

Juvenile Justice Coordinating Council (JJCC)- **SB 823 Subcommittee Meeting**
 February 10, 2021, 1:30p.m.
 Teleconference & Go To Meeting Participation Only
 Meeting Minutes

MEMBERS	Agency	Present	Absent
Tracie Neal	Probation	X	
Ben Hannah	District Attorney's Office	X	
Kathryn Barton	Public Defender's Office	X	
Cindy Lane	HHSA/Social Services	X	
Laura Stapp	HHSA/Mental Health	X	
Mary Lord	Shasta County Office of Education	X	
Cindy Van-Schooten	Shasta County Superior Court		X
Michael Burke	Pathways to Hope	X	
Cindy Vogt	California Heritage Youth Build Academy	X	
Valery Hartley	Shasta ILP	X	
GUESTS Present		*****	*****
Erin Bertain	Probation		

The meeting was called to order at 1:30 p.m. A quorum was present. Introductions were made.

Public Comment

None

Approval of meeting minutes

None

Financial Report

None

Discussion Items

Discuss DJJ Realignment and SB 823

Tracie explained the purpose of this initial meeting was to discuss Senate Bill 823 and DJJ Realignment. Tracie said the intent of SB 823 is to ultimately close the Division of Juvenile Justice (DJJ). She stated intake will close 7/1/21 which means following that date, any youth sentenced to DJJ will remain with the county and no longer be accepted to DJJ. She said DJJ will serve the youth who have been booked prior to this date and will close all three facilities and the fire camp by July 30, 2023.

Tracie provided a brief history of state youth detention facilities. She said youth have been detained by the state since the 1850's. She stated in 1941 the Youth Correctional Authority Act was adopted and later modified to the California Youth Authority (CYA) focusing on a military and camp approach for youth needing detention at the state level. She said by 1996, the population at CYA facilities exceeded 10,000 youth. She explained in 2004, *Farrell v. Allen Consent Decree* was filed with the court resulting in a major overhaul of the entire CYA system. She said in 2004, CYA was reorganized and became the Division of Juvenile Justice (DJJ) within the Department of Corrections and Rehabilitation (CDCR). She continued by saying in 2007, Senate Bill (SB) 81 and Assembly Bill (AB) 191 were signed requiring most youthful offenders to be committed to county facilities, reserving those convicted of the most serious felonies and having the most severe treatment needs for DJJ. She said Facilities began to close due to decreased population and currently there are three facilities and one youth conservation camp with a total population of about 780 individuals. She reported a fact sheet authored by the Center on Juvenile and Criminal Justice (CJCJ) estimated the state cost of detention for a DJJ youth at \$317,711 per youth in FY 2017/18.

She discussed proposals from Governor Newsom to either close DJJ or move DJJ to the Department of Health and Human Services (DHHS) in an effort to establish an approach that was treatment based. She stated most recently, Governor Newsom included the closure of DJJ as part of his May 2020 Revise Budget and following Legislative Hearings Governor Newsom signed SB 823. She said the announcement was unexpected. Michael Burke noted the significant cost to detain a youth in DJJ of \$317,711. Tracie clarified that even though the state recognizes how much it costs to treat a DJJ youth, they are recommending transferring significantly less funding to the counties while transferring the same level of responsibility.

Tracie talked about the creation of a new state office, the Office of Youth and Community Restoration under DHHS, which will open July 1, 2021, to oversee the treatment/care of the youth and create an Ombudsman. She explained BSCC will still be responsible for the inspection of the facilities. She said a key element of SB 823 is the development of a plan for how these youth will be served at the county level which is one of the main purposes of this subcommittee.

Jeremy Kenyon talked about the offenses for which a youth can be sentenced to DJJ and specified 707(b) offenses, which are the most egregious offenses, are the only charges for which a youth can be sentenced to DJJ.

Carla Stevens discussed JRF Implementation strategies. She indicated, focusing on treatment and rehabilitative services would be the focus of this program. She discussed the JRF physical plant and explained how the DJJ youth would be housed and receive treatment and services. Ben Hanna asked for some clarification about the housing specifically if the DJJ youth would be housed with other JRF youth. Carla answered in the affirmative but specified that the youth would have their own rooms and would be in programming separate from the non-DJJ youth. Tracie Neal said DJJ has a nationally recognized sexual offender treatment program and indicated filling the need for this type of treatment will be a challenge. She reported that Probation is currently exploring the options available with the current medical provider and has issued an RFQ for treatment services.

Tracie talked about SB 823 and the intent to keep youth in the Juvenile Justice system rather than transferring to adult. She indicated this will need to be part of the plan.

Jeremy talked about the current process of DJJ Parole and re-entry planning which includes a Probation Officer being involved in periodic conversations while a youth is in DJJ but not being involved in the treatment. He said currently Probation only becomes involved when a youth has been granted Parole.

He said Probation then supervises the youth until they are scheduled to terminate their Parole, which can be until they are 25 years old.

Tracie shared the estimated allocations for Shasta County for the next 3 years is less than what it currently costs the state to house these youth. She stated BSCC has over \$9 million dollars in grant funds to help with implementation which Shasta County has completed a survey and has expressed interest in applying for with the BSCC.

Chelsey Chappelle asked for volunteers to form a smaller workgroup to discuss ways to keep youth in the juvenile system. Kathryn Barton and Ben Hanna agreed.

Carla Stevens asked for volunteers to form a smaller workgroup to help develop the program especially in regard to treatment. Valerie Hartley, Cindy Vogt, Michael Burke, and Laura Stapp agreed.

Action Items

None

Next meeting schedule


April 14, 2021 – 1:30 p.m.

Individual comments from Subcommittee Members

None


Adjourn

Ben Hannah moved to adjourn the meeting; Cindy Vogt seconded; 9 Ayes; 0 Noes; Motion passed.



Closure of DJJ: Creating a Long-Term Commitment Program in the JRF

SB 823 DJJ Realignment



Agenda

- DJJ Overview
- Key Elements of SB 823
- DJJ Population
- JRF- Implementation Strategies
- Retaining target population in the Juvenile Justice System
- DJJ Parole
- BSCC Grant/Funding
- Next Steps



Purpose and Intent

It is the intent of the Legislature to close the Division of Juvenile Justice within the Department of Corrections and Rehabilitation, through shifting responsibility for all youth adjudicated a ward of the court, commencing July 1, 2021, to county government and providing annual funding for county governments to fulfill this new responsibility.

Beginning July 1, 2021, a ward shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice

DJJ Overview

- The history of youth detention dates to the 1850's when youth under the age of 20 requiring detention and reform were sent to the state prison at San Quentin and Folsom. Since this time there have been State Reform Schools, Industrial Schools, and State Reformatory's. In 1903 the legislature enacted laws establishing juvenile courts and in 1909 juvenile halls were established. In 1941 the Youth Correctional Authority Act was adopted and later modified to the California Youth Authority (CYA) focusing on a military and camp approach for youth needing detention at the state level. Since 1941, many facilities opened across the state and CYA underwent many changes. By 1996, the population at CYA facilities exceeded 10,000 youth. In 2004, *Farrell v. Allen Consent Decree* was filed with the court resulting in a major overhaul of the entire CYA system. In 2004, CYA was reorganized and became the Division of Juvenile Justice (DJJ) within the Department of Corrections and Rehabilitation (CDCR). In 2007, Senate Bill (SB) 81 and Assembly Bill (AB) 191 was signed requiring most youthful offenders to be committed to county facilities, reserving those convicted of the most serious felonies and having the most serve treatment needs for DJJ. In 2011 under the Public Safety and Rehabilitation Act of 2010, DJJ parole supervision was transferred from CDCR to the counties. DJJ Parole Board Hearings remained in place and conducted by the state and when youth were deemed sufficiently rehabilitated the supervision and terms and conditions shifted to county courts and probation departments. These legislative changes and financial incentives for counties reduced DJJ's population from a peak of approximately 10,000 to approximately 1,700. Facilities began to close due to decreased population. Currently there are three facilities and one youth conservation camp with a total population of about 780 individuals. A fact sheet authored by the Center on Juvenile and Criminal Justice (CJCJ) estimated the state cost of detention for a DJJ youth at \$317,711 per youth in FY 2017/18.
- During Governor Brown's terms, he frequently discussed the closure of DJJ but also realized the benefits of state facilities. In the Fiscal Year (FY) budget 2019/20, Governor Newsom announced his decision to move DJJ out from under the supervision of CDCR and placed it under the umbrella of the Department of Health and Human Services (DHHS), effective July 1, 2020. The new department would be named the Department of Youth and Community Restoration (DYCR).
- Governor Newsom announced in the May revised FY 20/21 budget to close the state's three DJJ facilities and one camp that housed about 800 young people. Following legislative hearings, Governor Newsom signed SB 823 closing DJJ and realigning the population to counties. In the Governor's January proposed 2021/22 state budget the DJJ closure date is June 30, 2023. No further information is noted in the proposed budget regarding what will happen with the youth that are currently housed in DJJ on June 30, 2023.

- DJJ closes intake on July 1, 2021. DJJ closes on June 30, 2023.
- Creates a new state Office of Youth and Community Restoration (OYCR) under the Department of Health and Human Services (DHHS) starting on July 1, 2021. OYCR to create and oversee Ombudsman.
- Creates a JJCC subcommittee to develop a comprehensive plan (DJJ Realignment Plan) describing the facilities, programs, placements, services, supervision, and reentry strategies that are needed to provide appropriate rehabilitation and supervision services for the population described in subdivision (b) of Section 1990 (youth who are eligible for commitment to the Division of Juvenile Justice (DJJ) prior to its closure, and shall further be defined as persons who are adjudicated to be a ward of the Juvenile Court based on an offense in subdivision (b) of Section 707 or an offense described in Section 290.008 of the Penal Code). (WIC 1995)
- The jurisdiction of the juvenile court may continue a ward until the age of 23 years, unless the ward would, in criminal court have faced an aggregate sentence of 7 years or more, in which case the juvenile's court jurisdiction will continue until the ward attains 25 years of age.
- Establishes the age of jurisdiction at age 23 for youth adjudicated of WIC 707(b) offenses and age 25 for youth adjudicated of offenses that would result in an aggregate sentence of 7 years or more years in the adult court. Age of jurisdiction is 21 for all other youth. (WIC 208.5).
- Requires any person whose case originated in juvenile court to remain in a county juvenile facility until they turn 25 years of age; except as specified.
- A petition may be filed to house a person who is 19 years of age or older in an adult facility and the court shall hold a hearing, with a rebuttable presumption that the person will be retained in a juvenile facility. At the hearing, the court shall determine whether the person will be moved to an adult facility and make written findings of its decision-based criteria outlined in WIC Section 208.5.
- County DJJ Realignment Plan to be considered by the Board of Supervisors.
- County DJJ Realignment Plan to be submitted to the OYCR starting in FY 2022/23.
- Creates a separate jurisdictional by March 2021 for higher need youth.
- By July 1, 2023, the Judicial Council shall develop a matrix of offenses based on classification to be applied by the Juvenile Court setting the baseline confinement also to include a system of positive incentives.
- The Department of Justice (DOJ) to replace the Juvenile Court and Probation Statistical System (JCPSS). DOJ to submit a replacement plan to the Assembly, Senate, and Public Safety Committees by January 1, 2023.
- BSCC has oversight over the onetime competitive facilities grant in the amount of \$9.6 million. (WIC 2250)

Key Elements

What youth are we talking about?

Youth who have been adjudicated of a 707(b) WIC offense (30 types of crimes)

- Murder
- Arson
- Robbery
- Rape with force, violence, or threat of GBI
- Sodomy by force, violence, or threat of GBI
- A lewd or lascivious act, 288 (b) PC
- Oral Copulation by force
- 289(a) PC
- Kidnapping for ransom, for purpose of robbery, bodily harm
- Attempted murder
- Assault with a firearm or means of force likely to produce GBI

Types of Crimes/Adjudications

	2015	2016	2017	2018	2019	2020
Number of Youth	1	0	0	3	0	3
Crimes/Adjudications	<p>Youth 1: 288(a) PC – Lewd or Lascivious Acts with Child Under the Age of 14 10851(a) VC (2 Counts) Unlawful Taking of a Motor Vehicle 311.11(a) PC – Possession/Control of Child Pornography 2800.1 VC – Evading Police in a Vehicle</p>			<p>Youth 1: 245(b) PC – Assault with a Semi-Automatic Firearm 2800.2(a) VC – Flight from Officer with Wanton Disregard 10851(a) VC – Unlawful Taking of a Motor Vehicle 242 PC – Battery</p> <p>Youth 2: 286(c)(2)(B) Sodomy with a Person Under 14 Year of Age by Force, Violence, Duress, Menace</p> <p>Youth 3: 245(a)(2) PC Assault with A Firearm</p>		<p>Youth 1: 211/212.5/213a PC (3 Counts) Residential Robbery in Concert (Home Invasion Robbery) 12022.7(b) PC (2 Counts)– Special Allegation of Great Bodily Injury – Brain Injury 245(a)(4) PC – (3 Counts) – Assault with Force Likely to Cause Great Bodily Injury 459 PC – First Degree Residential Burglary</p> <p>Youth 2: 136.1(c)(1) PC – Intimidate a Witness/Victim (Dissuade Testimony by Threat) 243.4 PC – Sexual Battery</p> <p>Youth 3: 211 PC First Degree Residential Robbery, Felony. 459 PC 2nd degree Burglary, Felony. 459 PC 2nd degree Burglary, Felony. 487(c) PC Grand Theft of Property Taken from Person, Felony. 594(b)(2)(a) PC Vandalism with damage less than \$400.00, Misdemeanor. 459 PC 2nd degree Burglary, Misdemeanor. 459 PC 2nd degree Burglary, Felony. 10851(a) VC Unlawful Taking of a Vehicle, Felony. 148.9(a) PC False Identification to a Peace Officer, Misdemeanor, 22810(d) PC Minor in Possession of Tear Gas, Misdemeanor.</p>

JRF:
Implementation
Strategies

*Work in Progress
Subcommittee's Focus*

JRF Facility

Values and Guiding Principles

Youth Needs

Program/Services

JRF Staffing

Retaining Target population in the Juvenile Justice System

Work in Progress, Subcommittee/Focus

Year	Transfer Cases	Pending	Stayed in Juvenile Court	Transferred to Adult Court	Motion to Withdraw
2016	2 youth		2 youth		
2017	4 youth		2 youth	1 youth	1 youth
2018	6 youth		1 youth	4 youth	1 youth
2019	2 youth	1 youth			1 youth
2020	0 youth				

DJJ Parole/Re-entry Planning

A decorative graphic in the bottom right corner of the slide, consisting of a 3D corner shape. It features a bright green inner surface, a darker green middle surface, and a grey outer surface, all meeting at a sharp corner.

BSCC Grant/County Funding

- BSCC Grant
- Shasta County Allocation (estimated)
 - Year 1- FY 2021/22 \$250,000
 - Year 2- FY 2022/23 \$522,800
 - Year 3- FY 2023-24 \$866,121



Next Steps