County of Santa Cruz

PROBATION DEPARTMENT

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SCOTT MACDONALD
CHIEF PROBATION OFFICER

May 15, 2013

The Honorable Patrick J. Leahy
Chairman
United States Senate
Committee on the Judiciary
437 Russell Senate Bldg
Washington, DC 20510

Dear Chairman Leahy and Members of the Senate Judiciary Committee:

I write this letter out of concern to provisions in the Senate Bill 744 and other amendments that target alleged gang members. In my position as Chief Probation Officer in Santa Cruz County, California I am all too familiar with the pain and suffering caused by gang violence. However, the language in S. 744 and supporting amendments cast too wide a net and will likely sweep in youth who are not gang members. Moreover, the amendment and the bill if passed, will jeopardize the significant public safety and financial gains I have worked to achieve in our county.

I have been with the Santa Cruz County Probation Department since 1984 and have been the County Chief Probation Officer since 2008. I supervise 150 employees and manage a budget of over $15 million.

Santa Cruz County is one of four model sites in the Juvenile Detention Alternatives Initiative (JDAI), a national juvenile justice reform effort, which is being replicated in 100 jurisdictions in 30 states and the District of Columbia. Using evidence based practices, our local reform efforts have resulted in cost savings in the millions, reduction of the juvenile hall population by more than half, and reduction of juvenile felony arrests by 48 percent and misdemeanor arrests by 43 percent. Santa Cruz has also significantly narrowed the gap between Latino youth representation in the general population and Latino youth representation in the juvenile hall population.

The success of Santa Cruz County in effectively ensuring public safety while helping youth successfully transition into adulthood is predicated on a model of balanced and restorative justice that promotes the goals of accountability, competency, and public safety. In our work, the Probation Department adheres to the following values: providing opportunities for healthy development for all youth, avoiding unnecessary detention, keeping youth at home with their families, and providing culturally responsive community services. As part of our community services, we focus on prevention and intervention efforts with youth to ensure they stay out of gangs.

The new proposed deportation grounds for gang members and the Grassley amendment directly undermine this model for juvenile justice reform. Under these provisions, we believe more youth will be misidentified as gang members by ICE and more youth will be detained and separated from their families. Moreover, these provisions create a one-size-fits-all profile of a gang member where evidence of rehabilitation, ties to family, and other considerations are ignored.

Our Department has seen firsthand the impact of accusations of gang membership on young people of color in the County. It is common for local police to take action against youth, especially in one area that is reputed to have gang members, if there is a belief that such youth are involved with gangs. Instead, we find that many youth are not gang members, but at-risk youth. Even if a youth is in a gang, we seek services to help them transition out of the gang.

Additionally, the standards to identify gang members are confusing and run the risk of exacerbating racial profiling of youth. We are concerned that these provisions will undermine the gains we have made in reducing racial inequities of the juvenile justice system. The reduction of racial and ethnic disparities has been an integral component of Santa Cruz County's detention reform work.

I hope that the Senate Judiciary Committee rejects the Grassley amendment and amends the current provisions in the Senate bill to support juvenile justice reform and public safety.

Sincerely,

Scott MacDonald
Chief Probation Officer
Santa Cruz County, California