

SUMMARY ACTION MINUTES

REGULAR MEETING

ORANGE COUNTY JUVENILE JUSTICE COORDINATING COUNCIL SB 823 SUBCOMMITTEE



Thursday, September 16, 2021, 2:00 P.M.

MEETING HELD BY ZOOM AND TELECONFERENCE ONLY

****Pursuant to the provisions of California Governor's Executive Order N-29-20 issued on March 17, 2020, as amended by California Governor's Executive Order N-08-21 issued on June 11, 2021, this meeting will be held by Zoom and teleconference. Members of the public may attend and participate by following the instructions below.****

STEVE SENTMAN, Chair
Probation

HETHER BENJAMIN
Community Member

KIMBERLY DOYLE
District Attorney

LYNN GARRETT
Education Representative

LAURA JOSE
Public Defender

STEVEN KIM
Community Member

JOANNE MOTOIKE
Juvenile Court

NAZLY RESTREPO
Community Member

RAYMOND SANCHEZ
Community Member

KEN SANTINI
Social Services Agency

DAWN SMITH
Health Care Agency

ATTENDANCE: Members Benjamin, Doyle, Jose, Kim, Motoike, Restrepo, Sanchez, Santini, Sentman, Smith and Ramezani (Alternate for Garrett) (attended via Zoom)

EXCUSED: Member Garrett

CLERK OF THE PARTNERSHIP: Jamie Ross & Sonia Acuna, Deputy Clerks (attended via Zoom)

ADMINISTRATIVE MATTERS: (Items 1 - 5)

1. Welcome and Introductions

MEETING CALLED TO ORDER AT 2:02 P.M., BY CHAIR SENTMAN; CHAIR CALLED ROLL AND CONFIRMED A QUORUM

2. Discussion of services and programs provided by member entities

S.O. **LIST OF SERVICES SHOULD BE INCLUDED; INCLUDE MORE DETAILS AS TO WHAT ORANGE COUNTY WANTS TO DO WITH FUNDING FOR THE YOUTH; SHOULD INCLUDE HYGIENE AND CREATIVE ARTS PROGRAMS**

SUMMARY ACTION MINUTES

3. Discussion of Subcommittee member group reports

NO DISCUSSION

4. Discussion and approval of draft of Orange County Juvenile Justice Coordinating Council (OCJJCC) SB 823 Subcommittee draft plan

S.O. **INCLUDE WIC CODE 1995 NEXT TO “TARGET POPULATION” HEADER; INCLUDE PERCENTAGE OF OFFENSES COMMITTEE; AMENDED REFERENCES TO “CHEMICAL ABUSE” TO “SUBSTANCE USE”; INCLUDE LANGUAGE THAT ORANGE COUNTY WILL CONTINUE TO EVALUATE CURRENT PROGRAMS AND MAKE CHANGES/ENHANCEMENTS WHERE APPROPRIATE; AMEND “SECURE TRACK YOUTH” TO “SECURE TRACK YOUTH/TARGET POPULATION”; AMEND REFERENCES TO “BEHAVIORAL HEALTH” TO “TRAUMA INFORMED BEHAVIORAL HEALTH”; INCLUDE REFERENCE TO WIC CODE 875 IN “FACILITY PLAN”; SECURE YOUTH TREATMENT FACILITY (SYTF) SHOULD BE CONSIDERED IN “FACILITY PLAN”; MENTION PARENT/FAMILY INVOLVEMENT IN “RETAINING THE TARGET POPULATION IN THE JUVENILE JUSTICE SYSTEM”**

S.O. **CONTINUED ITEM FOR FURTHER DISCUSSION AND APPROVAL FOR THURSDAY, 10/7/21, 2:00 P.M., REGULAR MEETING**

5. Review and approve recommendation that will be made to OCJJCC for County of Orange to join statewide consortium

10 11 123456789 12 **MOTION TO RECOMMEND TO OCJJCC TO JOIN STATEWIDE CONSORTIUM FAILED TO CARRY**

X NNXN NNNN N

CONSORTIUM LANGUAGE TO BE REMOVED FROM DRAFT PLAN

PUBLIC & SUBCOMMITTEE COMMENTS:

PUBLIC COMMENTS: None

SUBCOMMITTEE COMMENTS:

Chair Sentman – Oral Re.: Thanked everyone for attending today’s meeting.

ADJOURNED: 4:25 P.M.

SUMMARY ACTION MINUTES

*** KEY ***

Left Margin Notes

1 Hether Benjamin	A = Abstained
2 Kimberly Doyle	
3 Lynn Garrett	X = Excused
4 Laura Jose	N = No
5 Steven Kim	S.O. = Subcommittee Order
6 Joanne Motoike	
7 Nazly Restrepo	
8 Richard Sanchez	
9 Ken Santini	
10 Steve Sentman	
11 Dawn Smith	
12 Katy Ramezani (Alternate)	

(1st number = Moved by; 2nd number = Seconded by)

/s/

STEVE SENTMAN
Chair

/s/

Jamie Ross, Deputy
Clerk of the Partnership



COUNTY OF ORANGE
JUVENILE JUSTICE REALIGNMENT BLOCK GRANT
SENATE BILL (SB) 823
ANNUAL PLAN

DRAFT

Introduction:

Senate Bill (SB) 823, also known as Juvenile Justice Realignment: Office of Youth and Community Restoration, was chaptered on September 30, 2020. Amongst a number of statutory changes, Chapter 1.7 (commencing with Section 1990) was added to Division 2.5 of the Welfare & Institutions Code to establish a block grant program for the purpose of providing county-based custody, care, and supervision of youth who were eligible for commitment to the Division of Juvenile Justice prior to its closure. Additionally, Section 1995 set forth the guidelines for counties interested in becoming eligible for block grant funding.

As a result of SB 823, the Orange County Juvenile Justice Coordinating Council (OCJJCC), during its regularly scheduled meeting on February 25, 2021, approved changes to its bylaws to include the creation of the OCJJCC's SB 823 Subcommittee. Nominations for the new subcommittee were entertained by the OCJJCC Chair. Ultimately, the OCJJCC unanimously approved the following individuals to be part of its new SB 823 Subcommittee:

Steven J. Sentman (Chair) – Orange County Probation Department
Kimberly Doyle – Orange County District Attorney
Laura Jose – Offices of the Orange County Public Defender
Ken Santini – Orange County Social Services Agency
Dawn Smith – Orange County Health Care Agency
Lynn Garrett – Orange County Department of Education
Presiding Judge Joanne Motoike – Orange County Juvenile Court
Community Members – Raymond Sanchez, Meghan Medlin, Steve Kim, and Nazly Restrepo

The new SB 823 subcommittee held its first public meeting on April 29, 2021. During a subsequent special meeting on May 17, 2021, the group voted to meet on the 1st and 3rd Thursday of every month beginning June 3, 2021. This meeting schedule allowed subcommittee members enough time to perform the needed analyses, engage the public, and develop its local plan. The group presented its draft SB 823 plan during the regularly scheduled meeting of the OCJJCC on Thursday, October 21, 2021. The following plan is the culmination of the collective discussions and partnership between the juvenile court, community, and system stakeholders.

SB 823 Subcommittee Composition

Agency	Name and Title	Email	Phone Number
Orange County Probation Department	Steven J. Sentman Chief Probation Officer	steven.sentman@prob.ocgov.com	(714) 645-7001
Orange County District Attorney	Kimberly Doyle Assistant District Attorney	Kimberly.Doyle@da.ocgov.com	(714) 935-7624
Offices of the Orange County Public Defender	Laura Jose Senior Assistant Public Defender	laura.jose@pubdef.ocgov.com	(714) 931-9323
Orange County Social Services Agency	Ken Santini Deputy Director	ken.santini@ssa.ocgov.com	(714) 245-6109
Orange County Health Care Agency	Dawn Smith Administrative Manager III	dawnsmith@ochca.com	(714) 834-3543 (714) 834-5015
Orange County Department of Education	Lynn Garrett, Ed.D Director, ACCESS	lgarrett@ocde.us	(714) 647-2596
Orange County Juvenile Court	Hon. Joanne Motoike Presiding Judge	jmotoike@occourts.org	(657) 622-5502
Community Member	Hether Benjamin	hbenjamin@waymakersoc.org	(949) 250-0488 ext. 254
Community Member	Meghan Medlin, M.A.S CEO/Consultant	meghan@medlinsolutions.com	(619) 335-8737
Community Member	Nazly Restrepo, MSW Associate Director	nrestrepo@pyocbf.org	(714) 794-2035
Community Member	Steven Kim Project Kinship	steven@projectkinship.org	(714) 315-6435
Community Member	Raymond Sanchez Project Kinship	raymond@projectkinship.org	

Target Population

The County of Orange has not historically relied upon state system support to provide housing, in custody programming, or supervision of its youthful offenders. As a result, the Probation Department compiled a list of active youthful/young adult offenders that committed 707(b) related offenses for the purposes of establishing a profile of Orange County's SB 823 population. This group of youthful/young adult offenders included those individuals ordered to serve commitments with the Department of Juvenile Justice (DJJ) and those individuals that remained adjudicated wards under the jurisdiction of the Orange County Juvenile Court as of June 2021. In total, 51 individuals were identified as fitting the profile of Orange County's SB 823 target population per WIC 1995 (C)(1).

Within this cohort, a number of traits emerged that would greatly assist the SB 823 subcommittee with developing its local plan. To begin, 94% of those profiled identified themselves as male. In addition, 80% of the entire group indicated they were Hispanic. Finally, 85% of the individuals were between the ages of 18 and 22 while another 10% were 23 years of age or older.

In addition to demographic data, the subcommittee considered the criminogenic makeup of this offender population. It was determined that 41% of the group had drug/chemical abuse as a risk (to recidivate) factor. In addition, 77% of the group either identified as active gang members or gang member affiliates. Also, it was noted that, 67% of the group had a lack of parental control/influence as a risk factor. With the above in mind, it came as no surprise that 88% of the group were identified as HIGH risk to recidivate.

Coupling demographic data together with criminogenic factors, the SB 823 subcommittee determined Orange County's local plan would need to focus service delivery on the needs of older male youth. Given the fact that (due to the severity of offenses committed) the majority of youth served custodial commitments between 2 to 2.5 years, in reach and re-entry types of services (provided through community partnerships) would need to be at the core of Orange County's planning efforts.

Programs and Services

In addition to having access to existing services, Orange County's Secure Track youth will be afforded the support services necessary to allow for a more seamless transition back into the community following a successful completion of a court-ordered custodial commitment. **Orange County's goal is to assess and meet the needs of its SB 823 targeted population.**

Soon after a youth's case is disposed of and s/he is accepted/ordered into Secure Track, an assessment of the youth's risk to recidivate and needs to reduce the likelihood of reoffending will be completed. Based on that assessment, a case plan, including the establishment of short term and long-term goals towards re-entry, will be developed between the youth, the youth's assigned case manager and other key system partners. Case plan goals may include, but not be limited to, attaining high school education or equivalent, participating in programming (i.e., college or trade school courses) to improve job readiness, and preparing for independent living. **Any/All support services strategies that are employed to assist targeted youth with attaining in-custody goals will be culturally appropriate and sensitive to the needs of the youth while also being (whenever possible) evidence based/informed strategy.**

While serving out the court-ordered commitment, a regularly scheduled review of the case plan will occur between the youth, his/her parents/guardians, assigned case manager, and other system/community partners. The youth's educational milestones/goals will be reviewed as well as all other re-entry goals (e.g., participation in court-ordered treatment, job readiness classes/training). Additionally, Secure Track youth will have access to ~~mental~~ behavioral health **(mental health and substance use disorder)** professionals to address any challenges that may hinder successful re-integration back into the community. Finally, the juvenile court will be provided progress review reports indicating the youth's development while in custody along with the youth's readiness for re-entry.

As the youth's commitment comes to a close, a re-entry conference will be scheduled prior to release. At this case conference, the youth, the youth's parents, the youth's assigned case manager, assigned deputy probation officer and other system/community partners will review the youth's case plan progress. Additionally, transition planning (e.g., a review of parent/guardian readiness to receive youth back home or short-term housing options) will be discussed. Upon release, the youth and assigned deputy probation officer work towards completing final case plan goals until juvenile court jurisdiction terminates, or youth completes supervision satisfactorily whichever comes first. **Any/All transition planning, or re-entry services support will also be culturally appropriate and (whenever possible) evidence based/informed strategy.**

Juvenile Justice Realignment Block Grant Funds

The County of Orange plans on using Juvenile Justice Realignment Block Grant Funds to provide services/support to Secure Track youth both in and out of custody. In addition to setting aside monies to offset the costs of care and maintenance of youth serving custodial commitments, the County will also invest in those **in-custody** services that have been proven successful in stabilizing youth and preparing them for life post-custody. The Probation Department has established a long collaborative history with the Orange County Health Care Agency and Orange County Department of Education to ensure the behavioral/~~mental~~ health (**mental health and substance use disorder**) well-being as well as the educational progress of all youth serving custodial commitments are addressed.

Juvenile Justice Realignment funds will be used to leverage Probation's existing collaborative relationships for all Secure Track youth. Secure Track youth will have access to mental health professionals that can assist with crises experienced while in custody, including managing trauma. In addition, educational assessments will be administered to determine what educational support/training best meets the needs of Orange County's Secure Track youth. Realignment funds will be used to offset the costs of any educational assessment and/or classes/training needed to assist Secure Track youth with a more successful transition back into the community.

In addition to individual training, Secure Track youth will need access to temporary and long-term housing options. While there currently exists (through the Orange County Social Services Agency) housing options for current/former dependents/youthful offenders, realignment funds will also be used to ensure older Secure Track youth have access to independent living housing opportunities. For the County's younger Secure Track youth, including older youth returning home to their parents, the County will invest realignment funds to support local community groups that have strengthened parent/child relationships through their proven methods.

Facility Plan

The County of Orange (through its probation department) operates one secure juvenile detention facility, Orange County Juvenile Hall (JH), and two juvenile camp facilities, Orange County's Youth Guidance Center (YGC) and Youth Leadership Academy (YLA). The Orange County Probation Department (Probation) employs a staffing pattern at each of the juvenile facilities that exceeds state/federal recommended minimum staff to youth ratios. In addition, Probation leverages its existing partnership with the Orange County Department of Education as well as the Orange County Health Care Agency to ensure all detain youths' educational, and behavioral/~~mental~~ health (mental health and substance use disorder) needs are met. Finally, all sworn Probation staff are familiar/trained in corrections supervision strategies that have been proven effective including, but not limited to, trauma-informed interactions, cognitive behavioral strategies that influence behavior, and incentive-based interventions to name a few. The environment within Probation's facilities strikes the necessary balance between maintaining safe/secure juvenile facility operations while providing resources necessary to address the rehabilitative needs of all detained youth.

With the above in mind, Secure Track youth will be housed/supported in any unit at JH. The youth's prevailing needs will determine where in JH that youth may be placed. In addition to the above-described staffing/partnership structure, JH currently has specialized housing, programs and considerations based on youth gender identity, age, mental health needs, offense type and severity of the offense. Rather than assigning a youth to a "specific" Secure Track unit, Secure Track services/programs will follow the youth wherever s/he is housed w/in JH. This strategy will allow Probation the flexibility to house older male Secure Track youth together, while other Secure Track youth, including female and younger individuals may be housed in other areas of JH to better accommodate their specific needs and/or address the different stages of maturity, and program appropriateness.

As Secure Track youth progress through the JH facility program, they can be moved/housed within YGC, or YLA to continue their custodial commitment until they are released. Should the court order a Secure Track directly to YGC, or YLA, the committed youth will be integrated into the YGC/YLA populations, absent extenuating circumstances.

Retaining the Target Population in the Juvenile Justice System

The County of Orange has long since recognized the power of incentive-based supervision in changing behavior amongst Probation's youthful clients. Probation has historically used monetary and non-monetary incentive strategies to encourage youth to participate with in-custody programming. For example, individual youth that achieved behavioral goals could achieve small monetary awards (e.g., small food items, gift cards for food), or temporary releases (from custody) to spend time with family or attend a special public outing/event. The same will hold true for Secure Track youth. While these youth will serve longer periods of custodial time, the plan will allow for monetary and non-monetary awards for achieving behavior goals as well as case plan milestones both in and out of custody.

Regional Effort

While there does not currently exist a regional cooperative agreement between the County of Orange and neighboring jurisdictions, the County will invest in the statewide consortium that is currently being established. In the event the plan is unable to support a Secure Track youth, the County will leverage the consortium to provide services until an alternative arrangement (e.g., joint powers authority) is established.

Data

In addition to tracking “recidivism” related measurements such as number of arrests, sustained petitions and the like, Probation will also track the number of youth that satisfactorily complete supervision without a subsequent arrest/sustained petition. Most importantly, and based on the plan focus, the number of youths that become gainfully employed, or acquired and sustained permanent housing after a set period of time (e.g., 6-months following release from custody, 1-year following release from custody) will be tracked.


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Section: 875.


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DIVISION 2. CHILDREN [100 - 1500] (*Division 2 enacted by Stats. 1937, Ch. 369.*)

PART 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT [100 - 1459] (*Part 1 enacted by Stats. 1937, Ch. 369.*)

CHAPTER 2. Juvenile Court Law [200 - 987] (*Chapter 2 repealed and added by Stats. 1961, Ch. 1616.*)

ARTICLE 23.5. Secure Youth Treatment Facilities [875 - 876] (*Article 23.5 added by Stats. 2021, Ch. 18, Sec. 12.*)

875. (a) In addition to the types of treatment specified in Sections 727 and 730, commencing July 1, 2021, the court may order that a ward who is 14 years of age or older, be committed to a secure youth treatment facility for a period of confinement described in subdivision (b) if the ward meets the following criteria:

- (1) The juvenile is adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Section 707.
- (2) The adjudication described in paragraph (1) is the most recent offense for which the juvenile has been adjudicated.
- (3) The court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. In determining this, the court shall 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. The court shall additionally make its determination based on all of the following criteria:
 - (A) 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.
 - (B) The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward.
 - (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 ward.
 - (D) 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.
 - (E) 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 a secure youth treatment facility.

(b) In making its order of commitment for a ward, the court shall set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. The baseline term of confinement shall 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. The baseline term of confinement for the ward shall be determined according to offense-based classifications that are approved by the Judicial Council as described in subdivision (h). Pending the development and adoption of offense-based classifications by the Judicial Council, the court shall set a baseline term of confinement for the ward utilizing the discharge consideration date guidelines applied by the Department of Corrections and Rehabilitation, Division of Juvenile Justice prior to its closure and as set forth in Sections 30807 to 30813, inclusive, of Title 9 of the California Code of Regulations. These guidelines shall be used only to determine a baseline confinement time for the ward and shall not be used or relied on to modify the ward's confinement time in any manner other than as provided in this section. The court may, pending the adoption of Judicial Council guidelines, modify the initial baseline term with a

deviation of plus or minus six months. The baseline term shall also be subject to modification in progress review hearings as described in subdivision (e).

(c) In making its order of commitment, the court shall additionally set a maximum term of confinement for the ward in a secure youth treatment facility. The maximum term of confinement shall represent the longest term of confinement in a facility that the ward may serve subject to the following:

(1) A ward committed to a secure youth treatment facility under this section shall not be held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. However, if the ward has been committed to a facility based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, the maximum period of confinement shall not exceed the ward attaining 25 years of age or two years from the date of the commitment, whichever occurs later.

(2) The maximum period of confinement shall not exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses.

(d) (1) Within 30 days of making an order of commitment to a secure youth treatment facility, the court shall receive, review, and approve an individual rehabilitation plan that meets the requirements of paragraph (2) for the ward that has been submitted to the court by the probation department and any other agencies or individuals the court deems necessary for the development of the plan. 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.

(2) An individual rehabilitation plan shall do all of the following:

(A) 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.

(B) Describe the programming, treatment, and education to be provided to the ward in relation to the identified needs during the commitment period.

(C) Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care.

(D) The ward and their family shall be given the opportunity to provide input regarding the needs of the ward during the identification process stated in subparagraph (A), and the opinions of the ward and the ward's family shall be included in the rehabilitation plan report to the court.

(e) (1) The court shall, during the term of commitment, schedule and hold a progress review hearing for the ward not less frequently than once every six months. In the review hearing, the court shall evaluate the ward's progress in relation to the rehabilitation plan and shall determine whether the baseline term of confinement is to be modified. The court shall consider the recommendations of counsel, the probation department and any behavioral, educational, or other specialists having information relevant to the ward's progress. At the conclusion of the review hearing, the court may order that the ward remain in custody for the remainder of the baseline term or may order that the ward's baseline term be modified downward by a reduction of confinement time not to exceed six months. The court may additionally order that the ward be assigned to a less restrictive program, as provided in subdivision (f).

(2) The ward's confinement time, including time spent in a less restrictive program described in subdivision (f), shall not be extended beyond the baseline confinement term, or beyond a modified baseline term, for disciplinary infractions or other in-custody behaviors. Any infractions or behaviors shall be addressed by alternative means, which may include a system of graduated sanctions for disciplinary infractions adopted by the operator of a secure youth treatment facility and subject to any relevant state standards or regulations that apply to juvenile facilities generally.

(3) The court shall, at the conclusion of the baseline confinement term, including any modified baseline term, hold a probation discharge hearing for the ward. For a ward who has been placed in a less restrictive program described in subdivision (f), the probation discharge hearing shall occur at the end of the period, or modified period, of placement that has been ordered by the court. At the discharge hearing, the court shall 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 shall order that the ward be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial

risk of imminent harm to others in the community if released from custody. If the court so finds, the ward may be retained in custody in a secure youth treatment facility for up to one additional year of confinement, subject to the review hearing and probation discharge hearing provisions of this subdivision and subject to the maximum confinement provisions of subdivision (c).

(4) If the ward is discharged to probation supervision, the court shall 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. The court shall periodically review the ward's progress under probation supervision and shall make any additional orders deemed necessary to modify the program of supervision in order to facilitate the provision of services or to otherwise support the ward's successful reentry into the community. If the court finds that the ward has failed materially to comply with the reasonable orders of probation imposed by the court, the court may order that the ward be returned to a juvenile facility or to a placement described in subdivision (f) for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer, and in any case not to exceed the maximum confinement limits of subdivision (c).

(f) (1) Upon a motion from the probation department or the ward, the court may order that the ward be transferred from a secure youth treatment facility to less restrictive program, such as a halfway house, a camp or ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. The court shall consider the transfer request at the next scheduled treatment review hearing or at a separately scheduled hearing. The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan described in subdivision (d) and that placement is consistent with the goals of youth rehabilitation and community safety. In making its determination, the court shall consider both of the following factors:

(A) The ward's overall progress in relation to the rehabilitation plan during the period of confinement in a secure youth treatment facility.

(B) The programming and community transition services to be provided, or coordinated by the less restrictive program, including, but not limited to, any educational, vocational, counseling, housing, or other services made available through the program.

(2) In any order transferring the ward from a secure youth treatment facility to a 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 shall set the length of time the ward is to remain in a less restrictive program, not to exceed the remainder of the baseline or modified baseline term, prior to a probation discharge hearing described in subdivision (e). If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic review hearings, as provided in subdivision (e) and to the maximum confinement provisions of subdivision (c).

(g) A secure youth treatment facility, as described in this section, shall meet the following criteria:

(1) The 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 wards having been adjudicated for the offenses specified in subdivision (a).

(2) The facility may be a stand-alone 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 described in subdivision (a) and is in compliance with the standards described in paragraph (3).

(3) The Board of State and Community Corrections shall by July 1, 2023, review 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 under the provisions of this section. The standards shall be developed by the board with the coordination and concurrence of the Office of Youth and Community Restoration established by Section 2200. The standards shall specify how the facility may be used to serve or to separate juveniles, other than juveniles described in subdivision (a) serving baseline confinement terms, who may also be detained in or committed to the facility or to some portion of the facility. Pending the final adoption of these modified standards, a secure youth treatment facility shall comply with applicable minimum standards for juvenile facilities in Title 15 and Title 24 of the California Code of Regulations.

(4) A county proposing to establish a secure youth treatment facility for wards described in subdivision (a) shall notify the Board of State and Community Corrections of the operation of the facility and shall submit a description of the facility to the board in a format designated by the board. Commencing July 1, 2022, the Board of State and Community Corrections shall conduct a biennial inspection of each secure youth treatment facility that was used for the confinement of juveniles placed pursuant to subdivision (a) during the preceding calendar year. To the extent new standards are not yet in place, the board shall utilize the standards in existing regulations.

(5) In lieu of establishing its own secure youth treatment facility, a county may contract with another county having a secure youth treatment facility to accept commitments of wards described in subdivision (a).

(6) 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.

(h) (1) By July 1, 2023, the Judicial Council shall develop and adopt a matrix of offense-based classifications to be applied by the juvenile courts in all counties in setting the baseline confinement terms described in subdivision (b). Each classification level or category shall specify a set of offenses within the level or category that is linked to a standard baseline term of years to be assigned to youth, based on their most serious recent adjudicated offense, who are committed to a secure youth treatment facility as provided in this section. The classification matrix may provide for upward or downward deviations from the baseline term and may also provide for a system of positive incentives or credits for time served. In developing the matrix, the Judicial Council shall be advised by a working group of stakeholders, which shall include representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system. In the development process, the Judicial Council shall also examine and take into account youth sentencing and length-of-stay guidelines or practices adopted by other states or recommended by organizations, academic institutions, or individuals having expertise or having conducted relevant research on dispositions and sentencing of youth in the juvenile justice system.

(2) Upon final adoption by the Judicial Council, the matrix of offense-based classifications shall be applied in a standardized manner by juvenile courts in each county in cases where the court is required to set a baseline confinement term under subdivision (b) for wards who are committed to a secure youth treatment facility. The discharge consideration date guidelines of the Division of Juvenile Justice that were applied on an interim basis, as provided in subdivision (b), shall not thereafter be utilized to determine baseline confinement terms for wards who are committed to a secure youth treatment facility under the provisions of this section.

(i) A court shall not commit a juvenile to any juvenile facility, including a secure youth treatment facility as defined in this section, for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense or offenses.

(Added by Stats. 2021, Ch. 18, Sec. 12. (SB 92) Effective May 14, 2021.)

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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 2.5. YOUTHS [1700 - 2250] (*Division 2.5 added by Stats. 1941, Ch. 937.*)

CHAPTER 1.7. Juvenile Justice Realignment Block Grant [1990 - 1995] (*Chapter 1.7 added by Stats. 2020, Ch. 337, Sec. 49.*)

1990. (a) The Juvenile Justice Realignment Block Grant program is hereby established for the purpose of providing county based custody, care, and supervision of youth who are realigned from the state Division of Juvenile Justice or who were otherwise eligible for commitment to the Division of Juvenile Justice prior to its closure.

(b) The realignment target population for the grant program shall be defined as youth who were eligible for commitment to the Division of Juvenile Justice 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 described in subdivision (b) of Section 707 or on offense described in Section 290.008 of the Penal Code.

(*Added by Stats. 2020, Ch. 337, Sec. 49. (SB 823) Effective September 30, 2020.*)

1991. (a) Commencing with the 2021–22 fiscal year, and annually thereafter, there shall be an allocation to the county for use by the county to provide appropriate rehabilitative housing and supervision services for the population specified in subdivision (b) of Section 1990. In making allocations, the Board of Supervisors shall consider the plan required in Section 1995. Any entity receiving a direct allocation of funding from the Board of Supervisors under this section for any secure residential placement for court ordered detention will be subject to existing regulations. With the exception of county probation departments, a local public agency that has primary responsibility for prosecuting or making arrests or detentions shall not provide rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 or receive funding pursuant to this section:

(1) For the 2021–22 fiscal year, thirty-nine million nine hundred forty-nine thousand dollars (\$39,949,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 177.6 wards. The by-county distribution shall be based on 30 percent of the per-county percentage of the average number of wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as of December 31, 2018, June 30, 2019, and December 31, 2019, 50 percent of the by-county distribution of juveniles adjudicated for certain violent and serious felony crime categories per 2018 Juvenile Court and Probation Statistical System data, updated annually based on the most recently available data, and 20 percent of the by-county distribution of all individuals between 10 and 17 years of age, inclusive, from the preceding calendar year.

(2) For the 2022–23 fiscal year, one hundred eighteen million three hundred thirty-nine thousand dollars (\$118,339,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990. The by-county distribution is based on the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 526 wards.

(3) For the 2023–24 fiscal year, one hundred ninety two million thirty-seven thousand dollars (\$192,037,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) Section 1990. The by-county distribution is based the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 853.5 wards.

(4) For the 2024–25 fiscal year and each year thereafter, two hundred eight million eight hundred thousand dollars (\$208,800,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 928 wards. The Governor and the Legislature shall work with stakeholders to establish a distribution

methodology for the funding in this paragraph by January 10, 2024, and ongoing that improves outcomes for this population.

(5) The Department of Finance shall increase to no more than two hundred fifty thousand dollars (\$250,000) the award amount for any county whose allocation as calculated pursuant to paragraphs (1), (2), (3), and (4) totals less than two hundred fifty thousand dollars (\$250,000). The appropriation in paragraphs (1), (2), (3), and (4) shall be increased by the amount(s) needed to bring each counties allocation to \$250,000.

(b) Commencing with the 2024–25 fiscal year, the allocations determined by paragraphs (4) and (5) of subdivision (a) and shall be adjusted annually by a rate commensurate with any applicable growth in the Juvenile Justice Growth Special Account in the prior fiscal year. Each year this growth shall become additive to the next year's base allocation.

(c) By July 1, 2021, and each July 1 annually thereafter, the Department of Finance shall allocate the amount calculated in paragraphs (1), (2), (3), (4), and (5) of subdivision (a) from the General Fund and provide a schedule for the allocation of funds among counties to the Controller. The Controller shall allocate these funds no later than August 1 each year, consistent with the schedule provided by the Department of Finance.

(Amended by Stats. 2021, Ch. 18, Sec. 20. (SB 92) Effective May 14, 2021.)

1995. (a) To be eligible for funding described in Section 1991, a county shall create a subcommittee of the multiagency juvenile justice coordinating council, as described in Section 749.22, 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 population described in subdivision (b) of Section 1990.

(b) The subcommittee shall be composed of the chief probation officer, as chair, and one representative each from the district attorney's office, the public defender's office, the department of social services, the department of mental health, the county office of education or a school district, and a representative from the court. The subcommittee shall also include no fewer than three community members who shall be defined as individuals who have experience providing community-based youth services, youth justice advocates with expertise and knowledge of the juvenile justice system, or have been directly involved in the juvenile justice system.

(c) The plan described in subdivision (a) shall include all of the following elements:

(1) A description of the realignment target population in the county that is to be supported or served by allocations from the block grant program, including the numbers of youth served, disaggregated by factors including their ages, offense and offense histories, gender, race or ethnicity, and other characteristics, and by the programs, placements, or facilities to which they are referred.

(2) A description of the facilities, programs, placements, services and service providers, supervision, and other responses that will be provided to the target population.

(3) A description of how grant funds will be applied to address each of the following areas of need or development for realigned youth:

(A) Mental health, sex offender treatment, or related behavioral or trauma-based needs.

(B) Support programs or services that promote the healthy adolescent development.

(C) Family engagement in programs.

(D) Reentry, including planning and linkages to support employment, housing, and continuing education.

(E) Evidence-based, promising, trauma-informed, and culturally responsive.

(F) Whether and how the plan will include services or programs for realigned youth that are provided by nongovernmental or community-based providers.

(4) A detailed facility plan indicating which facilities will be used to house or confine realigned youth at varying levels of offense severity and treatment need, and improvements to accommodate long-term commitments. This element of the plan shall also include information on how the facilities will ensure the safety and protection of youth having different ages, genders, special needs, and other relevant characteristics.

(5) A description of how the plan will incentivize or facilitate the retention of realigned youth within the jurisdiction and rehabilitative foundation of the juvenile justice system in lieu of transfers of realigned youth into the adult criminal justice system.

(6) A description of any regional agreements or arrangements to be supported by the block grant allocation pursuant to this chapter.

(7) A description of how data will be collected on the youth served and outcomes for youth served by the block grant program, including a description the outcome measures that will be utilized to measure or determine the

results of programs and interventions supported by block grant funds.

(e) In order to receive 2022-2023 funding pursuant to Section 1991, a plan shall be filed with the Office of Youth and Community Restoration by January 1, 2022. In order to continue receiving funding, the subcommittee shall convene to consider the plan every third year, but at a minimum submit the most recent plan regardless of changes. The plan shall be submitted to the Office of Youth and Community Restoration by May 1 of each year.

(f) The Office of Youth and Community Restoration shall review the plan to ensure that the plan contains the all elements described in this section and may return the plan to the county for revision as necessary prior to final acceptance of the plan.

(g) The Office of Youth and Community Restoration shall prepare and make available to the public on its internet website a summary and a copy of the annual county plans submitted pursuant to this section.

(Added by Stats. 2020, Ch. 337, Sec. 49. (SB 823) Effective September 30, 2020.)



About the SB 823 County Collaboration Consortium

As part of the 2020 Budget Act, the state realigned to counties the responsibility for the care and treatment of youth who otherwise would have been adjudicated by a judge to the Division of Juvenile Justice (DJJ).

Pursuant to Senate Bill 823, as of July 1, 2021, the state closed intake to DJJ for all youth except a small subset who might otherwise be transferred to adult criminal court. In recognition of the fact that not every county can develop a secure track treatment option to address the complex needs for each youth that is ordered by the court into a secure youth treatment facility, a collaborative consortium is being established to assist counties in filling gaps that cannot otherwise be addressed in the short-term.

The purpose of a statewide collaborative consortium is to ensure that there is a high-quality secure youth treatment program available for any youth in the state who, absent SB 823, would have been committed to DJJ.

CSAC, CACE and CPOC established a joint workgroup to establish the shared principles underlying this collaborative effort:

- Prevent an increase in youth transferred to adult criminal court by:
 - Ensuring secure-track placement options are available when required by the judge
 - Ensuring sufficient specialized treatment and programming options exist at the local level to meet high-need youth and garner confidence of juvenile court judges
- Prevent “justice by geography” by:
 - Ensuring the availability of high-quality programs in different regions that are culturally responsive, trauma-informed, evidence-based, age appropriate, as close to home as possible, centered on youth and family engagement, and based on positive youth development
- Prevent net-widening by:
 - Avoiding the need to establish and staff in all 58 counties a secure treatment facility and specialized programming for youth with the highest needs

Counties who wish to participate in the Consortium will pay an initial membership rate equal to 1% of their SB 823 funding allocation. Any funding source can be used to fund these dues, including but not limited to SB 823 allocation. These funds will be used to support the work of Consortium and will initially be held in a restricted fund in Chief Probation Officers of California Foundation for the sole purpose of establishing a new entity to house the Consortium.

(Note: Contract arrangements between counties for beds or services would not be funded through this 1% nor would those payments go through the Consortium.)

Funds are due by October 1, 2021. If the consortium does not move forward due to lack of enough participation or other infirmity, the funds will be reverted to each initial participating county.

The specific functions of the Consortium will be determined based on decisions by participating members, but are expected to include: the development of standardized language and rates for counties who contract with each other for secure youth treatment beds or services; assistance with finding appropriate housing or treatment options for youth ordered by the court into a secure youth treatment facility; and other supports, as funding allows, to ensure high-quality services and programs across the state.

Participating counties will determine the extent to which a longer-term collaborative consortium function is needed and the level of annual membership dues.