

PUBLIC NOTICE AND AGENDA

County of Shasta  
**Juvenile Justice Coordinating Council (JJCC) – SB823 Subcommittee Meeting**  
August 12, 2021, 1:30 p.m.  
Redding City Hall, 777 Cypress Ave, Community Room



**Council Members**

Tracie Neal, CPO, Chair  
Ben Hannah  
Kathryn Barton  
Cindy Lane  
Laura Stapp  
Mary Lord  
Lisa Jenkins  
Michael Burke  
Cindy Vogt  
Valerie Hartley

**Agency**

Probation  
District Attorney's Office  
Public Defender's Office  
HHSA/Social Services  
HHSA/Mental Health  
Shasta County Office of Education  
Shasta County Superior Court  
Pathways to Hope  
California Heritage Youth Build Academy  
Shasta ILP

WELCOME & INTRODUCTIONS

1. PUBLIC COMMENT

Members of the public will have the opportunity to address the Subcommittee on any issue within the jurisdiction of the Committee. Speakers will be limited to three minutes.

2. APPROVAL OF MEETING MINUTES

Subcommittee members will review and approve minutes from the [May 6, 2021](#) subcommittee meeting.

3. FINANCIAL REPORT

4. DISCUSSION ITEMS

- a. Subcommittee members will review and discuss the Judicial Council [memorandum](#) dated June 30, 2021, on the Division of Juvenile Justice Realignment.
- b. Subcommittee Members will discuss the Secure Track Treatment Program (STTP) implementation.
- c. Subcommittee Members will receive an update on Shasta County's Youth Program Facilities Grant Program (SB823) Application.

5. ACTION ITEMS

Subcommittee members will review, discuss, and consider approving updates to the Shasta County Probation Department Secure Track Treatment Program (STTP) Division of Juvenile Justice (DJJ) [Realignment Plan](#) or provide further direction to staff.

6. OTHER ITEMS FOR DISCUSSION/FUTURE AGENDA ITEMS

7. NEXT MEETING

January 20, 2022, at 1:30 pm

8. INDIVIDUAL COMMENTS FROM SUBCOMMITTEE MEMBERS

9. ADJOURN

In compliance with the Americans with Disabilities Act, Shasta County will make available to any member of the public who has a disability a needed modification or accommodation, including an auxiliary aid or service, in order for that person to participate in the public meeting. A person needing assistance to attend this meeting should contact Twyla Carpenter at Probation at 530-245-6232 or in person or by mail at 2684 Radio Lane, Redding, CA 96001, or by email to [tmcarpenter@co.shasta.ca.us](mailto:tmcarpenter@co.shasta.ca.us) at least two working days in advance. Accommodations may include, but are not limited to, interpreters, assistive listening devices, accessible seating, or documentation in an alternate format. If requested, this document and other agenda and meeting materials can be made available in an alternate format for persons with a disability who are covered by the Americans with Disabilities Act.

Public records that relate to any of the matters on this agenda (except Closed Session items), and that have been distributed to the members of the Juvenile Justice Coordinating Council, are available for public inspection at the Shasta County Probation Department, 2684 Radio Lane, Redding, CA 96001. This document and other Juvenile Justice Coordinating Council documents are available online at [www.co.shasta.ca.us](http://www.co.shasta.ca.us). Questions regarding this agenda may be directed to Twyla Carpenter, Staff Services Analyst, at Probation at 530-245-6232 or by e-mail at [tmcarpenter@co.shasta.ca.us](mailto:tmcarpenter@co.shasta.ca.us).

Juvenile Justice Coordinating Council (JJCC)- **SB 823 Subcommittee Meeting**  
 May 6, 2021, 1:30p.m.  
 Teleconference & Go To Meeting Participation Only  
 Meeting Minutes

MEMBERS	Agency	Present	Absent
Tracie Neal	Probation	X	
Ben Hanna	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	
Vacant	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		
Carla Stevens	Probation		
Patricia Weber	County Council		
Jeremy Kenyon	Probation		
Jenn Duval	County Administrative Office		
Carla Stevens	Probation		
Twyla Carpenter	Probation		

The meeting was called to order at 1:34 p.m. A quorum was present. Introductions were made.

**Public Comment**

None

**Approval of meeting minutes**

Cindy Lane moved to approve the April 14, 2021 meeting minutes; Laura Stapp seconded; Motion passed; 8 ayes, 0 noes.

**Financial Report**

None

**Discussion Items**

**Subcommittee members will discuss SB823 and SB 92 (proposed) related topics.**

Kathryn Barton reported she and Ben Hanna are working on reviewing SB 92 and will be preparing a presentation for the group in the future. .

### **Action Items**

**Subcommittee members will review, discuss, and consider approving the Shasta County Probation Department Secure Track Treatment Program (STTP) Department of Juvenile Justice (DJJ) Realignment Plan or provide further direction to staff.**

Ben Hanna joined the meeting.

Tracie Neal presented information to the group referencing a draft of the DJJ Realignment Plan included in the handouts. Tracie reviewed the changes made since the last meeting. Tracie reviewed each section and requested feedback from the subcommittee members. Michael Burke asked for Adverse Childhood Experiences (ACE) scores to be added to the data collection. Tracie agreed and indicated the ACE scores will be added in the data collection section. Erin Bertain displayed the Victim Services paragraph, which was added after Specialized Programming on page 20, for review by subcommittee members. Mary Lord suggested changing SCOE Secondary Education to Post-Secondary Education in the Shasta County Allocation (estimated). Tracie Neal agreed with the proposed change.

Erin reviewed the changes made in the draft plan with the subcommittee members.

Kathryn Barton moved to approve the plan as presented with the changes; Cindy Vogt seconded; Motion passed. 9 Ayes, 0 noes.

### **Next scheduled meeting**

August 12, 2021 – 1:30 p.m.

### **Individual comments from Subcommittee Members**

None

### **Adjourn**

Ben Hanna moved to adjourn the meeting; Meeting adjourned at 2:38 pm.



## JUDICIAL COUNCIL OF CALIFORNIA

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Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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### MEMORANDUM

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<b>Date</b> May 24, 2021	<b>Action Requested</b> Please Review
<b>To</b> Presiding Juvenile Court Judges	<b>Deadline</b> June 30, 2021
<b>From</b> Charlene Depner, Director Audrey Fancy, Principal Managing Attorney Center for Families, Children & the Courts	<b>Contact</b> Tracy Kenny, Attorney Center for Families, Children & the Courts 916-263-2838 phone tracy.kenny@jud.ca.gov
<b>Subject</b> Recent Legislative Changes Concerning Division of Juvenile Justice Realignment	

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This memorandum provides a detailed overview of recently enacted legislative changes to implement the realignment of responsibility for the custody and treatment of all juvenile offenders to the counties. This realignment was announced in the fiscal year 2020–21 budget, and the initial legislation setting forth the structure for the transition was passed last August.

On May 14, 2021, the Governor signed trailer bill legislation setting forth specific provisions for the courts and their juvenile justice stakeholders to implement new, local-level dispositions for youth who need dispositions comparable to what was previously offered at the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ).<sup>1</sup> Although the legislation takes effect immediately, most of the provisions pertaining to realignment become effective on July 1, 2021, and courts need to be prepared to follow them in appropriate cases as of that date.

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<sup>1</sup> Sen. Bill 92 (Committee on Budget and Fiscal Review; Stats. 2021, ch. 18); see Link A.

This memorandum is organized as follows:

- Background information on DJJ realignment and SB 823 (pp. 2–3)
- Summary of provisions of the newly enacted article of the Welfare and Institutions Code that governs the newly established secure youth treatment facilities (SYTF) and the duties that the courts must take on in overseeing commitments to these facilities:
  - Requirements that apply to facilities that are to be used for SYTF commitments (pp. 3–4)
  - Criteria for a ward to be eligible for commitment to an SYTF (p. 4)
  - Requirements for setting a baseline term of commitment to the SYTF (p. 5)
  - Requirements for the ward’s individual rehabilitation plan (pp. 5–6)
  - Required progress review hearings for wards committed to SYTFs (p. 6)
  - Probation discharge hearings from the SYTF (pp. 6–7)
  - Procedures for probation or the ward to request transfer to a less restrictive placement (pp. 7–8)
  - Procedures for setting aside or modifying a commitment to an SYTF (p. 8)
  - Interim provisions for detaining persons who are physically dangerous to the public; intent of Legislature to enact more-tailored legislation (p. 8)
- Revised provisions on the maximum time a juvenile ward may be confined (p. 8)
- Newly revised provision for detaining youth over age 19 in juvenile facilities (pp. 8–9)
- Expansion of juvenile court jurisdiction over youth over age 21 (p. 9)
- Closure date for DJJ and the implications for juvenile courts, including a description of an interim statutory provision for extended detention of persons physically dangerous to the public (pp. 10–11)

### **Background on DJJ Realignment**

Senate Bill 823<sup>2</sup> was the 2020 trailer bill to implement the decision by the Governor and the Legislature to close the DJJ and shift funding and responsibility for the highest-need youth to the counties. The legislation provides that this shift is necessary to ensure that youth are closer to their families and receive age-appropriate treatment that is evidence-based and will improve the outcomes of youth and public safety, while also reducing the transfer of youth into the adult criminal justice system. In addition, the legislation is designed to ensure that youth are placed in the least-restrictive appropriate environment, and that the resulting systems will reduce and then eliminate racial and ethnic disparities, and reduce the use of confinement in the juvenile justice system. To that end the legislation provides that intake at the DJJ will stop as of July 1, 2021 unless a ward is subject to a motion for transfer to criminal court, and that each county will be

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<sup>2</sup> Stats. 2020, ch. 337 (Committee on Budget and Fiscal Review); see Link B.

provided with annual funding on a formula basis to meet the needs of the population currently served by the DJJ.

Counties must establish a subcommittee of their juvenile justice coordinating council to develop a plan to meet the needs of the realigned population.<sup>3</sup> These plans must be submitted to a new state agency, the Office of Youth and Community Restoration, by January 1, 2022. The mission and duties of the new Office of Youth and Community Restoration, which will be established within the Health and Human Services Agency on July 1, 2021, include oversight of the realigned funds, promulgating best practices to make the system trauma informed and rehabilitative, and establishment of an ombudsman to investigate issues raised by those in the juvenile justice system.<sup>4</sup> SB 823 included intent language in 2021 for the Legislature to enact provisions outlining the procedures for committing a ward to a secure facility, and SB 92 is the legislation that includes those provisions.

### **Secure Youth Treatment Facilities**

SB 92 adds a new article, Secure Youth Treatment Facilities, to the Welfare and Institutions Code setting forth a new dispositional option for juveniles age 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense. Commitment to an SYTF has eligibility requirements as well as procedural requirements, and ongoing review requirements that are described below.

### **Requirements**

A secure youth treatment facility must be a secure facility that is operated, utilized, or accessed by the county of commitment to provide appropriate programming, treatment, and education for wards who have been adjudicated for eligible offenses.<sup>5</sup> The facility may be a standalone facility, such as a probation camp or other facility operated under contract with the county, or with another county, or may be a unit or portion of an existing county juvenile facility, including a juvenile hall or probation camp, that is configured and programmed to serve the population.<sup>6</sup> By July 1, 2023, the Board of State and Community Corrections (BSCC) must review its existing juvenile facility standards and modify or add standards for the establishment, design, security, programming and education, and staffing of any facility that is utilized or accessed by the court as a secure youth treatment facility. The standards must be developed by the board with the

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<sup>3</sup> Welf. & Inst. Code, § 1995.

<sup>4</sup> Welf. & Inst. Code, § 2200.

<sup>5</sup> Welf. & Inst. Code, § 875(g)(1).

<sup>6</sup> Welf. & Inst. Code, § 875(g)(2).

coordination and concurrence of the Office of Youth and Community Restoration.<sup>7</sup> Counties must notify the BSCC of their intent to establish a secure youth treatment facility, and beginning July 1, 2022, the BSCC must conduct a biennial inspection of each SYTF that was used for the confinement of juveniles during the preceding calendar year.<sup>8</sup> A county may contract with another county having an SYTF to accept commitments of wards, and a county may establish an SYTF to serve as a regional center for commitment of juveniles by one or more other counties on a contract payment basis.<sup>9</sup> The juvenile court and the local juvenile justice commission established under Welfare and Institutions Code section 225 will also be responsible for annually inspecting any facility administered by the county or region.<sup>10</sup>

### **Eligibility**

To be considered for an SYTF disposition a ward must be age 14 or older and the most recent offense for which the ward was adjudicated must be listed in Welfare and Institutions Code section 707(b) (hereafter section 707(b)). Once that requirement is met, the court must then also make a finding on the record that a less restrictive alternative disposition is unsuitable for the ward.<sup>11</sup> When making that finding, the court must consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. In addition, the determination must be based on all of the following criteria:

- The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to victims;
- The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward;
- Whether the programming, treatment, and education offered and provided in an SYTF is appropriate to meet the treatment and security needs of the ward;
- Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court; and
- The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in an SYTF.<sup>12</sup>

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<sup>7</sup> Welf. & Inst. Code, § 876(g)(3).

<sup>8</sup> Welf. & Inst. Code, § 876(g)(4).

<sup>9</sup> Welf. & Inst. Code, § 876(g)(5), (6).

<sup>10</sup> Welf. & Inst. Code, §§ 209, 229.

<sup>11</sup> Welf. & Inst. Code, § 875(a)(1)–(3).

<sup>12</sup> Welf. & Inst. Code, § 875(a)(3).



### **Baseline term of commitment; maximum confinement time**

When committing a ward to an SYTF, the court must set a baseline term of commitment that must “represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community.”<sup>13</sup> This term is to be based on an offense-based classification matrix to be developed and adopted by the Judicial Council by July 1, 2023. In the interim, courts are to base the term on the discharge consideration guidelines that apply to the DJJ, which can be found in California Code of Regulations, title 9, sections 30807–30813 (see Attachment A for a summary of these regulations and the discharge guidelines for each offense). The court may, pending adoption of the council’s matrix, deviate from these guideline terms by plus or minus six months.<sup>14</sup>

The court must also set a maximum time of confinement that cannot extend beyond age 23 (or two years from the date of commitment if it would come after age 23) or, for offenses with an adult sentence of seven years or longer, age 25 (or two years after the date of commitment if it would come later than age 25).<sup>15</sup> The maximum time that a ward may be confined may not exceed the middle term of imprisonment that could be imposed on an adult for the same offense.<sup>16</sup>

*Example:* For a ward whose most recent adjudicated offense is an assault with a firearm with substantial injury (a violation of Penal Code section 245(a)(2) in which there was substantial injury), the discharge regulations provide for a term of two years. A court may thus set a baseline term of anywhere from 18 months to two years and six months. The maximum confinement time would be three years or age 23, although if the ward is older than 21, the maximum time would be two years from the time of commitment.

### **Individual rehabilitation plan**

The court must review an individual rehabilitation plan for the ward within 30 days of making a commitment to an SYTF.<sup>17</sup> The plan must be submitted by the probation department and “any other agencies or individuals the court deems necessary for the development of the plan.”<sup>18</sup> The plan may be developed in consultation with “a multidisciplinary team of youth service, mental and behavioral health, education, and other treatment providers who are convened to advise the

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<sup>13</sup> Welf. & Inst. Code, § 875(b).

<sup>14</sup> *Ibid.*

<sup>15</sup> Welf. & Inst. Code, § 875(c)(1).

<sup>16</sup> Welf. & Inst. Code, § 875(c)(2).

<sup>17</sup> Welf. & Inst. Code, § 875(d)(1).

<sup>18</sup> *Ibid.*

court for this purpose”<sup>19</sup> The prosecutor and defense counsel may provide input prior to court approval of the plan, and the court may modify the plan based on the information it receives. The plan must accomplish the following:

- Identify the ward’s needs in relation to treatment, education, and development, including any special needs the ward may have in relation to health, mental or emotional health, disabilities, or gender-related or other special needs;
- Describe the programming, treatment, and education to be provided to the ward in relation to the identified needs during the commitment period; and
- Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care.<sup>20</sup>

The ward and the ward’s family must be consulted in determining the ward’s needs, and the perspectives of the ward and the ward’s family must be included in the plan.<sup>21</sup>

#### **Progress review hearings at least every six months**

The court must schedule and hold a progress review hearing for each ward committed to an SYTF at least every six months. At the hearing the court must evaluate the progress of the ward relative to the rehabilitation plan and determine whether the baseline term should be modified. The court must hear “the recommendations of counsel, the probation department[,] and any behavioral, educational, or other specialists having information relevant to the ward’s progress.”<sup>22</sup> At the conclusion of the hearing the court may maintain the baseline term of commitment or lower it by no more than six months. In addition, the court may order that the ward be assigned to a less restrictive placement.<sup>23</sup> The court may not extend the baseline term for any disciplinary infractions, which must only be addressed by sanctions within the SYTF.<sup>24</sup>

#### **Probation discharge hearing; probation supervision**

At the end of baseline term the court must review the ward’s progress toward meeting the goals of the individual rehabilitation plan and the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary. At the conclusion of the hearing, the court must order that the ward be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court

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<sup>19</sup> Welf. & Inst. Code, § 875(d)(1).

<sup>20</sup> Welf. & Inst. Code, § 875(d)(2)(A)–(C).

<sup>21</sup> Welf. & Inst. Code, § 875(d)(2)(D).

<sup>22</sup> Welf. & Inst. Code, § 875(e)(1).

<sup>23</sup> *Ibid.*

<sup>24</sup> Welf. & Inst. Code, § 875(e)(2).

finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. If the court finds substantial risk, the ward can be returned to the SYTF for up to one additional year subject to the maximum confinement time and required progress reviews.<sup>25</sup>

If the ward is discharged to probation supervision, the court must “determine the reasonable conditions of probation that are suitable to meet the developmental needs and circumstances of the ward and to facilitate the ward’s successful reentry into the community.”<sup>26</sup> During the period of probation supervision the court must “periodically review” the ward’s progress. If the court finds the ward has “failed materially to comply with the reasonable orders of probation imposed by the court,” it may order that the ward be returned to a juvenile facility or to a less restrictive placement for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer. However, this confinement must not extend beyond the maximum confinement limitations.<sup>27</sup>

#### **Request for less restrictive placement**

The probation department or the ward may make a motion to transfer the ward from an SYTF to a less restrictive program (e.g., a halfway house, a camp or ranch, or a community residential or nonresidential service program). The purpose is to facilitate the safe and successful reintegration of the ward into the community. The motion must be considered at the next scheduled review hearing or at a separately scheduled hearing. The court must consider the recommendations of the probation department on the proposed change in placement. The court must determine that ward has made substantial progress toward the goals of the individual rehabilitation plan and that placement is consistent with youth rehabilitation and community safety before ordering transfer. In making that determination the court must consider the following factors:

- The ward’s overall progress in relation to the rehabilitation plan during the period of confinement in an SYTF; and
- The programming and community transition services to be provided or coordinated by the less restrictive program.

The court may require the ward to observe any conditions of performance or compliance with the program that are reasonable and appropriate in the individual case and that are within the capacity of the ward to perform. The court must set a time for completing the program within the baseline SYTF term remaining for the ward prior to the ward’s eligibility for a discharge hearing. If after placement in a less restrictive setting the court determines that the ward has materially

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<sup>25</sup> Welf. & Inst. Code, § 875(e)(3).

<sup>26</sup> Welf. & Inst. Code, § 875(e)(4).

<sup>27</sup> *Ibid.*

failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement or may return the ward to an SYTF for the remainder of the baseline term, subject to further periodic review hearings and to the maximum confinement time set by the court at the outset of the commitment.<sup>28</sup>

### **Setting aside or modifying an SYTF commitment**

The court may modify or set aside a commitment to an SYTF upon a written motion from the ward or the probation department and a “showing of good cause that the county or the commitment facility has failed, or is unable to, provide the ward with treatment, programming, and education that are consistent with the individual rehabilitation plan” or “that the conditions under which the ward is confined are harmful to the ward, or that the juvenile justice goals of rehabilitation and community safety are no longer served by continued confinement of the ward” in an SYTF.<sup>29</sup> The court must hold a hearing on the motion and hear evidence from the ward, the probation department, and any behavioral health or other specialist with relevant information. At the conclusion of the hearing the court must make findings on the record as to the custodial and supervision status of the ward based on the evidence presented.<sup>30</sup>

### **Reduction of Maximum Confinement Time for All Juvenile Justice Wards to Middle Term**

While previous statutory provisions allowed for the confinement of juveniles up to the maximum sentence that could be imposed on an adult, this legislation provides that the middle term for an adult is now the maximum time that a ward can be confined when adjudicated for a delinquent offense.<sup>31</sup> This same limitation on the maximum term of confinement applies to commitments to the DJJ.<sup>32</sup> Note that while the DJJ provision takes effect on July 1, 2021, the provision for non-DJJ dispositions appears to take effect immediately, as the trailer bill provisions that were not specifically effective on a later date take effect immediately upon the bill being chaptered.

### **Use of Juvenile Facilities for Juvenile Justice Youth Over Age 18**

Any youth whose case originates in the juvenile court must be detained in a juvenile facility up to age 25 unless the court orders that the youth is to be moved to an adult facility after attaining 19 years of age. Such an order can be made after the filing of a petition with the court by the

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<sup>28</sup> Welf. & Inst. Code, § 875(f).

<sup>29</sup> Welf. & Inst. Code, § 779.5.

<sup>30</sup> *Ibid.*

<sup>31</sup> Welf. & Inst. Code, § 727(d).

<sup>32</sup> Welf. & Inst. Code, § 731.

probation department and a hearing on the petition. At the hearing there is a rebuttable presumption that the youth remain in the juvenile facility. The court must evaluate the following criteria in making its decision on the petition and make written findings based on the totality of the criteria:

- The impact of being held in an adult facility on the physical and mental health and well-being of the person;
- The benefits of continued programming at the juvenile facility and whether required education and other services called for in any juvenile court disposition or otherwise required by law or court order can be provided in the adult facility;
- The capacity of the adult facility to separate younger and older people as needed and to provide them with safe and age-appropriate housing and program opportunities;
- The capacity of the juvenile facility to provide needed separation of older from younger people given the youth currently housed in the facility; and
- Evidence demonstrating that the juvenile facility is unable to currently manage the person's needs without posing a significant danger to staff or other youth in the facility.<sup>33</sup>

After a person who is between 19 and 24 years of age is moved to an adult facility, any party may file a motion upon a showing of changed circumstances to return that person to a juvenile facility and the court must consider the criteria set forth above in determining whether to grant the motion.<sup>34</sup> A ward who is 19 or older and committed to a juvenile facility may not be transferred to an adult facility.<sup>35</sup>

### **Extension of Juvenile Court Jurisdiction**

In order to allow juvenile courts to provide the same extended supervision of wards that was provided to the DJJ previously, the jurisdiction of the court over youth adjudicated delinquent for offenses listed in section 707(b) has been extended from age 21 to age 23, and to age 25 if the offense has an adult sentence of seven years or more.<sup>36</sup> This extension becomes effective on July 1, 2021. In addition, the statute allows for a ward to be committed to the DJJ for a period beyond age 23, or age 25, as applicable, if those age limits would provide for less than two years beyond the commitment date.<sup>37</sup>

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<sup>33</sup> Welf. & Inst. Code, § 208.5(a)–(c).

<sup>34</sup> Welf. & Inst. Code, § 208.5(d).

<sup>35</sup> Welf. & Inst. Code, § 208.5(e).

<sup>36</sup> Welf. & Inst. Code, § 607(b), (c).

<sup>37</sup> Welf. & Inst. Code, § 607(h).

### **Firm Date for Closure of DJJ on June 30, 2023**

While SB 823 established that intake for new commitments to the DJJ would end on July 1, 2021, with an exception for youth subject to a motion for transfer to adult court, SB 92 has clarified that the DJJ will close entirely on June 30, 2023.<sup>38</sup> As a result, any commitments to the DJJ made between now and that date will need to be returned to county jurisdiction to complete treatment if the ward is not ready for discharge by June 30, 2023. The legislation requires the director of the DJJ to develop a plan by January 1, 2022 for transferring jurisdiction over such wards to the counties.<sup>39</sup> Also important to note is that while a ward may be committed to the DJJ after July 1, 2021, if a motion to transfer the youth to adult court was filed, wards who are not eligible for such transfers (e.g., youth whose transfer eligibility was removed by SB 1391 and were under age 16 but over age 14 at the time they committed section 707(b) offenses) will not fall under this exception. This exception also requires that the court first consider whether local alternatives are available to meet the needs of the ward.<sup>40</sup>

### **Extended detention of persons physically dangerous to the public**

SB 92 enacted a new section of the Welfare and Institutions Code that states the intent of the Legislature to apply article 6 (commencing with section 1800) of chapter 1 of division 2.5, governing extended detention of persons physically dangerous to the public who are served by the DJJ, to persons physically dangerous to the public who are committed to an SYTF, pending development of a specific commitment process for realigned persons. That section also provides that the Governor and the Legislature will work with stakeholders, including but not limited to the DJJ, the California Department of State Hospitals, the Chief Probation Officers of California, the California State Association of Counties, advocacy organizations representing youth, and the Judicial Council, to develop language by July 1, 2021 to enact a commitment process that ensures the treatment capacity, legal protections, and court procedures that are appropriate to successfully serve persons realigned from the DJJ to the counties, to be effective July 1, 2022.<sup>41</sup>

In the interim, SB 92 sets forth procedures based on the current law to allow the probation department to request that the prosecuting attorney file a petition with the court at least 90 days before the discharge date for an order directing that the person remain subject to the control of

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<sup>38</sup> Note that SB 823 included intent language that the Pine Grove Youth Conservation Camp remain an available dispositional option via a state-local partnership, and the Governor has proposed trailer bill language to implement that intent through contracts with counties seeking to place wards there. These would not be considered DJJ commitments. See <https://esd.dof.ca.gov/dofpublic/public/trailerBill/pdf/363>

<sup>39</sup> Welf. & Inst. Code, § 736.5.

<sup>40</sup> Welf. & Inst. Code, § 736.5(c).

<sup>41</sup> Welf. & Inst. Code, § 875.5.

the probation department beyond the discharge date.<sup>42</sup> If the prosecuting attorney declines to file a petition, it must promptly notify the probation department.<sup>43</sup> If a petition is filed and makes a prima facie showing of probable cause, the court must then hold a probable cause hearing and if probable cause is found, order that a trial be conducted to determine whether the person is physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem.<sup>44</sup> That trial must be by jury unless the jury trial is waived by the person subject to the petition. The jury must be summoned not less than 4 days nor more than 30 days from the date of the order for trial, unless the person named in the petition waives time. The question at trial must be, "Is the person physically dangerous to the public because of a mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior?" A jury verdict must be unanimous and the standard of proof must be beyond a reasonable doubt.<sup>45</sup> Continued detention under this provision may continue for up to two years, at which time a new application for continued detention must be commenced by the probation department.<sup>46</sup>

### **Attachments and Links**

1. Attachment A: Division of Juvenile Justice Discharge Consideration Guidelines
2. Link A: Senate Bill 92,  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB92](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB92)
3. Link B: Senate Bill 823,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB823](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB823)

cc: Presiding Judges of the Superior Courts  
Court Executive Officers of the Superior Courts

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<sup>42</sup> Welf. & Inst. Code, § 876(a).

<sup>43</sup> Welf. & Inst. Code, § 876(b).

<sup>44</sup> Welf. & Inst. Code, § 876(c), (d).

<sup>45</sup> Welf. & Inst. Code, § 876(e).

<sup>46</sup> Welf. & Inst. Code, § 876(f).

**Attachment A: Division of Juvenile Justice Discharge Consideration Guidelines**

<b>Category</b>	<b>Offenses</b>	<b>Guideline Term</b>
1	(1) Murder–First Degree (PC <a href="#">187</a> , <a href="#">189</a> , and <a href="#">190</a> ). (2) Murder–Second Degree (PC <a href="#">187</a> , <a href="#">189</a> , and <a href="#">190</a> ). (3) Kidnapping with Death of Victim (PC <a href="#">207</a> and <a href="#">209</a> ). (4) Kidnapping (with substantial injury) (PC <a href="#">207</a> and <a href="#">209</a> ). (5) Torture (PC <a href="#">206</a> and <a href="#">206.1</a> ). (6) Conspiracy to commit any Category 1 offense (PC <a href="#">182</a> )	7 years
2	(1) Voluntary Manslaughter (PC <a href="#">192</a> ). (2) Rape (in concert or with substantial injury) (PC <a href="#">261</a> and all subsections and PC <a href="#">264.1</a> ). (3) Sodomy (in concert or with substantial injury) (PC <a href="#">286</a> and all subsections). (4) Sexual Assault with a Foreign Object (in concert or with substantial injury) (PC <a href="#">289</a> and <a href="#">264.1</a> ). (5) Oral Copulation (in concert or with substantial injury) (PC <a href="#">287</a> and all subsections). (6) Lewd or Lascivious Act on Child Under 14 (Age of defendant in relationship to victim to be considered as possible mitigation) (PC <a href="#">288</a> and all subsections). (7) Kidnap for Ransom, Reward or Extortion (PC <a href="#">209(a)</a> ). (8) Kidnap during carjacking (PC <a href="#">209.5</a> ). (9) Explosion/attempt to explode or ignite a destructive device with the intent to commit murder (PC <a href="#">18745</a> ). (10) Kidnap for Robbery (PC <a href="#">209(b)</a> ). (11) Conspiracy to commit any Category 2 offense (PC <a href="#">182</a> ). (12) Attempt of any Offense in Category 1.	4 years
3	(1) Sexual Assault with a Foreign Object (PC <a href="#">289(a)</a> ). (2) Rape (PC <a href="#">261</a> and all subsections). (3) Sodomy (PC <a href="#">286</a> and all subsections). (4) Oral Copulation (PC <a href="#">287</a> and all subsections). (5) Kidnap (PC <a href="#">207</a> ). (6) Robbery (armed with dangerous or deadly weapon and with substantial injury) (PC <a href="#">211</a> ).	3 years



**Attachment A: Division of Juvenile Justice Discharge Consideration Guidelines**

	<p>(7) Robbery of an inhabited dwelling (PC <a href="#">212.5</a>).</p> <p>(8) Robbery–Operator of Transportation Vehicle For Hire (PC <a href="#">212.5</a>).</p> <p>(9) Assault with Deadly Weapon or Force Likely to Produce Great Bodily Injury upon a peace officer, fireman, custodial officer, transportation worker or school personnel (PC <a href="#">245</a>(a), (b), <a href="#">245.2</a>, and <a href="#">245.3</a>).</p> <p>(10) Assault with Firearm (on a peace officer/fireman) (PC <a href="#">245</a>(a)(2) and <a href="#">245</a>(c)).</p> <p>(11) Grand Theft Person (armed with dangerous or deadly weapon and with substantial injury) (PC <a href="#">487</a>(c)).</p> <p>(12) Burglary (armed with dangerous or deadly weapon and with substantial injury) (PC <a href="#">459</a> and <a href="#">460</a>).</p> <p>(13) Shooting at Inhabited Dwelling House, Occupied Building or Vehicle (with substantial injury) (PC <a href="#">246</a>).</p> <p>(14) Arson (that causes great bodily injury) or is Committed During a State of Insurrection or Emergency (PC <a href="#">451</a> and <a href="#">454</a>).</p> <p>(15) Mayhem (PC <a href="#">203</a>).</p> <p>(16) Vehicular Manslaughter (with gross negligence) (PC <a href="#">192</a>(c)).</p> <p>(17) Gross Vehicular Manslaughter While Intoxicated (PC <a href="#">191.5</a>).</p> <p>(18) Carjacking (PC <a href="#">215</a>).</p> <p>(19) Kidnap with the Intent to Commit Rape, Oral Copulation, Sodomy or Rape by Instrument (PC <a href="#">209</a>(b)).</p> <p>(20) Discharging a Firearm from a Motor Vehicle with substantial injury (PC <a href="#">26100</a>(c)).</p> <p>(21) Conspiracy to commit any Category 3 offense (PC <a href="#">182</a>).</p>	
4	<p>(1) Vehicular Manslaughter (PC <a href="#">192</a>(c)).</p> <p>(2) Involuntary Manslaughter (PC <a href="#">192</a>(b)).</p> <p>(3) Robbery (Armed With Dangerous or Deadly Weapon or With Substantial Injury) (PC <a href="#">211</a>).</p> <p>(4) Assault with Caustic Chemicals (PC <a href="#">244</a>).</p> <p>(5) Assault with a Deadly Weapon or Force Likely to Produce Great Bodily Injury (with substantial injury) (PC <a href="#">245</a>(a)(1)).</p> <p>(6) Assault with Firearm (with substantial injury) (PC <a href="#">245</a>(a)(2)).</p> <p>(7) Assault with Intent to Commit Rape, etc. (PC <a href="#">220</a>).</p>	2 years

**Attachment A: Division of Juvenile Justice Discharge Consideration Guidelines**

	<p>(8) Child Cruelty Likely to Produce Great Bodily Injury or Death (PC <a href="#">273a(1)</a>).</p> <p>(9) Extortion (PC <a href="#">518</a> and <a href="#">520</a>).</p> <p>(10) Grand Theft Person (armed with dangerous or deadly weapon or with substantial injury) (PC <a href="#">487(c)</a>).</p> <p>(11) Burglary (armed with dangerous or deadly weapon or with substantial injury) (PC <a href="#">459</a> and <a href="#">460</a>).</p> <p>(12) Shooting at Inhabited Dwelling House, Occupied Building or Vehicle (PC <a href="#">246</a>).</p> <p>(13) Arson (PC <a href="#">451</a>).</p> <p>(14) Recklessly Causing a Fire of any Structure, Forest Land, or Property (with substantial injury) (PC <a href="#">452</a>).</p> <p>(15) Sale, Possession for Sale, Transportation, or Furnishing of Controlled Substance, Narcotics, Marijuana.</p> <p>(16) Maintaining Place for Selling, Using of Certain Controlled Substances or Specified Narcotics (H&amp;SC <a href="#">11366</a>).</p> <p>(17) Any other felony including attempted felony not listed in Categories 1 through 3 (with substantial injury).</p> <p>(18) Conspiracy to commit any Category 4 offense (PC <a href="#">182</a>).</p> <p>(19) Discharging a Firearm from a Motor Vehicle (PC <a href="#">26100(c)</a>).</p> <p>(20) Attempt of any offenses in Categories 2 and 3.</p> <p>(21) Recommitment for any offense listed in Category 5 and 6 with a prior commitment for any offense in Categories 1 through 6.</p>	
<p>5</p>	<p>(1) Assault with a Deadly Weapon or Force Likely to Produce Great Bodily Injury (PC <a href="#">245(a)</a>).</p> <p>(2) Battery (with substantial bodily injury) (PC <a href="#">242</a>, <a href="#">243(d)</a>, <a href="#">243.2</a>, <a href="#">243.3</a>, <a href="#">243.6</a>).</p> <p>(3) Battery Upon a Peace Officer, Fireman or Upon a Custodial Officer (PC <a href="#">243.1</a>, <a href="#">243(b)</a>, <a href="#">243(c)</a>).</p> <p>(4) Recklessly Causing a Fire of Inhabited Structure or Property (PC <a href="#">452(b)</a>).</p> <p>(5) Robbery (PC <a href="#">211</a>).</p> <p>(6) Grand Theft Person (PC <a href="#">487(c)</a>).</p> <p>(7) Burglary, 1st Degree (PC <a href="#">459</a> or <a href="#">460</a>).</p> <p>(8) Accessory to Murder (PC <a href="#">32</a>).</p> <p>(9) Sexual Battery (PC <a href="#">243.4</a>).</p>	<p>18 months</p>

**Attachment A: Division of Juvenile Justice Discharge Consideration Guidelines**

	<p>(10) Intimidation of Witness by Force or Fear; in furtherance of a conspiracy; for pecuniary gain; or by a repeat offender (PC <a href="#">136.1(c)</a>).</p> <p>(11) Conspiracy to commit any Category 5 offense (PC <a href="#">182</a>).</p> <p>(12) Attempt of any Category 4 Offense.</p>	
6	<p>(1) Concealable Firearms (PC <a href="#">29800</a>, <a href="#">25400</a>).</p> <p>(2) Possession of Explosives, Flammable Matter or Fire Bomb (PC <a href="#">452(a)</a>).</p> <p>(3) Recklessly Causing Fire to Uninhabited Structure or Forest Land (PC <a href="#">452(c)</a>).</p> <p>(4) Burglary, 2nd Degree (PC <a href="#">459</a>, <a href="#">460</a>).</p> <p>(5) All Felony Offenses Not Listed.</p> <p>(6) Conspiracy to commit any Category 6 offense (PC <a href="#">182</a>).</p> <p>(7) An Attempt of Any Category 5 offense.</p>	1 year



**Shasta County Probation Department**  
**Secure Track Treatment Program (STTP)**  
**Division of Juvenile Justice (DJJ) Realignment Plan**



*Approved by the Juvenile Justice Coordinating Council SB823 Subcommittee on May 6, 2021*

*Approved by the Juvenile Justice Coordinating Council on June 21, 2021*

Updated 6/21/2021~~8/9/21~~

## TABLE OF CONTENTS

Terms and Definitions.....	1
History and Overview of DJJ Realignment (SB 823).....	5
Key Elements of SB 823.....	5
Local Planning and Oversight.....	8
Juvenile Justice Coordinating Council .....	8
Data Collection/Outcome Measures .....	<u>910</u>
Implementation Strategies .....	12
Secure Track Treatment Program (STTP).....	12
Guiding Principles .....	12
Target Population .....	13
JRF Facility.....	13
Programs and Services.....	<u>1415</u>
Court Progress Reviews & Less Restrictive Programs.....	20
Discharge Hearings at Conclusion of Baseline Term.....	21
Term of Probation Supervision .....	21
Retaining the Target Population in the Juvenile Justice System .....	21
DJJ Realignment Funding/Budget .....	24

## TERMS AND DEFINITIONS

- AB stands for Assembly Bills which are bills passed by the California State Assembly.
- Adverse Childhood Experiences (ACE) are potentially traumatic events that occur in childhood (0-17 years). Examples would be experiencing violence, abuse or neglect, witnessing violence in the home or community, or having a family member attempt or die by suicide. Also included are aspects of the child's environment that can undermine their sense of safety, stability, and bonding such as growing up in a household with: substance misuse, mental health problems, or instability due to parental separation or household members being in jail or prison. ACE's are linked to chronic health problems, mental illness, and substance misuse in adulthood. ACE's can also negatively impact education and job opportunities.
- Average daily population (ADP) means average daily population of youth detained in the facility.
- Child and Adolescent Needs and Strengths assessment (CANS) is a multi-purpose tool developed for children's services to support decision making (including level of care and service planning), to facilitate quality improvement initiatives, and to allow for the monitoring of outcomes of services. Versions of CANS is currently used in 50 states in child welfare, mental health, juvenile justice, and early intervention applications. A comprehensive, multi-system version exists as well. CANS was developed from a communication perspective to facilitate the linkage between the assessment process and the design of individualized service plans including the application of evidence-based practices. CANS is easy to learn and is well liked by parents, providers and other partners in the services system because it is easy to understand and does not necessarily require scoring in order to be meaningful to an individual child and family. The way CANS works is that each item suggests different pathways for service planning. There are four levels of each item with anchored definitions, however, these definitions are designed to translate into the action levels which are separated into needs and strengths.
- Child and Family Team (CFT) is a group of individuals identified by the child, youth, or non-minor dependent and family members as important professionals and others who are invested in the youth and family's success. These meetings are family centered and cover topics such as the family's strengths and needs, collaborative case planning, decision making, and the consideration of the long-term success of the youth and family.
- Case plan is the plan of action for the youth/parent/involved parties that highlights goals and actions that each party will take.
- Core Correctional Practices (CCPs) is a way to increase the therapeutic potential of rehabilitation. Core Correctional Practices are approaches staff should utilize with participants. Research shows, if implemented properly, Core Correctional Practices can reduce recidivism by teaching participants how to engage in long-term prosocial behavior. CCPs are relevant to direct care, security staff, and treatment staff.

- Chief Probation Officers of California (CPOC) is an association of all 58 counties with a shared identity as law enforcement leaders. They are committed to research-based approach to public safety that promotes positive behavior change. They guide policy and practice in the areas of prevention, community-based corrections, secure detention for youth, and direct human services. Their goal is to prevent crime and delinquency, reduce recidivism, restore victims and promote healthy families and communities.
- Criminogenic needs are characteristics, traits, problems, or issues of an individual that directly relate to the individual's likelihood to re-offend and commit another crime. These break down into two categories: static and dynamic. By targeting these needs through effective interventions and treatment recidivism can be reduced.
- Department of Juvenile Justice (DJJ) is operated by the California Department of Corrections and Rehabilitation (CDCR) and serves youth from the age of 12 to 25 who have been sentenced to the facility for a Welfare and Institutions Code Section 707(b) offense. Currently there are three DJJ facilities and one fire camp located in Ventura and in Stockton.
- DJJ Parole is a process for a youth who is in DJJ will attend a Parole Board Hearing when they become eligible for Parole. If parole is granted the youth is then supervised in the community by the county Probation Department.
- The Detention Risk Assessment Instrument (DRAI) is a 13-question objective risk-based instrument tool that informs placement recommendations at the first appearance and/or warrant review hearing. The DRAI can be completed on all youth admitted to detention facility with a new offense or warrant. The majority of the DRAI covers a variety of items and, based on the outcome, produces a DRAI recommendation. The three types of recommendations the DRAI makes are: Secure Detention, Eligible for Alternative to Secure Detention, and Eligible for Release Without Restriction.
- Evidenced-based practices (EBP) means treatment interventions for which there is empirical evidence of statistically significant effectiveness for specific problems.
- Juvenile Justice Coordinating Council (JJCC) is an organization authorized by Welfare and Institutions Code Section 749.22.
- Juvenile Rehabilitation Facility (JRF) is the Shasta County Juvenile Hall.
- Furlough is allowing a person to leave an in custody setting to be in the community for part or all of their remaining of their sentence. Furlough is accompanied by supervision and terms and conditions of the furlough. If those rules are violated the person can be returned to custody.
- Global Positioning System (GPS) monitoring is an additional supervision tool for those on supervision. Through the use of a GPS bracelet, a youth's location and compliance can be

monitored through an electronic device. Things that can be enforced through GPS are no contacts, curfews, treatment compliance, and court appearances.

- The Prison Rape Elimination Act (PREA) of 2003 is a federal law that drives efforts to combat sexual abuse and sexual misconduct with youth facilities.
- Integrated Family Wellness Program (IFWP) is a collaborative wrap around court program which includes Probation Supervision, Mental Health Services, Drug and Alcohol Counseling, a Youth Skill Builder and Parent Partner. It is an intensive program which includes multiple meetings a week with the IFWP team members to help address issues in the life of the youth and family.
- The Juvenile Justice Crime Prevention Act (JJCPA) was created by the Crime Prevention Act of 2000 to provide a stable funding source for local juvenile justice programs aimed at reducing crime and delinquency among at-risk youth and juvenile offenders.
- The Juvenile Sexual Offender Recidivism Risk Assessment Tool version 2 (JSORRAT 2) is a validated risk assessment tool used specifically for Juvenile Sex Offenders. Based on the scores from a JSORRAT 2, assessment supervision and treatment goals can be adjusted accordingly.
- The Juvenile Court and Probation Statistical System (JCPSS) is a database maintained by the Department of Justice (DOJ) designed to collect and report statistical data on the administration of juvenile services pursuant to Welfare and Institutions Code Sections 601 and 602.
- Maximum Security Risk (MSR) is a special status for youth in the JRF assigned based on current actions and or behavior that places themselves or others or staff at risk. Youth assigned this status are limited on what they are allowed to do or not do in a facility based on this status.
- The Positive Achievement Change Tool (PACT) is an evidenced based juvenile risk and needs assessment and is comprised of two assessments: the PACT Pre-screen (PACT Pre) and the PACT Full-Screen (PACT Full) instruments. The PACT Pre is a short screener designed to give practitioner and screening personnel a simple, quick evaluation of a youth's risk level based on criminal and social history background. The PACT Full is a more comprehensive instrument providing insight into the behavioral needs of youth.
- The Youthful Offender Block Grant (YOBG) was established in 2007 by SB 81 and was amended in 2009 (SBX4 13) and 2016 (AB 1998). The YOBG program, sometimes known as “juvenile realignment,” realigned certain youth in California’s juvenile justice population from state to county control. YOBG provisions prohibit counties from sending certain lower level offenders to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ). Youth who are no longer eligible for DJJ commitment are those who commit an offense that is not listed in Welfare and Institutions Code section 707, subdivision (b) and is not a sex offense as set forth in Penal Code section 290.008, subdivision (c). YOBG supports the concept that public safety is enhanced by keeping juvenile offenders close to their families and communities.



- Senate Bills (SB) are bills passed by the California State Senate.
- Shasta County Secure Track Treatment Program (STTP) is the term used to describe the program in the JRF designed to serve the DJJ population starting on July 1, 2021.
- 779 Welfare and Institutions Code outlines the process to recall, change, modify or set aside an order of commitment to the DJJ.

## HISTORY and OVERVIEW OF DJJ REALIGNMENT (SB 823)

The history of youth detention dates to the 1850's when youth under the age of 20 requiring detention and reform and were sent to the state prisons at San Quentin and Folsom. Since this time there have been State Reform Schools, Industrial Schools, and State Reformatories. 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 military and camp approaches 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 California Department of Corrections and Rehabilitation (CDCR). 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 adjudicated 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 were 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 and facilities began to close due to the 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) 2019/20 budget, 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 his FY 20/21 May revise budget closure of 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 2021/2022 January proposed budget the DJJ closure date is June 30, 2023. The legislature [worked to draft SB 92 and the Governor signed and approved the bill on May 14, 2021](#)~~has been working to move forward and pass SB 92~~, which includes additional details to SB 823.

### Key Elements of SB 823

- DJJ closes intake on July 1, 2021.
- DJJ closes on June 30, 2023.
- Creates a new state office, the Office of Youth and Community Restoration (OYCR) under the Department of Health and Human Services (DHHS) starting on July 1, 2021. OYCR will create and oversee an 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 have faced an aggregate sentence of 7 years or more in criminal court, 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 sentenced of 7 years or more years in the Adult Court. Age of jurisdiction is 21 for all other youth. (WIC 208.5).
- 779.5 Welfare and Institutions Code establishes a criteria for recall of wards committed to a secure track.
- Requires any person whose case originated in Juvenile Court 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 208.5. A person sentenced in Adult Court cannot serve their time in juvenile hall but can remain in juvenile hall until execution of the Adult Court sentence. (WIC 208.5).
- Clarifies that juvenile halls are not adult facilities. (WIC 208).
- 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 disposition track and separate jurisdictional by March 2021 for higher need youth.
- 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 one-time competitive facilities grant in the amount of \$9.6 million. (WIC 2250).

- The Director of DJJ shall develop a plan by January 1, 2022, for the transfer of the jurisdiction of youth remaining at DJJ who are unable to discharge or otherwise move pursuant to law prior to the final closure on June 30, 2023.

## LOCAL PLANNING AND OVERSIGHT

### Juvenile Justice Coordinating Council

Shasta County has an active Juvenile Justice Coordinating Council (JJCC) authorized by Welfare and Institutions Code (WIC) Section 749.22 and established by a County Board of Supervisors Resolution dated October 29, 1996. The County Board of Supervisors signed an updated resolution on December 8, 2020.

Pursuant to WIC 749.22, voting members shall include at a minimum, but not be limited to one representative from the following agencies:

- The Chief Probation Officer (Chair)
- Sheriff's Office
- District Attorney's Office
- Public Defender's Office
- Board of Supervisors
- Department of Social Services
- Department of Mental Health Services
- County Office of Education or a school district
- A City Police Department
- A community-based drug and alcohol program
- An at-large community representative
- Nonprofit community-based organizations providing services to minors

The purpose of JJCC is to:

- Develop and implement a continuation of county-based responses to juvenile crime; to set priorities for the use of granted or allocated funding for juvenile justice activities when applicable.
- Develop a comprehensive, multi-agency juvenile justice plan (Juvenile Justice Local Action Plan) that identifies resources and strategies for providing an effective continuum of responses for the prevention, intervention, supervision, treatment, and incarceration of juvenile offenders, including strategies to develop and implement locally based or regionally based out-of-home placement options for the youths who are persons described under WIC 602.
- 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).
- Review the Juvenile Justice Crime Prevention Act (JJCPA) and Youthful Offender Block Grant (YOBG) plans annually pursuant to Government Code Section 30061(b)(4).
- Serve as a local steering committee and oversee grant proposals; development and implementation of funded programs and services; review data and grant program progress; and oversee the evaluation plan to include process evaluation and outcome data.

The first Juvenile Justice Local Action Plan was created in March 1997 and later updated and revised in March 2001. Starting in June 2018, the JJCC engaged in a strategic planning process to update and revise the county Juvenile Justice Plan. The Plan is updated and approved annually by the JJCC.

The JJCC is committed to improving prevention and intervention strategies for at risk youth in Shasta County. The Council frequently assesses available services and interventions, prioritizes areas of risk, and identifies areas where improvement is needed. The Council reviews probation and detention services for youth requiring this level of care. Process and outcome data are reviewed by the Council and members make recommendations regarding any identified areas of improvement.

The Council values researched-based, best practices, evidenced-based practices (EBP), trauma awareness, Adverse Childhood Experiences (ACEs), and “what works” in reducing criminal and delinquent behavior. Members are aware of recent legislative reforms, the County System Improvement Plan (SIP), and the risk and needs of those youth involved in Commercial Sexual Exploitation of Children (CSEC) crimes and activities. The Council supports EBP assessments and identifying and targeting criminogenic needs which are directly linked to criminal behavior and re-offense.

#### JJCC Subcommittee

WIC 1995 requires a subcommittee of the JJCC be formed to develop a plan describing the facilities, programs, placements, services, supervision, and reentry strategies that are needed to provide appropriate rehabilitation and supervision services for the realigned DJJ population. On January 14, 2021, the JJCC voted on the following subcommittee members:

- Tracie Neal, Chief Probation Officer
- Ben Hanna, representative from the District Attorney’s Office
- Kathryn Barton, representative from the Public Defendant Office
- Cindy Lane, representative from the department of Social Services
- Laura Stapp, representative from the department of Mental Health
- Mary Lord, representative ~~from the~~ from the Shasta County Office of Education
- Cindy Van-Schooten, representative from the Superior Court
- Michael Burke, Pathways to Hope, representative from community-based services
- Cindy Vogt, California Heritage Youth Build Academy (CHYBA), representative from community-based services
- Valerie Hartley, Shasta ILP Coordinator, representative for youth

On May 20, 2021, the JJCC voted to replace Cindy Van-Schooten with Lisa Jenkins as the representative from the Superior Court. As additional member positions become vacant, the JJCC will vote to appoint new members as needed.

During the planning process and development of the realignment plan, the subcommittee will meet regularly, and workgroups will be formed to support the planning process. Once the plan has been completed, the subcommittee will meet as needed to review the plan, programs, outcome measures, and make modifications to the plan as needed.

## Data Collection, Outcome Measures, and Reporting

Effectively administering the Secure Track Treatment Program (STTP) requires data collection and analysis. The Probation Department will collect data on a quarterly basis and provide reports to the JJCC and the reports will be posted on the JJCC website.

The following data will be collected:

- Age, Gender, and Race/Ethnicity
- Length of stay
- Types of crimes/adjudications
- Educational and/or vocational milestones
- Treatment/program/pro-social skill building groups/activities milestones
- Adverse Childhood Experiences (ACE) Scores
- Pre/Post Hope Scale
- Changes in criminal thinking patterns
- Length of stay within each behavioral level system
- Number of SIR and citations each youth receives
- Number of residents released on supervision
- Number of residents released into a less restrictive program
- Length of stay of supervision
- New arrests, violations, new bookings, recidivism rates

The following outcome measures will be collected, and a baseline will be established the first fiscal year upon a youth being sentenced to the STTP:

### Safe Environments

- Decrease incidents of youth violence and self-injurious behavior.
- Decrease on-the-job injuries to staff.

### Fair Environments

- Decrease the number of complaints and grievances filed by youth and families.
- Increase timely responses to complaints and grievances incorporating a restorative justice model.
- Increased youth connections to counsel.

### Staff

- Increased job satisfaction and staff morale as measured by staff satisfaction surveys.
- Decreased turnover and absenteeism within the staff assigned to the secure track.

### Positive Youth and Family Experiences

- Increase the level of Hope within the residents as measured by the Hope Survey.
- Increase positive responses in the exit survey.
- Improved milestones in treatment/program/pro-social skill building groups/activities as measured by program advancement or completion.
- Decrease in criminal thinking patterns as measured by the criminal thinking scale.

- Increased family participation and engagement in decision making and treatment as measured by attendance at CFT's and participation in family identified goals.

#### Community Safety

- Improved youth connections to pro-social community partners and supports as measured by the PACT.
- Improved staff responses to desired and undesired youth behavior as measured by the use of sanctions and incentives according to the behavioral matrix.
- Decrease community revocations and technical violations.
- Decreased recidivism.



## IMPLEMENTATION STRATEGIES

### Secure Track Treatment Program (STTP)

Effective July 1, 2021, a STTP will be available in the JRF for youth requiring a commitment. The STTP will be for youth who: are 14 years and older; have been adjudicated of a 707(b) WIC offense; and the court finds that a less restrictive disposition is unsuitable. An offense-based classification matrix will be developed by the Judicial Council to identify the baseline term of confinement. The maximum term of confinement will be set by the court and consider the following: up to age 23 (or 2 years, whichever is later) for most offenses or up to age 25 (or 2 years, whichever is later) if aggregate criminal court sentences for same offense would be 7 or more years. A term of confinement cannot exceed the middle term for an adult convicted of the same offense.

Rehabilitation; criminogenic needs and targeted interventions; mental and behavioral health; and education and vocational training will be the priority of the STTP in addition to accountability. A Rehabilitation Plan (RP) will be developed within 30 days of an STTP commitment and presented to the court for approval. The RP will be developed in consultation with the STTP team and participants in a child and family team (CFT) meeting.

### Guiding Principles

Youth will be provided opportunities for change utilizing an integrated treatment model that focuses on the risk and needs of each unique individual. Youth will be provided with education, treatment, and pro-social interventions designed to provide each youth the ability to make lasting change and reduce recidivism. Guiding principles when supervising and providing rehabilitative services to the STTP population will focus on the **IICF Model** and includes but is not limited to the following:

- **Individualized** treatment
  - Assessment of risk and needs
  - Treatment planning based upon assessments
  - Treatment and services that are evidenced-based or best practices
  - Staff training and interventions that promote youth change
  
- An **Interconnected** model that includes the youth, family or other identified pro-social supports, staff, and community:
  - Establishment of a connection to the community
  - Re-entry planning
  - Focus on secondary educational and/or vocational opportunities
  - Mentors and local leaders to promote cultural and community competency and awareness
  - Culturally responsive
  - Family-centered
  - Family Support
  
- Promotes Pro-Social **Change** in Attitudes and Behavior
  - Evidence-based or best practices treatment and services
  - Modeling of behavior by staff and providers

- Mentorship programming
  - Behavior Management System
  - Specialized programming
  - Educational Services
  - Vocational Programs
  - Life Skills Programs
- **Fidelity** with Treatment and Services Provided
    - Review of programs using EBP assessment
    - Continuous Quality Improvement (CQI) review
    - On-going training for staff who provide interventions and services
    - Focus on Core Correctional Practices
    - Outcome Evaluation

### **Target Population**

The STTP population will be males ages 16-25. Historical population data and trends are noted under the Funding/Proposed Budget section.

The current JRF general population is up to 40 youth between the 800 and 900 pod and up to 15 youth on the 700 pod.

The BSCC has authorized the JRF as an STTP and the facility number is 7623. The rated capacity will be identified by the BSCC as needed.

The JRF will primarily serve STTP residents of Shasta County. Requests from contracted counties will be reviewed and evaluated on a case by case basis to determine feasibility. An STTP daily bed rate will be established.

### **JRF Facility**

Juvenile Justice and Delinquency Prevention Act (JJDP):

The BSCC is the designated state agency to monitor compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP) within the State of California Penal Code Section 6024(a) (2018). The JJDP is the governing federal law that establishes federal minimum standards for the protection, safety, care, and treatment of youth in custody. The Separation Requirement mandates sight and sound separation between adult inmates and juveniles.

Pursuant to federal law and policy, a juvenile whose case originated in the Juvenile Court, even if they are tried as an adult when detained in a juvenile facility, including a juvenile correctional facility, is not considered an adult inmate until he or she reaches a state's maximum age of extended juvenile jurisdiction. SB 823 raised that age, therefore the continued placement of such youth in a local juvenile facility does not constitute a federal sight and sound separation violation as long as the youth does not exceed California's maximum age of confinement.

## Facility Plan:

The JRF is a 90-bed facility separated into three, 30 bed pods. Each pod is designed with resident rooms located on a top tier and a bottom tier, and a large dayroom. Each room is self-contained with a bed, sink, and toilet however individual shower stalls are located on the main floor of the pod. Each pod includes two separate classrooms and one program room. The kitchen is in a central location of the facility. All meals are prepared in the JRF kitchen by cooking staff and delivered to the pods. Juvenile Detention Officers (JDOs) serve the prepared meal trays to the residents on each pod.

The residents housed at the JRF are separated and assigned to one of 2 pods according to age, gender, sophistication, behavioral history, mental health needs, and presenting offense. The 800 pod serves younger youth, or gender diverse residents who may be more vulnerable or those who may have specialized treatment needs. The 900 pod serves older more sophisticated residents with varying educational or secondary education needs. The 700 pod is the River's Edge Academy serving youth who have long term custody commitments and are participating in intensive cognitive behavioral therapy.

In consideration of safety and security as well as resident needs, STTP residents will be housed on the 900 pod and will participate in a separate, specifically designed program to allow for separation from the general population during daily activities and programming.

Although STTP residents will be housed in the same living units as the general population, activities including school and programming will be conducted separately. A JDO will be assigned specifically to supervise the STTP residents and oversee all programming. High school education, secondary education, or vocational programming will be held in a separate classroom with an assigned teacher specific to STTP residents. Rehabilitative programming for STTP residents will be held at separate times and in designated program rooms. All movement within the facility and grounds will be supervised by JDOs. STTP residents will be supervised by designated JDO staff during all movement.

The recreation yards and pod dayroom will be shared by all residents according to pod assignment. Programming and Large Muscle Exercise (LME) will be conducted in the main pod dayroom, the covered recreation yard, or the large recreation yard with a field and basketball court. This field area will be divided to accommodate multiple activities and multiple groups separately participating in recreational activities at the same time. Sharing the pod area and all outside recreation yards will require scheduled times for each group in order to accommodate separation and equal use.

The JRF has a designated visiting area to accommodate family/pro-social visits. Visiting for STTP residents will be held during the weekdays at times when residents are not participating in school or other required programming and in the evenings during the weekdays. The visiting time will be different than the general population.

Facility policy and post orders have been developed specifically for the STTP residents to address orientation; commissary; suicide prevention; PREA; behavioral matrix to include incentives and sanctions; education and vocational training; and programming and treatment services.

## Programs and Services

Utilizing the guiding principles of the JJCC, the STTP, and incorporating the IICF Model, all youth will be provided access to treatment and services that promote and support rehabilitation, a safe, healthy, and secure environment while housed in the JRF, and successful reentry into the community.

The Probation Department is committed to implementing and adhering to the following treatment components

- Promote Safe, Fair, and Healthy Environments for Youth, Staff, and Families.
- Prepare, Equip, Train, Empower, and Support Staff to Provide Effective Services.
- Increase Positive Youth and Family Experiences and Outcomes.
- Enhance Community Safety.

All youth will participate in assessments of risk and needs and individualized treatment plans will be created to support each youth's treatment goals. This will include on-going, periodic assessments and regular review of treatment plan goals, progress, and additional support needed to obtain identified goals. At least bi-annually, the youth's support system will be included in the review of treatment goals to ensure that all important members of the youth team understand how to support the youth. As a youth is reaching the milestones created to explore a less restrictive placement and/or supervision, additional goals will be created to support successful family reunification and reentry into the community. Youth who, after assessment, do not meet the criteria for a specialized program will participate the Core Treatment Program.

### STTP Treatment Team

Each youth will be assigned a treatment team to support the youth and their goals while in the program. This team will include, but not be limited to, the following:

- Deputy Probation Officer
- Assigned STTP Juvenile Detention Officer(s)
- Mental Health Clinician
- Education or Vocational Staff
- Contracted service provider(s) based on the youth assessed needs
- Identified community representative/pro-social support

The team will receive foundational skills training in cognitive-behavioral principles, stages of change, motivational interviewing, trauma informed practices, and Core Correctional Practices.

### 6 Month Progress Reviews and Rehabilitation Plan Report

This team will regularly review progress with the youth and will participate in the completion of a 6 Month Progress Report which will be submitted to the court for review. At minimum, this report will address the following:

- Progress in the program
- A review and description of treatment, programing, education or vocational programing, and development needs

- Additional treatment needs
- Victim notification (as required per crime)
- Restitution information
- Summary of future treatment goals
- Input from the Family and youth

### Core Treatment Program

An important aspect of the success in youth meeting their goals while housed in the JRF is to ensure services and supports are offered to successfully promote a safe and healthy living environment where the youth address issues with staff, other residents, family, treatment team, of treatment goals including addressing frustration or concerns with progress milestones within the program with respect and an understanding that their concerns will be heard and managed in the best way possible. Additional cognitive behavior interventions will be identified and implemented as needed. This will include the use of tools such a Core Correctional Practices (CCP) that address the quality of interpersonal relationships; effective use of authority; pro-social modeling and reinforcement; and problem-solving skills. It is important to empower youth to address issues and concerns in a safe and productive way. In addition, the training of staff to use CCP allows detention staff to gain the skills to manage situations before they rise to a crisis or unsafe level and provide consistency when addressing issues. Continued awareness and adaptations to service delivery that focus on prevention, decision-making, and treatment services to reduce initial contact, minimize restraints, and reduce recidivism will also be implemented.

The JRF will focus on the use of cognitive behavior methods that promote pro-social thinking and skill replacement. This core program model will focus on developing a case plan that targets dynamic risk factors that are known to contribute to re-offense. These **dynamic risk factors** include:

- Anti-social thoughts and beliefs
- Anti-social personality (coping and self-control skills)
- Antisocial friends
- Family Relationships
- Substance Abuse
- Employment
- Education
- Leisure/Use of free time

Youth will participate in standardized cognitive behavior treatment (CBT) programs that are designed to address each youth's criminogenic needs. Our IICF Model includes the youth and their designated team to support progress within the program and successful re-entry into the community.

### Objectives of the Core Program Model include:

- Create a safe, secure, and supportive environment that allows the youth to address their treatment needs.
- Provide individuated assessment, case planning and treatment/service opportunities.
- Promote and modeling pro-social values and beliefs.
- Provide opportunities for youth to learn and reinforce cognitive behavioral skills such as behavior management, self-regulation, coping skills, and problem solving.

- Provide an environment that promotes healthy inter-personal relationships.
- Provide an environment that is trauma informed and makes efforts to reduce further trauma while in custody.
- Provide opportunities for continued education.
- Provide vocational and job-based skills.
- Reduce the length of time in custody.
- Promote successful re-entry into the community.
- Reduce the risk to recidivate/re-offend.
- Reduce the risk of youth entering the Adult Criminal Justice System.

While participating in the program, youth will learn the following:

- Pro-social skills to assist them in becoming responsible members of the community.
- Pro-social thinking and behavioral skills to assist in forming and maintaining positive relationships.
- Pro-social interventions to reduce likelihood of further interactions with the criminal justice system.

All youth will participate in the Core level programming. Youth who are assessed as needing additional programming or support or those who must complete treatment based on their offense will be referred for specialized programming as indicated.

#### Stages of Change

Youth will progress through the program based on individualized treatment measure and utilizing the Stages of Change. These stages include:

- Precontemplation
- Contemplation
- Preparation
- Action
- Maintenance
- Relapse

Staff are expected to work with youth in a way that supports growth and progress through the stages. Staff are an active part of the youth's team and assisting youth in making progress with their identified treatment goals.

#### Trauma Informed

The JRF staff are committed to ensuring that approaches to managing and maintaining our youth are conducted with a trauma informed focus. The youth housed in the facility often come from backgrounds where they have experienced significant adversity and trauma that result in high ACE scores. System involvement alone, is traumatic for our youth. Often youth experience an increase in psychological distress that comes from living in a custodial environment. The Probation Department is committed to focusing on programming and services that promotes resilience and assists in building protective factors for our youth. The treatment model will put emphasis on identifying each youth's protective factors, including strengths, and continuing to focus on and build each youth's strengths

while in custody with the goal of recovery, healing, and ultimately leading productive lives out of the criminal justice system.

### Hope Theory and Protective Factors

Incorporating the Hope Theory and Protective Factors will be a priority of the treatment team and JRF staff. Building hope, identifying goals, and establishing pathways to achieve a desired goal will be part of the case plan and the rehabilitative plan. Measuring hope will be part of the entry and exit planning process. Building Protective Factors will be incorporated into the daily delivery of program and treatment services.

### Responsivity

The Probation Department will continue to seek out and enhance treatment and services using the “Responsivity Principle” which encourages assigning youth to programs where the treatment/service is responsive to temperament, learning style, motivation, culture, and gender. Programming will be offered that focuses on the unique needs of the youth, to include identifying and regulating emotions; developing healthy relationships; and facing and overcoming individual histories. LGBTQI services will be available. The JRF will continue to participate in activities and celebrations that focus on cultural awareness and will seek program volunteers that are willing to share cultural history, recipes, and activities that will enrich understanding of different people and cultures for the residents in the facility. This is another way we can empower our youth to learn about, and become connected to, their culture and community.

### Pro-social Activities

Youth will have the opportunity to participate in activities that promote teamwork, job skills, and pro-social interaction with others as well as teaching proper use of free time. These activities will include but are not limited to:

- Team sports
- Cultural activities
- Gardening (GROW program)
- Art projects
- Book club
- Leaders of Tomorrow program
- ROP Kitchen program/Food Handler Certificates

### Family Involvement

Supporting the youth with staying connected to family and other pro-social individuals in the community will be a priority of the program. These individuals will be a part of the youth’s treatment team and participate in meetings and work to support the youth while they are in the program as well as when they transition into the community. Weekly visitation will be encouraged and, when possible, as a youth progresses through the program additional special visits to aid the transition into the community will also be scheduled. At least bi-annually, the youth’s designated family members will participate in the review of the youth’s treatment plan and assist in identifying progress, areas where growth is still

needed, and in developing the next goals. Family members will also have access to the youth's assigned staff to assist with questions or concerns as they arise while the youth is in the program.

### Behavior Management

A comprehensive Behavior Matrix will be implemented to support and motivate safe behavior, reinforce program progress and support pro-social behavior, and discourage and address anti-social behaviors. Staff will review actions/behavior each shift, each day, and in a fair and consistent manner.

The Behavior Matrix is designed to enhance the youth's treatment progress and support the youth's identified goals, by expecting and encouraging safe and pro-social behavior while they are in the program. The use of a structured matrix supports long-term change by the use of reinforcements and sanctions in a swift, certain, and consistent manner. Within a matrix process, every staff member is considered an integral part of aiding the youth in the program progress and reaching their treatment goals.

### Weekly Schedule

The program will consist of a weekly schedule designed to provide the youth with all the necessary program components. Special consideration will be given to creating a schedule that supports both treatment goals as well as pro-social and free time activities. It is vital that the program creates an environment that teaches each youth how to properly manage their time both within the program and upon release.

The schedule will be reviewed on a regular basis to ensure that all program components are being met and the schedule is not in conflict with other JRF programming or activities.

### Medical and Mental Health

Youth will have on-going access to medical and mental health staff to support the needs of each youth. Medical and mental health assessments will occur, and interventions will be initiated as indicated. Contracted staff will be available 24 hours a day to address medical or mental health needs. In addition, should other specialized medical or mental health care be indicated, a treatment plan which could include medication as needed, will be created, implemented, supported, and regularly reviewed by the youth's treatment team.

The Specialized Mental Health Treatment Program will include Trauma-Focused Cognitive Behavioral Treatment and other specific interventions and/or treatment methods, including medication management, on a continuum of care that provides individualized treatment plans to stabilize mental health symptoms as well as target dynamic risk factors that contribute to re-offense. This program will be designed to support the youth in a safe environment, with emphasis on creating a therapeutic setting that reinforces responsible, pro-social behavior. Youth will be referred to this program based upon assessment and need.

### Education and Vocational Training

Youth of high-school age who have not completed high school will continue to attend school with the mainstream JRF residents.



The JRF will also maintain teaching staff with the support of Shasta County Office of Education to provide secondary education and vocational training for the older youth population. The following will be put in place to support the education of these youth onsite, during normal school hours, with educational staff who will provide an appropriate physical and psychological environment to establish and reinforce acceptable youth behavior, attitudes, and social skills:

- Individual and small group instruction
- Career development
- Life skills/money management
- Support HS GED
- Support enrollment in secondary online education
- Educational support and tutoring
- Guidance on vocational training, career, and secondary education

### Specialized Programming

Youth will be referred to specialized programming based upon assessment and/or adjudicated offense. The programs may include, but are not limited to:

- Gang Awareness
- Victim Awareness
- Specialized Mental Health Treatment
- Sex Offender Treatment
- Arson Treatment
- Anger Management
- Substance Abuse Treatment

### Victim Services

Victims services and assistance will be part of our Secure Track Treatment Program (STTP). Staff will continue to work with victims and refer them as needed to the Victim Compensation Board and the County Crime Victim Assistance Center through the District Attorney's Office. Staff will assure victim restitution is addressed and included in court orders and the Rehabilitative Plan. Restorative Justice models will be incorporated into the Rehabilitative Plan as deemed necessary and additional supports will be assigned according to the need of the victims and the reunification processes. Staff will assure victim notifications are completed, as required per law, during the commitment and court process.

### **Court Progress Reviews & Less Restrictive Programs**

The Court will schedule a Progress Review Hearing at least every 6 months. The assigned Probation Officer will submit the Rehabilitation Plan (RP) and Review Report for consideration. During the hearing, the Court may continue the commitment, reduce the baseline term by up to six months, or may order the youth into a less restrictive placement as part of the baseline term. The baseline term cannot be extended for disciplinary infractions or in-custody behaviors. A less restrictive program can be custodial or non-custodial. The Court must determine the youth has made progress in the RP and that placement in a less secure program is consistent with the goals of rehabilitation and public safety. Once a less

restrictive placement/program is granted, the court may determine the youth is failing to comply with placement and order the youth back to the STTP for the remainder of the baseline term.

### **Discharge Hearing at Conclusion of Baseline Term**

The court can order a period of probation supervision at the conclusion of the baseline term. The probation supervision term is subject to the maximum confinement time.

The court may order up to one additional year of confinement with a finding of substantial risk and imminent harm if the youth is released. A process similar to 1800 WIC will be developed by July 1, 2021.

### **Term of Probation Supervision**

Currently youth paroled from DJJ are supervised by the assigned county probation departments. This has been the process since 2011 and the department has supervised this population since this time. The current process for supervision of the DJJ population will remain similar to the existing process.

The assigned STTP Deputy Probation Officer (DPO) will establish and maintain a relationship with the youth while they are in the JRF serving their sentence. They will have regular contact, a minimum of twice a month, with the youth while in the JRF to monitor program progress as well as to develop a supervision plan for reentry into the community. If family or an identified support person is identified, the DPO will be in monthly contact with them. This contact will increase to weekly as the youth nears a parole date and will include meetings with members of the youth's support system and the STTP treatment team. In meeting with the youth, secondary education, employment opportunities, treatment, or other options will be discussed and part of the reentry planning. The DPO will draft a reentry and supervision plan that will be submitted to the court when a discharge hearing is scheduled. If discharge is being considered, the report will include a case history, summary of behavior and progress in programs, readiness for release, continuity of care information, case plan, proposed terms and conditions, and reentry and supervision plan. The court will then establish the terms and conditions for the supervision period.

Supervision may terminate without any action on the part of the DPO by expiration of court jurisdiction at 21, 23, or 25 years of age depending on the committing offense. The DPO may also calendar a hearing to have supervision terminated prior to one of the expiration dates.

### **Retaining the Target Population in the Juvenile Justice System**

Prior to 1998, it was the burden of the prosecution to establish a youth was unfit for treatment in the Juvenile Court. However, Proposition 21, which was enacted by voters in 1998, enacted several presumptions regarding the transfer of youth from the Juvenile Justice System into the Adult Criminal Justice System. These presumptions were as follows:

- The presumption that a minor with a history of felony offenses or who commits specified serious or violent felonies is unfit for treatment in Juvenile Court.
- A juvenile 16 years of age or older with two prior felonies committed when 14 years of age or older is presumed unfit for Juvenile Court.
- A juvenile aged 14 years or older who commits a serious or violent felony is presumed unfit for treatment in Juvenile Court

Proposition 57, the Public Safety and Rehabilitation Act of 2016, was designed, in part, to stop the revolving door of crime by emphasizing rehabilitation, especially for youth. This proposition in essence returned the law to what it was prior to the adoption of Proposition 21 and substantially amended the process in which youth may be transferred to the Adult Criminal Court by eliminating the authority of the prosecution to directly file petitions to the Adult Court and requiring a hearing in the Juvenile Court to determine if a transfer is appropriate.

Transfer Data

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				
2021	0 youth (as of 5/1/2021)				

Under SB 823 and SB 92, there is a presumption that youth should remain in the Juvenile Justice System. The changes brought to the Juvenile Justice System as a result of SB 823 further address the need to have a plan in place to support youth who can be safely maintained in the Juvenile Justice System, and housed in the JRF, under the jurisdiction of the Juvenile Court. It is the intent of the legislation for counties to reduce the number of youth transferred into the Adult Criminal Justice System and to ensure dispositions are to the least restrictive appropriate environment.

Youth will be evaluated on a case by case basis and, while the presumption will remain that a youth remain in the Juvenile Justice System, consideration will be given to factors such as public safety, the degree of criminal sophistication, and the success of previous attempts to rehabilitate the youth when determining whether the youth should remain in the delinquency system or a motion to transfer the case to the adult system should be considered.

Youth who have a petition filed under the transfer process often spend a significant amount of time housed in the JRF averaging from 1 to 4.5 years, with no specific treatment to address the delinquent behavior that brought them in front of the court. They suffer with the emotional toll of a lengthy process with court dates spread over months, sometimes taking more than a year, before a ruling is made regarding a determination of whether they will remain in the Juvenile Justice System or be tried as an adult in the criminal court system. This transfer process occurs prior to yet another lengthy court (trial) process to determine guilt or innocence in the determined court system. These processes often add trauma to the youth, youth’s family, and the victims who are also waiting a very lengthy period of time to have closure of the case.

With the changes in the law under SB 823, youth who commit serious and/or violent offenses (as defined by the law) and remain in the Juvenile Justice System will no longer be sent to a state operated facility where the community based justice agencies have no control over treatment or length of stay. They will be housed locally and remain in the JRF with a treatment team and a local support system. These youth will have treatment and services designed to assist with rehabilitation that addresses each youth’s specific

risk/needs and service planning designed for successful reentry into the community. They will remain connected to the community and pro-social individuals and supported by a local treatment team while serving their sentence in the facility. It is in the best interest of the community to rehabilitate the youth and provide them the access to treatment and services that support cognitive restructuring and skills to re-enter the community and become a productive member of society.

**DJJ Realignment Funding/ Budget**

Juvenile Justice Realignment Block Grants (WIC 1990 & 1991).

A funding formula has been developed for FY's 2021/22 thru 2023/24. The distribution formula will be revised by January 1, 2024 for FY 2024/25. At full implementation, funding will be \$208.8 million statewide.

Commencing with FY 2024/25, the allocations outlined shall be adjusted annually by a rate commensurate with any applicable growth in the Juvenile Justice Growth Special Accounts in prior fiscal years. Each year this growth shall become additive to the next year's base allocation.

The funding formula for FY 2021/22 thru 2023/24 will be based on:

- 30% - DJJ populations as of December 2018, June 2019, and December 2019.
- 50% - local population who have committed certain violent felony crimes as reported in JCPSS, to be updated annually.
- 20% - distribution of youth age 10-17.
- Minimum county allocation set at \$250,000.00.

Shasta County DJJ Population - Year youth was sentenced

2015	2016	2017	2018	2019	2020	2021 (as of 5/1/2021)
1	0	0	3	0	3	2

Shasta County DJJ Population - Youth sentenced per year Gender/Race/Ethnicity

<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u> <u>(as of 5/1/2021)</u>
<u>Male</u>	<u>N/A</u>	<u>N/A</u>	<u>Male</u>	<u>N/A</u>	<u>Male</u>	<u>Male</u>
			<u>Male</u>		<u>Male</u>	<u>Male</u>
			<u>Male</u>		<u>Male</u>	
<u>Caucasian</u>	<u>N/A</u>	<u>N/A</u>	<u>Caucasian</u>	<u>N/A</u>	<u>African American</u>	<u>Caucasian</u>
			<u>Caucasian</u>		<u>Hispanic</u>	<u>Hispanic</u>
			<u>African American</u>		<u>Caucasian</u>	

Types of Crimes/Adjudications

	2015	2016	2017	2018	2019	2020	2021
Number of Youth	1	0	0	3	0	3	2
Crimes/Adjudications	<p><i>Youth 1:</i> 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><i>Youth 1:</i> 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><i>Youth 2:</i> 286(c)(2)(B) Sodomy with a Person Under 14 Year of Age by Force, Violence, Duress, Menace</p> <p><i>Youth 3:</i> 245(a)(2) PC Assault with A Firearm</p>		<p><i>Youth 1:</i> 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><i>Youth 2:</i> 136.1(c)(1) PC – Intimidate a Witness/Victim (Dissuade Testimony by Threat) 243.4 PC – Sexual Battery</p> <p><i>Youth 3:</i> 211 PC First Degree Residential Robbery, Felony. 459 PC 2<sup>nd</sup> degree Burglary, Felony. 459 PC 2<sup>nd</sup> 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 2<sup>nd</sup> degree Burglary, Misdemeanor. 459 PC 2<sup>nd</sup> 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>	<p><i>Youth 1:</i> 261(a)(2) PC Rape by force/fear</p> <p><i>Youth 2:</i> 245(c) PC - Felony– Assault on a Peace Officer 245(a)(4) PC – Felony, 2 Counts - Assault with Force Likely to Produce GBI (1 pled down from a 211 PC) 594(b)(1) PC – Felony – Vandalism 594(b)(2) PC – Misd., 2 Counts – Vandalism 148(a)(1) PC – Misd., 2 Counts – Resisting, Obstructing, Delaying an Officer</p>

Shasta County Allocation (estimated)

(By county distribution will be updated based on updated total eligible DJJ population and county population ages 10-17)

Year 1- 2021/22	Year 2- 2022/23	Year 3- 2023/24
\$250,000	\$522,800	\$866,121

**Year 1**

- Upgrade/expand security system and infrastructure
- Post-Secondary Education/Vocational Staff, 6.5 hours a day

**Year 2**

- 3 Juvenile Detention Officers (Supervision from 6am to 10pm: 14 shifts, 15<sup>th</sup> shift would oversee visiting)
- Post-Secondary Education/Vocational Staff, 6.5 hours a day
- Sex Offender Treatment, Treatment Programs, and Mental Health Clinician
- Behavioral/Cognitive/Coaching Staff

**Year 3**

- 3 Juvenile Detention Officers- (Supervision from 6am to 10pm: 14 shifts, 15<sup>th</sup> shift would oversee visiting)
- Post-Secondary Education/Vocational Staff, 6.5 hours a day
- Sex Offender Treatment, Treatment Programs, and Mental Health Clinician
- Behavioral/Cognitive/Coaching Staff
- Vocational Services Infrastructure and Equipment