

AB 102 REPORT



Office of Youth and
Community Restoration



May 2024

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DIRECTOR'S MESSAGE

I want to thank our county partners for their willingness to join in the efforts to reform the California juvenile justice system and to participate in the development of data transparency. The Office of Youth and Community Restoration (OYCR) hopes to build a universe of juvenile justice related data that offers easily accessible data that drives policy decisions to better the lives of our youth. To understand where kids are in the juvenile justice system, who they are, where they are from, and how they are progressing along the juvenile justice continuum.

This first data report shows a snapshot of how Senate Bill (SB) 823 Realignment is evolving in California. We are not seeing overall net widening in the use of Secure Youth Treatment Facilities (SYTF) and will monitor next year's data to limit net widening in a handful of counties. We are seeing that judges and probation departments are stepping youth out of restrictive settings into less restrictive settings to complete their baseline commitments. We also see youth being kept in juvenile court even for very serious crimes, rather than being sent to Adult Criminal Court for prosecution - a developmentally appropriate and a public safety best practice.

However, statewide racial disparities persist with an overrepresentation of Black, Brown and Indigenous youth within the justice system. This is a national issue, built on decades of institutional racism, but through data driven policy we can strive to improve these disparities by focusing on priority areas for partnerships between community and government agencies in early prevention, diversion, and credible messengers. Data transparency drives next steps. We look forward to this being the first of many reports that captures the information needed to catalyze the post SB823 solutions to move the California youth justice reform efforts to the next level where together we tackle the issues of racial disparities and inequity directly.

Finally, a thank you to county probations departments and the Chief Probation Officers of California (CPOC) for their assistance during this data collection process.

In partnership,

Katherine Lucero, OYCR Director

INTRODUCTION TO AB 102

In July of 2023, Assembly Bill (AB) 102 was signed into legislation to facilitate the collection of specific juvenile justice data related to the realignment of the Division of Juvenile Justice (DJJ). AB 102 requires county probation departments to provide OYCR with data regarding:

- (a) Number of youth and their commitment offense or offenses, if known, who are under the county's supervision that are committed to a secure youth treatment facility, including youth committed to secure youth treatment facilities in another county.
- (b) The number of individual youth in the county who were adjudicated for an offense under subdivision (b) of Section 707 of the Welfare and Institutions Code or Section 290.008 of the Penal Code.
- (c) Number of youth, including their commitment offense or offenses, if known, transferred from a secure youth treatment facility to a less restrictive placement.
- (d) Number of youth for whom a hearing to transfer jurisdiction to an adult criminal court was held, and number of youth whose jurisdiction was transferred to adult criminal court.

AB 102 requires this data to be disaggregated by gender, age, race/ethnicity, and offense as possible. The first year of reporting was due to OYCR on December 30, 2023, and included data spanning fiscal year (FY) 2021-22 and FY 2022-23. Reporting for FY 2023-24 is due to OYCR no later than December 30, 2024.

Notes regarding AB 102 analysis:

- FY 21/22 there were nine counties which had no youth to report: Alpine, Calaveras, Del Norte, Inyo, Modoc, Plumas, Sierra, Trinity, and Tuolumne.
- FY 22/23, there were eight counties which had no youth to report: Alpine, Calaveras, Del Norte, Plumas, Mariposa, Nevada, Sierra, and Tuolumne.

EXECUTIVE SUMMARY

The data requirements of AB 102 allow the Office of Youth and Community Restoration (OYCR) to better understand the impacts of California's realignment of juvenile justice which resulted from Senate Bill 823 (Chapter 337, Statutes of 2020)¹. The data allows for tracking the number of youth eligible for DJJ who have been placed in Secure Youth Treatment Facilities (SYTF) or a Less Restrictive Program (LRP). This data also allows for analysis of the number of youth with hearings ordered for transfer to adult criminal court, and how many youths were transferred, all disaggregated by gender, age, race and as possible, offense type.

During FY 21/22, 237 youth were committed to SYTFs. A total number of 1,459 youth were adjudicated for an offense under subdivision (b) of Section 707 of the Welf. & Inst. Code. For the FY 22/23 reporting period, 427 youth were committed to an SYTF. A total number of 1,730 youth were adjudicated for an offense under subdivision (b) of Section 707 of the Welf. & Inst. Code.

In FY 21/22, 213 youth were ordered to have a transfer hearing to adult criminal court and 48 youths' jurisdiction was transferred to adult criminal court. Youth of color were more likely to have a transfer hearing ordered than White youth. Once the hearing was held, youth of color were also more likely to be transferred to adult criminal court than White youth.

During the FY 22/23, 244 youth were ordered to have a transfer hearing to adult criminal court, and 35 youths' jurisdiction was transferred to adult criminal court. As in FY 21/22, youth of color were more likely than White youth to have a hearing for transfer to adult criminal court ordered, and once the hearing was held, youth of color were also more likely to be transferred to adult criminal court.

In total for FY 21/22, 82 youth were not transferred to adult criminal court and in FY 22/23, 112 youth were not transferred to adult criminal court after their hearing.

¹ DJJ Realignment Implementation, S. bill No. 823 of California, (2021).

PROCEDURES

In Fall of 2023, a form was provided to counties by a probation organization to assist counties in addressing the statutory requirements of reporting the data required by AB 102. The form was an Excel workbook template that included separate pages for FY 21/22 and FY 22/23 reporting. Counties sent the form to OYCR via email, 55 counties submitted their data by the 12/30/2023 deadline, however, 17 of those counties had to resubmit their form due to their original submission being incomplete. Three of the 17 counties had to resubmit three separate times and one county had to resubmit four times.

As OYCR received the forms from counties, they were reviewed for completeness and inconsistencies, counties were notified by email as soon as the review was complete if they needed to make changes or add additional information. Counties were also notified if nothing further was needed, and their submission was accepted.

Resubmissions were requested of counties by OYCR if the data submitted was incomplete, meaning there were blank cells where data was expected, or if OYCR discovered inconsistencies during review. For instance, there was a case where a county gave the number of youths committed to an SYTF, but the count of youth by age in the SYTF did not match the total initially reported. OYCR provided technical assistance to counties including alerting counties to data inconsistencies such as the example above, assisting with navigating the data form over email and phone, as well as assisting with general questions about filling out the AB 102 form. The statewide data was validated in totality, at the beginning of March 2024.

The following statewide analysis includes frequencies of youth, disaggregated by their age, gender, and offense for each data point, race/ethnicity data was analyzed by frequency and percentage of the total reported for each data point. The statewide analysis also includes an analysis of racial disparity gap for data point A through D2A, and a net widening analysis. The disparity gap analysis was calculated in alignment with industry standards.²

² Methodology - State of Disparities: California (burnsinstitute.org) - The disparity gap is a ratio of rates, or a "relative rate" that estimates relative likelihood of AB 102 data point outcomes for youth of color compared to White youth. To calculate the disparity gap, we divided the rates for White youth and youth of color. Rates were calculated by dividing the number of youths at a particular AB 102 data point by the number of youth in the general state population, the quotient was then multiplied by 100,000 to give a "rate per 100,000." We multiply by 100,000 since none of our raw data for any one group totaled 1,000 or greater. Rates are important for understanding disparities because rates tell us the likelihood of experiencing a particular outcome, regardless of the number of youth in the population. When reading these rates, it is helpful to remember that not all youth in the general state population are eligible to be included in any of the AB 102 data points.

LIMITATIONS

Overall limitations: AB 102 data is reported on a fiscal year which limits the ability to compare it to other systems that may be based on other reporting cycles. This inaugural round of data collection only includes two fiscal years so we cannot yet run longitudinal analyses to determine trends.

Deidentification: Protecting against the potential reidentification of youth whose data is captured in AB 102 is a top priority for OYCR. Many counties had very low numbers to report which presents challenges to OYCR sharing county level data as OYCR cannot share data with case counts fewer than 12 (California Health and Human Services, 2016)³ (Office of Civil Rights, 2012)⁴. Low base rates in many data points can also result in large percentage changes which should be interpreted with caution. For all charts in this report, asterisks (*) represent data withheld due to the aforementioned CalHHS Data Deidentification Procedures.

Transfer hearing analysis limitations: When assessing data points D1, D2A and D2B it is important to note that the number of youth for whom a hearing to transfer to adult criminal court was ordered, and youth who were or were not transferred to adult court will not match. A hearing can be ordered at a given point in the reporting period, but it can take months or longer for the hearing to be held and a decision to be made.

Net widening analysis limitations: Net widening would occur if more youth were incarcerated in SYTFs than would have been incarcerated in DJJ prior to closure. The reporting cycle for the historical records of total DJJ commitments was reported on a calendar year and AB 102 data is reported by fiscal year, this presents a challenge for determining net widening since we do not have an exact timeframe match for the comparison. However, comparing prior DJJ commitments to SYTF commitments is still our best measure to determine if net widening is occurring, and if it is, what role SYTFs may be playing in that. It should also be flagged that the COVID-19 pandemic, and associated depopulation of facilities, impacts this specific analysis as it impacted trends significantly.

Disparity gap analysis limitations: The disparity gap tells us the relative likelihood of a particular outcome by each AB 102 data point for youth of color compared to White youth. For this

³ California Health and Human Services. (2016). Data De-Identification Guidelines (DDG). <https://chhsdata.github.io/dataplaybook/documents/CHHS-DDG-V1.0-092316.pdf>

⁴ Office of Civil Rights. (2012). Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. https://www.hhs.gov/sites/default/files/ocr/privacy/hipaa/understanding/coveredentities/De-identification/hhs_deid_guidance.pdf

analysis the reporting period also presents a limitation. The calculation for disparity gaps includes population data from the California Department of Finance (DOF). DOF reports population by calendar year, so the general population total is not an exact match for the general population during AB 102's fiscal year reporting cycles. Another reporting difference to keep in mind are the population ages. With DOF data we could limit the population count to California residents between the ages of 14 and 25 years old; however, AB 102 data points B1 and B2 include data for youth "Under 14" with no exact ages provided, and all data points include an age range of "25 and older." Although age and population are not exact matches, this comparison still provides insight into the impact of race on outcomes. Due to the calculation procedure, county level analysis is limited due to counties which only had White youth and counties which had no White youth in their AB 102 reporting. Further, some county level counts are so small, fewer than 12, that it created very large rates that may not be representative.

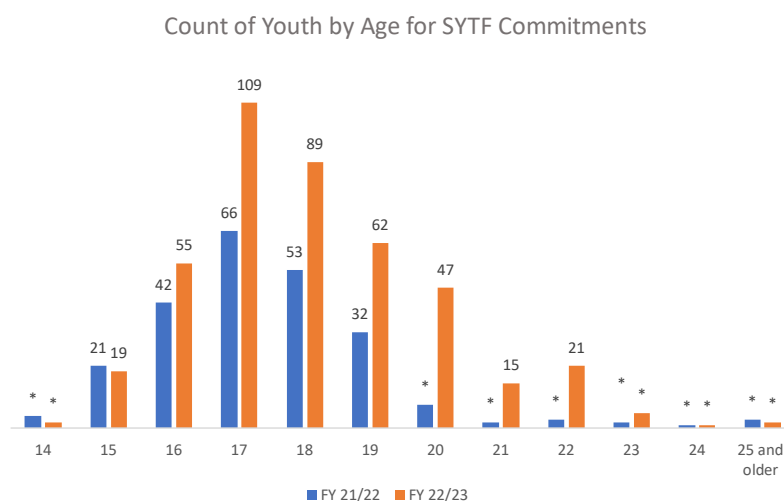
Please note, while the OYCR makes every effort to review data for accuracy, the OYCR cannot be responsible for data reporting errors made at submission.

AB 102 FY 2021-22 & FY 2022-23 DATA

PART A

In FY 21/22, 237 youth were committed to an SYTF in California and in FY 22/23, 427 youth were committed to SYTFs. This represents an increase of about 80% from the prior fiscal year. However, the total youth in SYTFs in FY 22/23, 427, also includes 140 returning from DJJ so the total of new commitments for FY 22/23 is more likely 287, which is an increase of about 21%. For youth committed to SYTFs, the vast majority of the population is male for both reporting periods which is consistent with what we see across all AB 102 data points and the juvenile justice system more broadly. About 50% of the population for both fiscal years was between 17 and 18-years-old. Chart 1 illustrates the youth population committed to an SYTF by age.

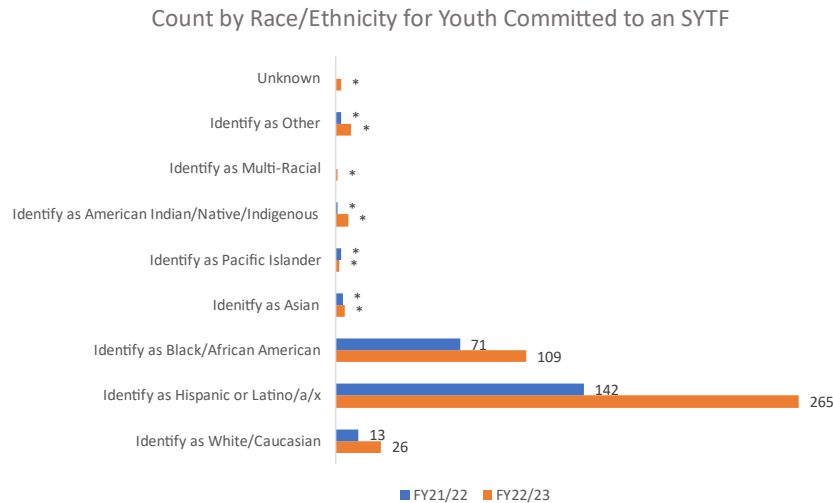
CHART 1: Count of Youth Committed to an SYTF by Age in FY 21/22 & FY 22/23



The racial or ethnic category with the highest count of youth committed to SYTFs is Latino for both FY 21/22 and FY22/23. There is an overrepresentation of Black and Latino individuals within our juvenile justice system based on state population rates, and this pattern holds for the data collected and reported for AB 102. According to DOF population data, Black youth aged 14-25 only made up 5% of the California population in calendar year 2021 and 2022, but in FY 21/22 Black youth made up about 30% of the population in SYTF's and in FY 22/23 Black youth represented over 25% of the population in SYTF's. DOF population data also showed Latino youth aged 14-15 made up 50% of the state's population in Calendar year 2021, and 49% in 2022. In FY 21/22, Latinos made up about 60%, similarly in FY 22/23, Latinos made up a little over 60% of the SYTF population.

In the following Race/Ethnicity charts, racial identities that had zero youth for that reporting period have been removed to ensure clear and accurate visual representation of data.

CHART 2: Count of Race/Ethnicity Identities Represented in the Population of Youth Committed to an SYTF in FY 21/22 & FY 22/23



DISPARITY GAP: AB 102 PART A

Across both reporting periods, Latino youth were about five times as likely as White youth to be committed to an SYTF, and for FY 21/22 Black youth were nearly 27 times as likely to be committed to an SYTF when compared with White youth. There was a slight decrease in FY 22/23 with Black youth being 20 times as likely as their White peers to be committed to an SYTF. Pacific Islander youth were nearly 12 times as likely as White youth to be committed to an SYTF in FY 21/22, this group also showed a decrease in the next year. In FY 22/23, Pacific Islander youth were four times as likely to be committed to an SYTF compared to White youth. The only group not showing a disparity decrease between FY 21/22 and FY 22/23 are Indigenous youth. In FY 21/22, Indigenous youth were nearly six times as likely as White youth to be committed to an SYTF, in FY 22/23 this disparity increased, and Indigenous youth were 19 times more likely to be committed to an SYTF than White youth.

Counties reported the most serious commitment offenses for all AB 102 data using the ranking established by the Department of Justice (DOJ). The 11 offenses tracked and reported include:

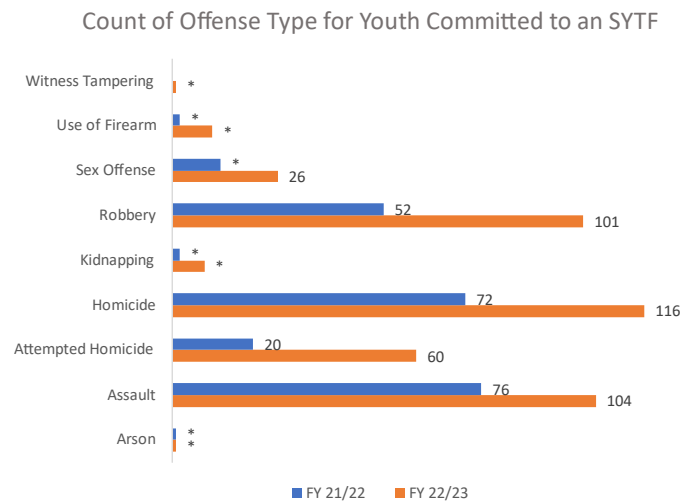
- Arson
- Assault
- Attempted Homicide
- Homicide
- Kidnapping
- Robbery

- Sex Offense
- Use of Firearm
- Violence Against Aged
- Weapon of Mass Destruction
- Witness Tampering

In the following offense-type charts, offenses which had zero offenders for that reporting period have been removed.

Chart 3 details the count by offense for youth committed to an SYTF in FY 21/22 and FY 22/23. Assault, homicide, and robbery were the offenses most prevalent for this population. This data shows a willingness to keep youth who have committed the most serious offenses, such as homicide in the juvenile system, which is consistent with youth development and community safety. (Office and Youth and Communtiy Restoration, 2024)⁵

CHART 3: Count of Offense Type for Youth Committed to an SYTF in FY 21/22 & FY 22/23



STATEWIDE NET WIDENING

To determine if net widening is occurring, OYCR examined the total DJJ commitments by calendar year from 2017 through 2021 and compared that to the AB 102 SYTF commitment data, reported by fiscal year. Recall that the actual number of new commitments for FY 22/23 was 287 once the youth who had been recalled from DJJ to an SYTF were excluded.

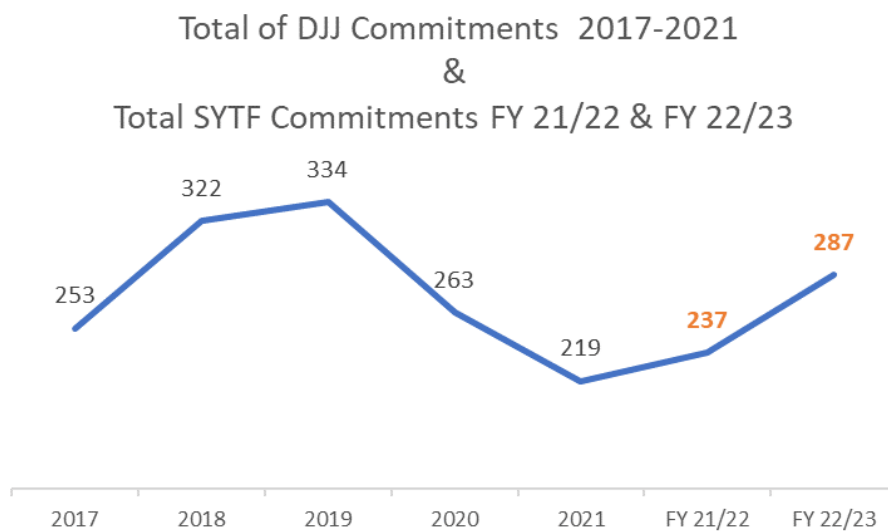
² Office of Youth and Community Restoration, & UCLA Luskin Social Welfare. (2024). Positive Youth Development in the Juvenile Legal System.

Chart 4 demonstrates a 27% increase in DJJ commitments between 2017 and 2018, and from 2018 to 2019, DJJ commitments increased again by 4%. From 2019 to 2020 DJJ commitments decreased by 21%, a change driven by statewide carceral depopulation due to the Covid-19 pandemic. Similarly, a further 17% decrease is seen between 2020 to 2021. When FY 21/22 SYTF commitment data is compared to total DJJ commitments from 2020 we see an 8% increase, and when FY 21/22 SYTF commitment data is compared FY 22/23 SYTF commitment data, we see an increase of 21%. As such the SYTF commitment uptick between FY 21/22 and FY 22/23 are not indicative of net widening, but instead a post-pandemic rebound.

FY 21/22 SYTF commitments are still 29% lower than 2019 pre-pandemic, pre-SB 823 DJJ commitments. Similarly, FY 22/23 SYTF commitments are 14% lower than 2019 DJJ commitments. Longitudinal SYTF commitment data would allow for stronger assessment of SYTF commitment trends but the current trendline in chart 4, currently demonstrates a decline in youth SYTF commitments. The data does not show evidence of net widening at the state level.

As noted above a limitation to this analysis included the difference between reporting cycles between DJJ data, and AB 102 data. The reporting cycle for the historical records of total DJJ commitments were reported on a calendar year and AB 102 data is reported by fiscal year, this presents a limitation in this specific analysis.

CHART 4: Total DJJ Commitments Calendar Year 2017-2021 & AB 102 SYTF Commitments FY 21/22 & FY 22/23



*Orange values refelect AB 102 data

COUNTY NET WIDENING

To assess net widening at the county level OYCR compared five years of historical DJJ data on total DJJ commitments by county, the five years of data spanned calendar year 2017 through calendar year 2021. Those DJJ commitments were compared to the two fiscal years of data reported through AB 102 for county SYTF commitments. For most counties, the number of youths committed to SYTFs in FY 21/22 and FY 22/23 was consistent with or showed decreases from the total number of DJJ commitments, calendar year 2017-2021. However, there is one county which was flagged for potential net widening.

San Bernardino County was flagged due to a 43% increase between total DJJ commitments in 2021 and SYTF commitments in FY 21/22. Total DJJ commitments decreased from 19 to 15 youth between 2017 and 2018, a 21% decrease. Between 2019 and 2020 total DJJ commitments went from 21 to 14 youth, a 33% decrease. A total of 23 youth were committed to DJJ in 2021, in FY 21/22 33 youth were committed to SYTFs, we also see another increase in SYTF commitments in FY 22/23, to 51 youth.

In examining other AB102 data points, we hypothesize that this increase of San Bernardino SYTF commitments is due to systemic issues within the county judicial system – potentially related to transfer hearings. District Attorneys file motions to send youth to Adult Criminal Court in lieu of considering a juvenile court disposition. In San Bernardino FY 22/23 saw a doubling of transfer hearings ordered, increasing from 23 the previous year to 59. Further exploration is necessary to determine other factors contributing to these increases and if, in fact, net widening is occurring.

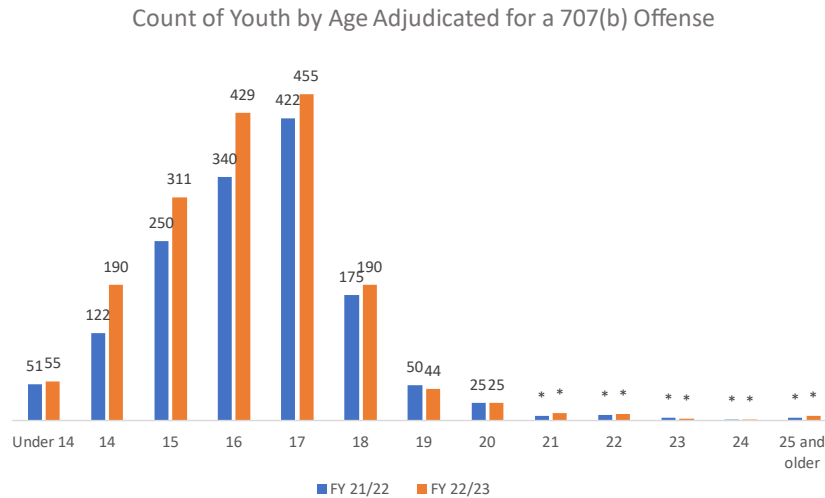
Small cell sizes and pandemic- related decarceration effects limit more nuanced county-specific analyses. As such OYCR will continue to monitor five other counties that have shown increases in FY 21/22 SYTF youth over total DJJ commitments in 2021: Alameda, Contra Costa, Fresno, Kern and Riverside.

PART B1

Part B data was broken into two parts: B1 and B2. B1 includes the number of individual youths in the county who were adjudicated for an offense under subdivision (B) of Section 707 of the Welf & Inst. Code. B2 includes the number of individual youths in the county who were adjudicated for an offense under Penal Code § 290.008. For FY 21/22, the total number of youths adjudicated for an offense under subdivision (B) of Section 707 of the Welf. & Inst. Code is 1,459. In FY 22/23, the number of youths who were adjudicated for an offense under Section

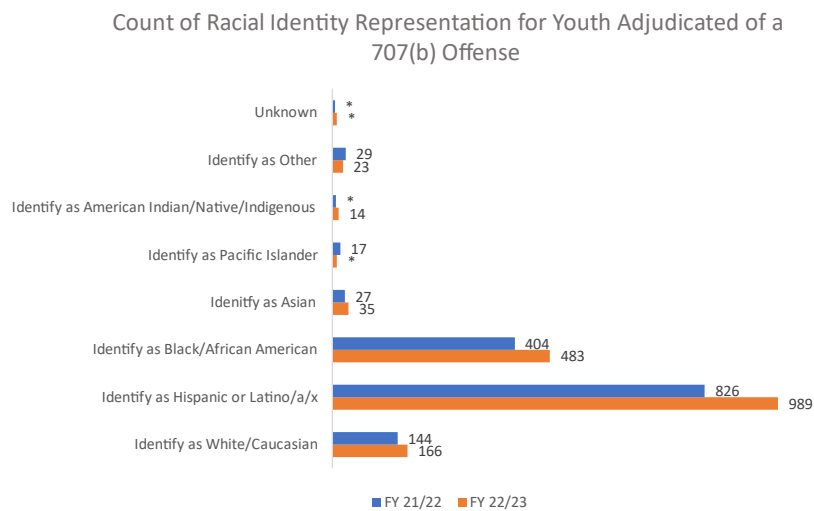
290.008 of the Penal Code, went up 19%, 1,730. The majority of this population was male, and over 50% of this population were between 16 and 17-years-old.

CHART 5: Count of Youth Age Adjudicated for a 707(B) Offense in FY 21/22 & FY 22/23



In FY 21/22, Latino youth made up 57% of 707(B) adjudications, Black youth made up 28% percent, this percentage makeup was nearly identical in FY 22/23. These rates are inconsistent with California population data demonstrating the overrepresentation of youth of color.

CHART 6: Count of Youth Racial/Ethnic Identity Representation for Those Adjudicated of a 707(B) Offense in FY 21/22 & FY 22/23

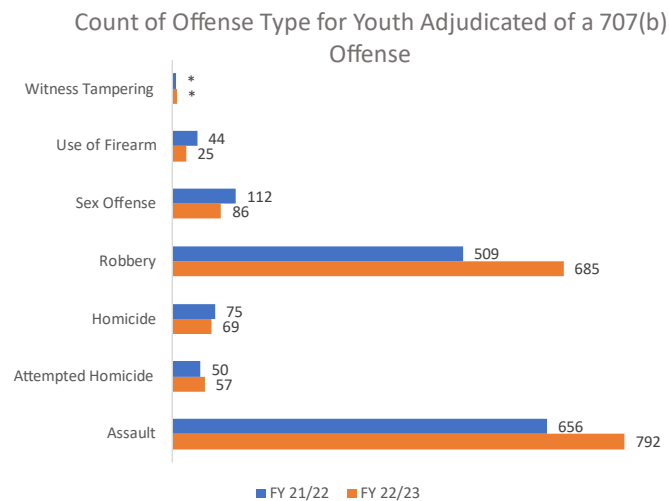


DISPARITY GAP: AB 102 PART B1

In FY 21/22 and FY 22/23, Latino youth were three times more likely to be committed for a 707(B) offense than White youth. Black youth were nearly 14 times more likely to receive a commitment for a 707(B) offense in FY 21/22 and FY 22/23 than White youth. In FY 21/22, Pacific Islander youth were six times more likely than White youth to be committed for a 707(B) offense, this disparity did decrease in FY 22/23 when Pacific Islander youth were about three times more likely than White youth to be committed for a 707(B) offense. Indigenous youth were about four times more likely than White youth to be committed for a 707(B) offense in FY 21/22, but there was an increase in FY 22/23 in which Indigenous youth were six times more likely than White youth to be committed for a 707(B) offense.

Chart 7 shows the count of offense type for youth adjudicated of a 707(B) offense. As with data point A, this shows a systemic commitment to treating youth as youth, even when they have been adjudicated of a serious offense.

CHART 7: Count of Offense Type for Youth Adjudicated of a 707(B) Offense in FY 21/22 & FY 22/23



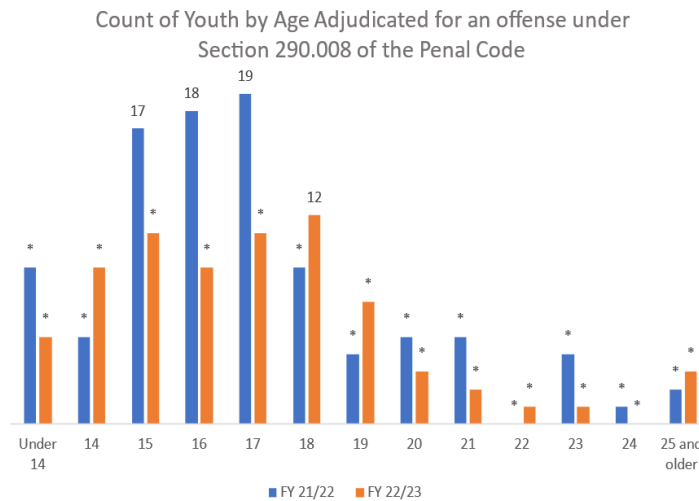
PART B2

As mentioned above, B2 includes the number of individual youths who were adjudicated for an offense under Cal. Penal Code § 290.008.

For FY 21/22, the total number of youths adjudicated for an offense under Cal. Penal Code § 290.008 is 98. This number saw a decrease of 24% in FY 22/23, with a total of 74 youth

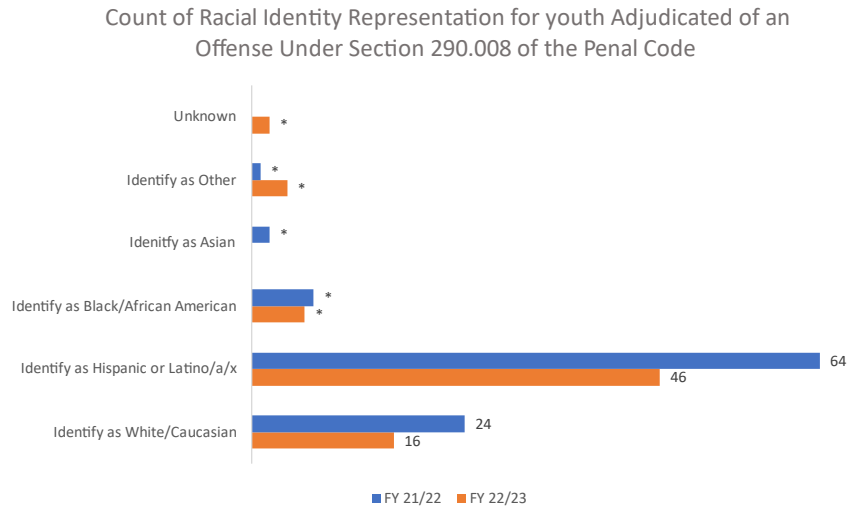
adjudicated for an offense under Cal. Penal Code § 290.008. The gender composition of this population was 100% male in FY 21/22 and nearly 100% male in FY 22/23. Chart 8 displays the age demographics of this population, most youth (55%) were between the age of 15 and 17-years-old.

CHART 8: Count by Age of Youth Adjudicated for an Offense Under Cal. Penal Code § 290.008 in FY 21/22& FY 22/23



In FY 21/22, for the youth population adjudicated of an offense under Cal. Penal Code § 290.008 Latino youth made up around 64% of the population and about 24% the youth under this adjudication were White. Similarly, in FY 22/23 Latino youth made up around 62% of these adjudications and White youth made up 22% of these adjudications.

CHART 9: Count of Youth Racial/Ethnic Identity Representation for those Adjudicated of an Offense Under CAL. PENAL CODE § 290.008 in FY 21/22 & FY 22/23

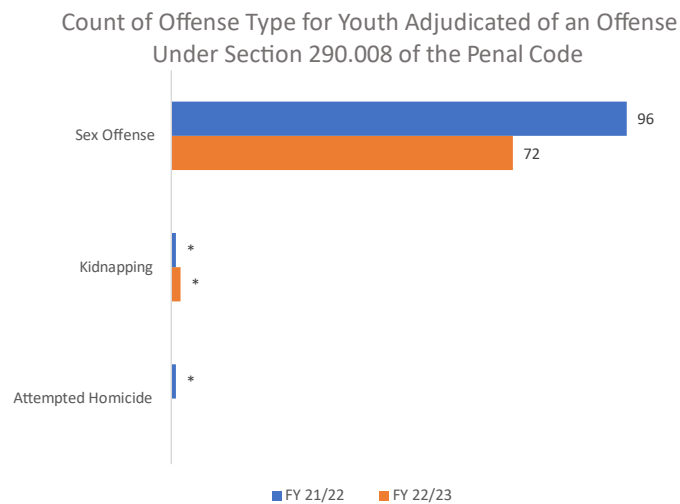


DISPARITY GAP: AB 102 PART B2

On data point B2, we see a break in the trend of youth of color making up the bulk of the population. Latino youth lead in this population, but White youth follow as the next largest group. This is reflected in the disparity analysis which shows Latino and Black youth only slightly more likely to be adjudicated of an offense under Cal. Penal Code § 290.008. Latino youth being about .5 times more likely than White youth during both reporting periods and Black youth being .4 and .8 times more likely than White youth to be adjudicated of an offense under Cal. Penal Code § 290.008 for FY 21/22 and FY 22/23, respectively.⁶

⁶ Cal. Penal Code § 290.008 describes sex offenses, which is why most offenses are sex offenses, however other offenses which were connected to the sex offense can also be documented which is why kidnapping and attempted homicide is included in chart 10.

CHART 10: Count of Offense Type for Youth Adjudicated for an Offense Under Section 290.008 of the Penal Code in FY 21/22 & FY 22/23.

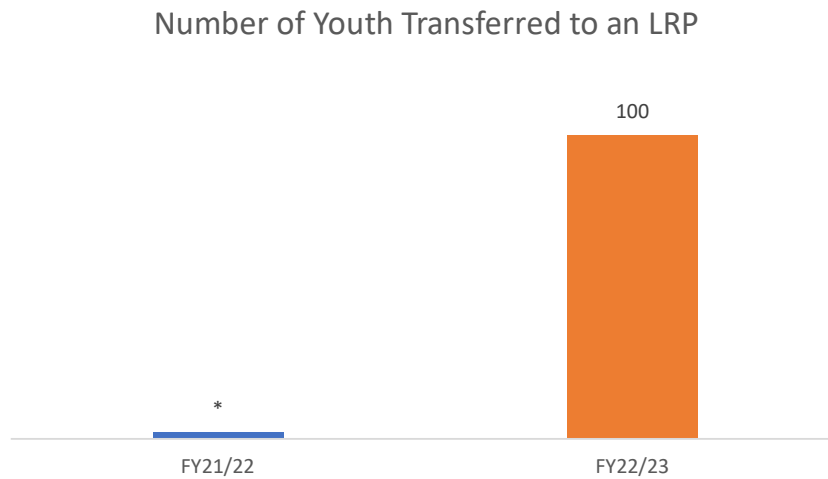


PART C

AB 102 Part C covers the number of youths transferred from an SYTF to a Less Restrictive Program (LRP), disaggregated by gender, age, race, and offense type. For FY 21/22, the count of youths transferred to an LRP was fewer than 12. In accordance with CHHS Data De-Identification guidelines (California Health and Human Services, 2016)⁷, OYCR cannot share the exact number, but it is noteworthy that in FY 21/22 fewer than 12 youths were transferred to an LRP and in FY 22/23, 100 youths were transferred to an LRP.

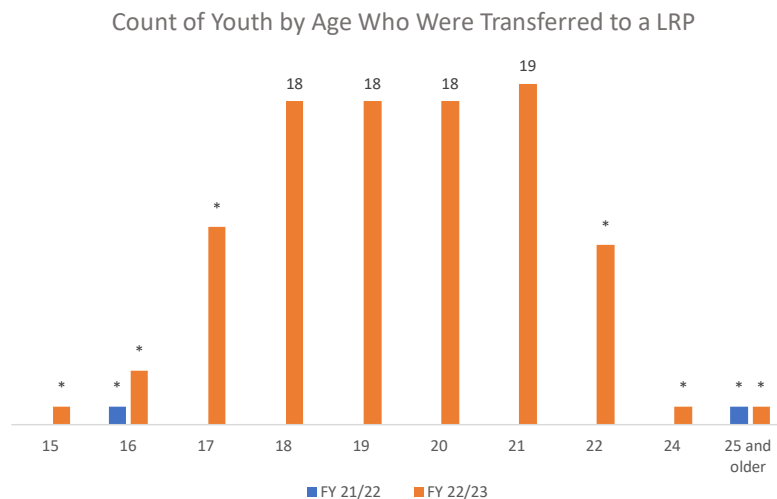
⁷ California Health and Human Services. (2016). Data De-Identification Guidelines (DDG). <https://chhsdata.github.io/dataplaybook/documents/CHHS-DDG-V1.0-092316.pdf>

Chart 11: Number of Youth who were Transferred to an LRP in FY 21/22 & FY 22/23



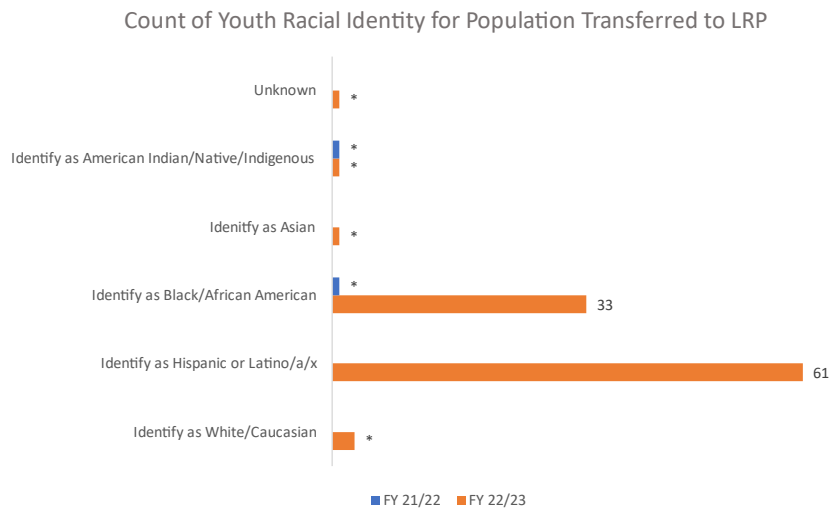
The data indicates a significant expansion in the use of LRPs beginning in FY 22/23. Of the 14 counties which transferred youth to from an SYTF to an LRP in FY 22/23, nearly 43% of those counties were in Southern California, about 21% were in Central California, about 21% were located in the Bay Area, and around 14% in the rest of Northern California. The gender composition of youth transferred, like all other AB 102 data points, is overwhelmingly male. Most youth, 73% transferred from a SYTF to a LRP were between 18 and 21-years-old.

Chart 12: Count of Youth by Age Who Were Transferred to an LRP in FY 21/22 & FY 22/23



In FY 22/23, 61% of youth transferred from an SYTF to an LRP were Latino and 33% were Black youth.

Chart 13: Count of Youth by Race who were Transferred to an LRP in FY 21/22 & FY 22/23



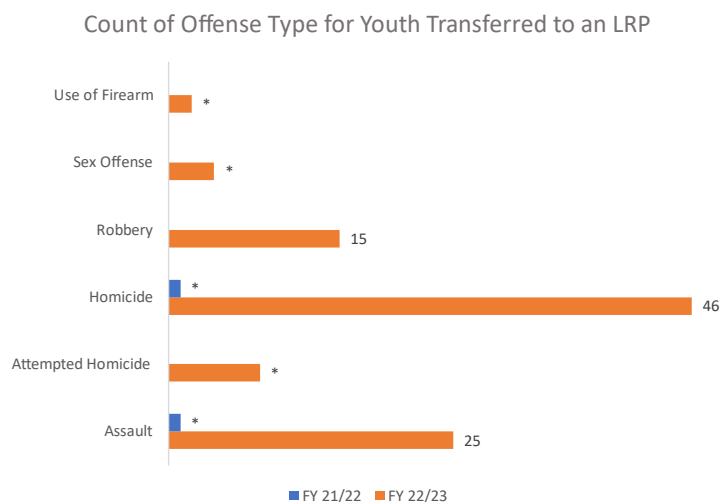
DISPARITY GAP: AB 102 PART C

A disparity analysis was not possible for FY 21/22 due to the very low count of fewer than 12 youth. For FY 22/23, broad generalization should be limited due to the relatively small pool of youth for each racial group. For this LRP racial disparity gap analysis, the ethnic base rate percentages of SYTF youth were used as the population base. This was done to ensure accurate rates of the current youth population in SYTF facilities that are being transferred to LRPs.

In FY 22/23 Latino youth were two times more likely to be transferred from an SYTF to an LRP than White youth. Moreover, Black youth are nearly three times more likely to be transferred from an SYTF to an LRP than White youth in FY 22/23. These results should be interpreted with caution. Because of the overrepresentation of youth of color inside SYTFs, the low base rates of White youth limit the interpretation of this data point.

When looking at offenses, youth transferred from an SYTF to an LRP were adjudicated for, we see the greatest number of offenses are homicide and assault, indicating a willingness to transfer youth to less restrictive settings even when the offense is serious.

CHART 14: Offense Type for Youth Transferred to an LRP in FY 21/22 & FY 22/23

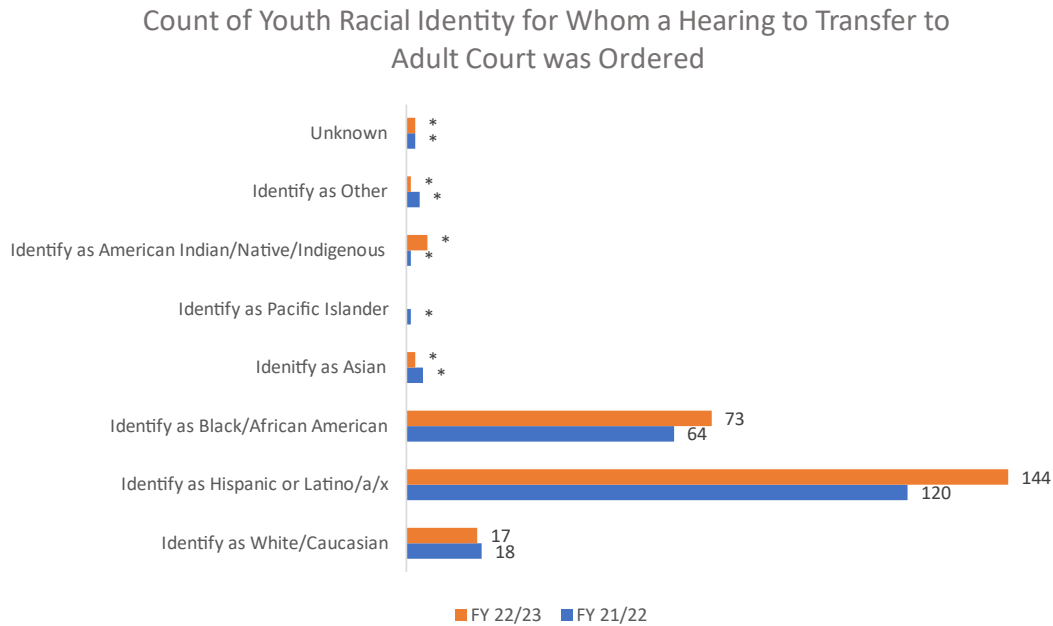


PART D1

The AB 102 Data Collection Form broke part D into multiple sections; D1, D2a and a third question, part D2b, which was not included in the language of AB 102 but was added to the form. Part D1 examines the number of youths for whom a hearing to transfer jurisdiction to an adult criminal court was ordered. Of the 213 transfer hearings ordered in FY 21/22, only 130 were held, and of the 244 transfer hearings ordered in FY 22/23, only 147 were held, this was determined by summing the total youth transferred and total youth not transferred. This shows how although a hearing can be ordered in a given fiscal year, it may not be held in the same reporting period and, for various legal reasons, may not be held at all. This is why the number of hearings ordered will not equal the sum of the number of youths transferred and the number of youths not transferred.

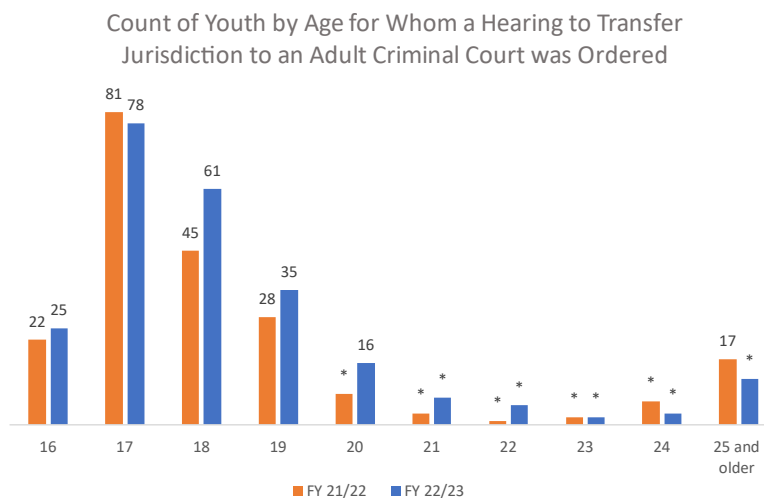
For D1, the population was overwhelmingly male for both fiscal years. Chart 15 shows the age breakdown of youth for whom a hearing was ordered to transfer jurisdiction of their case to an adult criminal court. Nearly 60% of these hearing orders were for 17 and 18-year-olds, while only 10% of these orders were for 16-year-olds, showing that courts are reserving most of these hearing orders for youth closest to legal adulthood.

Chart 15: Count of Youth by Age for Whom a Hearing was Ordered to Transfer their Case to Adult Criminal Court in FY 21/22 & FY 22/23



As we can see in chart 16, Latino and Black youth are the two largest populations in data point D1, with Latino youth making up more than 50% of transfer hearing orders in both reported fiscal years, and Black youth making up around 30% of the population for both fiscal years.

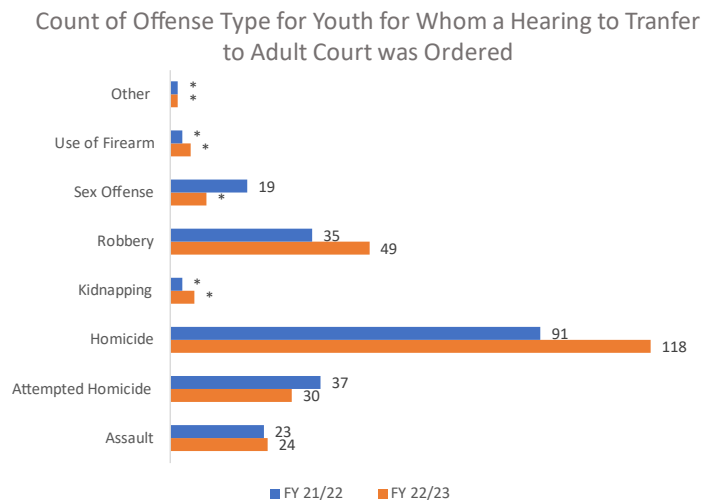
CHART 16: Count of Youth Racial/Ethnic Identity Representation for Youth Whom a Hearing to Transfer Jurisdiction to an Adult Criminal Court was Ordered in FY 21/22 & FY 22/23



DISPARITY GAP: AB 102 DATA POINT D1

When analyzing racial/ethnic data for the number of youths for whom a transfer hearing was ordered, we see that youth of color are more likely to receive an order to have their case transferred to adult court than their White peers. Latino youth were almost four times more likely than White youth to have a transfer hearing ordered in FY 21/22, and nearly five times as likely in FY 22/23. Black youth were about 17 times more likely than White youth to have a transfer hearing ordered in FY 21/22 and around 21 times more likely in FY 22/23. For Indigenous youth, the likelihood of having an order for a transfer hearing was four times greater than the likelihood for White youth to have the same hearing, in FY 21/22 and around 21 times more likely in FY 22/23. Chart 17 shows the count of offense type for youth for whom a hearing to transfer jurisdiction to adult criminal court was ordered in FY 21/22 and FY 22/23. For this population, nearly half of all offenses were for homicide. Almost half of the offenses being the most serious demonstrate that these hearings are being reserved primarily for the most serious offense.

CHART 17: Count of Offense Type for Youth for Whom a Hearing to Transfer Jurisdiction to an Adult Criminal Court was Ordered in FY 21/22 & FY 22/23



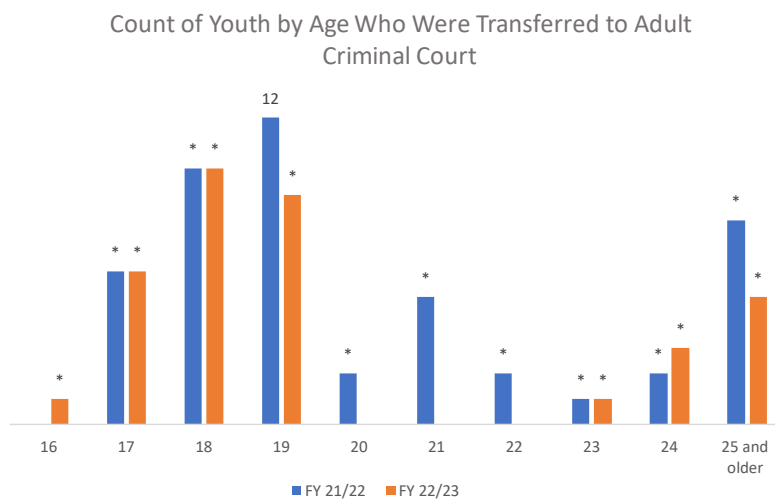
PART D2A

Part D2A tracks the number of youths whose jurisdiction was transferred to adult criminal court. In FY 21/22, 48 youth’s jurisdiction was transferred to adult criminal court and 100% of these cases were for male youth. In FY 22/23, 35 youth were transferred to adult criminal court,

this population was mostly male. Between FY 21/22 and FY 22/23, there was a 27% decrease in number of youths who were transferred to adult criminal court.

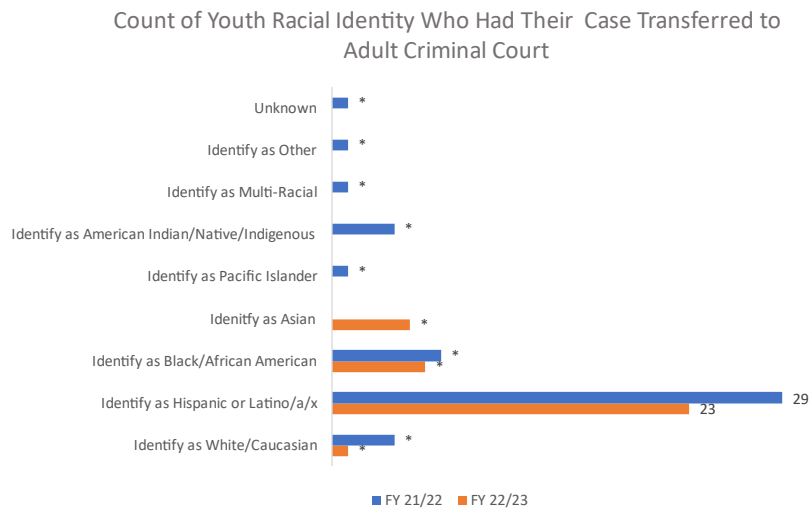
Chart 18 below shows that for FY 21/22 about 46% of youth who were transferred were between 18 and 19-years old, and for FY 22/23 around 55% were between 18 and 19-years-old. Similar to hearings ordered, youth transfers appear to be reserved primarily for older youth, nearest legal adulthood.

CHART 18: Count by Age of Youth who were Transferred to Adult Criminal Court in FY 21/22 & FY 22/23



The race/ethnicity demographics for youth whose jurisdiction was transferred to an adult criminal court in FY 21/22 and FY 22/23 are captured below in chart 18. Latino youth comprise around 60% of youth in both reporting periods, and Black youth make up around 17% of the population for both fiscal years. It is noteworthy that Indigenous youth make up 8% of youth transferred in FY 21/22, which is identical to the percent of White youth who were transferred that fiscal year. The disparity gap analysis demonstrates that proportionally, youth of color and specifically Indigenous youth are overrepresented in instances of youth who are transferred to adult criminal court.

CHART 19: Count of Youth Racial Identity who had their Case Transferred to Adult Court in FY 21/22 & FY 22/23



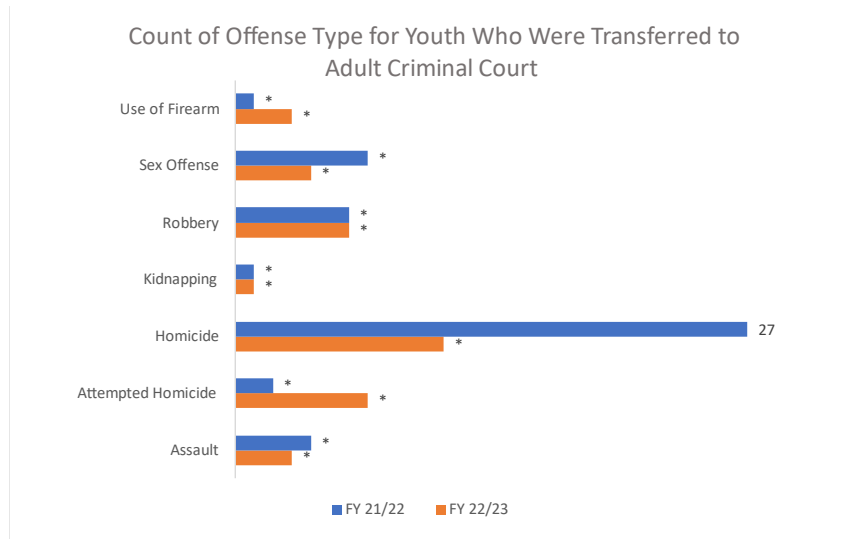
DISPARITY GAP: AB 102 PART D2A

In FY 21/22, Latino youth were nearly four times more likely than White youth to have their case transferred to adult criminal court. In the next fiscal year, Latino youth were 12 times more likely to have their case transferred. Black youth were around nine times more likely than White youth to have their case transferred in FY 21/22, and around 30 times more likely in FY 22/23.

Additionally, in FY 21/22 for Indigenous youth; although the count of Indigenous youth who had their case transferred was very low, fewer than 12, and equal to the count of White youth who had their case transferred, proportionally, Indigenous youth were more likely than White youth to have their case transferred to adult criminal court. Most racial groups show an increase in transfers to adult criminal court between FY 21/22 and FY 22/23, however, there were zero Indigenous youth in this population in FY 22/23. Youth of color are more likely to have a hearing for transfer to adult criminal court ordered and once the hearing is held, youth of color are also more likely to be transferred to adult criminal court.

In FY 21/22, over 50% of the offenses for youth transferred to adult court were homicide. In FY 22/23, around 31% of the offenses for cases transferred were homicide and around 20% were attempted homicide, indicating that transfers to adult court are typically reserved for the most serious offenses.

CHART 20: Count of Offense Type for Youth who were Transferred to Adult Court in FY 21/22 & FY 22/23



PART D2B

D2b is a supplementary data point outside the statutory scope of AB102. It tracks the number of youths who were not transferred to adult criminal court during these reporting periods. From the 130 hearings held in FY 21/22, 82 of those youth were not transferred to adult criminal court. Of the 147 hearings held in FY 22/23, 112 of those youth were not transferred to adult criminal court.

Most of this population was male and as chart 21 illustrates, most of these youth were between the ages of 17 and 19-years-old. Which is consistent with the ages of youth most likely to have a hearing for transfer to adult court ordered.

CHART 21: Count of Youth by Age who were Not Transferred to Adult Criminal Court in FY 21/22 & FY 22/23

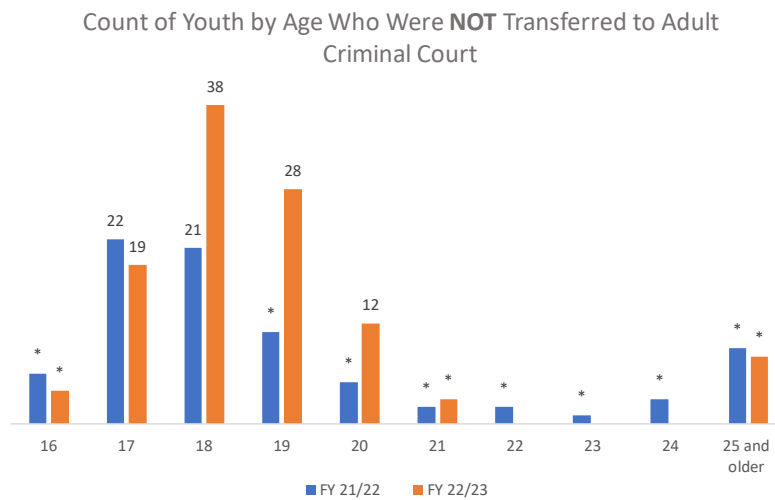
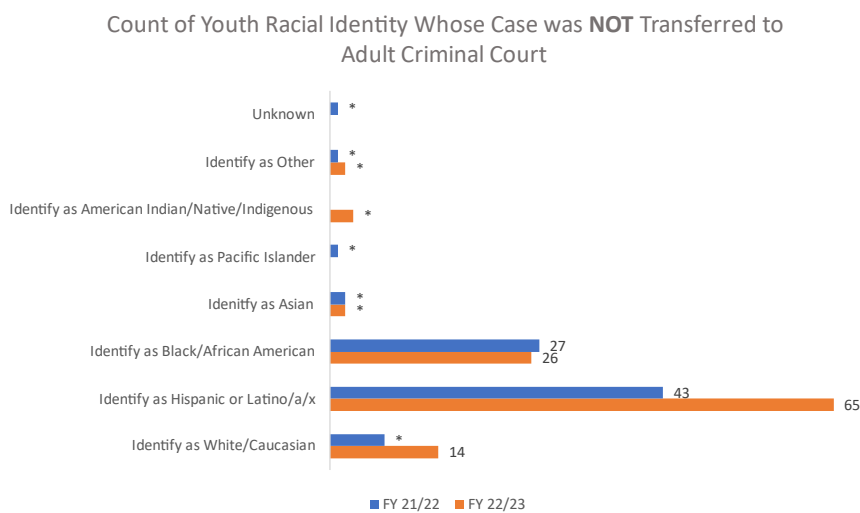


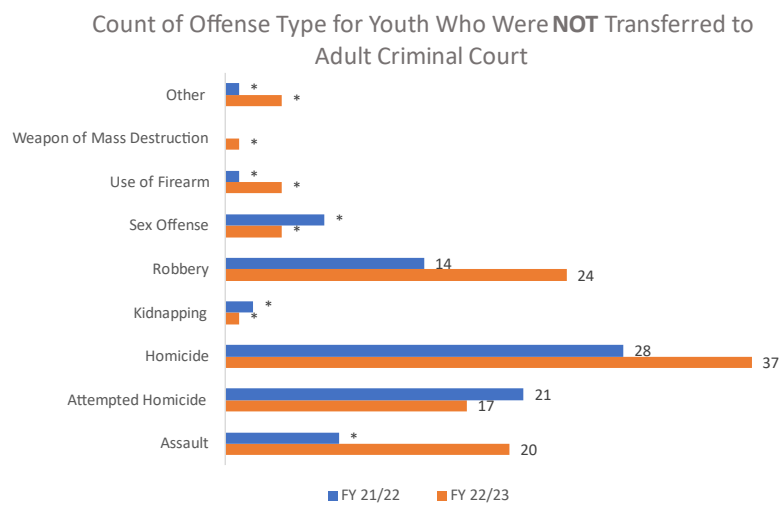
Chart 22 shows the count of youth by race whose case was not transferred to adult criminal court. Since youth of color are more likely to receive an order for a hearing to transfer their case to adult criminal court, it is to be expected that youth of color will also make up larger percentages of youth not transferred. Latino youth made up 52% of youth not transferred in FY 21/22 and 58% in FY 22/23. Black youth made up 33% of this population in FY 21/22 and 23% in FY 22/23.

CHART 22: Count of Youth Racial Identity whose Case was Not Transferred to Adult Criminal Court in FY 21/22 & FY 22/23



In FY 21/22, 34% of offenses for youth not transferred to adult criminal court were homicide and 26% were attempted homicide. In FY 22/23, homicide and attempted homicide together made up nearly 50% of offenses for youth cases not transferred to adult criminal court. Even though we see transfers for these same offenses in data point D2A, it is promising to see youth with these offenses not being transferred to adult criminal court and suggests that transfers to adult court are based on case and youth offender specifics rather than a generalization around offense types.

CHART 23: Count of Offense Type for Youth who were Not Transferred to Adult Court in FY 21/22 & FY 22/23



COUNTY LEVEL RACIAL DISPARITY GAP ANALYSIS

Low counts of youth at the county level preclude OYCR from sharing many county level details however, we can share county level disparity gap analysis. The following section will highlight specific counties which show levels of disparity by AB 102 data points which outpace disparities occurring at the state level for the same data points.

Work is clearly needed statewide to decrease the historical institutional racism that has led to the overincarceration of black and brown youth. Highlighting county-specific racial disparities can help identify and address county-specific factors that may be contributing to these disparities. Counties with only White youth or no White youth were excluded as these calculations require data from both White youth and youth of other races. Please note, when calculations did not yield whole numbers, qualifiers like “about,” “near” and “around” are used to present a whole number in the following narrative. All numbers with no qualifiers indicate a whole number was the result of that calculation.

COUNTY LEVEL DISPARITY GAP DATA POINT A

In Los Angeles County, in FY 21/22, Latino youth were nearly 12 times more likely than White youth to be committed to an SYTF, and 13 times more likely in FY 22/23. In FY 21/22, Black youth were nearly 24 times more likely than White youth to be committed to an SYTF, and 60 times more likely in FY 22/23.

In Placer County, in FY 22/23, Black youth were around 32 times more likely than White youth to be committed to an SYTF.

In Santa Clara, in FY 22/23, Latino and Black youth were nearly 20 times more likely than White youth to be committed to an SYTF.

In Shasta County, in FY 22/23, Black youth were about 29 times more likely than White youth to be committed to an SYTF.

COUNTY LEVEL DISPARITY GAP DATA POINT B1

In Alameda County, in FY 21/22, Latino youth were nearly five times as likely as White youth to be adjudicated for an offense under subdivision (B) of Section 707 of the Welf & Inst. Code and Black youth were about 74 times as likely as White youth to be adjudicated for an offense under subdivision (B) of Section 707 of the Welf & Inst. Code. In FY 22/23, Latino youth were also five times as likely and Black youth were 54 times as likely as White youth to be adjudicated of a 707(B) offense.

In Los Angeles County, in FY 21/22, Latino youth were about seven times, and Black youth were around 27 times more likely than White youth to be adjudicated of a 707(B) offense.

In Marin County, in FY 22/23, Latino youth are almost 15 times more likely, Black youth are almost 42 times more likely than White youth to be adjudicated of a 707(B) offense.

In Mendocino County, in FY 22/23, Black youth are nearly 81 times more likely than White youth to be adjudicated of a 707(B) offense.

In Napa County, in FY 21/22, Black youth were 21 times more likely than White youth to be adjudicated of a 707(B) offense.

In Orange County, in FY 21/22, Latino youth were four times as likely as White youth, and Black youth were about 13 times more likely than White youth to be adjudicated of a 707(B) offense. For FY 22/23 Latino youth were nearly 10 times as likely, Black youth were nearly 29 times as likely as White youth to be adjudicated of a 707(B) offense.

In Placer County, in FY 21/22, Black youth were around 32 times more likely, and in FY 22/23 around 16 times more likely than White youth to be adjudicated of a 707(B) offense.

In San Bernardino, in FY 21/22, Black youth were 10 times more likely than White youth to be adjudicated of a 707(B) offense. In FY 22/23, Black youth nearly 25 times more likely to be adjudicated of a 707(B) offense.

In San Diego County, in FY 21/22, Latino youth were around seven times more likely than White youth to be adjudicated of a 707(B) offense, the rate for Black youth was nearly 30 times more likely than White youth to be adjudicated of a 707(B) offense. In FY 22/23, Latino youth were almost four times as likely as White youth, and Black youth were nearly 19 times as likely as White youth to be adjudicated for a 707(B) offense.

In San Francisco County, in FY 22/23, Latino youth were about 7 times more likely, Black youth were 39 times more likely than White youth to be adjudicated of a 707(B) offense.

In San Joaquin County, in FY 21/22, Latino youth were about 18 times more likely and Black youth were 64 times more likely than White youth to be adjudicated for a 707(B) offense.

In San Mateo County, in FY 22/23, Latino youth were almost 13 times more likely and Black youth were 19 times more likely than White youth to be adjudicated of a 707(B) offense.

In Santa Barbara County, in FY 22/23, Latino youth were almost 10 times more likely than White youth to be adjudicated of a 707(B) offense.

In Santa Clara, in FY 21/22, Latino youth were about 9 times as likely, and Black youth almost 18 times as likely, as White youth to be adjudicated of a 707(B) offense, the rates were similar in FY 22/23, Latino youth were eight times more likely, and Black youth were about 18 times more likely, than White youth to receive this adjudication.

In Tulare County, in FY 21/22, Black youth were almost 17 times more likely than White youth to be adjudicated of a 707(B) offense.

In Ventura County, in FY 21/22, Latino youth were almost 20 times more likely, and Black youth were around 40 times more likely, than White youth to be adjudicated of a 707(B) offense. For FY 22/23, Latino youth were almost 21 times more likely than White youth to be adjudicated of a 707(B) offense.

In Yuba County, in FY 21/22, Black youth were about 16 times more likely than White youth to be adjudicated of a 707(B) offense.

COUNTY LEVEL DISPARITY GAP DATA POINT B2

In Los Angeles County, in FY 21/22, Latino youth were about 3 times as likely to be adjudicated for an offense under Cal. Penal Code § 290.008 than White youth.

In Orange County, in FY 21/22, Latino youth were nearly three times as likely, and Black youth were almost 30 times more likely than White youth, to be adjudicated for an offense under Cal. Penal Code § 290.008. For FY 22/23, Latino youth were almost 6 times more likely to be adjudicated for an offense under Cal. Penal Code § 290.008.

In Placer County, in FY 21/22, Latino youth were about six times more likely than White youth to be adjudicated for an offense under Cal. Penal Code § 290.008. For FY 22/23, Black youth were about eight times more likely to be adjudicated for an offense under Cal. Penal Code § 290.008.

In San Diego County, in FY 22/23, Latino youth were almost four times more likely as were Black youth, than White youth to be adjudicated for an offense under Cal. Penal Code § 290.008.

In Shasta County, in FY 22/23, Black youth were nearly 40 times more likely than White youth to be adjudicated for an offense under Cal. Penal Code § 290.008.

In Stanislaus County. FY 21/22, Latino youth were almost three times more likely, and Black youth were about 10 times more likely than White youth to be adjudicated for an offense under Cal. Penal Code § 290.008.

In Tulare County, in FY 21/22, Black youth were about six times more likely to be adjudicated for an offense under Cal. Penal Code § 290.008 than White youth; in FY 22/23, the rate for Black youth was almost 18 times more likely than for White youth.

COUNTY LEVEL DISPARITY GAP DATA POINT C

There were no counties for data point C which had higher disparity than the statewide disparity.

COUNTY LEVEL DISPARITY GAP DATA POINT D1

In Fresno County, in FY 22/23, Black youth were about 29 times more likely than White youth to have a hearing to transfer jurisdiction to an adult criminal court ordered.

In Sacramento County, in FY 22/23, Black youth were nearly 55 times more likely than White youth to have a hearing to transfer jurisdiction to an adult criminal court ordered.

In San Diego County, in FY 21/22, Black youth were 42 times more likely than White youth to have a hearing to transfer jurisdiction to an adult criminal court ordered.

In Shasta County, in FY 21/22, Black youth were nearly 57 times more likely than White youth to have a hearing to transfer jurisdiction to an adult criminal court ordered.

COUNTY LEVEL DISPARITY GAP DATA POINT D2A

There were no counties for data point D2A which had racial disparities greater than the racial disparities seen at the state level.

COUNTY LEVEL DISPARITY GAP DATA POINT D2B

A county level disparity analysis for data point D2B, number of youths not transferred to adult criminal court, has not been included because those rates reflect data which has already been presented in the disparity analysis for data point D1. Black and Latino youth receive orders for transfer hearings at higher rates than White youth.

CONCLUSION

The realignment of juvenile justice created by SB 823 is well under way in California. The data from AB 102 show persistence of racial disparities and overrepresentation of Black and Brown youth within the criminal justice system, similar to trends across the nation. Net widening will need to be monitored as the process of realignment continues. OYCR will continue to work closely with all juvenile justice stakeholders to address these racial disparities.

AB 102 data also exposes areas of great promise. Although we have a small number of counties we will monitor, it is promising to see that net widening is not a statewide trend. FY 21/22 SYTF commitments are still 29% lower than 2019 pre-pandemic, pre-SB 823, DJJ commitments, and that even with the SYTF commitment increase we see between FY 21/22 and FY 22/23, the FY 22/23 SYTF commitments are still 18% lower than 2019 DJJ commitments. AB 102 data also shows a demonstrable willingness of counties juvenile justice stakeholders across the state to keep youth in the juvenile court system, even with serious offenses. Further, data demonstrates that counties are willing to transfer youth, even with the most serious offenses to LRPs from SYTFs. We can see an increased use of LRPs starting in FY 22/23 and in future years, OYCR hopes to see this number grow. OYCR continues to offer opportunities to increase visibility and ease by which counties can move youth into LRPs.