

Reimagining Youth Justice:

A Blueprint for Alameda County



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Introduction

2020 has proven to be nothing less than a historic year. A global pandemic, burgeoning financial crisis, and the brutal killings of George Floyd, Breonna Taylor, and Ahmaud Arbery that sparked unprecedented protest characterized a year only halfway over. As countless individuals, public officials, and companies across the country are finally beginning to reckon with the implications of a country founded on racial injustice and genocide, the Ella Baker Center believes that Alameda County too must commit to a process of Truth and Reinvestment, especially when it comes to our criminal injustice system. Alameda County has historically been home to powerful racial justice movements, yet one of the areas rife with extreme racial injustice is the juvenile justice system. Advocates and community members have repeatedly pointed to the pressing need to address the rampant racial and ethnic disparities present in the juvenile justice system, and reimagine a new system of youth justice. While 2020 is undoubtedly a historic year, the key question now must be *how did we respond?* That question is one history books will be asking years from now as we look back, and that answer is especially pressing for public officials and systems of power. We hope this report will be able to guide Alameda County in pursuing a response that reflects this seminal moment and establishes an unwavering commitment to justice, safety and healing for our youth and communities.

Shortly after taking office, Governor Gavin Newsom announced his intent to end the juvenile justice system as we know it. In May of this year, amidst budgetary pressures from the COVID-19 pandemic and impending financial crisis, the Governor committed to closing down the remaining three youth prisons under the Division of Juvenile Justice (DJJ) and completely relegating the responsibility for young people who have committed harm directly to counties (1). While Alameda County contributes a far fewer number of youth to the state system than in prior years, the Governor's decision also presents a critical opportunity for the county to reimagine a system of youth justice firmly centered in racial equity, principles of healing, and community empowerment. Moreover, COVID-19 provides an additional compelling reason to rethink youth justice in the County, as the \$493,000 the County spends per youth per year on a failing system of youth incarceration has become especially untenable in light of the COVID-induced fiscal crisis (2). This report presents an overview of recommendations Alameda County can use to concretely reimagine youth justice, and specifically focuses on presenting alternative responses for how the county can respond to youth who have committed more serious and violent crime.

The report begins with an overview of changes in the youth justice landscape, both in California as a whole and Alameda County, and then dives into examining how existing responses to violence and serious harm have failed us, leading into what alternative responses can and should be. The next section addresses the question of capacity and presents measures to increase capacity through greater low-risk diversion. In understanding the importance of providing prosocial opportunities for youth for delinquency prevention, the following section outlines examples of the existing youth-serving infrastructure present in the County to highlight the robust network of community support already present and eager to serve our young people. Finally, the report concludes with recommendations regarding ways to improve oversight over youth justice and coordination among the many youth services in communities.

(1) David Muhammad, "California's Closure of DJJ Is Victory With Significant Challenges," Juvenile Justice Information Exercise (blog), May 19, 2020, <https://jje.org/2020/05/19/californias-closure-of-djj-is-victory-with-significant-challenges/>.

(2) Jill Tucker, "Juvenile Detention Camp's Costly Rebuild under Fire," San Francisco Chronicle, February 14, 2020.

1. Overview of Changes in Youth Justice

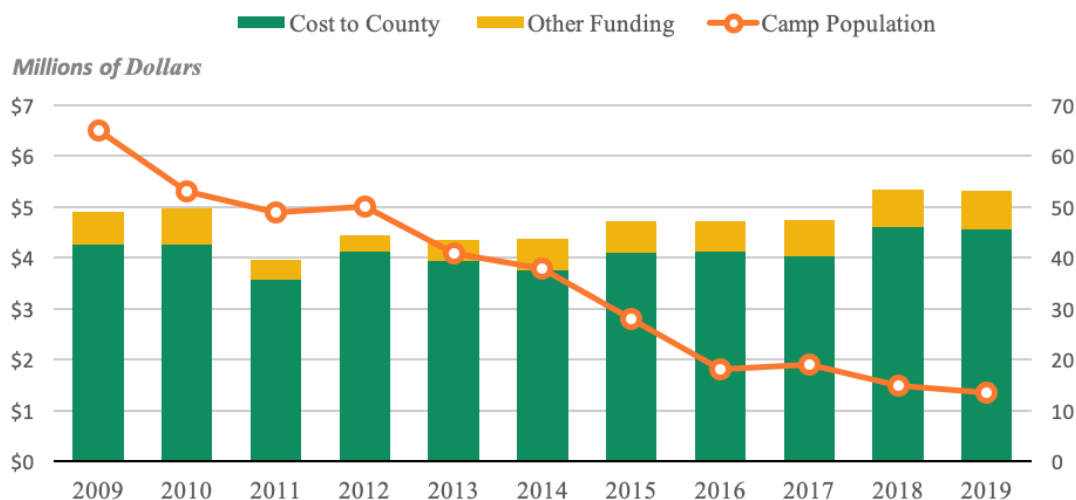
Trends in Youth Justice in California and Alameda County

The past two decades in California and Alameda County have seen consistently declining incarcerated youth populations. The total number of youth under the Division of Juvenile Justice (DJJ), consisting of the youth prisons in the state, has fallen to 317 youth in 2018, almost half of the population in 2006. Similarly, in Alameda County, the number of commits to DJJ has fallen substantially from 43 youth in 2006 to four youth in 2018, and the number of youth prosecuted as adults fell from a peak of 43 in 2011 to zero in 2018. At the same time, felony arrests for youth fell by more than half from 2008 to 2018. However, Alameda County has not largely adapted existing interventions to respond to these changing numbers. For example, Camp Sweeney has a bed rated capacity of 105 beds, but in 2019 there was an average of 13.6 youth every day, or about 13% of the rated capacity used (3). The total number of youth admitted to Juvenile Hall has also declined by 65% from 2008 to 2018 (4). That has had significant implications on the cost of incarcerating youth in this county, as demonstrated in Figures 1a and 1b, and the county now spends almost half a million dollars per youth on detention as a result.

Additionally, racial and ethnic disparities still remain unacceptably high within the county. From examining the disparity in rate of DJJ commitments from 2006 to 2018 and Camp Sweeney commitments from 2018 to 2019 in the county, analyses from the W. Haywood Burns Institute found that Black youth were 32.8 times more likely to be committed to DJJ and 22 times more likely to be committed to Camp Sweeney than White youth. Latino youth were five times more likely to be committed to Camp Sweeney than White youth. While this moment of national reckoning with the way racism still exerts an undeniable role in policy is promising, it will be meaningless unless followed by significant commitment to eliminating such disparities.

Figure 1. Cost of Youth Incarceration in Alameda County Over Time

Total cost of Camp Sweeney alone (bars, left axis); Average Daily Population (line, right axis)



Source: Laura Ridolfi, Data from the Burns Institute.

(3) Laura Ridolfi, "Alameda County Data on DJJ and Adult Transfers from the Burns Institute."

(4) Josh Weber, "Improving Outcomes, Equity, and the Efficient Use of Resources for Justice-Involved Youth in Alameda County" (Meeting with Alameda County Probation Department, The Council of State Governments Justice Center, n.d.), accessed July 27, 2020.

1. Overview of Changes in Youth Justice

Current Landscape

As a result of efforts led by the Books Not Bars campaign in coordination with allies including the Youth Justice Coalition, Center on Juvenile and Criminal Justice, and the Youth Law Center to close down five of the eight youth prisons in California, hundreds of youth convicted of misdemeanors, status offenses, and other low-level and nonviolent offenses were able to be transferred back to their counties, diverted, or held in secure county detention facilities. The remaining DJJ population now consists of youth primarily held for more serious or violent offenses, falling under the category of 707(b) offenses, in three facilities (5). Alameda County specifically had four youth committed to DJJ in 2018: two for homicide, one for robbery, and one for an “other status offense” (6). Much like the rest of the country, California has been reluctant to expand diversion options to individuals who have committed more serious offenses, based on misguided assumptions about both those who have committed harm and those who have survived it.

Importantly, one consequence of the unwillingness to expand access to alternatives for youth who have committed more serious/violent offenses are the deeply pervasive racial and ethnic disparities in regards to who is placed in secure detention. Youth of color made up 100% of those held in Camp Sweeney and about 92% of those in Juvenile Hall in the first quarter of 2020. Despite constituting about 10.2% and 22.9% of the County population, Black and Hispanic children represent 71% and 21% of youth respectively in Camp Sweeney and 67% and 25% of youth respectively in Juvenile Hall (7). A major reason for these disparities stems from policies that arbitrarily and overly restrict access to diversion in a manner that disproportionately lock out youth of color. For example, robbery was the top offense for which youth in Alameda County were admitted to secure detention in 2017 and 98% of youth charged with robbery were youth of color (8). Given that detentions for robbery are double the number for any other offense, a trend that has continued for at least five years, interventions for youth justice must specifically provide alternatives to detention for offenses such as robbery that both represent the vast majority of youth held in detention and the greatest levels of racial disparity in the youth legal system. Although the youth justice system as it exists presumes that youth who have committed more serious offenses should not receive diversion, offenses such as robbery actually work best when paired with restorative justice responses rather than traditional incarceration.

Despite constituting about 10.2% and 22.9% of the County population, Black and Hispanic children represent 71% and 21% of youth respectively in Camp Sweeney and 67% and 25% of youth respectively in Juvenile Hall.

(5) Maureen Washburn and Renee Menart, “A Blueprint for Reform: Moving Beyond California’s Failed Youth Correctional System” (Center on Juvenile and Criminal Justice, April 2020), http://www.cjcj.org/uploads/cjcj/documents/blueprint_for_reform.pdf.

(6) “State of Disparities: California,” Data Tool, A Data Project from the Burns Institute (The W. Haywood Burns Institute for Justice Fairness & Equity, n.d.), accessed June 20, 2020.

(7) “Alameda County Probation Data Dashboard” (Alameda County Probation Department, April 2020), <https://code.acgov.org/probation/dashboard.htm>.

(8) “State of Disparities: California.”

There are four main things survivors want: they want answers, they want their voice heard, they want the person to repair the harm as best as they can, and they want to believe that the person who harmed them will not harm anyone else ever again.



2. Shifting Our Response to Violence and Harm

Misguided Responses to Violence

As Danielle Sered notes, our response to violence and harm for far too long has falsely equated punishment with accountability, and we pursue punishment under the guise that punishment and incarceration is what survivors want. Sered runs Common Justice, an organization in New York City that provides a restorative justice-based alternative to incarceration for youth and adults who have committed violent crimes. The theory of change behind Common Justice is what Sered terms a survivor-centered response to harm, where the desires and agency of survivors drive what the response to harm will be. As someone with years of experience working with people who have been violently victimized, Sered explains that there are four main things survivors want: they want answers, they want their voice heard, they want the person to repair the harm as best as they can, and they want to believe that the person who harmed them will not harm anyone else ever again (9). However, incarceration and our legal punishment system have repeatedly failed to deliver those needs for survivors.

One major reason is because of the false belief that there is a sharp dividing line between those who have committed harm and those who have been harmed, a belief that is strongly rooted in racist conflagrations between Blackness and criminality. As the Vera Institute of Justice reports, data collected from the Bureau of Justice Statistics from 1996 to 2007 demonstrate that young Black men were the most likely to be robbed every year, most likely to be victimized in the majority of years studied, and more likely to face violence that included homicide (10). Yet, media and public discourse persistently present Black men as aggressors or criminals, and propagate the false narrative that Black men do not experience the pain and trauma of harm as deeply as other individuals do (11). That has harmful implications for how systems and individuals then respond to harm. As the report furthers, despite the critical need to address survivors' trauma, 92% of survivors of robbery and 91% of survivors of assault receive no assistance after being victimized. Despite a professed commitment to protecting survivors, the criminal legal system has repeatedly shown a greater preoccupation with the finality of putting someone behind bars rather than actually addressing the needs of survivors.

(9) Danielle Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair* (New York: The New Press, 2019).

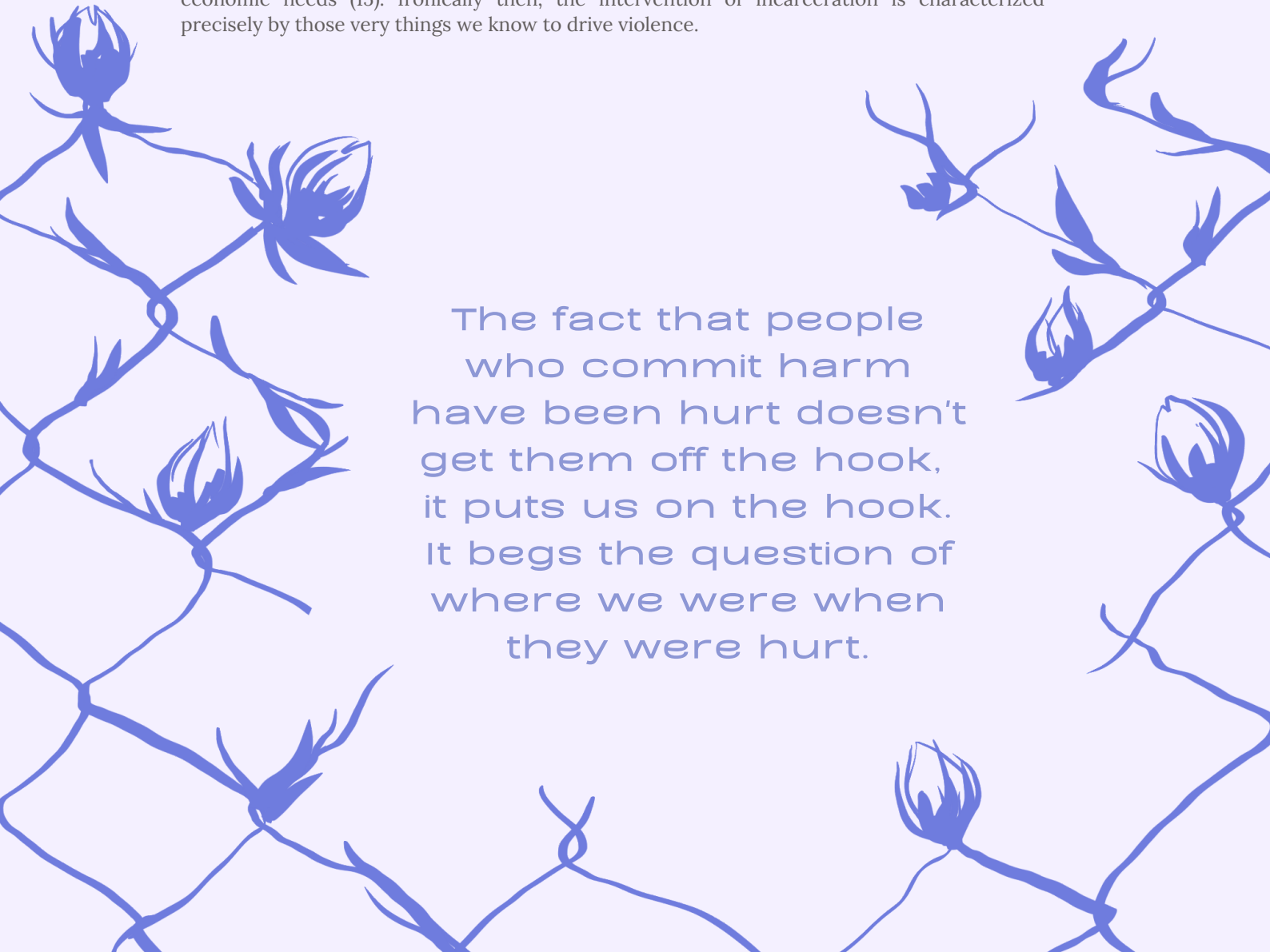
(10) Danielle Sered, "Young Men of Color and the Other Side of Harm: Addressing Disparities in Our Responses to Violence" (Vera Institute of Justice, December 2014), https://www.vera.org/downloads/Publications/young-men-of-color-and-the-other-side-of-harm-addressing-disparities-in-our-responses-to-violence/legacy_downloads/men-of-color-as-victims-of-violence-v3.pdf.

(11) *Ibid.*

2. Shifting Our Response to Violence and Harm

Moreover, the neglect of survivors has deep implications for a host of factors such as survivors' health, education and job outcomes, but also poses a significant threat to community safety. As the report notes, people who are victimized and do not recover sufficiently from the trauma are more likely to commit violence: "For younger people who survive violence in particular... their response may also manifest as retaliatory violence; affiliating with peers they believe may be able to protect them in the future; and as hypervigilance—an exaggerated sense of perceived threats and a common symptom of trauma" (12). That is a strong reason why people who commit harm have very often been the victims of harm themselves. As Donnell Penny, a graduate of Common Justice and current Case Coordinator of the organization, notes, "the fact that people who commit harm have been hurt doesn't get them off the hook, it puts us on the hook. *It begs the question of where we were when they were hurt*" (13).

California, like the rest of the country, has had a failed response to violence, something that is starkly clear when considering that 76% of youth released from DJJ get rearrested and 50% are convicted of a new offense (14). Recidivism rates must be understood and viewed as an indictment of the existing system and an indication of *failure*. Those high rates of failure should not be surprising however, when viewed in light of what we know are the four main drivers of violence: shame, isolation, exposure to violence, and diminished ability to meet one's economic needs (15). Ironically then, the intervention of incarceration is characterized precisely by those very things we know to drive violence.



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they were hurt.

(12) Ibid.

(13) Carrie Johnson, "Black Men Who Are Crime Victims Have Few Places to Turn," NPR, August 17, 2015, <https://www.npr.org/2015/08/17/432542041/advocates-work-to-help-black-men-who-are-victims-of-violent-crime/>.

(14) Washburn and Menart, "A Blueprint for Reform: Moving Beyond California's Failed Youth Correctional System."

(15) Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*.

2. Shifting Our Response to Violence and Harm

That condemnation is not just apparent in the data, but echoed in the voices of community members and those most affected by violence as well. Communities United for Restorative Youth Justice (CURYJ), a non-profit in Oakland that builds community relationships and mobilizes young leaders to end mass incarceration and youth criminalization, conducted a study led by youth who had been involved in the legal system and surveyed over 200 people at community meetings about incarceration and responses to violence. From their survey, they report that a higher percentage of respondents support an alternative or community program over incarceration for almost every crime, including both violent and nonviolent offenses, with 99% of people who had been victims of serious crime in favor of healing and community-based alternatives to incarceration (16). That aligns with statewide beliefs as well: a 2013 survey of 500 crime survivors commissioned by Californians for Safety and Justice found that almost 80% of survivors believed that more jails and prisons would not help address crime (17). That is precisely because they understand that the legal process and incarceration do not center their voice, address their harm, or keep their communities safe. Given that incarceration and the existing legal responses to violence have failed to adequately respond to survivors' needs, it is little surprise then that survivors who are given alternatives overwhelmingly choose alternatives: among individuals who have survived serious harm, when given the option between an alternative such as restorative justice and incarceration for the person who harmed them, 90% of survivors choose the alternative (18).

Organizations such as Common Justice utilize restorative justice to develop a plan that will hold the person accountable who caused the harm while also working to heal and transform the situation as a whole. Restorative justice offers constructive responses that meet survivors' needs without relying on youth criminalization and brings all impacted individuals into the accountability process to heal and rebuild relationships. And restorative justice programs work. People who caused harm are much less likely to recidivate or get back in trouble with the law, and survivors also report significantly higher satisfaction rates with this process than the criminal court system (19) (20).

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(16) "Dream Beyond Bars Report: A Youth Vision for Alameda County's Juvenile Justice System" (Communities United for Restorative Youth Justice and Urban Peace Movement, April 2019), http://www.curyj.org/wp-content/uploads/2019/04/DBB-Report-2_compressed.pdf.

(17) "California Crime Survivors Speak: A Statewide Survey of California Victims' Views on Safety and Justice" (Alliance for Safety and Justice, April 2019), <https://allianceforsafetyandjustice.org/wp-content/uploads/2019/04/201904-CSJ-CA-Crime-Survivors-Speak.pdf>.

(18) Sered, "Until We Reckon: Violence, Mass Incarceration, and a Road to Repair."

(19) David Wilson, Ajima Olaghere, and Catherine Kimbrell, "Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis" (U.S. Department of Justice Office of Justice Programs, June 2017), <https://www.ncjrs.gov/pdffiles1/ojdp/grants/250872.pdf>.

(20) Jeff Latimer, Craig Dowden, and Danielle Muise, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis," *The Prison Journal* 85, no. 2 (June 2005), http://biblioteca.cejamerica.org/bitstream/handle/2015/4791/rj_meta_analysis.pdf?sequence=1&isAllowed=y.

2. Shifting Our Response to Violence and Harm

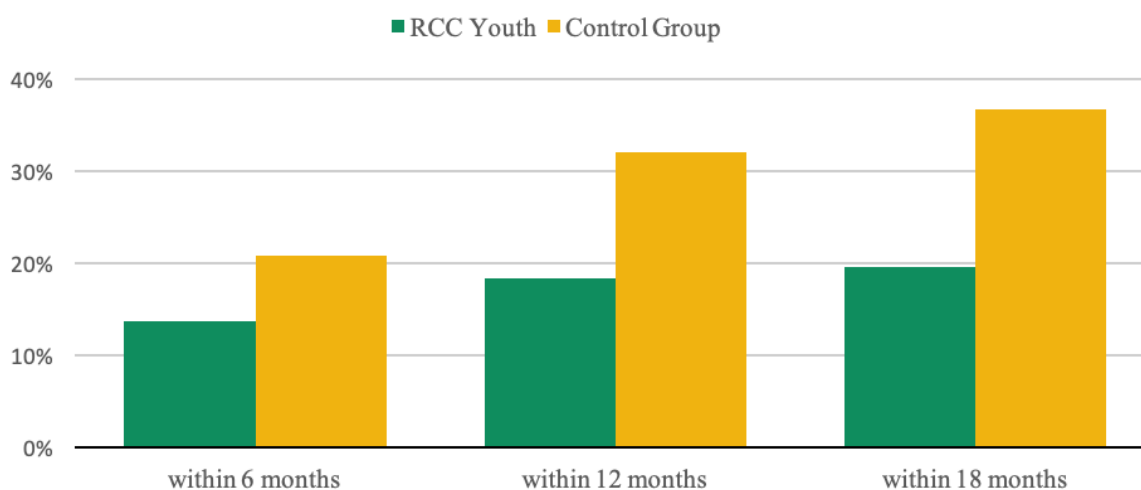
Alternative Responses to Violence in Alameda County

While Common Justice is based in New York City and provides a replicable model for restorative justice-based alternatives that deal intentionally with violence and serious felonies, Alameda County employs restorative justice in certain youth cases as well. Organizations such as Community Works and Restorative Justice for Oakland Youth (RJOY) have been providing restorative justice alternatives to Alameda County, with incredible success.

Community Works utilizes Restorative Community Conferencing (RCC) to facilitate a dialogue among the impacted parties to create a consensus-based accountability plan for the youth to complete and repair the harm caused by their offense. The plan typically has a timeline of three to six months, and during that time, a facilitator monitors the plan, assists with its completion, and coordinates services needed beyond the community conference to support the youth. The case is referred to Community Works by the District Attorney or other referring agency, and once the plan is successfully completed, the case is closed and no charges are filed (21). RCC is a pre-adjudication diversion program meant to prevent youth contact with the justice system, which is important given that involvement with the youth justice system is the biggest predictor of adult incarceration (22).

The program has been operating in Alameda County since 2011, and subsequent evaluations have demonstrated persistent benefits in recidivism, survivor satisfaction, and cost-savings. An analysis conducted by Impact Justice from 2012 to 2014 found that RCC youth were 44% less likely to be convicted of a later crime compared to youth processed through the legal system, and those recidivism rates rose much less among RCC youth over time in comparison to control group youth, as shown in Figure 2 below.

Figure 2. Recidivism Rates Over Time: RCC Youth v. Control Youth



Source: baliga, Henry, and Valentine, "Restorative Community Conferencing," 7.

Note: Recidivism rates refer to being *convicted* of a later crime.

(21) sujatha baliga, Sia Henry, and Georgia Valentine, "Restorative Community Conferencing: A Study of Community Works West's Restorative Justice Youth Diversion Program in Alameda County" (Impact Justice, 2017).

(22) Nell Bernstein, *Burning Down the House: The End of Juvenile Prison* (New York: The New Press, 2014).

2. Shifting Our Response to Violence and Harm

Moreover, 91% of survivors who participated in the RCC process reported that they would participate in another conference and would recommend the process to a friend, and 88% expressed satisfaction with the accountability plan created to repair the harm of the offense (23), which is significantly greater than the typical satisfaction rates with the court process of about 30% (24). While the average cost per year to place a young person on probation in Alameda County is \$23,000 (which still does not take into account costs for involvement in the legal system such as court costs, legal defense/prosecution costs, etc), each RCC case has a one-time cost of \$4,500 (25). Additionally, Alameda County spends about \$493,000 per youth per year on incarceration (26), yet about one in three youth incarcerated in the county reoffend within one year (27). Particularly in light of possibly the next great financial crisis, it is incumbent upon public officials and systems of safety to prioritize alternatives that carry a much smaller price tag, but that have a much greater positive impact on public safety.

We are cognizant of the fact that there has been significant reluctance to engage in alternatives for youth who have committed serious or violent felonies, partially driven by the false fear that they are somehow less receptive to non-punitive interventions. However, research indicates that restorative justice alternatives are especially successful when working with youth charged with more serious crimes (28). Community Works prioritizes serious offenses (such as robberies, burglaries, and batteries) from the cases referred to them, and the analysis found recidivism rates to be 48% less among RCC youth than court-involved youth for these more serious offenses (29). Despite the successes that the program has with dealing with more high-risk and high-needs youth, in Alameda County, referrals for more serious cases are exceedingly rare (30). Community Works also has an agreement with San Francisco's District Attorney's Office called the "Make it Right" program to divert exclusively youth felony cases to the RCC process, and Community Works has the discretion to prioritize more serious and violent offenses from that pool to prevent net widening in the system. Preliminary analyses indicate that recidivism after 12 months is 5% for participating youth, compared to 32.1% for court-involved youth in Alameda County in the previous analysis (31).

Research indicates that restorative justice alternatives are especially successful when working with youth charged with more serious crimes.

(23) baliga, Henry, and Valentine, "Restorative Community Conferencing."

(24) Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*.

(25) baliga, Henry, and Valentine, "Restorative Community Conferencing."

(26) Tucker, "Juvenile Detention Camp's Costly Rebuild under Fire."

(27) See Figure 1.

(28) Lawrence Sherman and Heather Strang, "Restorative Justice: The Evidence" (The Smith Institute, 2007), https://www.iirp.edu/pdf/RJ_full_report.pdf.

(29) baliga, Henry, and Valentine, "Restorative Community Conferencing," 7.

(30) Patrick Leonard, Interview with Patrick Leonard, Senior Grants Manager at Community Works, Phone call, June 23, 2020.

(31) Ibid.

2. Shifting Our Response to Violence and Harm

Alameda County should similarly expand the use of restorative justice alternatives for its youth, and commit to referring more serious cases and cases of transition-age youth, as San Francisco has done with immense success. Given that the top three offenses for placement in Camp Sweeney and Juvenile Hall in Alameda County in 2018 were robbery, other status offenses, and burglary (32), there is significant potential to eliminate the use of secure detention and probation in this county and instead transition to restorative justice-based diversion. Prioritizing serious offenses for this diversion will also address the rampant racial disparities currently present for youth in the legal system.

Another example of an organization powerfully working to provide healing and empower youth and those they have harmed through restorative justice is Restorative Justice for Oakland Youth (RJOY), which has been working since 2005 to institute race-conscious restorative justice practices in schools, communities and the juvenile justice system in the East Bay Area. In response to its effectiveness in Oakland schools, such as sharp drops in truancy and suspension while test scores and graduation rates increased by almost 60%, the School District announced in 2015 that it would incorporate restorative justice programs in all schools in the district (33). RJOY also facilitates Circles of Support and Accountability in Camp Sweeney and Juvenile Hall, yet services and funding for such programming are still limited in the facilities (34).

Moreover, given the settings of confinement and backdrop of punishment present in probation, youth express desire for greater agency in the programs they can participate in and access to services that can help them attain greater financial security once they leave (35). Addressing youth's needs increases public safety, but very often, responses to harms committed by youth, and particularly young adults, do not take into account those needs. Expanding restorative justice options pre-charge for these youth both grants them critical agency in helping shape their accountability plan, and also gives them the opportunity to engage with services that can increase their employment options, something that incarceration significantly lowers (36) (37). Oakland school board's recent decision to abolish the school district's police force and expand counselors, social workers and restorative justice coordinators is a significant step in the right direction to stem the school-to-prison pipeline, but the county should move youth justice as a whole in line with calls from the community as to what keeps us safe (38).



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(32) "State of Disparities: California."

(33) Lara Bazelon, "Oakland Demonstrates Right Way to Use Restorative Justice With Teens," Youth Today, January 3, 2019, <https://youthtoday.org/2019/01/oakland-demonstrates-right-way-to-use-restorative-justice-with-teens/>.

(34) Jodie Geddes, Interview with Jodie Geddes, Healing Circles Manager at RJOY, Zoom call, July 7, 2020.

(35) Ibid.

(36) Lucius Couloute and Daniel Kopf, "Out of Prison & Out of Work: Unemployment among Formerly Incarcerated People" (Prison Policy Initiative, July 2018), <https://www.prisonpolicy.org/reports/outofwork.html>.

(37) Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration* (University of Chicago Press, 2009).

(38) Theresa Harrington, "Oakland School Board Unanimously Agrees to Eliminate Its Police Force," EdSource: Highlighting Strategies for Student Success (blog), June 25, 2020, <https://edsources.org/2020/oakland-school-board-unanimously-agrees-to-eliminate-its-police-force/634544>.

2. Shifting Our Response to Violence and Harm

Addressing the Need for Secure Detention

Of course, conversations around youth justice must also tackle the topic of the necessity, or often lack thereof, for secure detention. The Alameda County Readiness Assessment Consultation report prepared by the W. Haywood Burns Institute in August 2014 revealed varying opinions among stakeholders regarding the need for secure detention, with some expressing that the purpose is for community safety while others mentioned that it was necessary “when parents could not provide for the care and custody of their children” (39). However at the same time, the report uncovered a lack of consistency and oversight regarding how service referrals, including to the diversion program, are made. As a result, some providers have been under-utilized while others are at capacity. Secure detention therefore, seems to partially be used as a crutch due to a lack of coordination among the many community-based services that use case management and keep a young person with their family, or in necessary circumstances, provide family-finding services to place youth with other family members or kin rather than in secure detention. Improving coordination among services and greater diligence in exploring options for non-secure detention can thus address one of the primary concerns regarding the need for such detention.

Restorative justice programming also consistently nullifies the need for secure detention, even in very serious cases, and organizations such as Community Works strictly use restorative justice as an alternative to detention, not a supplement. Their participants continue to live at home but are paired with case managers that help with basic needs, promote health and stability, and support program completion (40). In the rare case that family/household stability is compromised enough to warrant out-of-home placement, youth should be directed towards foster care services rather than be placed in secure detention. For example, Community Works works with a small number of cases of supported youth in foster care (41). However, options for placement in foster care are currently limited for youth involved in the justice system in Alameda County because the county does not have a dual jurisdiction status, meaning that youth have to be served through either probation or Social Services, but not both. As a result, youth under probation have fewer options for placement because they cannot access the larger pool of foster families under Social Services, and probation staff report that these dual-system youth often have few options outside of secure detention when their household is determined as unable to support them (42). Alameda County should adopt a dual jurisdiction status, similar to San Francisco’s and in line with legislation AB 129 which amended the Welfare and Institutions Code to allow counties to develop dual-status protocols to best serve youth (43).

Moreover, secure detention should not be used except for the most extreme cases, and the period of stay should be explicitly short term, rather than indefinite or upwards of six months (44). Just as legislation AB 403 in California aimed to preference placement in foster family homes, provide wrap-around services to foster youth, and reduce reliance on long-term placement facilities, substantially contributing to Alameda County’s sharp decline in the use of out-of-home placement for foster youth (45), Alameda County should adopt a policy to significantly reduce reliance on out-of-home placement for justice-involved youth. Similar to what AB 403 stipulates in Section 2, the county should be required to obtain an assessment and placement recommendation from a multidisciplinary team prior to out-of-home placement, and placement should be short-term in nature and designed to enable youth to return to their birth, kin or adoptive families as quickly and safely as possible (46).

(39) Gina Peralta, Anna Wong, and Roselyn Berry, “Alameda County Readiness Assessment Consultation Summary Report” (W. Haywood Burns Institute, August 2014).

(40) Leonard, Interview with Patrick Leonard, Senior Grants Manager at Community Works.

(41) Ibid.

(42) Angela Irvine and Danielle Soto, “Reducing Out-of-Home Placements in Alameda: Successes, Challenges, and Lessons” (Impact Justice, April 2018).

<https://static1.squarespace.com/static/58ba8c479f7456dff8fb4e29/t/5ad52f0303ce64b8431b0775/1523920704372/alameda.placement.grid.16apr2018.pdf>.

(43) “Dual-Status Youth Data Standards (AB 191): 2017 Report to the Legislature” (Judicial Council of California: Center for Families, Children & Courts, 2017).

<https://www.courts.ca.gov/documents/lr-2017-jc-dual-status-youth-data-ab191-standards-2017.pdf>.

(44) The California Alliance for Youth and Community Justice (CAYCJ), of which the Ella Baker Center is a part of, sent a list of recommendations for the DJJ realignment to the Legislature in July 2020 that included stipulations for when out-of-home placement should be used and what the conditions for those facilities should be. For example, the coalition recommended the use of a child family team or youth navigation team to make recommendations to the court on disposition for all youth people considered by the court for removal. Additionally, facilities in use must provide home-like environments, allow for some freedom of movement for youth, and have adequate education, treatment, programming, and open recreation areas with green space. For the small number of youth who need to be in either secure, staff-secure or non-secure custody, the emphasis will be placed on contracting with nonprofits for small, home-like facilities close to where youth live.

(45) Michael Wald and Debbie Mukamal, “California’s Foster Care System: Implementation of AB 403 in Sonoma County,” Stanford Law School Law and Policy Lab, March 2019.

<https://law.stanford.edu/education/only-at-sls/law-policy-lab/practicums-2018-2019/californias-foster-care-system-implementation-of-ab-403-in-sonoma-county/>.

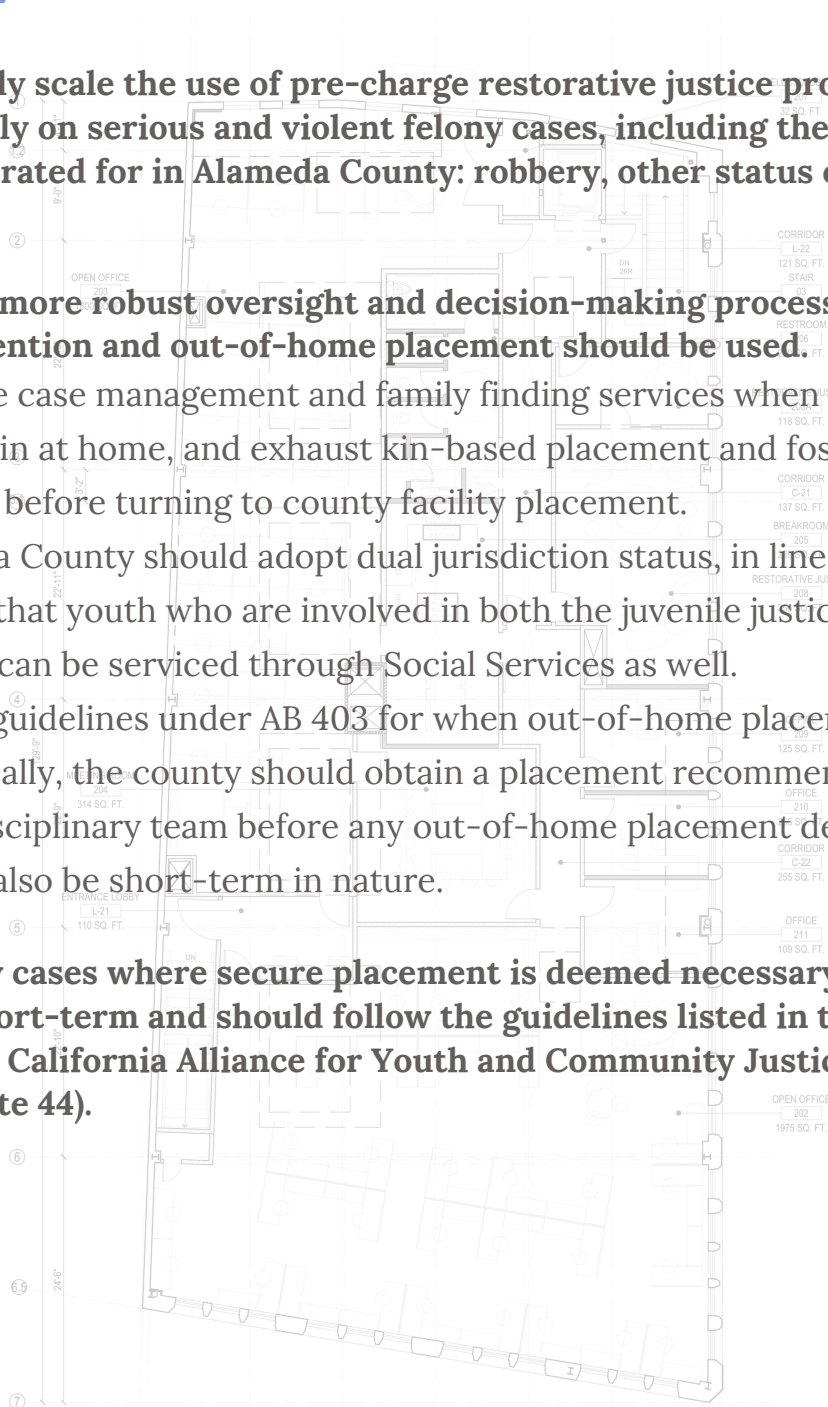
(46) Mark Stone, “Public Social Services: Foster Care Placement: Funding,” Pub. L. No. 403, WIC (2015), https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20150160AB403.

bill_id=20150160AB403.

2. Shifting Our Response to Violence and Harm

Summary of Recommendations

- **Significantly scale the use of pre-charge restorative justice programming, and focus intentionally on serious and violent felony cases, including the top offenses youth are incarcerated for in Alameda County: robbery, other status offenses, and burglary.**
- **Institute a more robust oversight and decision-making process regarding when secure detention and out-of-home placement should be used.**
 - Improve case management and family finding services when it is not safe for youth to remain at home, and exhaust kin-based placement and foster placement options before turning to county facility placement.
 - Alameda County should adopt dual jurisdiction status, in line with AB 129, to ensure that youth who are involved in both the juvenile justice and foster care system can be serviced through Social Services as well.
 - Follow guidelines under AB 403 for when out-of-home placement should be used. Specifically, the county should obtain a placement recommendation from a multidisciplinary team before any out-of-home placement decision. Placement should also be short-term in nature.
- **For the few cases where secure placement is deemed necessary, the period of stay must be short-term and should follow the guidelines listed in the recommendations sent by the California Alliance for Youth and Community Justice to the Legislature (see footnote 44).**




Restore Oakland Blueprint

3. Creating Capacity Through Low-Risk Diversion

Addressing the needs of youth who have committed more serious crimes will require investing resources into our youth, but rather than regard those investments as a zero-sum game, Alameda County can take significant steps to create capacity for higher-needs youth by diverting youth arrested for less serious offenses, a step that also has a track record of boosting public safety.

Low-Risk Offenses Constitute a High Proportion of Detention

The court systems, both adult and juvenile, are often over-capacity due to the high level of lower-level offenses that are processed through the courts. Even amidst the recent scale of reforms aimed at providing more diversion and rehabilitation opportunities for such offenses, they still constitute a significant portion of cases in the juvenile justice system. For example, the 2015 Census of Juveniles in Residential Placement found that 18% of youth in custody were held for technical violations and another 5% were detained for violating court orders from a status offense (47).



In Alameda County in 2018, ten of the 39 youth placed in secure detention or electronic monitoring were there for “Other Status Offenses,” which refer to cases where the minor is beyond parental control or fails to obey a juvenile court order.

That category was also the second largest contributing offense for being placed under wardship of the county and for receiving institutional placement or electronic monitoring. Additionally, theft is the third largest contributing offense among youth referred to probation and youth placed under wardship, truancy is the third most represented offense among youth under institutional placement or electronic monitoring, and misdemeanors are the most represented offense among youth who receive a juvenile court disposition (decision point prior to wardship) (48). The County should move to barring the incarceration of any youth arrested for other status offenses or technical violations.

Despite recent movement to expand diversion opportunities for lower-risk youth in Alameda County, there is still immense potential to divert more youth placed in Juvenile Hall and Camp Sweeney. That is an important step that should be taken not just to create more capacity to provide services to higher-need youths but also to prevent unnecessary involvement with the juvenile justice system. A 2014 analysis of the RECLAIM Ohio initiative found that youth placed on probation were 50% more likely to reoffend than comparable youth not placed on probation, and that youth diverted pre-court were less likely to reoffend than youth processed through court (49). Similar results were also found in Florida, and the Council of State Governments has concluded that juvenile justice systems often do more harm than good when intervening in low-risk cases (50).

(47) “Transforming Juvenile Probation: A Vision for Getting It Right” (Annie E. Casey Foundation, May 7, 2018), <https://www.aecf.org/resources/transforming-juvenile-probation/>.

(48) “State of Disparities: California.”

(49) “Transforming Juvenile Probation: A Vision for Getting It Right.”

(50) *Ibid.*

3. Creating Capacity Through Low-Risk Diversion

Lucas County, OH provides a good example of expansive diversionary measures. Since 2014, the county has practically eliminated the confining of youth for technical violations. All youth referred to juvenile court on misdemeanors are diverted or overseen by specialized case managers in the county's Misdemeanor Services Unit where youth are referred to the appropriate service providers in the community after an initial assessment. The county contracts with a community-based organization (CBO) to employ family navigators to support family members of the youth, funds other CBOs that provide positive youth development activities, and expands program options for diverted youth such as restorative circles programming. While the youth may be required to pay restitution or perform some community service, they are not required to perform many of the typical probation requirements such as monthly meetings or drug tests, and importantly, the county does not return those youth to court for noncompliance. Their cases are simply terminated for unsuccessful completion and *only* if they commit a subsequent felony offense are they referred to court (51).

Santa Cruz similarly rarely refiles diverted cases and has not suffered public safety consequences as a result of that: arrest rates have fallen almost 75% in the past two decades, and in the county, only 11% of youth are charged with a new offense post diversion (52). While diversion programs typically hold the threat of possible adjudication over participating youth, such a threat is overwhelmingly unnecessary and counterproductive because most youth grow out of delinquent behavior and intervening increases the likelihood of further involvement in such behavior (53).

Using diversion means utilizing a whole host of options, including releasing youth with a warning, referring them to CBOs or other services to address their specific needs, and/or centering restorative justice processes. Moreover, Alameda County should restructure the principle of holding youth accountable from a deficit-based model to a positive-incentive-based approach. Rather than emphasizing a young person's failure to comply with certain requirements, as adult probation does, interventions (when necessary) need to assess why someone is not able to complete a requirement and implement strategies to reduce those barriers. The vast majority of technical and financial requirements that are typically imposed by probation must also be significantly reduced if not eliminated.



(51) "Transforming Juvenile Probation: A Vision for Getting It Right."

(52) *Ibid.*

(53) *Ibid.*

3. Creating Capacity Through Low-Risk Diversion

Opportunities for More Diversion in Alameda County

A key point of diversion is at the arrest process itself, especially in order to minimize the amount of contact a young person has with the legal system. For example, one form of pre-arrest diversion used in Florida involves giving police officers the discretion to write a civil citation to send youth directly to a diversion program without court involvement. That decision yields immense cost-savings and public benefits: one civil citation costs about \$386 compared to \$5,000 per arrest, and only 4% of youth processed through pre-arrest diversion reoffend compared to 12% of youth under post-arrest diversion (54). Although Florida passed legislation SB 1392 in 2018 that required each judicial circuit to adopt a circuit-wide, pre-arrest diversion program, programs and eligibility vary widely across the state because local decision-makers decide the parameters of their jurisdiction's program. An analysis by the ACLU of Florida subsequently found that the lack of strict parameters of eligibility and implementation often mean that youth who would be eligible are still barred from the program. For example, among youth who were eligible for the civil citation program but were instead formally arrested, 69% still ended up in the diversion programs and another 26% saw their cases dropped, were found not guilty, or received no sanction (55). In other words, about 95% of eligible youth who are not diverted receive the same or a lesser outcome than youth who receive the civil citation, yet are still burdened with an arrest record that puts them at greater risk of legal involvement in the future.

The Alameda County Readiness Assessment Consultation report points to similar inconsistencies in decision-making between various decision points of the legal process for youth. The report highlights the critical decision-making bodies as local police and county sheriff (who decide whether to take youth to a secure detention facility upon arrest), probation intake (who decide if youth should be detained), and juvenile court (makes the ultimate decision on whether youth should be detained). However, each of these bodies operate with their own distinct policies and practices, resulting in inconsistencies in those decisions (56). For example, law enforcement may transfer a young person to a secure detention facility but the young person will later be released by probation intake, raising the question of whether the young person should have been detained in the first place. Inconsistencies among the decision-making points is also a vulnerable point for racial and ethnic disparities to arise. That is a key reason why even as diversion options have risen for youth in the past two decades, the Black/White disparity in youth incarceration in the country has actually increased by 22% from 2001 to 2015, with a 30% increase specific to California over that time period (57). White youth incarceration has fallen more steeply than Black youth incarceration, but the growth of the incarceration disparity is likely driven by increasing disparities in arrests (58). Expanding the use of pre-arrest diversion, but reducing individual discretion in those decisions to expand the number of young people being diverted, can play a vital role in reversing that trend of rising disparities.

About 95% of eligible youth who are not diverted receive the same or a lesser outcome than youth who receive the civil citation, yet are still burdened with an arrest record that puts them at greater risk of legal involvement in the future.

(54) "Pre-Arrest Diversion: The Most Effective Tool for Common Youth Misbehavior," ACLU Florida (blog), n.d., <https://www.aclufl.org/en/pre-arrest-diversion-common-youth-misbehavior>.

(55) *Ibid.*

(56) Peralta, Wong, and Berry, "Alameda County Readiness Assessment Consultation Summary Report."

(57) "Fact Sheet: Black Disparities in Youth Incarceration" (The Sentencing Project, September 2017), <https://www.sentencingproject.org/wp-content/uploads/2017/09/Black-Disparities-in-Youth-Incarceration.pdf>.

(58) "Black Children Five Times More Likely Than White Youth to Be Incarcerated," Equal Justice Initiative (blog), September 14, 2017, <https://ej.org/news/black-children-five-times-more-likely-than-whites-to-be-incarcerated/>.

3. Creating Capacity Through Low-Risk Diversion

Oakland Police Department currently has an at-arrest diversion program that has been in operation since 2015 in which youth who have no prior arrest record and are not being arrested for 707(b) offenses are referred to Sergeant Bradley Young for diversion. Sergeant Young then makes the ultimate decision over diversion, and youth are then referred to the Neighborhood Office and Accountability Board, Centerforce, and/or Community Works (59). The program explicitly does not divert youth arrested for an offense listed under Section 707(b) of the Welfare and Institutions Code, and also typically does not divert young people with gang involvement in their background (60). The program currently serves around 12 to 13 youth (61), but should expand eligibility to all youth outside of 707(b) offenses (which cannot be diverted according to the penal code but should be diverted by the district attorney) including youth with gang affiliations or prior arrest records. Although arguments made against diversion for those cases are often based in claims about accountability, diversion and accountability are not mutually exclusive; rather restorative justice processes force youth to confront the harm they have caused, take responsibility for it, and work to repair that harm in a way incarceration in its essence cannot achieve.

Diversion should also not be left completely to discretion, and officers should be required to provide written justification for eligible youth who they do not choose to divert, and that decision should be assessed by a separate multidisciplinary team or the Neighborhood Office and Accountability Board, to ensure that non-diversion options are warranted. The Youth Law Center published a report providing an overview of state law related to youth diversion, highlighting the options possible at each decision point in the legal process for youth and key guideposts and recommendations for change (62). Alameda County should utilize that report to expand the use of diversion and reduce inconsistencies across the decision points in the youth system. Doing so will also create capacity and resources for youth who cannot be immediately diverted and need greater supports.

Diversion and accountability are not mutually exclusive; rather restorative justice processes force youth to confront the harm they have caused, take responsibility for it, and work to repair that harm in a way incarceration in its essence cannot achieve.

(59) "JJDC Meeting Minutes" (Alameda County Juvenile Justice Delinquency Prevention Commission Meeting Minutes, May 13, 2020).

(60) Bradley Young, Interview with Sergeant Bradley Young, Head of OPD's Diversion Program, Phone call, July 16, 2020.

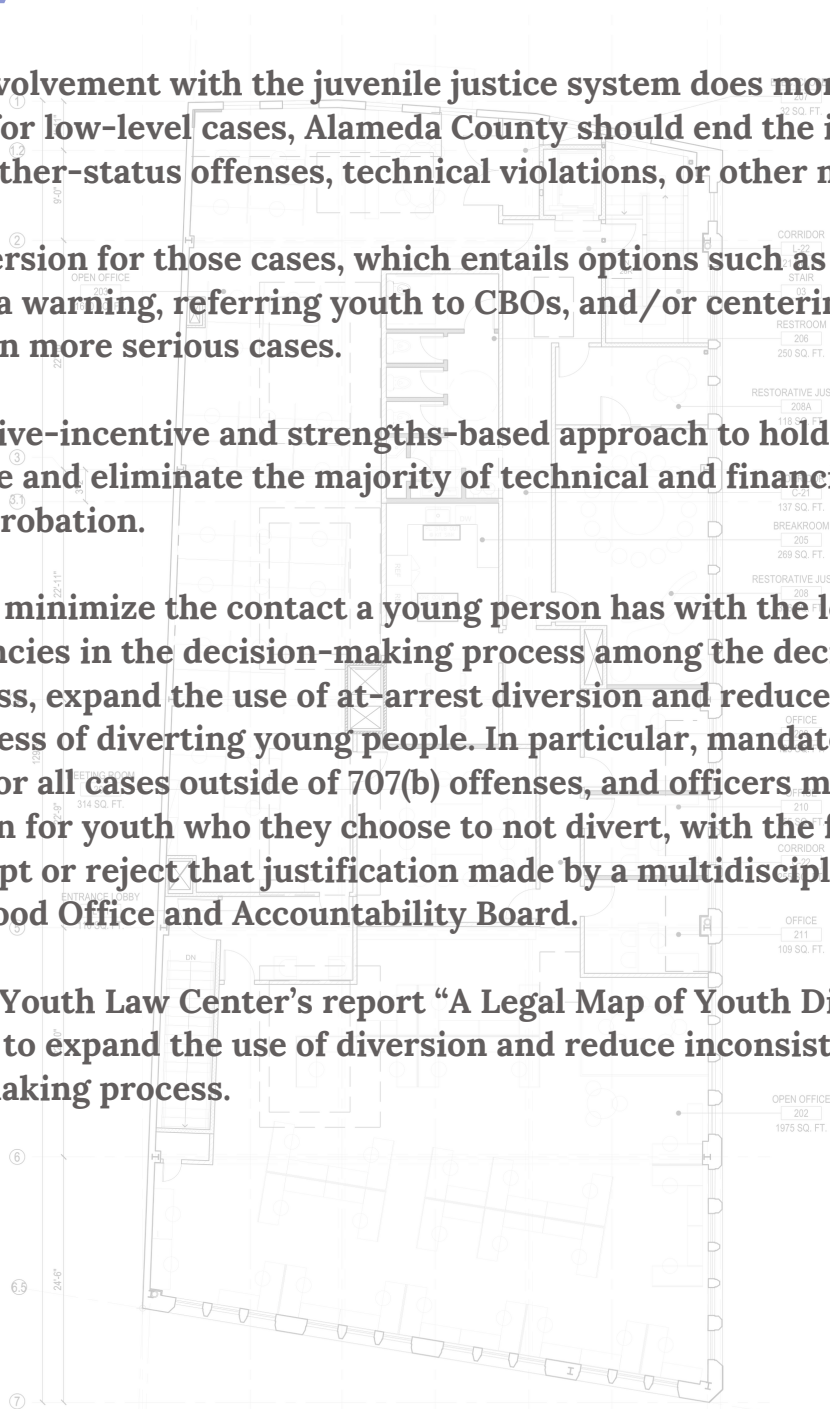
(61) Ibid.

(62) "Part 1: A Legal Map of Youth Diversion in California," Navigating the Legal Landscape towards Juvenile Justice Transformation (Youth Law Center, May 2020), <https://ylc.org/wp-content/uploads/2020/05/YLC-01-A-Legal-Map-of-Youth-Diversion-in-California.pdf>.

3. Creating Capacity Through Low-Risk Diversion

Summary of Recommendations

- Because involvement with the juvenile justice system does more harm than good, especially for low-level cases, Alameda County should end the incarceration of youth for other-status offenses, technical violations, or other misdemeanors.
- Utilize diversion for those cases, which entails options such as simply releasing them with a warning, referring youth to CBOs, and/or centering restorative justice processes in more serious cases.
- Use a positive-incentive and strengths-based approach to holding youth accountable and eliminate the majority of technical and financial requirements placed by probation.
- In order to minimize the contact a young person has with the legal system and inconsistencies in the decision-making process among the decision points in the legal process, expand the use of at-arrest diversion and reduce individual discretion in the process of diverting young people. In particular, mandate the use of at-arrest diversion for all cases outside of 707(b) offenses, and officers must write a written justification for youth who they choose to not divert, with the final decision to either accept or reject that justification made by a multidisciplinary team or the Neighborhood Office and Accountability Board.
- Utilize the Youth Law Center's report "A Legal Map of Youth Diversion in California" to expand the use of diversion and reduce inconsistencies in the decision-making process.



Restore Oakland Blueprint

4. Prioritizing Further Youth-Serving Infrastructure

While this report focuses on youth justice in Alameda County, interventions to create safe and healthy communities cannot occur without investment into the very resources and structures that we know keep us safe: academic, economic, and extracurricular opportunities for youth, and the community organizations that provide those opportunities. While it is important to examine alternative responses to young people involved with the legal system, an equally important question is how to imagine a public space and community that intervenes to prevent such involvement in the first place. Despite historic disinvestment in Oakland and cities in Alameda County, there is a wide base of community organizations focused on supporting our young people, and the county should prioritize such youth-serving infrastructure to make their stated commitment to the goal of “holistic community safety” a reality.

That commitment has been only nominal. Despite probation’s stated commitment to CBOs and prevention, only 1% of funding from the Juvenile Justice Crime Prevention Act and Youth Offender Block Grant in Alameda County went to CBOs in 2016; 83% went to salaries and benefits for probation staff.

Thus far however, that commitment has been only nominal. Despite probation’s stated commitment to CBOs and prevention, only 1% of funding from the Juvenile Justice Crime Prevention Act and Youth Offender Block Grant in Alameda County went to CBOs in 2016; 83% went to salaries and benefits for probation staff. In contrast, San Francisco spent 24.3% of that funding on salaries and benefits, and 64.1% of the funding on CBOs in 2016 (63). Even though the roughly \$8 million that probation currently spends on CBOs seems promising, the definition of community-based organization that probation utilizes is much broader than it should be (64). Additionally, that figure more so reveals funding priorities not in line with the community when compared to probation’s total \$156 million budget (65). In other words, 4.5% of the probation budget for communities sends a strong message of where Alameda County’s priorities lie, and it does not seem to be with our youth. There is an opportunity to have the youth justice system reflect its stated priority of supporting communities but the critical step to do that is to have our resources reflect those guiding principles.

((63) “Alameda County: Juvenile Justice Funding,” An Opportunity for Reinvestment: California State Juvenile Justice Funding in Five Bay Area Counties (Center on Juvenile and Criminal Justice, May 2018), http://www.cjcj.org/uploads/cjcj/documents/juvenile_justice_funding_informational_sheet_alameda_county.pdf.

(64) Clarence Ford, Interview with Clarence Ford, Policy Associate at the Burns Institute, about probation budget analyses he’s conducted, Email, July 29, 2020.

(65) Susan Muranishi, “County of Alameda Proposed Budget 2019-20,” Alameda County Vision 2026 (Alameda County Administrator, June 11, 2019), http://acgov.org/MS/OpenBudget/pdf/FY19-20/FY%202019-20%20Proposed%20Budget%20Book_web%20&%20cd.pdf.

4. Prioritizing Further Youth-Serving Infrastructure

Pervasive Inequities in Oakland and Alameda County

Policies meant to explicitly and implicitly disempower and disinvest in Black, Latinx and indigenous people's communities such as redlining, mass incarceration, and targeted federal construction of highways have resulted in persistent concentrated poverty in largely Black and Hispanic neighborhoods. The 2015 report by the Alameda County Public Health Department highlights how many poverty-stricken areas have faced high poverty rates for upwards of five decades, and many of those neighborhoods also face the lowest levels of employment and educational attainment in the county. Yet rather than invest in these communities and provide more services and resources, the dominant response has been to over-police those areas and criminalize the consequences of such disinvestment and structural racism (66).

Moreover, a 2018 report by City University of New York quantified inequity across institutions in Oakland, ranging from education to public safety and other sectors. The report gave each institution/sector a score from 1 to 100, with 100 being the most equitable; the city of Oakland as a whole scored a 33.5. The public safety category showed the greatest levels of inequity (scoring a 17.5 out of 100), with Black residents about 16 times more likely to be a homicide victim than a White resident and Black youth about 113 times more likely than White youth to be arrested for a felony. Financial health, comprising access to healthy financial institutions and disparities in poverty and median household income, received one of the lowest scores as well of 32.7. The report also measured disparities in making a living wage (\$14.86 per hour for Oakland in 2016) and found that while only 12.3% of White workers made less than the living wage, that proportion was 46.5% for Latino workers and 37.6% for Black workers (67).

Reimagining youth justice in Oakland cannot occur without a fundamental shift in how the City prioritizes its communities of color, and we urge Oakland and Alameda County to participate in a Truth and Reinvestment process that tells the truth about how a history of racial injustice has led to the disproportionate criminalization and impoverishment of communities of color, and prioritizes opportunity-building investments that address those challenges, led by community members who understand those challenges best. This section provides a layout of some of the existing areas of investment for youth, and opportunities that should be prioritized.



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(66) "Public Safety Begins With Public Health: Making Oakland Safer Together" (Ella Baker Center for Human Rights, n.d.), https://www.ellabakercenter.org/sites/default/files/media/PublicSafetyBeginswithPublicHealth_OaklandSafetyPlan_2017.pdf.

(67) "Oakland Equity Indicators: Measuring Change Toward Greater Equity in Oakland" (New York: City University, 2018), <https://cao-94612.s3.amazonaws.com/documents/2018-Equity-Indicators-Full-Report.pdf>.

4. Prioritizing Further Youth-Serving Infrastructure

Youth Infrastructure Focused on Addressing Violence

While Community Works West and Restorative Justice for Oakland Youth provide restorative justice services that respond to violence and harm once it has occurred, organizations such as Youth ALIVE! and Community & Youth Outreach in Oakland aim to disrupt the cycle of violence and prevent such violence from occurring.

Youth ALIVE!'s mission is to prevent violence by interrupting the cycle of violence on the streets, provide healing support for those who have experienced violent trauma, and educate and train young leaders to create a more peaceful community. Their prevention, intervention and healing programs have seen incredible success and engagement from the community. For example, their Teens on Target program trains young leaders to be Peer Violence Prevention Educators that reach hundreds of middle school students with lessons of awareness and alternatives to violence, and as a result, 80 to 90% of Peer Educators resolve a conflict that would have resulted in a fight and 90% fewer students believe having a gun makes them safer. The Caught in the Crossfire program utilizes intervention specialists and case management for youth who have been wounded and meets victims of violence at their hospital bedside to convince them and related parties not to retaliate and to provide a path towards safety and healing. 98% of the individuals they work with are not re-hospitalized for violence-related injuries (68). The organization's services are partially funded through two contracts with Probation to provide mental health services for at-risk youth not on probation and civic and social engagement services for at-risk and system-involved youth (69).

Community & Youth Outreach (CYO) aims to prevent violence and help youth thrive by providing outreach, mentoring, case management and support to high-risk youth and young adults. The programs include intensive life coaching by adults who have similar life experiences as the youth, violence reduction coordination by engaging individuals at the highest risk of violence, and a mentoring program that utilizes culturally relevant and trauma-informed cognitive behavioral therapy. In 2017, there were 105 individuals engaged in long-term life coaching, with only four later convicted of a crime. Moreover, although these individuals were identified by the Oakland Police Department as very high risk for gun violence, none were arrested for or victims of gun violence following the program (70). CYO received a two-year contract from probation in 2017 to serve 130 youth/young adults (71).

(68) "Youth ALIVE! Programs," Youth ALIVE! (blog), n.d., <http://www.youthalive.org/programs/>.

(69) Wendy Still, "Youth ALIVE! Contract with ACPD" (Alameda County Probation Department, October 29, 2019).

Wendy Still, "Youth ALIVE! Contract with ACPD" (Alameda County Probation Department, December 18, 2018).

(70) "Community & Youth Outreach 2017 Annual Report" (Community & Youth Outreach, 2017), http://www.cyoinc.org/wp-content/uploads/2020/01/cyo_2017_annual_report.pdf.

(71) Wendy Still, "CYO Contract w/ ACPD" (Alameda County Probation Department, August 1, 2017).

Wendy Still, "CYO Contract w/ ACPD" (Alameda County Probation Department, August 7, 2018).

4. Prioritizing Further Youth-Serving Infrastructure

Youth Infrastructure Providing Economic Opportunities

The **Alternate Education Hub** is a new proposal in Alameda County led by a group of Alternative Education students, recent alumni, and adults who serve them to create a hub that will be able to serve transition-age youth who need alternative pathways to post-secondary success. The hub will aim to prevent dropouts from school, provide graduate support to connect those who graduate to post-secondary institutions or apprenticeships, and interrupt the school-to-prison pipeline. The City of Oakland has historically not prioritized alternative education school students despite the fact that around 300 youth drop out each year and 700 graduate with no post-secondary connection. The hub will address those needs and provide employment readiness development, career exploration experiences, and apprenticeships and certifications in identified careers, in addition to a range of wrap-around services (72). The hub is the culmination of a vision that was born out of conversations with youth in Camp Sweeney about their needs and services/opportunities that would make their reentry experience positive (73). The hub will provide a vital opportunity to keep youth in educational/employment pathways and will focus on 21st century skill development and social-emotional learning. Given the critical deterrent of educational and vocational opportunities for justice-system involvement, Alameda County should invest resources into community-based and guided initiatives such as the Alternate Education Hub.

Youth UpRising is a neighborhood hub that provides young people in East Oakland with services and programs aimed to better their physical and mental health, community engagement, and educational and career attainment. The organization places around 400 youth into jobs each year and provides around 600 youth with educational and employment services. Youth UpRising also has significant crime prevention impacts: a 2015 study found that arrests for violent offenses declined from about 65% of participants five years before the program to 10% two years after, and there was an 80% decrease in youth adjudicated delinquent two years after program participation (74). Alameda County Probation currently has two contracts with the organization for life skills and education support services for youth on medium-level community supervision and at-risk and system-involved youth (75).

Berkeley Youth Alternatives (BYA) provides holistic services centered around education, health and well-being, and economic self-sufficiency. Programs include an Environmental Training Center, Youth and Family Opportunity Hub, Career Development Center, Sports and Fitness, and a Counseling Center. The Environmental Training Center is a youth internship program for 16 to 24 year-olds that aims to grow and distribute fresh food throughout the West Berkeley community in collaboration with other youth and food justice organizations. The Center also provides wrap-around services that include counseling, case management, career/college planning and academic support (76). BYA contracts with probation to provide life skills, mentoring, delinquency prevention and youth employment services for at-risk and system-involved youth (77).

(72) Brooklyn Williams, "Alternate Education Hub at 1025 Second Ave," Presentation.

(73) Brooklyn Williams, Alternate Education Hub, Phone interview, July 9, 2020.

(74) "Youth UpRising Results," Youth UpRising (blog), n.d., <https://www.youthuprising.org/impact/results>.

(75) Wendy Still, "Youth UpRising Contract w/ ACPD" (Alameda County Probation Department, August 7, 2018).

Wendy Still, "Youth UpRising Contract w/ ACPD" (Alameda County Probation Department, December 18, 2018).

(76) "Berkeley Youth Alternatives Environmental Training Center," Berkeley Youth Alternatives (blog), n.d., <https://www.byaonline.org/programs/health-and-environment/environmental-training-center>.

(77) Wendy Still, "BYA Contract w/ ACPD" (Alameda County Probation Department, December 18, 2018).

Wendy Still, "BYA Contract w/ ACPD" (Alameda County Probation Department, June 19, 2018).

4. Prioritizing Further Youth-Serving Infrastructure

Youth Infrastructure Providing Economic Opportunities

Youth Employment Partnership (YEP) aims to enhance the educational and vocational opportunities for Oakland youth, ages 14-24, and youth impacted by system-involvement and poverty. It provides paid job training and internship opportunities, supplemental education, career exploration, and supportive services. The organization includes youth and young adult employment programs, social ventures, and a staffing agency to ensure that its trainees continue to receive support after graduating from their programs and are connected to employment among local businesses (78). YEP received a three-year contract for \$1.2 million from probation in 2016 (79).

Rising Sun Center for Opportunity has a youth employment and empowerment program for Bay Area and San Joaquin youth called Climate Careers that addresses climate change and trains youth to provide energy efficient and water conservation services to over 50,000 homes in Northern California. The program has doubled from ten to twenty cities in two years and has employed over 1,900 youth (80). The organization received a two-year contract from probation in October 2018 (81).

CiviCorps reengages young adults in West Oakland, ages 18-26, to earn their high school diplomas, develop employment skills through paid job training and internships, pursue college and embark on family-sustaining careers. The organization also provides personalized academics, trauma-informed counseling, and comprehensive job and college placement and supports. With a graduation rate of 74%, CiviCorps is one of the highest performing high schools in Oakland and 85% of graduates are enrolled in college and/or are employed one year after graduation. The organization predominantly serves youth of color and at-risk young adults: 57% of the 2017-2018 student cohort were Black, 17% were Hispanic, 45% of the student cohort was justice involved, 39% were survivors of violence, and 29% were parents of young children (82). Despite the significant successes that CiviCorps has produced, they are not funded by probation but would be a valuable resource that Alameda County should invest in.

(78) "Youth Employment Partnership," n.d., <http://www.yep.org/who-we-are/>.

(79) Wendy Still, "Youth Employment Partnership Contract w/ ACPD" (Alameda County Probation Department, July 12, 2016).

(80) "Climate Careers," Rising Sun Center for Opportunity (blog), n.d., <https://risingsunopp.org/programs/climate-careers/>.

(81) Wendy Still, "Rising Sun Center for Opportunity Contract w/ ACPD" (Alameda County Probation Department, August 7, 2018).

(82) "CiviCorps," n.d., <https://www.cvicorps.org>.

4. Prioritizing Further Youth-Serving Infrastructure

Youth Infrastructure Focused on Social and Leadership Development

Fresh Lifelines for Youth (FLY) provides Alameda County and Santa Clara County youth involved in the juvenile justice system and youth at risk of such involvement with the motivation and support to stay out of trouble and break the cycle of violence, crime, and incarceration of teens. The organization has many programs including legal education and field trips, leadership training and one-on-one mentoring. In its core programs, more than 80% of youth are not convicted of a criminal charge during their participation and 80% of eligible high school seniors they work with graduate or obtain their GEDs. FLY also includes a middle school program to focus resources on early intervention, and 90% of youth receiving case management in that program avoided system involvement or were in the process of getting off probation (83). The organization received two contracts from probation for cognitive behavioral groups, mentoring, and civic and social engagement services (84).

The Young Women's Freedom Center creates leadership pathways for system-involved and formerly incarcerated women and girls of color, providing consistent support for healing, and economic opportunities and progressive leadership development through internships, advocacy and employment. The organization has led to an annual 79-85% decrease in recidivism for their program participants, and up to 90% of those who complete their program maintain employment and reach educational goals at 6-, 12- and 18-month follow-ups (85). The Center does not receive funding from probation but contributes substantially to crime prevention for youth.

Communities United for Restorative Youth Justice (CURYJ) builds community relationships and mobilizes youth leaders in Oakland and invests in their healing, activism and aspirations. They do this by promoting and elevating youth art and talent, providing holistic youth and leadership development programs, lifting up formerly incarcerated leadership, and promoting and training the community in transformative and restorative justice. CURYJ provides another example of a CBO operating outside of probation to service Oakland youth.

Urban Peace Movement (UPM) focuses on policy and systems change, healing and culture change and movement building, and builds youth leadership to transform the conditions that lead to violence and mass incarceration. The organization includes a Leaders in Training program, a social justice and organizing leadership program for high-school age youth from neighborhoods most impacted by high rates of violence and incarceration. UPM also services Oakland youth outside of probation and provides leadership opportunities for them to pursue.

(83) "Fresh Lifelines for Youth," n.d., <https://flyprogram.org/about/what-we-do/>.

(84) Wendy Still, "FLY Contract w/ ACPD" (Alameda County Probation Department, August 7, 2018).

Wendy Still, "FLY Contract w/ ACPD" (Alameda County Probation Department, December 18, 2018).

(85) "Young Women's Freedom Center," n.d., <https://www.youngwomenfree.org>.

4. Prioritizing Further Youth-Serving Infrastructure

Youth Infrastructure Addressing Additional Needs

Covenant House California (CHC) is a non-profit homeless shelter located in Oakland and Berkeley that serves over 4,700 youth a year and “provides a full continuum of services to meet the physical, emotional, educational, vocational, and spiritual well-being of young people, in order to provide them with the best chance for success in independence” (86). CHC includes four different housing programs based on youth’s needs: short-term care, two-year on-site transitional living program, two-year off-site transitional living program, and permanent housing supported by CHC up to 24 months. The organization also includes a program called DreamCatcher Youth Services, which is a safe landing for at-risk, homeless and trafficked youth ages 13-18 in Alameda County. Their comprehensive network of programs are designed to connect youth to stable housing, consistent resources and community and peer supports, and are “trauma-informed, youth-positive, and strength-based, using a low barrier, harm reduction model” (87). Although not funded by Alameda County probation, CHC provides a viable alternative to secure detention for youth with unstable living circumstances, and their wide range of services can provide additional support to youth.

The Eastside Arts Alliance & Cultural Center in Oakland presents free youth art classes, public art projects, cultural programming, and works with many community organizations to put on hundreds of events each year. The Center also includes a physical space and resources for youth who are interested in the arts to develop their passions. Although it provides valuable opportunities and prosocial activities for youth, the organization relies heavily on individual donations and should be supported by the County in order to expand the number of youth it can serve.

(86) “Covenant House California,” n.d., <https://covenanthousecalifornia.org/services-2/>.

(87) “Dreamcatcher Youth Services,” Covenant House California (blog), n.d., <https://covenanthousecalifornia.org/dreamcatcher-youth-services/>.

4. Prioritizing Further Youth-Serving Infrastructure

Gaps in Existing Funded Services/Organizations

In conversations with system-involved youth, one of the main themes that continuously emerges is the desire for prosocial activities that can engage youth and provide additional pathways into independent and healthy lifestyles and futures. For example, a 2017 report to the California Legislature by the Judicial Council of California summarized the results of a focus group the report authors conducted with youth who had been involved with the child welfare and juvenile justice systems and found that one of the main themes that emerged from the youth's perspectives was the importance of having access to prosocial activities for significant periods of time and activities that would then lead to other prosocial activities. Many also expressed the need for more activities such as internships, but with the ability to continue longer-term participation in those opportunities (88). These testimonies highlight the importance of coordination between services that are rehabilitative and prosocial. While Oakland has a substantial pool of CBOs and services that provide these types of services, many youth are only able to access them once they are already involved with the legal system. Investing more resources into these alternatives builds up the capacity of youth-serving infrastructure to reach more at-risk youth, if they are not currently, and allows services to exist more robustly outside of probation and legal involvement.

Additionally, the funding priorities of probation do not seem to reflect the needs of the youth they serve. For example, although family/housing instability seems to be a stated issue and reason for secure confinement of youth, probation does not reflect that priority in the organizations and services it funds. While Covenant House California provides significant services for youth in need of housing, there are additional family intervention models that Alameda County can look to. Treatment FosterCare Oregon is an alternative to incarceration/group placement for adjudicated youth, and community families are trained and supervised as they provide treatment and housing. Young males who participated in the program had fewer arrests, days of incarceration, and violent offense referrals than control group participants (89). Another example in King County, WA is the Family Intervention and Restorative Services Center, a non-secure respite facility where youth with an alleged family violence incident, and the family members, can receive crisis stabilization services. The Center is an important part of King County's plan for zero youth detention, and within a year of its opening, youth domestic violence case filings dropped 62%. In the county, youth were placed in secure detention for domestic violence more than any other offense, with 90% of those cases constituting violence against a family member, but the Center has had tremendous success in addressing and preventing that harm while still keeping youth outside of the legal system and detention (90).

(88) "Dual-Status Youth Data Standards (AB 1911): 2017 Report to the Legislature."

(89) Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, "The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model," *New Thinking in Community Corrections* (National Institute of Justice, October 2016), <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>.

(90) "Family Intervention and Restorative Services," King County (blog), n.d., <https://www.kingcounty.gov/depts/prosecutor/youth-programs/firs.aspx>.

4. Prioritizing Further Youth-Serving Infrastructure

Another important consideration is gaps in resources by region. While Oakland youth made up almost half of the youth committed to Camp Sweeney and Juvenile Hall in the first quarter of 2020, Hayward youth constituted the next majority, with almost 14% of youth in both facilities from the city (91). However, the vast majority of organizations/services identified and funded by probation do not focus on youth from Hayward or cities such as San Leandro that contribute the third-greatest number of youth to secure detention facilities in Alameda County. That is not a reason to continue with detention, but an impetus to build up the capacity of community-based alternatives in those cities and divert resources to community members to support their youth with interventions we know to work. The Juvenile Justice Crime Prevention Act (JJCPA) can provide funding in order to build up that capacity, yet even though the funding is intended to go towards delinquency prevention, 74% of JJCPA funding in 2019 was spent on probation staff and salaries (92).

Although the County does allocate a portion of funding towards CBOs and preventative services, Alameda County still overwhelmingly prioritizes probation, despite the ample research demonstrating that youth processed through probation have worse outcomes than youth who are able to remain outside of probation's involvement.



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(91) "Alameda County Probation Data Dashboard."

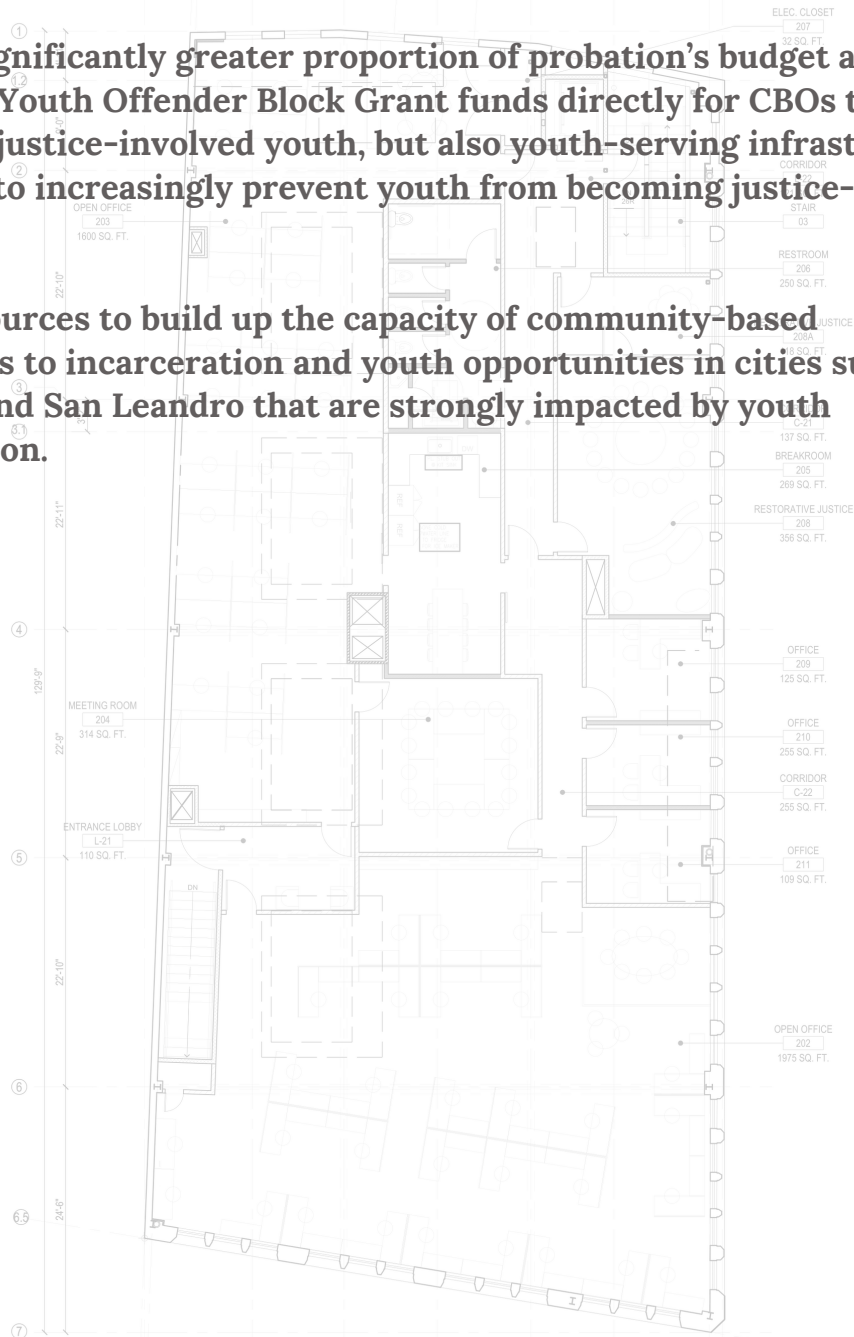
(92) "Juvenile Justice Crime Prevention Act - Youthful Offender Block Grant 2019 Expenditure and Data Report" (California Board of State & Community Corrections, October 2019), <http://www.bscc.ca.gov/wp-content/uploads/Alameda-2019-JJCPA-YOBG-Report.pdf>.

Data analysis from Laura Ridolfi and Clarence Ford from the W. Haywood Burns Institute.

4. Prioritizing Further Youth-Serving Infrastructure

Summary of Recommendations

- Utilize a significantly greater proportion of probation's budget and JJCPA and Youth Offender Block Grant funds directly for CBOs that work with justice-involved youth, but also youth-serving infrastructure in general to increasingly prevent youth from becoming justice-involved.
- Invest resources to build up the capacity of community-based alternatives to incarceration and youth opportunities in cities such as Hayward and San Leandro that are strongly impacted by youth incarceration.



Restore Oakland Blueprint



5. Rethinking Oversight and Coordination of Services

Coordinating Services Outside of Probation

Probation currently is the main coordinating body of services and resources for system-involved and at-risk youth. However, probation is not the only model for coordination and there is precedent in San Francisco and potential in Alameda County that we can look to as an alternative model.

In San Francisco, community members and advocates started the Juvenile Justice Providers Association (JJPA) in 2004 in order to better coordinate services and communicate among the many youth justice-serving organizations outside of probation. In addition, San Francisco has a Department of Children, Youth and their Families (DCYF) that distributes funds to nonprofits that receive city funding and to probation to distribute to organizations that serve justice-involved youth (93). Alameda County should similarly move operations for youth justice to the Department of Human Services and create a department under that specifically focused on youth development, that would also work directly with justice-involved youth. Similar to San Francisco, such a department would be responsible for distributing funding to organizations serving youth, but decision-making over contracts should fall under the purview of a committee that includes a meaningful number of impacted individuals and community advocates.

While San Francisco is a slightly unique case in that San Francisco is both a city and a county, a similar move can be made in Alameda County as well, and the Oakland Unite Initiative and the Oakland Fund for Children and Youth provide strong models as alternatives to probation for the County. In 2014, voters passed the Oakland Public Safety and Services Violence Prevention Act (Measure Z), which directs about \$24 million annually for ten years to violence prevention and intervention programs such as Youth ALIVE! and the Young Women's Freedom Center (94). The Oakland Gun Violence Strategy's services are funded by the Measure Z fund, which is administered by the Oakland Unite Initiative under the Department of Human Services (95). This model of placing violence intervention strategies under the Department of Human Services should be expanded to move the jurisdiction of youth justice in the county as a whole to a separate division within the Department of Human Services, and the resources currently placed in probation should follow that new department. Such a move is in line with Governor Newsom's plan to move juvenile justice-related activities and oversight to the Department of Health and Human Services. Given that the state is rightfully moving from a corrections approach towards a public-health approach to safety, we should similarly follow that on a local level.

(93) Krea Gomez, interview with Krea about Coordination of Services, Phone call, July 9, 2020.

(94) "About Oakland Unite," City of Oakland Human Services Department, n.d., <http://oaklandunite.org/about/>.

(95) David Muhammad, "Oakland's Successful Gun Violence Reduction Strategy" (National Institute for Criminal Justice Reform, January 2018), <https://nicjr.org/wp-content/uploads/2018/02/Oakland's-Successful-Gun-Violence-Reduction-Strategy-NICJR-Jan-2018.pdf>.

5. Rethinking Oversight and Coordination of Services

Additionally, Alameda County should create a Providers Association to serve as a hub within the community to provide services to young people. Although probation currently has a Delinquency Prevention Network (DPN) comprised of community organizations and city government agencies who provide prevention services to system-involved or at-risk youth, the DPN is relatively opaque and many of the existing CBOs are left out, without a clear process as to how to join or receive contracts from probation. Among the non-exhaustive list of organizations above, Berkeley Youth Alternatives, Fresh Lifelines for Youth, Youth ALIVE!, and Youth UpRising were the only ones listed as part of the DPN (96). Even among the organizations within the DPN, the contracts they receive overwhelmingly focus on providing programming for youth who have already been through Juvenile Hall rather than prevention programming for at-risk youth. For example, although Youth ALIVE! has successful preventative services such as their Teens on Target program, they are primarily funded and contracted for their Pathways program, which pairs youth referred from the Juvenile Justice Center with case managers to accomplish their probation requirements and ensure the youth are set up for success (97). An additional barrier the organization faces when working with probation youth, is that oftentimes the probation requirements youth are supposed to meet are overly restrictive and almost seem to set up a young person for failure, even when there is support from a case manager (98). That trend points to the necessity of creating accountability plans that are feasible for youth and restructuring the existing DPN such that more CBOs are given the opportunity to work with youth, and a wider range of their preventative services are involved.

Such a Providers Association can work in partnership with bodies such as the Neighborhood Opportunity and Accountability Board (NOAB) in the county to provide important services and respond to youth's needs. NOAB is a pilot diversion program started in May 2020 to provide an alternative to involvement in the juvenile justice system and probation. The Board utilizes a community-led process that prioritizes restorative justice, healing, and making strategic connections between youth and support systems throughout the county to reduce risky behavior and promote positive youth development. Comprising a diverse array of Oakland residents, from formerly incarcerated adults to public health professionals to local business owners to survivors of gun violence, the Board centers the voices of community members in charting community safety (99).



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(97) "Delinquency Prevention Network," Alameda County Probation Department (blog, n.d., <https://probation.acgov.org/juvenile-services/delinquency-prevention-network-page>.

(97) Gabriel Garcia, Interview about Youth ALIVE!'s Services with Gabriel Garcia, Policy & Advocacy Manager of Youth ALIVE!, Phone call, July 28, 2020

(98) Ibid

(99) "Reimagining the Youth Justice System: Neighborhood Opportunity & Accountability Board (NOAB)," National Institute for Criminal Justice Reform (blog, n.d., <https://nicjr.org/noah/>.

5. Rethinking Oversight and Coordination of Services

The initiative provides the opportunity for eligible youth referred to the Board to avoid criminal charges, connect with a Life Coach to develop a Life Plan around educational/employment goals, and receive guidance and referrals to supportive services from the Board. Youth who have committed misdemeanors or nonviolent felonies are eligible for referral and once they have been referred by the police department, Alameda County Probation Department, District Attorney or the Oakland Unified School District, they meet with a NOAB Intake Coordinator who meets with the young person and their family to conduct a screening and assessment. The Coordinator then creates a recommendation plan for the young person that is presented to the Board members and open to further amending until it is approved by the Board. Once the accountability plan is approved, the youth is paired with a Life Coach who is responsible for following up with the youth, facilitating access to specific services, and generally supporting the youth as they complete their accountability plan. NOAB has a network of support they work with, including a wide range of CBOs and service providers that include mentoring, job placement, and behavioral health services (100).

NOAB has significant potential to serve as an effective coordinator of the robust youth-serving infrastructure in Alameda County but is limited on several fronts. One of the major barriers for the Board is building capacity through greater funding, especially given that the initiative did not receive additional funding under the City Council resolution that instituted the pilot program. As a result, their resources have been stretched thin within their existing private funding and they are unable to expand staffing of Intake Coordinators and Life Coaches due to that (101). An additional important barrier for expansion is that the Board is dependent on referrals made by the police department, probation and the District Attorney, all of whom have been reluctant to refer more serious cases (102). Although the police department is barred by statute from directly referring certain serious cases, the District Attorney still has the power to make those referrals and should actively refer more serious cases to the Board. In order to prevent net widening in the system and ensure that youth who do not and should not be in contact with the juvenile justice system are not, the County should set clear guidelines as to which types of cases are not serious enough to warrant meeting with the Board, and explicitly prioritize more serious and violent offenses for referral to the Board.

Making explicit the County's commitment to diverting more serious offenses through the Board will also allow Alameda County and the City of Oakland to take significant steps towards reducing racial and ethnic disparities within the juvenile justice system. King County, WA has a youth diversion model called the Community Empowered Disposition Alternative and Resolution (CEDAR) track that similarly serves as a vehicle for providing referrals to CBOs serving youth, instituted by the Prosecuting Attorney's Office. In an effort to center racial justice, the Office proposed that CEDAR be available for the top 10 felony offenses filed in Juvenile Court, which includes robbery, assault, burglary and unlawful possession of a firearm, among others. Those categories made up 60% of all crimes among youth in 2017, and youth of color represented 82% of individuals charged in those cases (103). Given that Alameda County similarly experiences staggering racial disproportionality in youth charged in serious cases such as robbery and assault, the County and District Attorney's office must take more active steps to divert those cases towards the NOAB and divert resources away from law enforcement and probation and into the Board and the organizations that provide resources for youth. Doing so does not compromise public safety, but instead enhances it as the alternatives to incarceration for violent offenses are significantly more effective than secure detention in Alameda County. Additionally, NOAB collaborates with organizations that work specifically with youth arrested for violent offenses but simply need more referrals for those offenses and resources to increase capacity (104).

(100) Aman Sebahtu, Interview with Aman, Operations Director for NICJR, about NOAB, Phone call, July 17, 2020.

(101) Ibid.

(102) Ibid.

(103) Daniel Satterberg, "C.E.D.A.R. (Community Empowered Disposition Alternative and Resolution)" (King County Prosecuting Attorney's Office, July 2018), <https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/documents/pdf/RLSIC/2018/July26/CEDAR-Overview.ashx?la=en>.

(104) Sebahtu, Interview with Aman, Operations Director for NICJR, about NOAB.

5. Rethinking Oversight and Coordination of Services

Restructuring Oversight

An important component of systems of public safety and accountability, even in systems of community-centered justice, is incorporating strong mechanisms of oversight. However, such oversight over how our young people interact with the juvenile justice system is sorely lacking. While there is more than one way to promote oversight in the community, strengthening the existing Juvenile Justice Delinquency Prevention Commission (JJJPC) is an important first step. The commission currently consists of community members and a youth commissioner, approved by a judge, and serves to inquire into the administration of juvenile court law and ensure the rights of youth served in the system are not violated and their well-being is promoted. However, the commission lacks significant regulatory and enforcement power to carry out those duties, such as subpoena power, the ability to conduct no-knock inspections, and authority over or at least alongside the probation department.

Alameda County should follow in the footsteps of Los Angeles County, which expanded subpoena power to their Probation Oversight commission through the passage of Measure R in March of this year (105). The oversight commission also has the power to conduct unannounced inspections of any juvenile facility where probation youth are held or receive services (106). San Francisco similarly grants strong oversight power to their Juvenile Probation Commission, which falls under the Department of Juvenile Probation along with the Chief Probation Officer and their staff. As their bylaws state, “Ultimate responsibility for the governance of the department rests with the Commission. The Commission has the power and duty to organize, re-organize, and manage the Department of Juvenile Probation” (107). Although it may seem far-reaching, community oversight should be a core principle of the youth justice system, particularly when the impact of incarceration is so concentrated among communities of color.

Although it may seem far-reaching, community oversight should be a core principle of the youth justice system, particularly when the impact of incarceration is so concentrated among communities of color.



(105) Ryan Carter, “LA County’s Law Enforcement Watchdogs Got Subpoena Power Today. Here’s Why It Matters,” Los Angeles Daily News, January 28, 2020, <https://www.dailynews.com/2020/01/28/la-countys-law-enforcement-watchdogs-could-get-subpoena-power-today-heres-why-it-matters/>.
 (106) “Probation Oversight Commission,” Pub. L. No. Ord. 2020-0005 § 13, 2020, 3.80.010 Title 3 - Advisory Commissions and Committees (2020), https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TTT3ADCOCO_CH3.79SHCIOVCO_CH3.80PROVCO.
 (107) “San Francisco Juvenile Probation Commission Authority and Rules of Order” (Juvenile Probation Commission, August 9, 1995), https://sfgov.org/juvprobation/sites/default/files/JPC_Bylaws_0.pdf.

5. Rethinking Oversight and Coordination of Services

Moreover, state policy as well is finally moving in line with community calls for greater oversight and decreased incarceration. Legislation SB 823: Juvenile Justice Realignment, signed into law by Governor Newsom on September 30, 2020, is a historic bill that ultimately closes the Division of Juvenile Justice and moves operations regarding youth justice to the newly created Office of Youth and Community Restoration under the Health and Human Services Agency. This new department is responsible for promoting trauma informed and culturally responsive services for youth and monitoring youth outcomes and county practices regarding youth justice. SB 823 is the culmination of months of dedicated and collective behind-the-scenes action by the organizations and individuals in the California Alliance for Youth and Community Justice (CAYCJ) and provides a critical oversight body to ensure that counties are taking appropriate measures that support youths' successful transition to adulthood. Establishing strong community oversight over youth justice is vital on both the state and county level, and Alameda County should follow in the state's lead and set a powerful example of community-led oversight on the county level as well.



5. Rethinking Oversight and Coordination of Services

Summary of Recommendations

- **Move operations for youth justice to a new division specifically focused on youth development under the Department of Human Services. That new department could be similar to San Francisco's Department of Children, Youth and their Families, and would serve youth in general and justice-involved youth specifically as well. Similar to how the Oakland Unite Initiative falls under the Department of Human Services and provides funding for CBOs focused on violence prevention and intervention, this new department would be in charge of distributing funds to youth-serving organizations, and decision-making over contracts would involve a committee with a meaningful number of impacted individuals and community advocates.**
- **Create a new Providers Association or transform the existing Delinquency Prevention Network to incorporate more CBOs providing a wider range of services, and institute a more transparent process for joining the network and receiving contracts to work with youth.**
- **Expand the use of the Neighborhood Oversight and Accountability Board as a coordinating body of services to address youth's needs. Significantly increase the Board's funding to hire more Intake Coordinators and Life Coaches, streamline decision-making across police officers and prosecutors so that more serious cases are referred to the Board. Similar to what King County did, Alameda County should make the Board available for the top 10 felony offenses filed in juvenile court, a decision which will seriously diminish racial and ethnic disparities in the juvenile justice system.**
- **Strengthen the Juvenile Justice Delinquency Prevention Commission to allow for subpoena power, no-knock inspections, and responsibility over the probation department, as is the case in San Francisco. In the case that youth justice moves to a new department within the Department of Human Services, the Commission should retain those abilities but would also fall within that department.**

Conclusion

Communities most impacted by violence and incarceration understand best what keeps them safe and what keeps their youth safe. Economic and educational opportunities, social-emotional and mental health supports, and access to family and community care are among the key drivers of prosperity and well-being. Although we all intuitively know this, for too long the county, state, and federal response to demonstrations of those needs within communities of color have been met with further disinvestment, punishment, and incarceration. The juvenile justice system is largely complicit in that. Alameda County absolutely can and must pursue a path of justice for our young people that is aligned with what we know to keep us safe. The Ella Baker Center hopes that this report can provide a roadmap as to how this new system of youth justice can happen.

Appendix - Summary of Recommendations

- **Significantly scale the use of *pre-charge* restorative justice programming, and focus intentionally on serious and violent felony cases, including the top offenses youth are incarcerated for in Alameda County: robbery, other status offenses, and burglary.**
- **Institute a more robust oversight and decision-making process regarding when secure detention and out-of-home placement should be used.**
 - Improve case management and family finding services when it is not safe for youth to remain at home, and exhaust kin-based placement and foster placement options before turning to county facility placement.
 - Alameda County should adopt dual jurisdiction status, in line with AB 129, to ensure that youth who are involved in both the juvenile justice and foster care system can be serviced through Social Services as well.
 - Follow guidelines under AB 403 for when out-of-home placement should be used. Specifically, the county must obtain a placement recommendation from a multidisciplinary team before any out-of-home placement decision. Placement should also be short-term in nature.
- **For the few cases where secure placement is deemed necessary, the period of stay must be short-term and should follow the guidelines listed in the recommendations sent by the California Alliance for Youth and Community Justice to the Legislature (see footnote 45).**
- **Because involvement with the juvenile justice system does more harm than good, especially for low-level cases, Alameda County should end the incarceration of youth for other-status offenses, technical violations, or other misdemeanors.**

Appendix - Summary of Recommendations

- Utilize diversion for those cases, which entails options such as simply releasing them with a warning, referring youth to CBOs, and/or centering restorative justice processes in more serious cases. Use a positive-incentive and strengths-based approach to holding youth accountable and eliminate the majority of technical and financial requirements placed by probation.
- In order to minimize the contact a young person has with the legal system and inconsistencies in the decision-making process among the decision points in the legal process, expand the use of at-arrest diversion and reduce individual discretion in the process of diverting young people. In particular, mandate the use of at-arrest diversion for all cases outside of 707(b) offenses, and officers must write a written justification for youth who choose to not divert, and have the final decision to either accept or reject that justification be made by a multidisciplinary team or the Neighborhood Office and Accountability Board. Although 707(b) offenses cannot be diverted at arrest, the District Attorney should commit to utilizing pre-charge restorative justice programming to respond for 707(b) offenses.
- Utilize the Youth Law Center's report "A Legal Map of Youth Diversion in California" to expand the use of diversion and reduce inconsistencies in the decision-making process.
- Utilize a significantly greater proportion of probation's budget and JJCPA and Youth Offender Block Grant funds directly for CBOs that work with justice-involved youth, but also youth-serving infrastructure in general to increasingly prevent youth from becoming justice-involved. Invest resources to build up the capacity of community-based alternatives to incarceration and youth opportunities in cities such as Hayward and San Leandro that are strongly impacted by youth incarceration.

Appendix - Summary of Recommendations

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- Create a new Providers Association or transform the existing Delinquency Prevention Network to incorporate more CBOs providing a wider range of services, and institute a more transparent process for joining the network and receiving contracts to work with youth.
- Expand the use of the Neighborhood Oversight and Accountability Board as a coordinating body of services to address youth's needs. Significantly increase the Board's funding to hire more Intake Coordinators and Life Coaches, streamline decision-making across police officers and prosecutors so that more serious cases are referred to the Board. Similar to what King County did, Alameda County should make the Board available for the top 10 felony offenses filed in juvenile court, a decision which will seriously diminish racial and ethnic disparities in the juvenile justice system.
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Works Cited

- City of Oakland Human Services Department. "About Oakland Unite," n.d. <http://oaklandunite.org/about/>.
- "Alameda County: Juvenile Justice Funding." An Opportunity for Reinvestment: California State Juvenile Justice Funding in Five Bay Area Counties. Center on Juvenile and Criminal Justice, May 2018. http://www.cjcj.org/uploads/cjcj/documents/juvenile_justice_funding_informational_sheet_alameda_county.pdf.
- "Alameda County Probation Data Dashboard." Alameda County Probation Department, April 2020. <https://code.acgov.org/probation/dashboard.htm>.
- baliga, sujatha, Sia Henry, and Georgia Valentine. "Restorative Community Conferencing: A Study of Community Works West's Restorative Justice Youth Diversion Program in Alameda County." *Impact Justice*, 2017.
- Bazelon, Lara. "Oakland Demonstrates Right Way to Use Restorative Justice With Teens." *Youth Today*, January 3, 2019. <https://youthtoday.org/2019/01/oakland-demonstrates-right-way-to-use-restorative-justice-with-teens/>.
- Berkeley Youth Alternatives. "Berkeley Youth Alternatives Environmental Training Center," n.d. <https://www.byaonline.org/programs/health-and-environment/environmental-training-center>.
- Bernstein, Nell. *Burning Down the House: The End of Juvenile Prison*. New York: The New Press, 2014.
- Equal Justice Initiative. "Black Children Five Times More Likely Than White Youth to Be Incarcerated," September 14, 2017. <https://eji.org/news/black-children-five-times-more-likely-than-whites-to-be-incarcerated/>
- "California Crime Survivors Speak: A Statewide Survey of California Victims' Views on Safety and Justice." Alliance for Safety and Justice, April 2019. <https://allianceforsafetyandjustice.org/wp-content/uploads/2019/04/201904-CSJ-CA-Crime-Survivors-Speak.pdf>.
- Carter, Ryan. "LA County's Law Enforcement Watchdogs Got Subpoena Power Today. Here's Why It Matters." *Los Angeles Daily News*, January 28, 2020. <https://www.dailynews.com/2020/01/28/la-countys-law-enforcement-watchdogs-could-get-subpoena-power-today-heres-why-it-matters/>.
- "CiviCorps," n.d. <https://www.cvcorps.org>. Rising Sun Center for Opportunity. "Climate Careers," n.d.
- Rising Sun Center for Opportunity. "Climate Careers," n.d. <https://risingsunopp.org/programs/climate-careers/>.
- "Community & Youth Outreach 2017 Annual Report." Community & Youth Outreach, 2017. http://www.cyoinc.org/wp-content/uploads/2020/01/cyo_2017_annual_report.pdf.
- "Contracted Service Providers with Alameda County Probation Department." Free Our Kids Coalition, n.d.
- Couloute, Lucius, and Daniel Kopf. "Out of Prison and Out of Work: Unemployment among Formerly Incarcerated People." *Prison Policy Initiative*, July 2018. <https://www.prisonpolicy.org/reports/outofwork.html>.
- "Covenant House California," n.d. <https://covenanthousecalifornia.org/services-2/>.
- Alameda County Probation Department. "Delinquency Prevention Network," n.d. <https://probation.acgov.org/juvenile-services/delinquency-prevention-network.page>.
- "Dream Beyond Bars Report: A Youth Vision for Alameda County's Juvenile Justice System." Communities United for Restorative Youth Justice and Urban Peace Movement, April 2019. http://www.curyj.org/wp-content/uploads/2019/04/DBB-Report-2_compressed.pdf.
- Covenant House California. "Dreamcatcher Youth Services," n.d. <https://covenanthousecalifornia.org/dreamcatcher-youth-services/>.
- "Dual-Status Youth Data Standards (AB 1911): 2017 Report to the Legislature." Judicial Council of California: Center for Families, Children & Courts, 2017. <https://www.courts.ca.gov/documents/lr-2017-JC-dual-status-youth-data-ab1911-standards-2017.pdf>.
- "Fact Sheet: Black Disparities in Youth Incarceration." *The Sentencing Project*, September 2017. <https://www.sentencingproject.org/wp-content/uploads/2017/09/Black-Disparities-in-Youth-Incarceration.pdf>.
- King County. "Family Intervention and Restorative Services," n.d. <https://www.kingcounty.gov/depts/prosecutor/youth-programs/firs.aspx>.
- Ford, Clarence. Interview with Clarence Ford, Policy Associate at the Burns Institute, about probation budget analyses he's conducted. Email, July 29, 2020.
- "Fresh Lifelines for Youth," n.d. <https://flyprogram.org/about/what-we-do/>.
- Garcia, Gabriel. Interview about Youth ALIVE!'s Services with Gabriel Garcia, Policy & Advocacy Manager of Youth ALIVE! Phone call, July 28, 2020.
- Geddes, Jodie. Interview with Jodie Geddes, Healing Circles Manager at RJOY. Zoom call, July 7, 2020.
- Gomez, Krea. Interview with Krea about Coordination of Services. Phone call, July 9, 2020.
- Harrington, Theresa. "Oakland School Board Unanimously Agrees to Eliminate Its Police Force." *EdSource: Highlighting Strategies for Student Success* (blog), June 25, 2020. <https://edsources.org/2020/oakland-school-board-unanimously-agrees-to-eliminate-its-police-force/634544>.
- Irvine, Angela, and Danielle Soto. "Reducing Out-of-Home Placements in Alameda: Successes, Challenges, and Lessons." *Impact Justice*, April 2018. <https://static1.squarespace.com/static/58ba8c479f7456dff8fb4e29/t/5ad52f0303ce64b8431b0775/1523920704372/alameda.placement.grid.16apr2018.pdf>.

Works Cited

- "JJDCPC Meeting Minutes." Alameda County Juvenile Justice Delinquency Prevention Commission Meeting Minutes, May 13, 2020.
- Johnson, Carrie. "Black Men Who Are Crime Victims Have Few Places to Turn." NPR, August 17, 2015. <https://www.npr.org/2015/08/17/432542041/advocates-work-to-help-black-men-who-are-victims-of-violent-crime/>.
- "Juvenile Justice Crime Prevention Act - Youthful Offender Block Grant 2019 Expenditure and Data Report." California Board of State & Community Corrections, October 2019. <http://www.bscc.ca.gov/wp-content/uploads/Alameda-2019-JJCPA-YOBG-Report.pdf>.
- Latimer, Jeff, Craig Dowden, and Danielle Muise. "The Effectiveness of Restorative Justice Practices: A Meta-Analysis." *The Prison Journal* 85, no. 2 (June 2005). http://biblioteca.cejamericas.org/bitstream/handle/2015/4791/rj_meta_analysis.pdf?sequence=1&isAllowed=y
- Lee, Nicole, and Clarence Ford. "In the Midst of COVID-19 Crisis, Alameda County Must Rethink Its Youth Justice System." *The Imprint*, May 1, 2020. <https://imprintnews.org/opinion/in-the-midst-of-covid-19-crisis-alameda-county-must-rethink-its-youth-justice-system/42984>.
- Leonard, Patrick. Interview with Patrick Leonard, Senior Grants Manager at CWW. Phone call, June 23, 2020.
- McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. "The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model." *New Thinking in Community Corrections*. National Institute of Justice, October 2016. <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>.
- Muhammad, David. "California's Closure of DJJ Is Victory With Significant Challenges." *Juvenile Justice Information Exercise* (blog), May 19, 2020. <https://jjie.org/2020/05/19/californias-closure-of-djj-is-victory-with-significant-challenges/>.
- "Oakland's Successful Gun Violence Reduction Strategy." National Institute for Criminal Justice Reform, January 2018. <https://nicjr.org/wp-content/uploads/2018/02/Oakland's-Successful-Gun-Violence-Reduction-Strategy-NICJR-Jan-2018.pdf>.
- Muranishi, Susan. "County of Alameda Proposed Budget 2019-20." *Alameda County Vision 2026*. Alameda County Administrator, June 11, 2019. http://acgov.org/MS/OpenBudget/pdf/FY19-20/FY%202019-20%20Proposed%20Budget%20Book_web%20%20%20cd.pdf.
- "Oakland Equity Indicators: Measuring Change Toward Greater Equity in Oakland." New York: City University, 2018. <https://cao-94612.s3.amazonaws.com/documents/2018-Equity-Indicators-Full-Report.pdf>
- Pager, Devah. *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. University of Chicago Press, 2009.
- Palacios, Erin. Interview with Erin about JJCPA Funding. Zoom meeting, July 22, 2020.
- "Part 1: A Legal Map of Youth Diversion in California." *Navigating the Legal Landscape towards Juvenile Justice Transformation*. Youth Law Center, May 2020. <https://ylc.org/wp-content/uploads/2020/05/YLC-01-A-Legal-Map-of-Youth-Diversion-in-California.pdf>.
- Peralta, Gina, Anna Wong, and Roselyn Berry. "Alameda County Readiness Assessment Consultation Summary Report." W. Haywood Burns Institute, August 2014.
- ACLU Florida. "Pre-Arrest Diversion: The Most Effective Tool for Common Youth Misbehavior," n.d. <https://www.aclufl.org/en/pre-arrest-diversion-common-youth-misbehavior>.
- Probation Oversight Commission, Pub. L. No. Ord. 2020-0005 § 13, 2020, 3.80.010 Title 3 - Advisory Commissions and Committees (2020). https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT3ADCOCO_CH3.79SHCIOVCO_CH3.80PROVCO.
- Public Safety Begins With Public Health: Making Oakland Safer Together." Ella Baker Center for Human Rights, n.d. https://www.ellabakercenter.org/sites/default/files/media/PublicSafetyBeginswithPublicHealth_OaklandSafetyPlan_2017.pdf.
- National Institute for Criminal Justice Reform. "Reimagining the Youth Justice System: Neighborhood Opportunity & Accountability Board (NOAB)," n.d. <https://nicjr.org/noab/>.
- Ridolfi, Laura. "Alameda County Data on DJJ and Adult Transfers from the Burns Institute." PowerPoint presented at the Free Our Kids Coalition, June 29, 2020.
- "Presenting CAYCJ Recommendations." Presented at the California Alliance for Youth and Community Justice, Zoom, July 10, 2020.
- "San Francisco Juvenile Probation Commission Authority and Rules of Order." Juvenile Probation Commission, August 9, 1995. https://sfgov.org/juvprobation/sites/default/files/JPC_Bylaws_0.pdf.
- Satterberg, Daniel. "C.E.D.A.R. (Community Empowered Disposition Alternative and Resolution)." King County Prosecuting Attorney's Office, July 2018. <https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/documents/pdf/RLSJC/2018/July26/CEDAR-Overview.ashx?la=en>.
- Sebantu, Aman. Interview with Aman, Operations Director for NICJR, about NOAB. Phone call, July 17, 2020.
- Sered, Danielle. *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*. New York: The New Press, 2019.

Works Cited

- “Young Men of Color and the Other Side of Harm: Addressing Disparities in Our Responses to Violence.” Vera Institute of Justice, December 2014. https://www.vera.org/downloads/Publications/young-men-of-color-and-the-other-side-of-harm-addressing-disparities-in-our-responses-to-violence/legacy_downloads/men-of-color-as-victims-of-violence-v3.pdf.
- Sherman, Lawrence, and Heather Strang. “Restorative Justice: The Evidence.” The Smith Institute, 2007. https://www.iirp.edu/pdf/RJ_full_report.pdf.
- “State of Disparities: California.” Data Tool. A Data Project from the Burns Institute. The W. Haywood Burns Institute for Justice Fairness & Equity, n.d. Accessed June 20, 2020.
- Still, Wendy. “BYA Contract w/ ACPD.” Alameda County Probation Department, June 19, 2018.
- “BYA Contract w/ ACPD.” Alameda County Probation Department, December 18, 2018.
- “CYO Contract w/ ACPD.” Alameda County Probation Department, August 1, 2017.
- “CYO Contract w/ ACPD.” Alameda County Probation Department, August 7, 2018.
- “FLY Contract w/ ACPD.” Alameda County Probation Department, August 7, 2018.
- “FLY Contract w/ ACPD.” Alameda County Probation Department, December 18, 2018.
- “Rising Sun Center for Opportunity Contract w/ ACPD.” Alameda County Probation Department, August 7, 2018.
- “Youth ALIVE! Contract with ACPD.” Alameda County Probation Department, December 18, 2018.
- “Youth ALIVE! Contract with ACPD.” Alameda County Probation Department, October 29, 2019.
- “Youth Employment Partnership Contract w/ ACPD.” Alameda County Probation Department, July 12, 2016.
- “Youth UpRising Contract w/ ACPD.” Alameda County Probation Department, August 7, 2018.
- “Youth UpRising Contract w/ ACPD.” Alameda County Probation Department, December 18, 2018.
- Stone, Mark. Public social services: foster care placement: funding, Pub. L. No. 403, WIC (2015). https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB403.
- “Transforming Juvenile Probation: A Vision for Getting It Right.” Annie E. Casey Foundation, May 7, 2018. <https://www.aecf.org/resources/transforming-juvenile-probation/>.
- Tucker, Jill. “Juvenile Detention Camp’s Costly Rebuild under Fire.” San Francisco Chronicle, February 14, 2020.
- Wald, Michael, and Debbie Mukamal. “California’s Foster Care System: Implementation of AB 403 in Sonoma County.” Stanford Law School Law and Policy Lab, March 2019. <https://law.stanford.edu/education/only-at-sls/law-policy-lab/practicums-2018-2019/californias-foster-care-system-implementation-of-ab-403-in-sonoma-county/>.
- Washburn, Maureen, and Renee Menart. “A Blueprint for Reform: Moving Beyond California’s Failed Youth Correctional System.” Center on Juvenile and Criminal Justice, April 2020. http://www.cjcj.org/uploads/cjcj/documents/blueprint_for_reform.pdf.
- “Unmet Promises: Continued Violence & Neglect in California’s Division of Juvenile Justice.” Center on Juvenile and Criminal Justice, February 2019. http://www.cjcj.org/uploads/cjcj/documents/unmet_promises_continued_violence_and_neglect_in_california_division_of_juvenile_justice.pdf.
- Weber, Josh. “Improving Outcomes, Equity, and the Efficient Use of Resources for Justice-Involved Youth in Alameda County.” Presented at the Meeting with Alameda County Probation Department, The Council of State Governments Justice Center, n.d. Accessed July 27, 2020.
- Williams, Brooklyn. Alternate Education Hub. Phone interview, July 9, 2020.
- Williams, Brooklyn. “Alternate Education Hub at 1025 Second Ave.” Powerpoint, n.d.
- Wilson, David, Ajima Olaghere, and Catherine Kimbrell. “Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis.” U.S. Department of Justice Office of Justice Programs, June 2017. <https://www.ncjrs.gov/pdffiles1/ojdp/grants/250872.pdf>.
- Young, Bradley. Interview with Sergeant Bradley Young, Head of OPD’s Diversion Program. Phone call, July 16, 2020.
- “Young Women’s Freedom Center,” n.d. <https://www.youngwomenfree.org>. Youth ALIVE!
- “Youth ALIVE! Programs,” n.d. <http://www.youthalive.org/programs/>.
- “Youth Employment Partnership,” n.d. <http://www.yep.org/who-we-are/>. Youth UpRising.
- “Youth UpRising Results,” n.d. <https://www.youthuprising.org/impact/results>.