

Juvenile Justice Commission County of Santa Clara

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Re: Juvenile Crime in Santa Clara County

The Santa Clara County Juvenile Justice Commission (JJC) is writing to express concern about the recent media coverage of a “juvenile crime spree” in San Jose. The implication in some articles is that juvenile “delinquents” are being brought to Juvenile Hall only to be released in a short period of time. The JJC has heard calls to “lock-up these kids,” or hold them in custody for longer periods, with the inference being that we need to incarcerate more youth in order to keep the community safe, and that we shouldn’t have a “double standard” for youth. As far as the JJC can determine, these calls for action are not grounded in data or best practice. The JJC believes, and national data supports, that incarcerating more youth—or sentencing them to longer terms in detention—actually may harm the community more.

The community does—and should—have a “double standard” for youth when it comes to crime.

- Adolescent brain-development research tells us that youth do not always understand the consequences of their actions or possess fully developed impulse control. The research also shows that the younger the child, the more likely this is to be true.
- Validated brain development research also reveals that it is easier to guide youth, compared to adults, back on a positive trajectory and to reduce their recidivism.
- Additionally, in “Iatrogenic Effects of Juvenile Justice,”¹ researchers found youth engaged in the justice system were far more likely to have adult criminal records, compared with youth from similar backgrounds who self-reported similar crimes but had no justice engagement. The more severe the justice system response was, the greater its negative impact (recidivism or entry into the adult justice system) down the road.

Santa Clara County’s Juvenile Justice System Collaborative² reported felony arrests decreased from 3,615 in 2008 to 1,151 in 2016 (a 68% decrease over 8 years), then increased to 1,464 in 2017. Though the one-year increase certainly is concerning, it is important to recognize the 60% decrease in juvenile felony arrests in the 9-year period since 2008.

Stakeholders and the public need to determine to what factors the one-year up-tick is attributable. There are many possible factors, and likely the uptick is due to some unusual combination of factors that coincided last year.

- Is it because we are not “locking-up enough kids,” as some are deducing?

¹ U. Gatti, et al, *Journal of Child Psychology and Psychiatry* Vol 50:Issue 8 (2009), pp 991–998

² 12-31-17 -JJSC Monthly Trends Report, p. 1; <https://www.sccgov.org/sites/probation/Documents/JJSC%20Arrest%202017-12.pdf>

- Is it because the San Jose Police Department has increased its staff and its presence in our communities, which leads to more arrests?
- Is it largely attributable to the new phenomenon described by law enforcement this year, of "crews" composed of adults and minors responsible for multiple-crime sprees?
- Is it because of a societal change that is leading to more younger kids committing crimes?
- Is it due to a disproportionate number of first offenders, or of repeat offenders, compared to previous years?

We will not know whether this is a trend or an anomaly, or some combination, until we do a deeper analysis of the data. Then we can come together, as we always have, to identify and respond to the root causes of the problem. The DA's Office is working on normalized data over time, which will help us isolate and understand both causal and distorting factors. The Probation Department just issued a report, "Understanding Youth Who Commit Serious Offenses: A Five-Year Snapshot,"³ that gives us a good start on the analysis. We need to address the problem in the specific and avoid undermining the juvenile justice reforms that been of enormous general benefit over a decade.

Here is what is known so far:

- A validated evaluation tool is administered to each youth who is brought to Juvenile Hall with a serious allegation. The tool includes their criminogenic factors and determines whether, for the safety of the community, they should be detained at Juvenile Hall.
- Santa Clara County has a fairly high "override" of lower scores of this tool—that is, a high proportion of youth are detained although the tool says they should be released. In 2016, this override rate was 82%.⁴
- In 2017, eighty-eight percent of youth brought to Juvenile Hall were detained.⁵ This does not support the assertion that youth are being released indiscriminately to the community.
- Between 2008 and 2017, Santa Clara County experienced a 60% drop in juvenile felony arrests and citations (from 3,615 in 2008 to 1,464 in 2017). Is the one-year up-tick in 2017 an anomaly, or to be expected after eight years of steady decline?
- Probation reports:
 - a small group of youth accounted for more offenses; the top ten youth in 2017 were responsible for 135 referrals. ...2017 had a unique group of youth who committed a series of offenses. Eight of the top ten youth with the most referrals were members of this group and were responsible for 117 referrals or over ten percent of all referrals. Five of these youth had no previous record. This data indicates that the proportion of youth committing multiple crimes increased in 2017. It should be noted that the crimes rose in the first part of 2017, compared to the end of 2016, before decreasing between July and December.⁶
- The 60% drop in felony juvenile crime over nine years occurred largely as a result of community leaders and activists working together, informed by data, implementing strategies shown to decrease juvenile crime, arrests and detention.
- Probation data show that youth with low "criminogenic" factors who have little or no system intervention recidivate at 2% – 3%.⁷ When youth with higher criminogenic factors participate in "best practice" strategies, they recidivate at 35% within 12 months of exiting the system. The fact

³ Research and Development Unit, Santa Clara Probation, "Understanding Youth Who Commit Serious Offenses: A Five-Year Snapshot, 2013-2017," (February 2018)

⁴ 2016 Annual Santa Clara County Juvenile Justice Report, page 22

⁵ 12/31/17 - JJSC Monthly Trends Report, p. 3; <https://www.sccgov.org/sites/probation/Documents/JJSC%20Arrest%202017-12.pdf>

⁶ Santa Clara Probation, "Understanding Youth Who Commit Serious Offenses," p.6

⁷ County of Santa Clara Juvenile Probation Services Comprehensive Annual JJCPA Evaluation Report FY 15-16

that the two out of three youth who receive these services don't recidivate is a better outcome than most areas of the country.

- The county has a shortage of providers who offer social-emotional and behavioral support for children ages 11-14. This shortage of services may be contributing to an increase in crime among these youth.
- Most youth in Juvenile Hall and those engaged in the justice system nationally are generally four to five years behind academically.⁸
- Moreover, recent findings of a county Probation Department survey of justice-involved youth ages 14 and younger suggest a myriad of issues that negatively impact them socially and emotionally, including parental incarceration, engagement in the foster care system, substance abuse, and mental health issues.

The JJC encourages caution as we review these crimes, any changes in data, and read about “crews” committing burglary sprees with young getaway drivers. It is never productive to react out of fear or frustration based on anecdote, rather than taking thoughtful action based on best practices supported by quantitative data that has been properly validated to show proven causal relationships.

What has made a positive difference in juvenile crime over these past nine years in Santa Clara County is that County and community leaders and activists have come together to unravel the problem and get better results. The community always has done its best when it uses data and focuses on solutions. Rarely does a single explanation or solution address a complex issue such as this recent one-year up-tick in juvenile crime. Complex problems require collaborative, properly validated data-driven approaches. The JJC urges all parties – Probation, District Attorney, Public Defender, Law Enforcement, and the Court – to collaboratively collect and analyze the data to keep Santa Clara County on track for decreasing youth crime, incarceration, and recidivism. The JJC hopes that all involved will take the long view and not seek changes that threaten the significant progress we have made in juvenile detention reform.

Sincerely,



Jean Pennypacker, Chair
Santa Clara County Juvenile Justice Commission

cc:

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Katherine Lucero, Supervising Judge, Juvenile Justice, Santa Clara Co.

⁸ Juvenile Justice Commission: Juvenile Hall Report – 2016, p. 19; <http://www.sccourt.org/documents/jjc/2017/JuvenileHallInspectionReport.pdf>