
SOUL SPACE

CRDP African American Technical Assistance Project



"DIVERSION"

As Black children's behavior is refracted through the lens of two cultural images, it is "adultified." By this I mean their transgressions are made to take on a sinister, intentional, fully conscious tone that is stripped of any element of childish naiveté.

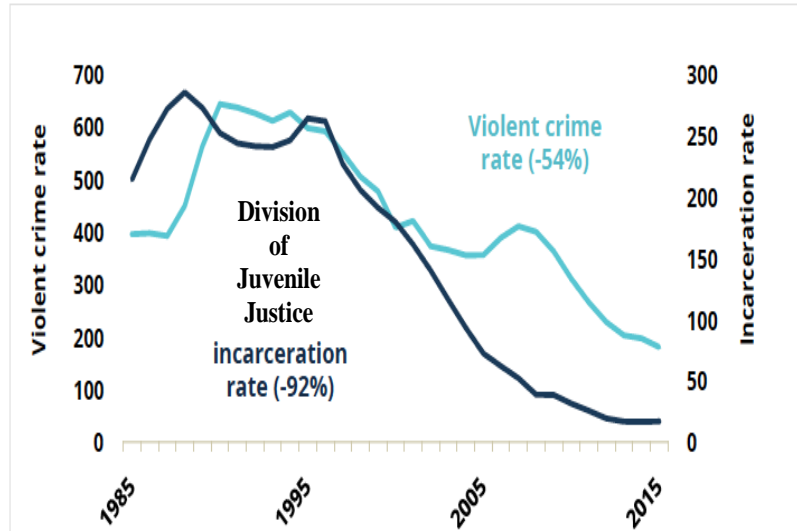
Bad Boys: Public Schools in the Making of Black Masculinity
—Ann Arnett Ferguson

This issue of *Soul Space* explores fundamental factors at play in recent efforts in California to redirect public dollars from state juvenile "justice" institutions to county agencies and how these developments may impact the needs of African American youth and their families who have been entrapped in the criminal "justice" system. What do these changes mean for community-based organizations dedicated to using community-defined practices to heal the psychic and mental wounds and scars of Black youth, families, and communities devastated by a system Michelle Alexander refers to as [The New Jim Crow](#)? What can community-based organizations do to ensure that dollars redirected to counties are reinvested into the very communities and families who have suffered the most through the circuitous cycle of incarceration and incarceration and racially biased policies such as the war on drugs?

Brief History of the Unfinished Business of Mental Health and Youth Justice Reform

As the rate of juvenile offenses has decreased over the past two decades and youth justice advocates have pressured states to seek alternatives to out-of-home placement, states have been forced to close facilities and redirect dollars to counties. In California, these “reforms,” though begun much earlier, can be traced to the 1999 investigation of multiple forms of abuse — including the withholding of food as punishment “Friday Night Fights,” and a number

Figure 1. DJJ youth incarceration rates and violent crime rates of ages 10-17, 1985-2015



http://www.cjci.org/uploads/cjci/documents/failure_after_farrell_djj.pdf



A scene from [When They See Us](#), Netflix original series and its creator and director, Ava DuVernay

The recent Ava DuVernay mini-series, [When They See US](#) addresses the urgent need to address the racial disparities in the United States criminal justice system. In doing so, DuVernay makes palpable the impact of the “justice” system on Black youth, their families, and the larger American public who witnessed the trial of the youth at the center of the mini-series.

of suicides — at the California Youth Authority facilities (CYA). The investigations ultimately led to two major lawsuits, *Morris v. Harper*, which concerned the failure of CYA to license its medical and mental health services as required by state law, and *Farrell v. Allen* that mandated that CYA develop six detailed remedial plans designed to improve the conditions under which youth were incarcerated at state facilities.

The remedial plans were:

- Health Care Remedial Plan, including Dental

- Wards with disabilities remedial plan
- Education Remedial Plan
- Welfare and Safety Remedial Plan
- Sex Behavior Treatment Remedial Plan
- Mental Health Remedial Plan

“When you incarcerate one person, you incarcerate their whole family. You do damage to their community, to the culture, and the more people that are ensnared in this, you do damage to an entire generation.

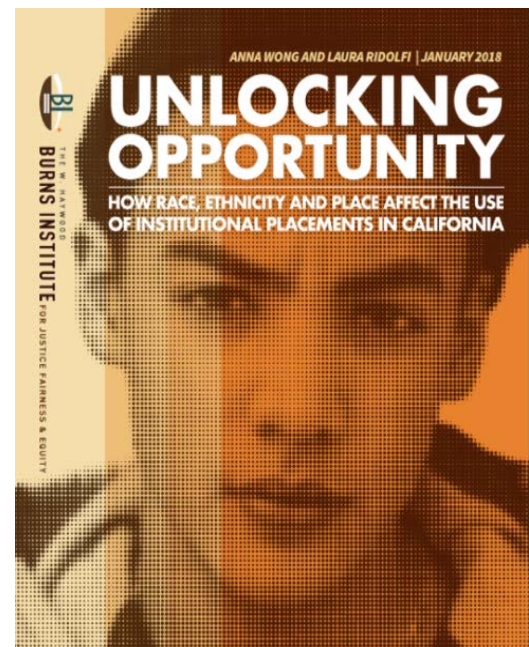
— Ava DuVernay

In 2016, CYA, which had been renamed the Division of Juvenile Justice (DJJ) in 2005, was released from the consent decree, without DJJ having fully implemented the Safety and Welfare and Mental Health remedial plans. Thus, according to [court documents](#), DJJ remained a traumatic place that does not provide adequate mental health treatment, therapeutic services, and evidence-based, or community-defined, programming for young people.

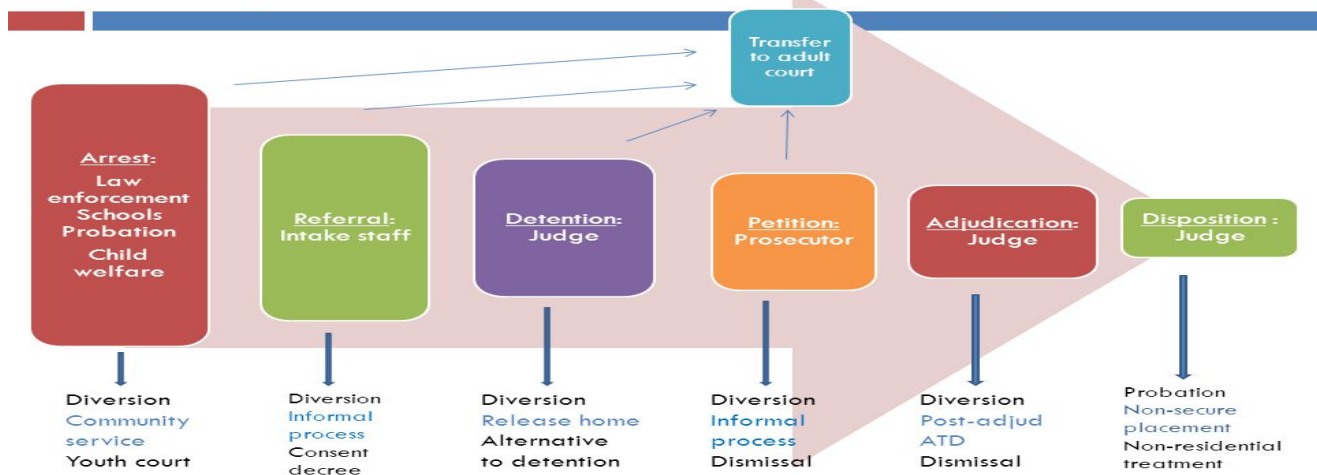
The Tail That Wags the Dog: From Incarceration to Diversion

In January 2019, new California Governor, Gavin Newsom announced plans to move control of state corrections to the Health and Human Services (CHHS) department. Newsom stated that the move would help youth to “unpack trauma and adverse experiences many have suffered.” In the Governor’s “California for All” May 2019 Budget Revision, Department of Juvenile Justice (DJJ) will be reorganized under CHHS as the new Department of Youth and Community Restoration. The reorganization will take place by July 1, 2020.

The transfer of DJJ is meant to bring to an end the 20 year effort to reform its state-run juvenile detention facilities, which run an average daily attendance of 650 young people. According to [Unlocking Opportunity: How Race, Ethnicity, and Place Affect the Use of Institutional Placements in California](#), a W. Haywood Burns Institute report, this number represents a mere 1% of all young people “tied” to the juvenile justice system in California (See Figure 2 below). The report notes the vast racial disparities between youth who are placed in both state and county placement facilities. Of particular note is that 28% of all youth in placement were confined or placed on electronic monitoring for an “other” status offense, “which includes the claim that a youth is beyond parental control or the failure to obey a juvenile court order.



The Juvenile Justice Process: Key Decision Points and Pathways Out



Center for Children’s Law and Policy (CCLP), Reducing Racial and Ethnic Disparities: Using Data to Promote Reform

According to Neelum Arya, Research Director of the David J. Epstein Program in Public Interest Law and Policy, “the decision to move juvenile justice from corrections to CHHS is undoubtedly a good one; however, advocacy around abuse at state-run facilities has been the tail that wags the dog. There’s not been enough advocacy around the terrible failure of the probation system that recycles our kids, incriminating them for activities to which all groups of kids are prone, and the development of quality community-based interventions that work for youth.”

The movement to close facilities has not only occurred at the state level but is also occurring at the county level. San Francisco County Supervisors recently voted to shut down its juvenile hall. The San

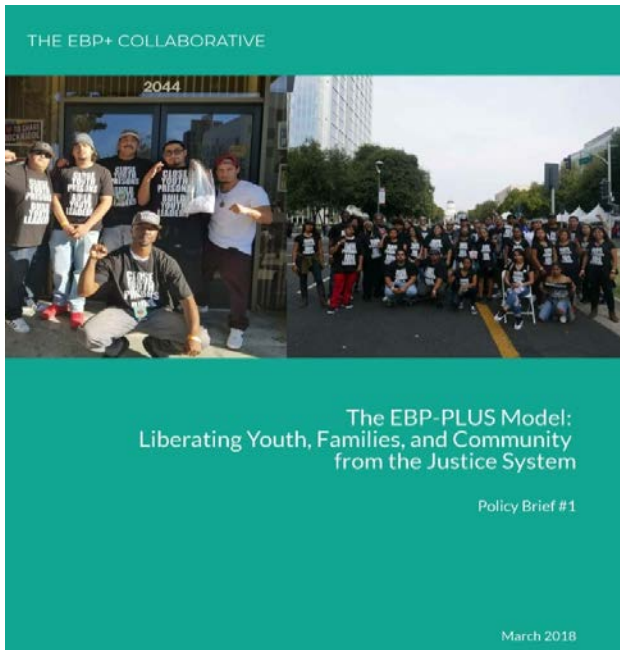
The significant advocacy about kids prosecuted as adults and the abuse at state-run facilities have been the tail that wags the dog.

— **Neelum Arya**

Francisco provisional plan calls for the development of a new “non-institutional place of detention,” or in the words of San Francisco’s presiding juvenile court judge, “a safe and supportive home-like environment...that conforms to all applicable federal and state regulations.” Advocates and service providers are split on the measure. Mayor London Breed and Reverend Amos Brown, president of the San Francisco NAACP, are concerned that without a specific plan that delineates the services youth — especially Black youth who make up the majority of placements — will receive in the community, the youth may be shipped out to other states for placement. Other advocates maintain that any other setting is better than the prison-like structures within the current juvenile hall.

With youth crime and arrests for felonies having dropped by 68 percent from 1980 to 2017, more than [8,000 beds](#) are now empty in juvenile halls and camps across the state — amounting to 35% of their capacity. The rush to incarceration and the failure to meet the developmental needs of youth has now become the rush to divert. 🍌

Spotlight: **EBP + COLLABORATIVE**



“The EBP+ Collaborative model has been intentionally developed for youth of color with serious and violent charges, with the goal of providing viable alternatives to incarceration.... The Collaborative hopes to reshape the discourse around justice-involved youth of color and push legislators to invest in communities leading the criminal justice reform movement.”

<https://impactjustice.org/resources/the-ebp-plus-model-liberating-youth-families-and-community-from-the-justice-system/>

George Galvis is the co-founder and executive director of [Communities United for Restorative Youth Justice \(CURYJ\)](#), pronounced “courage”). Galvis has organized around Voter Education and is a co-author of **Ban the Box**, which aimed at removing the check box that asks if applicants have a criminal record from hiring applications. Most recently, Galvis was influen-

tial in starting the [EBP+ Collaborative](#), a collaboration of twelve base-building organizations in partnership with Impact Justice and James Bell’s W. Haywood Burns Institute. According to Galvis, service providers of Black, Brown and indigenous kids, can’t just provide community defined practices, rooted in our culture, healing traditions, and inter-generational wisdom: “we have to mobilize and organize on behalf of what works for our young people against the Evidence Based Practices monopoly, which is a kinda scam, which hasn’t worked for them.....People are experts of their own lives, and service providers need to be credible messengers.... The Plus is us.” “EBP Plus” is our response to EBP. Our recidivism rate is really low, and they’ve got to be able to respond to that.

One of the member organizations of EBP+ is [Youth Advocate Programs \(YAP\)](#). YAP traces its roots to a 1975 ruling that prohibited young people from being incarcerated with adult inmates at the State Correctional Institution in Camp Hill, PA. YAP was critical in returning more than 200 youth home to their communities. Today YAP is one of the largest non-profit agencies providing exclusively non-residential, community-based programs, in 23 states, including California, having recently opened an office there. From its beginnings YAP was a kind of intensive wraparound as defined by the communities in which we worked. According to Gary Ivory, YAP’s Senior Executive Officer, “our work from the beginning was shaped by four principles:

- 1) Young people thrive best in their own communities, homes, and families, including fictive kin.
- 2) We hire people, advocates, from the same zip codes as the youth we serve, and who relate culturally to the youth and their families; what we do best is engagement: the engagement of each youth's family, their community;
- 3) Our programming is strength based not pathology based. What are the strengths in the cultures, and families and communities?
- 4) We have a "No eject, no reject" policy. We are family.

Ivory continues that what looks the same in all of the jurisdictions in which we work are these principles. What we find, however, is that culture is what really matters, the language of families, and communities, and their traditions, and histories. For example, in Tarrant County, Texas, which at one time had one of the highest murder rates in the country, we mobilized churches; we organized rites of passages, and utilized our flex fund to take youth on history tours to places, such as Birmingham, Alabama, because we understood that youth understanding their history was critical.

The award-winning YAP model is an EBP+ model that is an adaptive community-defined form of wraparound that improves the outcomes of EBPs required by public systems. "Our model looks very different depending on the target population, and the agencies with which we are partnering. Where it is mental health focused, we utilize Cognitive Behavioral Therapy (CBT); if the issue is trafficking, we may work with an agency using [My Life, My Choice](#); if

we are working with Behavioral Health care departments, we may work with therapists using [Seven Challenges](#). In some cases, we may even have our community-based advocates trained in an evidence-based treatment (EBT). We've been able to demonstrate that EBTs, such as CBT, are demonstrably more effective, if at all, with African Americans when CBT is paired with our community-defined wrap model."

"For example, in our current partnership with the University of Chicago Crime and Education Lab, we designed a demonstration project called ['Choose to Change'](#) that addresses the inequities in youth homicides in Chicago where the rates of African American male youth homicides between the ages of 15-24 is 389 per 100,000. In a randomized study, each youth between the ages of 13-18 would receive 8 hours of CBT, and 8 hours of community-defined programming per week with one of our advocates.

In order to be part of the study, youth are:

- 1) Actively gang-affiliated or at risk for gang engagement
- 2) On juvenile probation
- 3) Previously found guilty of weapons offenses
- 4) Seriously disruptive in school through chronic truancy, serious misconduct and/or frequent suspensions or a
- 5) Direct victim of or witness to traumatic violence

The results of the EBT plus intensive YAP community-define wraparound has been remarkable. The researchers have found that two years after the program began there have been reductions in arrests by 50%. Unlike most

EBP + COLLABORATIVE

Twelve base-building organizations along with Impact Justice and the W. Haywood Burns Institute have been working together as the EBP+ Collaborative. These organizations are:

- + Alternative Rehabilitation Communities, Harrisburg, PA
- + Barrios Unidos, Santa Cruz, CA
- + Community Connections for Youth, South Bronx, New York
- + Communities United for Restorative Youth Justice (CURYJ), Oakland, CA
- + Fathers and Families of San Joaquin, Stockton, CA
- + Impact Justice, Oakland, CA
- + La Plazita, Albuquerque, NM
- + Latino Network, Portland, OR
- + POIC, Portland, OR
- + Running Rebels, Milwaukee, WI
- + RYSE Center, Richmond, CA
- + W. Haywood Burns Institute, Oakland, CA
- + Youth Empowerment Project, New Orleans, LA
- + Youth Advocate Programs, Harrisburg, PA

interventions that see “fade-out post-intervention, this EBP + YAP approach has led to additional long term improvement in the lives of youth participants, including:

- Increased ability to navigate the local mental health, school and justice systems
- Reduction in involuntary court-ordered mental health commitments to inpatient or outpatient facilities
- Increased connection to natural community supports and family involvement
- Improved ability to advocate for clients’ self, family, and community.

Ivory believes that advocates and service providers who make use of community-defined practices should be encouraged by these findings and be prepared with data as more monies flow to counties for diversion programming. “Community programs, when armed with data, and community defined

principles and practices, can demonstrate to public systems that not only are community-defined models successful with youth, but they also improve outcomes for EBPs. The Crime lab is also conducting a YAP alone evaluation that seeks to find the ‘secret sauce’ in our programing.” The EBP + model may join community organizing and community-based services in a way that could be a model for other providers meeting the needs of African American youth.



Why Reform Efforts Fail on the System Level

Avoidance: “This isn’t about race, it’s about poverty.”

Denial: “I look at each case individually, so there can’t be any bias.”

Defensiveness: “You just want to collect data to use it against me.”

Distraction: “The Committee for ...”

The Blame Game: “Adolescent offending happens because of parents, video games, the media, gangsta rap, etc.”

The Culture of Politeness: Everyone steers clear of difficult problems and solutions because no one wants to say anything that may offend someone else.

Motion without Movement: Genuine concern for racial disparities and determined, but unfocused efforts “to do something.”

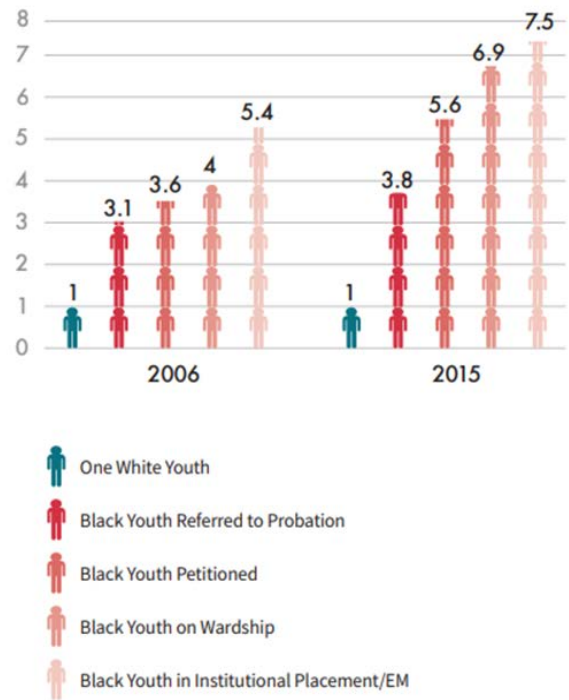
Data without Direction: Collecting data at key decision points, but lack of knowledge on how to use data strategically.

<http://www.cclp.org/redpracticemanual/>

From Incarceration to Diversion or Net-Widening

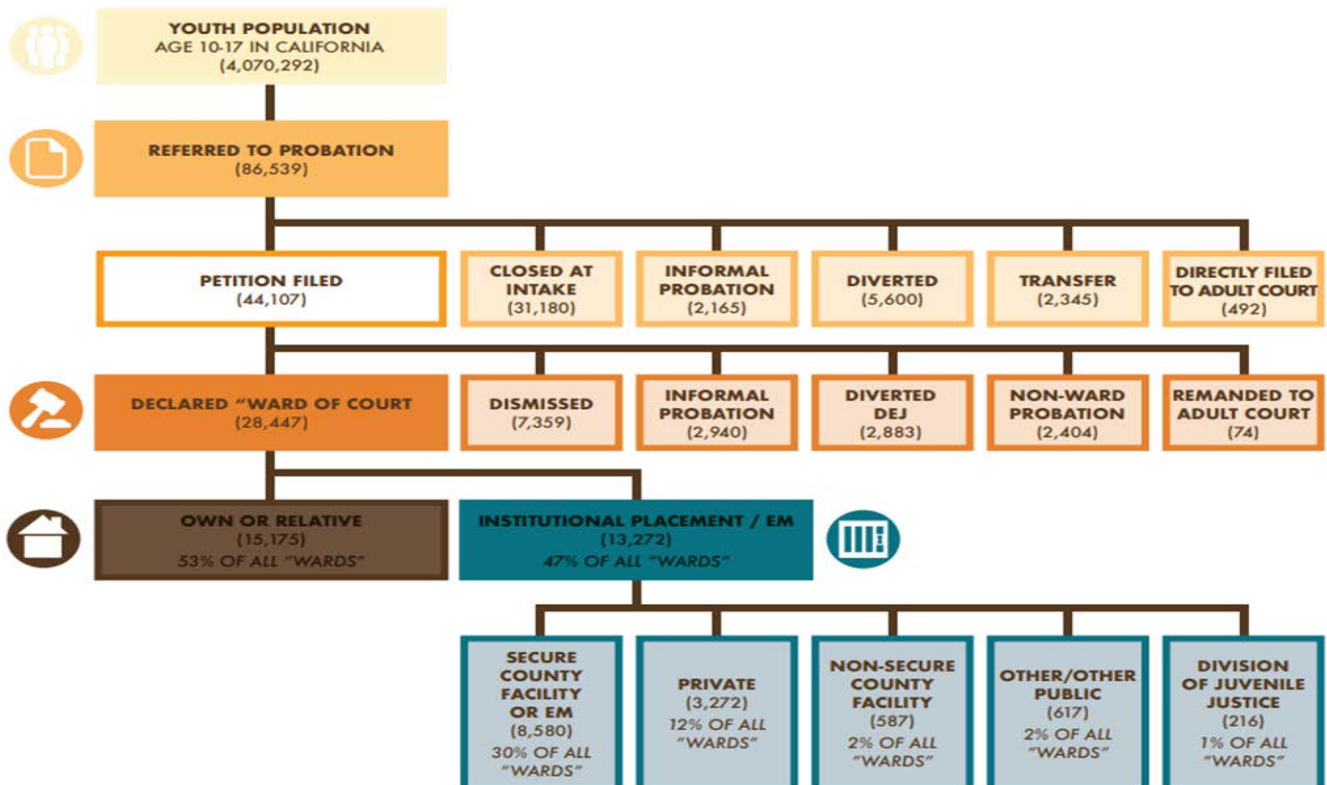
With crime rates down and juvenile detention centers closing across the state, “diversion” has become the new battleground upon which advocates and service providers must wage their efforts to provide community-based and defined services for youth and their families. [Senate Bill 433](#) would create a three-year pilot of a number of Offices of Youth Development and Diversion (OYDD) initiatives, which would coordinate a county-wide system of youth diversion services and programs under the auspices of the State Department of Social Services in collaboration with the Department of Public Health. The purpose of the pilot would be to “minimize youth contact with the juvenile or criminal justice systems.”

FIGURE 1A: CUMULATIVE DISPARITY FOR BLACK YOUTH (2006, 2015)



Both charts from Unlocking Opportunity report

FIGURE 2: CALIFORNIA JUVENILE JUSTICE FLOW TO OUT OF HOME PLACEMENT/EM (2015)



The county grants issued by the OYDD to local jurisdictions will be administered by local departments of public health or health services. Notably, the stated goal of the OYDD pilot would be to:

- **Strengthen a community-based network of services** in a pilot county.
- Ensure that children and youth with the highest needs receive maximum benefit and that **equity is a guiding principle** of the funding process.
- Distribute funds based on **best practices** and successful and **innovative models** in order to ensure maximum impact.
- **Distribute funds equitably** among services for all age groups, **from infancy to transition age**, to the maximum extent feasible.
- Ensure children are provided with gender responsive, **culturally relevant**, and **trauma-informed** services.
- **Strengthen collaboration** around shared outcomes among all service providers for children, youth, and their families, including **collaboration among public agencies and nonprofit organizations**.

According to Frankie Guzman, Director of California Youth Justice Initiative at the National Center for Youth Law, this approach is tremendous improvement over the approach that diversion programming has taken under probation departments. According to Guzman, probation's shift toward the development of diversion programs is a form of "mission drifting," a repurposing of juvenile corrections labor force away from punishment to mentoring and other forms of social service that can be done expertly by local community-based organizations. It is no surprise that the Chief Probation Officers of California, who claim that their diversion efforts have led to a 60 and 70% reduction in the "formal" probation, oppose **SB-433**.

Matt Cervantes, Director of Health Programs at Sierra Health Foundation — where among other programs, he directs *Boys and Young Men of Color* programs — echoes this sentiment. Cervantes refers to some probation department's approach to diversion programs as "net-widening, which has brought kids into the justice system who had had no previous court involvement. These kids are overwhelmingly Black, and these programs

Alternative to Detention Programs

Placement Coordination

- Typically occurs prior to detention hearings to identify youth who can safely be released with an appropriate detention alternative
- Staffing includes placement coordinator or expeditor, defender, prosecutor, and others who can help develop a release plan

Home or Community Detention

- A form of community-based supervision that can involve monitoring by telephone or in person
- Can serve as a lower level alternative in a continuum

Reception Centers

- Usually operate 24 hours a day, 7 days a week to screen youth who do not meet the criteria for detention
- Law enforcement can release arrested youth to the reception center staff who typically are trained social workers and whose main role is to work to reunify youth with a parent or guardian, connect families with community services, and offer counseling, if appropriate

Day and Evening Reporting Centers

- Provide youth with supervision and programing during the day, evening, or both
- Usually community-based and operated by a local service provider

Short-Term Respite or Crisis Beds

- Reserved for those youth who do not need to be securely detained but who cannot return home at that time

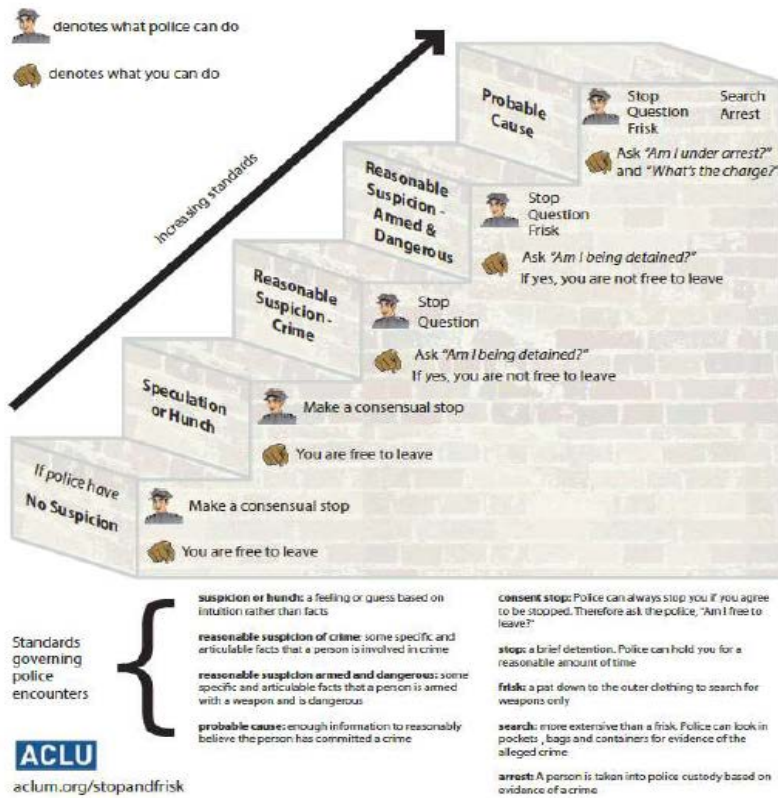
Electronic Monitoring/GPS

- Electronic monitoring is often used for surveillance of house arrest and curfew conditions, as well as keeping youth away from victims and co-defendants

[CCLP Reducing Racial and Ethnic Disparities at Detention](#)

What can happen in police-pedestrian encounters?

At different steps governing police-pedestrian encounters, police have different rights, and so do you.



<http://www.cclp.org/redpracticemanual/>

which does include breaking rules, such as "defiance" or being tardy to class, and for swearing. For the 2016-17 fiscal year, the Sun notes more than 58 percent of the 1,926 referrals to Riverside County's YAT program were for "defiance/incorrigibility."

According to the Desert Sun, Black students in Riverside County have been up to 3.77 times more likely than white students to be referred to YAT. While in the program, students may not enroll in another diversion program designed to keep them out of the juvenile justice system and parents themselves may voluntarily place their children in the program as a means of receiving services.

extend the school-to-prison pipeline for them." The ACLU recently filed a lawsuit against Riverside County alleging that the county's probation department's *Youth Accountability Team (YAT)* program, which operates in 17 school districts across the county, violated the civil rights of youth, subjecting them to an "informal form of criminal probation, making them subject to monitoring and search and seizure. Between 2005-2016, the program that claims to enroll youth who are "displaying *pre*-delinquent and delinquent behavior, captured 3,219 kids who had not committed a criminal infraction. Youth can be referred to the program and enrolled for activities common to adolescents,

Percent by race of all county students referred to YAT

Black students were in some years more than twice as likely to be referred to the county probation program.

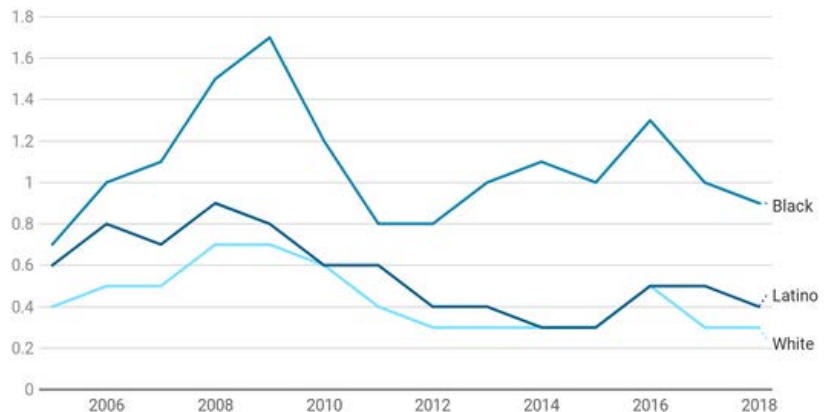
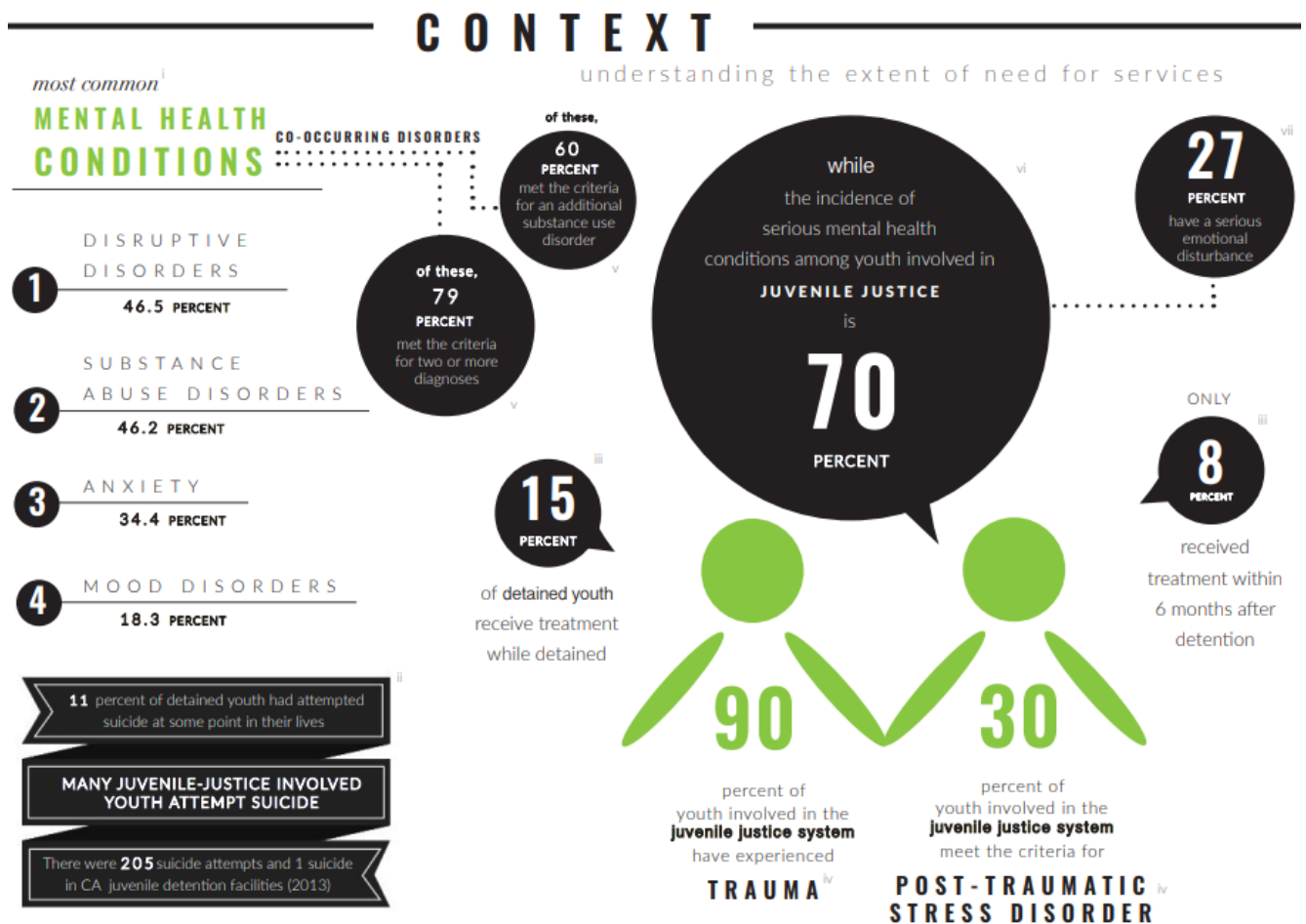


Chart: Joseph Hong • Get the data • Created with Datawrapper

<http://www.cclp.org/redpracticemanual/>

Guzman also wanted to highlight the 35 million dollar [Youth Reinvestment Grant](#), which ensures that 85% of the funds will go to local CBOs to deliver “culturally relevant, trauma informed education, mentoring, behavioral health services, and mental health services. Guzman encourages CBOs who would like to be prepared to work with the agencies.

As these systems makes use of public funding streams, such as the 100 million dollars from Juvenile Justice and Delinquency Prevention Act (See [Block Grant plans of every California Counties and youth trend data here](#)), which Riverside County makes use of to operate its YAT program, to prop up its own infrastructure as actual rates of juvenile crime decreases, will other agencies follow suit in the name of “diversion” or “evidence-based practices” “medical necessity” as more public funds flow into their agencies? Some advocates and service providers are looking for ways to head this off at the pass to ensure that youth and families are provided the services they need to flourish. 🍎



From [Fulfilling Medi-Cal’s Promise: Extending Home and Community-Based Mental Health Services to Juvenile Justice-Involved Youth in California](#)



ONTRACK Program Resources (www.getontrack.org) is the African American Technical Assistance Provider to the CA Reducing Disparities Project, through the Office of Health Equity, CA Dept. of Public Health, with funding from the CA Mental Health Services Act, Prop. 63.

The information presented in this newsletter is not meant to diagnose or treat. It does not take the place of medical advice. It is for informational purposes only.