

We Cannot Prove What We Cannot See.

Data Access and RJA Claims in Juvenile Court

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PENAL CODE SECTION 745: STATISTICAL CLAIMS

Subdivision (f) must be read into subdivision PC 745(a)(3) and (a)(4), as different language is used in juvenile court.

With modifications

(3) The **youth** was **alleged to have come within Welfare and Institutions Code section 602** or **adjudicated** of a more serious offense than **youth** of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained **adjudications** for more serious offenses against people who share the **youth's** race, ethnicity, or national origin in the county where the **adjudications** were sought or obtained.

PENAL CODE SECTION 745: STATISTICAL CLAIMS

Subdivision (f) must be read into subdivision PC 745(a)(3) and (a)(4), as different language is used in juvenile court.

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(4) (A) A longer or more severe **disposition** was imposed on the **youth** than was imposed on other similarly situated individuals **adjudicated for** the same offense, and longer or more severe **dispositions** were more frequently imposed for that offense on people that share the **youth's** race, ethnicity, or national origin than on **youth** of other races, ethnicities, or national origins in the county where the **disposition** was imposed.

(B) A longer or more severe **disposition** was imposed on the **youth** than was imposed on other similarly situated individuals **adjudicated for** the same offense, and longer or more severe **dispositions** were more frequently imposed for the same offense on **youth** in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the **disposition** was imposed.

745 (a)(3)-(4) Claims:

A foot in the door requires data we cannot see.

What the Law Promises

- PC 745 applies fully in juvenile court: adjudications, dispositions, and transfer to adult court
- Youth can challenge racially disparate charging, detention, disposition, and transfer decisions
- Disparity claims under (a)(3) and (a)(4) require statistical evidence, county by county

What We See in Practice

- The county-level data those claims require is not publicly available
- No current, statewide, disaggregated reporting on the decision points the RJA covers
- The burden of proof sits on youth. The evidence sits with the state.

That is not a gap in the law. It is a gap in access.

How an RJA Claim Works

Step 1: Prima Facie Showing (*A foot in the door*)

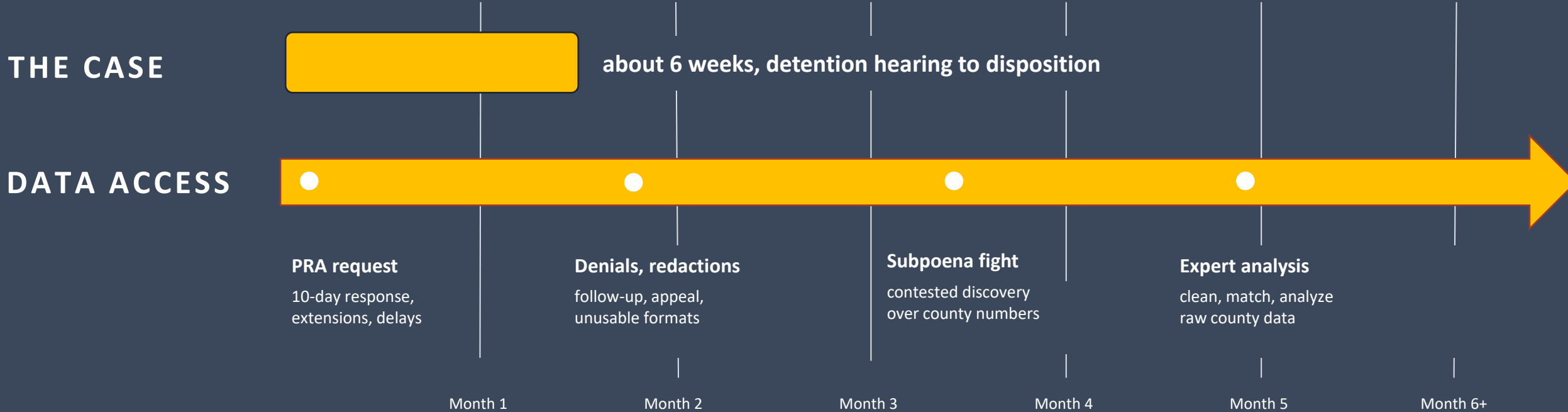
- Young v. Superior Court (2022): a plausible factual basis, from specific facts, that a violation could or might have occurred
- Aggregate county-level data by race and decision point is how that showing gets made
- The threshold is broad and flexible, **but it cannot be met with no data at all.**

Step 2: The Merits (*Similarly Situated Comparators*)

- 745(a)(3): youth of other races who engaged in similar conduct, similarly situated, were charged less severely
- That requires case-level records only the state holds: charging files, direct file records, dispositions
- Discovery, granted at Step 1, is the only way to get them

If there is no aggregate county-level data by race/ethnicity at Step 1, we never get to Step 2.

Two clocks that do not match



The Problem: By the time attorneys get data, the decision has already been made. And every claim built this way consumes attorney and expert hours most defenders do not have.

The Solution: Easy public access to data the state already collects will solve this.

The Data Needed to make a RJA Prima Facie Exists

OYCR: WIC 2200(g):

The deep end: the most restrictive decisions

County probation reports to OYCR twice a year, disaggregated by race/ethnicity, age, and gender:

- ☐ SYTF commitments, with most serious commitment offense
- ☐ 707(b) adjudications
- ☐ Transfers from SYTFs to less restrictive programs (LRPs)
- ☐ Transfer-to-adult-court hearings held, and youth transferred

DOJ: juvenile court and probation data:

The full pipeline: every decision point

County Probation reports to DOJ's statewide system (JCPSS) by race/ethnicity, age, and gender:

- ☐ Referrals
- ☐ Detention
- ☐ Petitions
- ☐ Adjudications
- ☐ Disposition
- ☐ Transfer hearings with results

Between OYCR and DOJ, the state holds county-level, data disaggregated by race/ethnicity on many decision points RJA claims are based on. This is exactly the aggregate data a prima facie showing requires.

Statewide Youth Justice Data: *What Exists and What is Public*

	County	Race/ Ethnicity	Gender	Offense	Metric
DOJ: MACR* (Arrest)	X	X	X	X*	Flow
DOJ: JCPSS (as published) (Probation Referral → Court Disposition)	<i>Available but not published</i>	X	X	<i>Available but not published</i>	Flow
BSCC: Detention Profile (Youth Incarceration in County)	X		X		Snapshot/ ADP
CDCR/DJJ** (Youth Incarceration in State)	X		X		Snapshot
OYCR*** (Incarceration related to SB 823)	<i>Available but not published</i>	X	X	X	Flow

*MACR arrest data only available in broad offense categories.

**DJJ data are available on the website of CJCI.

***AB 102 (Budget Bill Jr., 2023); AB 169 (WIC 2200(g) (Amended 2024)) - data available from PRA are highly redacted.

“Rule of 11”

Data De-Identification Guidelines (DDG)

California Health and Human Services
September 23, 2016

Version 1.0



County	Santa Clara
FY	2021-2022
A. Number of youth committed to SYTF	
Gender Identity at time of commitment	
	Male
	Female
	Non-binary
	Declined to identify
Age at time of commitment	
	14
	15
	16
	17
	18
	19
	20
	21
	22
	23
	24
Race/ethnicity	
	25 and older
	Identify as White/Caucasian
	Identify as Hispanic or Latino/a/x
	Identify as Black/African American
	Identify as Asian
	Identify as Pacific Islander
	Identify as American Indian/Native/Indigenous

B1. Number of youth adjudicated of a 707(b) offense		108
Gender Identity at time of adjudication		
	Male	96
	Female	12
	Non-binary	
	Declined to identify	
Age at time of adjudication		
	Under 14	
	14	13
	15	16
	16	27
	17	26
	18	20
	19	
	20	
	21	
	22	
	23	
	24	
Race/ethnicity		
	25 and older	
	Identify as White/Caucasian	
	Identify as Hispanic or Latino/a/x	82
	Identify as Black/African American	12
	Identify as Asian	
	Identify as Pacific Islander	

Most Serious Commitment Offense	
	Identify as Multi-Racial
	Identify as Other
	Unknown
	Arson
	Assault
	Attempted Homicide
	Homicide
	Kidnapping
	Robbery
	Sex Offense
	Use of Firearm
	Violence Against Aged
	Weapon of Mass Destruction
	Witness Tampering

D1. Number of youth for whom a fitness hearing was ordered	
Gender Identity at time hearing was ordered	
	Male
	Female
	Non-binary
	Declined to identify
Age at time hearing was ordered	
	16
	17
	18
	19
	20
	21
	22
	23
	24
Race/ethnicity	
	25 and older
	Identify as White/Caucasian
	Identify as Hispanic or Latino/a/x
	Identify as Black/African American
	Identify as Asian
	Identify as Pacific Islander
	Identify as American Indian /Native/Indigenous
	Identify as Multi-Racial
	Identify as Other

A right you cannot exercise is not a right.

- Youth carry the burden of proving disparity. The state holds the proof but has policies that prevent sharing it.
- Without county-level data, there is no prima facie showing, no discovery, no foot in the door.
- Statewide reporting and statewide accountability are impossible when no one can see the numbers.
- For the young people facing transfer and secure confinement, the RJA becomes meaningless.