



## **CALIFORNIA CHILD WELFARE COUNCIL**

### **Office of Youth and Community Restoration (OYCR) Committee**

**Wednesday, February 24, 2021 – 2:00 PM to 4:00 PM  
Discussion Highlights**

#### **1. Welcome and Introductions**

After introducing herself and welcoming panelists, Stephanie Welch turned the meeting over to Judge Boulware Eurie

Judge Boulware Eurie also welcomed all, noted that we had returning and new members and noted that there has been a lot of change since the committee last met in 2019 to focus on transition to DYCR. She also noted that there is still a lot of uncertainty and flux around how SB 823 will be implemented, and thus the conversation might not be able to settle things until we know what is in trailer bill may seem circular, but until legislation settled things unsaid.

Panelists present who introduced themselves:

Judge Groman, Judge Hatchimonji, Chief Prince, Chief Richart, Chief Zuniga, Sue Burrell, Elizabeth Calvin, Carly Dierkhising, Miguel Garcia, Frankie Guzman, Kelly Hood, Diana Becton, Marcus Strother, Laura Abrams, Roslinda Vint, Cathy Senderling McDonald, Michelle Cabrera, Rosie McCool, Libby Sanchez, Brenda Grealish, Sara Rogers, Tracy Kenny, John Prince

At this point co-chair Dr. Heather Bowlds joined the meeting and also extended a welcome

## **2. Background and Status Updates**

### **OYCR Update (Stephanie Welch)**

SB 823 creates OYCR within CHHS effective 7/1/2021. This committee, which was previously put together to ensure that DJJ transition to DYCR would result in trauma informed developmentally appropriate services for youth is consistent with new committee focus. In December of 2020, the CWC established the OYCR Committee to advise on the policies, programs and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism. The committee is staffed by HHS per the statute.

SB 823 clearly outlines responsibilities for OYCR:

- Promote trauma responsive, culturally informed services to youth
- Identify and disseminate best practices and assess efficacy of programs
- Review local Juvenile Justice Realignment Grants to ensure they contain all necessary elements and offer TA to support plan improvements
- Develop policy recommendations to improve outcomes and integrate programs and services to support delinquent youth
- Establish and operate Ombudsperson roles and functions

The Budget Change Proposal (BCP) submitted to the legislature has a staffing model with five main components: executive director and counsel, county coordination unit, policy research and operations unit, administrative support, and contract funds for subject matter experts (SMEs)

Ms. Welch also described the status of the \$9.6 million to be allocated by BSCC for one time grants for infrastructure for facilities and services needed – recommendations on how to disburse funds include \$4 million awarded for four regional hubs to address three priority areas: females, sex offenders, and serious mental health, with the remainder of funds being dispersed via formula. She noted that BSCC is seeking public comment on these recommendations by March 8, a new RFA will be approved April 8 with grant awards made by June 10<sup>th</sup>.

### **DJJ Update (Dr. Bowlds)**

Dr. Bowlds noted that decisions about how to transition DJJ are contingent on the following timeframes, DJJ commitments will end as June 30, 2021 (with an exception for youth with transfer petitions to criminal court), and it has now been announced that the closure date for DJJ will be June 30, 2023. To plan for this transition DJJ is looking at population numbers and how many will come between now and the summer. Need to know their treatment needs, then can plan. Also need to work with CPOC and courts to determine what to do with youth that need to come back to the county after closure.

### **Probation Update (Brian Richart, Chief, El Dorado County Probation)**

Chief Richart provided an update on the work being led by CPOC and the counties. He noted that CPOC has a number of subcommittees to plan for transfer to counties, focus on secure track, but also how to avoid the need for secure track including community settings. Probation is focused on a set of principles:

- (1) consistency and fidelity across counties so avoid justice by jurisdiction or geography,
- (2) avoidance of net widening – prioritize non-secure and community based services; and
- (3) prevent increase in use of adult commitments, clear consensus that system alternatives needs to create confidence so that more transfers won't result, collective interest in quality services.

Counties see youth as their youth because they are being reintegrated into our communities. A core component is to ensure that a better option while maintain the efficacy of current DJJ programming – as good or better because local.

A key factor in developing local programs is to take into account the DJJ population demographics: most will be male 18-20 (19 is mode) but up to mid-20's. Current local facilities are designed for those for 14-18. In addition, the length of commitments to DJJ are longer than typical county programs.

Programs will need to differentiate specialized populations from other high-risk youth - young women, sex offender treatment, and specialized mental health services. In addition, counties will need to provide a broader range

of educational services, from high school to higher education, to vocational – some are strong, while others have only just begun to build these partnerships with community colleges and private industry. Workforce development with pathways to employment is a focus – DJJ has been strong in this area, but counties will need to grow in this area.

Another critical principle is that the realigned population is rather small compared to overall system numbers, probation departments don't want new duties to take away from existing services and needs of the rest of continuum. These youth are highest need but the current continuum should be built upon.

The realigned population will require two types of programs: general programs for high-risk youth and specialized programs requiring with specialized training and services. Every county will either meet those needs entirely independently, or will partner with others to meet full need, or will serve as a host with special services to provide available to counties who cannot meet those needs.

To successfully implement these programs, it will be necessary to remove barriers caused by county borders, to create an equitable fair system, where all needs can be met. Currently counties are on a continuum from those who were rare users of DJJ to those who were high but can now serve all internally.

CPOC deems it critical to build incentives so that counties that want to host are fairly compensated and have adequate resources so that program are consistent. It is also necessary to ensure a balance of programs rather than too many or too few programs, and to ensure that placements are available but resourced. This may require the creation of a centralized consortium that could coordinate conversation between those with a need for programming and those who have them – counties would be members and then a clearinghouse would exist that could coordinate and create MOUs and payment system to keep system balanced.

### **Trailer bill update (Elizabeth Calvin and Sue Burrell)**

Ms. Calvin began by reminding the committee of the intent behind SB 823, was to close DJJ, keep youth close to families and communities, and to provide funding to counties for positive youth development and continuum

of community based practices, especially as many probation departments are already meeting the needs of 707(b) offenses locally.

She noted that SB 823 was not just about realigned DJJ youth, it was intended to support any youth in the system, and to reduce transfer to criminal court by building up viable local options so that court will have confidence in alternatives. Intent is to handle cases in the least restrictive environment, and to eliminate racial and ethnic disparities in the system. The goal was to reduce incarceration and stop the use of private correctional facilities.

SB 823 sought to establish a centralized state office with leadership moving the system towards best practices. The OYCR with its focus on every single aspect of youth justice system – makes SB 823 exciting – research that can be used to build learning communities, uplift counties with promising practices, and provide opportunities to continue change in youth justice in California.

The focus now - closure of DJJ, county responsibility, OYCR, county planning to build services

The OYCR Committee serves as a bridge to span the closure of DJJ, the assumption of all supervision by the counties, and the establishment of OYCR to oversee county efforts.

Sue Burrell took over the presentation to highlight the elements that are expected to be in a secure track trailer bill, with the caveat that negotiations were still underway, although it was possible that language could be enacted soon.

Provisions of the secure track that are expected: it will be restricted to youth 14 or over with a 707(b) offense who are not suited to less restrictive programs.

In considering suitability for secure track, court will look at seriousness of offense, prior history, the services in the secure program and whether a less restrictive setting could work, as well as the individual characteristics of youth to determine if possible benefits. Judicial Council would be required to can develop guidelines for length of stay by July 1, 2023, and in the interim courts would use current DJJ guidelines. Maximum length of jurisdiction would be up to age 23 or 25 (if adult sentence of seven years or more -- like DJJ). Within 30 days of ordering secure track disposition, the court would obtain a rehabilitation plan submitted by probation as well as

any other experts ordered by the court to develop plan (e.g. Behavioral Health). Plan must set goals for individual needs, and be trauma informed, developmentally appropriate and culturally relevant. The court would conduct progress reviews every 6 months, with possibility for downward modification of time or move to less restrictive placement (e.g. nonsecure or community).

A discharge hearing would be set at end of baseline term or modification with the option for the court to order up to one additional year if youth poses an imminent risk of harm to community. This provision was included to ensure that secure track would be a credible alternative to transfer. After release, the court will oversee reentry probation, and material noncompliance during that period could result in a return to secure program. Courts may have the authority to recall a secure track disposition just as they can currently recall DJJ wards per WIC 779.

Legislation would require new facility standards to take into account the fact that previously juvenile local facilities never had youth spending this amount of time and thus the need to ensure regulations that allow for services, access to community and recreation, the goal is for BSCC to develop by 7/1/2022.

Ms. Burrell noted that the trailer bill will also address youth who have reached end of jurisdiction but are still a threat to public safety in a manner similar to WIC 1800 – as another guard against transfer. While there is a need for a parallel county provision to allow for this procedurally, it is likely that the next round of trailer bill will contain intent language to come up with replacement language in the 21-22 Budget to take effect 7/1/22.

In addition, there will be clarifying language about when older youth need sight and sound separation from minors and clarify rules for housing youth who are transferred to adult court but have not yet begun adult sentence. This language will address county concerns about housing older youth in juvenile facilities.

#### **Q&A:**

Judge Groman: Heard no discussion on data – how will we measure without data system? Really important to have funding for data system

SW: DOJ – Sarah Belton – is working on this issue – get update for future discussion

Elizabeth Calvin: SB 823 requires DOJ to submit a plan for data collection

Miguel Garcia: How is probation getting word out that local committees need to be created and get public input and more diverse conversation at the local levels. Strategy to get community input.

Chief Richart – local body juvenile justice coordinating council – broadcast across county – SB 823 expanded membership – often doing outreach to interested parties

Chief Prince – diverse group putting together, inviting to public meeting, engaging advocate community

Zuniga – reaching out to families with JJ involved youth, family on subcommittee

Follow up – a big and broad universal way to communicate with the community to ensure sufficient outreach – e.g. CPOC recommends that outreach is done in a best practice way

Chief Richart – CPOC did recommend that each Chief use a series of events, and recommendations on how to communicate – different approaches work in different counties based on size and scope – direct outreach works in smaller places, while in larger places broadcast may work

Judge Boulware-Erie (JBE): Strength of this committee is overlapping networks, this committee may be able to formulate a one pager to get word out to our individual communities so that they can reach out to their probation departments – get folks to the table

Judge Hatchimonji – TBL appears to call for rehabilitation plan after judge decides secure track, shouldn't the plan be made before commitment – because information in plan would inform whether facility is appropriate and whether there is a less restrictive option in county?

Sue Burrell – debated – since timelines are short for dispositions, better to have more allied professionals involved which requires time.

JBE: echo sentiment that better to have information before – if report comes after and then we are re-litigating disposition.

Sue: CJA provided input

Elizabeth: CJA did not weigh in – good point, plan is intended to be very detailed to individual – plan for multiple years – so sort of two tier – this placement is right, and then get into nitty gritty.

Hatchimonji – would rather be informed before disposition.

Judge Hatchimonji – BSCC standards for facilities – no requirement to reach out to stakeholders unlike setting up classification or like this committee – why?

Sue: Pressed for that – wanted OYCR to develop standards – hoping that we will not be using same old juvenile halls in long run when they assess needs and resources, want a central role for OYCR as leadership in developing standards – been voiced but unsure where it is going.

JBE: Allowing youth in adult court held up to age 25 in juvenile facilities – developmentally appropriate is key – how will that be addressed in this context – significant developmental differences between youth and adult?

Elizabeth Calvin: Adult sentence that can be completed by age 25 – (JBE thinking about those who are developmentally closer to adult) – not in current package, still being worked out, in discussions initially would be subject to probation recommendation – is this 19 year old with adult sentence who is doing well able to continue being served – likely a probation call based on individual needs and rehabilitation.

Dr. Bowlds: had experience where we couldn't keep until age 25 even though doing well and it was hard not to be able to do so and have to send to CDCR who was benefitting from services.

Chief Richart: been in residence for period of time so have experience as to adjustment and can give court good read on whether juvenile environment is appropriate, and won't disrupt.

### 3. Next Steps

SW: This committee can have quarterly meetings, but may need work groups, but because Bagley-Keene need to have public meetings, can do using Zoom. Areas that might lend themselves:

- One-page guidance on engaging community at local level
- Outcomes
- Setting up OYCR
- Working through sex offender population management (Sue and Dr. Bowlds)



- Policy for youth with complex mental health needs, perhaps expertise from state hospitals

JBE: Urgency around:

- Establishing OYCR
- Working with probation on local planning and engaging community
- Transition for those in DJJ

Miguel: Need a youth committee with youth with lived experience

Frankie: What is role of committee?

Hatchimonji: How is work of BSCC, OYCR, and Judicial Council being coordinated?

Dr. Bowlds: Committee is a bridge – work being done and some short time frames, need to think through best way to organize time given deadlines upcoming and this group could advise

SW: This committee, over 3 year period, helps make the transition. So many shared values, make sure that current youth are taken care of, develop capacity going forward, and use data to understand how things are working for ongoing ability to carry out statute. Timelines - OYCR opens July 2021, first plans due in January of 2022. To ensure that is successful given that DJJ closing by June 30, 2023 – the priority of this committee (and on-going the OYCR) is to make sure these youth are taken care of. This committee is to advise OYCR in making that transition.

Chief Richart: Data should be a focus – this group can focus on – not a system but collection using existing systems – could coordinate conversation

Sue: Guidance to counties on what should be in their plans – what are the things that really need to be in the plans, programming area, community contact, services, guidance in developing plans – sooner rather than later. Whole new area for juvenile facilities to be taking on.

#### **4. Public Comment**

Abraham Medina, California Alliance for Youth and Community Justice: Currently a focus on criminogenic needs but need to talk about harms of systems. Research is at a crossroads. Brain science shows that system involvement causes harm and youth can age out of behavior. How will OYCR take this into account?

Israel Villa, California Alliance for Youth and Community Justice former CYA ward in 90's. Seems like right group that respects intent of SB 823. Many concerned with budget and staff for office is insufficient to meet needs, mission and direction of OYCR. Concerns about accountability. BSCC inspections ineffective, LA county abuse of chemical restraints. Recent listening session with long list of complaints but at last BSCC hearing about Riverside where complaints were made no mention was made. Hope that OYCR will take over all juvenile justice functions. Concerned that money for facilities is being divided, and only 4 centers, familiar with BSCC, why no ESC? Decision is excluding the community and families and young people who are impacted. Endorse bringing youth voice to conversation.