

AB 503 (Stone): End “Endless Probation” for California Youth

SUMMARY

AB 503 will create statutory guidelines to protect youth on non-custodial wardship probation by tailoring the length of time youth spend on probation to their individual needs, and ensuring that probation conditions are individually tailored, developmentally appropriate, proportional, and not excessive.

This bill protects youth who have been sentenced by a judge to formal probation supervision in the community, meaning a judge has determined that supervising the youth in their community will not impact public safety. These children are on probation, but are not in custody at juvenile hall, camps, ranches, or the division of juvenile justice.

PROBLEMS

The Legislature has neglected to issue comprehensive guidelines on wardship probation. Thus, under current law, there is no standard process for courts to review youth probation cases or system of accountability to ensure that youth are not languishing on probation for unreasonable periods of time.

According to county probation data, the average time a youth spends on non-custodial wardship probation in California is nearly 2 years (23.4 months).¹

Additionally, data reveals that the lack of statutory guidance is leading to an issue of “justice by geography”. A child in one county faces an average of 6 months on probation, while a youth in another county average over 2.5 years (28.5 months) for a similar case.

Critically, data also shows that youth of color are far more likely to be placed on probation, and for longer. In 2019, nearly 20,000 young people were placed on wardship probation in California and 87% were youth of color. Black youth are nearly nine times more likely and Latino youth are more than two times more likely to be placed on wardship probation than their white counterparts.

Imposing unnecessarily long periods of supervision on youth compounds trauma, interferes with healthy development, increases recidivism, and wastes resources that could otherwise be directed towards rehabilitative services. Lengthy probation terms also limit the ability of young people to pursue positive activities like sports, arts, leadership development, work opportunities, and advocacy.

Research reveals that keeping a young person on supervision for longer than six months is not likely to result in public safety gains.² Guided by this research, Pew Charitable Trusts’ Public Safety Performance Project have recommended shorter periods of probation for youth in several states.³

In addition to unreasonably long probation terms, juvenile court orders include anywhere from five to fifty conditions that youth must abide by while on probation. The National Juvenile Defender Center noted that this is “a near impossible number of rules for children to understand, follow or even recall.”⁴

Lengthy periods of probation supervision and burdensome conditions increase the likelihood that youth will be charged with violations, sometimes resulting in incarceration, even for minor offenses. Evidence supports individually tailoring conditions so young people have clear and realistic goals to work towards. Instead, conditions are excessive and often unrelated to the behavior that brought the youth before the court.

SOLUTION

Adolescent years are critical to development, and evidence shows that most youth who commit crimes grow out of that behavior as their brains develop.⁵ Limiting the length of time and conditions of probation improves outcomes for youth and reduces costs without compromising public safety.⁶

By providing statutory guidance, we can ensure that young people get the support they need without being subject to a long list of burdensome conditions for an indeterminate length of time. AB 503 will provide the following protections:

- (1) Limit non-custodial wardship probation to six months, unless the court determines that extending probation is in the best interest of the young person
- (2) Require probation conditions be individually tailored, developmentally appropriate, proportional, and not excessive

AB 503 will allow for extensions beyond the initial six-month period when the court determines, by a preponderance of the evidence, that it is in the youth’s best interest to extend probation. If the court determines that probation should be extended, they must set a review hearing for no later than six months after the hearing to assess progress and next steps. If the court continues to extend probation, they will continue to hold hearings at least every six months to review whether probation should continue to be extended and if probation conditions are appropriate.

SUPPORT

National Center for Youth Law (sponsor)
W. Haywood Burns Institute (sponsor)
Alliance for Boys and Men of Color (sponsor)
Young Women’s Freedom Center (sponsor)
Communities United for Restorative Youth Justice (sponsor)

Youth Justice Coalition (sponsor)
All Saints Foster Care Project
American Civil Liberties Union - California
Bill Wilson Center
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Catholic Conference
California Coalition for Youth
California Latinas for Reproductive Justice
California Public Defenders Association (CPDA)
California United for a Responsible Budget (CURB)
California Youth Connection (CYC)
CASA of Los Angeles
Center for Employment Opportunities
Children's Advocacy Institute, UCSD Center for Public Interest Law
Chispa, Tides Advocacy Project
Center on Juvenile and Criminal Justice
CERES Policy Research
Children Now
Children's Defense Fund - CA
Commonwealth Juvenile Justice Program
Community Agency for Resources Advocacy and Services
Community Works
Courage California
Drug Policy Alliance
East Bay Community Law Center
Ella Baker Center
Empowering Pacific Islander Communities
Felony Murder Elimination Project
Fresno Barrios Unidos
Freedom 4 Youth
Human Right Watch
Immigrant Legal Resource Center
Initiate Justice
John Burton Advocates for Youth
Khmer Girls in Action
Legal Services for Prisoners with Children
Midtown Family Services
Motivating Individual Leadership for Public Advancement
Monarch Services of Santa Cruz County
National Association of Social Workers, CA
National Institute for Criminal Justice Reform
National Juvenile Justice Network
Pacific Juvenile Defender Center

Public Counsel
Public Health Institute
Reuniting Families Contra Costa
San Diego County
San Francisco Public Defender
San Mateo County Participatory Defense
Santa Clara County Office of the Public Defender
Showing Up for Racial Justice (SURJ) Bay Area
Sigma Beta Xi, Youth and Family Services
Silicon Valley De-Bug
Underground GRIT
Urban Peace Institute
Voices Youth Centers
Women's Foundation of California
Youth Alive!
Youth Alliance
Youth Law Center

OPPOSITION

California Judges Association

Oppose Unless amended
Chief Probation Officers of California *unless amended*
LA County Probation Officers Union, AFSCME Local 685

The following groups are in opposition to a previous version of the bill – the opposition is not necessarily current:

Association of Orange County Deputy Sheriff's
Association of Probation Supervisors of LA County
California District Attorneys Association
Fraternal Order of Police, Southern CA Probation, Lodge #702
Kern County Probation Officers Association
N. California Probation Lodge 19
Sacramento County Probation Association
San Diego County Probation Officers Association
San Joaquin County Probation Officers Association
Solano Probation Peace Officers Association
Ventura County Professional Peace Officers Association
State Coalition of Probation Organizations

FOR MORE INFORMATION

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¹ Dafna Gozani, Laura Ridolfi & Anna Wong, Ending Endless Probation, Jan. 2021, <https://youthlaw.org/publication/end-endless-probation/> or <https://burnsinstitute.org/resources/>.

² Joint Ad-Hoc Tennessee Blue Ribbon Task Force on Juvenile Justice. (2017, December). Final report. Retrieved from <http://www.capitol.tn.gov/Archives/Joint/reports/docs/Joint%20Ad%20Hoc%20TN%20Blue%20Ribbon%20Task%20Force%20on%20Juvenile%20Justice%20Final%20Report.pdf>

³ The Pew Charitable Trusts. (2017, June). Kansas' 2016 juvenile justice reform. Retrieved from www.pewtrusts.org/~media/Assets/2017/06/PSPP_Kansas_2016_Juvenile_Justice_Reform_brief.pdf.

⁴ National Juvenile Defender Center. (2016, September). *Promoting positive development: The critical need to reform youth probation orders* (Issue brief). Washington, DC: Author. Retrieved from www.njjn.org/uploads/digital-library/Promoting_Positive_Development.pdf

⁵ Steinberg, L., Cauffman, E., & Monahan, K. C. (2015, March). Psychosocial maturity and desistance from crime in a sample of serious juvenile offenders. *Juvenile Justice Bulletin*. Retrieved from www.ojjdp.gov/pubs/248391.pdf

⁶ Annie E. Casey Foundation. (2018, May). Transforming Juvenile Justice: A Vision for Getting it Right. Retrieved from <https://www.aecf.org/resources/transforming-juvenile-probation/>.