



SENATOR JIM BEALL

SB 1134: Limit Youth Probation

ISSUE

While the purpose of probation is intended to provide rehabilitative services, that goal is undermined by its simultaneous focus being on surveillance and compliance with terms and conditions that are often times unrelated to the charges, and hinder the opportunity for growth and success. Probation is more frequently imposed on youth of color and for longer periods of time. Additionally, unlike the growing number of other states, California does not have a statutory limitation on the time young people spend under court ordered, non-custodial “wardship” probation supervision.

BACKGROUND

Probation is the most common court ordered outcome imposed on youth in juvenile court in California. In 2018 in California, nearly 22,000 young people were placed on wardship probation. The vast majority (86%) were youth of color. Research has concluded that “[i]n most jurisdictions, probation is a punitive system that attempts to elicit compliance from individuals primarily through the imposition of conditions, fines, and fees that in many cases cannot be met.”ⁱ

Analysis of County probation data reveal that young people are on wardship probation for an average of up to two yearsⁱⁱ, with youth of color spending significantly longer periods of time on probation than white youthⁱⁱⁱ. Long probation terms increase the likelihood that youth will be charged with probation violations, sometimes resulting in incarceration and often for minor offences. This practice is in conflict with the fundamental principles of youth development and research demonstrating that keeping youth on supervision for longer than six months does not likely result in public safety gains.^{iv} Guided by this research, juvenile justice experts in the Pew Charitable Trusts’ Public Safety

Performance Project have recommended shorter periods of probation for youth in several states.^v

The burden of long lists of requirements, many of which bear little or no relationship to the behavior that brought the youth before the court, make it difficult for youth to succeed. Juvenile court probation orders in California can include anywhere from five to fifty conditions of probation. Standard terms and conditions of probation for youth, regardless of level of need, are often not individually tailored and developmentally appropriate to provide adequate support. Evidence supports limiting probation terms and using the incentive of shortening probation terms as a reward for positive behavior showing that this can improve outcomes and reduce costs without compromising public safety.^{vi}

THIS BILL

Adolescent years are critical to growth and development. Young people who are on probation deserve a chance to meaningfully demonstrate their rehabilitation. Youth are most successful when they are not subjected to unreasonable or developmentally inappropriate probation terms, and indeterminate duration of probation.

SB 1134 will address these issues by:

- Limiting non-custodial wardship probation to six months, while granting extensions to probation supervision should the court determines it is in the young person’s best interest to extend the time.
- Requiring probation conditions be individually tailored, developmentally appropriate, and not excessive.

SUPPORT

National Center for Youth Law (Co-sponsor)
W. Haywood Burns Institute (Co-sponsor)

FOR MORE INFORMATION

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ⁱ Michael P. Jacobson et al., "Less Is More: How Reducing Probation Populations Can Improve Outcomes," *Papers from the Executive Session on Community Corrections*, Harvard Kennedy School, (2017), p. 1.

ⁱⁱ Resource Development Associates. (2017, August 18). *LA probation governance study: LA Probation Department assessment*. Retrieved from http://file.lacounty.gov/SDSInter/probation/1029805_LAPGS-Prob-Assess-20170818_STC.pdf

ⁱⁱⁱ W. Haywood Burns Institute (2017, August 18). Presentation to Race Equity in Justice Systems Workgroup of Santa Clara County's Juvenile Justice System's Collaborative (JJSC). Retrieved from <http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=8464&Inline=True>

^{iv} 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>

^v 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. For example, in Kansas, the law creates a presumptive limit on the length of probation terms based on youths' risk levels and offense severity and prohibits extension of the term except for a single, short period under very narrow circumstances

^{vi} 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/>.