



# Updated Overview of DJJ Realignment Law (SB 823 & SB 92)

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San Francisco JJCC's SB 823 Subcommittee

6.1.21, Agenda Item

# Division of Juvenile Justice Realignment

- **SB 823 shifts responsibility to the counties** for the custody, care, and supervision of youth who would have otherwise been eligible for DJJ to counties.
  - SB 92 allows counties to establish local **Secure Youth Treatment Facilities** for youth who would have otherwise been eligible for DJJ commitment
- **Adjusts the Age of Jurisdiction:** Extended to 21, 23, or 25, depending on offense
- **Intake at DJJ stops July 1, 2021**
  - Youth transferred to adult system may still be committed until DJJ is closed
  - Facility will **close by June 30, 2023**; any remaining youth will be transferred according to plan to be released 1/1/22
  - The court must consider placement in local programs (as identified by counties during realignment) as an **alternative to continued stay** in DJJ.

# Division of Juvenile Justice Realignment cont.

- New state **Office of Youth & Community Restoration (OYCR)** to be created within CA Health & Human Services Agency.
  - **OYCR's mission:** to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youth's successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.
  - Local plans must be filed with the OYCR January 1, 2022 and by May 1 **annually** thereafter. OYCR will review plans and may return them for revision.
  - OYCR will **provide** policy recommendations, disseminate best practices, provide technical assistance, report on youth outcomes
  - OYCR will have an **ombudsman** that investigates complaints.
  - OYCR will **evaluate** local programs and advise on state grant funding.

# Secure Commitment Track: Eligibility

SB 92 outlines the conditions under which a Juvenile Court may commit a youth to a Secure Youth Treatment Facility:

- The young person been adjudicated as a ward of the court for a **707(b) offense**.
- That adjudication is the **most recent offense** for which the young person has been adjudicated.
- **A less restrictive, alternative disposition for the young person is unsuitable.** In determining this, the court considers recommendations of counsel, JPD, and any other agency or individual designated by the court.

# Secure Commitment Track: Eligibility cont.

The court must also consider:

(A) The **severity** of the offense or offenses for which the youth has been most recently adjudicated.

(B) The youth's previous delinquent **history**.

(C) Whether the programming, treatment, and education offered and provided in a secure youth treatment facility is **appropriate to meet the treatment and security needs of the youth**.

(D) Whether the goals of rehabilitation and community safety can be met by assigning the youth to an **alternative, less restrictive disposition** that is available to the court.

(E) The youth'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 a secure youth treatment facility.

# Secure Commitment Track: Length of Commitment

The court must:

- set a **baseline term of confinement**\* for the most serious recent adjudicated offense.
  - This term represents the time in custody necessary to meet the developmental and treatment needs of the youth and to prepare the youth for discharge to a period of probation supervision in the community.
  - \*By July 1, 2023, the Judicial Council will be required to develop and adopt a matrix of offense-based classifications to be applied by juvenile courts in all counties across CA. For now, using current DJJ guidelines.
- set a **maximum term of confinement**, which can be no more than the middle term of imprisonment an adult would face for the same offense.
- receive, review, and approve an **individual rehabilitation plan** for that young person from the probation department and any other entity that is designated by the court for development of the plan.

# Secure Commitment Track: Individual Rehabilitation Plan

Within 30 days of commitment, the court must approve an **individual rehabilitation plan for the youth**.

- 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 court for this purpose.
- The **prosecutor and the counsel for the ward may provide input** in the development of the rehabilitation plan prior to the court's approval of the plan.
- The plan may be **modified by the court** based on all of the information provided.

# Secure Commitment Track: Individual Rehabilitation Plan cont.

The plan shall:

- Identify the youth's **needs** in relation to treatment, education, and development, including health, mental or emotional health, disabilities, or gender-related or other special needs.
- Describe the **programming, treatment, and education** to be provided to the youth in relation to the identified needs during the commitment period.
- Reflect, and be consistent with, the principles of **trauma-informed, evidence-based, and culturally responsive care**.
- The **youth and their family shall be given the opportunity to provide input** regarding the needs of the youth during the identification process stated above, and the opinions of the youth and the youth's family shall be included in the rehabilitation plan report to the court.



# Secure Commitment Track: Oversight of Progress/Re-entry

- **The court must hold a progress review hearing no less frequently than once every 6 months.**
  - At that hearing, the court may order a young person to be stepped down to a less restrictive program.
  - The court may also reduce the youth's base sentence by a period of up to six months.
- Any infractions while in the program may be met with graduated sanctions – **not an extension of confinement time.**
- If the court determines youth is failing to comply with a less restrictive placement, **youth may be ordered back** to secure program for remainder of baseline term.
- Young person may be kept under supervision and/or in confinement at the time of discharge if that young person is determined to be physically dangerous to the public because of a mental or physical condition, disorder, or other problem that cause serious difficulty controlling dangerous behavior.

# Secure Youth Treatment Facility

- Shall be a secure facility that is **operated, utilized, or accessed by the county of commitment** to provide appropriate programming, treatment, and education for eligible wards.
- May be a **stand-alone** facility, or may be a **unit or portion** of an existing county juvenile facility, including a juvenile hall or probation camp.
  - A county may **contract with another county** having a secure youth treatment facility in lieu of operating its own program.
  - A county may establish a secure youth treatment facility to serve as a **regional center** for commitment of juveniles by one or more other counties on a contract payment basis.
- By July 1, 2023, the Board of State and Community Corrections shall issue standards for secure youth treatment facilities with the coordination and concurrence of OYCR. Until then, a secure youth treatment facility shall comply with **Title 15 and Title 24 of the California Code of Regulations.**

# Timeline & Funding

- The Department of Finance must allocate funds under this program by July 1 each year, beginning July 1, 2021.
- The State Controller must allocate the funds no later than August 1 of each year.
- Local plan is due to OYCR (the new state agency) by January 1, 2022. Board of Supervisors must review prior to submission and accept the funds.
- San Francisco's current projected funding:

FY 21/22:	FY 22/23:	FY 23-24:
\$794,598	\$2,353,800	\$3,899,536

# OYCR Plan Requirements

Plan submitted to OYCR by January 1, 2022 must include:

- Description of **realignment population** to be served by block grant.
- Description of **facilities, programs, placements, services and service providers, supervision, and other responses.**
- Description of how **grant funds** will address range of programming needs outlined in WIC 1995.
- Detailed **facility plan.**
- Plan to incentivize **retaining youth in juvenile system** (vs. adult system).
- Description of **regional arrangements.**
- Description of how **data** will be collected on youth served and outcomes.



# Data Presentation: San Francisco DJJ Commitments

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SAN FRANCISCO JUVENILE JUSTICE COORDINATING COUNCIL  
SB 823 SUBCOMMITTEE

JUNE 1, 2021, AGENDA ITEM 4

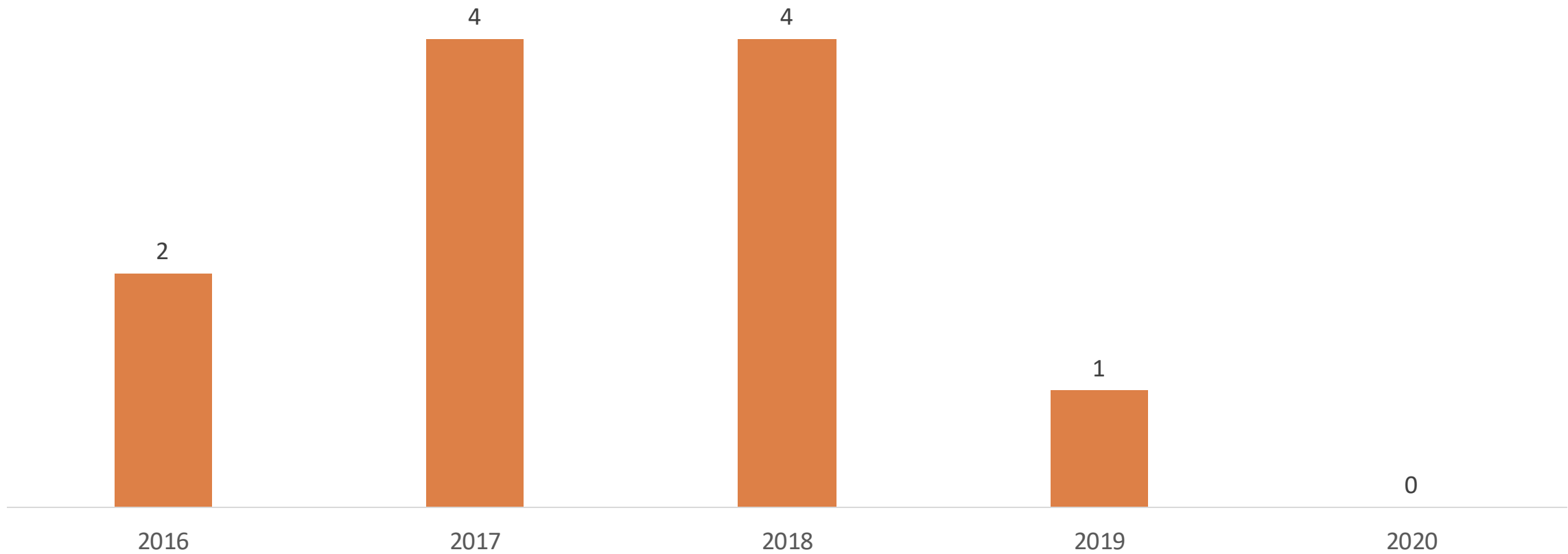
# San Francisco 707(b) Cases & DJJ Commitments

2016-2020

Metric	2016	2017	2018	2019	2020
707(b) Referrals	134	170	184	207	157
Sustained 707(b) Petitions	49	53	110	86	42
JPD DJJ Recommendations	<i>Not Available</i>	<i>Not Available</i>	11	3	1
<b>DJJ Commitments</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>0</b>

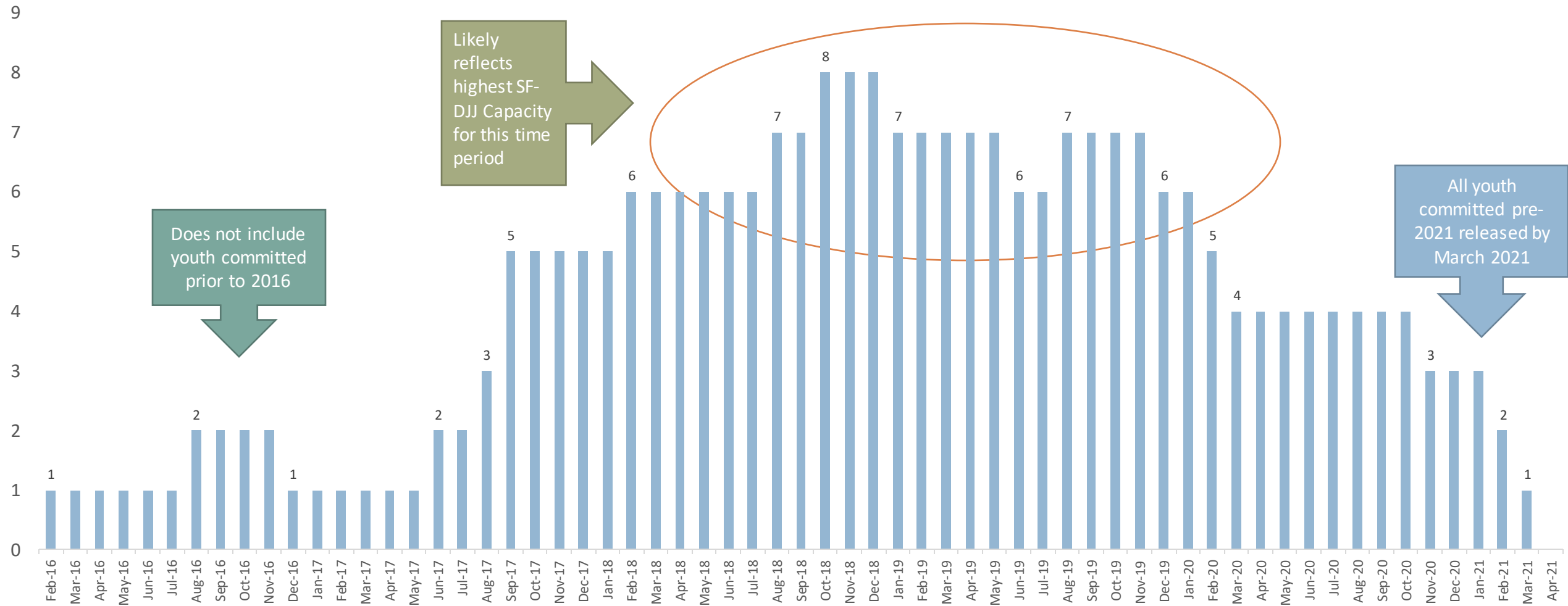
# San Francisco DJJ Commitments by Disposition Year

2016-2020 (N=11)



# Number of Youth in DJJ Custody by Month

For Youth Committed to DJJ from San Francisco, 2016-2020 (N=11)





# DJJ Maximum Confinement & Length of Stay

For Youth Committed to DJJ from San Francisco, 2016-2020 (N=11)

SF DJJ Commitments	Mean	Median	Minimum	Maximum
Maximum Confinement Term	16.4 years	9 years	9 months	50.7 years to life
Length of Stay (Actual)*	1.9 years	1.7 years	9 months	3.4 years

\*Does not include prior confinement in Juvenile Hall

# DJJ Commitment Offenses

For Youth Committed to DJJ from San Francisco, 2016-2020 (N=11)

## *Referral Charges/Incident Description\**

- Violent Offense: 82%
- Attempted Homicide/Homicide: 54%
- Gun Offense: 73%
- Sex Offense: 0%
- Probation Violation: 18%

## *Sustained Charges\**

- Violent Offense: 82%
- Attempted Homicide/Homicide: 27%
- Gun Offense: 18%
- Sex Offense: 0%
- Probation Violation: 18%

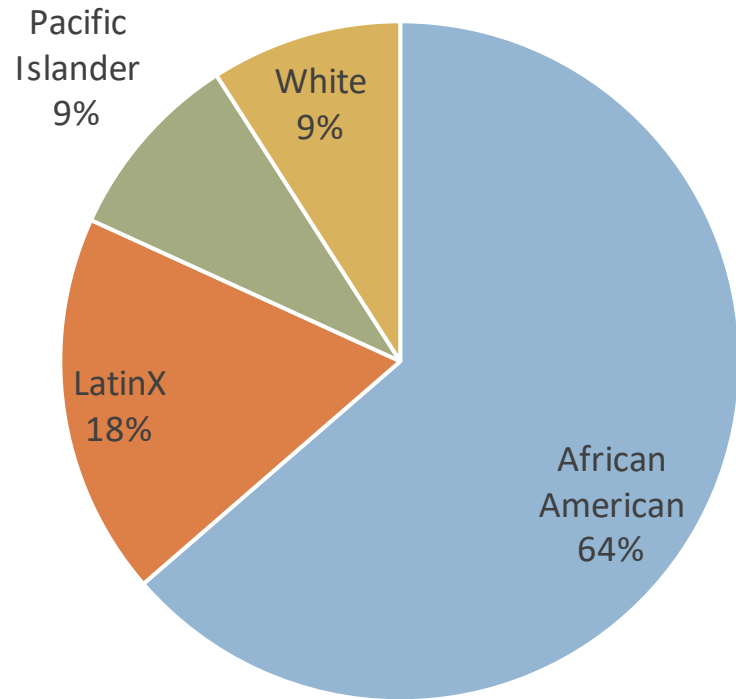
\*Categories are not mutually exclusive

## *Prior System Involvement*

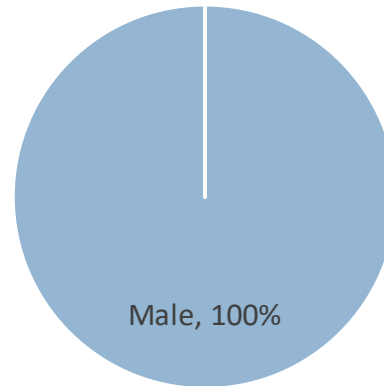
- Prior Referrals/Arrests: 100%
- Prior Referral for Violent Offense: 91%
- Prior Referral for Sex Offense: 18%
- Prior Out of Home Placement: 64%

# Race/Ethnicity, Sex, & Age of Youth Committed to DJJ from San Francisco, 2016-2020 (N=11)

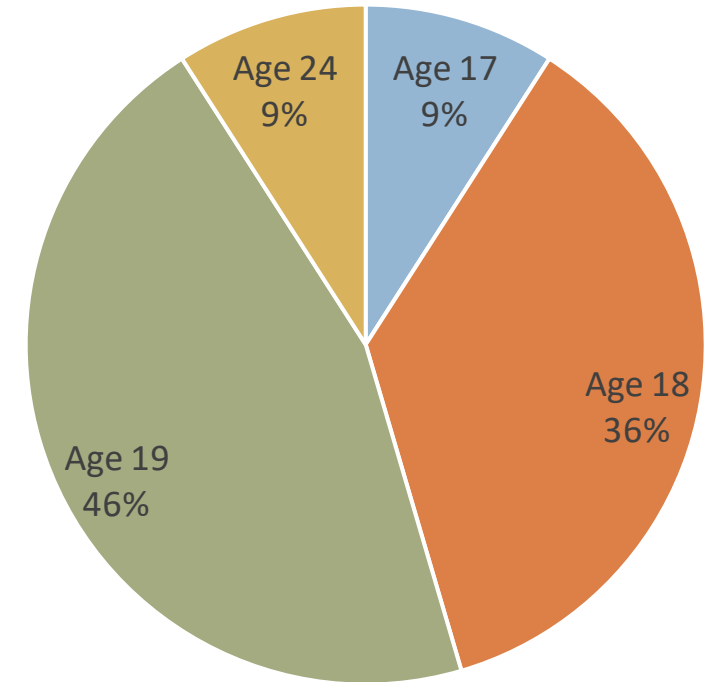
Race/Ethnicity of Youth



Male



Age of Youth at Disposition





# Interim Plan Framework: Values & Processes

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San Francisco JJCC's SB 823 Subcommittee

6.1.21, Agenda Item 5

# Grounding Slides from Los Angeles DJJ Transition Team Presentation

## Rooting Work in Core Values

1. Youth should be addressed through a holistic, trauma-informed approach. Responses to youth should focus on rehabilitation, healing, enhancing public safety and restorative justice.
2. Youth's family and community should be active participants in their healing.
3. Any form of out-of-home placement should promote healing in a therapeutic environment. Youth should not be warehoused in punitive, institutionalized settings.
4. Comprehensive educational and vocational opportunities should be provided.
5. Voices of victims and survivors should be heard, and perspectives considered.
6. Facility staffing should prioritize backgrounds in social work, healing, restorative and transformative justice.
7. Justice system should make intentional investment in CBOs rooted in directly impacted neighborhoods to provide support services for youth in and out of custody.
8. Reentry support with connection to the community is critical and should begin right away.
9. A model focused on punishment and retribution will undermine the progress achieved thus far in LA County.



# Facility Attributes

Facility	Facility Attributes					Other Considerations		
	"Security"	Capacity for Vocational and Educational Training	Therapeutic Environment	Not Prison-like	Vast, Outdoor, green spaces	Benefits as DJJ Alt.	Concerns for use as DJJ Alt.	Renovations needed to align facility with core values
The Compound (Barry J. Nidorf)								
Traditional "Camps"								
Dorothy Kirby								
Campus Kilpatrick								
Gonzales								
STRTP								
New Small Home-like Model- (ARC )								

*For each facility, the DJJ Transition Team discussed how the facility attributes aligned or deviated from core values.*

*The DJJ Transition Team concluded that:*

- Facility at "The Compound" at Barry J Nidorf were fundamentally in contrast with the core values.*
- The facilities with the most promise included Campus Kilpatrick, Camp Gonzales and Dorothy Kirby.*

\* Programming and Staffing for each facility assessed separately.



# San Francisco Draft Values and Framework



# Close Juvenile Hall Work Group Common Values Statement

(drawn from Listening Sessions with system-involved youth and families and adopted by workgroup)

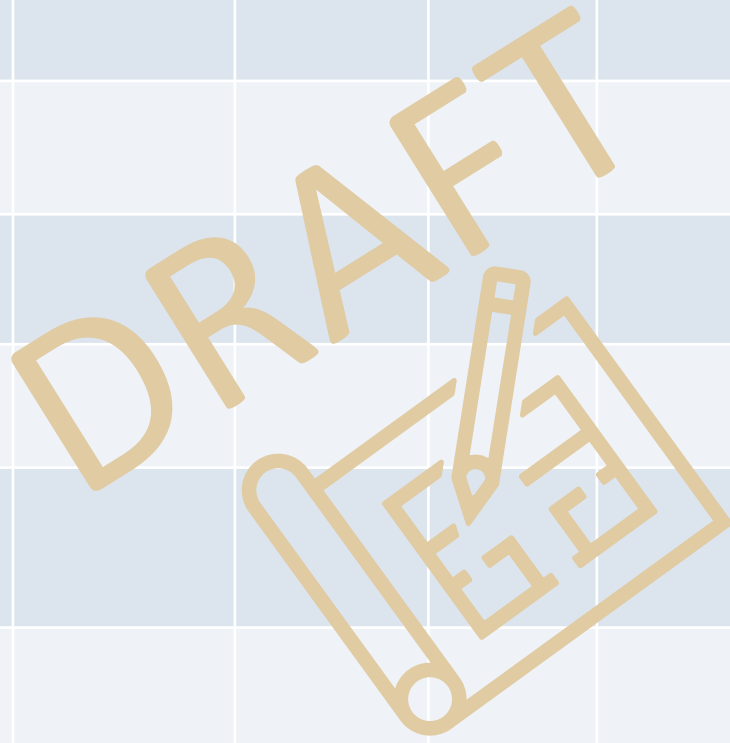
- Understanding the needs before reaching to counterbalance youthful misbehavior.
- Families and family needs must be addressed as well for a youth to thrive and succeed.
- Preservation of Family: Young people want to be with their families and this should always be the goal.
- Young people must have the space to make mistakes and recover from those mistakes without long lasting consequences.
- All interactions with youth should not do more harm to them, their situation or that of their family.

Success for Youth as Defined by Youth and Parents in Listening Sessions:

- Individualized
- Healing is an indicator of success
- Is when the harms in a community is addressed
- Accountability and Healing vs. Punishment

# DRAFT Framework to Assess Interim Secure Commitment Options

Facility	Facility/Program Attributes						Alignment to Core Values (pulled from CJHWG Values)					
	Availability for July 1	Access/ Proximity to SF	Local Control		Long-term Programming	Oriented to Reentry	Cost/ Funding	Healing-Centered Models	Family-Centered Models	Community-Involvement	Culturally-Responsive Models	Other Considerations (serving special populations, etc.)
				If not in SF, open to SF involvement/ services/ Supports?								
SF Juvenile Hall												
Sonoma Juvenile Hall												
San Mateo Juvenile Hall												
San Mateo Ranch												
Contra Costa Juvenile Hall												
Additional Possibilities (i.e. Log Cabin Ranch)												



# Regional Plan Matrix

County	Type of Plan	Secure Commitment Plan	Accepting out-of-county youth?	Special Populations (Girls, Sex Offenses, Intensive Mental Health Needs)
Alameda	Interim, July 1, 2021 - June 30, 2022	Use current juvenile hall; will open new unit depending on number of commitments	No	Looking to identify regional placements for all special populations
Contra Costa	Unspecified	Use current juvenile hall; may explore reopening their ranch in the future	Not currently, but exploring partnerships	Has ability to serve girls and youth with intensive mental health needs; looking to identify options for sex offenses
Monterey	Three year plan, July 1, 2021 – June 30, 2024	Use current juvenile hall as their Secure Youth Treatment Facility and use their secure Youth Center, a camp, as a step down. Plan to ultimately modify existing or build new structure for SYTF.	No	Has ability to serve girls but is looking to identify regional placements for all special populations
San Mateo	Unspecified	Use current juvenile hall and Camp Kemp	Yes, only from Bay Area Region	Has a special program for girls (looking to expand with regional intakes), aims to serve all other special populations as well
Solano	Unspecified	Use current juvenile hall	No	Looking to identify regional placements for all special populations
Sonoma	Unspecified	Use current juvenile hall; exploring reopening their camp for step downs	Yes	Aims to serve sex offenses and intensive mental health populations; in conversation to send girls to San Mateo
Santa Cruz	Unspecified	Sending secure track commitments to Sonoma County	No	Sending all special populations out of county