



AUGUST 2020

CLOSE DJJ THE RIGHT WAY

WHAT'S AT STAKE FOR NONCITIZEN YOUTH?

California is in the midst of an historic reform of its Division of Juvenile Justice (DJJ). Under current plans, [failed DJJ facilities](#) will close, creating an opportunity for youth to be cared for close to home through community-based programs and services. But if DJJ closes, it must close justly. Any closure must divest from carceral solutions and invest in restorative and transformative justice rooted in community wellness and safety. Any closure must take into account the needs of all impacted communities, including immigrant youth.

THE DJJ CLOSURE COULD IMPACT NONCITIZEN YOUTH IN TWO MAIN WAYS:

1. Noncitizen youth whose cases are handled in the juvenile rather than adult criminal system face much less dire immigration consequences. This is because immigration law recognizes the rehabilitative nature of juvenile proceedings and does not treat juvenile adjudications as criminal “convictions” triggering deportation or barring people from obtaining immigration status. If the DJJ closure is not done the right way, it could result in more children being transferred to the adult criminal legal system. This is an incredibly harsh consequence for all youth but an especially damaging one for noncitizen youth, who could face permanent banishment from their family and community in the United States as a result.



To protect noncitizen youth, the DJJ closure must include strong provisions protecting against increased transfers of youth to the adult criminal legal system.

2. Noncitizen youth whose cases are handled in the juvenile rather than the adult criminal system benefit from the strong confidentiality protections that govern juvenile court proceedings in California. In juvenile court proceedings, a youth’s confidential information cannot be shared with federal immigration officials without prior juvenile court permission. As a result, unlike adults, youth are not routinely turned over to Immigration & Customs Enforcement (ICE) in California. The strong confidentiality protections that attach to juvenile court proceedings must also be incorporated into the DJJ closure plan, to ensure that any youth in DJJ or its successor are also not turned over to ICE, in line with DJJ’s rehabilitative mission.

To protect noncitizen youth, the DJJ closure must include strong confidentiality protections for young people that protect against their information being shared with ICE.



MOVING FORWARD: California must reimagine community wellness and safety by putting an end to the states school to prison/deportation pipeline. This means responding to harm with solutions that address the real root causes of violence that don’t put youth at risk of more violence. All youth are safer when their community’s investments in housing, education, community programs, physical and mental health, cultural and holistic healing, and authentic community needs. We must ensure we close DJJ the right way.