



**Brian  
Lewinstein  
Youth  
Justice  
Fellowship**

*Yasmine Tager  
UC Berkeley Law School J.D. 2019  
East Bay Community Law Center*



## **Yasmine Tager**

*Yasmine Tager is the recipient of a **two-year \$130,000 Brian Lewinstein Youth Justice Fellowship to work at the East Bay Community Law Center.***

Here, she shares monthly updates on her work.

“EDJY [East Bay Community Law Center’s Education, Defense & Justice for Youth Clinic] shaped my experience at Berkeley Law and I could not be more excited for the opportunity to be a part of the team for the next two years as an Equal Justice America Fellow. I am eager to share my passion and commitment with similarly motivated law students in the Clinical Program. EDJY gave me the opportunity to advocate wholeheartedly for youth caught at the intersection of the juvenile justice and education systems. I am grateful to Equal Justice America for the opportunity to pursue holistic advocacy and leverage direct representation experience to increase safeguards for transition-age youth.”

# December 2019

Prior to 1971, Welfare and Institutions Code section 602 allowed juvenile court jurisdiction to extend to age 21. In 1971, the passage of California Assembly Bill 2887 eliminated this option, which resulted in 18 to 21-year-olds being funneled into the adult criminal justice system.

Perhaps surprising to many, district attorneys, probation officers, California Youth Authority guards, police officers, and juvenile court judges were all vocal opponents of the bill, noting that it would deny young people the opportunity to avail themselves of more appropriate rehabilitative treatment programs in the juvenile justice system. Despite this opposition, the law passed and dramatically changed how youth accused of committing a crime are treated. The brain science in 2019, almost fifty years after the passage of AB 2887, verifies what people already knew in 1971: young adults are different and the adult criminal justice system is a poor fit for their needs.

**“Young adults are different and the adult criminal justice system is a poor fit for their needs.”**

Recently, the Chief Probation Officers of California (“CPOC”) announced that they are working on a bill that would extend juvenile court jurisdiction to 18 and 19-year-olds. If this plan becomes law, California will join Vermont as the only states to extend the age of juvenile jurisdiction past 18. While some community-based organizations are hoping to capitalize on this momentum and push for more progressive reform, the proposal is also drawing skepticism from advocates who believe CPOC is trying to build job security in the face of declining youth crime rates.

Thanks to Equal Justice America, I’ve had the opportunity to conduct research on similar “raise the age” initiatives in the U.S., and on innovative approaches to transition-age youth justice abroad. The fellowship has also allowed me to engage in this conversation with community-based organizations in Alameda County. I look forward to continuing to engage in these important conversations in 2020, and to the opportunity to make space for the voices and input of those that have been most impacted by harmful criminal justice policies.

“Only 11% of local jails offer special education services to inmates.”

## January 2020

While young people with disabilities who receive special education and related services are entitled to a free appropriate public education (“FAPE”) up until their 22<sup>nd</sup> birthday or when they obtain a high school diploma (which ever happens first), many who are incarcerated in adult correctional facilities are being denied meaningful access to education.

If these young people meet certain prerequisites, namely that they were identified as a child with a disability, received special education in the past, or had an individualized education program, there is no question that they are entitled to FAPE. And yet, according to the Bureau of Justice Statistics’ Census of Jails (1999), only 11% of local jails offer special education services to inmates.

As part of my Equal Justice America fellowship, I am researching different ways of advocating for young adults with disabilities—who are significantly overrepresented in the criminal legal system—to access the special education services they are entitled to.

“I work to challenge the inherent racial disparities in our justice system by learning to tell the story of each client’s unique family history, trauma, educational needs, and goals”

# February 2020

Camp Wilmont Sweeney (“Camp Sweeney”) is a 24-hour local residential placement for court-ordered commitments of male youth ages 15 to 19. The Camp is run by Alameda County’s Probation Department.

In 2019, it held around 13 young people on average, or 12% of the Camp’s 105 total bed capacity. As a result of declining detention rates, the annual cost to incarcerate a youth in Alameda County has now risen to over \$450,000.

Yet, the Probation Department has proposed to allocate another \$75 million to rebuilding Camp Sweeney.

In coalition with many organizations across Alameda County, and as part of my Equal Justice America fellowship, I have been working with colleagues to try to put an end to Probation’s plans to invest more money in detention facilities that fail our young people and serve to exacerbate the racial and economic injustices in our County. Instead, we are advocating for these resources to be directly invested in youth, families, and community-based alternatives to incarceration. Last week, in honor of Valentine’s Day, [our community showed up in a powerful demonstration](#) of what we believe love and real investment look like for our children.



# March 2020

In light of COVID-19, the East Bay Community Law Center has partnered with organizations led by people who have been directly impacted by the criminal legal system and nonprofit legal organizations dedicated to fighting for the rights of system-impacted youth to ensure the protection of detained youth in Alameda County.

We know that, given the unconscionable racial disparities in the juvenile legal system, the risk of increased community spread of the virus due to the confined, close quarters, in juvenile hall will be borne most heavily by our youth and communities of color. To stem the spread of COVID-19 in youth facilities, we are asking Alameda County stakeholders to work in partnership with us to significantly shrink the population of detained youth, and prioritize the health, safety, and overall well-being of youth if they must remain incarcerated during this time.

“Time is of the essence to prevent an outbreak in Alameda County’s youth facilities, and my Equal Justice America fellowship is allowing me to prioritize our coalition’s advocacy on this front.”

Based on what is happening across the country, we know that it is no longer a question of if but when someone might test positive for the coronavirus. Time is of the essence to prevent an outbreak in Alameda County’s youth facilities, and my Equal Justice America fellowship is allowing me to prioritize our coalition’s advocacy on this front.



# April 2020

As the impact of COVID-19 is being felt throughout youth facilities, the East Bay Community Law Center continues to work in coalition with its partners to advocate for additional releases of youth who can safely return to their homes with community-based support and supervision.

During this pandemic, my Equal Justice America fellowship allows me to help highlight the value of a united approach—one that values and invests in support from community-based and legal organizations that work with impacted youth and their families in crafting transition plans to decrease the number of detained youth.

# May 2020

Though far from perfect, the juvenile legal system is better suited than the adult system to meet the developmental needs of transition-aged youth, especially given the juvenile legal system's rehabilitative aims.

When transition-aged youth are held in adult jails, they do not have the same opportunities for education, developmentally appropriate programming, or prosocial engagement with same-aged peers when compared to young people in juvenile detention facilities. Crucially, for students with disabilities, adult jails may deprive them of the opportunity to access an education—a denial of a fundamental right under California's constitution. Indeed, the constricted eligibility for special education of young people detained in adult correctional facilities under The Individuals with Disabilities Education Act—legislation intended to ensure students with a disability are provided a Free Appropriate Public Education—denies too many transition-aged students access to a meaningful education, and in turn, a critical opportunity to increase post-release success.

In an effort to stop the harm being done to young people held in adult facilities, EBCLC is supporting Senate Bill 1111, which will reduce the transfer of youth 18-20 years of age to adult jails. This bill is particularly important right now because transfer of youth from juvenile to adult facilities dramatically increases the chances of COVID-19 transmission.



# June 2020

The East Bay Community Law Center is a member of the Free Our Kids Coalition—a coalition of around 12 organizations that convened in 2019 to oppose the original \$75 million proposal to rebuild Alameda County’s juvenile probation camp, Camp Sweeney, and to transform the juvenile justice system in the County.

As of the first quarter of 2020, Black, Latinx, and Asian youth made up 100 percent of the population in Camp Sweeney. As a result of the Coalition’s advocacy as well as budget shortfalls due to COVID-19, the Alameda County Probation Department announced during the County’s Fiscal Year 2020-2021 Final Budget Deliberations that there are currently no more plans to rebuild Camp Sweeney.

# July 2020

With the significant impact of COVID-19 on the state budget, Governor Gavin Newsom announced the closure of California’s youth correctional system, the Division of Juvenile Justice (DJJ). Since the announcement in mid-May, advocates, stakeholders, and community members have come together to draft recommendations regarding the proposed closure.

These recommendations aim to ensure a considered process, and to limit potential unintended consequences. Taking into account several priorities, the community’s recommendations center around racial justice, meaningful oversight, equitable and restricted state funding to counties, safeguards to adult prosecution, net decarceration across systems, a halt to funding for the construction of new secure facilities, and an intentional closure date.