

Alameda County At The Crossroads Of Juvenile Justice Reform

A National Disgrace – Or A National Model?

Edited by:

Ying-sun Ho
C. Lenore Anderson

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Written by:

**Center on Juvenile and Criminal Justice
Ella Baker Center for Human Rights/Books Not Bars Campaign
National Center for Youth Law
National Council on Crime and Delinquency
Youth Law Center**

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I. EXECUTIVE SUMMARY: ALAMEDA AT THE CROSSROADS

Alameda County At The Crossroads argues that the County's current plans to relocate and dramatically expand its juvenile detention facility would be disastrous for the County and its youth. The County's current juvenile hall has 299 beds and is located in San Leandro, California. The proposed new facility would have 420 beds, have infrastructure for further expansion, and be in remote Dublin, adjacent to the County's adult jail. It is also intended to be the centerpiece of a new "Juvenile Justice Complex" that would include juvenile probation offices and juvenile court, in addition to the hall. At 420 beds, the new hall would be a full 40 percent larger than the current hall. Even this enormous expansion is smaller than the one initially proposed and approved by the County. As of June, 2001, Alameda County planned for the new hall to have a staggering 540 beds. These initial plans, however, elicited vocal protest from a broad base of youth groups, youth advocates, juvenile justice experts, elected officials and community-based organizations. These groups expressed serious concerns about the large size and distant location of the proposed juvenile hall. In the face of growing community concern and public outcry, the supervisors eventually scaled the plan down to 420 beds with infrastructure for further expansion. But even these more modest plans would be a giant step backward for Alameda County. Instead of solving the problems that Alameda County faces in its juvenile justice system, these plans would actually make matters much worse.

Alameda County is facing a continuing crisis in its juvenile justice system. Part of this crisis is the dilapidated condition of its juvenile hall. The building is old and sits on the Hayward fault line. It has structural and plumbing problems that make the building unsafe for detained youth and the adults who work there. In part due to inadequate staffing, the County is unable to serve the needs of the youth confined there. The hall is regularly overcrowded, making it even more difficult for detained youth to gain access to such basic services as daily education.

The County's problems do not stop at the physical conditions or limitations of its detention facility. The juvenile hall is consistently near or above its 299-bed capacity. This is not because the county has too few juvenile hall beds, relative to the size of its juvenile

population. Indeed, Alameda County's ratio of detention beds to resident youth (detention rate) is already one of the highest in the country. Nor is the over-crowding due to a uniquely high youth crime rate; to the contrary, the county's youth crime rate has been falling for years. Rather, much of the overcrowding in the hall can be traced to the County's inappropriate and unnecessary confinement of minors. The juvenile hall is supposed to serve as a pre-trial detention center for youth who are (1) awaiting trial for serious offenses and who (2) pose a risk either to public safety or of failing to appear for their hearings. And yet the latest available data, reported by the County Probation Department to the State Board of Corrections and spanning 15 months, show that about 25 percent of the youth detained in Alameda County's juvenile hall have already had their trials and have been deemed by the court to be fit for placements outside the prison-like conditions of a juvenile hall (e.g., placement in group or foster homes). Other youth await their trials confined in juvenile hall even though non-detention settings may be more appropriate for them (e.g., youth suspected of committing non-violent minor offenses like probation violations). Often more than 25 percent of all youth locked up in the County's old and unsafe juvenile hall simply should not be there at all, according to existing law and policy.

The County's excessive detention rate hits communities of color especially hard. Youth of color are dramatically over-represented in the juvenile hall population. This is especially true for African-American youth, who, when compared to the demographic make up of the county youth population, are over-represented in the juvenile hall population by a factor of almost three and a half. By contrast, white youth are *underrepresented* by a factor of more than two.

In response to this crisis in its juvenile justice system, Alameda County is planning to make matters worse by building a relocated and vastly expanded juvenile detention facility. The expanded facility would be one of the largest in the country relative to the size of Alameda County's youth population. At 299 beds, Alameda County's current hall is already much larger than facilities in counties of similar size across the country. Counties that house cities like Las Vegas, Detroit, Pittsburgh and Seattle have juvenile halls that range in size from 90 beds to 235 beds. If the County expands it to 420, its juvenile hall will be two to four times bigger than juvenile halls in comparative counties. In fact, at that size, Alameda County's hall would rival

those of much larger counties. For example, Chicago's Cook County has a juvenile hall with 498 beds, only 78 beds more than the facility Alameda County plans to build. And yet Cook County's population of almost 5.4 million people is four times larger than Alameda County's, which is only 1.4 million people.

These drastic expansion plans are based largely on a fatally flawed and thoroughly unreliable Needs Assessment and Master Plan report, prepared by Rosser International, an international prison architecture firm. This report relies on incorrect data that purports to show that juvenile referrals and detention rose in Alameda County between 1991 and 1997. In fact, County Probation Department statistics actually show that these figures declined over that period of time. Rosser also used questionable methodology in turning its flawed data into projections for future needs, methodology that can grossly overestimate the future need for detention space. Finally, all of this unreliable work was done by a potentially interested party. As an international prison design and construction firm, Rosser, International is in prime position to bid on the contracts generated by this project. Indeed, it has already received a contract to do architectural design work for the expanded facility.

Based on this single flawed report, Alameda County has devised an expansion and relocation plan that has several fundamental weaknesses. First, it does nothing to alleviate the unsafe conditions in the current hall. Youth detained at juvenile hall will continue to suffer through the dangers of the current facility for four more years while the new one is being constructed. Second, the County has not announced any plans to reduce the gross racial disparities and bias in its juvenile detention patterns, ensuring that this new, larger facility would only magnify the lopsided rates of confinement for youth of color. Third, the plan requires that the County build and maintain a huge facility that would cost extra hundreds of millions of dollars for the County over the next 30 years. Spending this much money – largely out of general funds – may jeopardize the funding of other services and programs throughout the County's budget, including the very alternative youth programs that would allow the County to reduce its reliance on detention.

Furthermore, a gigantic 420-bed juvenile detention facility would likely become the cornerstone of Alameda County's juvenile justice system. A county with a juvenile detention facility that large would have little incentive to reverse its present policy of locking up large numbers of youth who should not be in detention at all. Worse, such a county would have dramatically fewer resources to invest in the alternative programs that are much more effective than detention at reducing youth crime and recidivism. In other words, basing the County's juvenile justice policy on a foundation of detention would have a *negative* impact on youth rehabilitation and public safety. Finally, a detention-centered policy will have devastating consequences on the youth detained in an expanded juvenile hall. Detention is not good for youth. Detention also takes children away from their homes, ripping at the fabric of detained youths' families and communities. It deprives them of contact with their family and loved ones. It disrupts their education and damages their employment prospects. Youth in detention are subjected to a destructive and unhealthy environment. Detaining youth in prison-like conditions should be the County's last resort, not its first option, in responding to children in trouble. Nevertheless, Alameda County is planning to shackle itself with a huge 420-bed juvenile hall that would practically force future County governments to rely upon detention as the core and the foundation of its juvenile justice policy.

The decision to relocate the hall to the remote East County city of Dublin is especially troubling. The dual relocation of the hall and the juvenile courts would further isolate detained youth, dramatically increase the burden on their families, and possibly lead to increased incarceration rates for youth from distant communities, like Oakland and Berkeley. It would be difficult for families and supporters to visit detained children and appear for important court dates and probation meetings. As a result, it would be more difficult for youth to effectively advocate for home- or community-based placements. Youth themselves would also have difficulty in travelling between Dublin and other parts of the County. For large numbers of youth, these challenges will likely translate into more "Failure To Appear" warrants and a further increase in Alameda County's already excessive detention rate.

Alameda County At The Crossroads offers detailed information about several proven reforms that can help lift Alameda County out of its current juvenile justice crisis. For example, the report recommends that the County act immediately to reduce the number of youth who are in the hall right now. The County can do this quickly by releasing those youth awaiting placement in non-secure community programs. The report also recommends that the County also act now to reduce the racial disparities and bias in its juvenile detention practice. Santa Cruz County (California) and Multnomah County (Oregon) are examples of how counties can successfully reduce such disparities. Further, the report recommends that the County bolster its pre-trial detention alternatives, like home supervision. Also, the report recommends that the County implement some simple reforms to improve its juvenile case processing system. For instance, the County could develop a better risk assessment instrument and hire a case expeditor. Finally, the report recommends that the County improve and expand its post-adjudication programs. If these programs are understaffed and underfunded, many youth will not be able to access them and will therefore get stranded in juvenile hall.

In addition to making systemic reforms, the County needs to build its new facility in a location that is accessible to detained youth and their families. The County should respond to the concerns of juvenile justice policy experts, youth advocates and community members by launching an immediate, thorough and genuine search for an alternate location for the new juvenile hall. The County needs to develop a new plan that reduces the hardship placed on youth and their families instead of increasing it.

Alameda County must replace – but not expand – its juvenile hall, and it must do so in a location that is accessible to detained youth and their families. The County must also implement policy reforms in its juvenile justice system if it hopes to lift itself out of its current crisis. Implementing these reforms will require a commitment of resources and of will – a commitment that will be impossible if the County goes forward with its plans for juvenile hall expansion and relocation. By making this commitment, Alameda County can turn itself into a model of juvenile justice reform. If the County commits instead to expanding and relocating its juvenile

hall, however, it will turn itself into a cautionary example, a juvenile justice disgrace. The decision belongs to the County. We hope this report helps it choose wisely.

II. INTRODUCTION

Alameda County's juvenile justice system is in the midst of a controversial transition. County officials plan to replace the widely censured and dilapidated juvenile hall in San Leandro with a significantly expanded facility in remote Dublin. Attention to the myriad problems in the current juvenile hall is long overdue, but the County's expansion and relocation plans will not solve those problems. Instead, these plans will exacerbate the County's current problems, leaving it in a far worse position to take effective action to solve them.

Juvenile hall is designed and intended for "the temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court and require a restricted environment for their own community's safety while pending legal action."¹ In other words, detention should be used to protect the public and to insure that youth appear before the court for a hearing. Although detention centers are defined as pre-adjudication holding facilities for dangerous youth or those likely to flee the jurisdiction, they are increasingly used for other purposes (e.g., holding youth who are waiting placement in group or foster homes).

Alameda County plans to replace its current, 299-bed juvenile hall with a new facility that would have 420 beds, a shell for an additional 30 beds, and sufficient infrastructure for future expansion to 540 beds. A hall that large is unprecedented for a county of Alameda County's size. Juvenile halls are designed and intended to house youth who are awaiting trial for serious offenses and who pose a risk either to public safety or of failing to appear for their hearings. In short, juvenile hall is a *pre-trial* detention center. Alameda County does not need a 420-bed pre-trial juvenile detention center.

County officials have decided to build a 420-bed facility: (1) based on a methodologically flawed study, (2) based on a deficient understanding of the role of juvenile hall in Alameda County's juvenile justice system, and (3) with little attention to the plan's certain ineffectiveness in reducing juvenile delinquency and increasing public safety.

The most fundamental problem with the County’s proposed “solution” to its juvenile justice problems is that it does not address the cause of those problems. The County is focusing on an alleged lack of bed capacity. The problems in its juvenile justice system, however, are caused primarily by the County’s own failed policies and ineffective systems (e.g., a lack of community programs, the unnecessary and inappropriate confinement of youth in the juvenile hall, excessive bureaucratic “red tape,” etc.). Increasing the juvenile hall’s bed capacity will not repair these policies and systems – only systemic policy reform can do that. Necessary reform, however, will be impossible if the County sinks its resources into building a larger juvenile hall. The County’s “solution” will actually make bad matters worse – and then leave the County unable to fix its problems.

This report presents a thorough examination of Alameda County’s continuing juvenile justice crisis and the County’s proposed “solution”: expanding and relocating its juvenile hall. The report details how the County’s expansion and relocation plans have been developed and where those plans are flawed, concluding that to go forward with those plans would be a disaster for the County. Finally, the report looks at how Alameda County can meet the challenges it is facing in its juvenile justice system by: (1) replacing – but not expanding – its current, old, dangerous juvenile detention facility, and (2) implementing a series of proven policy reforms to create an efficient, cost-effective and humane juvenile justice system.

III. ALAMEDA COUNTY'S JUVENILE HALL

To develop a clear and thoughtful plan for how to address the challenges facing Alameda County's juvenile justice system, we must first understand those challenges. Accordingly, we begin our discussion of Alameda County's juvenile hall plans with an assessment of the County's current facility. We first examine the appalling conditions of the current hall. We then discuss some of the reasons that the County's current hall is regularly overcrowded. Here, we focus on the unnecessary, inappropriate and costly detention of "awaiting-placement youth." Next, we look at the disturbing over-representation of youth of color in Alameda County's juvenile hall. We then examine how much of its resources the County is devoting to its current facility. Finally, we compare the size of Alameda County's current juvenile hall with other juvenile halls in California and around the country. By understanding both the particularities of Alameda County's situation and some of the larger context, we will be in a better position to craft a solution to its current problems.

A. No Place For Children: Conditions Inside The Juvenile Hall

The current conditions inside Alameda County's juvenile hall are deplorable. The building is old and dangerous. The County has allowed it to deteriorate: it sits on the Hayward fault line; its plumbing is not up to code, and; it is regularly overcrowded.

These problems are well-documented. Inspections by both state and County authorities consistently reveal a lack of program space, inadequate security and an insufficient number of toilet and shower facilities.² Locks and doors throughout the facility need replacement.³ The facility is "full of asbestos" and heavy rains have resulted in flooding.⁴ Sewage drains have backed-up into the kitchen area repeatedly.⁵ Inadequate security precautions result in lack of access for youth to outdoor field space because the space is not properly secured.⁶ Due to overcrowding, youth must sometimes sleep on plastic mattress beds in areas originally designated as day rooms or recreation rooms.⁷ Some detainees must eat their meals in their rooms due to lack of eating space. There are not enough interview rooms, activity rooms and recreation areas.⁸ Routinely, youth are rotated out of the school program to make room for

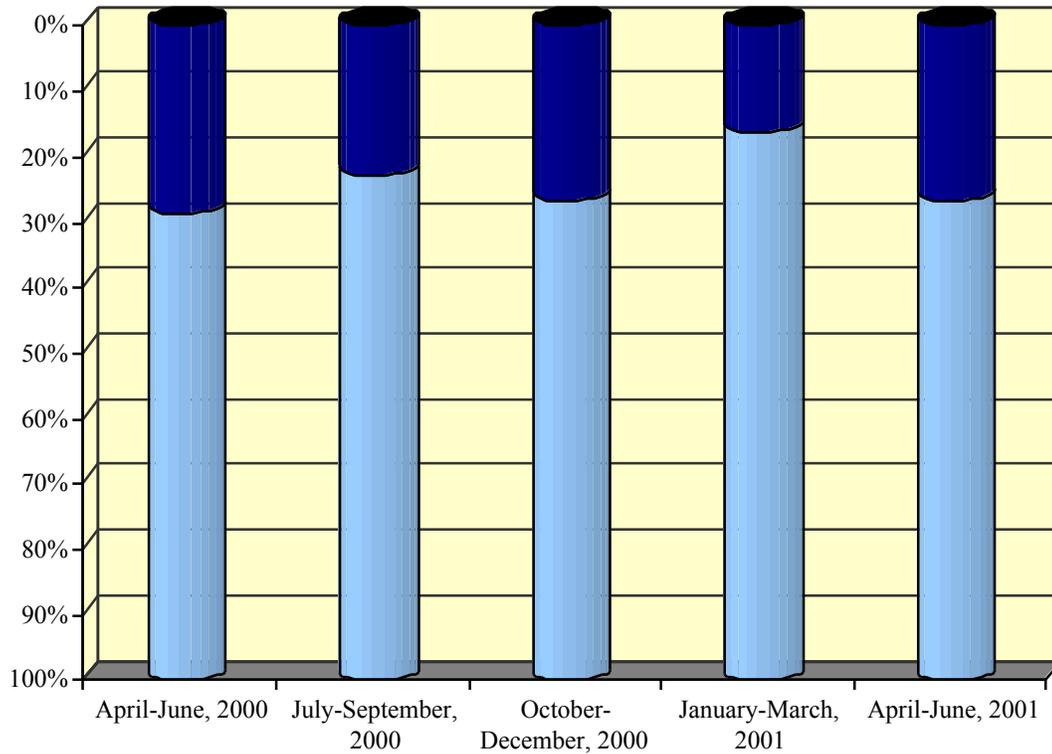
others – a violation of Title 15 of the California Administrative Code.⁹ Even the basement has been converted into a classroom.¹⁰

Problems in the juvenile hall are not limited to the building's physical flaws and defects, however. The County Probation Department also reports increased youth illness and increases in the rates of suicide attempts and self-inflicted injuries by youth in juvenile hall.¹¹ Reported suicide attempts rose from six in 1998 to 16 in 2000.¹² Reported self-inflicted injuries rose from 13 in 1998 to 38 in 2000.¹³ In addition, the Probation Department reports that the use of force and restraints by juvenile hall staff against the youth in the hall is increasing dramatically. Reports of such incidents more than doubled in just two years, jumping from 436 in 1998 to 898 in 2000.¹⁴

B. Unjustly Detained: The Overcrowding Of Alameda County's Current Juvenile Hall With Children Who Should Not Be There

Hundreds of young people are confined in these conditions every day. These youth end up in juvenile hall for a variety of reasons. Many are apparently being detained in accordance with the stated purpose of juvenile hall, outlined above. Many others, however, are not. Perhaps the most striking of these is the large population of youth being detained post-trial. On a typical day, 87 of the youth confined in juvenile hall have already had their cases adjudicated.¹⁵ These youth are awaiting their court-ordered transfer to other institutions or placements in alternative programs. These institutions and programs include foster homes, group homes, camps, ranches, and the California Youth Authority.¹⁶ In a sad point of irony, the court has already determined that most of these post-trial detainees are fit for placement in community-based, *non-secure* settings, such as group homes or foster homes. Typically, 69 of the youth confined in juvenile hall on any given day – *almost one in four* – are awaiting placement in such non-secure programs (hereinafter, these youth are referred to as “awaiting-placement youth”) (*see Chart A*). Nevertheless, these youth remain confined in juvenile hall.

CHART A: UNJUSTIFIABLY DETAINED YOUTH
 Youth Awaiting Placement (Dark Blue) As A Percentage of Total Hall Population



Confining awaiting-placement youth in juvenile hall does more than strain the hall’s bed capacity; it also leads to tremendous infringements on the rights of these minors. Awaiting-placement youth typically spend a total of 55 days in juvenile hall – more than double the 25 days that any given detainee typically spends there. This appears to be one of the longest typical periods of confinement of any segment of the juvenile hall population.¹⁷ This extra time in juvenile hall does not count towards sentence completion. If the court orders a young person to spend a specified amount of time in a particular program or institution, only time spent in that program or institution satisfies the court order. As a result, awaiting-placement youth often accrue days, weeks, or even months of “dead time” – time in secure confinement that does not

count towards the detainee’s sentence. Such “dead time” confinement is not only obviously unfair and unjust, it is also constitutionally suspect.

“Dead time” confinement is not just an affront to awaiting-placement youth, our moral sensibilities, or the Constitution – it is also a significant and unnecessary drain on County resources. Detaining one youth in juvenile hall typically costs the County a total of \$3,884.¹⁸ However, because awaiting-placement youth are detained for so much longer than most other youth, their stays in juvenile hall typically cost \$8,611 each – almost twice as much as the average cost.¹⁹ In other words, the County is spending an excessive and grossly disproportionate amount of its resources on the secure confinement of the one in four detainees who have already been deemed by the court to be fit for non-secure placements.

Awaiting-placement youth are not the only youth whose unnecessary confinement is leading to the overcrowding in Alameda County’s juvenile hall. Many youth are being detained in juvenile hall for minor offenses such as probation violations, “Failure To Appear” warrants and other non-violent charges. They do not pose the kind of public-safety or flight risks that would warrant secure detention. In Section V below, we discuss concrete steps the County can take to remove these youth from secure pre-trial detention and place them in other supervised programs.

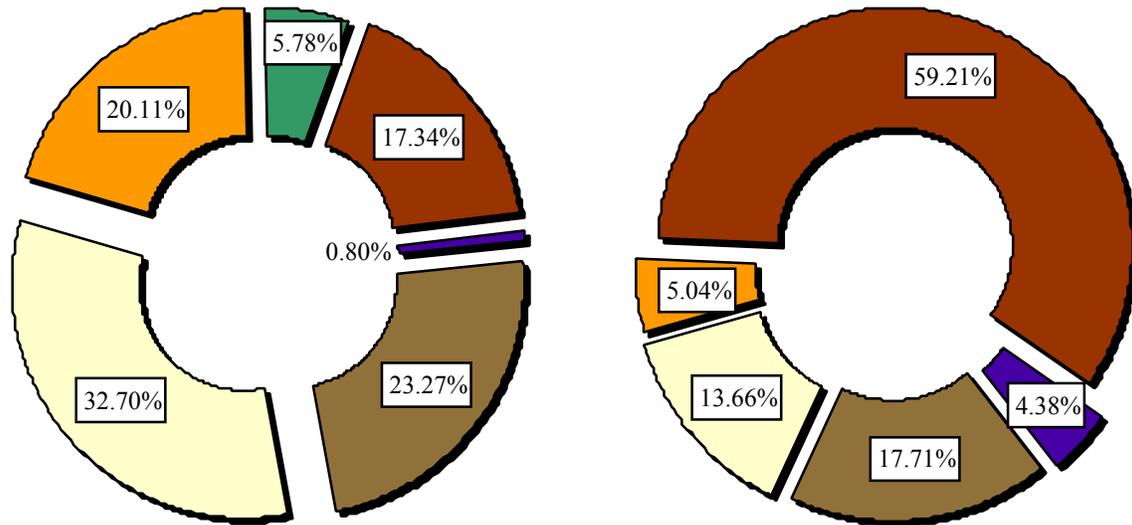
C. Racialized Injustice: The Over-Representation Of Youth Of Color Inside Juvenile Hall

These formidable problems in Alameda County’s juvenile detention practices do not impact all of the County’s youth evenly. County statistics reveal that youth of color are drastically over-represented in juvenile hall. Youth of color make up 67.3 percent of Alameda

The Due Process Clause of the 14th Amendment, which applies to juveniles as well as adults, protects all persons from confinement without the due process of law. Once a court has adjudicated a juvenile’s case and determined that she should be placed in a non-secure facility, continued confinement of that youth raises Due Process concerns. Additionally, because the time youth spend in secure facilities awaiting placement does not count toward sentence completion, these youth are being held under the control of the juvenile justice system for longer than their

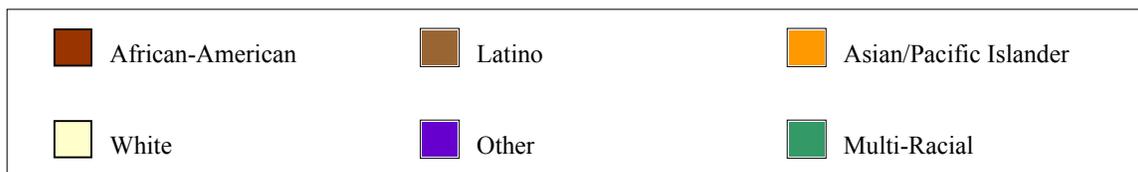
County's youth population.²⁰ According to the Alameda County Probation Department, however, 86 percent of the youth booked between July 2000 and June 2001 were youth of color. This discrepancy is disturbing, but the figures for African-American youth are truly staggering. While African-Americans make up only 17.33 percent of the county's youth population, they make up an astounding 59 percent of the youth who were booked between July 2000 and June 2001. In other words, when compared to the demographic make-up of the county youth

CHART B: THE OVER-REPRESENTATION OF YOUTH OF COLOR IN ALAMEDA COUNTY'S JUVENILE HALL



Alameda County Youth Population (Ages 10 to 17)

Alameda County Juvenile Hall Population



sentences mandate, and they are being held in conditions more strict than their sentences mandate. Excessive punishment of this nature also may violate the rights guaranteed by the 14th Amendment.

population, African-American youth are over-represented in the juvenile hall population by a factor of almost three and a half. By contrast, 32.7 percent of the county youth population is white, but the Probation Department reports that only 13.7 percent of the youth booked between July 2000 and June 2001 were white.²¹

Sadly, Alameda County is not exceptional in this respect. Disproportionate minority confinement is a crisis throughout California and the entire country. In California, young people of color constitute an astonishing 86 percent of those incarcerated at the California Youth Authority or other long-term facilities for juveniles.²² A 1995 report issued by the National Council on Crime and Delinquency (NCCD) found that African-American youth are over-represented at every stage of the California juvenile justice system, even when statistical controls were applied.²³ Nearly 72 percent of African-American youth referred for felony drug offenses were detained while 43 percent of white youth were detained for the same type of referrals.²⁴ These overwhelming data led researchers to conclude that California presents “a picture of persistent, differential treatment for some minority groups after having accounted for pre-referral factors such as offense and prior record.”²⁵

NCCD found that the racial disparities in California’s juvenile justice system parallel racial disparities nationwide — they increase at each stage of the system. Key decisions about which neighborhoods to patrol, whom to stop, and whom to arrest, charge and prosecute are shaped at every stage by racialized animus and suspicion. Several recent national reports have documented these racial disparities.²⁶ In 2000, for example, African-American youth represented just 15 percent of the U.S. youth population, yet they represented 26 percent of youth arrests, 31 percent of delinquency cases referred to juvenile court, 44 percent of delinquency cases involving detention, and 58 percent of youth admitted to state adult prison.²⁷ In stark contrast, white youth represented 79 percent of the youth population, 71 percent of youth arrests, 66 percent of the cases referred to juvenile court, 53 percent of delinquency cases involving detention, and 25 percent of youth admitted to state adult prison. These numbers indicate that youth of color are increasingly over-represented the deeper they get into the system. White

youth, on the other hand, are disproportionately removed from the system at every stage.

These discrepancies cannot be explained by a difference in the types of offenses alleged or committed. Youth of color are more likely than white youth to be detained even when charged with comparable offenses. This is true regardless of offense type.²⁸ For example, when comparing juvenile drug offenders with no prior admissions to a state public facility, NCCD found that African-American youth are 48 times more likely than white youth to be admitted to state public facilities.²⁹ In the case of juvenile property offenders with no prior admissions, African-American youth were more than three times as likely—and Latino/a youth almost two times as likely as white youth—to be confined.

Alameda County is not alone in its excessive confinement of youth of color; it is part of a nation-wide problem. In Section VI below, we discuss how the County can take national leadership in addressing this issue.

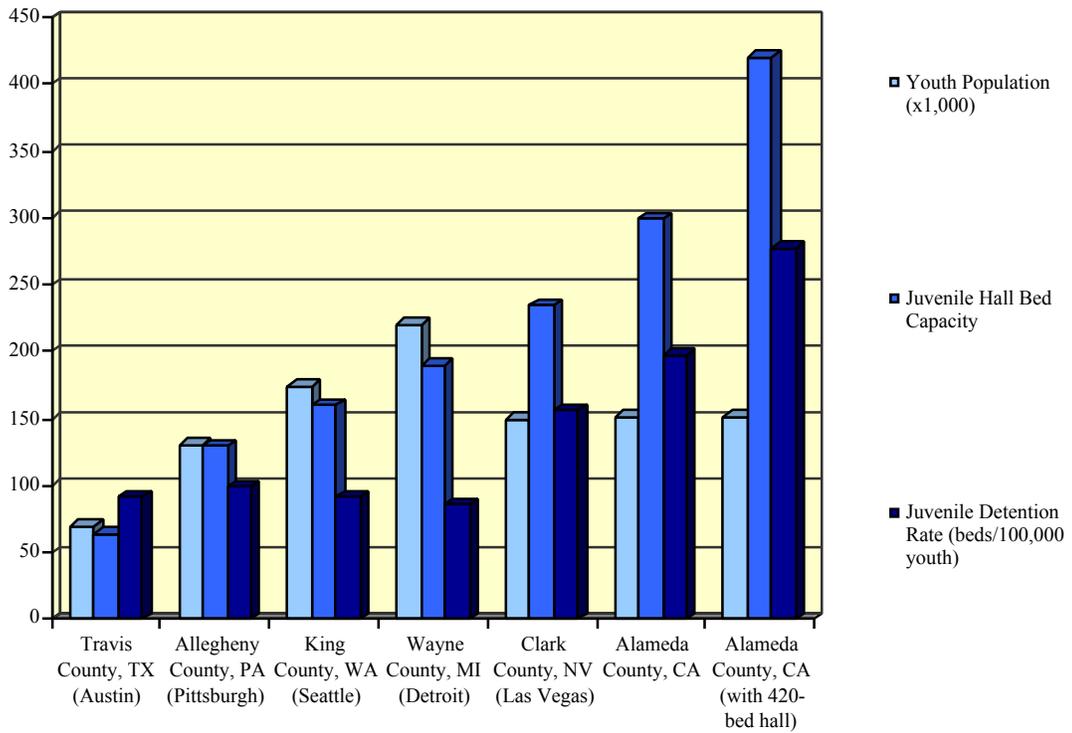
D. A National Perspective: Comparing Alameda County's Juvenile Hall with Juvenile Halls in Other Counties

Alameda County's juvenile justice problems are not due to a lack of bed capacity in an under-sized juvenile hall. Indeed, one of the problems with Alameda County's juvenile justice

Some have argued that these racial disparities exist because youth of different racial and ethnic groups commit different types of crimes. However, Poe-Yamagata and Jones found that African American youth were over-represented as a proportion of arrests in 26 of 29 offense categories documented by the FBI. "And Justice for Some..." at 1 (see endnote [25]). Similarly, in every offense category, youth of color were more likely than white youth to be placed out-of-home at disposition, while white youth were more likely to be placed on probation.

"And Justice For Some ..." Even these appalling statistics may understate the problem. Because much of the existing research tends to focus on African-American youth, bias against Latino, Native American and Asian-American youth is likely under-reported. Research specific to Latino youth, for example, is scant because both state and national studies often categorize Latino youth as "white" when examining juvenile justice-related statistics. *Id.* This glaring error has led to incomplete national and state data on Latino youth. As Latino youth are increasingly reflected separately in data gathering, the extent of their over-representation may be brought into starker relief. In states that do maintain data specific to Latino youth, those data show disproportionate confinement. For example, in its 1996 publication "Juvenile Offenders and Victims: A National Report," the Office of Juvenile Justice and Delinquency Prevention found that California, New Mexico, Texas, and Arizona all reported disproportionate Latino youth confinement.

CHART C: ALAMEDA COUNTY'S EXTRAORDINARY YOUTH DETENTION RATE
 Comparing Alameda County to Similar Counties Nationally



Comparing the Detention Rates of California's Seven Largest Counties

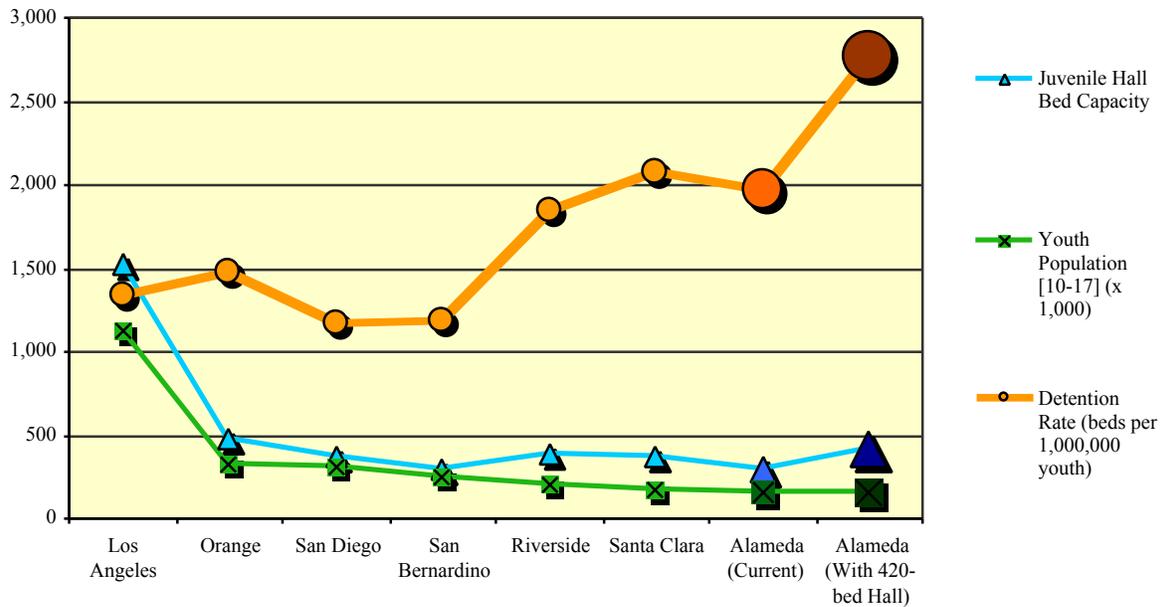
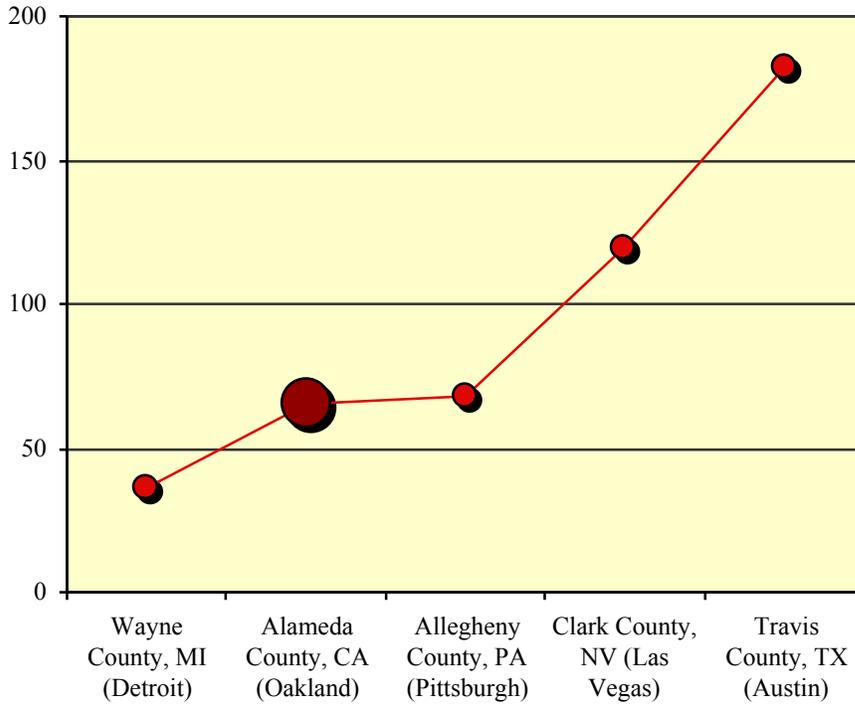


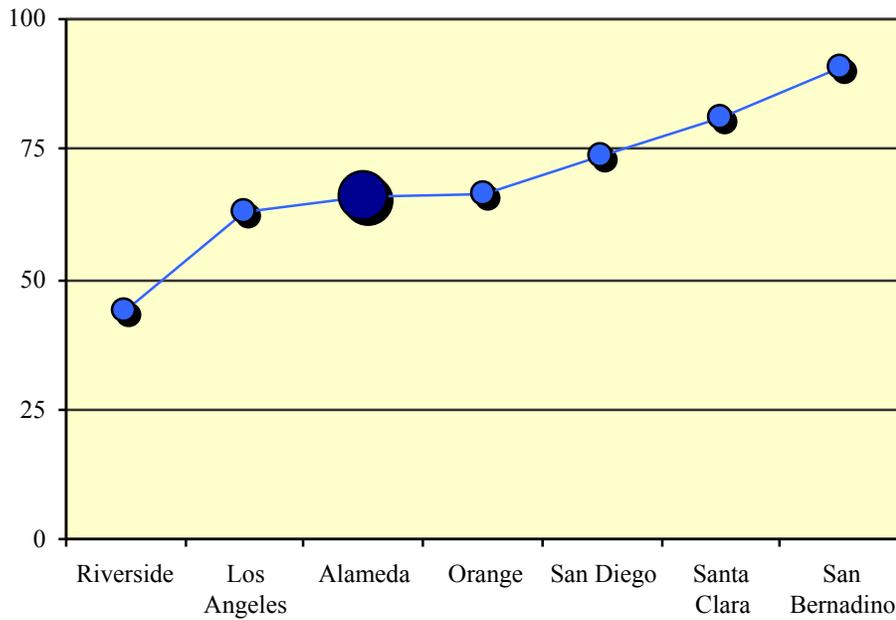
CHART D: COMPARING YOUTH CRIME IN ALAMEDA COUNTY TO OTHER COUNTIES
 Juvenile Arrests per 1,000 Youth in County Population



Comparing Alameda County to Other Counties Nationally

Note: data was not available for King County, Washington

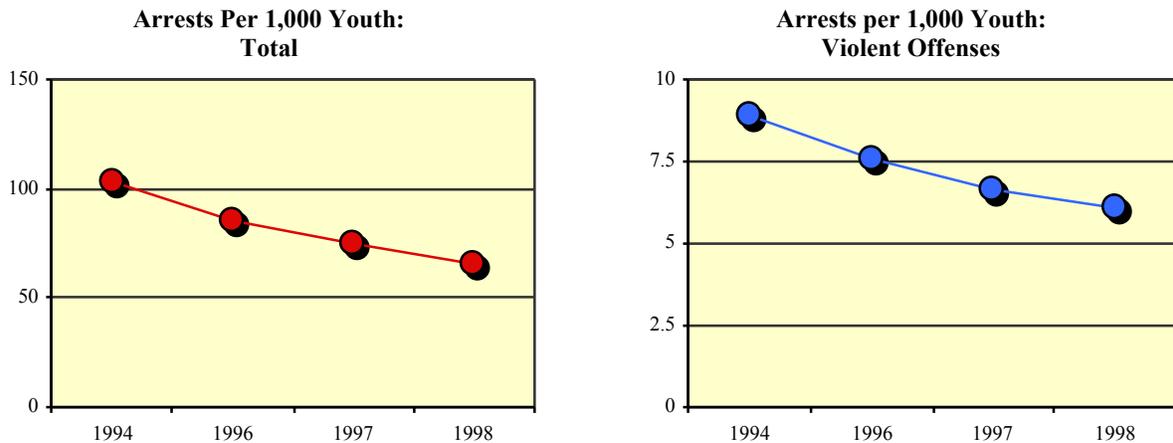
Comparing the Seven Largest Counties in California (by population)



system is that its current hall is already inordinately large. At 299 beds, Alameda County’s current juvenile hall is much larger than the juvenile halls of similarly sized counties. Counties that house cities like Austin, Detroit, Las Vegas, Pittsburgh, and Seattle have juvenile halls that are on average slightly over half the size of Alameda County’s current facility (*see Chart C*). These counties use juvenile halls that range in size from 64 to 234 beds.

Alameda County also surpasses most other California counties in terms of both juvenile hall size and youth detention rates. Alameda County’s youth detention rate is currently the second highest among the seven most populous counties in the state. If the County follows through with its expansion plans, it will jump to first – with a youth detention rate twice that of Los Angeles County (*see Chart C*). These statistics are particularly remarkable given that California has the nation’s fifth highest pre-trial youth detention rate.³⁰ In other words, even within a state that incarcerates its youth more than almost any other, Alameda County’s detention rate stands out.

CHART E: DECLINING YOUTH CRIME IN ALAMEDA COUNTY



Throughout this report, we use the common definition of “youth detention rate” as the ratio between juvenile hall beds and youth population.

Sadly, these discrepancies in youth detention rates do not reflect widely differing youth crime rates among the counties compared above. On the contrary, youth crime is comparable among these counties (*see Chart D*). Indeed, contrary to popular understanding, a county's youth crime rate is *not* central in determining its detention rate. Research and data indicate that the two most important factors in determining a given jurisdiction's practice of detaining large or small numbers of youth before they go to trial are: (1) the county's juvenile justice policy choices, and (2) the availability of alternative programs. Alameda County is a stark example of this fact. In Alameda County, youth crime has been declining, and yet the County is planning a major expansion of its juvenile detention facility (*see Chart E*). This expansion is being driven not by a tide of youth crime, but by punitive policy choices.

Alameda County's youth detention rate is already outpacing those of similarly sized counties around the country. With its plans to build an expanded 420-bed facility, though, the County would begin to rival much larger counties. Chicago's Cook County, for example, is home to almost 5.4 million people. That is 3.7 times the size of Alameda County's total population. With 603,110 people, Cook County's youth population (age 10-17) is quadruple that of Alameda County.³¹ Despite this huge size differential, Cook County's 498-bed juvenile facility is only slightly larger than the one Alameda County plans to build. In other words, Alameda County's juvenile detention rate is currently 2.4 times as high as Cook County's; building a 420-bed juvenile hall would make it 3.4 times that of Cook County.

IV. ALAMEDA COUNTY'S JUVENILE HALL EXPANSION AND RELOCATION PLANS

Alameda County is facing numerous challenges regarding its juvenile justice system in general and its juvenile hall in particular. As discussed above, these challenges include everything from the poor physical condition of the juvenile hall to the County's misuse of its ostensibly pre-trial juvenile detention facility; from racial disparities and bias in the County's detention patterns to the inordinate size of its current juvenile detention facility. Sadly, the only one of these problems that the County has made a concerted effort to address is the poor physical condition of the current facility. Far from rising to meet the other challenges, the County has ignored or exacerbated them, only paying attention to them during times of increased pressure from the community and youth advocates. Here we review briefly the steps the County has taken to arrive at its current plan: building a 420-bed juvenile detention facility in Dublin, with space for 450 beds and infrastructure for a later expansion to 540 beds.

A. Initial Plan: County Opts To Build A New 540-Bed Juvenile Hall In Dublin

In 1992, after years of building deterioration and repeated attempts at repair, Alameda County commissioned a needs assessment that recommended that the County build a new juvenile hall.³² Apparently, the cost of rebuilding was prohibitively high at that time. Instead, the County chose in 1995 to spend at least \$4 million to renovate the current building.³³ When the California Board of Corrections (BOC) evaluated these renovations, it found them inadequate. In 1997, a BOC inspection team described the current facility as

old, outdated and difficult to maintain. The administration has attempted to offset some of the physical plant limitations by remodeling some areas, but space is still inadequate and insufficient for implementing all necessary programming for all of the detained minors.³⁴

A "needs assessment" is an analysis of a county's juvenile justice system, its juvenile detention facility, and other factors including population and crime trends that attempts to predict the county's likely future juvenile detention needs. County's often contract with third parties to conduct a needs assessment prior to constructing a new juvenile hall.

Thus, the County commissioned another needs assessment in 1998. This time, the County awarded the contract to Rosser, International (“Rosser”), an architectural firm specializing in criminal justice facility construction.

In January 1999, the County received Rosser’s completed *Needs Assessment and Master Plan*. Rosser recommended the construction of a new Juvenile Justice Complex, with a 540-bed juvenile hall, support services and the Juvenile Court.³⁵ Shortly after Rosser’s *Needs Assessment and Master Plan* was drafted, the National Council on Crime and Delinquency’s President, Dr. Barry Krisberg, at the request of Probation Chief Johnson, wrote a letter to the department expressing concerns about the reliability and utility of the plan.³⁶ Dr. Krisberg pointed out that the plan’s numbers were inconsistent with California Department of Justice statistics, that the data source relied upon by Rosser “ha[d] not been subject to quality control for many years,” and the projection methods used in the plan were “insufficient for supporting good planning.”³⁷ Despite Dr. Krisberg’s concerns, the Alameda County Board of Supervisors unanimously approved County officials’ plan to conduct a geotechnical review of the San Leandro site and to develop plans for a new 540-bed juvenile hall.³⁸

In early 2000, after the Board of Supervisors received a “value-engineering report” listing the estimated construction cost at \$175.7 million for the new “Juvenile Justice Complex,” the Board authorized the continued planning for a new juvenile hall in San Leandro with 540 beds.³⁹ By the end of 2000, seismic and soils evaluations had found extensive problems with the San Leandro site that would limit the area available for construction, increasing construction costs by \$6-10 million. These findings were based at least in part on the proximity of the San Leandro site to the Hayward fault line and its steep, uneven terrain.⁴⁰ On learning of these findings, the Board of Supervisors approved the relocation of the juvenile hall to Dublin. The new Dublin site was on a portion of the County property containing the Santa Rita Adult Jail.⁴¹

The five member Board of Supervisors at that time included Supervisors Kieth Carson, Gail Steele, Scott Haggerty, Wilma Chan, and Mary King. Supervisors Nate Miley and Alica Lai Bitker later replaced Supervisors Chan and King

B. Outside Assistance: The California Board Of Corrections Awards Alameda County Funds To Replace, But Not To Expand, Its Current Facility

At this point, Alameda County had firm plans to build a new 540-bed facility in Dublin, and began taking steps to secure financing for the construction. This was not the first time the County requested funding for the juvenile detention facility. In 1999, it asked for a \$119.1 million grant for the 540-bed facility and the entire proposal was rejected. This time, the County submitted two grant proposals to the State Board of Corrections. One proposal requested \$33.1 million to replace the current facility and expand it to 330 beds. The second requested \$21.1 million for an additional 210 beds. In May 2001, the BOC awarded the County \$33.1 million. This grant was approved for the construction of a new 330-bed facility. The facility was to have two medium-security housing clusters with a total of 300 beds and two maximum-security units with a total of 30 beds. The grant also notes that the County's plan includes ancillary space to support expansion to a 540-bed facility.⁴² The net immediate increase in beds contemplated by the Board of Corrections grant is 31.⁴³

The Board of Corrections denied Alameda County's request for \$21.1 million to fund the further 210-bed expansion. The BOC Executive Steering Committee (ESC) recommended that the State Board award the County \$2.3 million of the requested \$21 million. The full Board of Corrections rejected this recommendation, voting not to award Alameda County any of the requested \$21 million. At both the ESC and the full Board meetings, hundreds of youth and youth advocates voiced their opposition to the County's expansion plans before the bodies voted.

C. First Reconsideration: County Board Of Supervisors Scales Back Expansion, Reconsiders Relocation Plans

With controversy over the County's expansion and relocation plans continuing to grow, a newly-reconstituted County Board of Supervisors took steps to address the issue. On July 24,

Alameda County claimed that assaults by detained youths against other detained youths had risen 64 percent between 1999 and 2000. In fact, the number of such assaults had declined by 27 percent; apparently a clerk had made an unfortunate error. Horowitz, Donna. "Opposition to a Bigger Juvenile Hall." *Oakland Tribune*. March 16, 2001.

2001, Supervisor Keith Carson proposed that the Board adopt a resolution to invite the National Council on Crime and Delinquency to conduct a Detention Utilization Study to guide the rebuilding of the juvenile hall.⁴⁴ Preliminary conversations with the Annie E. Casey Foundation indicated that it would have been willing to fund at least some of the cost of the study. Supervisor Nate Miley supported Carson's proposal, but the resolution did not pass. Supervisors Alice Lai-Bitker, Gail Steele and Scott Haggerty voted against the motion.

At that same meeting, the Board approved, 4-1, the last minute proposal by the County Administrator's Office to limit the expansion to 450-beds. The Board also voted to establish an ad hoc subcommittee⁴⁵ to study the County's juvenile justice system.⁴⁶ The stated goal of this study is supposedly "to develop options for minimizing the detention of youth in Juvenile Hall. Key outcomes [will] include development of a comprehensive continuum of care plan for at-risk youth and creating new treatment options outside of the facility."⁴⁷ Unfortunately, the County has scheduled the study to be completed *after* construction on the facility has begun; any insight gleaned from this study will come too late to impact the size or location of the new juvenile hall.

In the face of continuing community protest, on September 25, 2001, the Board of Supervisors again addressed the issue of juvenile hall expansion. At a work session concerning a five-year County Capital Improvement Plan (CIP), the County Administrator's Office presented a plan to spend 40 percent of the 476 million dollars available for capital improvements on the juvenile hall project.⁴⁸ At the urging of supervisor Nate Miley, the Board approved most of the CIP, but rejected those sections concerning the juvenile hall project. In rejecting that portion of the CIP, the Board

directed County staff to develop a smaller juvenile hall with an emphasis on detention alternatives and that [the County] entertain a split site if that would meet

Bart Lubow of the Annie E. Casey Foundation informed several Supervisors and their staff (including Supervisors Lai-Bitker and Steele and a representative from Supervisor Carson's office), as well as the County Administrator's Office, that the Casey Foundation would be willing to provide some, and possibly complete, funding for such a study. In these conversations, Lubow suggested that the County employ the National Council on Crime and Delinquency to conduct the study. E-mail from Bart Lubow to Rachel Jackson dated March 20, 2002.

[the County's] needs and that any savings associated with a smaller facility be appropriated toward the Fairmont Campus [Medical Facility].⁴⁹

Supervisor Alice Lai-Bitker's temporary defection from the Board's pro-expansion camp made the detour possible. Supervisor Lai-Bitker had previously voted consistently with Supervisors Steele and Haggerty in favor of expansion. On September 25, however, she voted with Supervisors Miley and Carson in favor of the above motion. In her comments at the meeting, Supervisor Lai-Bitker said that she wanted to be able to examine a range of size options lower than 450.⁵⁰

D. Present Revised Plan: County Board Of Supervisors Decides To Move Forward With Expansion And Relocation

This change in direction was not to be the last. Only two weeks later, Supervisor Lai-Bitker moved to reconsider the Board's September 25 action with respect to the juvenile hall's location and bed capacity. On October 9, 2001, Supervisors Lai-Bitker, Steele, and Haggerty amended the September 25 action. By a vote of 3-2, the Board directed County staff to

base planning of the juvenile hall on a capacity of 420, with emphasis on detention alternatives; provided that: a) If the facility reaches an annual daily capacity of 390 or more, the Probation Department shall provide the Public Protection Committee of the Board with a report (that shall be considered in public hearing) that describes the conditions that cause this level of usage; and b) Provided further that the initial construction of the juvenile hall shall include a structure that can be expanded by thirty (30) beds, but that additional capacity shall not be utilized without further review by the Public Protection Committee of the Board and explicitly approved by the Board. In addition, the Board directed staff to base its planning on a single site in Dublin, and to include adequate resources (including financial assistance for transportation) in its planning in order to ensure accessibility to the juvenile hall by persons who wish to visit or assist persons detained in the juvenile hall.⁵¹

This resolution halted the investigation into alternate sizes and locations. The County is now moving forward on plans to build a 420-bed juvenile hall in Dublin, with space for 450 beds and infrastructure for a later expansion to 540 beds. The County is also moving forward with its plans to study the juvenile justice system as a whole, despite its stated intention that the results of this study – not matter what those results are – will have no impact on the construction plans.

V. THE PROBLEMS WITH ALAMEDA COUNTY'S JUVENILE HALL PLANS

Alameda County's plans to expand and relocate its juvenile hall will not solve the many problems it is facing in the area of juvenile justice. In fact, expansion and relocation will worsen many of its woes. In this section, we discuss five major flaws in the County's plans. First, we look at the County's failure to provide any immediate relief to the workers and detainees at the current facility. Second, we discuss some of the flaws in the original report by Rosser, on which the County has relied in crafting its plan. Third, we look at the County's failure to act to rectify the glaring racial disparities and bias in its youth detention patterns. Fourth, we discuss the drain that the County's expansion and relocation will put on County resources. Here, we pay special attention to the likely impacts of such a resource drain for detention alternative programs. Finally, we examine problems with the proposed location for the new facility.

A. Four More Years? The Long Wait For Relief From The Current Conditions In Alameda County's Juvenile Hall

Alameda County plans to complete construction on a new 420-bed facility by September 2005. Proponents of the County's plans argue that any delay in construction will lengthen the amount of time that detained youth must remain in dangerous conditions. However, despite acknowledging the serious problems with the current facility, the Board of Supervisors has not taken any public action to grant immediate relief to those who are detained or who work in the current facility.

These appalling juvenile hall problems deserve the County's immediate attention. The fact that the County plans to build a new facility in the future does not excuse it from doing everything that it can to mitigate the dangers to the youth and workers in the present hall. That this danger would continue every day for four years until the new facility is ready to open is unacceptable and indefensible. During those four years, thousands of young people will continue to filter in and out of this unsafe environment. Alameda County must protect the youth and workers by repairing hazardous conditions in the hall at once. The County should also act immediately to reduce both the current number of youth confined in juvenile hall and the number

of youth that will be entering the hall in the future. These reductions are attainable. In Section VI, we discuss several reforms that can help bring them about.

B. A Weak Foundation: Fatal Flaws In The “Needs Assessment” On Which The County Relied In Making Its Plans

Alameda County’s designs for its new juvenile hall grew out of the *Needs Assessment and Master Plan* developed by Rosser (hereafter the “Rosser Report”). This report was the basis of the County’s original plans for a 540-bed facility. Despite subsequent modifications to those plans, the Rosser Report has continued to set the terms of debate in the County. And yet, as a recent report from the National Council on Crime and Delinquency (NCCD) has revealed, the Rosser Report is fatally flawed and cannot reasonably serve as a basis for any County plans. Here we look both at the fundamental methodological flaws that permeate the Rosser Report and the potential for impropriety when an architectural firm like Rosser conducts a needs assessment.⁵²

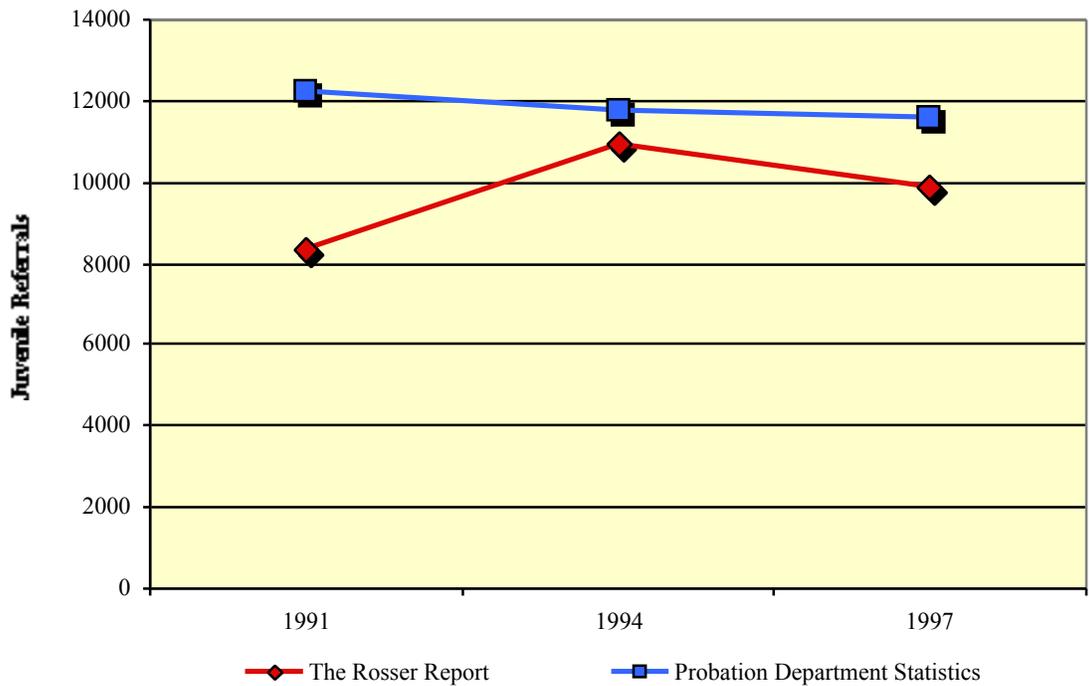
1. “How” Problems: Flaws in Rosser’s Methodology

Three fundamental methodological flaws underpin the Rosser Report. First, Rosser based its projections on faulty and grossly inaccurate data. Second, Rosser used a projection technique that is incapable of accounting for the impacts of possible policy changes and improvements. Third, the use of the juvenile hall’s peak population instead of the hall’s average population inflates Rosser’s estimates of the County’s future needs.⁵³

The first problem with Rosser’s analysis is that it relies on flawed data. Specifically, it undercounts the number of juvenile referrals and detentions in earlier years. It does this by omitting the referrals and detentions of many youth who, at the time of the tally, had reached the age of 18. These omissions create the illusion that there were a lower number of referrals and detentions in earlier years than there actually were. This is especially true for 1991 – the year Rosser uses as a baseline for its projections. Based on this initial undercount, Rosser inaccurately claims that referrals and detentions are on the rise. In fact, they have been *declining*. The resulting distortions in the data can be seen in *Chart F*.⁵⁴

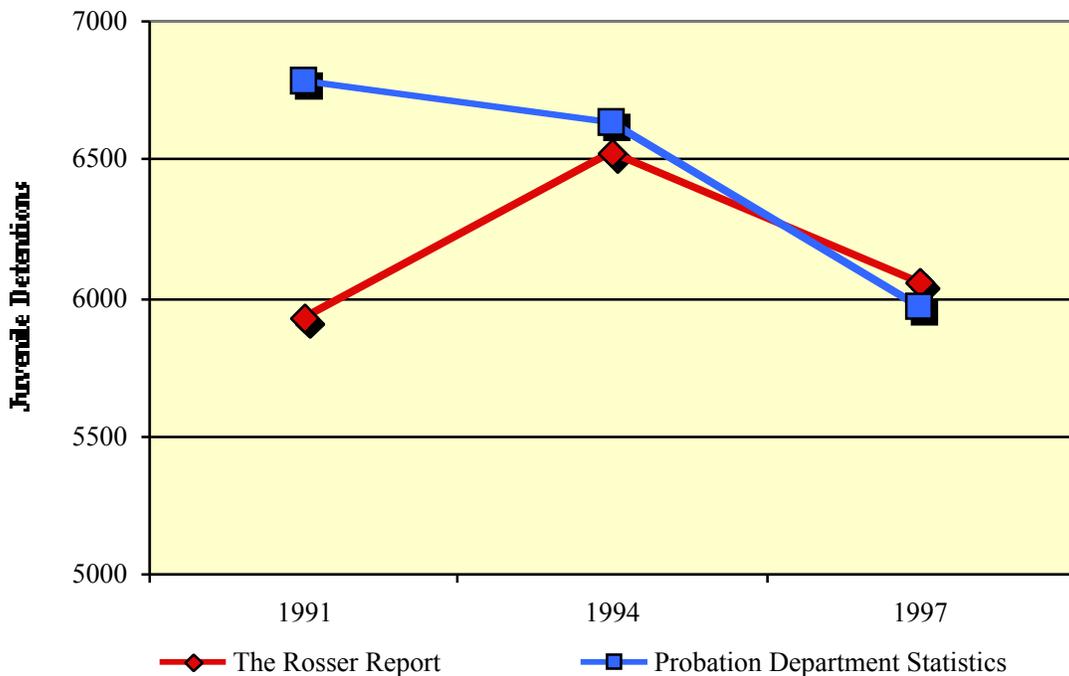
The Rosser Report shows an inaccurately low number of referrals in 1991. Because data from 1994 and 1997 are increasingly more complete, Rosser reports a net increase of 18 percent in the number of juvenile referrals between 1991 and 1997. Data from the Annual Reports of the Probation Department, however, tell a drastically different story. The Annual Reports show a net *decrease* of five percent in the number of referrals to the Probation Department during the same time period. This trend continues in 1999's Annual Report, the most recent available. In 1999, the Probation Department reported 10,527 juvenile referrals. Between 1991 and 1999, then, the number of juvenile referrals *decreased* by 14 percent. This marked decrease undermines Rosser's claim that the County needs to increase its number of detention beds to 540.⁵⁵

CHART F: THE FLAWS IN ROSSER'S DATA ON JUVENILE REFERRALS



Rosser similarly distorts the figures for juvenile detentions between 1991 and 1997 (see Chart G). The Rosser Report shows a two percent *increase* in the number of detentions between 1991 and 1997. The Annual Report data, however, indicate that juvenile detentions *decreased* by 12 percent in that time. As with juvenile referrals, juvenile detentions continued to decrease through 1999. With a total of 5,525 detentions in 1999, the Annual Reports show a net decrease in juvenile detentions of almost 19 percent between 1991 and 1999. Again, Rosser’s data distort the truth: that juvenile detention appears to be decreasing in Alameda County. Rosser uses faulty data, however, to support its argument for a hall that, as we discuss above, is grossly out of proportion for a county of Alameda County’s size.⁵⁶

CHART G: THE FLAWS IN ROSSER’S DATA FOR JUVENILE DETENTIONS



The problems with the Rosser Report do not stop with the data. Rosser used a questionable methodology, called ARIMA, to turn those data into projections of Alameda County’s future needs. ARIMA is inflexible because it is based purely on historical trend data.

Other projection techniques allow decision-makers to examine the effects that policy and program changes would have on the detention population⁵⁷. But ARIMA does not allow policymakers to evaluate their available options based on various policy choices. By disallowing an examination of policy alternatives and their likely results, the Rosser Report forces the County to plan based on the assumption that the ineffective and counter-productive policies that have led to the current crisis will remain firmly in place. In other words, the Rosser Report is based on the assumption that, as bad as things are in Alameda County, the County can do nothing to make anything better.⁵⁸

Finally, Rosser bases its projection of the County's needs on the moments when the hall is most crowded, not on the hall's average population. This practice is not generally accepted because it can grossly overestimate the need for beds. For instance, the most crowded day between May and August of 2001 was June 4, when 339 youth were detained at juvenile hall. The average daily population over that span, however, was less than 307. The average daily population during fiscal 2000-2001 was 296.⁵⁹ Clearly, the "highest population" data used by Rosser are misleading. Using such data becomes extremely problematic in Alameda County where, as discussed above, so many youth in juvenile hall are being detained improperly.⁶⁰

2. "Who" Problems: Why Rosser Should Never Have Been Asked To Develop Its Needs Assessment And Master Plan

Rosser is an Atlanta-based architectural, engineering and planning firm with clients all over the globe.⁶¹ It is one of the largest US-based corporations specializing in the planning, design, and construction of criminal justice facilities.⁶² It has completed nearly 700 criminal justice projects in 46 different states.⁶³ Its reach is so extensive that at one point, to accommodate Rosser, the Georgia legislature had to "change temporarily a state law that says no company can do more 10 percent of the Department of Corrections' design work during any three-year period."⁶⁴ Rosser's share had risen to nearly twice that.

Rosser's experience and expertise place it in prime position to bid competitively on the contract for the construction of Alameda County's new juvenile detention facility. At the very

least, Rosser must be considered a potential bidder. As such, Rosser could potentially benefit from a plan to build a large facility. This creates an incentive for a firm like Rosser to distort its projections and inflate its calculations. Given the potential and incentive for impropriety, we have strong reservations about having firms like Rosser conducting needs assessments. It is not at all clear that such a firm can do so without bias.

Exacerbating the appearance of potential impropriety, Rosser was, along with its joint venture partner McLarand, Vasquez, Emsiek, & Partners, awarded a \$3.5 million contract in April for architectural services for the new juvenile detention facility.⁶⁵

Alameda County has never commissioned a more clearly disinterested party to conduct a comprehensive needs assessment. Instead, it has relied on Rosser, a for-profit architectural, engineering and planning firm to analyze the County's current use of detention and to make policy and development recommendations. The County should reject Rosser's research as more self-interest than science, and should not invite the appearance of impropriety by having firms like Rosser conduct its needs assessments.

Indeed, the County has already indicated it does not fully trust Rosser's recommendations. Amidst mounting community pressure to re-analyze the size of the proposed juvenile hall, the Board of Supervisors departed from Rosser's recommendations, deciding to build a first a 450-bed hall and later a 420-bed hall. However, the County Board never commissioned or received a comprehensive study indicating that either of those numbers was appropriate, either. There have been no indications that either of the 450- or the 420-bed figures was based on sound research or scientific methodology. Rather than commission an impartial study, the County seems to have made arbitrary reductions from a highly suspect initial plan. The County has been unwilling and unable to squarely address and overcome the fundamental flaws in the Rosser Report.

C. Deliberate Indifference: Impacts Of Expansion On Communities Of Color

In part III(C) above, we discussed the current racial disparities in Alameda County's juvenile justice system. The most glaring of these is that, when compared to the demographic

make-up of the county youth population, African-American youth are over-represented in the juvenile hall population by a factor of almost three and a half. By choosing to ignore this problem and focus instead on the red herring of bed capacity, the County is ensuring that its juvenile justice problems will continue to impact youth of color most severely. With a greatly expanded hall, the impacts in communities of color will be greatly exacerbated.

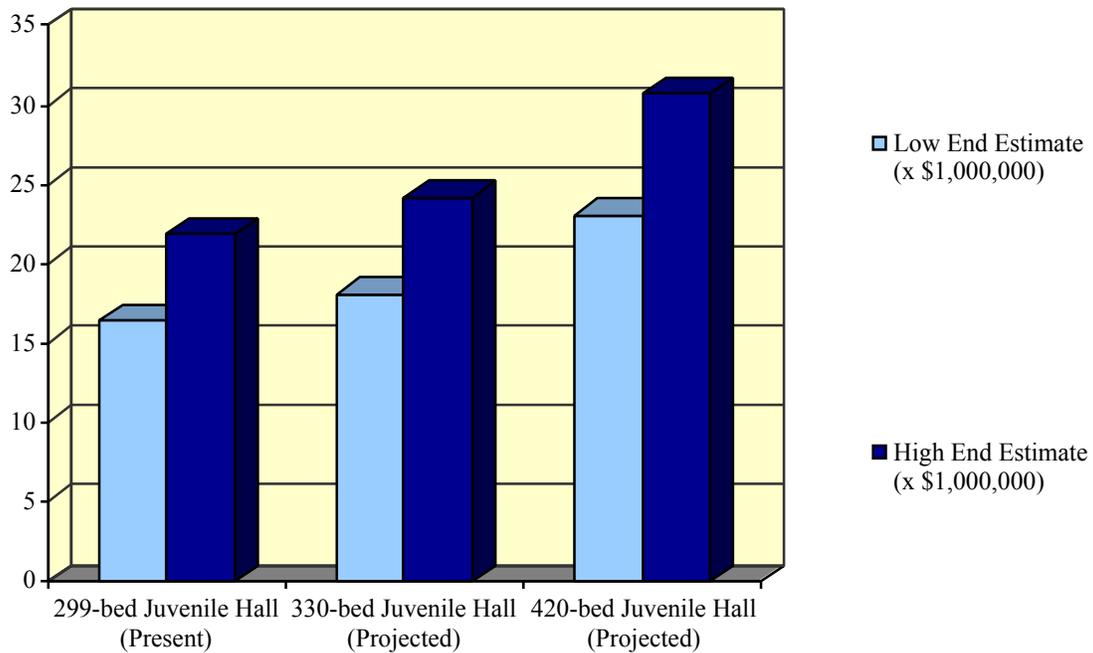
Alameda County has a chance to take real leadership on this issue. As discussed above, these problems are national in scope. These problems are not, however, intractable. In Section VI below, we discuss several steps that the County can take to reduce the gross racial disparities and bias in its juvenile justice system. These reforms are not untested. They have been successfully implemented in other counties, both in California and across the United States. Alameda County can join these other counties in taking leadership on this issue. But Alameda County cannot do that if it continues to prioritize expansion and de-prioritize reform. Alameda County faces an important decision, and the health and well-being of communities of color hang in the balance.

D. Wasting Dollars And Opportunities: The Budgetary And Opportunity Costs Of Juvenile Hall Expansion

Alameda County's plans to expand its juvenile hall do not exist in a vacuum. County resources are scarce, and heavy investment in expansion will be felt throughout the County budget. It costs between \$16.3 million and \$21.8 million per year to operate and maintain a 299-bed juvenile detention facility like Alameda County's current juvenile hall (*see Chart H*). County costs will rise dramatically, however, if it builds an expanded 420-bed facility. This 121-bed increase would raise the County's yearly operational costs by between \$6.6 and \$8.8 million (*see Chart H*). Construction costs for the expanded and relocated facility are estimated at \$117 million. The County also intends to build a new Juvenile Court and Probation headquarters, bringing the estimated cost of construction for the Juvenile Justice Project up to \$176 million.

Operational costs for the juvenile hall are drawn from the County's General Fund. The General Fund is discretionary and finite, and is used to finance other County projects. No

CHART H: THE COST OF UNJUSTIFIABLE DETENTION

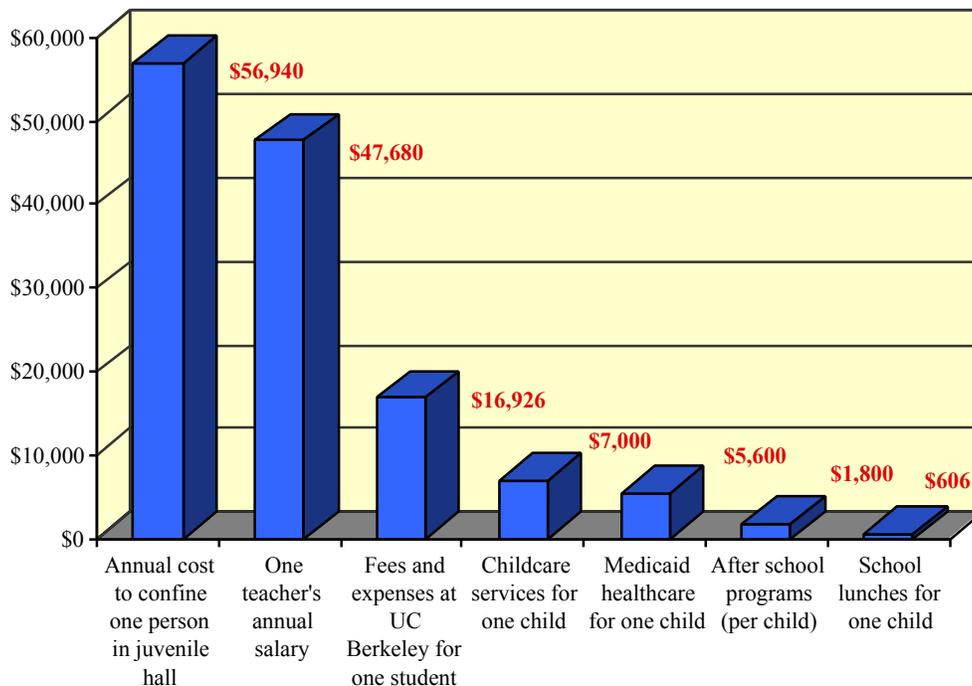


additional state or federal funds have been secured to defray any of these dramatically increased operating costs. To cover expanded operational costs for the new facility, the County must do one of two things: raise taxes or cut other General Fund-supported programs. As we enter an economic recession, the County’s already limited ability to find creative ways to increase tax revenue will dwindle. Indeed, the County will need to be creative to maintain its current tax revenue. The likely result will be cuts to the funding of other County-funded discretionary programs. To expand the juvenile hall, the County will have to constrict other services that it provides to County residents. The County will lose not only the money it spends directly on the juvenile hall, but also the opportunity to invest that money in other community programs (e.g., wraparound or continuum of care services for youth).

Members of the County Board of Supervisors have pointed out that many of the services on which the County’s children, families and elderly currently rely are already inadequately funded. An additional \$6.6 to \$8.8 million annual drain on the County budget will make it even more difficult to strengthen these under-funded programs. On the other hand, a \$6.6 to \$8.8

million annual increase in County funding for child care services, hospitals, mental health treatment, affordable housing, workforce development and other community programs would dramatically improve the lives of youth, families, and seniors. Such community investment would not only make Alameda County a safer, more supportive place to raise a family; it would also help prevent youth delinquency. Comparing the cost of confining a child with the costs of other programs and services is telling. It costs \$56,940 to confine one child in juvenile hall for a year. That sum is more than three times the cost of attending UC Berkeley for a year, eight times the cost of providing a child with childcare for a year, and 10 times the cost of providing a child with Medicaid for year. The \$56,940 that the County spends to incarcerate one child for one year could pay for school lunches for 94 children for an entire year or for a year of after-school programs for 30 children (*see Chart I*). Nevertheless, the County is insisting that an investment in detention is the best investment for its children.⁶⁶

CHART I: THE OPPORTUNITY COSTS OF INVESTING IN JUVENILE DETENTION
 Comparing Annual Costs For Various Programs and Services



The County has expressed concern that choosing not to expand the juvenile hall would strain the County budget by jeopardizing the \$33 million capital investment grant it received from the State Board of Corrections.⁶⁷ Recently, however, the Board of Corrections stated clearly that the Board's grant was for the construction of a 330-bed facility, and that "[t]he decision to build and fund 90 additional beds, at the County's expense, was the County's and the County has sole responsibility for that portion of this undertaking."⁶⁸ Again, the County has been deceived by a red herring. Misplaced fear over losing \$33 million has led to under-appreciation of the \$199-\$265 million in additional operating costs that the County will incur over the next 30 years if it expands its juvenile hall to 420 beds. On top of these costs, the County will need to service a sizable debt from the construction of an expanded hall. Blinded by a \$33 million state grant, the County has not paid enough attention to the quarter billion dollar cost that County residents would pay for expansion.

E. Doomed To Detain: The Policy Implications Of Juvenile Hall Expansion

By expanding its juvenile hall, Alameda County would be choosing to make detention the cornerstone of its juvenile justice policy. As David Roush and Michael McMillen noted in a U.S. Department of Justice publication,

Excess capacity [leads] to continued overuse of secure custody for juveniles and lasting strain on financial resources. A jurisdiction may build its way out of problems, but only temporarily. The numbers usually catch up with the space available – and usually more quickly than anyone expected.⁶⁹

In the same publication, the Administrator of the Juvenile Accountability Incentive Block Grants Program notes that “[i]f you build it, they will come” appears to ring true when it comes to the construction of new or expanded juvenile detention facilities.⁷⁰

This emphasis on detention would be a poor policy choice for at least three reasons (beyond the opportunity costs discussed above). First, a detention-centered policy would lead to a *decline* in public safety. Second, a detention-centered policy would rip at the fabric of the

detained youths' families and communities. Third, a detention-centered policy will have devastating consequences on the youth detained in an expanded juvenile hall.

Building its juvenile justice system on a foundation of detention will leave Alameda County unable to initiate and support community-based detention-alternative programs. Unless it is used as a compliment to such programs, detention is ineffective in reducing and preventing delinquency. One study concluded that youthful offenders punished with detention not only continue to violate the law, "they also commit more serious crimes with greater rapidity than those who experience a less constraining contact with the judicial and correctional systems."⁷¹ Community-based detention alternatives, on the other hand, create an opportunity for juvenile justice officials to work within the context of detained youths' families and communities to resolve the underlying problems that lead to detention. Researchers have found that alternatives that include community programs offering mental health services, substance abuse treatment and special education are more effective than traditional detention programs in reducing recidivism rates.⁷² In other words, rather than going forward with its plans to make detention the central element of its juvenile justice policy, the County can better promote public safety better by making detention alternatives a central element of its juvenile justice policy. . We discuss exactly how the County can do this in Section VI below.

Public safety would not be the only victim of a detention-centered juvenile justice policy. Such a policy would have devastating consequences for the detained youth and their families. During detention, the care-giving duties and responsibilities are shifted from parents and family members to juvenile justice officials; from a child's home and neighborhood to an institutional setting. This deprivation of family and community contact can cause long-term psychological damage to detained children.⁷³

Detention also damages and undermines children's educational development. Most youth who are placed in juvenile detention are typically far below grade level in reading and face other significant educational barriers.⁷⁴ Detention disrupts their education and puts these youth even further behind in their schooling. Detained youth cannot continue attending their pre-

detention schools, where their needs are best known. The detention of youth suspected of committing non-violent offenses results in unnecessary, preventable disruptions to the education of these already struggling children.

Detention also causes long-term damage to a detainee's future employment prospects. One study reported a 25 percent reduction in the number of hours worked by detained youth in the eight years after their release.⁷⁵

Finally, detention exposes children to a destructive and unhealthy environment. Youth in detention are subject to negative peer culture and violence. "Rather than shocking the youths into good behavior, detention may desensitize youths who would otherwise might be deterred by the prospects of confinement. In addition, youngsters are victimized and assaulted while in detention."⁷⁶ Furthermore, detained youth do not have an opportunity to show that they are improving themselves before going to trial (demonstrate positive adjustment in the community prior to adjudication), increasing the likelihood of incarceration after trial.⁷⁷ In sum, as the likelihood of a youth's incarceration increases, her ability to gain educational and employment success and productively participate in the community drastically diminishes.

Building an expanded 420-bed juvenile hall will only magnify and exacerbate these harmful effects of detention. By making detention the cornerstone of its juvenile justice policy, Alameda County will not only expose thousands more children to the perils of detention, it will also ensure that even fewer alternative programs are available to ameliorate those effects. Add to this the gross racial disparities and bias in the County's detention patterns, and the picture becomes truly frightening. The harmful effects of detention outlined above – the encouragement of recidivism, the destabilization of families, the disruption of children's education, the diminution of job opportunities, and the direct effects of detention on the child – would heap negative impacts on communities of color in Alameda County. As Alameda County moves towards building an expanded juvenile hall, it prepares to turn its back on the county's people of color.

F. Far From Home: Problems With The Proposed Location

Building a new juvenile justice complex in Dublin would create a terrible burden for youth and families from the communities that have the most contact with the juvenile justice system. Not only would the juvenile hall move from San Leandro to Dublin, but the juvenile courts would be relocated from downtown Oakland, San Leandro, and Hayward. This dual relocation would further isolate detained youth, dramatically increase the burden on their families, and possibly lead to increased incarceration rates for youth from distant communities.

By proposing to build a new juvenile justice complex in Dublin, Alameda County threatens to damage even further those communities that have the most contact with the juvenile justice system. For most of the youth, relocation would move juvenile hall and the juvenile courts significantly further from their homes and families. This would further isolate detained youth, dramatically increase the burden on their families, and possibly lead to increased incarceration rates for youth from distant communities. Nowhere is this more starkly evident than in Oakland.

The Oakland Police Department (OPD) refers more of the youth detained in juvenile hall than any other agency in Alameda County. According to Probation Department statistics, the 1,392 youth referred by OPD were 41 percent of all the youth that entered juvenile hall last year.⁷⁸ That is six times as many referrals as the Hayward Police Department, whose 216 referrals were, next to OPD, the second highest among Alameda County police departments. Together, Berkeley, Albany, Alameda and Piedmont, which neighbor Oakland and are also farther from the proposed Dublin site than from the current one, account for an additional 6.5 percent of referrals. By contrast, Dublin police accounted for only 0.5 percent of the referrals to juvenile hall. Together, the police departments in Dublin and neighboring Livermore and Pleasanton accounted for only 3.5 percent of all referrals to juvenile hall.⁷⁹ Despite the

Alameda County currently has four juvenile delinquency courts. Two are in downtown Oakland, one is at the current juvenile hall in San Leandro, and one is in Hayward.

prominence of Oakland youth in the juvenile hall population, the County is proposing to move the juvenile hall more than twice as far from Oakland’s city center as its now – from 13 miles to more than 26 miles away.⁸⁰

This increased distance would clearly make travelling to visit detained children more difficult for families and loved ones. The increase in travel time would depend on the starting point, the form of transportation used, and the traffic conditions. In his preliminary transportation plan for the proposed hall, Alameda County Administrator’s Office administrative analyst Steve Walsh predicts that 20 extra minutes would be necessary for Oakland families to drive to the Dublin site.⁸¹ Normal heavy traffic delays, however, are likely to make the delay closer to an hour. Walsh calculated that, even traveling from Oakland’s BART-accessible city center, it would take at least 25 extra minutes, round-trip, to visit the Dublin site on a weeknight, assuming there are no delays.⁸²

Even when juvenile detention facilities are nearby, families face obstacles to providing the kind of support youth need when they face detention.⁸³ The Probation Department notifies parents when a child is arrested and booked into juvenile hall, letting them know the date and time of the upcoming detention hearing. Parental presence at the detention hearing is very important. In assessing whether a child should be released from custody pre-trial, visible family support helps make the case that pre-trial release is reasonable. Parental presence also plays an important role at disposition hearings, demonstrating to the court the kind of support youth have at home. This support makes non-secure detention options appear more viable. If parents are unable to attend these hearings due to travel difficulties, the court does not have an accurate sense of the family support available to a child at home. Although there are no quantifiable data

This will also make it difficult for youth on probation supervision to visit the Juvenile Probation offices, which the County is planning to include in the “Juvenile Justice Complex.” As with detained youth, the plurality of Alameda County youth on probationary supervision live in Oakland. Of all the youth in Alameda County on probation supervision in 2000, 43.8 percent lived in Oakland. Hayward ranked second with 12.7 percent of the youth on probation supervision, and San Leandro ranked third with 7.2 percent. By contrast, Dublin youth accounted for only 1.2 percent of the total probation population. “Schiff-Cardenas Crime Prevention Act of 2000 Comprehensive

on the exact impact of parent presence on case outcomes, juvenile court advocates agree that parental absence from court proceedings significantly reduces the chance for non-secure placement or release.

Without question, detention is very disruptive to the lives of the youth at juvenile hall. While detained, they are separated from their family, community and schools. They lose access to community-based services and cannot participate in any after-school programs or extra-curricular activities. Particularly in crowded facilities, they face severely restricted freedom of movement, lack of privacy, unsafe conditions, and potentially confrontational or violent interactions with other youth or staff. When they are released, youth often have difficulty readjusting to life outside detention. Many find it hard to transition back into school and make up for lost time or to find employment. Detention can be the beginning of a downward spiral for youth, often leading to an increase in the chance of future incarceration. Family support and regular contact is critical for a detained youth's physical, mental, and emotional well being. If families cannot afford to take the extra time and money to travel out to Dublin, family visits will decrease. Even phone contact could become rarer as tolls increase due to the new facility's remote location. Dan Macallair, Vice President of the Center on Juvenile and Criminal Justice, warns that distant detention facilities lead to the juvenile justice system becoming isolated and detached from impacted communities:

Large detention centers placed in remote locations promote systemic isolation, detachment and lethargy. Isolation results because the juvenile justice system has removed itself from the communities and the daily realities of the kids it is supposed to be serving. The system detaches itself from the lives of the kids and their real life situations. Detention becomes the primary method of pre-adjudicated supervision; the system players become dependent on detention to the exclusion of other more productive options.⁸⁴

Additionally, the remote location of the new facility could make it more difficult for youth who are not detained to attend their own court proceedings. Already, with the courthouse in

Multi-Agency Juvenile Justice Plan: Application for Approval.” Prepared by the Alameda County Probation Department. January 17, 2001. p. 11.

downtown Oakland, some of the youth in the current juvenile hall are there because they did not appear at a court date (a “Failure to Appear” probation violation). If youth have additional difficulties attending their court hearings and probation meetings because of the remote location of a new courthouse and detention facility, these “Failure to Appear” violations will increase. The risk of absence at court proceedings is particularly high for youth who come from families without cars, communities with poor public transportation accommodations or for whom the additional cost of travel is burdensome. Alameda County should not be increasing this risk by moving the facility to Dublin.

The Annie E. Casey Foundation’s Senior Associate and Juvenile Detention Alternatives Initiative Manager Bart Lubow summarizes the problems resulting from building juvenile facilities far from impacted communities:

[Juvenile] detention centers ought to be built where the largest number of kids are from. Locating a detention facility far from where the detainees live makes it more difficult to maintain contact with family, makes it less likely that vital records like Individualized Education Plans will get to the detention facility in a timely way, and creates an extra burden for the police who need to transport the youth and their records. On top of that, it will be an enormous hardship for those youth that are not detained pending adjudication to travel to the court, far from where they live and without adequate transportation.⁸⁵

Building the new juvenile justice complex on the proposed Dublin site would be a colossal mistake for the County. It is too far from the county’s urban center and the homes of most of the minors interacting with the juvenile justice system, including those detained at the hall. Because so many of the youth in juvenile hall live in Oakland, building the new facility nearby should be highest among the County’s site selection priorities. If Oakland families cannot get to the new juvenile justice complex, the County will not be able to get out of its ongoing crisis.

VI. HOW ALAMEDA COUNTY CAN REPAIR ITS JUVENILE HALL PROBLEMS

Alameda County needs to replace its current juvenile detention facility. It is old and dangerous. The County's current plan to build an expanded and relocated facility, however, is not the answer. In this section we discuss how Alameda can build a facility of an appropriate size and in an appropriate location. Many of our recommendations are similar to or draw upon those made by NCCD in its report, "Facing the Future: Juvenile Detention in Alameda County." There, NCCD made the following six recommendations:

- Replace the juvenile hall because the facility is old, unsafe and decrepit.
- Since the hall has been found to be seismically or otherwise unsafe, create an emergency plan to protect and remove the young people as soon as possible.
- Determine the number of secure beds necessary using sound methodology, accurate data and policy and program options that make use of the best known detention and alternative practices.
- Use proven detention alternatives to reduce the unnecessary incarceration of certain populations of youth (e.g., youth awaiting placement, non-serious offenders, specified probation violators) and redirect some funding from the Crime Prevention Act (CPA) 2001, Temporary Assistance for Needy Families (TNF), and Juvenile Accountability Incentive Block Grant (JAIBG) to pay for the start-up of these alternatives.
- Create a high-level management position in the Probation Department to move cases through the system more quickly and reduce the inappropriate use of detention.
- Embrace the enthusiasm and optimism of young people, such as those involved with Books Not Bars. Our young people are not the enemy; they are our future.

Here, we look in greater detail at how the County can address its problems both through construction and through systemic policy reform. Building a suitable facility will not only address the physical problems with the County's current facility, but it will also allow the County to effectively address the myriad other juvenile justice problems it is facing with proven policy reforms.

A. *Sizing Up The Situation – Again: Alameda County Should Replace, But Not Expand, Its Juvenile Hall*

Alameda County’s plans to build a 420-bed juvenile hall are dangerously misguided; following through on those plans would be a disastrous mistake. As discussed above, the current hall is already far larger than one would expect in a jurisdiction of Alameda County’s size. Once such a large facility is built, it will be difficult, if not impossible, to prevent a significant increase in the number of youth being detained at the hall. Decreasing that number will be even more difficult. More often than not, expanded facilities increase jurisdictions’ reliance on detention as a response to youth infractions. As more youth enter, operation costs increase, squeezing out County money for alternative programs. Secure detention becomes the primary, and sometimes exclusive, response to allegations of delinquency. When that happens, secure confinement “becomes an expensive catchall, one that replaces less restrictive and equally (or more) appropriate alternatives.”⁸⁶ The warnings are clear: detention expansion is a downward spiral leading to the excessive incarceration of young people.

As King County, Washington, has recently discovered, facility expansion is not the only answer to overcrowding. Facing significant overcrowding of its 160-bed juvenile hall, King County initially planned to construct an additional 80-bed juvenile facility. Construction costs for the new facility were estimated at \$11 million and operating costs at \$5.8 million per year. Before proceeding with the construction plans, however, the County Executive commissioned a juvenile justice operational master plan. In developing this plan, King County discovered that King County could safely reduce the detention population, avert the need to build a new facility, and reduce recidivism while investing money in alternative, rehabilitation programs.⁸⁷ As a result, the County decided in 2000 not to build a new facility, focusing instead on reforming its juvenile justice policies and instituting and improving its detention-alternative programs.⁸⁸

If the County *replaces*, but does not *expand*, its juvenile hall, it will be able to implement a number of reforms to address not only the overcrowding of the juvenile hall, but also the County’s many other juvenile justice problems, discussed in Section III above. By implementing these reforms, the County would be able to reduce its reliance on detention and become a

national model of juvenile justice reform. Juvenile justice in Alameda County would be far more effective, economical and humane than it is now.

B. Expanding Justice, Not Detention: Alameda County Must Implement Policy Reforms Immediately

While expanding Alameda County's juvenile hall would be a mistake, simply replacing the hall would not do enough to fix the County's myriad juvenile justice problems. To solve those problems, Alameda County must implement a series of policy reforms. To make its juvenile justice system effective, economical and humane, Alameda County should act immediately to:

- reduce the number of youth currently in juvenile hall;
- reduce the over-representation of youth of color in juvenile hall;
- improve and expand pre-trial detention alternatives; and
- improve the juvenile case processing system.

By implementing reforms in these four areas, Alameda County would save money, prevent the overcrowding of its juvenile hall, and improve the efficiency and efficacy of its juvenile justice system.

1. Reducing The Number Of Youth Currently In Juvenile Hall

Alameda County does not need to build a new facility to eliminate overcrowding in its juvenile hall. Many of the youth detained in the juvenile hall should not be there. On any given day, awaiting-placement youth account for almost 25 percent of the youth in juvenile hall. By detaining these youth, the County is likely violating their constitutional rights. They are losing precious time in school as well as access to services and programs that they need and deserve. Far from meeting their needs, the County continues to expose these youth to the dangerous conditions in the juvenile hall. By incarcerating these youth, the County is keeping the hall unnecessarily overcrowded. The County could empty anywhere from 40 to 80 beds by placing these unnecessarily detained youth in community-based programs today.

Detaining awaiting-placement is also very costly for the County. Most of these youth await placements in group homes. Confining a youth in juvenile hall is far more costly than placing her in a group home. When youth are securely detained at juvenile hall, the County bears full and sole responsibility for the costs of confinement. Assuming that there are 60 awaiting-placement youth in juvenile hall every day, that translates into an annual cost of \$3,416,400 to incarcerate awaiting-placement youth.⁸⁹ The costs for placing youth in group homes, however, are usually shared by the County, the state, and the federal governments, making the cost difference between group homes and juvenile hall detention even more dramatic. Group homes are usually funded through Aid to Families with Dependent Children-Foster Care (AFDC-FC) programs, for which the County only bears 30 percent of the cost. By keeping these youth in secure detention, the County keeps 100 percent of the cost burden on its own shoulders. Alameda County could significantly reduce its costs by funding the group home placements to which many awaiting-placement youth have been assigned instead of paying to keep them in juvenile hall.

To eliminate overcrowding in its juvenile hall, Alameda County must expand and improve the community-based placement programs necessary to move awaiting-placement youth out of the hall. This will take a commitment of resources and of will that will be impossible if the County sinks its funds into an ill-considered expansion of its juvenile hall. By removing these youth from secure confinement, the County will save itself significant expense as well as reduce the number of youth unjustifiably confined away from their homes and families.

In a recent memorandum from County Director of Juvenile Services Carol Davis to Probation Chief Sylvia Johnson, Davis reported that the Probation Department had implemented new placement procedures for youth awaiting placement in juvenile hall.⁹⁰ These new procedures reduced the total number of detained youth awaiting placement outside of juvenile hall from 90 in June, 2001, to 44 by October, 2001, and the total number of youth who were awaiting placement for more than 100 days from 34 in June to 9 by October, 2001.⁹¹ The placement procedures implemented included the creation of four specialized case loads, the

hiring of a program manager, changes in case processing for difficult cases and improved case review procedures.⁹²

These successes evidence what youth advocates who support a smaller juvenile hall have maintained since the beginning of this debate. The Probation Department and the County can make expansion unnecessary by reducing the juvenile hall population through improved procedures and programs. With effort, the County successfully removed 46 youth from the hall over the course of four months. Certainly, with continued efforts such as these and broader efforts that focus on the entire youth population, Alameda County can reduce the juvenile hall population dramatically over the course of the next two years. There will be no need for the County to expand once these significant reductions in the hall population occur.

2. Reducing The Over-Representation Of Youth Of Color In Juvenile Hall

As discussed in Section III(C) above, there are major racial disparities in Alameda County's juvenile detention patterns. While the causes of such minority over-representation are complex, they can be pinpointed and effectively addressed. Other jurisdictions have been able to reduce racial bias and racial disparities through concerted and strategic efforts. Each of these jurisdictions has had leadership from key agencies that worked voluntarily in a collaborative, forward-thinking and deliberate manner. Here, we discuss two of these jurisdictions. They are models of success and examples of how Alameda County can take leadership in addressing this critical issue.

➤ *Successful Reform: Santa Cruz County, California*

Alameda County does not need to look far for a model of how to reduce racial disparities and bias in its juvenile justice system. The exemplary and successful work of nearby Santa Cruz County, California illustrates what can be achieved.⁹³

Prior to implementing reforms in 1998, Santa Cruz County had glaring racial disparities in its juvenile detention patterns. Latino/a youth represented about 33 percent of Santa Cruz County's youth population, but an extraordinary 64 percent of the juvenile hall population. In

the midst of a strong community response to this gross disparity, the Chief Probation Officer of the Santa Cruz County Probation Department (“the Department”), the County’s Latino/a Strategic Planning Collaborative and the Latino Affairs Commission convened a “Task Force” to work specifically towards reducing this disparity. The Department enlisted the assistance of the Youth Law Center and other juvenile justice experts. The County also followed many of the steps recommended by the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI).

The Department began by making the reduction of minority over-representation a critical organizational objective. While this may appear to be only a small step, this visible sign of commitment to such a difficult issue by Department leadership was critical to getting “buy-in” from Department staff. Department leaders also began advocating for increased “cultural competency” within the agency to demonstrate that they intended to address this problem with real and concrete action – not mere lip service. They created a “cultural competency plan” and assigned a “cultural competency coordinator” to oversee the entire reform process.

The Department then mapped the county juvenile justice system to determine the key decision-making points. The Department investigated whether adequate data on youth of color were available at each of these key points. When the Task Force recognized that multiple systems impact detention rates of youth of color, it conducted a system-by-system review. The Department began to measure racial and ethnic representation at each stage of the system – including at the point of arrest, booking, detention, release and placement of youth. The Department continues to record these data on a quarterly basis. As a result, the Department has been able to regularly monitor the data and determine the necessity of further modifications to better serve the youth in the system.

After mapping the system, the Department developed, with other key stakeholders, more objective criteria for each decision-making point. For example, these parties extensively

reviewed the County’s risk assessment instrument (RAI). They sought to avoid and eliminate racial bias in the RAI by ensuring that intake officers relied solely on objective, quantifiable factors to determine whether to detain a youth. One source of such bias was the extra weight given for alleged “gang involvement” as compared to other criteria. This extra weight had a disproportionate impact on Latino/a youth. Intake officers were often *presuming*, based on racial/ethnic identity, that Latino/a youth were gang-affiliated. As a result, Latino/a youth with no history of gang involvement, brought in for non-gang related offenses, were sometimes being detained based primarily on their racial/ethnic identity.

Another source of racial bias and disparity was the penalty levied against youth whose parent(s) did not report to the Department to take custody of the youth. This RAI criterion had an especially outsized impact on youth whose parents were not citizens. Non-citizen parents are less likely to report to the police station or juvenile hall for fear of being reported to the Immigration and Naturalization Service or deported. Because Latino/a youth are more likely to have non-citizen parents, they were more likely to be detained – not because of any objective risk factor, but because of their parents’ immigration status.

After identifying these and other instances of racial and ethnic bias in their decision-making, the Department began to emphasize the importance of using risk-based criteria in determining the level of supervision appropriate for each youth. The introduction of objective, risk-based criteria further reduced the likelihood that subjective considerations would translate into bias against youth of color. Prior to this change, youth of color with non-violent and minor offenses were regularly being placed under a high level of supervision.

The Department also worked to overcome the cultural barriers that often stood between staff and youth. In addition to continuing to train staff on “cultural competency,” the Department hired more bilingual and bicultural staff in key positions. Now, the proportion of

A “risk assessment instrument” is a form used by some probation departments to assess the need to detain allegedly delinquent youth pre-trial.

probation officers who are bilingual nearly matches that of the youth they work with. Santa Cruz County also worked to improve communication between the Department and the youths' families, conducting surveys to gather feedback from families about the quality of that communication.

The Department addressed other systemic deficiencies by increasing detention alternatives for youth and developing a "continuum of care" for youth after the disposition of their cases. Department leadership not only implemented programs to track and supervise youth, but also put programs in place to provide "wrap-around" services and other "strength-based" programs. The Department added four new diversion programs, and the number of youth diverted away from detention more than doubled. In developing additional alternatives, the Department worked consciously to fill gaps in programs and services for youth of color.

This work has already translated into measurable reductions in racial disparities and bias. As noted above, in 1997 and 1998 the Latino/a population in Santa Cruz County's juvenile hall was 64 percent. In 1999, that figure dropped to 53 percent. By the beginning of 2000, 46 percent of the youth in juvenile hall were Latino/a. This figure is much closer to the 34 percent of the youth population who are Latino/a. In just two years, Santa Cruz County has significantly reduced the over-representation of Latino/a youth in its juvenile hall.

While racial disparities and bias are decreasing in Santa Cruz, Department leaders readily acknowledge that further improvements are needed and will require ongoing and conscientious effort. They continually analyze each aspect of the system and the outcomes of their reform efforts. Most importantly, Department leaders in Santa Cruz County believe that these racial disparities are not beyond their control. They discovered that by examining policies, procedures, practices and programs, they could identify the many elements that they could control and were actually able to reduce racial disparities and bias in the system.

➤ *Successful Reform: Portland, Oregon (Multnomah County)*

Multnomah County, Oregon, which includes the city of Portland, is another example of how deliberate and concerted effort can reduce racial disparities and bias in juvenile detention.

In the 1980's and 1990's, Multnomah County presided over a sharp increase in the disproportionate confinement of youth of color. In 1994, youth of color were 31 percent more likely than white youth to be detained. African-American and Latino/a youth were each twice as likely as white youth to be detained. By 2000, however, the detention rates for youth of color and white youth were identical.⁹⁴

This remarkable reduction was the result of the resolute efforts of Multnomah County's Department of Community Justice (DCJ).⁹⁵ Like Santa Cruz County's Probation Department, the DCJ undertook a series of innovative juvenile detention reforms with the support of the Casey Foundation's Juvenile Detention Alternatives Initiative. These reforms included:

- reducing the time youth wait for their cases to be processed;
- increasing the accuracy and objectivity of Multnomah County's risk assessment instruments;
- hiring a more racially and ethnically diverse workforce and improving screening of applicants;
- developing alternatives to detention programs in communities of color ;
- providing racial and cultural sensitivity training for staff; and
- collecting and maintaining research and data on the detention system.

These reforms enabled Multnomah County to reduce not only the racial disparities and bias in its juvenile detention patterns, but also its overall juvenile detention rate. Between 1994 and 2000, the number of youth admitted to detention dropped by more than 50 percent, from 1,107 in 1994 to 478 in 2000. The detention rates for both African-American and Latino/a youth were also halved. The average daily population of Multnomah's detention center dropped by 45 percent, from 60 in 1994 to 38 in 2000 (including youth that are held under new mandatory detention laws).

3. Improve Pre-trial Detention Alternatives

Alameda County will not be able to put its juvenile justice system on the right track without improving and expanding its pre-trial alternatives to detention. Juvenile hall is meant to be used only as a last resort. But when alternative programs are understaffed, unavailable, or non-existent, detaining youth in juvenile hall prior to trial can become standard operating procedure. Pre-trial detention then becomes an almost automatic response to youth arrests instead of a measured response to allegations of extreme delinquency and danger to public safety. Currently, youth awaiting trial in Alameda County can either be placed on community probation and released, placed under home supervision, placed under home supervision with electronic monitoring, placed in the Weekend Training Academy program, or detained in juvenile hall. Here we discuss several additional alternatives that Alameda County could implement to reduce the number of youth detained in its juvenile hall.

➤ *Create Day/Evening Reporting Centers*

Day and evening reporting centers are pre-trial detention alternatives for youth who need more supervision than home supervision programs can offer, but who do not pose a sufficient threat to themselves or to the community to warrant secure detention. Youth who remain in their regular schools report to evening reporting centers after school and remain there until late evening. Those who are not in regular school attendance report to day reporting centers.⁹⁶ At the centers, young people participate in educational, mental health and recreational activities.⁹⁷ Usually run by community-based organizations, these reporting centers are staffed with a range of qualified professionals to serve the minors' needs.

Currently, the only reporting center in Alameda County serves youth after their trials. The Chabot Community Day Center is a day treatment program for youth that provides alternative education, counseling and other programs.⁹⁸ The Center has capacity to serve an average of 100 youth.⁹⁹ While the Chabot Center offers a *post-trial* alternative for the County's youth, the County needs to create similar centers for youth *pre-trial*. This could improve the

services the County is delivering to the youth reporting to the centers as well as reduce the juvenile hall population.

➤ *Expand And Improve Home Supervision*

In home supervision programs, probation officers monitor youth that remain at home and in school. Officers make random home visits, school visits and phone calls during both the day and the evening to ensure that supervised youth follow their restrictions. Participating youth may not leave home or school except for work, pre-authorized treatment programs or other approved appointments. Currently, between 100 and 150 youth participate in the County's home supervision program every month; many of these are also monitored electronically with security anklets. It appears that some of the youth currently in juvenile hall, however, may be appropriate candidates for home supervision. For example, the County may be able to safely supervise youth accused of non-violent first time offenses or for probation violations without using secure detention. If the program were expanded and improved, these youth would not be needlessly confined in juvenile hall. The County should assess the needs and effectiveness of the current home supervision program and make the adjustments necessary to allow for maximum youth access to the program.

4. Improve Juvenile Case Processing System

The County must also reduce the amount of time youth wait in juvenile hall. The average length of stay in juvenile hall is 25 days – almost an entire month.¹⁰⁰ This excessive length of confinement translates directly into overcrowding. If the County did not take so much time to process juvenile cases or to place youth in post-adjudication placements, it could reduce the number of children confined in juvenile hall significantly. The County can effect a sizable reduction in the time between arrest and final case disposition with some simple case processing measures. To reduce the length of post-adjudication confinement, the County could expand post-adjudication programming, as discussed above.

There are tested and proven reforms that can improve Alameda County's juvenile case processing. Some examples of these reforms include:

➤ *Improve The Risk Assessment Instrument*

There may be important problems with Alameda County’s current Risk Assessment Instrument (RAI). The document may not be uniformly used and the document may not gather sufficient or appropriate information for determining the need for youth incarceration. For instance, the RAI uses “gang affiliation” as one of the indicators of potential public safety risk. As discussed in Section VI(B)(2) above, Santa Cruz County found problems with this association in its reform efforts. It appears that the relatively new tool has not been monitored or evaluated to ensure that: (1) every probation officer in the County uses the instrument for every youth; (2) the tool is not having a disproportionate impact on the detention of youth of color; and (3) that every youth who does not need to be in detention is successfully screened and released through use of the RAI.

These are only some of the potential problems with Alameda County’s RAI. To make its juvenile case processing system efficient and effective, the County must thoroughly review and overhaul its RAI. The County should pay particular attention to two things: any disparate impact the RAI has on youth of color, and the RAI’s effectiveness in preventing the detention of youth who do not pose public safety or flight risks. Any shortcomings in these areas must be corrected. Procedurally, Alameda County should ensure that the risk assessment instrument is used *uniformly* by *all* probation officers. These steps will help make the Risk Assessment Instrument a strength of Alameda County’s juvenile case processing system rather than a liability.

➤ *Expand And Improve Communications With Families*

Some youth are detained before trial because neither Probation nor the police are able to contact their families and arrange for their return home. Youth should not be confined because of communications failure. The County can avoid such unnecessary confinement by creating a more effective system for contacting and communicating with parents and families. For instance, the County could hire community advocates to act as liaisons between families and the Probation Department. The Probation Department could implement accountability mechanisms

to improve officers' responsiveness to family needs and concerns. It could also hire bilingual staff to avoid unfairly penalizing youth whose parents cannot speak English. Whatever the specific measures, the County needs to act now to improve its communication with the families of detained youth. Otherwise, not only will families remain in the dark, but youth will remain unnecessarily confined.

➤ *Hire A Case Expediter*

Other counties' experiences show that hiring a case expediter can significantly improve case processing. The primary responsibility of a case expediter is to act as a liaison among the different juvenile justice stakeholders and encourage fast resolutions for each case. The position can be filled by community advocates or lawyers, who become employees of the court. The case expediter works to find available placement space, push paperwork through the system faster, and monitor cases to make sure that they do not get caught in red tape.

➤ *Create An Expedited Court Review Process For Minor Offenses*

Juvenile courts spend a lot of their time on minor offenses. Alameda County could reduce this time by creating a new section of the juvenile court to handle routine delinquency cases and status offense cases. By focusing only on these minor offenses, the court would be able to process cases more quickly, reducing the time from arrest to case resolution for offenses that will likely result in home supervision or another solution other than secure confinement.

➤ *Eliminate Wasted Time From Arrest To Final Case Disposition For All Cases*

The County must prioritize reducing the amount of time youth waste in juvenile hall while their cases move too slowly or not at all towards resolution. The County should review every aspect of the court process, from arrest to disposition, to assess the efficiency of the current system. It should do this for every type of case that comes before the juvenile court. The County should make adjustments to the current system to decrease any wasted time identified in this evaluation.

5. Expand Post-Adjudication Programs

As discussed above, the average length of stay in Alameda County’s juvenile hall is too long. In addition to improved case processing, the County can address this problem by expanding post-adjudication programs. This will help ensure that as many youth as possible can be released from detention. Above, we noted the County should expand and improve the various community-based homes and programs needed to place awaiting-placement youth. Additionally, the County should expand and improve other post-adjudication programs, such as shelter-based alternatives for homeless youth and drug treatment programs. This will help the County safely reduce the juvenile hall population.

6. Follow Models Of Juvenile Detention Reform: Cook And Broward Counties

The reforms we are suggesting work. Other counties have successfully reduced their juvenile hall populations by implementing a combination of the types of reforms we have described. With assistance and guidance from the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI),¹⁰¹ two counties, described below, have become models of juvenile justice reform whose example Alameda County can follow.

➤ *Successful Reform: Chicago’s Cook County, Illinois*

In 1996, Cook County, Illinois, with a population of more than 5 million people, had 848 youth in secure detention.¹⁰² By 2001, this population had dropped to 450 – a reduction of nearly 50 percent.¹⁰³ To achieve this dramatic reduction, the County implemented a host of new detention-alternative programs and changed existing methods for handling youth infractions. This process was spearheaded by the JDAI.

First, Cook County succeeded in reducing the number of “Failure To Appear” warrants issued for youth. Cook County’s Probation Department took two steps to ensure that youth appear for their first court hearings. First, it changed its procedures for juvenile cases. Now, the Probation Department has follow-up meetings with youth two days before their hearings. In addition to making procedural changes, Cook County also hired community advocates. Drawn mostly from local churches, these advocates take responsibility for making sure youth get to their

court hearings on time. The advocates also provide general assistance to the youth, helping them meet such other needs as getting to medical appointments, purchasing clothes or attending social outings.

Cook County has also developed a number of other programs designed to reduce juvenile detention and improve its juvenile justice system as a whole. One of the most important of these programs has been Cook County's evening reporting centers. Since 1995, the Cook County Probation Department has developed six evening reporting centers. These centers provide after-school (between 4:00 and 8:00pm) supervision for youth awaiting trial in juvenile court and offer alternatives to detention for non-violent offenders. Operated by community-based organizations, they have provided a combination of supervision, recreation, academic tutoring and life skills instruction to more than 4,000 youth since 1995.¹⁰⁴ Reporting centers cost \$33 a day per participant, while detention costs in Cook County were estimated at approximately \$115 per day.¹⁰⁵ The reporting centers were also effective in protecting public safety, as 92 percent of participating youth remained arrest-free and appeared at their appointed court date.¹⁰⁶

Cook County has also started using residential shelters as a part of its juvenile justice system. Youth can stay at these shelters after getting arrested and before their court dates. Generally, youth are sent to residential shelters when problems at home make it impossible for them to return there immediately. Cook County also offers community service projects, electronic monitoring, mental health therapy and community supervision programs.¹⁰⁷ Together, these programs have helped Cook County halve its juvenile hall population and save \$3.5 million a year in the process.¹⁰⁸ Cook County is helping set the standard for juvenile justice reform across the country.

➤ *Successful Reform: Broward County, Florida*

Cook County has not been a lone pioneer in the area of juvenile justice reform. Over the course of just a few years in the late-1980s, Broward County, Florida succeeded in reducing the average daily population in its juvenile hall from 160 youth to 56, saving the County millions of dollars.¹⁰⁹

Prior to this wave of reform, Broward County’s detention facility was chronically overcrowded. Designed to house 109 youth, the facility had an average daily population of 157 in 1987. As a result, a federal class action lawsuit was filed alleging cruel and unsafe juvenile hall conditions. After a year of fruitless litigation, “the deadlock was broken” when the Casey Foundation devoted resources to supporting the Broward Detention Initiative (BDI), a comprehensive project designed to reduce the detention center population and to improve conditions of confinement. The Initiative used a variety of programs and policies to achieve this dramatic reduction of 65 percent in the detention center population.¹¹⁰

First, to minimize the confinement of youth who do not need secure placement, the County developed a set of objective screening criteria – the risk assessment instrument (RAI). The RAI provided an objective basis for assessing the risk of flight and future offending. That assessment then provided the basis for determining a youth’s pre-adjudication placement (e.g., home, non-secure, or secure detention). The County also hired an “expediter” to make sure that the RAI was used correctly and consistently.

Broward County also relied on detention alternative programs, creating new ones and strengthening those that were already in place. The County educated judges about its home placement program and took steps to strengthen that program. This increased judicial confidence in the program’s effectiveness, leading judges to place youth in home detention, rather than secure detention, more often. Broward County also created a day reporting center and a residential center to supervise and monitor youth awaiting trial.

Broward County also created new positions and changed the role of existing stakeholders. For example, Broward County hired a private attorney to act as a liaison between judges, prosecutors and public defenders in the implementation of the RAI. This attorney also worked to encourage the release of youth already in secure detention who did not need to be there. Broward County also increased the role of public defenders in the detention hearing process to help make pre-trial detention decisions more fair and accurate.¹¹¹

The Casey Foundation describes the BDI as a “carefully crafted, multidimensional experiment in comprehensive systemic change[.]”¹¹² In large part because of its careful and comprehensive nature, this reform effort was able to reduce Broward County’s daily juvenile detention center population from 160 (147 percent capacity) to 56 (51 percent capacity). By relying on program and policy change – not construction and expansion of new or additional detention facilities – Broward County was able to turn itself into a model of juvenile justice reform.

C. Investigate Alternative Locations

In addition to making policy reforms, the County must be sure to build its new facility in a location that is accessible to Oakland families. Though prioritizing an accessible location for the new facility presents particular challenges, these are not at all insurmountable. For example, the County could include much smaller tracts of land in a renewed site search – if it decided not build an unnecessarily expanded, 420-bed facility. The County’s continued insistence on building an over-sized, expanded facility, however, will limit the number of available sites.

Professional organizations like the American Bar Association and the Institute of Judicial Administration have developed standards specifically relating to the location of secure detention facilities. Alameda County should look to these guidelines for guidance in determining the site of its new facility. These guidelines recommend that the following factors be taken into account when locating a new facility:

the facilitation of the maintenance of ties between residents and their community, family, and friends; accessibility to mass transit and highways to facilitate visits by family and friends; accessibility of courts to avoid excessive time spent in transit to and from the court and waiting in court; proximity to concentrations of law offices to facilitate attorney-client meeting; and use of community settings [as detention facility locations].¹¹³

The proposed Dublin site fails under these criteria. The County should act immediately to re-investigate other possible locations aside from Dublin. The County’s initial search does not appear to have been very thorough; the County only looked at one other possible site, which it

rejected as too expensive.¹¹⁴ Recent economic changes have made available land and buildings which were occupied at the time of the first site search.

Juvenile justice policy experts, youth advocates, and community members have repeatedly urged the County to develop a plan for a new facility in a safe and accessible location. The County should respond to these concerns by launching an immediate, thorough, and genuine search for an alternate location¹¹⁵ for the new juvenile hall. The County needs to develop a new plan that reduces the hardship placed on youth and their families instead of increasing it.

VII. CONCLUSION

Alameda County stands at the brink of making a disastrous mistake. The problems in its juvenile justice system are a continuing crisis for the County. Its juvenile hall is old, run-down and dangerous. The hall is regularly overcrowded due in large part to the County's inappropriate confinement of youth. There are gross and glaring racial disparities in the County's juvenile detention patterns. Instead of addressing these problems with a comprehensive plan for reform and improvement, the County is focusing its energies and resources on building an oversized and inaccessible 420-bed juvenile hall that will only make matters worse.

Building this new and expanded facility and court complex would make matters worse for several reasons. The construction and operation of the new facility would suck precious County resources away from the very programs that could improve the juvenile justice system and the lives of the County's youth. During construction, youth would continue to suffer in the horrid conditions of the current hall. With expansion, secure confinement would remain the County's primary response to allegations of wrongdoing by young people, even when confinement may be unwarranted. This "detention first" practice will have the greatest impact on communities of color, just as the County's current juvenile justice problems do. Thousands of youth will unnecessarily be confined away from their homes, undermining their family life and their education. The County has been unable to justify risking these outcomes. Indeed, the County's designs are based on the fatally flawed *Needs Assessment and Master Plan*, which cannot reasonably serve as the foundation for any County action.

Alameda County can avoid this disaster, but it must choose to do so. The County does not need to waste hundreds of millions of dollars on an ill-conceived expansion and relocation of the juvenile detention facility. Instead, the County can direct its resources towards keeping its residents safe, eliminating the unnecessary and unjustified confinement of children, reducing recidivism, supporting families in raising their children, reducing the dramatic racial disparities and bias in its juvenile detention patterns, and helping children become distinguished members of strong, healthy communities. These changes, however, require reforms that the County will

not be able to initiate and/or sustain if it sinks hundreds of millions of dollars into the expansion and relocation of its juvenile hall. Alameda County's juvenile justice system can become a model of reform or a cautionary example. The County must decide.

VIII. APPENDIX: DATA TABLES AND SOURCES FOR ALL CHARTS

This appendix contains the data tables and sources for each of the charts in this report.

Table 1 – Unjustifiably Detained Youth: Youth Awaiting Placement In Community Programs

	<i>2nd Quarter, 2000</i>	<i>3rd Quarter, 2000</i>	<i>4th Quarter, 2000</i>	<i>1st Quarter, 2001</i>	<i>2nd Quarter, 2001</i>
Typical number of youth awaiting placement (post-trial)	85	64	72	49	77
Remainder	211	217	199	255	211

“California Board of Corrections Quarterly Juvenile Detention Survey” as Reported by Alameda County on July 7, 2000; October 10, 2000; January 9, 2001; April 10, 2001; and July 10, 2001. These surveys provide a “snapshot” of the juvenile hall population on a quarterly basis.

Table 2(a) – Racial Make-Up Of Alameda County’s Youth Population (Under 18)

<i>Race</i>	<i>Alameda County’s Youth Population (Ages 10-17)</i>	
	Number	Percentage of Age Group
Total population	151546	100
Latino	35267	23.2714819
White	49552	32.6976628
American Indian and Alaska Native	562	0.3708445

Asian	29303	19.3360432
Pacific Islander	1180	0.77864147
Other	657	0.43353173
Multi-racial	8754	5.77646391
African-American	26271	17.3353305

Data from U.S. Census, 2000. See
 <http://factfinder.census.gov/servlet/BasicFactsServlet?_lang=en>.

Table 2(b) – Racial Make-Up of Alameda County Juvenile Hall Population

<i>Demographic</i>	<i>Number in Juvenile Hall</i>
Total population	3332
White	455
Asian	152
African-American	1973
Latino	590
Other	131
Unknown	11
Native American	4
Filipino	16

Booking statistics from “Booking Summary for July, 2000 Thru June, 2001: By Race.”
 Prepared by County of Alameda Juvenile Probation. Report ID: R-PJ-681-4.

Table 3(a) – Alameda County’s Extraordinary Detention Rate: Comparing Alameda County To Similar Counties Nationally

	Juvenile Hall Bed Capacity	Youth Population (Ages 10-17)*	Juvenile Detention Rate (beds/100,000 youth)
Travis County, TX (Austin)	64	69571	91.9923531
Clark County, NV (Las Vegas)	235	150089	156.573766
Allegheny County, PA (Pittsburgh)	130	130710	99.4568128
King County, WA (Seattle)	160	174163	91.8679628
Wayne County, MI (Detroit)	190	220636	86.1146866
Alameda County, CA (Oakland, Berkeley)	299	151546	197.29983
Alameda County, CA (Using 420-bed Hall)	420	151546	277.143574

Youth population data from U.S. Census, 2000 (*see* <http://www.census.gov/c2ss/www/Products/Profiles/2000/Tabular/050/05000US320031.htm>, <http://www.ofm.wa.gov/cenpro2000/county/index.htm#king>; http://pasdc.hbg.psu.edu/pasdc/census_2000/dem.html; http://factfinder.census.gov/servlet/DTTTable?_ts=29168964960; http://txsdc.tamu.edu/census/data/sf1/cnty_prof.php).

Juvenile Hall Bed Capacities collected by Center on Juvenile and Criminal Justice from each county’s Probation Department, except Clark County, collected in a phone interview with Administrative Secretary Suzie Jones, Detention Services Division of Clark County’s Family and Youth Services, on 1/10/02.

* Youth Population for Wayne and Travis Counties are ages 10-16 because, in those jurisdictions, seventeen year-olds are not under the jurisdiction of the juvenile court.

Table 3(b) – Alameda County’s Extraordinary Detention Rate: Comparing The Detention Rates Of California’s Seven Largest Counties

	<i>Juvenile Hall Bed Capacity</i>	<i>Youth Population (Ages 10-17)</i>	<i>Detention Rate (beds per 100,000 youth)</i>
Los Angeles	1,519	1128298	134.627315
Orange	474	320477	147.893916
San Diego	365	312211	116.912236
San Bernardino	290	245111	118.319053
Riverside	382	207594	184.007707
Santa Clara	366	176259	207.600681
Alameda (Current)	299	151546	197.359736
Alameda (Using 420-bed Hall)	420	151546	277.227723

Youth population data from U.S. Census, 2000 (*see* <http://www.dof.ca.gov/HTML/DEMOGRAP/age-sex-Race.xls>).

Juvenile Hall Bed Capacities collected by Center on Juvenile and Criminal Justice from each county’s Probation Department. See <<http://cjcj.org/jpi/comparison.html>>.

Table 4(a) – Comparing Youth Crime (measured by arrest rate) In Alameda County To Similar Counties Nationally

	<i>Youth Population (Ages 10-17)</i>	<i>Arrests</i>	<i>Arrest Rate (arrests per 1,000 youth)</i>
Wayne County, MI (Detroit)	252670	9193	36.383425
Alameda County, CA (Oakland)	143165	9438	65.9239339

Allegheny County, PA (Pittsburgh)	123179	8378	68.0148402
Clark County, NV (Las Vegas)	129058	15462	119.806599
Travis County, TX (Austin)	70368	12838	182.440882

Snyder, H., Poole, R., and Kang, W. (2001) "Easy Access to FBI Arrest Statistics 1994-1998" Online (see <<http://ojjdp.ncjrs.org/ojstatbb/ezaucr>>). Data are for 1998.

We recognize the limitations of using the youth arrest rate to measure youth crime. However, the FBI Uniform Crime Reports commingle juvenile and adult figures when calculating crime rates, making those FBI figures only negligibly useful. Although youth arrest rates do not project neatly into youth crime rates, they do provide a concrete basis for comparing delinquency across county borders. Though admittedly rough, we think these comparisons are useful, if not in determining the exact youth crime/delinquency rate, at least in situating Alameda County in a state and national context vis-à-vis youth crime.

Table 4(b) – Comparing Youth Crime (measured by arrest rate) In California’s Seven Largest Counties

	<i>Youth Population (Ages 10-17)</i>	<i>Arrests</i>	<i>Arrest Rate (arrests per 1,000 youth)</i>
Los Angeles	1031550	64705	62.72599486
Alameda	143165	9438	65.92393392
Santa Clara	167000	13501	80.84431138
San Bernardino	211494	19198	90.77326071
San Diego	290267	21327	73.4737328
Orange	289367	19220	66.42084274
Riverside	173996	7603	43.69640681

Snyder, H., Poole, R., and Kang, W. (2001) "Easy Access to FBI Arrest Statistics 1994-1998" Online (see <<http://ojjdp.ncjrs.org/ojstatbb/ezaucr>>). Data are for 1998.

Table 5 – Declining Youth Crime In Alameda County

	1994	1996	1997	1998
Youth Population (Ages 10-17)	133,348	138,006	140,096	143,165
Total Juvenile Arrests	13,754	11,863	10,512	9,438
Total Juvenile Arrests per 1,000 Youth	103.143654	85.9600307	75.0342622	65.9239339
Juvenile Arrests for Violent Offenses	1,186	1,051	926	877
Juvenile Arrests for Violent Offenses per 1,000 Youth	8.89402166	7.61561092	6.60975331	6.1257989

Snyder, H., Poole, R., and Kang, W. (2001) “Easy Access to FBI Arrest Statistics 1994-1998” Online (see <<http://ojjdp.ncjrs.org/ojstatbb/ezaucr>>).

Table 6 – The Flaws In Rosser’s Data On Juvenile Referrals

	1991	1994	1997
The Rosser Report	8353	10955	9869
Alameda County Probation Department Statistics	12208	11772	11559

Source: Words, Madeline et al. “Facing the Future: Juvenile Detention in Alameda County.” Published by the National Council on Crime and Delinquency. Oakland, CA. 2001. Available on the World Wide Web at <<http://www.nccd-crc.org/new/SuperJail.PDF>> Citations omitted.

Table 7 – The Flaws In Rosser’s Data On Juvenile Detention

	1991	1994	1997
The Rosser Report	5926	6521	6053
Alameda County Probation Department Statistics	6783	6635	5967

Source: Words, Madeline et al. "Facing the Future: Juvenile Detention in Alameda County." Published by the National Council on Crime and Delinquency. Oakland, CA. 2001. Available on the World Wide Web at <<http://www.nccd-crc.org/new/SuperJail.PDF>> Citations omitted.

Table 8 – The Cost Of Major Expansion In Bed Capacity: Increased Operating Costs Resulting from Expanding Alameda County’s Juvenile Hall

	Low End Estimate	High End Estimate
299-bed Juvenile Hall (Present)	\$16,370,250	\$21,827,000
330-bed Juvenile Hall (Projected)	\$18,067,500	\$24,090,000
420-bed Juvenile Hall (Projected)	\$22,995,000	\$30,660,000

The cost analysis is based on an estimated \$150 to \$200 a day per bed cost, low and high cost estimates for facilities across the country.

Table 9 –The Opportunity Costs Of Investing In Juvenile Detention

Program	Cost
Annual cost to confine one person in juvenile hall	\$56,940
One teacher's annual salary	\$47,680

Fees and expenses at UC Berkeley for one student	\$16,926
Childcare services for one child	\$7,000
Medicaid healthcare for one child	\$5,600
After school programs (per child)	\$1,800
School lunches for one child	\$606

Average cost of stay based on \$156 per day, the amount Alameda County Probation Department reported it spent daily per youth detained in juvenile hall for 1998-1999. *See* Horowitz, Donna. "Rethinking Juvenile Hall." *Oakland Tribune*. September 2, 2001. A1.

Childcare costs based on average of \$4,000-\$10,000 range cited by Almanac of Policy Issues. Medicaid costs based on \$1,400 for one quarter. Costs of after-school programs based on \$45 per week figure cited by National Parent and Teacher Association, extrapolated to 40 week school year. Cost of school lunches based on \$3.03 figure cited by California Department of Education, extrapolated to 200 day school year. *See* "Survey and Analysis of Teacher Salary Trends 2000." American Federation of Teachers, AFL-CIO. Available on the World Wide Web at <http://www.aft.org/press/2001/051601.html>;
http://www.uga.berkeley.edu/ouars/level_2/fin_aid.html;
http://www.policyalmanac.org/social_welfare/childcare.shtml;
<http://www.ecbt.org/hlthlowinc.html>; <http://www.pta.org/ptawashington/issues/before.asp>;
www.cda.ca.gov/nsd/index.html.

IX. ENDNOTES

¹ Stokes, T., & Smith, S. “Juvenile Detention: A Nationally Recognized Definition.” *Journal for Juvenile Justice and Detention Services*, 24-26. (1990)

² Letter from Barbara A. Baker, Field Representative, California Board of Corrections, to Sylvia Johnson, Chief Probation Officer, County of Alameda, re: *Board of Corrections County Juvenile Facility Biennial Inspections: Welfare and Institutions Code Section 209*. Dated July 19, 2001.

³ “Memorandum re: *Emergency Safety and Security Request for Construction and Repairs at Alameda County Juvenile Hall*”, Chief Probation Officer Sylvia Johnson to Honorable Brenda Harbin-Forte, Presiding Judge, Juvenile Court. Dated July 30, 2001.

⁴ See July 19, 2001 letter from Baker to Johnson. John Kitching, General Services Agency (GSA) Deputy Director reported to Aki Nakao, GSA Director, that work to repair the portion of the drain system causing sewage to back up into the kitchen was completed in June 2001. See “Emergency Safety and Security at Juvenile Hall – Response to Probation,” a memo from Kitching to Nakao dated September 4, 2001.

⁵ See July 20, 2001 memo from Johnson to Harbin-Forte. General Services Agency According to John Kitching, GSA Deputy Director, work to repair the drain system and flooding sites was nearing completion as of September 4, 2001. See September 4, 2001 letter from Kitching to Nakao.

⁶ See California Board of Corrections Inspections of Alameda County Juvenile Hall and Camps, February 4, 1999.

⁷ See “State of California Board of Corrections Juvenile Facility Comprehensive Crowding Assessment Report” for Alameda County Juvenile Hall, April 10, 2001; “State of California Board of Corrections Juvenile Facility Comprehensive Crowding Assessment Report” for Alameda County Juvenile Hall, January 9, 2001; “State of California Board of Corrections Juvenile Facility Comprehensive Crowding Assessment Report” for Alameda County Juvenile Hall, October 5, 2000.

⁸ See “State of California Board of Corrections Juvenile Facility Comprehensive Crowding Assessment Report” for Alameda County Juvenile Hall April 10, 2001.

⁹ See July 19, 2001 letter from Baker to Johnson.

¹⁰ Horowitz, Donna. “Crumbling Juvenile Hall Raises Questions, Controversies.” *Oakland Tribune*. April 1, 2001.

¹¹ See “State of California Board of Corrections Juvenile Facility Comprehensive Crowding Assessment Report” for Alameda County Juvenile Hall, April 10, 2001; “State of California Board of Corrections Juvenile Facility Comprehensive Crowding Assessment Report” for Alameda County Juvenile Hall, January 9, 2001; “State of California Board of Corrections Juvenile Facility Comprehensive Crowding Assessment Report” for Alameda County Juvenile Hall, October 5, 2000.

¹² See “State of California Board of Corrections Juvenile Facility Comprehensive Crowding Assessment Report” for Alameda County Juvenile Hall, April 10, 2001.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See “State of California Board of Corrections Quarterly Juvenile Detention Survey” for Alameda County, October 10, 2000; “State of California Board of Corrections Quarterly Juvenile Detention Survey” for Alameda County, January 9, 2001; “State of California Board of Corrections Quarterly Juvenile Detention Survey” for Alameda County, April 10, 2001; “State of California Board of Corrections Quarterly Juvenile Detention Survey” for Alameda County, July 10, 2001. These quarterly reports provide “snapshots” of the juvenile hall population, but not averages or detailed data.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See Section V(D), *infra*, for more on the costs of detention.

¹⁹ Typical length of stay based on an average of “snapshots” in “State of California Board of Corrections Quarterly Juvenile Detention Survey” documents. See Surveys for Alameda County dated July 7, 2000, October 10, 2000, January 9, 2001, April 10, 2001, and July 10, 2001. Typical cost of stay based on the \$156 per day figure offered by the County. See Horowitz, Donna. “Rethinking Juvenile Hall.” *Oakland Tribune*. September 2, 2001. A1.

²⁰ U.S. Census 2000. See <http://www.dof.ca.gov/HTML/DEMOGRAP/age-sex-Race.xls>. “Youth” here refers to those between the ages of 10 and 17.

²¹ Booking statistics from “Booking Summary for July, 2000 Thru June, 2001: By Race.” Prepared by County of Alameda Juvenile Probation. Report ID: R-PJ-681-4. Population statistics from U.S. Census 2000. See <http://www.dof.ca.gov/HTML/DEMOGRAP/age-sex-Race.xls>. “Youth” here refers to those between the ages of 10 and 17.

²² California Youth Authority, *Summary Fact Sheet* (March 2000).

²³ See James Austin. “The Overrepresentation of Minority Youths in the California Juvenile Justice System: Perceptions and Realities.” *Minorities in Juvenile Justice* (Kimberly Kempf Leonard *et al*, eds.) (1995).

²⁴ *Id.* at 165.

²⁵ *Id.*

²⁶ See Eileen Poe-Yamagata and Michael A. Jones. “And Justice for Some: Differential Treatment of Minority Youth in the Justice System” (April 2000); Mike Males and Dan Macallair. “The Color of Justice: An Analysis of Juvenile Adult Court Transfers in California.” (January 2000); “Disproportionate Confinement of Minority Juveniles in Secure Facilities: 1996 National Report.” Prepared by Community Research Associates, Inc. (December 1997); Carl Pope and William Feyerherm. “Minorities and the Juvenile Justice System.” (July 1995).

²⁷ See Poe-Yamagata and Jones. “And Justice for Some...”

²⁸ *Id.*

²⁹ *Id.* at 20.

³⁰ www.ojjdp.jcrs.org

³¹ U.S. Census 2000. See <http://www.commerce.state.il.us/census/pdf/cookcounty.pdf>; <http://www.dof.ca.gov/HTML/DEMOGRAP/age-sex-Race.xls>

³² See <http://projects.vanir.com/ajjf/html/> Though this is a private developer's website, it bears the County seal, and visitors to Alameda County's official website are directed to the Vanir site to learn about the juvenile hall project. See <http://www.co.alameda.ca.us/>

³³ The County notes that serious annual funding gaps throughout the 1990's made reconstruction of the juvenile hall impossible. *Id.*

³⁴ *Id.*

³⁵ *Id.* For more on the Rosser report, see Section V(B), *infra*.

³⁶ Letter to Sylvia Johnson from Dr. Barry Krisberg, March 20, 1998.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² See <http://www.bdcrr.ca.gov/cppd/construction%20grant/projects/projects.htm#juv%20drawing>

⁴³ *Id.*, Rosser International/Alameda County Team. "Alameda County Juvenile Justice Complex: Needs Assessment and Master Plan." December 1998.

⁴⁴ Minutes for 7/24/01 Board of Supervisors meeting. Available at <http://www.co.alameda.ca.us/board/minutes/mn010724.shtml>

⁴⁵ Alameda County Supervisors Nate Miley and Gail Steele were selected for this ad hoc subcommittee.

⁴⁶ *Id.* See also letter from Juvenile Justice Facility Executive Steering Committee to the Board of Supervisors, re: *Report on Juvenile Detention Facility*. Dated July 23, 2001.

⁴⁷ July 23, 2001 letter from Juvenile Justice Facility Executive Steering Committee to the Board of Supervisors.

⁴⁸ *Id.*

⁴⁹ Minutes for 9/25/01 Board of Supervisors meeting. Available at <http://www.co.alameda.ca.us/board/minutes/mn010925.shtml>

⁵⁰ *Id.*

⁵¹ Minutes for 10/9/01 Board of Supervisors meeting. Available at <http://www.co.alameda.ca.us/board/minutes/mn011009.shtml/> Apparently, the Board's original directive that any savings from building a smaller juvenile hall be appropriated towards repairing the deteriorating Fairmont Campus Medical Facility was among the provisions replaced by the amended language.

⁵² Words, Madeline et al. "Facing the Future: Juvenile Detention in Alameda County." Published by the National Council on Crime and Delinquency. Oakland, CA. 2001. Available on the World Wide Web at <<http://www.nccd-crc.org/new/SuperJail.PDF>>

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Adams, William and Butts, Jeffrey. "Anticipating Space Needs in Juvenile Detention and Correctional Facilities." U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Washington, D.C. 2001.

⁵⁸ *Id.*

⁵⁹ See <http://projects.vanir.com/ajjf/html/>

⁶⁰ *Id.*

⁶¹ See www.rosser.org

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Reece, Chuck. "Have Flight Bag Will Travel: Atlanta Depends on Its Class of Highly Paid Professionals Whose Services Are in Demand Around the Country." *Trend Magazine*. April 1990. p. 39.

⁶⁵ Horowitz, Donna. "Juvenile Hall Revamp Funds Pass Hurdle." *Oakland Tribune*. April 11, 2001.

⁶⁶ Childcare costs based on average of \$4,000-\$10,000 range cited by Almanac of Policy Issues. Medicaid costs based on \$1,400 for one quarter. Costs of after-school programs based on \$45 per week figure cited by National Parent and Teacher Association, extrapolated to 40 week school year. Cost of school lunches based on \$3.03 figure cited by California Department of Education, extrapolated to 200 day school year. See "Survey and Analysis of Teacher Salary Trends 2000." American Federation of Teachers, AFL-CIO. Available on the World Wide Web at <http://www.aft.org/press/2001/051601.html>; http://www.uga.berkeley.edu/ouars/level_2/fin_aid.html; http://www.policyalmanac.org/social_welfare/childcare.shtml; <http://www.ecbt.org/hlthlowinc.html>; <http://www.pta.org/ptawashington/issues/before.asp>; www.cda.ca.gov/nsd/index.html.

⁶⁷ See, e.g., July 23, 2001 letter from Juvenile Justice Facility Executive Steering Committee to the Board of Supervisors.

⁶⁸ Board of Corrections Press Advisory. Released November 15, 2001.

⁶⁹ Roush, David and McMillen, Michael "Construction, Operations, and Staff Training for Juvenile Confinement Facilities." *Juvenile Accountability Incentive Block Grants Program Bulletin*. Published by the U.S. Department of Justice. January 2000 p. 3.

⁷⁰ Bilchik, Shay. "From the Administrator." *Juvenile Accountability Incentive Block Grants Program Bulletin*. Published by the U.S. Department of Justice. January 2000 p. 1.

⁷¹ Smith. 36 Boston College Law Review at 1009 (citing Marvin Wolfgang study).

⁷² Buddress. 61-Mar. Fed. Probation at 11 (citing study by Professor Don Andrews).

⁷³ Roberts, Dorothy E. "Criminal Justice and Black Families: The Collateral Damage of Over-Enforcement." 34 U.C. Davis L. Rev. 1005, 1018 (2001).

⁷⁴ Lubow, Bart and Tulman, Joseph. "The Unnecessary Detention of Children in the District of Columbia." 3 D.C. L. Rev. ix, xii (Fall 1995).

⁷⁵ Finley, Michael and Schindler, Marc. "Punitive Juvenile Justice Policies and the Impact on Minority Youth." 63-Dec. Fed. Probation 11, 12 (1999) (citing Richard Freeman study).

⁷⁶ Lubow and Tulman. 3 D.C. L. Rev. at xv.

⁷⁷ *Id.* at xvi.

⁷⁸ Booking statistics from "Booking Summary for July, 2000 Thru June, 2001: By Referral Agency." Prepared by County of Alameda Juvenile Probation. Report ID: R-PJ-681-2.

⁷⁹ *Id.*

⁸⁰ Distance between current site (2200 Fairmont Avenue, San Leandro, CA) and Oakland's city center (14th and Broadway, Oakland, CA) is 13 miles. Distance between proposed site (Santa Rita Jail at 5325 Broder Boulevard,

Dublin CA) and Oakland's city center is 26.4 miles. Distances generated by Yahoo! Maps search engine: <http://maps.yahoo.com>.

⁸¹ Memorandum re: "Preliminary Transportation Plan for the New Juvenile Justice Complex." From Steve Walsh, Administrative Analyst to Susan Muranishi, County Administrator. January 10, 2002. Walsh uses maps.yahoo.com to calculate travel times.

⁸² *Id.*

⁸³ For a more detailed discussion of the impact of detention on youth, *see generally* Reforming Juvenile Detention: No More Hidden Closets. Edited by Ira Schwartz and William Barton. 1994. Ohio State University Press.

⁸⁴ Dan Macallair, Center on Juvenile and Criminal Justice, telephone interview, 1/11/02.

⁸⁵ Bart Lubow, telephone interview, 1/11/02.

⁸⁶ Roush and McMillen. p. 3. Citations omitted.

⁸⁷ Mendel, Richard. "Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice." *American Youth Policy Reform*. (2001)

⁸⁸ *See* <http://www.aypf.org/lesscost/pages/fact01.html#fact08>

⁸⁹ This figure is based on 60 awaiting-placement youth every day for 365 days at \$156 per day. The cost per day figure has been offered by the County. *See* Horowitz, Donna. "Rethinking Juvenile Hall." *Oakland Tribune*. September 2, 2001. A1. The 60 youth per day figure is a conservative estimate based on the "State of California Board of Corrections Quarterly Juvenile Detention Survey" documents. *See* Surveys for Alameda County dated July 7, 2000, October 10, 2000, January 9, 2001, April 10, 2001, and July 10, 2001.

⁹⁰ Memorandum from Carol Davis, Director, Juvenile Services, to Chief Sylvia Johnson, regarding Hard-To-Place children, October 3, 2001.

⁹¹ *Id.*

⁹² *Id.*

⁹³ For a more detailed report of Santa Cruz County's reforms, *see* Cox, Judy. "Addressing Disproportionate Representation for Youth of Color within the Juvenile Justice System" (2001).

⁹⁴ Multnomah County Department of Community Justice, 2001

⁹⁵ For a more detailed report of Multnomah County's reforms, *see* the Annie E. Casey Foundation's forthcoming publications in its journal, *Advocacy*, and in its monograph series on detention reform, *Pathways*. <www.aecf.org>.

⁹⁶ Stanfield, Rochelle. "The JDAI Story: Building a Better Juvenile Detention System." Published by the Annie E. Casey Foundation. p. 22.

⁹⁷ *Id.*

⁹⁸ See <http://www.co.alameda.ca.us/probation/detail009.shtml#A40>

⁹⁹ *Id.*

¹⁰⁰ See “State of California Board of Corrections Quarterly Juvenile Detention Survey” for Alameda County, October 10, 2000; “State of California Board of Corrections Quarterly Juvenile Detention Survey” for Alameda County, January 9, 2001; “State of California Board of Corrections Quarterly Juvenile Detention Survey” for Alameda County, April 10, 2001; “State of California Board of Corrections Quarterly Juvenile Detention Survey” for Alameda County, July 10, 2001.

¹⁰¹ JDAI is a Casey Foundation initiative launched in 1992 to demonstrate that jurisdictions can create effective and efficient juvenile detention systems. JDAI awarded grants to five different jurisdictions to reform their juvenile detention systems and has since worked with other counties including Santa Cruz County and San Francisco County. See www.aecf.org/initiatives/juvenile/chron.htm/ and *Detention Utilization and Alternatives*, power point presentation, received from Bart Lubow, Annie E Casey Foundation, August 2001.

¹⁰² Horowitz, Donna. “In Chicago, A Detention Alternative Success Story.” *Oakland Tribune*. September 2, 2001. p. 13.

¹⁰³ *Id.*

¹⁰⁴ Mendel, Richard. “Less Cost, More Safety: Guiding Lights For Reform In Juvenile Justice.” *American Youth Policy Forum*. 2000. p. 58.

¹⁰⁵ *Id.*

¹⁰⁶ Mendel, Richard. “Less Hype, More Help: Reducing Juvenile Crime, What Works and What Doesn’t.” *American Youth Policy Forum*, 2000. p. 53.

¹⁰⁷ Horowitz, Donna. “In Chicago, A Detention Alternative Success Story.” *Oakland Tribune*. September 2, 2001. p. 13.

¹⁰⁸ *Id.*

¹⁰⁹ <http://www.aecf.org/initiatives/juvenile/exper.htm>

¹¹⁰ Bishop, Donna and Pamala L. Griset. “Replicating Detention Reform: Lessons from the Florida Detention Initiative.” Published by the Annie E. Casey Foundation. pp. 10-11.

¹¹¹ *Id.* pp 11-17.

¹¹² *Id.*, p. 17.

¹¹³ “A Tale of Two Jurisdictions: Youth Crime and Detention Rates in Maryland & the District of Columbia.” Published by Building Blocks for Youth. Report available on the World Wide Web at www.buildingblocksforyouth.org/dcmd.html. Citations omitted.

¹¹⁴ See <http://projects.vanir.com/ajjf/html/>

¹¹⁵ In December 2001, the County posted a Request for Proposals “To Purchase Land for the County of Alameda Juvenile Hall” on its website. The County did not, however, launch a deliberate, active search for a new site. Instead, the County “invited” the public to respond to a poorly publicized and short-run RFP during the holiday season. It appears as if the County may have been more concerned with protecting itself against potential lawsuits than with finding an appropriate location for the new facility. In the end, this passive “search” left the County no closer to finding an alternate location when the RFP closed on January 11, 2002.