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Report Update

**The California Miracle:
Drastically Reduced Youth Incarceration, Drastically Reduced
Youth Crime**

by

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I. Summary of Findings

In a previous report,¹ the Center on Juvenile and Criminal Justice's (CJCJ) analysis found that large decreases in the imprisonment of California youth in the State's of Division of Juvenile Facilities² were followed by large declines in youth crime through 2004, while large increases in adult imprisonment were followed by increases, in adult crime. These findings directly challenged prevailing "incapacitation" assumptions that more imprisonment leads to less crime. To read "*Testing Incapacitation Theory: Youth Crime and Incarceration in California*" visit: http://www.cjcj.org/files/testing_incapacitation.pdf. This updated analysis confirms the findings of the CJCJ 2006 report. CJCJ analysis of current trends in California juvenile incarceration found :

- The rate of juvenile incarceration in California between 1980 and 2010, fell by 80 percent. As of 2010, just 33 in every 100,000 California youth age 10-17 were being confined in state correctional facilities. This represents the lowest recorded youth commitment rate in California history.
- Despite the unprecedented declines in youth incarceration in California the juvenile violent crime rate fell by 39 percent and the juvenile felony rate fell by 60 percent during the period (1980 through 2009).
- While in 1980, California youth age 10-17 had considerably *higher* felony and violent crime arrest rates and were *more* likely to be imprisoned than adults age 18-69, today youth age 10-17 are just *one-twentieth* as likely to be imprisoned as adults and have substantially *lower* rates of violent and felony arrest.
- California's current juvenile crime rates, including youth arrested for homicide, violent crime, and property crime, are among the lowest ever recorded . Today, a California teenager is less likely to be arrested for a felony than a teenager in 1955.
- Meanwhile, California's per-capita adult imprisonment rate has increased four-fold since 1980. Despite a 400 percent increase in adult imprisonment rates, the adult violent crime rates stayed virtually the same.
- The period of greatest imprisonment increases for both juveniles and adult, 1980-1995, coincided with generally increased violent crime, while the period of greatest declines in imprisonment, 1995-2009, coincided with large declines in violent crime for all ages.
- The three counties with the highest overall rates of juvenile incarceration (Madera, Lassen, and Tehama) lock up youths in state and local facilities at 9 times the rate of the lowest-incarceration counties (Calaveras, Tuolumne, Santa Cruz, and Marin).
- The 4 counties which showed increases in youth incarceration from 2005 to 2008 all experienced increased rates of violent crime among youth; 3 of the 4 counties (Butte, Marin, and Yolo) with the biggest drops in incarceration saw violence declines. Overall, there is no relationship between youth incarceration and youth crime rates or trends.

¹ Mike Males, Dan Macallair, Megan Doyle Corcoran, "Testing Incapacitation Theory: Youth Crime and Incarceration in California," Center on Juvenile and Criminal Justice, July 2006. At: http://www.cjcj.org/files/testing_incapacitation.pdf

² "The 2005 reorganization of the Youth and Adult Correctional Agency into the California Department of Corrections and Rehabilitation created the Divisions of Juvenile Facilities, Programs and Parole reporting to a chief deputy secretary of juvenile justice. Many commonly refer to these divisions as the division of juvenile justice or DJJ and this is how it is listed on the CDCR Web site and on other official documents. [...] The reorganization legislation provided that all references to the California Youth Authority in the dozens of code sections that were to be amended as part of the legislation now refer to the CDCR Division of Juvenile Facilities." LITTLE HOOVER COMMISSION, JUVENILE JUSTICE REFORM: REALIGNING RESPONSIBILITIES 10 (Little Hoover Commission Jul. 2008).

II. Introduction

For much of the past three decades, policies emphasizing incapacitation have dominated California criminal and juvenile justice policy. In 1977, the passage of the Determinate Sentencing Act eliminated rehabilitation as a sentencing goal in the adult context.³ The State government adopted determinate sentencing with the approval of both political parties who found the previous system unfair, unreliable, and lenient. With determinate sentencing, the public could be assured that offenders would be placed behind bars for a definite period of time, regardless of any treatment or education undertaken during incarceration. Rehabilitation, thus, became an issue of little importance in the adult context.

In contrast, the stated purpose of California's juvenile justice system has long been the protection of the public through the correction and rehabilitation of young offenders.⁴ Despite this intent, the prevailing policy trend initiated by the 1977 Act resulted in increased juvenile incarceration and transfers to adult court. The increased reliance on institutionalization after 1977, coupled with the dreadful conditions and lack of treatment opportunities in DJF institutions, created a system that seems more interested in subjecting juveniles to punitive adult sentencing practices rather than rehabilitative programming.⁵

The State of California is struggling to improve the myriad deficiencies of DJF institutions. In 2003, the Prison Law Office filed *Farrell v. Harper* (now referred to as *Farrell v. Cate*), a taxpayer suit against the director of the then CYA, complaining that taxpayer funds should not be used to "further the illegal conditions that exist in the CYA."⁶ By November 19, 2004, the parties agreed to a consent decree to guide remedial action responding to the problems of the juvenile justice institutions. The court-monitored consent decree and subsequent stipulations pursuant to the settlement of the *Farrell* case requires improvements to be made to DJF facilities in the provision of educational, medical care, disabilities accommodation, and sexual behavior treatment.⁷

Six years later the system continues to struggle and progress on major reforms, remains frustratingly slow. The state has shown little capacity to implement major reforms. Among the most essential reforms is the creation of an Integrated Behavioral Treatment Model (IBTM) that represents an approach to institutional care that stresses rehabilitation and reduces the emphasis on custodial care. The cost of incarceration per ward; however, has been estimated to be as high of \$228,715 a year for each of the 1,400 youths in its custody.⁸ The continued reliance on institutionalization is not in the best interests of juvenile offenders, and indeed, as this report indicates, incapacitation of these offenders may not serve the purpose of keeping crime rates down.

³ In 1977, California adopted the Uniform Determinate Sentencing Act at California Penal Code section 1170. It was hailed as a solution to rampant disparities in sentencing and also removed much discretion from judges by requiring uniform sentences for the same offenses committed under similar circumstances.

⁴ Welfare & Institutions Code sec. 1700 describes the purpose of juvenile justice as follows: "to protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses."

⁵ See *Farrell v. Hickman*, Sup. Ct. of Cal., County of Alameda, Case No. RG03079344, Consent Decree (Nov. 19, 2004).

⁶ *Farrell v. Hickman*, Amended Complaint for Injunctive and Declaratory Relief (Sept. 23, 2003).

⁷ *Farrell v. Hickman*, Consent Decree (Nov. 19, 2004).

⁸ Department of Finance. (2009). Corrections and Rehabilitation. 5225 Department of Corrections and Rehabilitation California Budget 2009-10. Sacramento, CA: State of California, Department of Finance.

With serious problems plaguing California’s juvenile justice system, the efficacy of incapacitating juveniles in the DJF correctional facilities must be reexamined. California’s youth incarceration patterns offer an opportunity to again analyze the validity of incapacitation theory using the latest 2009 and 2010 data. Under incapacitation theory, counties with higher and increasing youth incarceration rates would be expected to experience lower rates of and accelerated reductions in juvenile crime. Failure to demonstrate reduced crime rates through higher levels of juvenile incarceration calls incapacitation theory into serious question as an effective youth crime reduction strategy. This study will examine California’s juvenile incarceration and crime trends over the past five decades, with special attention to recent trends. In addition to statewide trends, county-by-county youth incarceration practices and crime patterns are examined to determine differential outcomes between high incarceration and low incarceration counties.

III. Incapacitation Theory and Practice in California

Incapacitation theory argues that reductions in crime rates are achieved through higher imprisonment rates since the offender cannot commit new crimes while incarcerated.⁹ The theory is premised on the existence of a small but identifiable number of offenders who can be imprisoned and isolated from the rest of society.¹⁰ The success of incapacitation theory remains a question for consideration. While advocates of the theory argue that decreased crime rates generally follow increased imprisonment rates, simple cause-effect claims have been called into question and the reasons behind fluctuations in crime rates remain unknown.

California’s youth incarceration trends for the past two decades offer a rare opportunity to examine the impact of incapacitation theory. Like most of the nation in recent years, California has passed a number of statutes designed to promote higher rates of youth imprisonment, a strategy akin to throwing a net over more juvenile offenders for prolonged periods of time. Juvenile justice policy relies on incapacitation theory to justify this strategy.

Name of Legislation	Year	Description
AB 560 ¹¹	1994	Age of eligible adult court transfer was lowered from 16 to 14-years-old
Proposition 184 ¹²	1994	Requires enhanced sentences for second and third offenses following any serious or violent felony conviction.
Proposition 21 ¹³	2000	Reduced judicial discretion, giving prosecutors more authority, and increased the number of offenders eligible for remand

⁹ Todd Clear and George Cole, *American Corrections* (Wadsworth Publishing Company 2000) (hereinafter Clear and Cole). See also Edwin Zedlewski, “Making Confinement Decisions,” National Institute of Justice, Washington, D.C. (1987) arguing that incarceration is a cost effective means of controlling crime.

¹⁰ Peter W. Greenwood, *Selective Incapacitation* (RAND 1982) (hereinafter Greenwood).

¹¹ In 1994, the California legislature passed AB 560 amended Welfare and Institutions Code 707 to allow the transfer of offenders age 16 and over to adult court.

¹² On March 7, 1994, the Three Strikes law became effective in California via legislative enactment of AB 971, codified as California Penal Code 667. It was also adopted by the people of California through the initiative process as Proposition 184 in November 1994. As such, it cannot be reformed without the approval of a supermajority of the California legislature.

¹³ Proposition 21 passed on March 7, 2000 with 62% of the vote. It increased punishment for gang-related felonies, required that more juvenile offenders are tried in adult court and expanded the list of offenses for which longer prison sentences would be imposed.

Although increased imprisonment is often heralded by incarceration proponents as the reason for the state's declining crime rates,¹⁴ careful analysis dispels this claim. From 1980 to its 1998 peak, California's per-capita adult imprisonment rate increased more than five-fold, from 137 per 100,000 residents to 740 per 100,000 residents.¹⁵ During that same period, the state's violent crime arrest rate, including both juveniles and adults, rose by 40%, and the overall felony rate rose by 16%.¹⁶ Then, from 1998 to 2009, the state's imprisonment rate fell by 83% for juveniles and leveled off for adults, and the state's violent crime rate fell by 35% and the felony rate by 30%.

Those who favor incapacitation theory - predict that increased imprisonment - results in reduced crime. However, when statistics are examined in detail for various time periods, age groups, and locales, this simple relationship is not supported.

Table 1.
California youth and adult rates of arrest for violent crime and imprisonment rates, per 100,000 population by age, 1970-2009

Year	Youth age 10-17			Adults ages 18-69		
	Violent crime arrest rate	Felony rate	Imprisonment rate	Violent crime arrest rate	Felony rate	Imprisonment rate
1970	310.6	3,301.4	195.0	324.4	1,742.0	161.1
1975	551.0	3,970.2	143.0	378.3	1,910.0	116.1
1980	555.6	3,193.7	170.0	435.8	1,742.4	137.3
1985	394.8	2,367.1	214.0	379.9	1,944.1	275.9
1990	641.9	2,839.3	251.6	651.6	2,446.0	473.8
1995	596.2	2,316.4	263.3	644.8	2,280.2	642.2
2000	407.5	1,567.3	179.2	512.7	1,785.4	712.6
2005	337.3	1,323.4	68.4	456.6	1,978.5	679.1
2010			33.1			632.9
<u>Change</u>						
1980-1995	+ 7%	-27%	+48%	-+48%	+31%	+368%
1995-2009	-43%	-44%	-87%	-36%	-31%	-1%

(Sources: Compiled by authors from Division of Juvenile Justice, Criminal Justice Statistics Center, and Demographic Research Unit (Footnotes 15, 20, 21). Numbers for 2010 represent rate to June 2010. Arrests for 2010 not available at this writing.)

In fact, California's overall reduction in crime masks contradictory trends when considered by age and year. Imprisonment rates for juveniles rose modestly and peaked in 1989, with a secondary peak in 1996, before a massive decline occurred through 2010. Meanwhile, adult imprisonment rates peaked in 1998 and then fell by 14% through 2010. As Table 1 shows, for both teens and adults, periods of massive increases in imprisonment in the 1980s and early to mid-1990s were followed by considerable *increases* in violent crime and felony rates, while declines in imprisonment during the late 1990s and 2000s were followed by large declines in violence and felonies among all ages.¹⁷ Further reinforcing this pattern is the fact that the age group from 40 through 59 experienced the greatest increase in imprisonment rates, at 1,200 percent since 1980, and also posted the greatest increase in felony rates, up

¹⁴ Clear and Cole. *See also*, Greenwood.

¹⁵ Cal. Dept of Corrections and Rehabilitation, Population Reports and Statistics (1960-2010), available at http://www.corr.ca.gov/CDC/rep_stats.asp (*hereinafter* Cal. Dept. Corrections Population Reports). *See also*, California Dept. of Justice, *Crime & Delinquency in California* (1965-2008).

¹⁶ Cal. Dept. of Corrections and Rehabilitation Population Reports (1960-2010). This rate includes all felony arrests for ages 10-69.

¹⁷ Cal. Dept. of Justice, *Crime & Delinquency in California* (2009). This rate includes felony arrests for ages 18-69.

200 percent from the 1980 levels. In 1980, adults ages 40 through 59 experienced a felony arrest rate of 454 per 100,000 population, while the individuals in that age range in 2008 were arrested for felonies at a rate of 1,065 per 100,000.¹⁸ Contrary to incapacitation theory, taking vastly larger numbers of adult felons off the streets and putting them behind bars did not reduce serious crime rates among adults, especially those in middle age. In fact, the opposite has occurred.

Meanwhile, California youth incarceration trends and felony arrest rates during this same period reveal the opposite pattern, one that also directly counters incapacitation theory. While the adult imprisonment rate was expanding, youth incarceration rates in California plunged to record lows (see Table 1). Between 1980 and 2010, the rate of juvenile incarceration in California fell by nearly 80 percent. In 1980, juveniles were imprisoned at a rate of 170 per 100,000 youths. By 2010, that number had decreased to 33 imprisonments per 100,000 youths. Despite the presence of fewer youth behind bars, the juvenile felony rates dropped in the same period by 60 percent, from 3,194 arrests per 100,000 youths in 1980 to 1,290 arrests per 100,000 youths in 2009. This reduction included a sharp decline in arrests for violent crime.

These trends were quite surprising. Prior to 1982, juveniles ages 10 through 17 were 20 to 25 percent *more* likely to be imprisoned than adults. In 1982, the imprisonment rate of adults suddenly surpassed that of juveniles, and that trend has continued.¹⁹ Today, youth are *one-twentieth* as likely to be imprisoned in a state facility compared to adults.²⁰ According to incapacitation theory, California's enormous decline in youth imprisonment should have resulted in more criminal youth on the streets, and more juvenile offending and violence. Similarly, the rapid increase in adult incarceration following 1983 should have removed criminal adults from the public domain, resulting in lower rates of adult offending and violence.

In reality, the opposite has transpired. Compared to their respective levels 30 years ago, violent felony arrest rates for California's youth ages 10-17 are 39 percent lower as of the latest report released by the Criminal Justice Statistics Center in 2009.²¹ Over the same period, violent felony arrests for adults stayed virtually the same (Table 1).²² Teen violence rates, higher than adult violence rates 30 to 40 years ago, are considerably lower than adult rates today. Overall, youth felony arrests have dropped 60 percent over the last three decades and now stand at their lowest level since 1955.

California's youth incarceration patterns offer an opportunity to analyze the validity of incapacitation theory as it applies to young people. Under incapacitation theory, counties with higher and rising youth incarceration rates are expected to experience accelerated reductions in juvenile crime. Failure to

¹⁸ Cal. Dept of Corrections and Rehabilitation, *California Prisoners & Parolees*, Table 15 (2009). See also Cal. Dept. of Justice, Criminal Justice Statistics Center, *Crime and Delinquency in California*, 1980-2009 and supplement.

¹⁹ *Id.*

²⁰ *Id.* See also, First Commitments 1990-2001, 1994-2005, data compiled by CYA Research Division, Ward Information and Research Bureau, available at <http://www.cdcr.ca.gov/ReportsResearch/commitments.html>. Monthly reports on ward characteristics are available as of this writing through May 2010.

²¹ Demographic Research Unit, Data Files (1970-1990, 1990-1999, 2000-2004, 2005-2009, 2010), California Department of Finance, available at http://www.dof.ca.gov/HTML/DEMOGRAP/DRU_datafiles/DRU_DataFiles.htm. Information obtained in files was used in Tables 1-6. See also Cal. Dept. of Justice, Criminal Justice Statistics Center, *Crime & Delinquency 1970-2008*, and supplement (2008) available at <http://ag.ca.gov/cjsc/index.htm>.

²² *Id.*

demonstrate reduced crime rates through higher levels of juvenile incarceration calls incapacitation theory into serious question as an effective youth crime reduction strategy.

IV. Statewide Juvenile Crime Trends

California’s current juvenile crime rates, including youth arrested for homicide, violent crime, and property crime, are among the lowest recorded since 1955.²³ After 1994, juvenile felony arrests began a steady and inexorable decline, reaching a 40-year low by 2004. After a moderate increase through 2007, the number of juvenile felony arrests fell again in 2008 and 2009 to below the average number of juvenile arrests in 1960. For youth aged 10 through 17-years-old there were only 1,290 juvenile felony arrests per 100,000 recorded in 2009; however, in 1960-1964 the arrest rate was 1,650 (See Table 2). Over the last 15 years, the violent felony arrest rate for juveniles has decreased by 42 percent, and total felony arrest rates have fallen by 49 percent.

Table 2. Arrests per 100,000 population, ages 10-17, 1960-2009

Years	Homicide	Violent	Property	Felonies
1960-64	5.1	184.7	1,392.8	1,649.6
1965-69	6.2	245.5	1,766.9	2,643.9
1970-74	9.0	420.0	1,925.6	3,548.0
1975-79	10.7	525.7	2,263.2	3,403.4
1980-84	12.9	460.3	1,758.3	2,683.7
1985-89	11.7	438.6	1,538.0	2,533.8
1990-94	18.5	627.6	1,534.3	2,701.7
1994-99	9.2	543.1	1,059.7	2,089.9
2000-04	4.2	377.3	651.3	1,437.8
2005-09	4.6	362.1	532.9	1,368.8

(Sources: Compiled by authors from Division of Juvenile Justice, Criminal Justice Statistics Center, and Demographic Research Unit. (Footnotes 15, 20, 21))

V. Statewide DJF Commitment Trend Analysis

Commitments to California state youth correctional facilities are at their lowest levels in at least five decades even as the state’s youth population more than doubled during this period.²⁴ As of June 2010, the average daily population in DJF facilities was 1,477.²⁵ In 1959, the average daily population was 4,279.²⁶ On a per capita basis, the 1959 population of incarcerated youth was more than six times greater than the same population in 2010. Over the last 15 years, DJF’s new admissions and population dropped by 85%, the fastest decline in its six-decade history (see Tables 2 and 3). DJF commitments over the last 12 years decreased in every category, including by gender, race, and offense.

²³ Data compiled from Division of Juvenile Justice, California Department of Corrections and Rehabilitation, “Characteristics of First Admissions: 1959-2001,” “A Comparison of First Commitment Characteristics: 1994-2005,” “Population Movement Summary,” December 2009, June 2010.

²⁴ Between 1959 and 2010, California’s youth population ages 10-17 increased from 2.1 million to 4.5 million. See supra fn 25.

“Characteristics of First Admissions”: 1959-2001, 1994-2005, monthly reports through June 2010.

²⁵ Cal. Dept. of Corrections and Rehabilitation, Division of Juvenile Justice 2008, 2009, 2010. Information gathered by phone call to DJJ on June 16, 2006.

²⁶ *Id.*

The unprecedented population decline in the state’s juvenile correctional institutions as of 2010 is further reflected in commitments per 100,000 youth. In 1959, juvenile courts across the state committed youths to correctional institutions at a rate of 213 per 100,000.²⁷ This rate fell to 131 youths per 100,000 by 1973, and then rose to 285 youths per 100,000 in 1988. Following this peak, the rate began a decline that accelerated after 1995. As of May 31, 2010, the commitment rate to California youth correctional institutions was 33 per 100,000. This represents the lowest recorded commitment rate in California history. Table 3 details the number and rate of youth incarcerated by DJF institutions from 1959 through June 2010.

It is important to recognize that in August 2007 California ushered in the most sweeping juvenile justice reform legislation when Governor Schwarzenegger signed Senate Bill 81.²⁸ The historic legislation represents an unprecedented restructuring of the existing system in which county commitments to the DJF are limited to youths who commit only the most serious offenses and counties are provided a subsidy to build their organizational and programmatic capacity. As a result, record population reductions in the state’s youth corrections facilities are currently underway.

Table 3. DJF commitment rate per 100,000 population by sex & age 10-17, 1959-2010 incarceration Rates

<u>Year</u>	<u>Incarceration rate</u>			<u>DJF facilities</u>
	<u>Total rate</u>	<u>Female rate</u>	<u>Male rate</u>	<u>Average daily population</u>
1959	213.0	60.0	358.0	4,279
1960	227.5	67.8	380.9	4,811
1965	245.9	79.3	406.0	6,778
1970	194.5	44.9	340.8	5,915
1975	142.9	15.4	266.9	4,602
1980	169.9	13.5	319.9	5,179
1985	213.7	22.8	389.0	6,638
1990	251.6	19.2	469.1	8,096
1995	263.3	22.4	487.7	9,674
2000	179.2	18.1	331.6	7,303
2005	68.4	6.4	127.7	3,163
2010	33.0	2.9	61.8	1,477

(Sources: Compiled by authors from Division of Juvenile Justice, and Demographic Research Unit, California Department of Corrections and Rehabilitation, Division of Juvenile Justice [2010]. (Footnotes 15, 20, 21). Numbers for 2010 represent population through June 30.)

²⁷ *Id.*

²⁸ Senate Bill 81, S. 81, Ch. 175, 110th Cong., 1st Sess. (2007). Retrieved April 17, 2009 from http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0051-0100/sb_81_bill_20070824_chaptered.pdf

VI. County DJF Commitment Trends and Crime Rates

California counties exercise wide discretion in establishing commitment policies to state correctional institutions.²⁹ These discretionary policies often reflect practices particular to individual counties. In the juvenile justice context, a county may access a wider variety of options for placement. Certain counties, for instance, prioritize the use of county funded ranch placements or residential facilities.³⁰ Although the trend in nearly all counties evidences a sharp decline in DJF commitment rates, large differences remain with respect to commitment rates based on youth population and arrests.

Table 4 details county juvenile incarceration rates per 1,000 felony arrests in 2008 by type of facility, with non-facility (other) supervision shown separately.^{31,32} In terms of overall juvenile incarceration in various types of facilities, Madera, Lassen, and Tehama counties posted the highest rates among the more populous counties (those with 50 or more felony arrests), incarcerating youth at five to 10 times the rates of Calaveras, Tuolumne, and Santa Cruz counties, which posted the lowest committing rates.

For rates of state DJF commitments per 1,000 juvenile felony arrests, counties ranged from 79 in Kings and 77 in Lassen to none in Calaveras, Marin, and Yolo. No identifiable pattern, whether political ideology, crime rates, or crime changes seems to predict DJF commitment rates by county. The majority of the high committing counties, such as Madera, Kings, Kern, and Fresno, are located in the Central Valley.

In 2008, Kern County, with a youth population of 112,000, had 421 youths in high level confinements. By contrast, San Bernardino County, with 289,000 youths and a similar juvenile felony rate, recorded just 138 youths in high-level confinement. Other, seemingly similar counties show similarly striking juvenile incarceration disparities (see Table 4). Small-population counties, shown at the bottom of the table, experienced more radical and mixed results owing to fluctuations in small numbers.

A second county-by-county analysis of DJF commitment patterns over time shows a decline in virtually all the major counties. In the past decade, all of the 21 largest counties, accounting for over 90 percent of the total youth population, reduced their state juvenile commitment rates per 1,000 juvenile felony arrests by an average of 75 percent.

²⁹ Several California counties have established moratoria preventing commitment to DJJ institutions for a variety of reasons. See Sue Burrell and Jonathon Laba, "Violence Prone Youth Authority Still Fails its Children, its Taxpayers," S.F. Daily Journal, Apr. 26, 2006, Forum Column.

³⁰ In San Francisco, the Board of Supervisors urged judges to refrain from committing youth to DJJ facilities in February 2004, citing the use of cages to "house unruly youth" and failures in mental health, education, health care and discipline. Suzanne Herel, "Supes urge judges not to use CYA," S.F. Chronicle, Feb. 25, 2004 at A-16.

³¹ Division of Juvenile Justice, population reports, 2005, 2008, 2009, op cit. Latest reports linked at DJJ data website, at: http://www.cdcr.ca.gov/Juvenile_Justice/Research_and_Statistics/index.html

³² Corrections Standards Authority, "Online Query - Juvenile Detention Survey," and "Juvenile Detention Profile Survey." Query system provides custom tables for 1999 through 2009, at: <http://www.cdcr.ca.gov/CSA/index.html>

Table 4. Youth felony and violent crime rates, ranked by youth facility incarceration rates, 2008

County	Juvenile rates of incarceration/detention per 1,000 felony arrests by type:					Juvenile crime rates:	
	Total	DJF	Camps	Halls	Other*	Felony	Violent
Counties with 50+ felony arrests in 2008							
Madera	385.7	33.3	185.7	166.7	100.0	1,013.9	241.4
Lassen	384.6	76.9	0.0	307.7	0.0	1,467.7	225.8
Tehama	381.0	23.8	0.0	357.1	0.0	1,155.1	275.0
Humboldt ³³	370.0	30.0	0.0	340.0	110.0	771.9	154.4
Santa Barbara	347.3	28.5	124.2	194.6	0.0	1,259.0	293.6
Kings	344.0	78.7	105.0	160.3	0.0	1,740.7	553.2
Napa	328.5	51.1	0.0	277.4	0.0	881.4	160.8
Glenn	320.8	56.6	0.0	264.2	37.7	1,410.3	266.1
El Dorado	313.6	5.9	76.9	230.8	88.8	793.1	117.3
Kern	312.7	61.2	166.9	84.6	24.9	1,643.6	398.2
Siskiyou	303.0	15.2	0.0	287.9	106.1	1,442.6	327.9
Fresno	301.2	47.0	162.6	91.6	0.0	1,684.9	368.5
San Mateo	297.6	39.1	70.6	187.9	177.8	1,143.4	269.6
Shasta	286.2	39.5	88.8	157.9	62.5	1,448.7	233.5
Nevada	258.8	11.8	0.0	247.1	0.0	821.3	173.9
Monterey	246.9	60.2	58.9	127.8	20.1	1,587.2	366.0
Orange	246.8	19.6	107.0	120.2	14.9	1,130.7	227.1
Lake	244.0	35.7	0.0	208.3	47.6	2,717.1	501.4
Sacramento	235.5	19.6	96.6	119.3	34.8	1,313.0	405.9
Tulare	219.7	51.0	83.5	85.2	115.1	1,870.4	504.6
Contra Costa	217.8	30.0	73.1	114.8	138.9	1,134.9	375.0
Los Angeles	209.4	25.3	92.1	92.0	45.4	1,296.3	380.4
Yolo	208.9	0.0	0.0	208.9	47.4	1,625.4	285.2
Sonoma	206.3	12.9	57.3	136.1	70.2	1,313.5	197.6
Yuba/Sutter	205.5	9.2	70.6	125.8	0.0	1,401.5	322.4
Ventura	199.0	26.5	93.7	78.8	68.0	1,223.3	252.6
Statewide	198.5	26.2	68.4	103.9	42.9	1,410.0	378.2
San Diego	180.9	22.3	63.6	95.0	52.1	1,498.5	459.8
San Luis Obispo	169.6	17.4	0.0	152.2	104.3	896.3	148.1
Alameda	166.7	31.7	31.7	103.3	97.5	1,650.8	577.0
Santa Clara	163.9	13.4	34.7	115.8	49.7	1,520.7	347.7
Mendocino	160.7	13.4	0.0	147.3	0.0	2,379.7	563.1
Merced	158.9	58.5	55.2	45.3	89.4	2,484.8	501.9
Butte	150.1	14.2	0.0	136.0	11.3	1,496.1	373.0
Stanislaus	147.8	27.3	0.0	120.5	54.6	1,396.1	357.6
San Bernardino	137.6	26.6	5.0	106.0	0.0	1,513.1	413.3
Riverside	130.5	25.3	29.4	75.8	6.3	1,254.2	270.2
Imperial	129.2	8.3	0.0	120.8	29.2	1,108.7	314.1
San Joaquin	127.9	17.9	20.5	89.5	65.3	1,892.8	603.7
San Benito	125.9	7.0	0.0	118.9	42.0	1,743.5	378.0
Solano	110.4	9.7	24.7	76.0	26.5	2,223.5	636.4
Placer	104.2	7.3	0.0	96.9	76.8	1,330.0	199.4
San Francisco	101.9	4.3	9.3	88.3	0.0	3,469.8	1,374.1
Marin	81.8	0.0	0.0	81.8	18.9	1,346.2	270.9
Santa Cruz	69.0	12.6	0.0	56.5	10.5	1,918.4	413.4
Tuolumne	18.2	18.2	0.0	0.0	45.5	2,233.0	243.6
Calaveras	0.0	0.0	0.0	0.0	0.0	1,549.5	426.7

³³ Humboldt County retains a unique post disposition mental health program for youths in its juvenile hall. This may skew its detention rates as currently measured by the Corrections Standards Authority.

County	Juvenile rates of incarceration/detention per 1,000 felony arrests by type:					Juvenile crime rates:	
	Total	DJF	Camps	Halls	Other*	Felony	Violent
Counties with fewer than 50 felony arrests in 2008							
Colusa*	2,608.7	43.5	2,565.2	0.0	0.0	786.9	171.1
Del Norte	2,473.7	0.0	1,473.7	1,000.0	0.0	630.2	265.3
Trinity	1,250.0	62.5	375.0	812.5	0.0	1,056.8	330.3
Inyo	1,250.0	0.0	0.0	1,250.0	0.0	408.8	0.0
Sierra	333.3	333.3	0.0	0.0	666.7	909.1	0.0
Mariposa	166.7	166.7	0.0	0.0	0.0	362.8	0.0
Amador	62.5	62.5	0.0	0.0	62.5	443.1	110.8
Plumas	0.0	0.0	0.0	0.0	0.0	749.3	50.0
Mono	0.0	0.0	0.0	0.0	0.0	788.5	286.7
Modoc	0.0	0.0	0.0	0.0	0.0	439.0	87.8
Alpine	0.0	0.0	0.0	0.0	0.0	1,030.9	0.0

*Total includes facilities incarceration/detention in DJF, camps, and halls and excludes other, non-facility supervision.

(Sources: Compiled from Division of Juvenile Justice, Correction Standards Authority, and Demographic Research Unit data. (Footnotes 15, 20, 21). Colusa's rates may be significantly overstated due to sharing a camp facility with Solano County.)

Table 5 compares the most recent rates of commitments to DJF institutions and the percentage change by county over the 2005-2008 period, when juvenile felony and violent crime arrest rates reversed the previous decade of decline and increased slightly. DJF county commitment rates were unrelated to juvenile crime patterns. For example, juvenile felony arrest rates rose slightly in both Kern and Riverside counties from 2005 to 2008—a period in which high-level (DJF and county camp) rose by 21 percent in Kern and fell by 46 percent in Riverside.

Neither greater levels nor increased high-level incarceration of youths was related to lower youth crime rates. As Table 5 shows, the four counties that increased high-level juvenile incarceration rates since 2005 (Santa Barbara, Kern, Orange, and Fresno) were imprisoning youth by 2008 at an average of 179 per 1,000 juvenile felony arrests, a level more than 30 times the rate of the four counties showing the biggest declines in juvenile incarceration rates (Yolo, Marin, Butte, and Imperial, averaging 6 per 1,000 juvenile felony arrests). Meanwhile, the four counties with increased juvenile incarcerations all showed increased juvenile violent crime rates, while three of the four counties with the largest decreases in juvenile lockup showed declines in violent crime rates.

In particular, the three counties with the *biggest growth* in rates of high-level juvenile incarceration (that is, in DJF facilities or county detention camps) averaged an 18 percent decrease in juvenile incarceration commitments from 2005 to 2008. In 2008, Santa Barbara, Kern, and Orange counties reported 1,030 of their 521,000 juveniles were in high-level incarceration facilities, up from 803 in 2005. Their per-felony incarceration rates had risen to more than 30 times higher than the three counties showing the biggest declines in juvenile incarceration rates. In contrast, the three counties (Butte, Marin, and Yolo) showing the biggest declines averaged a 90% drop in high-level youth incarcerations from 2005 to 2008. Two of the three biggest-deincarcerating counties, Marin and Yolo, reported that none of their approximately 46,000 youths were in high level detention in 2008, and the third, Butte, reported just five of its 24,000 juveniles were incarcerated.

Table 5. Juvenile Incarceration versus Violent Crime Changes, 2005-2008
32 Major Counties (ranked by change in incarceration rates)

County	Juvenile incarceration rate			Juvenile violent felony rate		
	2005	2008	Change	2005	2008	Change
Santa Barbara	112.1	152.7	+36%	262.8	293.6	+12%
Kern	188.7	228.2	+21%	276.4	398.2	+44%
Orange	120.3	126.6	+5%	165.8	227.1	+37%
Fresno	204.3	209.6	+3%	356.1	368.5	+3%
Other 25 counties	104.1	97.7	-6%	242.6	206.1	-15%
San Mateo	116.9	109.7	-6%	298.8	269.6	-10%
Sacramento	127.7	116.2	-9%	364.8	405.9	+11%
Santa Clara	53.9	48.1	-11%	371.2	347.7	-6%
San Diego	98.5	85.9	-13%	288.6	459.8	+59%
Los Angeles	139.2	117.4	-16%	376.8	380.4	+1%
Sonoma	84.3	70.2	-17%	291.5	197.6	-32%
Statewide	118.2	94.7	-20%	337.3	378.2	12%
Yuba/Sutter	103.4	79.8	-23%	340.9	322.4	-5%
Contra Costa	133.8	103.1	-23%	332.5	375.0	+13%
Tulare	184.1	134.4	-27%	399.4	504.6	+26%
Santa Cruz	17.6	12.6	-29%	362.7	413.4	+14%
Kings	260.5	183.7	-29%	471.3	553.2	+17%
Solano	48.9	34.5	-30%	560.5	636.4	+14%
Alameda	100.7	63.5	-37%	385.3	577.0	+50%
Madera	375.0	219.0	-42%	148.6	241.4	+62%
Stanislaus	46.8	27.3	-42%	361.0	357.6	-1%
San Joaquin	66.0	38.4	-42%	663.1	603.7	-9%
Riverside	100.8	54.7	-46%	244.9	270.2	+10%
Merced	211.0	113.7	-46%	478.5	501.9	+5%
Ventura	233.4	120.2	-48%	171.3	252.6	+47%
Placer	15.2	7.3	-52%	270.3	199.4	-26%
Monterey	254.2	119.0	-53%	379.3	366.0	-4%
Mendocino	35.5	13.4	-62%	321.8	563.1	+75%
San Francisco	37.4	13.5	-64%	1,050.7	1,374.1	+31%
San Bernardino	89.6	31.6	-65%	336.0	413.3	+23%
Imperial	45.2	8.3	-82%	154.3	314.1	+104%
Butte	77.3	14.2	-82%	381.9	373.0	-2%
Marin	3.3	0.0	-100%	367.1	270.9	-26%
Yolo	49.2	0.0	-100%	371.3	285.2	-23%

*Incarceration rate is rate of youth committed to state DJJ facilities and county detention camps per 1,000 felony arrests. Violent felony rate is violence arrests per 100,000 youths age 10-17 by year. Counties listed by name are those with 50 or more felony arrests in 2008, which together account for 96% of California's population and 98% of its felony arrests. Yuba and Sutter counties operate a joint juvenile camp and are combined here.

(Sources: Compiled by authors from Division of Juvenile Justice, Criminal Justice Statistics Center, and Demographic Research Unit. (Footnotes 21,31,32))

We might expect, with 200 more youths behind bars in 2008 than in 2005, that Santa Barbara, Kern, and Orange counties would have experienced large declines in violent crime by youths, while Marin, Yolo, and Butte would have suffered more violent crime as a result of deincarcerating so many youths to negligible levels. In fact, the three counties with the biggest increases in juvenile incarceration experienced increases in juvenile violent crime rates averaging 30%, while the three low-incarcerating counties experienced drops in juvenile violent crime rates averaging 17%. While the three low-

incarceration counties had juvenile violent crimes nearly 60 percent higher than the high-incarcerating counties in 2005, the two sets of counties had virtually identical rates in 2008.

Across the state, the lowest-level and fastest-declining counties in terms of juvenile incarceration rates did not have significantly different juvenile crime rates or changes in crime rates compared to counties with the highest-level and fastest-increasing juvenile incarceration rates. In fact, the pattern appears random: even large differences in rates of and changes in youth imprisonment by county did not significantly or consistently affect rates of or changes in youth felony offending.

These numbers demonstrate that approximately 60 percent of California's overall decline in youth imprisonment was the result of the large overall drop in juvenile felony arrest rates over the last 20 years (see Tables 1, 2, and 5.) The remaining 40 percent is related to the declining rate of imprisonment per felony over the same period. A comparison of the DJF commitments per 1,000 juvenile felony arrests in California's 21 major counties demonstrates that all populous counties reduced their rates of commitment. Most major counties, like the state as a whole, reported reductions in youth commitments per felony arrests exceeding 50 percent.

VII. Adult Court Transfer Analysis

The declining rates of commitment to DJF institutions are not the result of greater numbers of youth transfers to adult court. To the contrary, declines in adult court transfers mirror the declines in juvenile court commitments to state institutions.³⁴ Juveniles transferred to adult courts are typically confined in DJF facilities until their 18th birthday. Upon reaching the age of majority, they are transferred to the adult corrections system to serve the duration of their sentences.

From its peak in 1985 to its trough in 2003, the number of youth admitted to DJF institutions who were sentenced by adult criminal courts (including Division of Adult Institutions convicts housed in DJF facilities) declined from around 1,500 to around 60. The number rose to around 170 in 2009 before declining in 2010, as juvenile court sentencings have continued to plummet.³⁵ Despite the passage of Proposition 21 in March 2000, the number of DJF commitments arising from the imposition of sentences delivered in adult court still remains much lower than prior to 1999. This initiative, according to the voter handbook, explicitly requires "more juvenile offenders to be tried in adult court."³⁶ The current data on criminal court commitments to DJF suggest that the initiative had little to no impact on adult court transfers being sentenced or transferred after sentencing to DJF prisons. While the California Department of Justice reports that

³⁴ Division of Juvenile Justice, California Department of Corrections and Rehabilitation, "Characteristics of First Admissions: 1959-2001," "A Comparison of First Commitment Characteristics: 1993-2004, 1999-2008."

³⁵ Prior to 1996 and passage of an administration-sponsored bill, it was common practice for adult courts to sentence offenders over the age of 18, but under 21, to California Youth Authority facilities. After this practice was stopped, only adult court commitments that were under the age 18 could be housed in these facilities. See Governor Pete Wilson's 1996-97 State Proposed Budget, estimating an offset in CYA population due to transfer of inmates over 18 and sentenced in criminal court to California Department of Corrections. However, certain offenders over age 18 sentenced by adult courts and under the supervision of the Department of Adult Institutions have been housed in DJF facilities since 1984, and are here treated as adult-sentenced DJF inmates.

³⁶ Meaning of Voting Yes, Proposition 21 Juvenile Crime, Initiative Constitutional Amendment and Statute, March 7, 2000 available at <http://www.smartvoter.org/2000/03/07/ca/state/prop/21/>.

the number of juvenile cases directly filed in adult court has increased, these youths are apparently not being sentenced to state juvenile or adult correctional facilities.

Rather, the increase in adult-court sentenced youth in DJF facilities since 2003 appears to result from the sharp decline in commitments of youth to DJF for lesser offenses such as property and drug convictions that were more likely to have been handled in juvenile courts, along with the growing refusal of juvenile court judges to sentence youths to DJF, resulting in a higher proportions consisting of violent offenders who were more likely to have been tried in adult courts. In any case, both juvenile- and adult-court sentenced youth populations in DJF now stand at or near all-time lows (Figure 6). That DJF's large population decline logically resulted from larger reductions in offenders convicted of lesser offenses and results in ever-higher proportions of DJF's stripped-down populations consisting of serious and violent offenders is a necessary and positive trend if juvenile incarceration is to be scaled back.

VIII. Conclusion

In the first report, CJ CJ determined that large increases in adult incarceration from 1980 to 2004 accompanied increased crime by adults, especially among the most imprisoned middle-aged groups, whose offending rates reached record high levels. Further, the analysis found that massive decreases in juvenile imprisonment over the same period were followed by large declines in all forms of juvenile crime to record low levels. In fact, felony and violent crime rates for California juveniles today have fallen below those of ages 40-49. County-by-county analysis confirmed that lower levels and decreased rates of incarceration were not associated with higher or rising crime rates.

Data now available for several additional years allow better analysis of changing patterns over the last decade. Adult imprisonment rates peaked in 1998, leveled off, and declined through 2010. Adult felony arrest rates similarly peaked in 1996 and generally fell through 2009. Reduced imprisonment of adults was not accompanied by rising crime. The long-term analysis of major crimes committed by all age groups over the past 30 years shows crime rates rose among those adult age groups whose imprisonment rates rose the fastest, principally ages 40 to 59, which continued to suffer increasing imprisonment and felony rates through 2006, after which both leveled off.³⁷

Juvenile felony and violence rates bottomed out in 2004, rose moderately through 2007, and then fell in 2008 and 2009, all during a period when juvenile incarceration rates continued to drop. Was the 3-year increase in juvenile offending from 2004-2007 related to the incarceration decline? County-by-county analysis showed the two were unrelated: *Counties that reduced commitments of youth to state and local facilities did not suffer more youth crime compared to counties which increased juvenile incarceration.*

In fact, the county comparison demonstrated the continuing pattern of declining youth crimes rates and falling youth incarceration rates:

- Los Angeles County reduced DJF commitments from 3,500 in 1995 to 440 in 2009, and serious and violent juvenile crime rates declined by 50 percent.
- San Diego County decreased DJF incarcerations from 650 in 1995 to 120 in 2009, and juvenile felony arrest rates declined by 28 percent.

³⁷ See above, fn 20, CJSC 1975-2008.

- San Francisco reduced DJJ commitments from 110 in 1995 to just 6 in 2009, and juvenile violence and felony rates fell by 25 percent.
- Sacramento cut DJJ commitments from 330 in 1995 to 45 in 2009, and juvenile violence rates fell by 29 percent and juvenile felony rates fell 43 percent.

With only around 1,400 inmates as of July 1, 2010, and just 278 new admissions from in the first six months of 2010, DJF appears to be a least-favored option for juvenile and adult courts around the state. The number of youth sentenced to adult prisons fell from 811 in 1995 to just 168 in 2005.³⁸ California Corrections Standards Authority surveys show the numbers of youths in local juvenile halls and other temporary detention have declined over the last decade as well.³⁹

As the above data indicate, the dramatic decline in California's youth imprisonment rate directly contradicts incapacitation theory. As the California youth commitment rate fell to its lowest point in history, youth crime rates also declined to 50-year lows. Indeed, an analysis of juvenile arrests for serious crimes shows that the present generation of youths ages 10 to 17 has the lowest delinquency rates of any recent generation. This unprecedented decline in delinquency rates has occurred at a time when the state was incarcerating the smallest percentage of youth in its history.

The simultaneous drop in youth crime and youth incarceration in California suggests that the crime reduction must be rooted in other societal circumstances. An analysis of long and short-term trends and county-by-county comparisons does not support the premise that reliance on imprisonment as a response to a broad array of offenses beyond serious, violent crimes is an effective public safety strategy. The study also suggests that youths from primarily rural counties are subject to greater risk of incarceration for less severe offenses than peers from more urban environments. This differential treatment raises serious questions about fairness, given that the different application of sanctions is based largely on the youth's county of origin.

California correctional policy over the past 30 years has been dominated by incapacitation theory. Thus, correctional policy was based on the belief that increasing in incarceration rates will produce declines in crime rates. This argument is often cited as the basis for the decline in crime among adults in California, since overall crime rates fell during the 1990s as adult incarceration levels continue to reach all time highs. However, detailed analysis does not support this belief.

The findings here demonstrate the urgent need for California policymakers and legislators to consider alternative theories in response to crime and sentencing. As the Farrell litigation has made clear, confining juveniles in DJF institutions subjects them to potentially inhumane and illegal treatment that has not yet been remedied as ordered in the consent decree. Further, the sharp reduction in DJF commitments illustrates a distinct movement toward new interventions to carry out appropriate treatment and rehabilitation of juvenile offenders. As most major counties are now relying less on state correctional institutions, state policy makers must examine the shifting of state resources to local jurisdictions to improve the capacity of counties to provide a broader range of interventions that will achieve the stated goals of the juvenile justice system.

³⁸ Juvenile Research Branch, Office of Research (2006). Cal. Dept of Corrections and Rehabilitation, Court of Commitment by Admission Year, 1988-2009.

³⁹ Cal. Corrections Standards Authority, Juvenile Detention Profile Surveys (1996-2009), op cit.

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Daniel Macallair is the Executive Director and a co-founder of the Center on Juvenile and Criminal Justice. Mr. Macallair's expertise is in the development and analysis of correctional policy for youth and adult offenders and has implemented model programs throughout the country. In the past ten years his programs received national recognition and were cited as exemplary models by the United States Department of Justice and Harvard University's *Innovations in American Government* program. In 1994, Mr. Macallair received a leadership award from the State of Hawaii for his efforts in reforming that state's juvenile correctional system. He has been a consultant to juvenile justice systems around the country and frequently provides expert assistance on correctional practices and juvenile justice reform.

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