



# REDUCING OUT-OF-HOME PLACEMENTS IN ALAMEDA

## SUCCESSES, CHALLENGES, AND LESSONS

*Huge reductions in the numbers of youth placed out-of-home have been seen in Alameda County. Bucking national trends, there have also been reductions in race/ethnic disparities. Through ongoing changes, the county can continue to improve.*

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## About Us

### IMPACT JUSTICE

Impact Justice dares to dream of a humane and restorative system of justice in America. Through innovation, research, policy, and advocacy, we are forging a new path to a justice system that is fair to all of us. With rich diversity in expertise and strong community bonds, Impact Justice has set a multifold goal:

- 1) Reduce the sheer number of people involved in our juvenile and adult criminal justice systems
- 2) Improve conditions and outcomes for those who remain incarcerated
- 3) Provide meaningful opportunities for the formerly incarcerated rejoining our communities

### THE RESEARCH AND ACTION CENTER

This report falls under the purview of the Research and Action Center. As a Center of Impact Justice, our research catalyzes community efforts to eliminate disparities and propel system change. We focus especially on the populations most impacted by disparities, including youth and adults of color, as well as members of the LGBTQ/GNCT communities.

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A national innovation and research center

## Introduction & Background

Over the past 10-15 years, the youth justice system has seen a national decline in the total number of youth who are in post-adjudication ranches, camps, out-of-home placements, and probation (Davis, Irvine, and Ziedenberg, 2014). In fact, the proportion of adjudicated cases that resulted in out-of-home placements declined from 31% in 1990, to 27% in 2000, and to 24% in 2013 (Butts, 2016). This follows two decades of steep increases in juvenile incarceration, a direct result of “get-tough-on-crime” policies that dominated our justice systems in the 1980s and 1990s.

While the current trend demonstrating drastic reductions in youth confinement is encouraging, racial/ethnic disparities have remained, and in some cases even increased. The reforms that have led to this trend are replicating the disproportionality that has long-plagued our justice systems. A recent report (Davis, Irvine, & Zeidenberg, 2014) shows that the proportion of youth of color increased from 66% in 2004 to 81% in 2014. Another recent study found that nationwide, although overall numbers have decreased, Black and Latino youth were 4.5 times and 1.8 times more likely, respectively, to be in residential placement than White youth (Sedlak & Bruce, 2016).

Additionally, there are still too many youth who are sent to out-of-home placement. In 2014, 60% of youth were held in placement for nonviolent offenses (Hockenberry et. al., 2016). This reflects bad practice by the courts. Laws in states such as California as well as county policies continue to be revised to require placement in the least restrictive and most family-like environments available (Judicial Council of California, 2018; County of Alameda, 2017). Additionally, removal from the home is an adverse childhood experience and should be avoided unless the child is a threat to public safety (National Research Council, 2013). Youth who are accused of nonviolent crimes are not a threat to public safety and should be kept home.

Three years ago, in order to assess and improve local practice, Alameda County Probation (California) asked Dr. Angela Irvine, Senior Fellow at Impact Justice, to conduct an analysis of trends in out-of-home placement. Chief Wendy Still then asked Impact Justice to conduct a second analysis in 2017 to determine if trends had changed and to make recommendations for further improvements. More recent data was analyzed, and interviews with several Alameda County Probation staff members were conducted in order to reassess current trends and gather information about the context surrounding them.

As with national trends, Alameda County experienced a sharp decline in the number of youth sent to out-of-home placements. And, even with these reductions, racial and ethnic disparities decreased, a trend that is rare for justice system reforms. This report provides a longer description of these trends as well as recommendations for continued improvement.



## Methods

### DATA USED

Data were provided to the team by Alameda County Probation. Records were deidentified, but included relevant demographic information, youth risk assessment scores, information about current arrest and sustained charges, and information about past arrest and sustained charges. These charges were reported as Department of Justice crime categories: person crimes, property crimes, drug crimes, public crimes, weapon offenses, and probation violations. Thus, we were able to examine both legal (offense history and seriousness of the offense) and extra-legal (race, gender, etc.) factors in decision-making.

Data were provided for two different time periods. The first included all youth who were placed out-of-home between 2010-2013. The second set of data spanned between 2014-2016. Note that the decision to place them out of home could have been made much earlier, but the data included all youth who were living in out-of-home placements during these time frames.

In order to more fully explore the mechanisms behind the overall decrease in out-of-home placements and the remaining racial/ethnic disparities, we also gathered qualitative interview and case study data. One of the benefits of qualitative data is its ability to provide depth and context to issues observed in quantitative data. To this end, we interviewed 8 staff working directly with youth placed out-of-home, and we also looked through the case files of 12 randomly selected youth whose out-of-home placement was characterized as “Probably Bad Practice.”

The staff interviews were conducted by phone and lasted approximately 60 minutes. Case files were reviewed by hand on location at the Alameda County Probation Department, with relevant notes taken at that time.

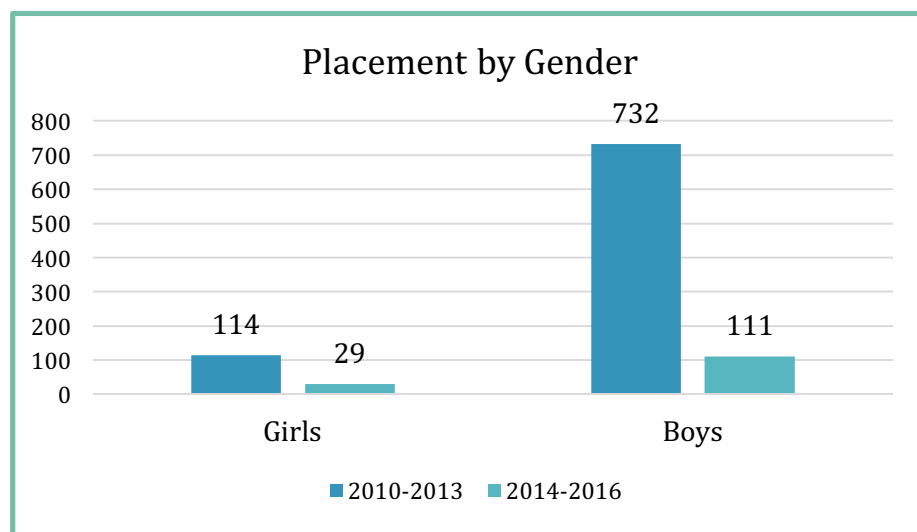
## Findings

### QUANTITATIVE RESULTS: REDUCTIONS IN NUMBERS AND RACE/ETHNIC DISPARITIES

One of the first observations that jumps out is that the overall numbers of youth placed out-of-home has declined drastically. The total number of youth in out-of-home placement in 2010-2013 was 846 compared with 140 from 2014-2016. This represents an 83% reduction over three years.<sup>1</sup>

Comparing girls and boys, there was a higher percentage reduction in the boys' population (see Chart 1). While the boys fell from 732 to 111 (an 85% reduction), girls fell from 114 to 29 (a 74% reduction).<sup>2</sup> This creates a slightly higher *proportion* of girls in out-of-home placement (15% to 26%), a trend that is seen across the country (Puzzanchera and Ehrmann, 2018).

Chart 1: Placement by Gender



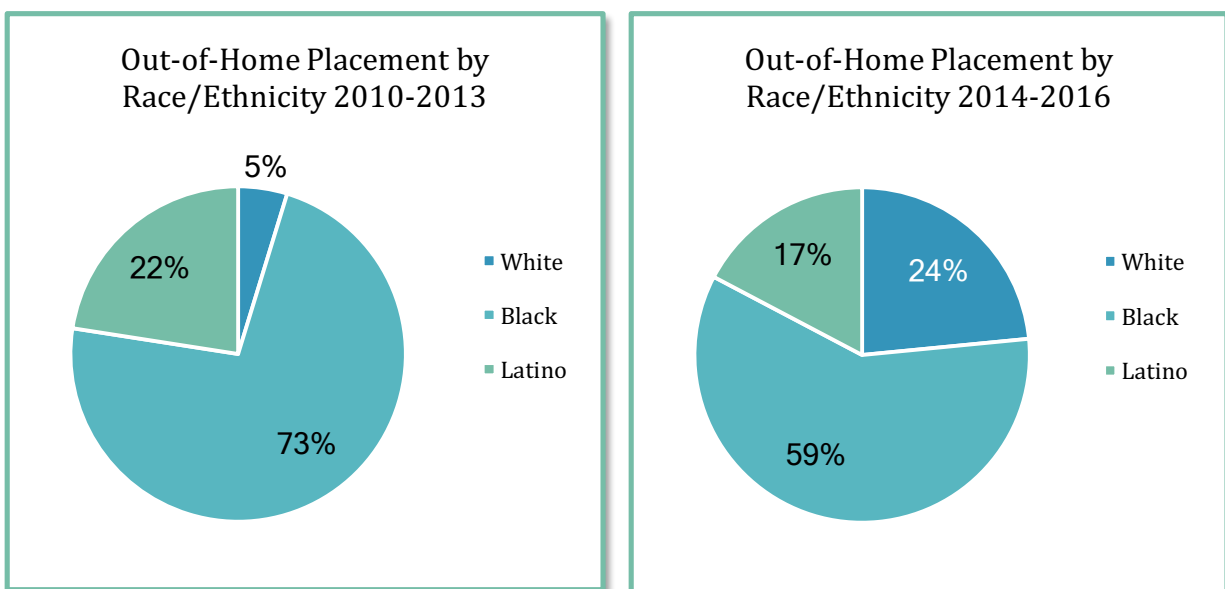
At the same time, there are some important observations to make about racial and ethnic disparities (see Charts 2 and 3, page 5). Going against national trends, the percentage of Black and

<sup>1</sup> The two time periods are different. The first is four years long and the second is three years long. For this reason, this reduction was calculated using the average number of placements per year per time period.

<sup>2</sup> These reductions were calculated using the average number of placements per year per time period.

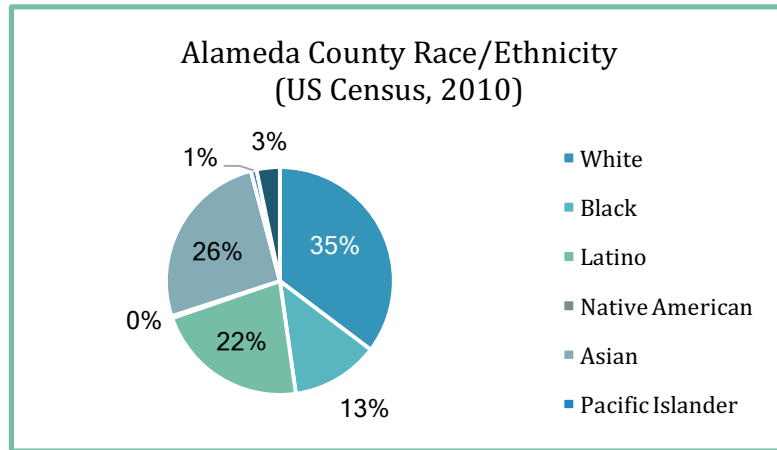
Latino youth in out-of-home placement has *decreased*. In 2010-2013, 73% of out-of-home placements were Black and 22% were Latino. In 2014-2016, the percentage of placements that were black dropped to 59% and the percentage of Latinos dropped to 17%. This is an accomplishment.

Chart 2 and 3: Out-of-Home Placement by Race/Ethnicity



At the same time, some disparities do remain. Data from the 2010 Census reveals that the racial/ethnic makeup of Alameda County is 35% White, 13% Black, and 22% Latino. With 59% of youth removed from the home being Black, disproportionality for this group is still a large concern.

Chart 4: Alameda County Race/Ethnicity Demographics

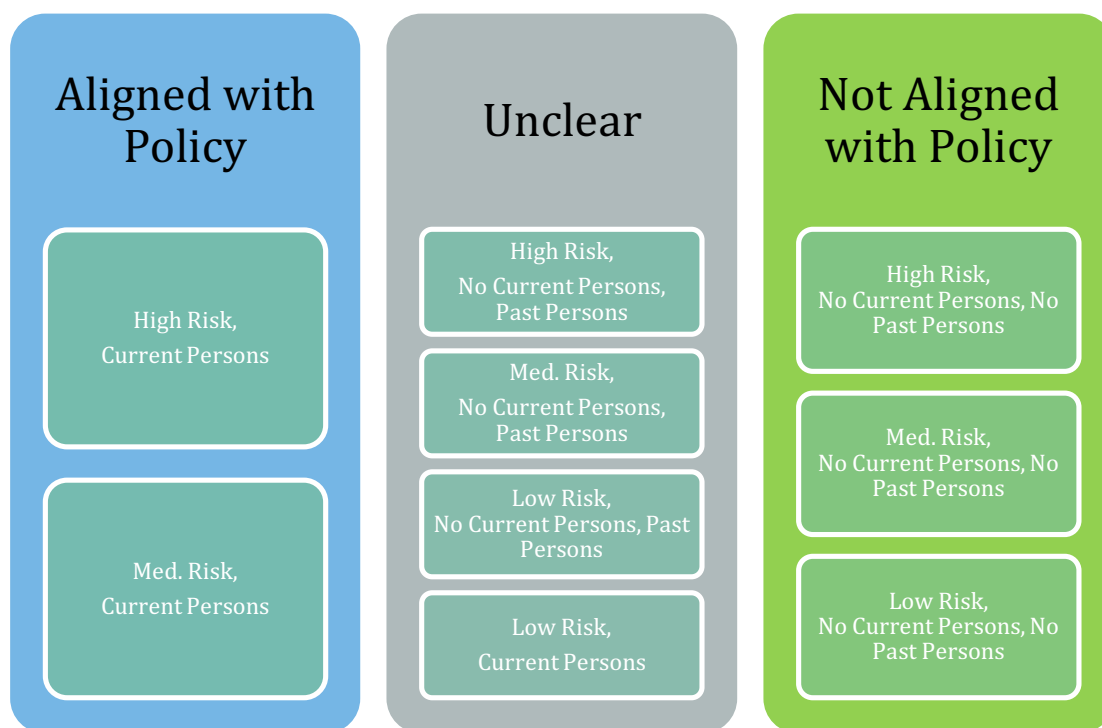


#### FINDINGS: CRIMINAL HISTORY

Given the importance of only placing youth who are a threat to public safety, we examined the role of criminal history in placement decisions. We created the coding matrix below. We categorized placements for youth who were high and medium risk with current violent persons charges as “aligned with policy.” We categorized all placements of youth with no current or past violent charge as “not aligned with policy.” And we categorized other placements such as high risk youth with no current violent persons charge, but a past violent persons charge as “unclear.”



The grid below illustrates the complete list of how cases were categorized:



Comparing data between the two time periods (see Charts 5 and 6, page 7), we see that practice with regard to placement has seen huge improvements. The *proportion* of “aligned with policy” (blue) has stayed about the same, moving from 23% to 25%. At the same time, the “unclear” category (grey) has increased from 30% to 42% and the “not aligned with policy” (bright green) has been sharply reduced from 47% to 33%.

Charts 5 and 6: Out-of-Home Placement Practice Over Time



The *magnitude* of these changes helps to gauge how large the scale of continued improvements need to be. In 2010-2013, there were 256 cases that we categorized as “unclear” compared with 59 cases in 2014-2016. In 2010-2013, there were 402 cases that we categorized as “not aligned with policy,” compared with 46 in 2014-2016. These trends represent huge reductions in caseloads—63% and 85% respectively.<sup>3</sup> Moreover, there are a manageable number of cases to continue to review and consider improving practice for: At the current rate, there would be about 105 cases over three years.

### FINDINGS: INTERVIEWS

In the interest of continued practice improvement, we interviewed staff to document successes and challenges experienced over the past three years. The staff that we interviewed have extensive experience in this field, with an average of more than 10 years on the job working with juvenile probation and/or detention (ranging from 3 years to 25 years). Most come from the Alameda County Probation Department, but some come from partnering community-based service providers.

All staff interviewed were aware that the numbers of out-of-home placements had decreased significantly in the past several years. Most stated that they were aware of this trend from their own observations (i.e. not as a result of any particular report or data being disseminated). When asked what factors they thought precipitated this decrease, one of the most common responses pointed to relatively recent state-level legislative changes discouraging out-of-home placements. Specifically mentioned were AB403, Title 4e, and more emphasis placed on wraparound services. At least one of these legislative changes were brought up by more than half of the interviewees.

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<sup>3</sup> These reductions were calculated by taking an average number of placement per year for each time period.

While state-level legal shifts may have provided the financial support and legal requirements for making changes in practice, the most salient factor appeared to be departmental shifts. Almost every single interviewee identified at least one department-level shift that they felt led to the decrease of out-of-home placements. The most frequently-mentioned had to do with changes in departmental priorities, most often attributed to the then-Chief of Probation. About half of the interviewees mentioned trainings and monthly staff meetings focused on the changes in policy and practice. Several also mentioned the importance of research in realizing that placement does not benefit youth as intended and actually hinders their successful transition to adulthood in many cases.

Several specifically referred to research demonstrating that out-of-home placements longer than 6 months are detrimental to youth. Along these same lines, several interviewees also referred to new juvenile court judges who are much more “progressive... [and] less likely to order placement” (ACPD Interviewee, 6 years in field).

A few others noted additional factors as well: the ability of the department to offer wraparound services and services to the entire family; and better collaboration between Probation, community-based organizations and school districts.

When asked what areas they felt ACPD should prioritize for continued improvement, suggestions ranged from immediate, practical improvements such as a better electronic case management system (suggested by two interviewees), to mid-level departmental changes such as making sure all policies were up to date and reflect current improved practices, to much larger, macro-level structural changes such as addressing gentrification in East Oakland. Overall, most suggestions were in the mid-level range.

## PRIORITIES

“We [ACPD] need increased funding to help identify foster families. Social Services has always had a pool of foster families, but probation has never had that.

Take, for example, a 16-year-old who can’t go home (for example, if they’ve victimized a sibling, or if there’s no one to take care of them) – we don’t want to do group homes, but how do we identify foster families willing to work with probation youth? Social Services and the state hasn’t really thought that through.”

- ACPD Staff, 10+ years in field

Several respondents noted the lack of appropriate foster families for youth on probation; it appears that youth placed through Social Services have a larger pool of potential foster families than youth placed through probation. Other respondents focused more on delinquency prevention, and on increasing family support and wraparound services, especially those focused on mental health.

Because racial/ethnic disparities (RED) persisted despite reductions in overall numbers, interviewees were asked specifically about their suggestions as to how their department/agencies could reduce these disparities. The vast majority of staff expressed concern about the issue, but also shared varying levels of frustration as they attributed RED within their own departments to RED occurring at prior stages in the system and in society in general. In fact, half of the interviewees suggested that until RED and structural inequalities change in society, there probably wouldn't be any real reductions in RED at their departmental level. Half of respondents pointed specifically to RED in law enforcement and the courts as precipitating factors.

We also asked staff if they could think of a situation where a low-risk youth with no current or past persons offenses (a case characterized as "Probably Bad Practice") would legitimately be placed out-of-home. While several issues were brought up – severe mental health issues, unsafe to go home because of the threat of gang retaliation, etc. – the vast majority of interviewees pointed to situations where there were literally no appropriate and/or willing relative with whom the youth could be placed.


As the quote to the right suggests, several staff expressed concerns that youth may be better served through Social Services, rather than probation. However, Alameda County does not have dual jurisdiction; i.e. youth have to be served

## WHY PLACE LOW-RISK, NON-VIOLENT YOUTH OUT-OF- HOME?

"The only thing that comes to mind is if there's a youth who has no parents, no relatives, no other people to care for them. But then, should this be a social services kid? Maybe there's not a reason to send them away...

But now I'm thinking it may be better to take the matter back to court and have discussions about whether probation or social services would be the better approach, otherwise we'd be criminalizing someone because their parents don't have it together."

- ACPD Staff, in field 3 years



either through Probation or Social Services, not both. This presents challenges when youth have complex needs and families are not able to properly care for and supervise them.

## FINDINGS: CASE STUDIES

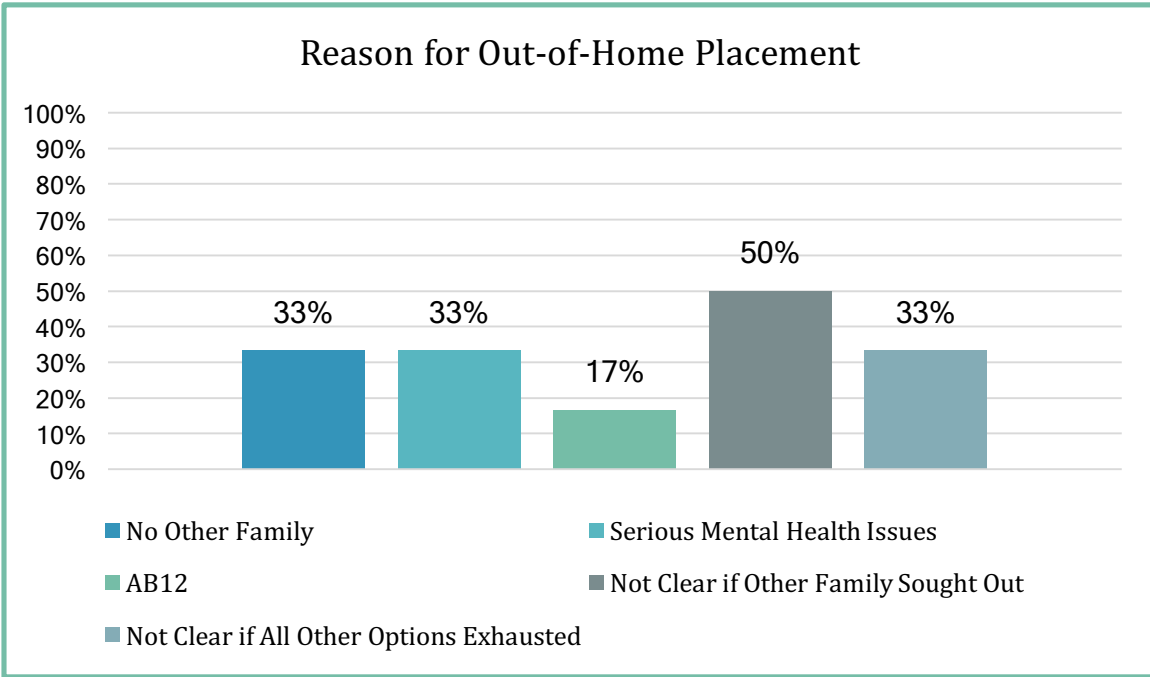
In order to further understand “probably bad practice” and, more specifically why low-risk, non-violent youth were placed out-of-home, we randomly selected 12 cases to review in detail. Because we already knew that many changes in policy and practice had taken place since 2010, we limited eligibility to cases where out-of-home placement decisions were made in 2015 or later. In this way, we hoped to get more accurate information regarding current practices.

These cases generally revealed complex situations where youth and their families had high levels of need. In 4 out of 12 cases, the youth demonstrated serious mental health issues (including hallucinations, psychosis, bi-polar disorder, and suicide ideation and attempts). In these situations, families were clearly overwhelmed and often felt that they were unable to keep their children safe. In 4 cases, clear attempts were made to locate appropriate and willing family members but were unable to do so.

In 2 cases, decisions were made based on eligibility for transitional services and resources based on AB12. This legislation allows for extended foster care services to be provided to youth who “age out” of the system. However, this precludes their going/staying home, as they would no longer be in foster care. It should be noted that these situations were observed infrequently, and only in situations where youth were a matter of months away from their 18<sup>th</sup> birthday (i.e. only in situations where they would be placed out-of-home for a few months). It does appear that these decisions were made in collaboration with the youth. It should also be noted that in one case, a youth declined AB12-eligible services because she wanted to be at home with her family.

Nevertheless, there were also many cases where it was not clear if other family members were sought out and/or that all other options were exhausted. Chart 7 below demonstrates the factors that appeared to play the most significant role in placing these youth out-of-home. Please note that the percentages will add up to more than 100%, as multiple factors were sometimes present in individual cases.

Chart 7: Reason for Out-of-Home Placement



# Conclusion

## SUMMARY OF FINDINGS

Alameda County has achieved huge reductions in out-of-home placement within their probation department under the leadership of Chief Wendy Still. In summary there was a(n):

- 83% reduction in out-of-home placements between the two time periods studied. This represents a drop from 846 placements over four years to 140 youth over three years.
- reduction in race/ethnic disparities. In 2010-2013, 73% of out-of-home placements were Black and 22% were Latino. In 2014-2016, the percentage of placements that were black dropped to 59% and the percentage of Latinos dropped to 17%. This is an accomplishment that goes against national trends in justice reform.
- improvement in practice. Following state law and recommended practice under the Alameda County System Improvement Plan, we categorized placements as “aligned with policy” if the youth was high or medium risk and had committed a violent crime; “not aligned with policy” if there was no violent crime in the young person’s history; and “unclear” if the youth was high or medium risk with a past violent crime. Using this scheme, we saw that the *proportion* of placements that were “aligned with policy” has stayed about the same, moving from 23% to 25%. At the same time, the “unclear” category has increased from 30% to 42% and the placements that were “not aligned with policy” have been sharply reduced from 47% to 33%.

These reforms help place Alameda rates of institutional placement below state average. On average, 21.3 youth per 1000 youth in the justice system are served while they are home while 3.2 youth per 1000 are sent to institutional placements. In contrast, 13.3 youth per 1000 in Alameda are placed at home and 1.6 per 1000 are sent to institutional placements—about half the state average (Wong and Ridolfi, 2018).

At the same time:

- there were an increased proportion of girls who removed from their home over the study period
- an ongoing disproportionate number of Black youth who were removed from their home
- while Alameda has one of the lowest rates of youth on in-home probation in the state, there are still fourteen counties with lower institutional placement rates (Wong and Ridolfi, 2018).



## REASONS FOR REDUCTIONS

Interviews with staff suggest that these successes were achieved because:


- State legislation began placing an emphasis on in-home placements and wrap around services.
- The County adopted a System Improvement Plan that specifically called for youth to be placed in the least restrictive and most family-like environment. The SIP also provided support for enhanced family finding efforts.
- The department began to analyze out-of-home placement data and developed a draft decision grid that was discussed but never formally adopted.
- Under the leadership of Chief Still, the department trained staff on the negative impact of out-of-home placement on youth.
- Under the leadership of Chief Still, the department also increased resources for wrap-around services and collaborations with community-based providers and schools.

## RECOMMENDATIONS

Given these findings, we have the following recommendations to the ACPD in order to continue improving outcomes for youth.

- The multi-disciplinary team reviewing out-of-home placements should consider documenting trends for girls. Research from California Counties shows that 50% of girls in secure facilities are lesbian, gay, bisexual, questioning, gender nonconforming or transgender (LGBQ/GNCT) --and 90% of these girls are of color (Irvine, Wilber, and Canfield, 2017). Collecting data on sexual orientation, gender identity, and gender expression (SOGIE) will help the department determine if these increases are particularly acute for LBQ/GNCT girls of color.
- The multi-disciplinary team should also pay special attention to youth with mental health needs. Low risk youth with mental health needs should not be removed from their home. The county can, instead, improve community-based mental health services so young people can stay in family-like environments. It is also important to think of culturally affirming mental health services for youth of color. One possible resource is Reclaiming Futures, a national network of counties that specifically working to improve behavioral health services for youth of color in the justice system.
- ACPD and child welfare should work together to further improve family finding, particularly for Black youth.
- The county as a whole could better serve their youth by pursuing the creation of dual jurisdiction regulations.





The population that is being placed outside of their homes in ways that are not aligned with state and county policy is small. At the current rate, we would expect 105 youth over three years—less than 35 young people each year. This is a manageable number of youth to focus on and reduce even further.

The county has come a long way. As the state legislative landscape continues to change, placing even more emphasis on in-home placements and wrap-around services, the reforms that the department has put in place will probably also reduce placement for high and medium risk youth with violent charges—the youth whose placements are currently aligned with policy and practice. We are confident that the county will be able to achieve these successes and hope Alameda can become a model for other counties across the state and country.

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## Appendix A: Interview Protocol

### Questions:

- What is your position/title?
- How long have you been in your position?
- Prior to being contacted about the interview, were you aware of the reductions in OOH placements in Alameda County?
- Highlight the successes that we've seen to date
  - Reference what we've sent very quickly
- What do you think are the reasons for the success?
- What areas would you prioritize in terms of making further improvements?
- Can you think of a scenario where a "red bucket" youth would be placed OOH, legitimately?
- But we do see ongoing racial/ethnic disparities
- What can the department do to address the racial/ethnic disparities that still exist?

### Notes:

- For 3 leads (Carissa, Stacey, Esa)
  - Add Q re: was the placement grid ever used? By whom/ what level of staff?