

## AGENDA

### CONTRA COSTA COUNTY JUVENILE JUSTICE COORDINATING COUNCIL DJJ REALIGNMENT PLANNING SUBCOMMITTEE

April 1, 2021

12:00 p.m. to 1:30 p.m.

#### Zoom Meeting Details on Page 2

1. Welcome (12:00-12:05)
2. Public Comment (speakers may be limited to two minutes) (12:05-12:15)
3. Consider Approving the Record of Action from March 25, 2021 (12:15-12:20)
4. Review of Group Norms and Values (12:20-12:25)
5. Recess (12:25-1:00)
6. Plan Discussion (1:00-1:25)
7. Outstanding Items (1:25-1:30)
8. Adjourn

The Juvenile Justice Coordinating Council (JJCC) will provide reasonable accommodations for persons with disabilities planning to attend JJCC meetings. Contact the staff person listed below at least 48 hours before the meeting. Any disclosable public records related to an item on a regular meeting agenda and distributed by staff to a majority of the members of the JJCC less than 96 hours prior to that meeting are available for public inspection at 50 Douglas Drive, Suite 201, Martinez, CA during normal business hours, 8:00 a.m.-12:00 p.m. and 1:00-5:00 p.m. Materials are also available on line on the Probation Department's website. For additional information, contact: Deborah Caldwell, Executive Secretary, (925) 313-4188  
[Deborah.Caldwell@prob.cccounty.us](mailto:Deborah.Caldwell@prob.cccounty.us)

Join Zoom Meeting

<https://zoom.us/j/92887969245?pwd=ZnhLem9obkd2bGd1NzNZSmdEeFQ0UT09>

Meeting ID: 928 8796 9245

Passcode: 061000

One tap mobile

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Meeting ID: 928 8796 9245

Find your local number: <https://zoom.us/u/aMJ826Wrg>

**RECORD OF ACTION**

**DJJ REALIGNMENT PLANNING SUBCOMMITTEE of the  
Juvenile Justice Coordinating Council (JJCC)**

**March 25, 2021**

**12:00 p.m. to 1:30 p.m.**

**ZOOM Virtual Meeting**

**Present:**

Dan Batiuchok, Behavioral Health

Esa Ehmen-Krause, Probation

Roslyn Gentry, Children & Family Services

Judge John W. Kennedy on behalf of Barbara Hinton, CCC Juvenile Presiding Judge

Jonathan Laba, Public Defender

Rebecca Vichiquis on behalf of Lynn Mackey, Board of Education

Ri Scott, Chair of JJC

Gillian Simmons on behalf of Andrea Tavenier, District Attorney

Andrea Tavenier, District Attorney (After Vote)

Stephanie Medley, Community Representative

Tamisha Walker, Community Representative

**Absent:**

Lynn Mackey, Board of Education

Barbara Hinton, CCC Juvenile Presiding Judge

Meeting called to order by Esa Ehmen-Krause, Chief Probation Officer, at 12:01 pm

**Item 3 – Approve the Record of Action from the March 18, 2021, Meeting**

**Approve as presented**

Ri Scott (Chair of JJC), Dan Batiuchok (Behavioral Health)

AYE – 8 Councilmembers

Abstain – Judge John W. Kennedy (CCC Juvenile Presiding Judge) Gillian Simmons (District Attorney)

Absent for vote: Barbara Hinton (CCC Juvenile Presiding Judge), Lynn Mackey (Board of Education)

Meeting adjourned at 1:32 p.m.

# SECURE YOUTH TREATMENT PROGRAM

Overview

3/5/21

## CONTEXT/BACKGROUND

- SB 823 required legislature to establish a "separate dispositional track" by 3/1/21
- Language not finalized, but probably close



## KEY CONSIDERATIONS

- In order to avoid net-widening, youth placed in secure youth treatment programs should be limited to those ordered by court.
- Sight and sound separation will not be required from other youth in the facility, but we should not just place secure track youth into an existing program
- By definition, the court must determine that another option is not available

**Secure Youth Treatment Programs are intended to fill the gap being created at the very deep end of the juvenile justice continuum by the closure of DJJ.**

## ELIGIBILITY & TERMS

Current Draft  
Legislation

### **Eligibility**

- Similar to DJJ: 14 and older; 707(b); court finding that less restrictive disposition is unsuitable

### **Baseline Term of Confinement**

- Judicial Council will establish offense-based classification matrix
- May provide for upward or downward deviation and a system of positive incentives or credits for time served
- Stakeholder working group to advise on development of matrix
- Until then, courts shall use current DJJ regs
- Current regs in CCR Title 9, 30807-30813

### **Maximum Term of Confinement**

- Set by court
- Up to age 23 (or 2 years, whichever is later) for most offenses
- Up to age 25 (or 2 years, whichever is later) if aggregate criminal court sentence for same offense would be 7 or more years
- Cannot exceed middle term for an adult convicted of same offense

## REHABILITATION PLAN

Current Draft  
Legislation

### **Rehabilitation Plan**

- Within 30 days of commitment order, court shall approve an individual rehabilitation plan
- Submitted to court by probation and other agency or individual deemed necessary by court
- Developed in consultation with a multi-disciplinary team
- Youth service, mental and behavioral health, education, and other treatment providers
- Plan must:
  - Identify treatment, education, and development needs
  - Describe programming, treatment and education to address needs
  - Be trauma-informed, evidence-based, and culturally responsive



# PROGRAM REQUIREMENTS

Current Draft  
Legislation

## **Secure Youth Treatment Program must:**

- Be a secure program that is operated, utilized or accessed by the county of commitment to provide appropriate programming, treatment, and education for this population
- Facility may be stand-alone or a unit or portion of an existing county juvenile facility that is configured and programmed to serve the realigned population
- Can be operated by the county or under contract with the county or another county
- Program must be in compliance with regulations (role of BSCC and OYCR still under discussion)
- Legislation specifies that standards (to be finalized by 7/1/23) must specify how facility will serve or separate youth who may also be detained or committed to that facility or to some portion of the facility.
- Until new standards are developed (if determined necessary), existing Title 15 and 24 regs apply
- Counties proposing to operate a secure youth treatment facility must submit a description to BSCC
- Beginning 7/1/22 BSCC will conduct biennial inspections

## PROGRESS REVIEWS & LESS RESTRICTIVE PROGRAMS

Current Draft  
Legislation

### **Progress Reviews**

- At least every six months
- Court may reduce baseline term by up to six months
- Baseline term cannot be extended for disciplinary infractions or in-custody behaviors
- Court may order youth into less restrictive placement
  - Less restrictive placement considered part of baseline term

### **Less Restrictive Program**

- Can be custodial or non-custodial program
- Court must determine youth has made progress in rehabilitation plan and that placement in a less secure program is consistent with the goals of rehabilitation and public safety
- If court determines youth is failing to comply with placement, youth may be ordered back to secure program for remainder of baseline term

## DISCHARGE & RECALL

Current Draft  
Legislation

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

- Court can order to period of probation supervision
- Subject to maximum confinement time, court may order up to one additional year of confinement with finding of substantial risk of imminent harm if youth is released

### **Intent to Develop Process Similar to WIC 1800**

- Placeholder language requiring Governor and Legislature to work with stakeholder group to develop a process by 7/1/21 to allow for the extended detention of individuals deemed by probation to be physically dangerous to the public.

### **Recall Process**

- Current WIC 779 recall process adapted for secure youth treatment programs