Objective Juvenile Detention Criteria: The California Experience

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California has no rival when it comes to the confinement of children in pre-trial detention centers. According to the Children in Custody survey of the United States Department of Justice, California’s rate of juvenile, pre-trial detention was the nation’s highest when last measured in 1991. During that year, with about 12% of the nation’s youth population, California held 30% of all juveniles confined in United States detention facilities.¹

California has not only the highest rate of pre-trial youth incarceration but also some of the nation’s most crowded youth facilities. The worst circumstances are probably those in Los Angeles County, where as many as 1,800 youths per day are jammed into detention facilities rated to hold 1,350. Overflow youth sleep on mattresses placed on dayroom floors. Other large urban counties—such as San Diego, Orange, and Fresno—also have histories of chronically over-filling their juvenile centers.²

California has an abundance of juvenile detention facilities, separate from adult jails, located in 45 of its 58 counties. Some of these “juvenile jails” are older, deteriorating structures badly in need of repair or replacement. This raises questions about the health and welfare of children confined under such circumstances. In San Francisco, visitors to the Youth Guidance Center find a cheerless building with water leaking from ceilings, patches of paint and plaster missing, poor heating and ventilation, and a documented asbestos problem. San Francisco recently defended a lawsuit, filed by public interest lawyers, challenging the conditions of juvenile confinement.
There is no end in sight to California's aggressive application of the power to confine minors without bail before trial. While the state's juvenile population went through a 10-year decline in the 1980s, the juvenile arrest rate held steady during that period, and California's juvenile halls therefore remained at or near capacity. Recent increases in the rates of arrest for serious and violent juvenile crimes, combined with rapid new growth of the state's juvenile population, are likely to increase referrals to detention. Inevitably, California's juvenile detention problems will intensify in the years to come unless juvenile justice administrators can institute program and policy changes to relieve the strain.

Recent interest in the reform of juvenile detention practices has been sparked in some California jurisdictions. Not surprisingly, some of the most determined efforts to control referrals to secure detention have been made in counties where facility overcrowding is a serious problem.

This chapter describes a promising and increasingly popular approach to juvenile detention control in California—the use of objective juvenile detention criteria. Four large California jurisdictions, each with a history of overcrowding, have now adopted local juvenile detention criteria based on models developed by the National Council on Crime and Delinquency (NCCD). In three of these counties—Los Angeles, Santa Clara, and San Francisco—the criteria were designed by NCCD and were precisely tailored to the jurisdiction's needs. The fourth county, San Diego, has implemented detention criteria borrowed from NCCD models in other jurisdictions.

This discussion is focused on the development of objective juvenile detention criteria in San Francisco. San Francisco's detention reform efforts offer an instructive example for two reasons. First, their juvenile detention criteria, the subject of public controversy, provided a display of the political and emotional forces that haunt the subject of juvenile detention. Second, of the three counties where NCCD installed juvenile detention criteria, San Francisco has the most complete follow-up data.

**Detention Basics in California: Fitting Objective Criteria into the State's Juvenile Detention Scheme**

Like many states, California confers upon local juvenile authorities a broad statutory power to confine minors in secure facilities after
arrest and during all subsequent stages of juvenile court proceedings. Statutory justifications for the continued secure detention of a minor after arrest include such trademark rationales as the minor is "likely to flee the jurisdiction of the court"; there is a need to "protect the minor" or to "protect the person or property of another"; or, the minor is "not provided with a home or suitable place of abode." Status offenders and dependent and neglected youth may be detained in California but under much more restrictive circumstances, including segregation from juvenile law violators. The discussion below deals primarily with minors who have been apprehended for alleged criminal violations.

One feature of the California statutory juvenile detention scheme which is critical to understanding how the model screening criteria work is that under California law the probation officer has full authority to either release a minor after police referral or to detain him or her for further proceedings. The prosecuting attorney has no authority in this regard, and the juvenile court judge does not make the initial detention decision. Minors who are detained by the probation officer must have a judicial hearing within a very short time—generally, within 72 hours of referral. However, minors released by the probation officer before their judicial hearing deadline do not have their detention decision reviewed by the court. It is unlikely that released minors would be returned to a detention facility before trial.

NCCD detention criteria in California have been carefully adapted to this vital phase of proceedings wherein the probation officer makes the initial detain/release decision. At this critical stage, NCCD criteria act as screening standards that are more objective and restrictive than broad statutory rules. While intended to avoid unnecessary detention, the criteria are also engineered to serve public safety goals. Public safety aspects of the criteria are discussed more fully below.

**NCCD’s Model Juvenile Detention Criteria: How They Work**

NCCD’s model juvenile detention criteria were first developed and applied in a Los Angeles County pilot project in 1985. The centerpiece of the model was and is a screening instrument which awards points for specific risk factors. Every minor referred by law enforcement
agencies to the probation officer is immediately rated for risk by means of a screening instrument, which consists of a point scale. Points are added up, and the minor’s total score is compared to a standard risk scale used by the intake officer as a guide to the detention decision.

A copy of the screening instrument currently used in San Francisco is provided. At the bottom is a standard risk scale (“detain/release decision”) which indicates that minors who score ten or more points are eligible for detention, while minors scoring nine or fewer points should be released.

The San Francisco screening instrument uses three basic risk factors: severity of offense (up to ten points), arrest history (up to five points), and probationary status (up to six points). The San Francisco instrument also has a fourth, catch-all risk factor category (“special detention cases”), and any description in this category immediately earns ten points and qualifies the youth for detention.

Risk factors and points on the screening instrument differ from county to county. In Los Angeles, for example, the screening instrument adds risk factors for “intoxication upon arrest” and “home environment,” both of which are absent in the San Francisco version. In San Francisco, drug sales offenses earn seven points toward detention, while they earn five points in Los Angeles. These variations are important. They denote territorial differences in juvenile justice policy as well as distinct, local value judgments about public safety and juvenile behavior. Moreover, various screening factors and point values reflect local efforts to fine-tune each screening instrument to provide optimal control over population levels in juvenile halls.

The minor’s detention screening score, and the recommendation which emerges from application of the detention scale, are advisory in nature and therefore not binding on the probation officer. This means that even if a youth scores 10 or more points and qualifies for secure detention, the probation officer may choose to release the minor to parents or to an alternative-to-detention program. Conversely, a minor who scores fewer than 10 points may be admitted to the secure juvenile facility if the probation officer believes there is some compelling reason for secure detention which is not addressed by the screening instrument or the risk score.

The retention of the intake officer’s discretion is a critical feature of the NCCD model juvenile detention screening system. The screening instrument cannot, by its nature, anticipate every nuance and
### SAN FRANCISCO JUVENILE DETENTION SCREENING CRITERIA

<table>
<thead>
<tr>
<th>NAME OF MINOR</th>
<th>PFN</th>
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<tr>
<th>ADMIT DATE</th>
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**INSTRUCTIONS:** Score each minor for each factor below and enter the appropriate score in spaces provided in the right hand column.

**SCORE**

1. **MOST SERIOUS INSTANT OFFENSE (Score one charge only)**
   - **Serious and violent offenses**
     - WIC 707 (b) listed offenses .......................................................... 10
     - Other listed violent offenses ......................................................... 7
   - **Narcotics/Weapons Offenses**
     - Sale of narcotics/drugs ................................................................. 7
     - Possession of firearm ........................................................................ 10
     - Possession of narcotics/drugs for sale ........................................... 6
     - Felony possession of narcotics/drugs ................................................ 5
     - Misdemeanor possession of narcotics/drugs ....................................... 3
   - **Property offenses**
     - Felonies ............................................................................................ 5
     - Misdemeanors ...................................................................................... 3
   - **All other crimes or probation violations** ........................................ 0

2. **NUMBER OF PRIOR ARRESTS, LAST 12 MONTHS**
   - Prior felony arrest within the last 7 days ........................................ 5
   - 6 or more total arrests, last 12 months ............................................. 3
   - 4 to 5 total arrests, last 12 months .................................................. 2
   - 1 to 3 total arrests, last 12 months .................................................. 1
   - No arrests within the last 12 months .................................................. 0

3. **PROBATION/PETITION STATUS**
   - **Active cases** (select only one score)
     - With petition now pending .................................................................. 6
     - With last adjudication within 90 days ................................................. 4
     - With last adjudication more than 90 days ago .................................... 2
     - Not an active case .............................................................................. 0

4. **SPECIAL DETENTION CASES (Check whichever applies)**
   - Escapee ____ Failed plcmnt. ____ Transfer in ____ Arrest warrant ________
   - Bench warrant ____ Court order ____ Other (describe) ____________________ 10
   - Not applicable ...................................................................................... 0

**TOTAL SCORE**

### DETAIN - RELEASE SCALE:
- Score 0-9 = RELEASE
- Score 10+ = DETAIN
circumstance that may apply and be relevant in individual cases. Rather, it is designed to serve as an aggregate screening device to separate low- and high-risk youth for detention decision-making purposes. In practice, the screening instrument is a good safeguard against subjectivity and bias in the decision-making process; it anchors the detention decision in objective measures of juvenile behavior. Ultimately, however, the intake decision is left to human judgment, guided by the intake score. As we will see below, this retention of officer discretion is important in gaining support for objective criteria from probation employees.

Questions often asked about the objective screening criteria are: If you release more youth, where do they go? Also, if you release more youth, won't more crimes be committed and public safety jeopardized? The answer to the first question is that most youth are sent home without conditions, much like an adult would be released on bail or on his or her own recognizance. Youth who lack a safe or caring home environment may be referred to shelter care or foster care pending court proceedings. Youth who present a moderate level of risk—not enough to justify locked confinement but enough to suggest the need for supervision—may be referred to a "home detention" program. California law, in fact, requires each county to maintain a "home supervision" program for these youth. A youth on home supervision or home detention will be allowed to stay at home, will have limits placed on freedom of movement, and will be monitored by phone or in person by a probation officer. The home supervision alternative is attractive for several reasons, not the least of which is its low cost. In San Francisco, for example, the cost of keeping a minor in juvenile hall is approximately $120 per day; the cost of home supervision is only a fraction of this secure confinement cost.

It is vitally important to monitor the subsequent performance of the youths who are released when they scored low enough on a risk-screening scale. The screening system works when youths who are released in accordance with the screening criteria perform well on release status. This means they must not commit new offenses while on release and must keep court appearance promises. Periodic monitoring of the pre-trial performance of these released youths is essential to ensure that screening criteria are being applied in a manner consistent with local public safety goals.

One benefit of the objective, point-scale screening criteria is their
flexibility. If detention center populations begin to climb, the criteria can be adjusted to slow the flow of youth into secure custody. If monitoring reveals public safety problems beginning to emerge (e.g., too many new offenses are committed by youths on release status), point values and the risk scale can be changed to pull more youth at the high-risk end of the release pool into secure confinement.

**Applying the NCCD Juvenile Detention Criteria in San Francisco**

**Troubled History of Juvenile Detention**

San Francisco has a long history of problems related to juvenile detention. The detention facility itself sits on the grounds of the Youth Guidance Center (the Center), which also contains the administrative offices of the probation department and the juvenile courts. All structures at the Center are old and deteriorating. The juvenile hall units have poor lighting, heating, and ventilation and are sub-standard when measured by many modern building code requirements. In 1990, public interest lawyers sued the City and County of San Francisco, alleging improper conditions of confinement.

The rated capacity of the San Francisco juvenile hall in 1989 was 138 beds. The average daily population (ADP) of the juvenile hall in 1989 was 123 youths. While the 1989 ADP was below the 138-bed limit, there were 37 days during that year when the facility held more than 138 youths. In fact, in each year between 1980 and 1989 there were some days of facility overcrowding.

San Francisco has a variety of private, non-profit youth service agencies, including some outspoken child advocacy organizations. One of the best known of these is Coleman Advocates for Children and Youth. Coleman has been among the most vocal and steadfast critics of juvenile detention practices in San Francisco and has repeatedly called for reductions in the number of detained youth. Along with other child advocates, Coleman has pointed to legal reforms prohibiting the secure detention of status offenders and to a 10-year decline in both the youth population and number of juvenile arrests as reasons to lower local detention levels. They also assert that probation officers unneces-
sarily detain many youths accused of petty offenses who can safely be returned to their homes.

The claims of detention policy critics are reinforced by a series of reports, produced by both city commissions and outside consultants, which have found high detention rates and inequities in the application of the power to detain. The Youth Authority’s statewide juvenile hall report for 1988 noted that San Francisco’s rate of juvenile detention was third highest of all 58 California counties. A major concern raised by some reviewers of San Francisco’s juvenile detention policy is the disproportionately high rate of pre-trial confinement for African-American youths relative to their representation in the county youth population.

In 1986, after the suicide of a young man in the juvenile hall, San Francisco hired Jefferson Associates to draft a new juvenile justice plan for the city. In 1987, the Jefferson team issued a report calling for new and more restrictive juvenile detention criteria and the creation of a network of community services to serve as alternatives to youth detention. The report concluded that if alternatives were established, San Francisco would need less than half its present secure detention capacity. The Jefferson recommendations were adopted by the city and county supervisors and thus became official policy.

Tailoring the Objective Detention Criteria to San Francisco’s Needs

In 1988, NCCD was invited to help the Probation Department analyze its detention criteria as a start toward realizing certain objectives of the Jefferson Plan. NCCD’s initial study of the flow of youth into secure detention quickly confirmed the need for more restrictive intake criteria. Of 538 youths referred to the probation officer for law violations in a 1988 study cohort, we found that more than three-fourths were securely detained in the juvenile hall for at least one day, and more than half were highly likely to be placed in secure confinement after three days. Moreover, NCCD found that youths were highly likely to be placed in secure confinement regardless of offense severity and even for low-level offenses such as trespassing or vandalism.

NCCD recommended that San Francisco adopt point-scale criteria for detention modeled on the intake screening systems which NCCD had already installed in Los Angeles and Santa Clara counties. The city
and county acted upon this recommendation by adopting, with minor modifications, the Santa Clara County detention screening instrument and putting it into effect for all youths referred to the San Francisco Youth Guidance Center.

Subsequently, NCCD was retained under contract with the city and county to fine tune the new detention screening system. The fine tuning was necessary because, after several months of application, it was clear that the screening instrument borrowed from the sister Bay Area county was not having the desired effect of reducing population levels in the San Francisco juvenile hall.

The failure of the "borrowed" criteria to impact San Francisco detention levels was not surprising to NCCD. Based on prior experience, we knew that it was vitally important to develop local criteria in a careful and measured fashion. Detention risk factors, points, and other details must be tailored to produce a close fit with local practice, procedure, and juvenile justice policy. It would not, in NCCD's view, suffice to copy-cat the criteria from another jurisdiction.

The NCCD approach to tailoring local, objective detention criteria begins with a thorough analysis of the characteristics of the detained juvenile population. At a minimum, it is desirable to analyze the following features for each member of a representative group of detainees: age, gender, referral offense, length of stay (broken down by pre- and post-dispositional time in the facility), arrest history, probation history, and special status items, such as whether the youth was the subject of a bench warrant, an escape from custody, or a failure in private placement.

Moreover, some jurisdictions consider other characteristics to be important indicators of risk related to release, such as family cohesiveness and drug or alcohol intoxication upon referral. Both of these latter characteristics are highlighted as separate risk factors on the Los Angeles County juvenile screening instrument.

To determine with precision what San Francisco's juvenile detention criteria should be, NCCD examined a new sample of 382 youths referred to the Juvenile Probation Department for public offenses during a five-week period in May-June, 1989. We found that three-fourths of all referred youths were being detained in the juvenile hall for more than 24 hours even though the Department was then using point-scale criteria borrowed from another county. As in the 1988 review, we found that youths were likely to be securely detained regardless of their
referral offense. Clearly, the point-scale criteria were doing little more than providing an appearance of controlling admissions to detention and were already in need of an overhaul.

Based on our findings, NCCD recommended a number of revisions in risk factors, points, and detention procedures. As an interim goal, NCCD proposed that the Juvenile Probation Department adopt a target of reducing the secure detention rate from 76% to 60% of referrals. This was offered as an interim objective because we believed that once the system began to demonstrate its effectiveness in both reducing detention and maintaining public safety, we could consider more substantial cuts in the detention rate.

Juvenile Justice Management Issues Related to the Adoption of Objective Juvenile Detention Criteria

Wherever NCCD worked to implement objective juvenile screening criteria in California, we encountered initial skepticism and resistance. This reaction became predictable as we began to repeat the experience in new jurisdictions. Most of the resistance came from line staff, more specifically, from probation officers who were either cool or openly hostile to the idea of having their unbridled discretion tethered to an objective and numerical rating system. Though not every line worker was hostile to the concept, many perceived the application of new detention technology and the use of points instead of value judgments as attacks on their authority and their professional self-esteem.

By contrast, supervisors and high-level managers tended to welcome new criteria because they promised much needed benefits, including control over the flow of youth into detention, control over the significant costs of operating detention centers at or beyond capacity, and as a reliable and objective system that would lend fairness and predictability to the detention process.

The resistance of line staff was perhaps most intense when NCCD introduced model detention criteria at the Santa Clara County Probation Department in 1986. At the time, Santa Clara County had a large juvenile hall (329 beds) in its major city of Santa Jose, high population levels in the hall, and a strong and vocal local probation union. The union newsletter suggested that NCCD’s hidden agenda was to “privatize” the county’s juvenile justice system by causing the referral of
large numbers of youth to private youth service organizations in the community. The union leader asserted that NCCD had failed to involve the union in the planning phases of the project, and he confronted NCCD's staff by inviting them as profanely as possible to "get out of town." In other counties, the initial resistance was more polite or subtle but unmistakably present.

NCCD believed that it was vital to deal with these points of resistance. To do so, we convened meetings to train personnel in the use of criteria and to air probation staff concerns. In each of these meetings, we underscored that the point-rating system was advisory in nature and that intake officers would retain their discretion—the power to override the recommendation of the detention scale when there were compelling reasons to do so. When driven home repeatedly, the fact that individual discretion was to be retained seemed to have a calming effect. Even where doubts remained, the process of inviting staff into open discussion of their fears and concerns had an ameliorative effect that smoothed the path toward implementing the new screening system.

We also learned that once new criteria were put into effect, the skepticism of line workers often evaporated and a growing trust and reliance on the new intake rating system developed. Once probation officers had a chance to get familiar with the system, most found that it did indeed help focus, organize, and clarify the elements of evaluation that entered into their detention decisions. Moreover, the intake form became a part of the case file, providing uniform documentation of the reasons for detention or release of the minor in lieu of no record at all. This backup documentation sometimes proved helpful to probation staff who could, if asked, justify their decision on objective grounds recorded on the intake screening form.

Even though experience tells us that most often system-wide confidence in objective detention criteria tends to grow and stabilize, not everyone remains pleased. In San Francisco, one of the two probation officer unions has challenged the criteria as too liberally oriented in favor of release. In fact, this small band of probation employees maligned the detention criteria in a public campaign against a 1990 bond measure to replace the dilapidated 138-bed juvenile hall with a smaller, more modern detention facility. This is discussed below in relation to public safety issues.
Controlling Overrides

When a probation officer goes against the recommendation of the objective risk score by deciding to detain a low-scoring minor or by deciding to release a high-scoring minor, the decision is called an "override" of the criteria. It is important to allow overrides for the reasons discussed above. However, it is also critically important to monitor and control the number of overrides in order to maintain the integrity of the objective screening criteria and to avoid a dilution of their effect (which often results in new and higher levels of detained youth).

Override performance was poor when it was first measured in each of the three counties NCCD helped to install objective juvenile detention criteria. In early monitoring studies in San Francisco, for example, in excess of 50% of the youths who qualified for release based on their score alone consistently had that qualification overridden in favor of detention. This means that more than half of referred youth in San Francisco who scored nine or fewer points were nevertheless detained because the probation officer ignored or "overrode" the score. NCCD has recommended that overrides be kept within a range that does not exceed 10% to 15% of youths whose risk scores are within the release zone. This is a difficult override target for most counties. It generally cannot be achieved unless supervising probation personnel review each override decision made by an intake officer to confirm the basis and compelling need for override in favor of secure detention.

Most overrides resulting in continued secure detention of the minor come about not because the probation officer is trying to sabotage the screening system by locking up as many youths as possible, but rather because there is some practical impediment to the desired release of such youths. Most often in these cases there is some problem with the parents. Sometimes they cannot be located within the 24-hour grace period (the period which does not yet count as a secure detention), and the minor is held over until the parents can be found. At other times, parents are found but refuse to come to the facility to retrieve their child either because they want to "teach the kid a lesson" by having him or her confined for a longer period or because they find it convenient to have the child safely supervised and detained while they pursue other activities.

NCCD recommended several measures to speed the return of low-
risk children to their parents. The city was urged to adopt a policy statement that “secure detention in the juvenile hall should be reserved for youth who pose a measurable public safety risk,” and that “scarce and costly detention beds should not be occupied by lower risk youth whose parents are uncooperative.” Another recommendation was to assign additional probation staff to the task of locating hard-to-find parents. Where parents had genuine transportation problems, transport by probation officers was recommended as a cost-effective alternative to the expense of multiple-day occupancy of a juvenile detention bed. Finally, probation staff was advised to be firm with parents who sought to use the probation department as a baby-sitting service and to remind these parents that they could be billed for the cost of juvenile hall confinement. While these inducements to swift retrieval of low-risk youth can improve the overall performance of the detention screening system by reducing overrides, they do not work in every case. Overrides resulting in higher detention levels need continued monitoring at the supervisory levels of responsible agencies.

Effect of the New Detention Criteria on Juvenile Hall Population Levels in San Francisco

The ADP of the San Francisco juvenile hall in 1989 was 123 youths, with 37 days of overcrowding. In 1990, the ADP dropped to 109 with no days of overcrowding. In 1991, the ADP fell to 94—the lowest level in 10 years—with no days of overcrowding.

This significant downward trend in the detained juvenile population is due in part to the steady application of the new detention criteria after they were re-designed by NCCD and re-implemented in January of 1990. However, the direct effect of the new detention criteria on juvenile hall populations in San Francisco cannot be determined with precision because many other significant factors have intervened. Among these other factors are the hiring of a new Chief Juvenile Probation Officer committed in principle to expansion of alternatives to pre-trial juvenile detention; a city and county charter amendment which transferred management responsibility for the Juvenile Probation Department from the Superior Court to the Executive Branch of government under a new Juvenile Probation Commission; the temporary decertification of the Youth Guidance Center as a suitable place for the confinement of minors by the California Youth Authority; the
aggressive pursuit of detention reform policies by local advocacy groups; a 1990 NCCD study concluding that San Francisco should plan to replace the existing detention center with a facility having 72 rather than 138 beds; and the expansion of the home detention program to supervise minors on release who would otherwise be confined in the juvenile hall.

While the impact of objective detention criteria adopted in San Francisco cannot be separated from other factors affecting population levels, it is clear that the new juvenile screening system in San Francisco has made an important contribution to the present results. The first and boldest step taken by the city and county to control unacceptably high levels of youth detention was the adoption of NCCD model juvenile detention criteria. As criteria began to have the desired effect of identifying low-risk youths who could safely be released, juvenile justice administrators turned their attention to other key components of a successful system for the pre-trial supervision and control of arrested youth. These other key components included the expanded use of both home detention in lieu of incarceration in a public facility and the involvement-based agencies and neighborhood groups in the development of new programs to serve high-risk youth. In policy terms, the objective risk criteria have served as the nucleus for a new juvenile detention policy in San Francisco, with a restored emphasis on 21 services designed to prevent the escalation of youth behavior problems into serious and violent juvenile crime. While some features of this new policy have yet to be implemented, there is strong community-wide support for the new policy direction.

Public Safety Issues

Of paramount concern to all juvenile justice decision makers is the public safety impact of each decision to release an arrested youth before court proceedings. In 1990, San Francisco's juvenile detention criteria were attacked in the press and other media on the public safety issue. The attack arose in the context of a November 1990 local ballot measure that would have supplied funds to rebuild the Youth Guidance Center with approximately 72 juvenile detention beds instead of the present 138 beds.

The proposal to build a smaller juvenile hall was founded on a study conducted by NCCD after it was hired by the city and county to
evaluate juvenile detention bedspace needs to the year 2009. The NCCD study showed that, based on available demographic data, San Francisco's at-risk juvenile population (ages 10-17) would decline in the coming decades. Moreover, the report offered a bed-savings plan which, if adopted, would avoid the need to build 65 costly detention beds. The combined effect of these factors—the lower juvenile population and the adoption of a reasonable bed savings plan—led to the NCCD recommendation that 72 secure beds would be adequate to serve San Francisco's needs over the next 20 years.

When published in March 1990, the NCCD report was assailed by one of two local probation unions. These officers agreed that San Francisco needed a new Youth Guidance Center, but they wanted more detention beds, not fewer than the present number. They focused their attack on the public safety issue challenging the point-scale detention criteria which had then been in effect, in one form or another, for more than a year. They asserted, in press articles and elsewhere, that detention criteria had resulted in the release of dangerous young criminals into the community. They recruited to their cause a celebrated political antagonist of the current San Francisco mayor. The antagonist pilloried the objective juvenile detention criteria in a local newspaper as follows:

In fact, the current mayoral administration already has weakened the standards for defining juvenile offenders. The intake officers at juvenile hall use a set of "Juvenile Detention Screening Criteria" to determine whether a juvenile should be detained pending a hearing on his or her arrest. . . . [Because of changes in the points awarded for narcotics and firearms charges], a 17 year old with 10 prior arrests who was arrested for selling crack cocaine and carrying a loaded .357 magnum would immediately be released. . . . These dangerous new release policies only came to light last month in the debate over the juvenile hall bond measure.8

In the heat of this campaign for and against the Youth Guidance Center bond measure, the opponents grossly exaggerated the operational features of the intake screening system. A prime example of this distortion was the assertion by the Mayor's adversary that a 17-year-old minor with 10 priors arrested with a loaded gun for selling cocaine would automatically be released. In truth, such a minor would earn ample points on the San Francisco risk instrument and would be de-
tained unless the probation officer had some compelling reason to override the score in favor of release.

Politically driven rhetoric reveals little about the public safety consequences of using objective juvenile detention criteria. The most reasonable and reliable means of testing the safety of release criteria is to track the follow-up performance of minors released according to the criteria. Even before the war of rhetoric began on the Youth Guidance Center bond measure in 1990, NCCD had taken steps to conduct the necessary evaluation.

NCCD studied a sample of 227 youths referred to the Juvenile Probation Department for public offenses during a three-week period in January and February 1990. Each released youth was tracked for 30 post-release days to measure success or failure on release. A 30-day period was selected because California law requires an adjudication hearing (trial) for non-detained youth within 30 days of filing a petition. If, upon trial, the minor is deemed to come within the jurisdiction of the Juvenile Court, the court then takes over as prime decision maker on future confinement, and the release decision made by the probation officer at intake is no longer relevant to the case.

Failure on release was defined as a failure to appear at a scheduled court hearing within 30 days or a re-arrest and referral to probation within 30 days. A re-arrest/referral measure, rather than a re-adjudication ("guilty as charged") standard, was used because the court data system made it extremely difficult to link adjudications to individual arrest incidents.

The results of the follow-up study were as follows:

Only three of all youth released in accordance with the detention criteria (those scoring nine or fewer points at intake) were re-arrested during the follow-up period (a 94% success rate).

The severity of re-arrest offenses was low for all youth scoring nine or fewer points and released at intake. Re-arrest offenses in this low-risk group included one charge of drug possession, one charge of vehicle theft, and one charge of receiving stolen property. All released youth were 100% successful in making scheduled court appearances; there were no failures to appear.

How do these release performance results compare with other state and national groups? There are no accepted national or state standards
for juvenile, pre-trial release performance. Some studies of juveniles on pre-trial release have been conducted in various states to test the safety impact of detention criteria. Comparison of the San Francisco results with those studies is speculative because the other juvenile release studies involve different detention criteria, youth samples, and follow-up periods. Such studies provide only a general basis of comparison, not a formal reference standard. Nevertheless, with these limitations in mind, NCCD compared the performance of youth in the San Francisco release group with other studies because it was the only comparison available.

Compared to these other study groups, the San Francisco minors released in accordance with the model detention criteria had excellent overall performance while on pre-trial release status. Table 3.1 compares the pre-trial arrest performance of the San Francisco study group with the performance of 10 other study groups of juveniles and adults on pre-trial release. The San Francisco success rate of 94% is the second-best of all 11 groups in the comparison sample. Table 3.2 compares court appearance rates of the San Francisco study group with the appearance rates of 11 other study groups of juveniles and adults on pre-trial release. The San Francisco success rate of 100% is equal to that of the best-performing groups in the comparison sample.9

This follow-up study of youth released in accordance with the San Francisco juvenile detention criteria supports the conclusion that the criteria are working well to meet community public safety goals. Though the public safety results of this evaluation are excellent, there is a continuing need to monitor objective juvenile detention criteria in San Francisco and wherever they are applied. If points or risk factors on the form are adjusted, there is a renewed need to monitor the public safety impact of the changes made.

The Need for Continued Monitoring of Objective Detention Criteria

The objective juvenile screening criteria have other monitoring requirements above and beyond the need to conduct periodic checks of their public safety impact. The intake criteria are really part of a screening system which, like any machinery, needs regular maintenance. The first maintenance requirement is to make sure that the intake form is being uniformly applied to all referred youth and that
forms are being properly scored to completion; this is especially applicable in a large jurisdiction with high referral volume. Another need previously mentioned is the need to monitor and control overrides to ensure that system integrity is not being violated by frequent decisions to ignore the objective screening score. Periodically, samples of youths should be evaluated to determine the true detention rate, i.e., percentage defined and released. These same samples can serve as a supply of released youths to be followed for pre-trial violations and failures to appear as a public safety test. While these monitoring points appear to impose a large work requirement, they are in fact quite simple to perform. Unless there are frequent changes in the points and risk factors, samples taken twice per year on a one- to three-week flow of youths should suffice to keep the system operating at efficient levels.
## Appendix: Tables

### Table 3.1
Success Rates (No Re-Arrests) Among Pre-Trial Release Groups of Juveniles and Adults

<table>
<thead>
<tr>
<th>Year</th>
<th>Success Criteria</th>
<th>% Success</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>No re-admission to secure facility from home detention</td>
<td>95</td>
</tr>
<tr>
<td>1990</td>
<td>No re-arrest, 30 days</td>
<td>94</td>
</tr>
<tr>
<td>1987</td>
<td>No re-arrest, 30 days</td>
<td>91</td>
</tr>
<tr>
<td>1984</td>
<td>No re-detention, 90 days</td>
<td>91</td>
</tr>
<tr>
<td>1980</td>
<td>No re-arrest, 80 days</td>
<td>91</td>
</tr>
<tr>
<td>1981</td>
<td>No re-arrest before trial</td>
<td>91</td>
</tr>
<tr>
<td>1983</td>
<td>No re-arrest, 80 days</td>
<td>90</td>
</tr>
<tr>
<td>1985</td>
<td>No re-arrest before trial</td>
<td>88</td>
</tr>
<tr>
<td>1981</td>
<td>No re-arrest before trial</td>
<td>88</td>
</tr>
<tr>
<td>1980</td>
<td>No re-arrest, 80 days</td>
<td>87</td>
</tr>
<tr>
<td>1989</td>
<td>No re-arrest, 30 days</td>
<td>82</td>
</tr>
</tbody>
</table>

*Sources: See bibliography.*
<table>
<thead>
<tr>
<th>Juveniles, San Francisco CA, pre-trial release</th>
<th>1990</th>
<th>No FTA,* 30 days</th>
<th>100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juveniles, Los Angeles Co., two release groups</td>
<td>1987</td>
<td>No FTA, 30 days</td>
<td>100**</td>
</tr>
<tr>
<td></td>
<td>1989</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juveniles, Taos Co., NM, pre-trial release</td>
<td>1980</td>
<td>No FTA, 80 days</td>
<td>100</td>
</tr>
<tr>
<td>Juveniles, Gloucester Co., NJ, pre-trial release</td>
<td>1980</td>
<td>No FTA, 80 days</td>
<td>97</td>
</tr>
<tr>
<td>Juveniles, Broward Co., FL, detained at home</td>
<td>1990</td>
<td>No FTA while on home detention</td>
<td>94</td>
</tr>
<tr>
<td>Juveniles, Louisville, KY, pre-trial release</td>
<td>1983</td>
<td>FTA, 80 days</td>
<td>91</td>
</tr>
<tr>
<td>Adults, Milwaukee, Portland, supervised release</td>
<td>1985</td>
<td>No FTA before trial</td>
<td>86</td>
</tr>
<tr>
<td>Adults, State of California, bail bond</td>
<td>1981</td>
<td>No FTA before trial</td>
<td>83</td>
</tr>
<tr>
<td>Adults, State of California, 10% bail</td>
<td>1981</td>
<td>No FTA before trial</td>
<td>77</td>
</tr>
<tr>
<td>Adults, 11,000 U.S. felony defendants on bail</td>
<td>1988</td>
<td>No FTA before</td>
<td>76</td>
</tr>
<tr>
<td>Juveniles, Arapahoe Co., CO, pre-trial release</td>
<td>1984</td>
<td>No FTA, 90 days</td>
<td>72</td>
</tr>
</tbody>
</table>

**Sources:** See bibliography.

*FTA = Failure to appear.

**L.A. figure inconclusive owing to court data limitations.
Notes

1. The Children in Custody Survey for 1989 found that, on a single counting day, there were 18,014 juveniles confined in detention facilities nationwide, of which 5,589 (32%) were confined in detention facilities in California.

2. More recently (1991), detention population levels in Los Angeles County juvenile halls have abated somewhat owing to the aggressive revisions of the NCCD detention criteria, to accelerated case-processing programs that have cut length of stay in detention, and to cuts in county probation funds, which have made it impossible to support the expense of operating all facilities at overpopulated levels.

3. While California makes liberal use of the power to hold minors in juvenile facilities before trial, the state has very strict rules prohibiting the confinement of children in adult jails and police lockups after arrest. The jail-removal law, drafted by NCCD and signed into law in 1986, brought California into compliance with federal Juvenile Justice and Delinquency Prevention Act (JJDPA) requirements on the confinement of juveniles in adult jails.


6. Capacity ratings are determined by the California Youth Authority, which has a statutory obligation to set standards for juvenile hall operations and to inspect youth detention facilities in California.

7. California Juvenile Hall Population Summary Report No. 21, Calendar Year 1988. Sacramento, CA: California Youth Authority, August 1989, p. 38. San Francisco’s admission-to-detention rate for 1989 was 1,086.6 youths per 10,000 in the eligible county youth population, exceeded only by Del Norte and Kings counties in that year.


9. It is important to note, as stated in the text, that the comparisons are imperfect owing to differences in state laws, follow-up periods, performance standards, size of study groups, and other factors. The limitations of the comparisons, as well as additional information and citations for each of the studies used in the comparison, are covered more thoroughly in the NCCD report entitled Testing the Public Safety Impact of Juvenile Detention Criteria Applied at San Francisco’s Youth Guidance Center, by David Steinhart, San Francisco, September 1990 (24 pages).
Bibliography


