenile justice in Santa Cruz was the result of a set of deliberate steps taken by managers in probation to reduce the department's dependence on detention and improve minority youth's experiences of justice. Probation leaders first gradually built up the Department's capacity to detect and measure problems -- with youth as well as its own operations. They then cultivated the confidence to talk about these problems openly, try out solutions, and ask whether the results were satisfactory. The dramatic and positive results were not inevitable. Like many other counties across the state, the Department very nearly expanded the capacity of juvenile hall, a development that might have undermined efforts to create a new organizational culture and better outcomes for youth. But the change did take place, and, as this report shows, these improvements persist today.

The Probation Department in Santa Cruz today is a very different institution from what it was ten and twenty years ago. Not only does it have more professional staff and better programs for youth, the Department is now a purposive organization: it forms goals, mobilizes resources toward their achievement, tracks progress over time, and tries out new strategies when one or another approach does not work. This intentionality gives probation staff as well as county executives greater confidence in the future of safety and justice, even as concerns about crime and delinquency, especially among gang-involved youth, appear to be rising. The successes in Santa Cruz also should give officials in other counties confidence in the ability of their own probation departments to reshape the justice system and independently improve outcomes for youth.

Outline of This Report

This report describes the transformation in juvenile justice in Santa Cruz County, focusing on the role of probation in lowering the use of detention, especially for minority youth. It begins with an account of the emergence of severe disparities in the arrest and detention of minority youth followed by a period of protracted overcrowding in juvenile hall. It then describes how the justice system extricated itself from the crisis and built the foundation for better outcomes for youth. Exactly how these changes came about is a complicated story, and at key junctures the data required to isolate the contributions of specific programs and actions are missing. But the basic contours of the story are clear: by examining its own contribution to the detention of minority youth, reorganizing business operations, investing in community-based programs, reasserting core values, and building a new management structure, the Probation Department reversed the trajectory of juvenile justice in the county. In doing so, it demonstrated that probation departments across the country can achieve remarkable gains in justice for minorities despite continued debates about the root causes of DMC and the complexity of change in loosely-coupled systems.

This report is neither a recipe for reducing racial disparities and disproportionate minority confinement nor a manual for organizational change. Each probation department creates its own culture and must build and rebuild its own paths to better outcomes for youth. But there are insights from the experiences in Santa Cruz that can help other counties conceive and then initiate a change process, and there are concepts and habits (not dos and don'ts) that can facilitate the ongoing re-invention of juvenile justice. Since 1997, as part of the Juvenile Detention Alternatives Initiative of the Annie E. Casey Foundation, justice officials from over fifty counties across the United States have visited Santa Cruz to talk about the lessons of detention reform and justice development. Some of these lessons are articulated in the conclusion to the report. They might help other counties across the state and country to multiply the successes for youth.

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1. The Emergence of Disproportionate Minority Confinement in Santa Cruz County

Juvenile justice in Santa Cruz County became badly distorted in the 1990s, with severe crowding in juvenile hall, a lopsided profile of kids in custody, overworked and overwrought probation officers and detention staff. The problems were most evident in detention. Designed to hold no more than 42 kids, juvenile hall in 1997 held more than 48 youth on average every day. Nearly 60 percent of the youth in detention on any given day in that year were Latino, close to two times their representation in the general county population. Another 7 percent of detainees was comprised of African American and other minority youth. The remainder, as the table below shows, was Anglo.

Figure 1. Composition of the Youth Population in Detention in Santa Cruz County, 1997

Ethnicity	Youth Population (Ages 10-17)		Juveniles in Detention (Average Daily Population)	
	Number	%	Number	%
Anglo	16,623	63.5%	16	33.1%
Latino	8,251	31.5%	28.9	59.7%
African American/Other	1,325	5.0%	3.5	7.2%
Total	26,199	100%	48.4	100%

Source: Probation Department, Santa Cruz County

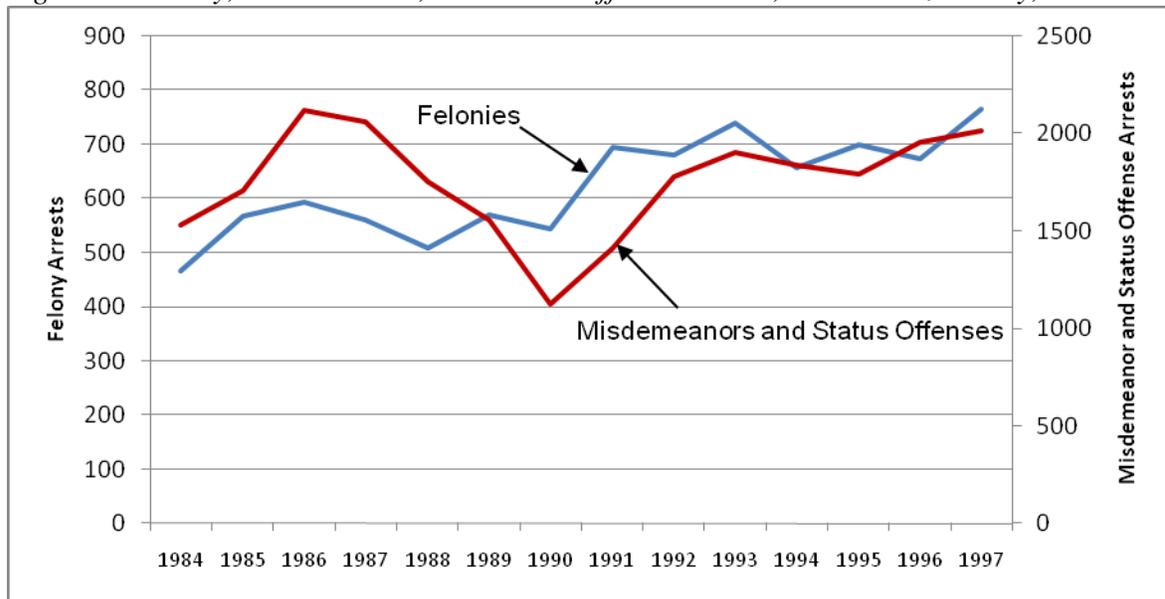
Though extreme, the degree of disproportionality in juvenile detention in Santa Cruz County was much like any other jurisdiction in the United States at the time. Overrepresentation of minorities in juvenile halls was common across California, and researchers found similar patterns in counties on both coasts and throughout the North, East, and South.¹ But it had not always been so. Throughout the 1980s in Santa Cruz, there were on average only 29 youth in juvenile hall. The detention facility in these years operated at approximately sixty percent of capacity. About a third of the youth in custody were Latino, a share roughly equal to their proportion of the county youth population. The emergence of crowding and DMC, in other words, was an aberration, and it was the result, of a poorly managed response to a spike in youth arrests and an insufficiently independent relationship to law enforcement.

The Swelling of Juvenile Justice

In the early 1990s, there was a sudden increase in the number of youth brought into contact with juvenile justice in Santa Cruz. Over the course of one year, in 1991, there was a 28 percent jump in the number of youth arrested for felonies, and a 25 percent increase in youth arrested for misdemeanors and status offenses. This surge in both types of arrests did not subside quickly, as had the preceding wave of juvenile arrests, which peaked in 1986. Instead, as the chart below shows, the number of youth arrested in Santa Cruz continued to increase, albeit at a more moderate pace.

¹ For an example of early research on disproportionality in Florida, see Donna Bishop and Charles Frazier, "Race Effects in Juvenile Justice Decision-Making: Findings of a Statewide Analysis," *Journal of Criminal Law and Criminology*, 86, 2 (1996); and Madeline Wordes and Sharon M. Jones, "Trends in Juvenile Detention and Steps Toward Reform," *Crime and Delinquency*, 44, 4 (1998).

Figure 2. Felony, Misdemeanor, and Status Offense Arrests, Santa Cruz County, 1984-1997



Source: Criminal Justice Statistics Center, California Department of Justice

Across the United States, arrests for serious juvenile crime increased 53 percent between 1990 and 1997.² But there was no single trend across the country, and in California, Santa Cruz was one of only a few counties to experience a sharp and sustained growth in juvenile arrests in the 1990s. Across the state, for example, the total number of juvenile arrests increased just 14 percent between 1990 and 1997; and virtually all of this growth consisted of misdemeanors. The number of *felony* juvenile arrests in California rose 3 percent in 1991 and fell every year thereafter until 2006. Between 1990 and 1997, felony arrests fell dramatically in Los Angeles (-34%), and moderately in San Diego (-8%), Sacramento (-7%), San Bernardino (-4%), and Orange counties (-3%).³ If there was a trend in juvenile crime in California, it ran in the opposite direction of Santa Cruz.

In the Bay Area, the only other county to record an increase in the number of youth arrests was Santa Clara, which borders Santa Cruz, where arrests increased 31 percent. Still, this was roughly half the increase recorded in Santa Cruz. In Alameda and San Francisco counties, by contrast, there was a substantial *decrease* in the number of juvenile arrests between 1990 and 1997, and a minor one in San Mateo.

Almost all the increase in arrests for serious offenses in Santa Cruz involved Latinos. Between 1990 and 1997, the number of felony arrests of Latino youth in Santa Cruz increased 85 percent, compared to only 11 percent for Anglo youth. In these same years, as the data in the table below show, the number of Latino youth arrested for misdemeanor and status offenses more than doubled, compared to 61 percent for Anglo youth.⁴

² See *Crime in the United States*, UCR, table 32, available at www.fbi.gov.

³ Criminal Justice Statistics Center, California Department of Justice, www.ag.ca.gov/cjsc/datatabs.php

⁴ Roughly similar patterns were observed in Santa Clara County, where there were 51 percent more felony arrests of Latino youth, compared to two percent increase for Anglo Youth.

Figure 3. Latino and Anglo Youth Arrests, Santa Cruz County, 1990 vs 1997

	Latino Youth		Anglo Youth	
	Felony	Status and Misdemeanor	Felony	Status and Misdemeanor
1990	206	323	311	788
1997	381	667	344	1,272
% ▲	+85%	+107%	+11%	+61%

Source: Criminal Justice Statistics Center, California Department of Justice

The disparate arrest trends in Santa Cruz were not the result of demographic changes. Between 1990 and 1997, the number of Latino and Anglo youth residents in Santa Cruz County between the ages of 10 and 17 increased at roughly equal rates -- by 20 and 17 percent, respectively. The rate of the increase in arrests for Latino youth therefore was nearly double the rate for Anglo youth.

Disparate arrest trends for Anglo and Latino youth were the norm across the state. In Sacramento, where the total number of Anglo youth arrests fell 16 percent between 1990 and 1997, the number of young Latinos arrested increased 21 percent. Roughly similar changes took place in Alameda, San Bernardino, and San Diego counties. At the same time, arrests of African American youth fell 3 percent across the state. In Alameda county, they declined by 35 percent. For whatever reason, Latino youth were the only minority group to much more frequently be arrested in California in this period.

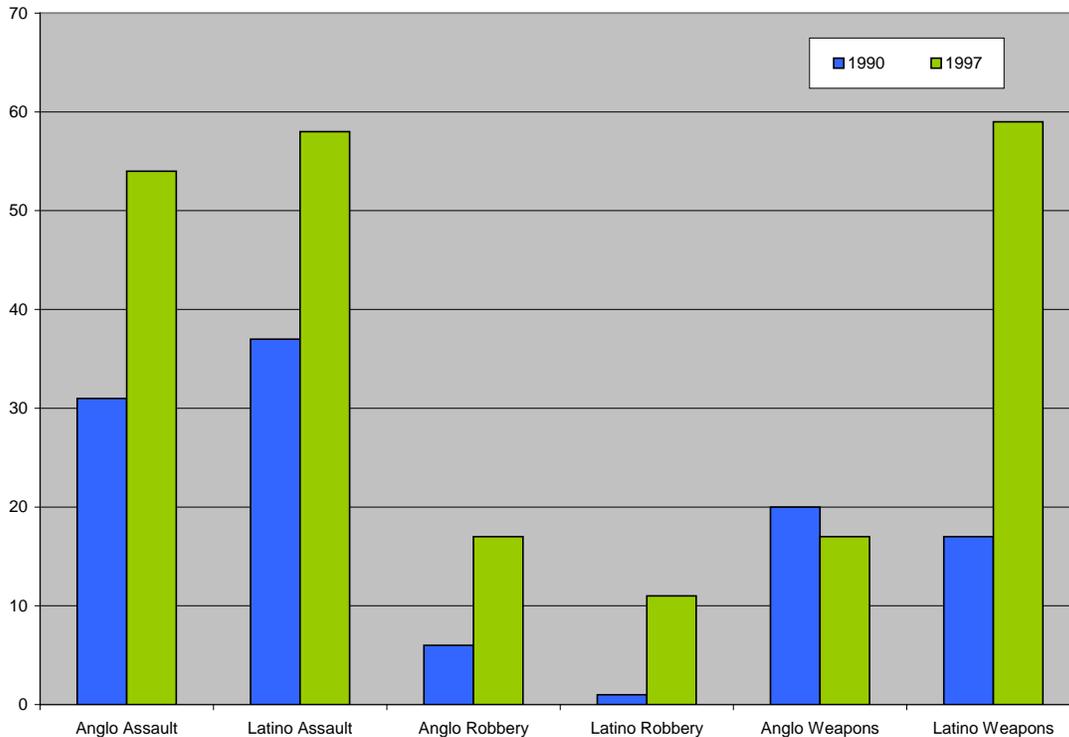
Santa Cruz was also at the extreme end of the spectrum in the rate of growth in *felony* arrests of Latino youth. In most counties with proportionally large Hispanic populations, the number of serious arrests for Latino youth increased moderately in this period. Felony arrests of Latino youth increased 9 percent in San Diego, 13 percent in both San Bernardino and Sacramento, and 15 percent in Alameda and Fresno. In Riverside, felony Latino arrests increased 31 percent – about a third of the increase in Santa Cruz. Contra Costa County rivaled Santa Cruz with a 78 percent increase in felony arrests of Latino youth between 1990 and 1997, and Kings County actually surpassed Santa Cruz, with a 112 percent increase in felony arrests of Latino youth. Both counties also recorded only minor increases in felony arrests of Anglo youth, confirming that serious offenses and law enforcement activities were concentrated in certain communities.

In Santa Cruz, law enforcement officials remember this period as one of considerable gang violence, much of which was concentrated in Latino communities. Terry Medina, chief of police of Watsonville, a city of 32,000 people in 1990, of which then 61 percent were Latino, recalls several high-profile shootings from this period from which at least three people died. Some probation officers recall the tragic death of a young girl killed in a drive-by shooting as she emerged from a bakery with her brother, apparently the target.

At first glance, local law enforcement data seem to confirm that there was an eruption of serious youth violence at this time. Across the county, felony arrests for assault went up by two-thirds between 1990 and 1997; arrests for felony possession of weapons doubled,

and arrests for robbery nearly quadrupled. The number of arrests for violent offenses, moreover, went up for both Latino and Anglo youth, although, as the table below shows, there were stark differences in the types of violent offenses for which they were arrested. Proportionally, arrests for assault increased more for Anglo youth (74%) than Latino youth (57%). By contrast, arrests for possession of weapons more than tripled for Latino youth and yet declined slightly for Anglo youth. Robbery arrests also increased more for Latino youth than Anglo youth, although the number of such incidents remained small.

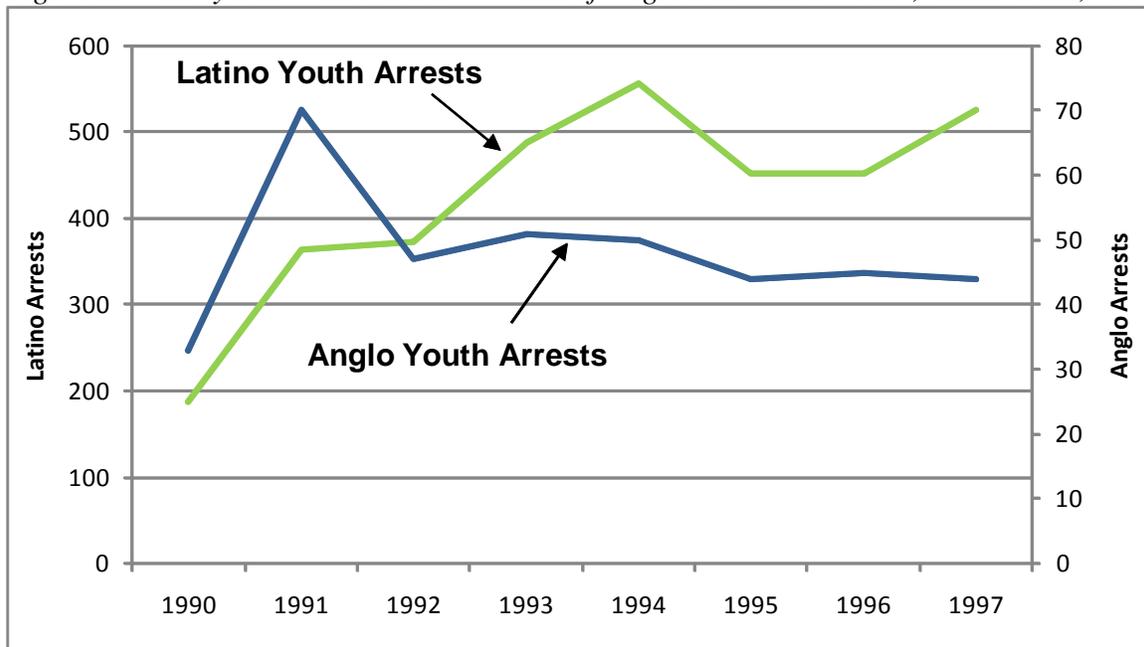
Figure 4. Arrests for Three Violent Offences, Santa Cruz County, 1990 vs 1997



The increase in arrests for assault and possession of weapons worried law enforcement officials, and probation staff recall frequent fights in juvenile hall. At the same time, some probation officers wondered whether delinquency had become genuinely more dangerous in this period, or whether the justice system was responding differently to similar types of behavior. Several probation officers recall the popularity of sharpened screwdrivers and other improvised weapons that youth said they carried for “self defense.” Unfortunately, the Department did not carefully analyze trends in juvenile delinquency at the time, nor track the attrition or acceleration of charges through disposition, so it was unable to independently appraise the nature and seriousness of youth crime.

The starkest differences in arrest trends for Latino and Anglo youth was observed in Watsonville, where, initially, the total number of felony and misdemeanor arrests doubled for all youth. After 1991, however, as the chart below shows, only Latino youth were more frequently arrested. Felony and misdemeanor arrests of Anglo youth generally declined after 1992, whereas they increased almost without interruption for Latino youth.

Figure 5. *Felony and Misdemeanor Arrests of Anglo and Latino Youth, Watsonville, 1990-1997*



Source: Watsonville Police Department

Responding to Youth Crime and Gangs

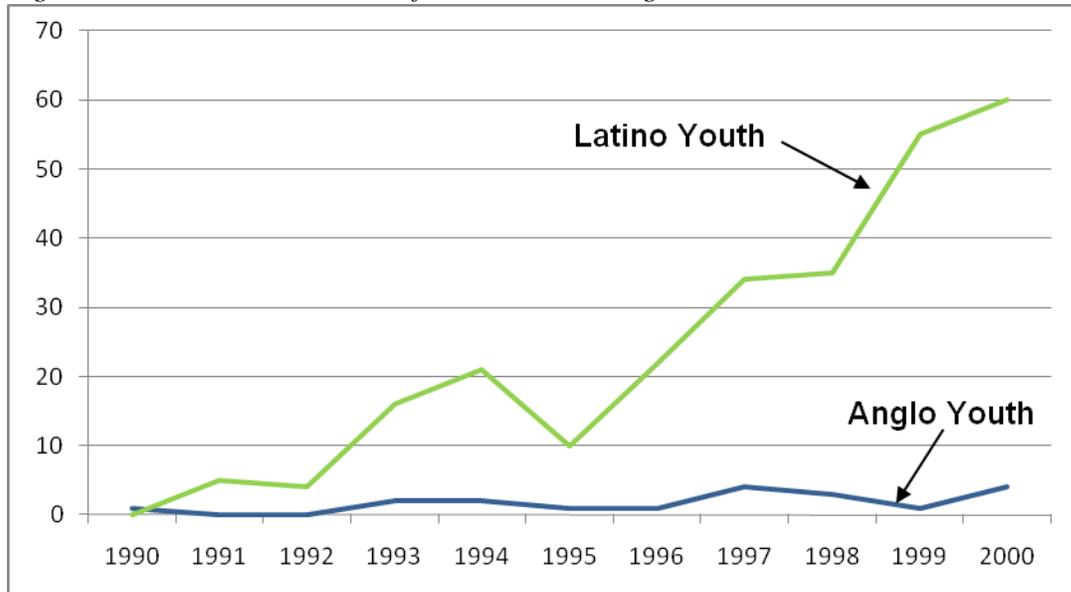
In response to the rising number of arrests in 1990 and 1991, the Department of Probation participated in a new and long-term partnership with law enforcement agencies and other service providers in a Gang Violence Suppression program. Called, BASTA, for Broad-Based Apprehension, Suppression, Treatment, and Alternatives, the partnership was supported by a three year renewable grant of a million and half dollars from the state’s Office of Criminal Justice Planning. The funding supported new positions in probation, policing, and prosecution, as well as monthly gang task force meetings, and an array of community based intervention services, including family counseling, substance abuse treatment, and education assistance for gang-involved youth. The grant also funded recreation activities and a youth center.

BASTA’s activities were concentrated in the southern part of the county, where the highest proportion of Latino youth lived. The overarching goal was to prevent and interrupt a cycle of gang-related violence and crime. BASTA’s appeal, however, went beyond its location and the perceived sources of rising crime. “BASTA was, in theory, a perfect thing,” says Judy Cox, then the director of the juvenile division of probation. “It was multi-disciplinary, it involved collaboration across agencies, and there was sharing of information and data. And it was exhilarating because it corresponded with my image of what a well-coordinated justice system should look like. For example, one day, when there was a shooting, we all met together as a rapid response team, not just the police. We all thought ‘wow, this is great. We’ve got common goals.’ And because we were all sitting together around the table, it looked like a more organized and enlightened approach to delinquency.”

For Probation, BASTA’s signature innovation was the embedding of a probation officer in the Watsonville Police Department. This officer closely supervised up to 35 gang-associated youth, worked with families and teachers to improve school performance, connect kids to alternative sources of after school activities, and in general reduce the likelihood of future contact with criminal justice. Although the BASTA probation officer was required to make “every effort ... to modify the probationer’s behavior, prior to returning them to Court for a violation of probation,” the performance indicators for the project virtually required the probation officer to arrest kids over and over again for probation violations. According to the terms of the grant, the BASTA probation officer had to ensure that 90 percent of supervised youth had special gang terms of probation, such as a prohibition of wearing certain types of clothing. As Terry Medina, the Watsonville Police chief, recalls from the score card for the proposal, “you got extra points for probation violations.”

Soon after BASTA began in September 1992, the number of arrests for probation violations started to rise. In 1990 and 1991, as the data in figure 6 below show, the number of probation violations from Watsonville was negligible for both Latino and Anglo youth. Shortly thereafter, however, there was a marked increase in violations, but only for Latino youth. After the first renewal of BASTA in 1995, this number skyrocketed. By 2000, there were 60 probation violations for Latino youth in Watsonville, 94 percent of the total number of violations in the county.

Figure 6. Probation Violations for Latino and Anglo Youth, Watsonville, 1990-2000



Source: Watsonville Police Department

BASTA ran for 12 years, four three-year grant cycles, despite doubts about its effectiveness and virtues. Terry Medina, for example, began to suspect that inter-agency cooperation was not being improved by the grant, and perhaps even harmed. “We had good cooperation, including collaborative case-management,” he says, “even before BASTA. It had emerged naturally and been very effective on an informal basis.” But

BASTA created conflicting incentives for the agencies involved. “The BASTA grant forced us into a different mode,” says Medina, “with explicit goals to make so many arrests and prosecute so many kids. That shut down the communication.”

The rise in probation violations became a thorn in the side for the Department. Some probation staff started to worry that BASTA was increasing the population in juvenile hall and deepening juvenile justice involvement for Latino youth. Department leaders reviewed data which suggested that, over time, BASTA actually increased the amount of detention for Latino youth by cycling them in and out of juvenile hall. But BASTA was a problem for Probation not just because it seemed to have become a driver of Latino referrals and a contributor to juvenile hall overcrowding. It also began to corrupt the mission of line-officers in the Department. “The problem,” says Judy Cox, “was not just that the gang-terms were impossible to comply with. The problem was that probation officers who were embedded in the police department began to behave like cops.”

For Scott Macdonald, who was then a supervisor in the Watsonville Office, some of the consequences of BASTA began to raise questions about its compatibility with the avowed purposes of probation. Macdonald remembers reviewing the files of Latino kids from the BASTA caseload who had been booked into the juvenile hall on probation violations, many of whom had been charged with wearing prohibited clothing of a bright color since it signaled their affiliation with a gang. “I remember this one kid in particular who seemed a little depressed,” says Macdonald. “He was very concerned about making a mistake with his wardrobe choices. He told me: ‘I don’t wear any color any more; only black, white or shades of gray.’ I was sort of shocked. Ostensibly, he was saying that he was going to comply with court orders and probation conditions. But it made me wonder if we were suppressing adolescent zeal rather than reducing delinquency.”

While participation in BASTA was popular throughout the justice system, it sparked some critical thinking among a few probation staff about the experience of justice for minorities and the need for more careful management of inter-agency collaborations and more strategic use of funding opportunities. The shifting ethnic profile of kids referred to probation in particular caught the attention of probation leaders. Probation managers and staff began to read and talk about disproportionate minority contact. They studied academic articles on the subject and tried to replicate the complex statistical research methods used then for discerning whether or not there was such a thing as DMC in their backyard.⁵ Some staff made calculations on the backs of brochures disseminated by the Office of Juvenile Justice and Delinquency Prevention.

Early thinking about DMC produced a memorandum from Judy Cox, then director of the juvenile division of probation, to the Department’s management team on May 1, 1995. Reporting the results of reading and reflection on DMC, Cox proposed a Plan of Action with a roughly medical model for diagnosing the situation. Methodically, the memo set

⁵ Examples of the early literature consulted include: “Richard Sutphen et. al., “The Influence of Juveniles’ Race on Police Decision-Making: An Exploratory Study,” *Juvenile and Family Court Journal*, 1993, 69-76, and “Donna Towberman, “Racial Bias in the Criminal Justice System: Shifting the Focus from Outcome to Underlying Causes,” *Juvenile and Family Court Journal*, 1994, 15-25.

out a sequence of analytical stages, the first of which was to answer the question: “Do we even have a problem?” Probation managers – supervisors of units for intake, placement, and general supervision – recommended that the Department first “make sure we can gather, track, and report the number of minorities confined,” and then collect “accurate census information regarding general population to calculate numbers. Once we have capability we should track for one year to see if the problem exists.”

Individual supervisors began to collect information about race and ethnicity of youth on probation, but no specific conclusions or remedial steps were taken. Cox, now the retired chief of probation, is almost rueful about the cautiousness of the Department in response to the alarming signs of disproportionality. “We knew about DMC. We could see the racial disparity in our detention facility. We had gathered and read research on the topic. We even studied the problem a bit, but that’s where we stopped.”

The strain placed on probation officers by the boom in arrests and referrals nevertheless forced the Department to take action. Rising caseloads compromised the ability of the Department to respond to delinquency in meaningful ways. “It sometimes was nine months between a referral and a first interview,” remembers Cox, “and even then we often had few ways to respond.” At the time, probation consisted of a few narrow ridges of action: intake, investigation, supervision, suppression, and incarceration. “We had no resources, no programs, no vision of what we were supposed to do,” says Cox. “Our main goal at the time was just to survive as a department.”

Initially, the survival strategy consisted of accelerating intake processes, setting performance quotas for probation officers, and reallocating staff from the adult to juvenile division. The department also began to rely more on “reprimand” letters in response to minor offenses instead of face-to-face meetings with youth. Later, Probation received a federal grant to support its expanding “System of Care,” which involved new programs for youth at risk of removal from their homes and some cultural competency training for some staff. But these steps did not change basic processes. They also did not stop the tide of youth streaming into juvenile hall.

Coping with Crowding in Juvenile Hall

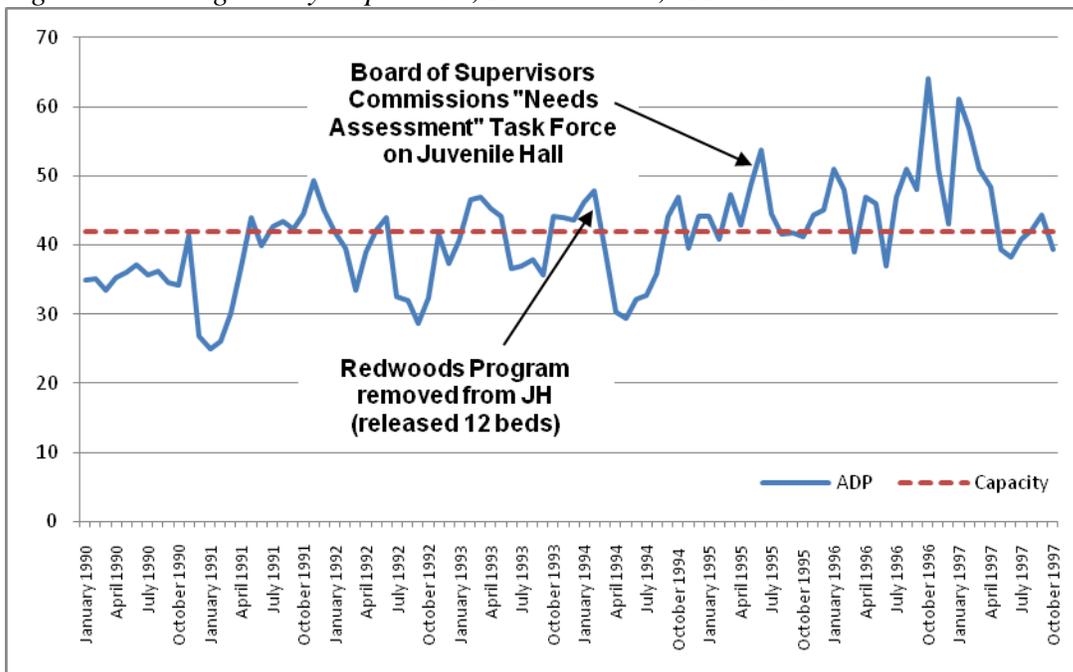
Throughout the 1980s, the average daily population (ADP) of juvenile hall hovered around 30, well under the rated capacity of 42. Throughout 1990, ADP was 35.8. In May 1991, however, the average daily population jumped to 44.4, and from August to December of that year, juvenile hall was crowded for more than half of every month.

County officials received reminders from the California Youth Authority about the need to comply with minimum standards. An inquiry from Judge John Salazar, who was then the chair of the county’s Juvenile Justice and Delinquency Prevention Committee, prompted the county to establish a “corrective action plan.” One of the plan’s components was to move the Redwoods residential treatment program, which was a System of Care development to reduce the need to send youth out of county, to a location outside of juvenile hall, in order to free up space for new detainees. In addition, Probation expanded the number of youth placed on home supervision, suspended

detention for status offenses and truancy (601 Welfare and Institution Code referrals) and started weekend furloughs and early discharge for certain participants in the Redwoods treatment program.

Some combination of these remedial measures helped get the average daily population down to manageable levels in 1992. But the impact did not last long. For much of the spring and the entirety of the fall of 1993, juvenile hall was again crowded. In the Spring of 1994, the Redwoods Program was finally relocated, and this move, too, had a substantial but short-lived impact on crowding. By September, as the chart below shows, juvenile hall was again consistently operating above capacity. Although in 1995 there were moments when the population figures dipped below this line, juvenile hall was seriously crowded for more than 60 percent of the days of the year.

Figure 7. Average Daily Population, Juvenile Hall, 1990-1997



The problem of crowding came to a head in June 1995, when the county’s Juvenile Justice Delinquency Prevention Commission, to which responsibility for the compliance of juvenile hall with minimum standards had been delegated from the CYA, filed a biting report with the county executive.⁶ The JJDP report stated unequivocally that “Juvenile Hall is not a suitable place. Simply put, Juvenile Hall is not safe, not safe for the detainees, the wards, or staff.” The report added that the conditions of crowding and insecurity posed “a serious liability to the County,” and demanded resolute action. That same month, during the budget hearings for the 1995-1996 fiscal year, the Board of Supervisors directed the CAO to develop a plan for conducting a broader assessment of juvenile hall, including a study group to focus on its various needs. By December, a “needs assessment task force” had been convened, and in February 1996, the Board

⁶ From 1991 to 1995, this responsibility had been vested in the county. But in July 1995, as a result of Senate Bill 97, this authority was re-delegated to the California Board of Corrections.

received the first part of this assessment, a remarkably comprehensive analysis of the operation of the juvenile justice system as a whole.

Prepared by Susan Mauriello, the Chief Administrative Officer of the County, and Jerome Torres, a county research analyst, the Report uncovered disconcerting facts about the operation of juvenile justice. It found, for example, a considerable gap in the rates at which referrals of Latino and Anglo youth were dismissed. Whereas 69 percent of referrals of Anglo youth were dismissed in 1995, only 56 percent of Latino referrals in that year were dismissed. The report also found disparities in rates of detention: 32 percent of Anglo youth referred to probation in 1995 were detained, compared to 44 percent of Latino youth. Significant disparities were found in rates of detention for both property and violent offenses, but were greatest for alcohol/drug offenses, where 25 percent of Anglo youth referred to probation for such offenses were detained, compared to 45 percent of Latino youth.

These and other worrisome findings appeared to have ready explanations. For example, the report found that the number of youth with multiple referrals increased 121 percent between 1990 and 1995, and there were higher rates of recidivism among Latinos.⁷ The number of juveniles under 15 years of age referred to probation had increased 20 percent, again especially among Latinos. The report's main conclusion, stated succinctly in a subsequent grant proposal, was that kids in juvenile hall were now "younger, more violent and drug involved and more chronic offenders."⁸

The process of preparing the Report was controversial, raising uncomfortable questions about race and bias in the justice system. But the final document itself was measured and methodical, describing key findings in plain tones and offering a conventional explanation of crowding in juvenile hall: average length of stay had crept up, especially for kids who had been sentenced or were awaiting group home or residential placement. The Report's recommendations, furthermore, dealt primarily with ways to bring about more efficiency in juvenile justice. Its central claim was that changes in juvenile delinquency, not shortcomings in the administration of justice, were responsible for the problems experienced by the county. Juvenile justice, the report held, simply needed better ways to manage "serious youth."

The immediate effects of the Task Force were modest. Because "the number of excellent recommendations far exceeds immediate financial capacity," the county executive could only make available an additional 200,000 dollars with which to begin to remedy crowding.⁹ These funds were destined first for programmatic changes, such as more cultural competence training for probation staff, additional group supervisors in juvenile hall, a weekend work release program for certain detainees, and an expansion of

⁷ In 1990-1991, only 5.5 percent of all kids referred to probation had more than five lifetime referrals. By 1994-1995, this figure had doubled.

⁸ "Draft Community Based Options Planning Grant," report from Jerome Torres to Carol Girvetz, June 13, 1996, p. 28.

⁹ Letter from Susan Mauriello to the Board of Supervisors, "Juvenile Hall Needs Assessment Report and Action Plan, August 22, 1996, p. 2.

community operated detention alternatives. They also were intended to support a placement prevention program – although county funding was later withdrawn when the Department secured a combination of federal and state funds to pay for it. These innovations created an enthusiastic buzz around Probation, and the average daily juvenile hall population dipped beneath official capacity for a moment in the summer of 1997. But by the end of that year and throughout 1998 the extent of crowding was even greater than before the launch of the Task Force needs assessment.

The Report nevertheless helped begin a transformation in the way juvenile justice was managed in Santa Cruz. By methodically documenting problems across the juvenile justice system, the Task Force encouraged a focus on processes and outcomes, not agencies and policies. By funding and creating other incentives for collaborations between Probation and community organizations, the Task Force helped to shape and legitimize a broader definition of the juvenile justice system that included community organizations and advocacy agencies as stakeholders, rather than the more narrow definition of law enforcement and formal government social and education agencies.

Co-chaired by Watsonville Police Chief Terry Medina and Mardi Wormhoudt, then chair of the Board of Supervisors, the Task Force used the Report to scrutinize virtually all aspects of juvenile justice. It examined the gang certification process, as well as the reasons for the demise of police diversion, and its apparent incompatibility with the “prevailing zero tolerance environment.”¹⁰ It raised questions about the levels of recidivism by race and ethnicity, the legality and effectiveness of the BASTA program, and the competence of staff in the Redwoods program to address the needs of Latino youth and families. It investigated the reasons for detention as well as the quality of education and housing at the juvenile hall, and the possibilities for early discharge. The deliberations at the Task Force also extended beyond the justice system, involving the heads of education, human resources, social services, and community organizations.

After a series of careful rankings and negotiations, the Task Force yielded a consensus and prioritized the list of 39 recommendations, many which became part of the process by which Probation eventually reconfigured operations and brought crowding under control and reduced DMC. Not all of these recommendations were implemented. But through the process of carving up the problem of juvenile justice into manageable pieces, and developing solutions based on the analysis of issues, a precedent was set that, to this day, continues in the Department of Probation. This process was later reinforced by the Department’s adoption of the Juvenile Detention Alternatives Initiative.

Expanding Juvenile Justice System Partnerships

While the county was reviewing the needs assessment, Judy Cox began to work with Linda Perez, the director of the Pajaro Valley Prevention and Student Assistance agency on the design of a program to help prevent further offending among first time youthful offenders referred to the Probation Department. Cox and Perez obtained funding from

¹⁰ In 1986, according to the Torres report, a quarter of all arrests were handled by the police on their own – that is, without a referral to probation. By 1996, fewer than 7 percent were so handled.

the state's Office of Criminal Justice Planning to start "Juntos," a program that in October 1996 began to provide a continuum of services to youth at high risk for further and deeper contact with juvenile justice, especially Latinos. Juntos was one of the first program intervention models based on research conducted by the Orange County Probation Department, which identified youth most at risk of recidivism based on a cluster of risk factors. At the same time, Judy Cox offered to collaborate with Jerome Torres on a major new initiative, the SB 1760 Local Action Plan, which would close gaps in the continuum of delinquency prevention services by expanding diversion services for first time offenders, mentorship, and peer counseling programs, and Wraparound services for more entrenched delinquent youth. New school based programs were developed to address truancy, and assessment tools based on research on risk and protective factors were implemented in South county. These initiatives met the needs for "restorative justice," a philosophy that was endorsed by the task force and which advocated a more balanced set of systems for safety, prevention, and community integration.

In less visible ways, too, the county helped legitimize community partnerships that provided alternatives to detention. In November 1996, just weeks after the average daily population of juvenile hall had risen to 64, the county contracted with an opinion research firm to survey public perceptions of crime and attitudes about local justice policies. Two-thirds of respondents thought crime was rising, but an overwhelming majority preferred renewed efforts to prevent rather than punish crime. When asked to select the greater priority between "investing in ways to prevent kids from taking wrong turns" and "building more prisons and youth facilities," 88 percent chose the former. The results were hardly surprising given the formulation of the questions. Still, the polling firm reported back that "there is no question that Santa Cruz County voters are now willing to try different approaches to the problem of youth violence other than incarceration, with more emphasis on prevention, *and* they are willing to allocate tax dollars to support such programs."¹¹ Backed with this information, the county started to use general funds to seed innovations in probation that bound the Department to centers of strength outside the formal justice system.

Contracts with organizations in the community helped convert the apparent tension between Latino advocacy groups and stakeholders within the formal justice system over growing racial and ethnic inequities into a sense of shared responsibility to address the issues through partnership. These new linkages also strengthened the demand for detention reform and the reduction of DMC in particular. Without them, the conventional drivers of change in justice systems – the growing costs of administering justice, the troubled conscience of agency leaders, and the strong voice of civic organizations – lacked power sufficient to counter-balance the forces unleashed by fears about juvenile crime.

¹¹ "Resources for Youth, Santa Cruz County Survey," November 1996, Fairbank, Maslin, Maullin and Associates. Emphasis in original.

2. Detention Reform and the Reduction of Disproportionate Minority Confinement

The county did not act on the number one recommendation of the Task Force – to create a residential treatment center in the south county that would serve primarily Latino youth and families. The estimated costs for such a center were prohibitive and there were also concerns over the excessive use of out of home placements in lieu of comprehensive support offered to youth and families at home and in the community. But there was an immediate flurry of activity upon the completion of the needs assessment. In the fall, the Department of Probation introduced more cultural competence training, hired additional staff for juvenile hall, increased the capacity of alternatives to detention, and expanded the weekend work program. The Santa Cruz City Police Department reinstated a diversion program, with new federal funding. In the spring of 1997, county funds helped launch a family preservation program called GROW that endeavored to keep serious offenders at home by providing intensive probation and clinical support to families through Wraparound services, instead of being placed in group homes.

The justice system was now beginning to work on several fronts at once: it better managed the “front door” by expanding the capacity of detention alternatives; there was greater organizational discipline through managerial attention to case-processing speed; and it widened the “back door” of probation by increasing dispositional options.

In addition to these innovations, there were changes in leadership. Linda Erwood retired as Chief of Probation in December 1996. The following Spring, with backing from the judiciary, the county hired a new chief of probation, John Rhoads, who had been deputy chief probation officer in Sacramento and was closely associated with the Juvenile Detention Alternatives Initiative (JDAI), a multi-county demonstration project of the Annie E. Casey Foundation to respond to delinquency in more diverse ways.¹²

Rhoads arrived in Santa Cruz with experience in detention reform and a mandate to solve problems with juvenile hall. “They knew what they wanted,” says Rhoads, “and I planned to make the most of the position of chief. I also wanted to take advantage of the small size and progressive views in the county,” he remembers. Rhoads received only what he calls “loose guidance” from the bench, but built a good relationship with the presiding juvenile court judge, Kathleen Akao. The new Overcrowding Task Force, convened by the county administrative office, gave the Department an opportunity to implement some of the precepts of JDAI with the backing of county government.

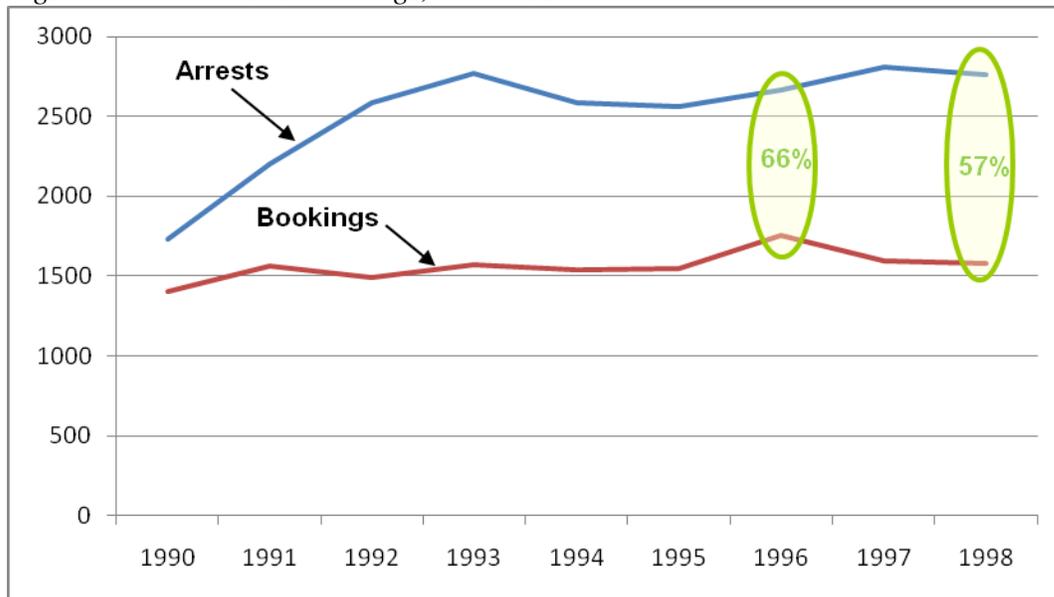
Consistent with the core strategies of JDAI, one of the first innovations was the establishment of **Booking Criteria**, a clear set of guidelines on the type of offenses that would result in detention and those that would not. From now on, law enforcement officials’ decisions about whether to arrest and bring a youth to the juvenile hall and when to cite a youth depended on these criteria. At booking, probation officers used the criteria to assess compliance with the policy, with the goal of reducing confinement for

¹² JDAI projects began initially in Sacramento County, California, Multnomah County, Oregon, and Cooks County, Ohio. Santa Cruz County was selected as a “replication” site in 1997, although it was not until 1999 that it received direct financial support from the Annie E. Casey Foundation for this work. See www.aedf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/AboutJDAI.aspx

non serious offenders. A second innovation was the development and systematic use of a **Risk Assessment Instrument (RAI)**. Initially designed in collaboration with juvenile justice stakeholders, the RAI helped structure decision making at the front door of detention by assigning points for different aspects of youth behavior and thereby shaped decisions about the timing and conditions under which youth could be sent home. Probation staff also applied race neutral risk factors of the instrument to predict and try to prevent failures to appear in court or reoffending during the court process.

Detention risk assessments are used in many probation departments today in one form or another. But neither the RAI nor booking criteria had much of a track record in 1997. Also, the process by which they were introduced in Santa Cruz was tumultuous, as we describe later in this report, leading the Probation Department to realign its relationship with justice system partners. But they seemed to have an impact: despite a 5 percent increase in the number of arrests in 1997, the number of admissions to juvenile hall declined 9 percent, from 1,751 to 1,593. The gap between arrests and bookings, which had narrowed in the early 1990s, began to widen. As the chart below shows, 66 percent of all arrests in 1996 resulted in an admission to juvenile hall. By 1997, this proportion had fallen to 57 percent, and it remained at that level the following year.

Figure 8. Arrests and Bookings, 1990-1998

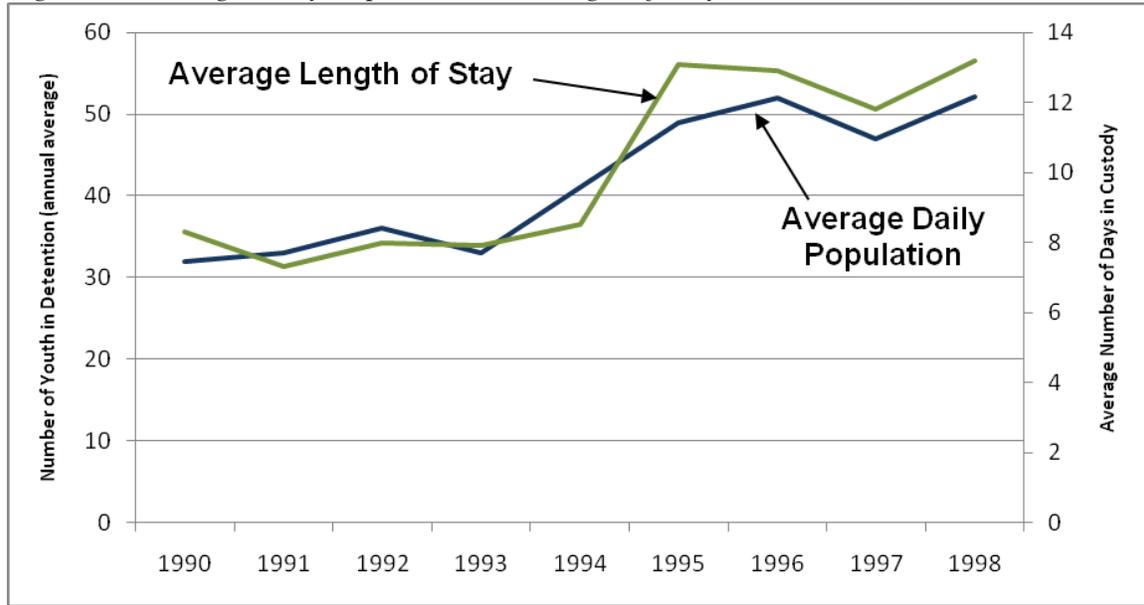


These improvements nevertheless did not stop crowding in juvenile hall. The average daily population in 1997 dipped from 52 to 47, and the highest single daily count was lower than the previous year, but juvenile hall was crowded for 347 days of the year in 1998, when the average daily population of juvenile hall returned to 52.

One reason for the persistence of crowding in these circumstances was the increased lengths of stay in juvenile hall. Throughout the 1990s, the average duration of stay in juvenile hall had been fairly brief – 8.2 days. But in the course of one year, 1995 -- the

year in which the county decided to create a Task Force on juvenile hall -- the average length of stay jumped 54 percent, from 8.5 to 13.1 days. It remained abnormally high for the following three years, as the data in the chart below show. Never before in the history of the facility had ALOS surpassed 10 days.¹³ And yet for four years in a row it was well above that mark.

Figure 9. Average Daily Population and Length of Stay, Juvenile Hall, 1990-1998



Source: Probation Department, Santa Cruz County

An expert study commissioned by the Probation Department found that the increase in the average length of stay was, paradoxically, the result of success in keeping kids out of detention. Engaged by the Department to help plan for a possible expansion of juvenile hall, the Criminal Justice Research Foundation claimed that, because of better screening practices, only kids with “serious” offenses were brought to detention. Their cases, it said, required both more time to adjudicate as well as more days in juvenile hall after disposition – either awaiting placement or transfer or serving a sentence. Compiled in the first weeks of 1999, the report described the components of crowding as if there was one, indivisible problem.

The increase [in ALOS] is the result of added arrests involving juveniles who have been charged with serious crimes of violence and weapons offenses coupled with more youth being detained because of chronic and habitual delinquent behavior often involving violations of probation court orders.¹⁴

Options may have seemed limited at this point because the probation department had only just begun to implement the core JDAI strategies and was focused primarily on

¹³ Even in 1971, a year in which on one day the population in detention reached 60, the average length of stay was 5.2 days -- almost a third of the average in 1998.

¹⁴ Juvenile Hall Needs Assessment Report, page 3.59.

controlling the front door of detention. An antiquated information system slowed the process of identifying other ways to help reduce the amount of time youth sat in juvenile hall awaiting out-of-home placement. Santa Cruz had redesigned its home supervision program, but other alternatives to detention such as electronic monitoring were still in development, as were placement prevention programs.

The Proposed Expansion of Juvenile Hall

In 1998 the California Board of Corrections announced that funds would be available to add beds to juvenile halls. While John Rhoads was hopeful that detention reform efforts would prove fruitful over time, he also knew this chance to improve the conditions of confinement through a remodeled and upgraded facility would not appear again soon. The prospect of state subsidy for county needs weighed heavily on the Criminal Justice Council, which emphasized in its letter of support for the expansion that the county could not afford to miss “the unique availability at this time of federal and state monies for capital improvements.”¹⁵

The RFP awarded points based on the number of beds added, divided by the total cost of the project with the more beds added for the cost receiving preference. In order to be competitive, the bid had to propose increasing the number of beds, not just improving other aspects of the facility. The Probation Department was itself divided on this issue, knowing that the message to reduce the use of detention would be diluted by taking advantage of the opportunity. Nevertheless, in March 1999, with the backing of the Board of Supervisors, as well as endorsements from the Criminal Justice Council, a Civil Grand Jury, and the Latino Strategic Planning Committee (LSPC), the Probation Department applied for state funding to pay for an expansion of juvenile hall.

The decision to apply for the funding was controversial. The county executive office as a whole was not completely supportive. In a report to the Board, the CAO explained that it was “not convinced” that an expansion of juvenile hall was “the appropriate response” in the present circumstances.¹⁶ Its own research indicated that most of the crowding was the result of post-disposition delays, and thus avertable, at least in theory. The county executive office was also unenthusiastic about the price tag: it would have to contribute 716,000 dollars if the state accepted the proposal.

The LSPC was also skeptical about the application to expand juvenile hall and nearly withheld its support for the application. At the end of February it asked the Board of Supervisors to make approval of the application contingent on probation’s ability to “demonstrate progress in reducing the percentage of Latino youth admitted to juvenile hall to a maximum of 25 percent on an annual basis.” It also asked the Board to match the funds it would have to spend on the jail expansion with an equivalent sum of money devoted to the development of more early intervention and prevention strategies, the operation of a task force on DMC, and the introduction of “family and youth satisfaction surveys to ensure humane conditions in the juvenile hall.” One week later, emboldened

¹⁵ Letter from Steven Belcher, Chair of the CJC, to Supervisor Tony Campos, February 11, 1999, p. 1.

¹⁶ Board Agenda Letter from Susan Mauriello to Board of Supervisors, February 23, 1999, p. 4.

by what it termed the “alternative interpretation of overcrowding” by the CAO, the LSPC asked the Board to demand the convening of a multi-agency task force on DMC “within 30 days,” introduce more aggressive reporting requirements from probation on outcomes of justice by race and ethnicity, and implement an action plan to eliminate “systemic barriers to the release of Latino youth to the community.”¹⁷

But these and other concerns about the necessity and costs of expansion as well as the lure it might provide to greater detention of minorities was balanced by criticism of the wretched conditions in juvenile hall. The juvenile court judge, Kathleen Akao, communicated her opinion in public that the conditions in juvenile hall might be “unconstitutional.” “That kind of language,” says Rhoads, “got people’s attention.” In January 1999, the Board of Corrections annual inspection reported that “there are insufficient beds to accommodate the population and minors are doubled into single rooms, sleeping on mattresses placed directly on the floor between the toilet and concrete bunk.” Trenchant criticism of the conditions of confinement from these authoritative sources may have encouraged Probation to apply for the expansion in spite of concerns about the draw on detention additional capacity might provide.

Probation also may have lacked confidence that detention reform would succeed in reducing crowding by sufficient margins. Within the Department, it not only appeared that efforts to shorten lengths of stay had been exhausted; it seemed that things would only get worse. The new juvenile hall needs assessment report, completed in early 1999, predicted that the rate of growth of arrests in the 1990s would continue into the future, or that it would at least remain fixed at the present level. The possibility that arrests might go down was evidently not contemplated. Relying on the future population growth estimates from the state Department of Finance, probation expected the total number of youth in the county aged 10 to 17 to increase by 15 percent between 1998 and 2005, and that the number of Latino youth would grow even more. The more optimistic of the two models predicted that by 2015 arrests would increase another 26 percent, to 3,313.¹⁸ The Grand Jury was apparently so convinced by these dire projections that it declared: “there is no reason to believe that the situation will improve in the future.”¹⁹

And yet the situation did improve, dramatically. Over the next seven years, the number of arrests fell 43 percent. In fact, already in 1998 the number of arrests had begun to fall - by 10 percent, at faster rates for Latino than Anglo youth. The population projections were also off by a wide margin. By 2005, the total number of youth in the county had increased by less than 3 percent; the number of Anglo youth had actually declined 16 percent, while the number of Latino youth increased 35 percent.

¹⁷ Letters to the Board of Supervisors from Manuel Perez and Teresita Hinjosa-Pereira, February 23 and 28, 1999.

¹⁸ Santa Cruz County Juvenile Hall Needs Assessment Report, 1999, Criminal Justice Research Foundation, p. 3.28.

¹⁹ Letter from Thomas Sprague, Foreperson of the Civil Grand Jury to the Board of Supervisors, January 4, 1999, p. 2.

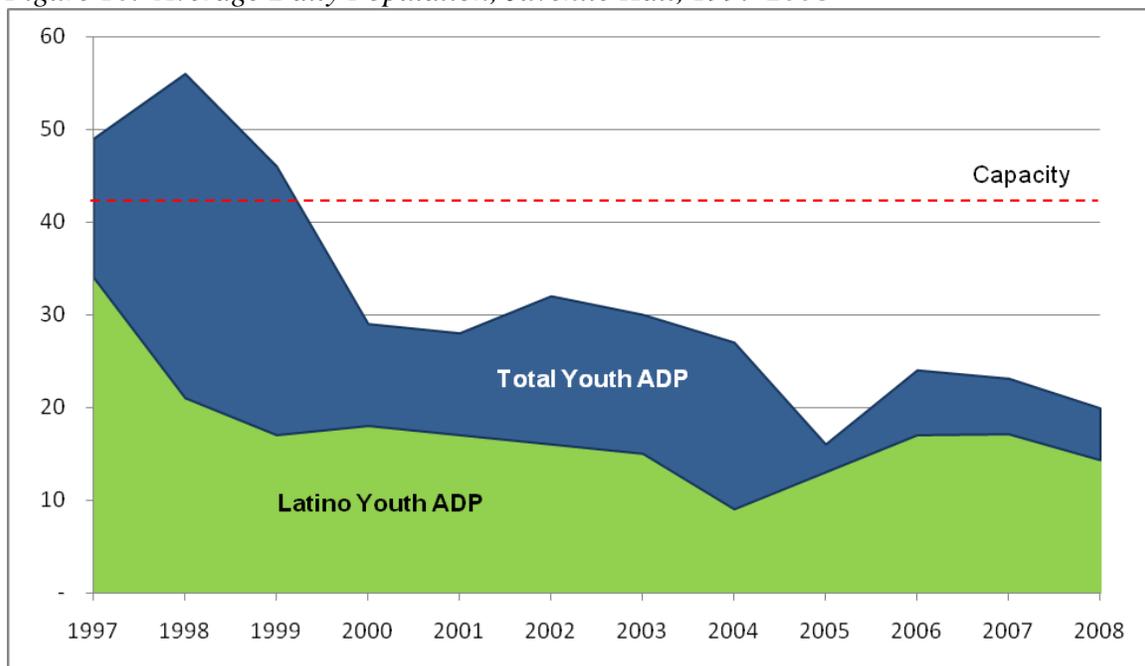
In the end, the application for the expansion of juvenile hall was unsuccessful. The state’s formula for ranking proposals favored applications for new construction and large numbers of beds. The Santa Cruz application was for an additional 18 beds only, and included costs for remodeling. “We knew this was a risk,” remembers Judy Cox, “but it was the right thing to do. We needed a better facility, not a bigger facility.”

The resolution of crowding

The expansion of juvenile hall turned out to be unnecessary. In June 1998, three months after the Department applied to expand capacity, the average daily population in juvenile hall began to fall. This number fluctuated over the next fifteen months, but after September 1999, the average daily population was consistently in the low-thirties, and only in the months of February 2000 and March 2001 did the number of youth in juvenile hall ever again exceed 30. Within a year of applying to the Board of Corrections for more space, the crowding problem in juvenile hall had been effectively solved.

The rapidity of the reduction in the number of youth in detention was a surprise, even to Probation. As the chart below shows, the total population of juvenile hall fell from 56 in 1998 to 29 by the end of 2000. These dramatic reductions disproportionately benefited Latino youth. The number of Latino youth in detention was cut virtually in half between 1997 and 1999.

Figure 10. Average Daily Population, Juvenile Hall, 1997-2008



It is difficult to explain the speedy resolution of the crisis with overcrowding. So many changes were taking place simultaneously that it is hard to separate out their individual effects, and the Department only later wrote down the steps by which it pursued these

effects.²⁰ In addition, there were marked changes in the volume and character of delinquency – a 26 percent decline in youth arrests between 1998 and 2000. New tools were used to appraise the seriousness of delinquency, the risk of flight and future offending, and the optimal response to youth. There was an expansion in the number of detention alternatives, including electronic monitoring. The BASTA program was wound down, and the department started to discourage treating minor technical violations with detention. Behind all this was new and riveting attention to outcomes from both the Department as well as the county. Each one of these factors might have reinforced one another. Persistent management may have multiplied their relative contributions.

The explanation of these changes in Santa Cruz is complicated further by the poor information systems in the department at the time. RAI scores were not kept by race/ethnicity until 1999: without a means to compare the risks of youth booked before and during this period we cannot tell to what extent the Department responded to youth behavior in new ways or to what extent juvenile delinquency simply became less dangerous. The Department also did not track the number and profile of youth diverted or placed in home supervision or on electronic monitoring in this period, so we cannot calculate the independent contribution of these detention alternatives. “We were just beginning back then to measure key processing points,” adds Scott Macdonald, “including post disposition days to placement. But gathering this data was not easy with poor information systems and the laborious nature of counting by hand and developing small spreadsheets.”

It may well be impossible to scientifically explain changes in any justice system: there are too many simultaneously moving parts, each one responding to the other’s adjustments in a swell of organizational dynamics that confound efforts to isolate effects and assign weights to the contributions of any one factor. But it is important to try to measure the components of system change, especially the independent contribution of management, since probation departments, as we have seen, can lose confidence in their ability independently to shape justice outcomes, particularly in the face of rising crime. And a careful examination of the data shows that the decline in offending explains only a portion of the success in reducing detention.

There were 47 percent fewer *felony* arrests of Latino youth in 2000 than 1998, suggesting that Latino youth delinquency in this period became much less serious and thus was less likely to generate a booking or subsequent detention irrespective of the way probation assessed youth behavior. And yet most of this reduction consisted of property offenses, which were less likely to generate bookings and detention than violent crimes both before and after the crisis with crowding. Arrests for burglary, theft, and motor vehicle theft, for example, fell 66 percent while arrests for rape, robbery, and assault fell only 29 percent, and the number of weapons arrests declined 42 percent. It thus seems unlikely that youth crime was much less serious in these years, and more likely that law enforcement

²⁰ Judy Cox remembers how in 1999, during a lull in meeting with county officials to discuss the remarkable progress to date, John Rhoads asked her to document the steps by which change was pursued. Her report was later published with James Bell as “Addressing Disproportionate Minority Representation in the Juvenile Justice System,” *California Journal of Family, Courts, and the Law*, 1991.

officials less frequently sought to book youth into detention. This change itself might have been the result of probation's insistence on booking criteria.

For the leadership of the probation department, it is unthinkable that the continuous efforts to address unnecessary confinement and DMC through the Juvenile Detention Alternatives Initiative did not have a decisive impact on juvenile hall crowding. They attribute these effects to management, and particularly the riveting and consistent attention to outcomes. "John Rhoads constantly emphasized the value of reducing unnecessary confinement," says Macdonald. "He would walk the halls and ask who was in custody and why, and everyone knew that there better be an answer." Probation staff began to believe that persistent attention to key processes had an impact on strategic outcomes. Between 1998 and 2000, the average length of stay in juvenile hall for Latino kids decreased 29 percent, from an average of 15.3 to 10.9 days. The length of stay for Anglo youth, by contrast, increased marginally, from 10.1 to 11 days. These changes were not seen as the result of differences in the severity of offenses committed by juveniles, but rather as the consequence of independent actions taken by probation staff.

Probation leaders today also emphasize that the most dramatic improvements for youth occurred when the Probation Department developed a management structure and set of governance routines that encouraged self critique and measured system outcomes in ways that were distinct from the legal provisions of probation as well as the scripts of supervising individual youth. The structure emerged from a collaboration with James Bell and Sue Burrell, then attorneys at the Youth Law Center, who in October 1999, through a technical assistance grant from the Office of Juvenile Justice and Delinquency Prevention, were hired to provide provided advice and support to the Probation Department and other Juvenile Justice stakeholders as part of the efforts to reduce overcrowding in the juvenile hall. Their work began with an assessment of the system as a whole – its needs, gaps, and available resources. By November, they had helped assemble a new core working group, whose assignment was to methodically tackle the problems contributing to juvenile hall crowding.

This new core working group consisted of individuals involved in daily justice operations, unlike the Juvenile Hall Overcrowding Task Force, which was staffed primarily by agency administrators and executives. For example, the working group included the juvenile hall superintendent, the juvenile intake supervisor, the placement supervisor, the expeditor, the juvenile district attorney, and probation administrative and juvenile division managers. Over time, representatives of other justice system partners were added to the group, including the Children's Mental Health agency, community service providers, public defenders, the juvenile court judge, advocacy groups and law enforcement representatives. But most members had line responsibilities and could take immediate and specific actions on current cases in response to cues of the working group.

The core working group added a different kind of discipline to the processes of justice administration by dissecting business operations and checking the results of remedial actions at six month intervals. Meeting agendas were structured to review the quality and impact of activities at key decision points, such as whether or not fresh trainings on the

booking criteria and risk assessment instrument had produced different booking rates and average scores, and whether or not the effort to expedite case processing and expand alternatives to detention got youth home or out of detention sooner. Every six weeks, the working group examined a different juncture in business operations, for example assessing quality assurance tracking on the use of the risk assessment; discussing data on court processes; reviewing the patterns of probation violations; analyzing the scale of post dispositional days in juvenile hall for youth awaiting placement; scrutinizing data on disproportionate minority confinement and contact; and reviewing local policy and state laws impacting detention, such as Proposition 21.

By exposing the anatomy of juvenile justice, these meetings gave individual agencies a new sense of vitality, especially within probation. Judy Cox, who chaired the meetings, says the meetings had “a visceral impact on our sense of power. You could see measureable progress with each meeting. Our data systems were not sophisticated, but members of the committee tracked their own data by hand if necessary. It was the beginning of what was then a revolutionary development -- using data to manage system outputs and outcomes.”

The Role and Realignment of Probation

The measurable improvements in justice made this an exhilarating time to be in the department, despite the problems with crowding and DMC. New leadership, on the job learning, and better outcomes for youth created a sense of agency and power in probation, as well as new thinking about its place in the justice system. “Some of us had begun to think critically about how justice systems react to public concerns over crime in ways that are not necessarily grounded in fact,” says Macdonald. “Remember, this was just a few years after the introduction of Three Strikes Law in California. Now we were beginning to understand how our processing of youth and discretion to incarcerate youth for technical probation violations was having a disproportional impact on Latinos.”

The fresh recognition of the impact probation could have on outcomes for youth, combined with a new vision for the Department, helped spark and justify a reengineering of probation and its realignment within the larger justice system. “We began to recognize that there were systemic factors that contributed to youth outcomes, which forced us to move from a retributive offender focused to a more holistic approach,” says Macdonald. “Also, the research on risk and protective factors was suggesting to us that a return to a social work model might better address juvenile hall crowding and system inequities, and possibly even produce better public safety outcomes.”

But changes to the routines of probation and its role in the juvenile justice system were not always welcome, inside or outside of the Department. “Incarceration for minor violations of probation was considered acceptable and appropriate then,” says Macdonald. “A number of staff were unhappy when that option was taken away, which underscored for us the importance of pre and post adjudication alternatives to detention in the form of community based structured programs.” Indeed, the redefinition of the role of probation and its realignment in the justice system was a slow and sometimes

contentious process. It gained strength from two task forces that were convened by the county to provide additional governance to the justice system as a whole.

One of the most visible differences in the way the justice system was governed in these years was the amount and quality of inter-institutional collaboration, negotiation and consultation. As a condition of approving the application for the expansion of juvenile hall, the County established two task forces, one on crowding at juvenile hall and another on “minority overrepresentation” in the justice system. The county used these forums to generate recommendations on the best use of the funding, and also to track progress on the implementation of the recommendations originally made in the Juvenile Hall Overcrowding report. The county required Probation to respond to community concerns about inequality in justice, and insisted more generally on better outcomes for the system as a whole.

Over the next two years, representatives of the County Administrative Office, especially Carol Girvetz and Pat Busch, regularly supported better management of the justice system, asking questions of each agency about the possibility of making improvements, such as further changes to the admissions criteria or new ways to reduce processing inefficiencies and lower the number of probation violations or even to introduce alternative sentences.²¹ These interventions did more than just trigger the review of policies and procedures; they helped agency leaders stay attuned to the bottom line in juvenile justice. “They became controlling, in a good way,” remembers Rhoads.

Probation leaders also began to meet more regularly with directors of other county agencies to examine whether existing policies or procedures might be inadvertently contributing to negative outcomes for minority youth. At monthly meetings of the Task Force on Minority Overrepresentation, the chiefs of police and the District Attorney as well as the heads of county departments such as mental health, education, human resources, youth services, and even certain community based organizations made presentations of their own systems of justice. Not all of these meetings were harmonious. Law enforcement officials, for example, rejected probation’s suggestion that some detentions might be unnecessary. At one meeting, Steve Belcher, then chief of the Santa Cruz City Police Department, said emphatically: “very few of the juveniles who are detained shouldn’t be there.” Some chiefs of police ceased to attend the meetings, preferring to send junior staff in their place. But the discussions of rules, regulations, and routines yielded a better understanding of the constraints each partner in the justice system faced, as well as a deeper appreciation of the impact of the justice system on kids and the community.

In June 1999, a study prepared by probation for the crowding task force reported that nearly 40 percent of all bookings in May were probation violations. Certain caseloads, it was found, triggered higher rates of failure, and by comparing the outcomes of the BASTA program, which recorded large numbers of violations, and the Juntos program, which had no violations, probation officers were able make adjustments to supervisory

²¹ See, for example, the interoffice memo distributed on April 3, 1999 by Pat Busch in advance of the May 3 meeting of the Juvenile Hall Overcrowding Task Force. Initially, this task force met every week.

routines that led to reductions in the number of violations. The discussion of these results with stakeholders, furthermore, made possible changes to policies such as the mandatory booking for “technical” violations of gang-related terms, including wearing prohibited clothing. In April 2000, probation even received dispensation from the juvenile court judge to abort bench warrants in certain circumstances.

In addition to the flurry of research and more exacting system of management, probation hired outside experts and consultants to help review and interpret patterns and practices in justice administration. At first this help came from the Youth Law Center, with the support of a grant from OJJDP. For each month over two years, two lawyers from the Youth Law Center, Sue Burrell and James Bell, provided training, information, and other resources to the various subcommittees on crowding and overrepresentation.²² Later, outside help came from a variety of experts in the field, who, with support from the Annie E. Casey Foundation, began to visit Santa Cruz to study and share experiences. In advance of such visits, probation staff compiled reports on the results of recent reform efforts, which was presented to visitors and helped sustain momentum forward.²³

The presence of outside participants helped discipline, civilize, and structure discussions between agencies. Exchanges were less adversarial and acrimonious in the presence of non-governmental organizations, and new alliances across the justice system were forged. For example, Judge John Salazar began holding hearings in Watsonville in the afternoon once a week in order to reduce obstacles to family participation in justice and increase the chances that someone besides a defense attorney would stand up for juveniles in court. Also, in response to the concerns of Manuel Perez, a community representative on the Overrepresentation Task Force, that “the criminal justice system moves too fast for the family and child,” probation officers began to work closer with the parents and families to better engage and involve them in the court process. Family centered practices would improve for the next decade, with the implementation of family conferencing, the expansion of family preservation and Wraparound programs, the creation of a family partnership program and the creation of a video that is played in Spanish and English in the juvenile court lobby explaining the court process.

From an interagency perspective, the two most contentious reform projects in this period were the implementation of booking criteria and the renegotiation and re-scoring of the RAI. The booking criteria were a list of offenses and conditions under which law enforcement officials were authorized to bring an arrested youth to juvenile hall. The criteria endorsed the practice of bringing to the hall youth charged with most felonies, but established additional conditions for the booking of minor felonies, such as second degree burglary, and required that the arresting officer consult with a supervisor in certain cases. The Booking Criteria were merely “suggested” (they are still called “guidelines” today), and law enforcement chiefs insisted there remained a “standing order” to book all

²² An account of this technical assistance was published by OJJDP in 2001 as a “Case Study: Lessons in Jurisdictional Planning. Santa Cruz County (CA), 1999-2001.

²³ In January 2000, the Department of Probation received a grant of 75,000 dollars from the Annie E. Casey Foundation. For each subsequent year, the Department received approximately 200,000 to serve as a “model site” for JDAI, hosting visitors and more systematically collecting and reporting data on detention.

felonies. But non-compliance with the criteria was closely policed. “I was relentless,” says Rhoads, who notified supervisors and chiefs when police officers brought kids with charges that did not match the criteria.

The renegotiation of the RAI was a delicate matter. A sub-committee on the RAI, chaired by Laura Garnette, now deputy director of probation but at the time an intake supervisor, invited representatives of the court, law enforcement, and mental health agencies to recommend amendments to the scoring system and list of risk factors according to which intake officers at juvenile hall determined whether or not and how a youth brought to juvenile hall might be sent home. The RAI in use in 1998 did not assign points for kids with probation violations, and also had no item for gang-involvement. At the insistence of a majority of members of this subcommittee, the Department added points for probation violations and also a new item, netting five points, for youth that were “court-identified gang members.” The new RAI also modified the language of a mitigating factor in favor of release from the presence of a “stable and supportive family or caretaker” to a “family member or caretaker able to assume responsibility for the minor.”

Despite these amendments to the RAI, admissions to juvenile hall continued to decline. This was not surprising, since arrests fell 27 percent between 1999 and 2000, from 2,641 to 1,936. But arrests were not solely responsible for the reductions. Beginning in 2000, the number of bookings fell at a faster rate than the number of arrests, and for Latino youth in particular. As the charts below show, the size of the gap between arrests and bookings began to widen for Latino youth between 1998 and 2000, and expanded considerably thereafter. By contrast, this gap narrowed for Anglo youth. By 2008 the relationships between arrest and booking for Anglo and Latino youth were no longer so disparate.

Figure 11. Arrest to Booking, Latino Youth, 1997-2008

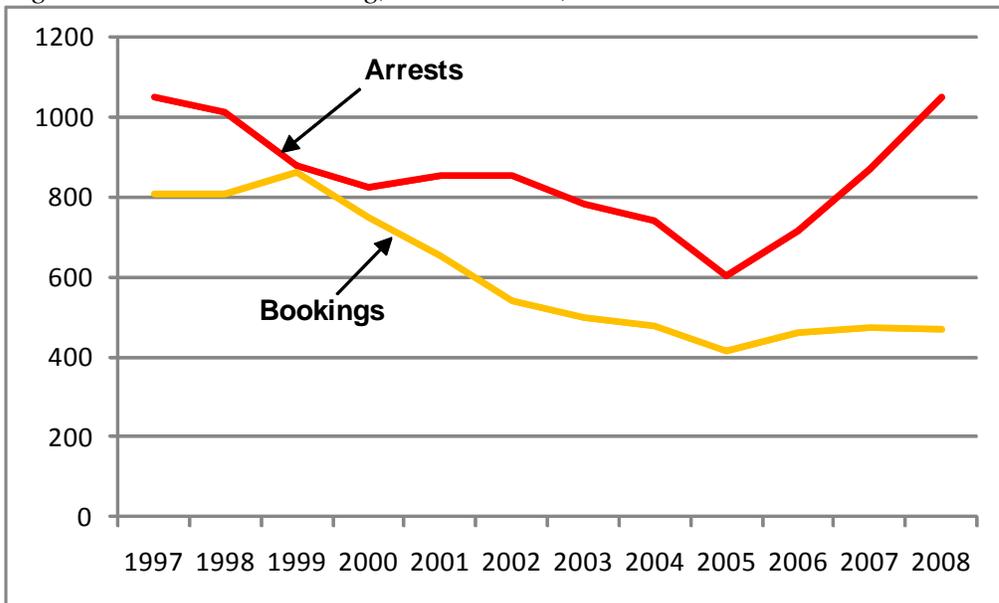
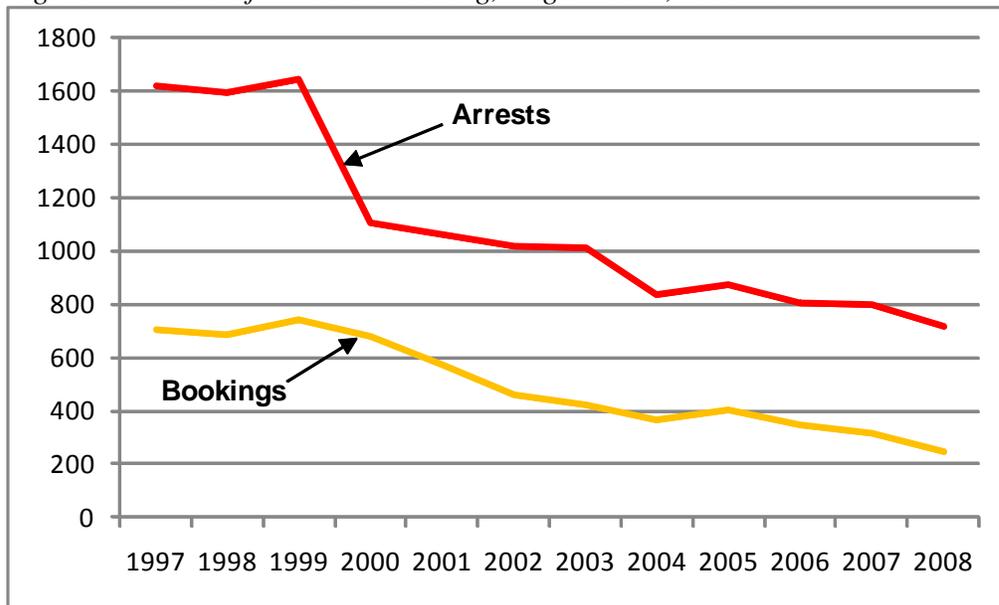


Figure 12. Ratio of Arrest to Booking, Anglo Youth, 1997-2008



Managing Inter-Agency Conflict: the Grand Jury Inquiry into Probation

Although the booking criteria and other policies and procedures of the various justice institutions had been negotiated openly and for the most part were introduced on a consensual basis, the different patterns in practice began to create problems for law enforcement. The more stringent application of the suggested booking criteria in particular caused discomfort for some police agencies. “You couldn’t get anyone through the front door,” remembers Terry Medina. “Even for kids for whom we couldn’t find responsible adults,” or whose home environment was “not going to help” them desist from offending, the “hall was closed,” he says.

These concerns may have been particularly acute for kids who were affiliated with gangs, even when the offenses for which they were apprehended did not appear to warrant detention. On September 11, 2000, Linda Peters, a crime analyst for the Watsonville Police Department, sent a memo to the BASTA Steering Committee warning about an increase in gang-motivated crime. Arrests for “violent gang motivated crime,” she found, had increased 29 percent in the preceding year alone. And in October 1999, there had been two gang-related homicides in Watsonville, whereas there had been none in the preceding fiscal year.

Some combination of these concerns and a growing antagonism between the chief of probation and some police agencies boiled over into conflict. Amidst concerns about repeat offending among youth, the chief judge in the county was asked at some point in the spring of 2001 to convene a grand jury investigation into the workings of probation. This was not the first time a grand jury had been tasked with answering a question about juvenile justice. In 1998, for example, with support from John Rhoads, Judge Yonts had inquired into the needs of juvenile hall, and supported the application for expanding jail capacity. In fact, nearly every year the Grand Jury investigated some aspect of probation

due to the delicacy of the situation in juvenile hall. This time, however, the motivation behind the inquiry was clearly adversarial.

The official charge to the grand jury in 2001 was to “review the treatment of minors who enter the system as a result of their involvement in the use or sale of illegal substances. Of particular interest,” the mandate highlighted, “was the extent to which juveniles are asked to take responsibility for and accept the consequences of their actions.” But the jury members went beyond this brief. The jury found investigated all aspects of probation, and found that there was a “growing problem” with juvenile offenders, even though arrests had declined for the past few years. It also alleged there was a “revolving door” of juvenile delinquency, and cited the Watsonville Police Department’s research indicating that 47 percent of the kids arrested in that city were already on probation. The jury claimed, finally, that the Department of Probation was “fixated on statistics” instead of “helping kids with problems,” and concluded that “the Juvenile Probation Division appears more interested in emptying Juvenile Hall than in successfully rehabilitating offenders.”²⁴

The jury insisted that Probation “re-examine the length of stay at Juvenile Hall to ensure that juveniles not only stay at the Hall for a time commensurate with their offense, but that juveniles are actually detained long enough to benefit from the interventions offered at Juvenile Hall.” In addition, the jury specifically recommended that the risk assessment instrument, on which detention decisions were made, be revised to increase the score for kids with repeat offenses and drug charges, and tally points cumulatively.²⁵ These two recommendations appear to have been specifically targeted at revising the innovations that most helped probation reduce the number of kids in juvenile hall on any given day.

Despite the seriousness of the allegations, the jury’s charges had little effect on probation and the future course of juvenile justice. Indeed, this episode in the history of probation has largely been forgotten. Scott Macdonald, who helped to compose the official response to the Grand Jury, says “we didn’t just shrug it off, but their report didn’t upend us because by then we were already a different kind of department. We had data to refute these claims, and we had results to respond to their concerns. We also had community and political support whose representation was broader than that of the jury. It was plainly stated in the inquiry that our system was not intervening with punitive responses early enough in the lives of youth, and it was implied that detention in juvenile hall should be used for early offenders. This philosophy ran counter to everything we were learning from our JDAI work, and our work on the Reclaiming Futures Initiative in addressing adolescent substance abuse.” Having colleagues outside Santa Cruz who were doing similar things was an additional source of confidence. But he attributes the Department’s resolve to an unusual source of strength: “the truth is, we had started to enjoy solving problems, and we had a network of support in the community and on the Board.”

²⁴ 2001-2002 Santa Cruz County Grand Jury Report, page 13.

²⁵ 2001-2002 Santa Cruz County Grand Jury Report, page 14.

Organizational Autonomy in Probation

By 2000, the county task forces had effectively ceased functioning as governance bodies. With the juvenile hall expansion issue put to bed, and the population well below legal capacity limits, the interest in co-managing juvenile justice from the higher echelons of county government subsided. The task force on over-representation also lost steam: representatives of law enforcement agencies, the district attorney's office, social service departments, and community organizations participated in meetings that probation convened on the issue, but did not independently examine or address contributions to DMC within their own organizations.

The probation department developed considerable autonomy from its justice system partners in this period and independently sought to develop ways of producing a more just system of justice. Rather than assuming that the forces responsible for DMC lay beyond the reach of probation, it was now clear to managers that many improvements could be accomplished by the department on its own. "There are few things about the lives of delinquent youth over which probation has a lot of control," says Judy Cox. "But we realized that by examining our policies, procedures, practices and programs we could identify things over which we *did* have control."

One source of disparities in detention over which probation had considerable control was probation violations, and the Department began to pay riveting attention to the number, origin, and effect of probation violations on youth and detention. The Department also vigilantly monitored compliance with the new booking criteria as well as consistency in the application of the risk instrument and the avoidance of net-widening in the use of detention alternatives. To do this well, the Department needed data that could detect incremental changes at key processing points, and at the same time generate an aggregate picture of probation outcomes for youth.

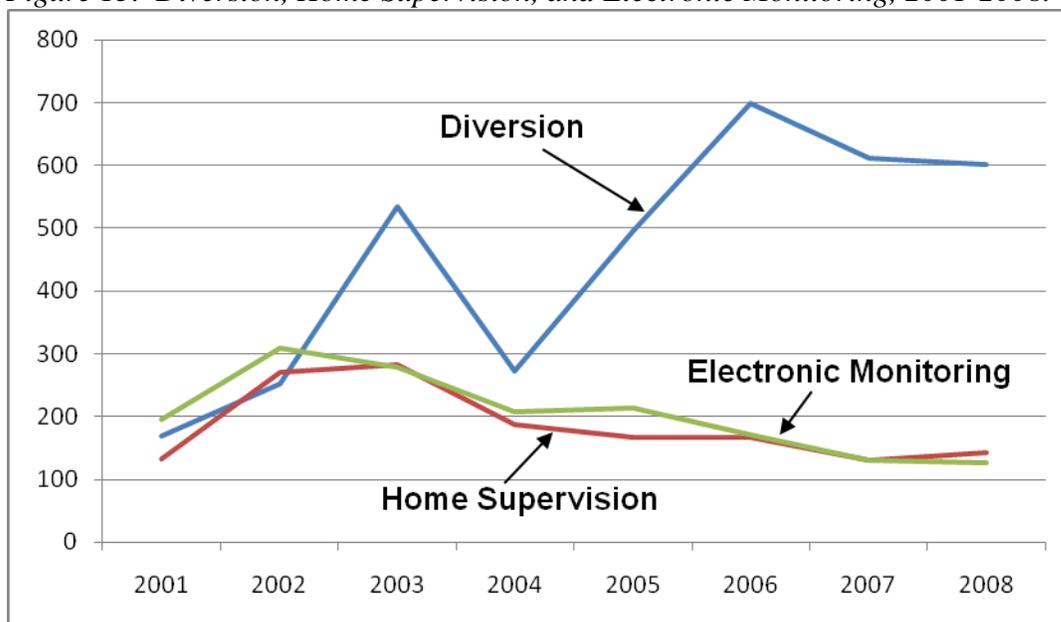
With support from the Annie E. Casey foundation, the probation department was able to hire a program analyst to better track these outcomes as well as a coordinator whose task was to ensure synergy in the efforts of the Department to reduce detention and align the activities of community organizations to provide alternatives to detention and prevent the and escalation of juvenile delinquency. The additional staff involved modest costs -- approximately 200,000 dollars per year. But they substantially expanded the capacity of the Department to support decision-making processes with new research and verified information. The funds also supported the Department's role as a model site for detention reform to host visits from other jurisdictions across the nation who wanted to learn from Santa Cruz County. By 2009, the Probation Department had hosted visits from 50 county and state systems of juvenile justice across the country. This in turn injected energy and fresh ideas and pride in the accomplishments of juvenile justice in Santa Cruz.

Between visits from other jurisdictions and at routine staff meetings, the Department more consistently reviewed its own practices. It also paid closer attention to results. When the average length of stay in juvenile hall crept up, managers asked supervisors and line staff to explain the outcomes. When RAI scores were "overridden," and youth

who scored lower than 10 remained in the hall for more than four hours, managers asked supervisors and line staff to explain and rectify the outcomes. When youth were failing probation and at risk of being removed from their homes, an inter-agency screening committee reviewed cases to assist in mobilizing community resources and in home family support in order to avert the need for out of home placement whenever possible.

With better information systems, and more consistent application of the RAI, the Department was able to expand the use of key alternatives to detention. The number of youth on home supervision more than doubled between 2001 and 2002, despite a decline in bookings. The number of youth on electronic monitoring increased 60 percent the same year. The number of youth assigned these types of pretrial restrictions declined after 2003, as figure 13 shows, but not because of their declining appeal. These trends were the combined result of the lower number of bookings and the nearly exponential growth in the number of youth diverted by probation, especially after 2004. Still, the new instruments of accountability played a vital role in managing the population in juvenile hall: they helped preserve space in juvenile hall, gave probation officers more options, and also more time to attend to those youth who were detained.

Figure 13. Diversion, Home Supervision, and Electronic Monitoring, 2001-2008.



The core values of the Department became aligned with the principles and values of the Juvenile Detention Alternatives Initiative. The Department treated detention as harmful and strove to avoid placing youth in juvenile hall. The Department also emphasized restorative justice rather than retributive practices, and involved the victims, offenders, and representatives of the community in the reparation of harms. At a practical level, this involved building capacity in the community to jointly implement programs that would preserve families whenever possible, and provide services to youth in the least restrictive setting. The department also insisted on inter-agency collaboration in response to the needs of delinquent youth, and recruited and promoted staff most capable of providing culturally competent programming.

The Department's association with JDAI helped leverage funding for larger scale innovations and a new array of programs for youth in need of justice services. With a mixture of county, state federal and foundation funding, the Department added new staff and programs, redesigning the Redwoods program, establishing Neighborhood Accountability Boards in each of the five districts represented by the Board of Supervisors, opening a Youth Garden and a Peer Court, launching a job training and mentorship project in conjunction with the Community Action Board, and then, in April 2005, creating an Evening Center to serve as an alternative response to technical violations of probation. The Department was unusually successful in obtaining grants from a host of sources in this period because it could substantiate claims about progress in detention reform with data on the declining number of kids in placement and juvenile hall. In all of this expansion, the County was also a substantial investor, with the total amount of funds spent on the Department increasing each year. But as county officials saw it then, these expenditures provided a greater return on investment than money spent on juvenile hall.

The investments paid off dividends in averted detention. Average daily population in juvenile hall declined steadily between 2001 and 2005, falling from 36 to 17. This time, the positive trends did not surprise probation staff or managers. The Department was working on multiple fronts of detention reform all at once -- investing in prevention, adding alternatives to detention, expanding intermediate sanctions, and expediting the return of youth to their families and communities. The reduction in the daily population had several explanations.

John Rhoads retired in September 2002, and the Department of Probation was both more autonomous and independent than it had been when he arrived. The new RAI and Booking Criteria helped firm up the organization's control over key operations, especially access to juvenile hall. "A lot of what John did was to shore up the perimeter of probation," says Judy Cox, who replaced Rhoads as chief. "He erected some needed barriers, marking the territory of what the Department should control. It may have been confrontational at times, but we really needed that then. It made it possible for me later on to focus on internal matters -- management, discipline, and adhering to core values."

4. Explaining the Reduction in Detention and DMC

The reorganization of probation and the turnaround in juvenile justice coincided with a remarkable decline in juvenile delinquency, especially among Latino youth, making it difficult to determine how much of the improvement in justice was the consequence of changes in youth offending, and how much the result of the Department's more disciplined administration of the RAI, wider use of new alternatives to detention, and new management process. To figure out how much of the decline in detention was the result of reduced levels of offending, we examine below data on rates of arrest, booking, and detention among court-aged youth over the last ten years.

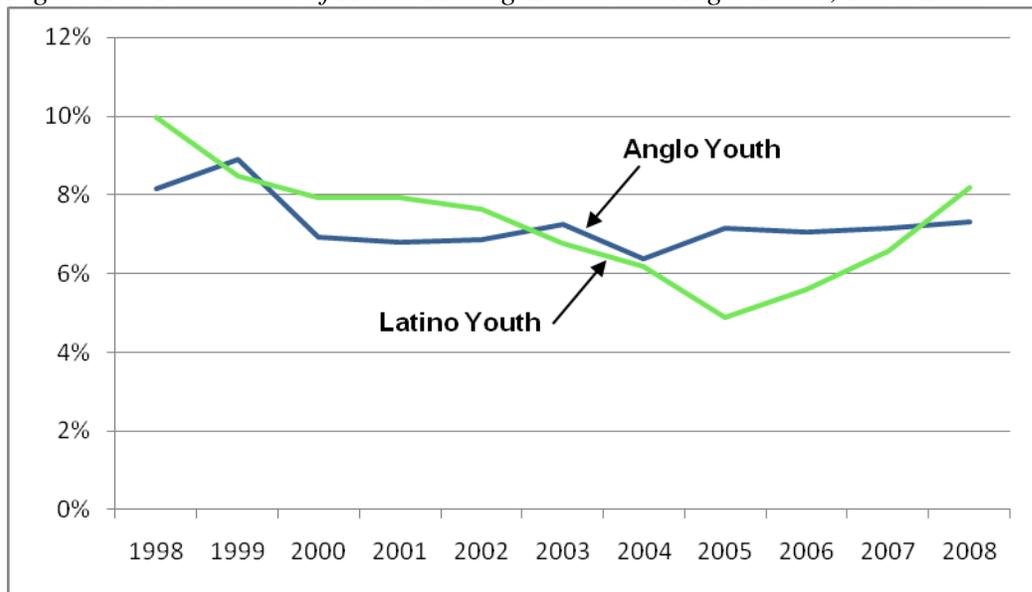
The Decline of Youth Involvement in Juvenile Justice in Santa Cruz County

Between 1998 and 2008, the number of Anglo youth arrests fell more than 50 percent, from 1,595 to 714. The number of Latino youth arrests increased 4 percent, from 1,013 to 1,051. These trends were in part the result of a major demographic shift in the composition of the youth population in Santa Cruz County. The estimated number of Latino youth residents in the county in these years rose 56 percent, from 8,251 to 12,880. The number of Anglo youth residents, by contrast, declined 41 percent, from 16,623 to 9,784. By 2006, Anglos were no longer a majority of youth in Santa Cruz County.

The demographic changes complicate our interpretation of the trends in delinquency, so we focus here on changes in the *prevalence* of arrest, measured as the percent of all youth in the county arrested each year. There are limitations to this measure: the risk of arrest is unequally distributed across the population in any group; some youth are arrested more than once during the calendar year; and Latino youth experience more multiple arrests than Anglo youth. But the data on the prevalence of arrest reveal important changes in the extent of involvement in juvenile justice across groups.

In 1998, the prevalence of arrest among all Latino youth in Santa Cruz was 10 percent. This rate fell to just over 5 percent in 2005, as figure 14 below shows, and then rose to 8 percent in 2008. The prevalence of arrest for Anglo youth generally declined in this period, although less dramatically. As a result, Latino youth in the county between 2003 and 2007 were, on average, less likely to be arrested than their Anglo counterparts. In 2008, the prevalence of arrest for both groups was lower than in 1998 and nearly equal.

Figure 14. Prevalence of Arrest Among Latino and Anglo Youth, 1998-2008



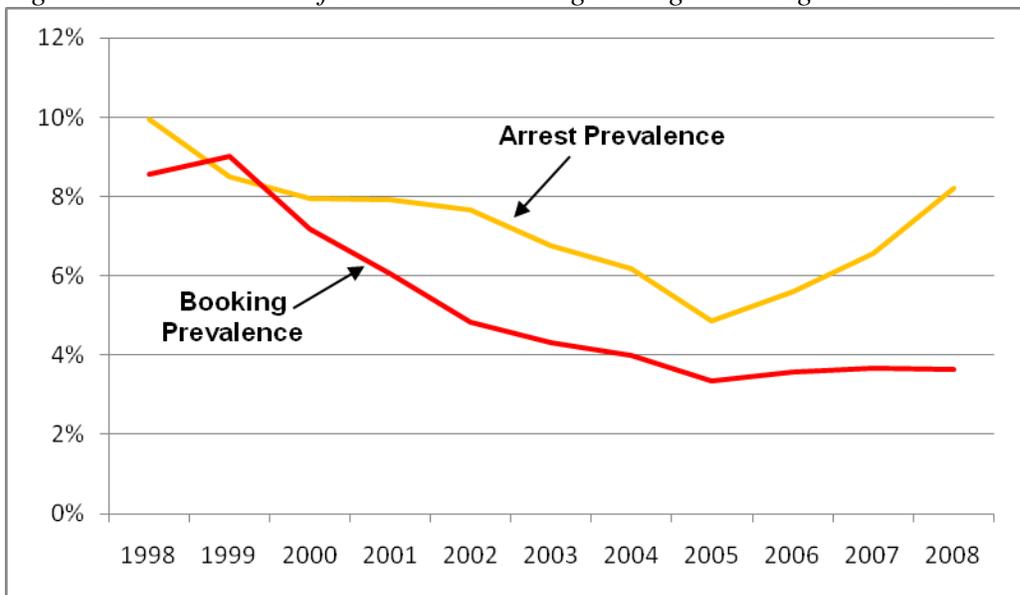
Sources: population figures are estimates of the California Department of Finance, based on the 2000 census; arrest figures are from the Criminal Justice Statistics Center of the State of California

Note: Arrests include incidents in which youth are issued citations as well as booked into juvenile hall.

We do not know why the prevalence of arrest among Latino youth declined so dramatically in this period. Police data on arrests rarely reveal the reasons for patterns of delinquency in any community, and the National Longitudinal Survey of Youth, which contains self-reported survey data on rates of offending, is simply too small and infrequently administered to teach us about trends in Santa Cruz. Still, the arrest figures suggest there was a remarkable turnaround in the amount of delinquency.

Could the dramatic decline in the number and prevalence of arrests in Santa Cruz County have caused the reduction in detention? The decline in arrests contributed considerably to the reduction in detention, but the data on booking and detention prevalence show it was the ability of probation to control access to juvenile hall that was essential to the turnaround in detention. As the data in Figure 15 below show, the prevalence of bookings among Latino youth declined at a faster rate than the prevalence of arrests. In addition, the size of the gap between arrest and booking prevalence among Latino youth generally widened over time, especially over the last three years, during which time there was a sharp increase in the prevalence of arrest. Throughout this period, then, Probation was able to keep a greater proportion of Latino youth out of detention.

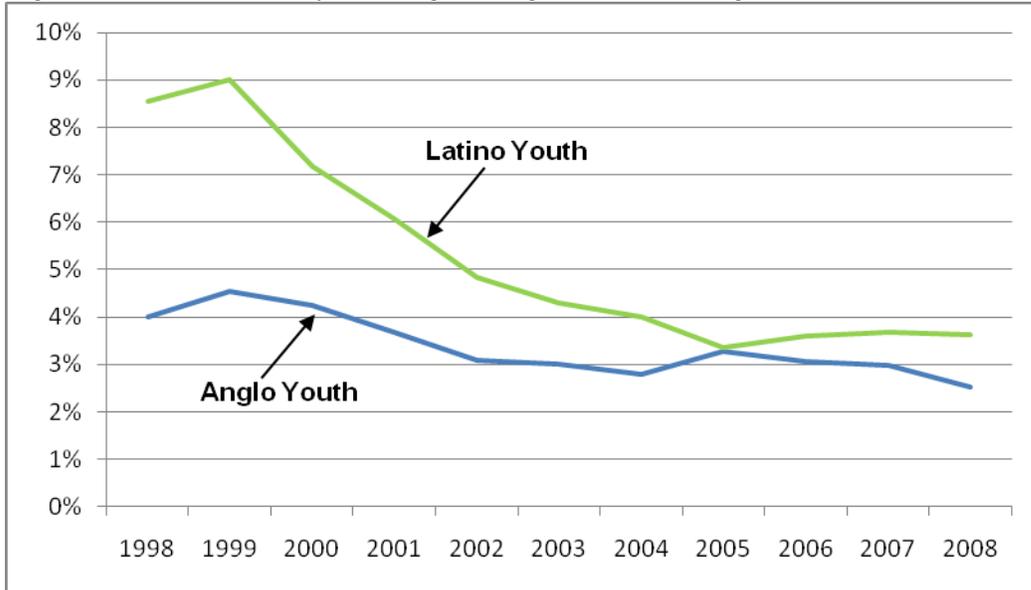
Figure 15. Prevalence of Arrest and Booking Among Court-Aged Latino Youth



Note: Bookings include any incident in which a youth was brought to juvenile detention, even if the duration of stay did not exceed four hours.

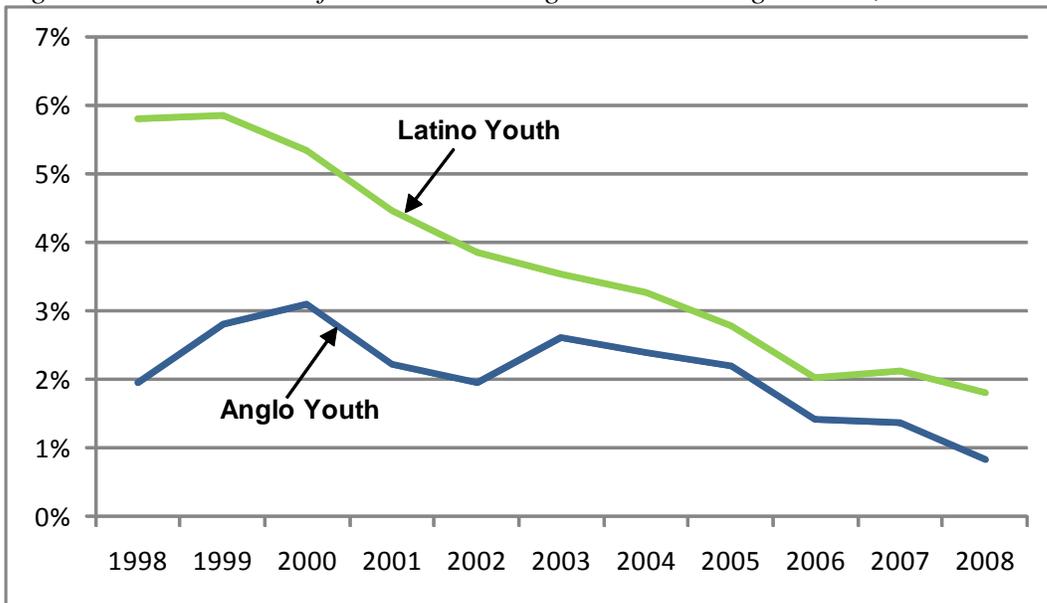
The stark reductions in the prevalence of bookings for Latino youth are more remarkable still when compared with the trends in bookings for Anglo Youth. As the data in Figure 16 show, the prevalence of bookings for Anglo youth declined only marginally between 1998 and 2002, from 4 to 3 percent, and remained fairly constant since that time. Booking prevalence for Latino youth, by contrast, fell by nearly by half between 1998 and 2002, from 8.6 percent to 5.8 percent, and continued to decline until 2005, when it stabilized. Booking rates for both groups are nearly equal now, as are arrest rates.

Figure 16. Prevalence of Booking Among Latino and Anglo Youth, 1998-2008



Over the same period, the rates at which youth remained in detention until a court hearing also declined considerably. These rates declined precipitously for Latino youth, as the data in the chart below show, and moderately and inconsistently for Anglo youth. More than the booking data, these figures confirm that probation officers found new ways to manage youth in this period without confining them in juvenile hall. They also demonstrate that it was the Probation Department, more than the decline in arrests, that accounts for the sharp decline in detention overall, and minority youth confinement in particular.

Figure 17. Prevalence of Detention Among Latino and Anglo Youth, 1998-2008



In short, the turnaround in juvenile justice in Santa Cruz County took place during a period in which youth crime declined dramatically, but probation officials in Santa Cruz drove detention down far beyond what the delinquency dividend could provide on its own. Moreover, they did not merely bend the justice system back into its original shape: average daily population in the juvenile hall in the last five years was lower than it was in the 1980s, well before the onset of the crisis in crowding. Through key innovations in programs and management, probation became better at holding kids safe and accountable without detention. Juvenile justice became fairer and more effective at the same time.

Appreciating the Reduction in Juvenile Detention in Santa Cruz

The dramatic reduction in the number of youth in detention in Santa Cruz took place at a time when there were substantial reductions in the average daily population of juvenile hall in most counties in California, raising the prospect that state-wide trends were responsible for the changes, not local reforms. And yet this was not the case among major Bay Area counties. As the data in Figure 18 show, ADP in juvenile hall increased marginally in three Bay Area countries between 1999 and 2008, with a six percent increase in San Mateo. Alameda County recorded a 13 percent decrease in ADP, about a third of the magnitude of the reduction in Santa Cruz County.

Figure 18. Average Daily Population, Juvenile Hall, Five Counties, 1999-2008

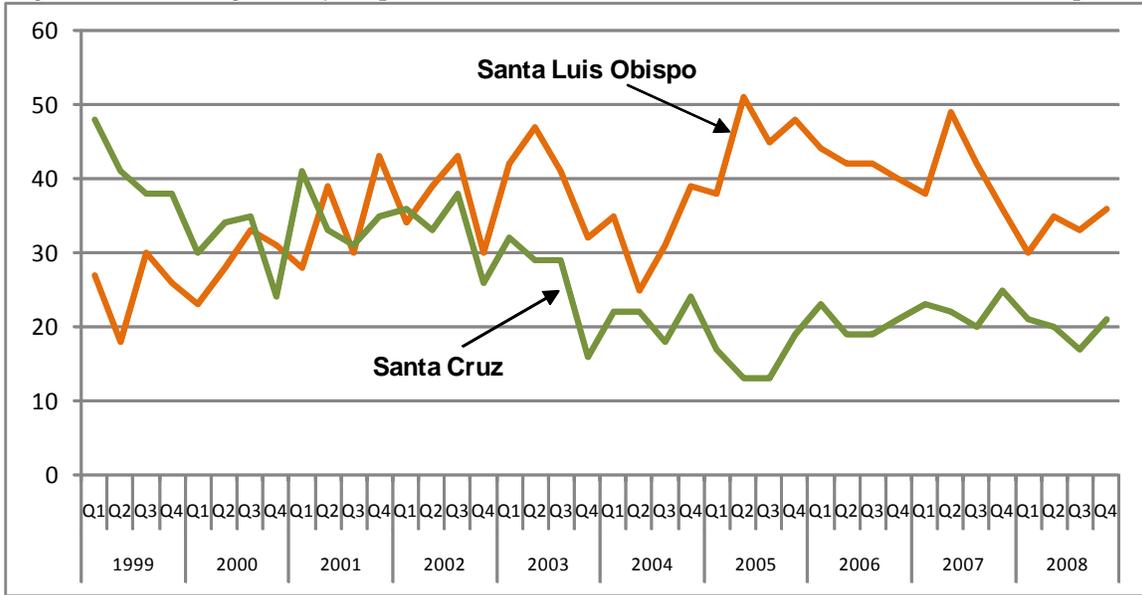
County	ADP 1999	ADP 2008	% ▲
Alameda	319	278	- 13%
Santa Clara	314	318	+ 1%
San Francisco	122	124	+ 1%
San Mateo	148	157	+ 6%
Santa Cruz	41	20	- 51%

Source: Criminal Justice Statistics Center, California Department of Justice

The relatively small size of the juvenile hall and youth population in Santa Cruz County does not explain the greater magnitude of the reduction in ADP. Even when compared to communities of equal size throughout the state, the exceptional nature of the changes in Santa Cruz remains clear. For example, in San Luis Obispo, which at least in terms of population size, crime rates, and capacity of the detention facility is more similar to Santa Cruz than the large counties in the Bay Area, there was no reduction in the number of youth in detention in this period.²⁶ Indeed, as the graph below shows clearly, the size of the population in detention in San Luis Obispo moved in a distinctly different direction.

²⁶ The National Institute of Corrections considers San Luis Obispo a “peer” county for Santa Cruz, and recommended it for comparison in its 2006 analysis of the main jail population in Santa Cruz County.

Figure 19. Average Daily Population, Juvenile Hall, Santa Cruz and San Luis Obispo



Source: Criminal Justice Statistics Center, California Department of Justice

The decline in the amount of juvenile confinement in Santa Cruz County was also exceptional when compared with trends in the rest of the US states. Nationally, the number of youth in detention at the end of the calendar year increased every year between 1991 and 1999, when it reached 27,625. But between 1999 and 2003, the last year for which we have figures, the number of “detained delinquents” fell 10 percent. Only in Georgia, North Dakota, and Rhode Island was the magnitude of the reduction comparable to or greater than in Santa Cruz County. And in twenty five of the US states the number of juveniles in detention in this period actually increased.²⁷ The wide variation in trends in the use of incarceration in the course of juvenile justice suggests that rates of detention for youth may be only loosely connected to crime rates and more directly affected by systemic practices as well as attitudes and opinions about the use of detention in each justice system.

Interpreting Detention Reform

What should we make of the results of detention reform in Santa Cruz County? What meaning should we ascribe to the processes that led to the reduction of detention and their apparently disproportionate benefits for minority youth?

One way to understand the transformation of juvenile justice in Santa Cruz and the positive outcomes for Latino youth is to treat it as an integral component of “detention reform.” For many people, because of its association with JDAI, the experience in Santa Cruz has been seen as an example of the kinds of positive changes that can come from

²⁷ See Howard Snyder and Melissa Sickmund, *Juvenile Offenders and Victims, 2006 National Report*, National Center for Juvenile Justice, March 2007, chapter 7, www.ojp.usdoj.gov/ojjdp

building new routes or “Pathways” on which to place and carry troubled youth.²⁸ These new pathways did not necessarily target specific ethnic groups or types of youth. But, according to Bart Lubow, Director of JDAI, the new pathways of detention reform by themselves “stimulate or support a broad array of other juvenile justice improvements.” Because kids who come into contact with justice are predominantly youth of color, this line of reasoning goes, changes in the justice system overall will inevitably benefit minorities.

Mike Rohan, the Director of juvenile probation in Cook County, Illinois, explains why the justice system in his county sought to reduce DMC through systemic transformation, not vice versa:

“We made it our goal to reduce the number of kids detained and to help kids who are detained to have better outcomes. Reducing disparity was a larger, implicit goal of all our work.... [It] was never an explicit goal, because it was an overarching goal. Almost all the kids in our programs are children of color.”²⁹

This framework for understanding the changes in Santa Cruz makes sense to the leaders of Probation. For Judy Cox, the roots of racial and ethnic disparity and disproportionality lay in insidious and for the most part unintentional forms of discrimination – the design of a system of juvenile justice that is, she says, “more convenient for its administrators than clients,” and the fatigue and occasional complacency that can come from “constantly try to solve the very severe difficulties some kids have.” For these reasons, better governance and vigilant management are a nearly inexhaustible source of improvements. “Constant-self audit,” she adds, “is a critical source of justice. When we looked for clients who experienced barriers to service or lack of access, we found them. When we looked for points of subjective rather than objective decision making, we found them. When we looked for examples of cultural insensitivity, we found them. When we looked for unnecessary delays, which contributed to longer lengths of stay in detention, we found them.”

Vigilant management is an important part of success according to Scott Macdonald, too. “Slippage,” he says, is virtually inevitable in the administration of juvenile justice: “the tendency to rely on detention is not only commonplace when responding to crime, it has become a common practice in response to difficult adolescent behavior and the violation of the rules of probation, even though it runs against the state’s mandate to use the least restrictive measure possible.” This is why good governance by itself can have such positive results, he argues, and in part why Macdonald is optimistic about the future of juvenile justice in other jurisdictions that are adopting JDAI practices. “One of the reasons that subtle adjustments can make way for dramatic changes in juvenile justice

²⁸ See “Pathways to Juvenile Detention Reform: The JDAI Story,” www.aecf.org For a slightly different account by a local journalist, see Peggy Townsend, “Detention Redemption,” *The American Prospect*, August 14, 2005.

²⁹ Quoted in Richard Mendel, *Beyond Detention: System Transformation Through Juvenile Detention Reform, Pathways to Juvenile Detention Reform*, 14, Annie E. Casey Foundation, 2007.

today,” he says, “is that you can use the existing foundations of law. We didn’t change any rules in Santa Cruz. We just applied the rules consistently.”

The virtues of good governance are not lost on James Bell, director of the W. Haywood Burns Institute, who played an integral role in the cultivation of a more dynamic management system at the onset of detention reform in Santa Cruz. But Bell sees deeper changes beneath what he calls the “better plumbing” in probation. For him, the success in Santa Cruz stemmed not only from focused leadership, dedicated managers, and sound engineering, but from a radical and yet almost imperceptible change in the *function* of detention in juvenile justice. “Detention in Santa Cruz didn’t just cease to be the main means by which to hold kids accountable,” he says. “Many jurisdictions agree that detention should be scarce, and some of them actually achieve it. But in Santa Cruz, detention also ceased to be the gateway to resources and help for kids and families who needed valuable social services. And that’s different. *Really* different.”

The Future of DMC in Santa Cruz

The accomplishments in reducing DMC in Santa Cruz County over the past decade are worth repeating here. Between 1998 and 2008, the number of Latino youth in juvenile hall on any given day declined fifty percent. Latino youth are considerably less likely to be arrested and booked into juvenile hall today as they were a decade ago. The system of juvenile justice as a whole is better attuned to the needs of Latino youth and other minorities, and it can marshal a much wider array of responses to their needs.

There is still room to reduce DMC in Santa Cruz County. Between 2005 and 2008 the number of Latino youth in juvenile hall on any given day in Santa Cruz County increased from 9 to 14.5. Latinos comprised an average of 75 percent of the youth in juvenile hall on any given day in 2008. Nearly three quarters of the kids who fail probation are Latino. Latinos and Anglos with equivalent RAI scores are sent home and held until a detention hearing at different rates. And nearly all of the youth charged as adults in the last five years were Latino.

There are also clouds on the horizon of juvenile justice in the state of California. There are renewed local pressures to respond to gang-involved youth in ways that are likely to increase minority confinement in the future. There is anxiety about the impact early release of thousands of parolees might have on the nature of youth delinquency. There is an inclination to build new facilities for youth, as evidenced by recent events in Santa Clara County.³⁰ And, there are unprecedented state and local fiscal crises in California that jeopardize funding that in the past provided a rich array of community programs and alternatives to incarceration.³¹

³⁰ See Karen de Sa, “Santa Clara County Probation Chief Seeks to Expand Juvenile Ranches,” *San Jose Mercury News*, December 15, 2008.

³¹ Even before the onset of the budget crises, the Child Welfare League of America concluded that “DMC will not be sufficiently remedied by the juvenile justice system alone. The compounding risk factors that influence a youth’s path to delinquency are too intertwined in multiple systems.” See Jessica Short and Christy Sharp, *Disproportionate Minority Confinement in the Juvenile Justice System*, 2005, p. 35.

There may be other reasons to be concerned about the future of DMC, too. One is the sense that the resolution of some problems in youth delinquency among minorities may be beyond the reach of probation, or juvenile justice as a whole. Terry Medina, the chief of police in Watsonville, is worried about drug-addicted and persistent offenders who seem not to be helped by day-treatment programs. “We have to acknowledge probation’s success,” he says, “but we also have to acknowledge what’s not working for persistent offenders. Day treatment programs, the ranch camps, and even juvenile hall sometimes are not working for these kids.” Medina is concerned also about the declining age of kids who are involved in violence. “Some of these kids seem unresponsive to any intervention.”

The coincidence of a dramatic decline in youth crime with the resolution of the crisis with crowding in Santa Cruz also raises questions about whether or not progress in justice can be achieved in less auspicious conditions. Can justice officials continue to reduce DMC when delinquency, crime, and arrests are rising? Can justice institutions not only respond creatively to opportunities for change, but also spark them as well? How might the Probation Department respond to these and other challenges?

One type of response to these questions focuses on the new internal strengths of Probation. The Department of Probation today has a defined perimeter, clear mission, and broadly shared core set of values. Probation staff care about DMC and are confident that they can do something about it on their own, without instruction from department leaders. A survey conducted by the Burns Institute in April 2007 showed that two-thirds young probation officers believe reducing DMC is both possible and also a part of their work. Probation staff have a more mature set of research and management skills today, too, along with an independent frame of mind that helps provokes questions about the contribution of their work on individual case-loads to Department-wide goals. Supervisors and line staff today independently identify the areas of racial disparities needed attention. There is, in short, an organizational culture that embraces the work to address racial and ethnic disparities as ongoing and layered. These and other signs of organizational resilience are spurred on by new state investment in the capacity to detect and do something about DMC.³²

To take advantage of these internal strengths, the Department will have to continue to treat management as a process itself in need of constant attention and reform. “The roots of DMC are so deep, and the number of insidious contributors to disparity so great that deterioration just creeps up on you,” says Judy Cox. “Even after you set in place good policies, if you turn away from a problem only for a minute the justice system can drift back to being broken.” In addition, because the system of justice is made of so many different parts, because probation is such a diversified service, and because juvenile hall is so porous, vigilant management cannot be personalized. “You have to get the whole orchestra playing at once,” says Cox. “What we have to achieve as an organization is that a supervisor and staff officer will look at the roster, ask key questions such as ‘who is

³² Santa Cruz is one of five California counties to receive a three-year grant from the California Standards Authority to build additional capacity to reduce minority overrepresentation under the DMC-TAP program.

here and how long did they stay’ and initiate a continual improvement process in four key areas – intake, court processing, bench warrants and violations of probation, and post-disposition planning. We may not be there yet,” she adds, “but we’re well on our way to having such a system.”

Another consideration is whether the internal strengths of probation in Santa Cruz today are matched by the external environment of juvenile justice, where there is growing anxiety about youth gangs, sharper challenges of education in public schools, and a protracted fiscal crisis that might contract opportunities for youth. “Where are the work opportunities and employment programs that help keep kids out of trouble?” asks Judge John Salazar. “And how does ‘zero tolerance’ at schools and in law enforcement advance the objectives of the juvenile justice system?” Salazar and other worried optimists fear that probation today carries the weight of the failure of other social institutions to help youth. Without the vigorous support of organizations outside the formal justice system, without strong demands in county government for continued progress in detention reform, probation will have to express uncommon resilience in order to sustain success into the future.

Still, recent history suggests that probation is up to the task, having accumulated momentum in the course of its work to reduce detention and DMC. After solving the crisis in juvenile hall and expanding alternatives to detention, the Probation department did not become complacent. In fact it ratcheted up efforts to improve outcomes for minority youth. In 2006, with funding from the Correction Standards Authority and a deeper alliance with the W. Haywood Burns Institute, the probation department began a three year project to strengthen the capacity to reduce DMC – a process that included building better information systems and more concerted work with justice system partners to keep kids safe and at home.³³ In 2007, the department systematically mapped the disposition of all cases in a way that uncovered additional contributors to DMC, including discretionary holds for certain youth, disparate charging practices, and more frequent probation violations for minority youth with substance abuse problems. In 2008, the department reduced the number of minority youth that were unnecessarily held until a detention hearing. In 2009, it reduced further the share of bookings that come from probation violations, and installed a system of indicators, designed by supervisors, to track DMC across department units. Today, the department’s problem-solving culture, which rewards the identification of problems as much as the proposal of solutions, serves as an engine for the ongoing reinvention of juvenile justice.

5. Four Lessons for the Field of Juvenile Justice, Probation, and DMC

The transformation of juvenile justice in Santa Cruz holds several lessons for the field of probation. These lessons are not a list of do’s and don’ts in juvenile justice, or a set of axioms about the management of complex organizations, or even a list of best practices in responding to youth crime. Rather, they are a series of observations about the

³³ For a description of this initiative and the work of the four other participating counties in California, see: http://www.cdcr.ca.gov/Divisions_Boards/CSA/PPP/Grants/DMC/Docs/DMC_2007_April-October_bulletin.pdf

pliability of justice systems, the special role probation can play in improving outcomes for minority youth, the forms that leadership can take on issues of race, equality, and minority confinement, and the kind of measurement and management tools that can make such leadership effective and sustainable over time.

1. The pliability of juvenile justice

The degeneration of juvenile justice in the 1990s is a reminder of how pliant justice systems can be, and how easy it is for them to be capsized by external events, especially sudden changes in youth offending. In 1991, over the course of twelve months, a surge in arrests caused the probation department to change its ways of dealing with delinquent youth. Probation signed up to a new kind of partnership with law enforcement agencies that punished youth for violations of probation and whose methods were disproportionate to the character of offending. Both factors exacerbated and prolonged the crisis of crowding in juvenile hall.

In this way, probation demonstrated its ability to influence system-level outcomes in an unconstructive manner. But the Department subsequently showed that its ability to create new alliances in the justice system can be applied to the goal of achieving positive and more equitable outcomes for youth as well. Indeed, the rapid reversal of crowding and the subsequent transformation of juvenile justice in Santa Cruz is a reminder that complex systems of justice can be remade quickly by individual Departments acting largely on their own. Once the Department asserted its authority and autonomy – through the creation of independent booking criteria, new risk assessment tools, fresh alternatives to detention, and a more purposive system of management -- the problems with crowding were resolved swiftly.

We should emphasize that Probation did not have to invent a new philosophy for this purpose: it drew upon existing sets of principles in juvenile law and practice, such as treatment in the least restrictive setting and strength-based approaches to youth development. Probation also championed the hopes and ambitions for youth within community-based organizations, and mobilized the growing wealth of practical knowledge about justice reform in the field. These reservoirs of reform are always full.

2. The role of probation in loosely-coupled systems

In loosely coupled systems of justice, probation departments can protect the best interests of youth by being realistic about the nature of “collaboration,” pursuing legitimate objectives in justice even when they generate interagency conflict. To do this well, probation departments must manage the fragmented structure of the justice system, an amalgam of semi-independent subsystems that may occasionally share a common vision of justice but which typically pursue them through different methods and lack a common structure of governance. These problems can be acute, for at times some subsystems are driven by objectives that are at odds with one another or at the very least make for poor pairings, such as the suppression of Latino gangs and efforts to reduce overrepresentation of Latino youth in juvenile justice.

The lure of distracting collaborations is constant. In the 1990s, the temptation to respond to an emerging gang violence issue with system-wide task forces and an emphasis on law enforcement and suppression placed probation at odds with itself by generating more detention. Similar risks can be seen across the US today when inter-agency partnerships formed in order to conduct street level sweeps, or probation searches, or enforce curfews that frequently have the consequence of netting peripherally involved or even non-involved youth of color. Task forces of these kinds compromise key probation goals, such as restraint, balance, and equity in the treatment of juveniles.

But not all collaborations across the justice system expose probation to such counterproductive pressures. In tackling DMC, the probation department in Santa Cruz created new justice system couplings – fresh sets of relationships with community-based organizations in the county as well as centers of expertise outside of the region that brought new ways of achieving justice. The county executive endorsed and subsidized these new relationships, first by giving voice to community concerns and then by subsidizing collaborations. Probation capitalized on this start and leveraged new capacity and also legitimacy for detention reform by establishing reciprocal obligations with a wide range of community groups. It discovered that contractual relationships are stronger than strategic alliances, and can help alleviate the pressures that some Departments face to bargain with its partners in the formal justice system when innovations and new outcomes ruffle feathers.

New and more productive couplings in the justice system may emerge or become tighter when a sub-system such as probation endeavors to reduce racial and ethnic disparities through an emphasis on rehabilitative interventions. New couplings in the justice system also can become self-generating over time, especially when business relationships are cultivated with the growing market of expertise about justice systems in the United States. They may require new sources of revenue, along with an investment in community development and fund-raising skills and grant-writing capacity, but the dividends pay off quickly and in Santa Cruz proved to be sustainable. New partnerships with organizations outside the formal justice system, finally, not only can help manage the constant tensions and fluidity of loosely coupled justice systems, they also can stimulate new opportunities to attend to some of the root causes of crime and recidivism.

3. Management and Measurement

Weak measurement systems compromise juvenile justice. In the early 1990s, decisions were driven by conjecture and the personal experiences of authoritative figures rather than carefully collected data in part because of the frailty of information systems. As one of the main reasons to support the proposal for expanding juvenile hall, for example, the Criminal Justice Council referred unflinchingly to “Judge Akao’s experience on seeing ever-increasing numbers of violent offenders,” not the more ambiguous data from the task force report.³⁴ Unsubstantiated skepticism about the future of juvenile delinquency also played a harmful role: the predictions of crime and population growth that backed

³⁴ Letter from Steven Belcher, Chair of the CJC, to Supervisor Tony Campos, February 11, 1999, p. 1.

the proposal to expand juvenile hall were jaundiced, overlooking the early results of detention reform as well as the ten percent decrease in the number of felony juvenile arrests in 1998.³⁵

Strong management systems can facilitate the rejuvenation of justice. The reduction of juvenile hall crowding and DMC in Santa Cruz was the result principally of the establishment of a purposive, goal-oriented management system that drew on a new set of measures about justice outcomes. Managers started paying closer attention to front-line operations, monitoring key indicators such as ADP, ALOS, risk scores, and probation violations, all of which were intermediate measures of success and could be seen to move in response to Department efforts. “You could call it ‘The Hawthorne Effect,’ says Scott Macdonald, referring to the kinds of improvements that come about when people know their work is being monitored and measured. “But beneath that concept is the very simple requirement of constant measurement of key indicators. This requires data.”

The kind of data and measurement system that probation departments need to reduce DMC is different from the kind of data and indicators used to decry the inequitable outcomes of justice. Simply knowing that minority youth are detained at greater rates than their peers for equivalent offenses does not help managers identify potential remedies for such problems. To do something about DMC, probation managers must have at their fingertips reliable figures on discretionary processes inside and outside of the Department, including the percent of minority youth that are booked on avertable probation violations, or the proportion of kids committing violent offenses that have had prior contact with probation or accessed other social services for the disadvantaged. They also need to be able to study and investigate disparities over time – whether and how they are related to changes in the community, the prevalence of serious conflicts in key neighborhoods, or undetected forms of discretion at the earliest stage of juvenile justice. They also need to know more about their staff’s interactions with offenders, and how youths experience probation. And critically, the data must help managers select changes in programs and processes that generate better system-level outcomes.

Probation departments also need an independent capacity to analyze and appraise changes in youth crime. Law enforcement data do not expose the causes of crime, and yet probation departments require just this kind of understanding in order to prevent the reoccurrence of offending. Even without an internal research unit, probation departments can tap into sources of independent expertise and knowledge in families and community organizations and schools and other centers of strength on which youth success typically depends. Universities and other government agencies also can help probation departments produce their own facts about youth crime and diminish their dependency on law enforcement reports.

³⁵ Skepticism about the future of juvenile offending may have seemed justified at the time, given the disturbing increase in arrests in the 1990s and the now infamous predictions of criminologists about youth crime. See, for example, Don DeJulio, William Bennett, John Walters, *Body Count*, 1996.

4. Leadership on the issue of DMC

Moving justice forward in any context requires special leadership, especially when innovation can be thwarted by established conventions as well as pessimism about the possibility of changing youth behavior. Gloom is particularly common among probation officers that work monstrous caseloads in poor neighborhoods. A sense of powerlessness can pervade probation departments even after demonstrable reductions in youth crime because so many factors influencing crime lie beyond the direct control of justice practitioners. This risk of immobilization is particularly acute when crime is bathed in issues of race, ethnicity, and equality -- concerns that have skulked above the justice system in the US as a whole for decades with few signs of progress and plenty of skepticism.³⁶

An important task of leadership is to develop a vocabulary and safe venue for talking about race, equality, crime and justice. It is not customary for managers of justice institutions to ask whether or not the justice they help administer is just or fair and equitable. And yet reducing DMC requires exactly this kind of questioning – a constant review of and engagement with starting assumptions. “Conversations about justice and minorities suffer from the underdeveloped and stiff vocabulary about race today,” says Macdonald. “Not only is the subject uncomfortable and charged, but the conventions and lexicon are not there yet, in part because work on these aspects is so new. Inequality, for example, is frequently seen as the result of either overt racism or individual bigotry, although neither of these factors explains the majority of racial disparities and disproportionate representation within the justice system. Failure to talk the issue in a more nuanced and accurate way actually fuels defensiveness, denial, dismissiveness and do-nothingness. So you have to build an organization culture in which it is safe to be critical of outcomes within the organization, especially for front-line staff. This can be done by both deemphasizing personal responsibility for racial disparities while at the same time emphasizing the personal and collective organizational responsibility and accountability to do something about it.”

Probation Departments can also demonstrate leadership and initiate a change process by carving up the ambitious strategic goal of reducing DMC into modest, more proximate and manageable tasks. In Santa Cruz, the course of juvenile justice was altered not by the methodical implementation of a master plan, but rather by the taking of a series of small, improvisational steps. The department began with remedial projects, attending to pre-adjudication processes as well as post-adjudication outcomes, for example, with the establishment of a weekend work program, the creation of a neighborhood accountability program, and, later, the installation of alternatives to detention and an evening center for probation violators. None of these innovations had the square backing of science or the industry’s imprimatur of “best” or “evidence-based practices,” but they quickly generated

³⁶ The National Council on Crime and Delinquency recently concluded that juvenile justice in the USA remains “separate and unequal.” See “And Justice for Some: Differential Treatment of Youth of Color in the Justice System,” NCCD, January 2007, available at www.nccd.org On the torpor with which DMC is being “addressed” today, see James Bell and Laura John, *Adoration of the Question*, December 2008, www.burnsinstitute.org

demonstrable outcomes and put staff into the habit of trial and error, experiment and learning, creating a cycle of innovation and evaluation that later become second nature. The task of a department leader is to help staff and community see connections between changes of this scale and a broader ambition and vision for justice and youth, and to keep the process moving forward.