

Introduction

In previous sections of this report we have described how young offenders are currently treated within the juvenile and criminal justice systems that serve the city, as well as what the scientific and expert practitioner community consider to be best practice in the design and delivery of programs to serve these youth. As in many other cities across the nation, there is a considerable gap between current practice and what “best practice” suggests.

The most cost-effective programs for dealing with serious young offenders (FFT and MST) use a variety of proven methods to educate and empower parents to effectively supervise their youth. Even for those youth who must be placed out of their homes, a program called Treatment Foster Care, which places youth in specialized foster homes while continuing to work with their biological parent, has been shown to be much more cost-effective than traditional group homes.

However, current intervention efforts for delinquent and gang-involved youth in the city still rely heavily on traditional probation supervision and out-of-home placements in group homes, probation camps and state facilities. Little attention has been paid to evaluating these programs or tailoring placements to the specific needs of individual youth. Only a very small number of youths are currently being placed in FFT and MST programs funded by the Department of Mental Health.

However, there are signs to suggest that some of the deficiencies of the current system have been recognized by those with the power to make improvements and a number of important changes are already underway. The Probation Department has implemented a research-based risk and needs assessment instrument and is now in the process of developing specific guidance as to how it should be used in making placements. The County has contracted for additional training to increase the number of MST teams available to serve youth in the system. Over the next 5 years the California Institute for Mental Health will be coordinating a large-scale test of Treatment Foster Care to determine the best way to help counties implement that program.

What this section will attempt to do is show what kind of a role the City can play to insure that these reforms result in improved programs and that its youthful offenders and their families are adequately served in a way that reduces the likelihood of future offending and gang violence.

Where New Gang Members Come From

Gang violence and membership will not be contained until a way is found to cut off the flow or recruitment of new members into the gangs. Gangs create positions and opportunities for leadership. Even when law enforcement is successful in taking down the current leadership cadre of a particular gang, new leaders are waiting to step up and assume their positions. In fact, successful removal of a gang's leadership cadre is likely to result in an increase in immediate violence as potential candidates compete for leadership positions. Effective strategies for reducing gang violence must include effective methods for reducing the flow of new recruits into the street gangs.

The youth most likely to be recruited or attracted to membership in a violent street gang is one who is:

- Already exhibiting some of the behaviors appropriate for gang members.
- Attracted by some of the benefits associated with gang membership (membership in a group, protection from other gangs, excitement, etc.)
- Located in an environment where gangs are able to exert significant influence.

Where are you most likely to find youth already exhibiting the behaviors that characterize street gang members? In juvenile correctional facilities and programs.

Where are the benefits of gang membership likely to be most important or valued and gang influence most persuasive? In correctional settings.

The youth most likely to become gang members are those who are placed in gang dominated correctional programs. There, the pressure to join and rewards of membership will be the greatest. The next most likely group to become members are those who are exhibiting anti-social behavior, reside in gang-dominated neighborhoods, and associate with gang members. Youth from both of these groups make up a large percentage of the youth who are involved in the juvenile justice system. How that system handles these youth can have a significant impact on whether they go on to become involved in violent gang activity or avoid gang involvement all together.

Thus, any city concerned about violent gang activity has to be concerned about the nature and quality of programming provided by the juvenile justice system, over which it has no direct powers. The question then is where to focus and how to express these concerns? To answer this question we have to look at the various players who make up the juvenile justice system, and the roles that they play.

How the Juvenile Justice System Makes Programming Decisions

The police are the advance forces or the scouts for the system. They usually are the first to connect a specific youth with a criminal act, make initial contact, and decide whether the case requires further action or not. Rather than seeking a petition from the Juvenile Court, the police may refer the case to some kind of health or social service agency, or merely send the youth home with a warning. Since premature involvement in the juvenile justice system has been shown to increase the likelihood that some youth will continue offending, some communities provide formalized diversion programs to work with youth and families without involving the formal powers of the court where they are unnecessary. Others do not. Such programs depend on the availability of local programs to meet the needs of the diverted youth. The City of Los Angeles does not provide such a network of diversion programs, leaving it to the police to generate their own. This situation needs to be reversed. The police are best at enforcement and investigation. Human services can best be provided by other sources. It is still the police who can produce the most accurate records of youth who are arrested or detained, and the immediate disposition of the case.

The Probation Department serves as the formal intake arm of the Juvenile Court, deciding which cases are serious enough and strong enough to proceed with a formal petition. The Probation Department also investigates and reports on the youth's background including: prior arrests and placements, home life, performance at school, gang involvement, delinquent friends, and any other factors that may be predictive of future delinquency. If the youth pleads or is found to be guilty of the charges, then the Probation Department usually prepares a disposition recommendation for the court, suggesting where the youth should be placed to reside, and what conditions should govern his behavior during the placement. In order to fulfill this latter role, Probation Departments have to either operate themselves, or contract with private providers to provide the range of services and supervision they think their juvenile probationers are likely to need.

The state Department of Corrections acts as a back-up system for Probation, offering a range of programs and custodial levels for youth who are too serious for probation to work with, too dangerous to be allowed to reside in the community, or who have failed in a sufficient number of prior placements that Probation does not wish to work with them any further.

It is the role of the Juvenile Court to oversee this whole process. The court is charged with balancing the developmental interests of the minor against the public safety interests of the larger community. It makes the critical decisions in all of the more serious cases and is charged with seeing justice done to all parties to a case.

Given the responsibilities of the Probation Department and the Juvenile Court, which are county and state run agencies respectively, to protect the developmental interests of the juvenile and the public safety interests of the community, we might expect juvenile justice systems to be very vigilant and aggressive in promoting use of the most effective

programs for reducing delinquency. After all, reductions in recidivism rates benefit the developmental interests of the youth and the public safety interests of the community. Unfortunately vigilance and aggressive promotion of effective programming are not the characteristics used to describe the juvenile justice system in Los Angeles. Recent audits and assessments of the Los Angeles Probation Department and California Department of Corrections and Rehabilitation show that they are a very long way from providing youthful offenders, and LA City residents, with the most effective programs that are currently available. The programs they do offer are poorly documented, unevaluated, and based on outmoded concepts

Given this situation, the question now becomes – What is it that the City of Los Angeles can and should do?

A Role for the City

If the juvenile court is doing a good job in carrying out its responsibilities, then there is not much more that the city needs to do. At a very minimum it needs to assure itself that the juvenile justice system is performing up to par, based on up-to-date best practice standards and an analysis of case disposition patterns and outcomes, controlling for established risk and protective factors. If such an assessment is not being performed on a routine basis, then there is no way of assuring that the system is doing a proper job. If that is the case, then a city that is counting on the performance of the juvenile justice system to help it deal with particular crime problems has no alternative but to conduct such an assessment or audit itself.

How is this to be done? The first step in initiating this process is to assign some agency within city government the task and resources to carry it out. Potential candidates for this role might include the Police Department or City Attorney's Office but realistically; the best agency to carry it out would be the City Controllers Office. That office has the kind of staff, analytic capabilities, oversight responsibilities, and report preparation experience that are required for this job.

The data required to support this mission has to be generated by the Probation Department and the Police. The Probation Department will know the ultimate disposition of every youth for whom a petition is filed. In every one of the cases in which a petition is filed, the Probation Department is supposed to have conducted a risk and needs assessment, recording the results in a system known as LARK. All that is needed for the City to perform its monitoring role is for Probation to create a way in which analysts can link the LARK assessment and case disposition records for any individual, and then use Police records to check for subsequent arrests.

At the very least, the city should request that the Probation Department provide it with sufficient data to analyze the disposition pattern of all City initiated cases, down to the level of what kinds of services and supervision were provided, and including any subsequent arrests, controlling for the risk and needs factors contained in the LARK

assessment report. On a periodic basis, or if the outcome data begins to suggest a reduction in effectiveness, the City should conduct a more detailed program audit to determine whether programs are following the prescribed protocols on which they are based. Only by conducting the data analyses and audits suggested above can the City assure itself that it is receiving effective crime prevention services from the county and state.

In this era of evidence-based assessment and programming, what the City of Los Angeles, and any other city for that matter, has the right to expect is that:

- The Juvenile Court will place youth in various levels of custody and programming, based on the risk they pose to the community and the specific risk-factors that contribute to that risk.
- And that any agency that assumes custody or responsibility for supervision and services for delinquent youth will provide programming which is consistent with best practice and most cost-effective for taxpayers.

The City monitor should be looking for patterns of placement and services that reflect the best practices described in the previous section. Younger offenders with minor records and at-risk youth should not be brought together in groups for programming purposes. Rather their participation in more mainstream activities like after-school programs and recreational groups should be encouraged and facilitated along with the involvement of their parents.

For youth with more serious records, who are expected to continue residing at home, assistance should be provided to the family in the form of Functional Family Therapy or Multi-Systemic Therapy, depending on the composition and capabilities of the family. If the system does not have adequate capacity to provide these services to all the families that could benefit from them, then first priority should be given to the families of those youth who pose the greatest risk to the community.

For those youth who need to be placed out of their home because of some family-related factors, but are eventually expected to return home, Treatment Foster Care is the placement of choice. Only those youths whose most recent offense or criminal histories require that they be placed out of the community should be placed in a residential facility. These youth will require reentry programs using evidence-based methods to support their return to the community.

Given the slow pace at which the Probation Department has moved to adopt recent advances in evidence-based programming, only close and detailed monitoring by an independent entity will assure that their progress and performance remain the focus of management attention.