

# Alameda County Probation Department

## Senate Bill 823 DJJ Realignment

CHIEF PROBATION OFFICER WENDY STILL, MAS

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# Main Elements of SB 823

- Intake at DJJ stops 7/1/21
- New state Office of Youth and Community Restoration
- JJCC subcommittee to be created in each county
- Local Plans not submitted to OYCR until 2nd year-FY 22/23
- Funding at full implementation: \$208.8 million
- New disposition track to be created by March 2021
- DOJ plan to replace JCPSS

# Office of Youth and Community Restoration (OYCR)

- Housed within Health and Human Services Agency effective 7/1/21 with responsibility to:
  - Develop a report on youth outcomes in the juvenile justice system once DOJ implements plan to update JCPSS.
  - Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.
  - Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.
  - Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.
  - Report annually on the work of the Office of Youth and Community Restoration.

# Office of Youth and Community Restoration (OYCR)

- Receives county plan to serve realigned population starting in FY 2022-23 (more on that later)
- BSCC must have concurrence with OYCR on juvenile grants
- BSCC juvenile grant administration functions to be shifted to OYCR by 1/1/25

# OYCR – Creation of the Ombudsman

- Ombudsman authorized to do the following:
  1. Investigate complaints from youth, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation.
  2. Decide, in its discretion, whether to investigate a complaint, or refer complaints to another body for investigation.
  3. Resolve complaints when possible, collaborating with facility administrators and staff to develop resolutions that may include training.
  4. Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken.

# Role of Child Welfare Council Subcommittee (Section 5 and WIC 2201)

- Will serve in advisory capacity during initial years of realignment until OYCR is up and running.

# Age of Jurisdiction (WIC 208.5)

- Establishes the age of jurisdiction at age 23 for youth adjudicated of WIC 707(b) offenses and age 25 for youth adjudicated of offenses that would result in an aggregate sentence of 7 or more years in adult court. Age of jurisdiction is 21 for all other youth.
- Retains a person whose case originated in juvenile court in a juvenile facility until age 25 (subject to age of jurisdiction)
  - Outlines process for Probation to petition to house a youth once they reach 19 to an adult facility

# Adult Commits

(WIC 733.1, 736.5, 912, 1955.2)

- Allows counties to continue sending youth convicted in adult court until DJJ is finally closed –or youth whereby a motion was filed to transfer youth to criminal court
- Denotes in statute that separate jurisdictional track is to be developed
- Charges counties \$125,000 for youth sent to DJJ after 7/1/21 as adult commit
- Sets daily rate to be paid to counties at \$616.44 for youth once convicted as an adult who remain at the county until turning 18 and transferred to state facility.



# Juvenile Justice Realignment Block Grant

## (WIC 1990 & 1991)

Funding Formula for FY's 2021/22 thru 23/24 as follows:

- 30% on DJJ pop as of December 2018, June 2019, and December 2019
- 50% local population who have committed certain violent and felony crimes as reported in JCPSS, to be updated annually
- 20% distribution of youth age 10-17
- At full implementation funding will be \$208.8 million
- Minimum allocation set at \$250,000
- Distribution formula to be redone by 1/1/24 for FY 2024-25

# Juvenile Justice Coordinating Council Subcommittee

## (WIC 1995)

- Every county to create a subcommittee within JJCC as requirement to receive funding via block grant
- Probation Chief to Chair
- Members include representatives from:

- \* district attorney's office,
- \* public defender's office,
- \* department of social services,
- \* department of mental health,
- \* county office of education or a school district,
- \* the court.

- \* no fewer than three additional community members 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.

# JJCC Subcommittee continued:

- Is to develop a detailed plan for BOS on how to serve realigned youth and spend county allocation
  - In order to receive FY 22/23 funding, county must file plan with OYCR by 1/1/22; not required to submit plan in first year but must develop one as BOS must consider it when making allocations in FY 2021/22
  - OYCR shall review plan to ensure it contains all elements outlined in statute and can return for revisions
  - Plans must be submitted annually (by May 1) and subcommittee must reconvene at least every 3 years to review plan

# What must local plans entail?

(WIC 1995)

- Description of realignment population to be served by block grant
  - Numbers by age and other characteristics
- Description of facilities, programs, placements, services and service providers, supervision, and other responses
- Description of how grant funds will address a 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

# How are Funds Awarded Locally?

## (WIC 1990 & 1991)

- In awarding the realignment funds, the BOS must consider local plan
- Any “entity” receiving these funds from BOS for secure residential placement is subject to existing regulations

# Regional Youth Programs and Facilities Grant

(WIC 2250)

- \$9.6 million in one-time grant funds to be awarded by BSCC. Requires report be provided to BSCC post receipt of funds.
- Funding intended for infrastructure related needs and improvements to assist counties in the development of a local continuum of care.
- Funds from the Youth Programs and Facilities Grant Program shall not be used by counties to enter into contracts with private entities whose primary business is the custodial confinement of adults or youth in a prison or prison-like setting.

# Data: DOJ to Develop Plan To Replace JCPSS

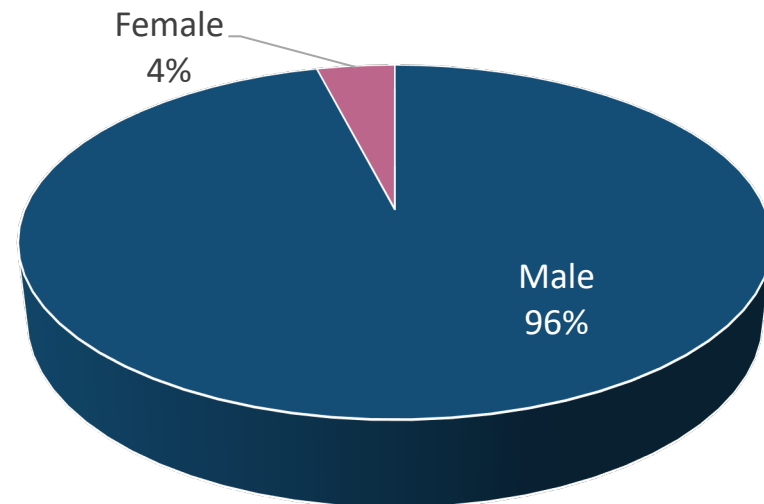
(PC 13015)

- Plan to be submitted to the Assembly and Senate budget committees and public safety committees by January 1, 2023
- To complete plan to replace JCPSS with a modern database and reporting system DOJ is to convene a workgroup of key stakeholders and experts, including:
  - representatives from the BSCC's Juvenile Justice Data Working Group,
  - agencies that are responsible for the collection and submission of juvenile justice data to department,
  - advocates with experience in the collection, analysis, and utilization of juvenile justice data in California,
  - academic institutions or research organizations with experience in collecting, analyzing, or using juvenile justice data in California, and
  - people directly impacted by the justice system.

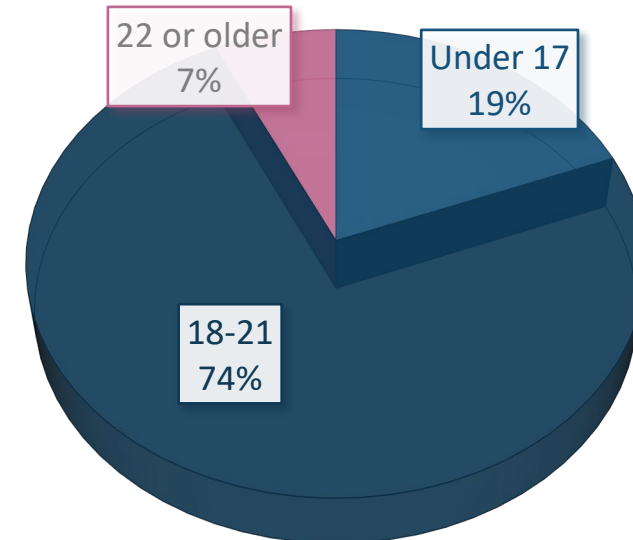
# Statewide DJJ Demographics

- As of June 2020, DJJ held 782 youth in its three youth correctional facilities and one fire camp.

DJJ POPULATION: GENDER  
(2019)

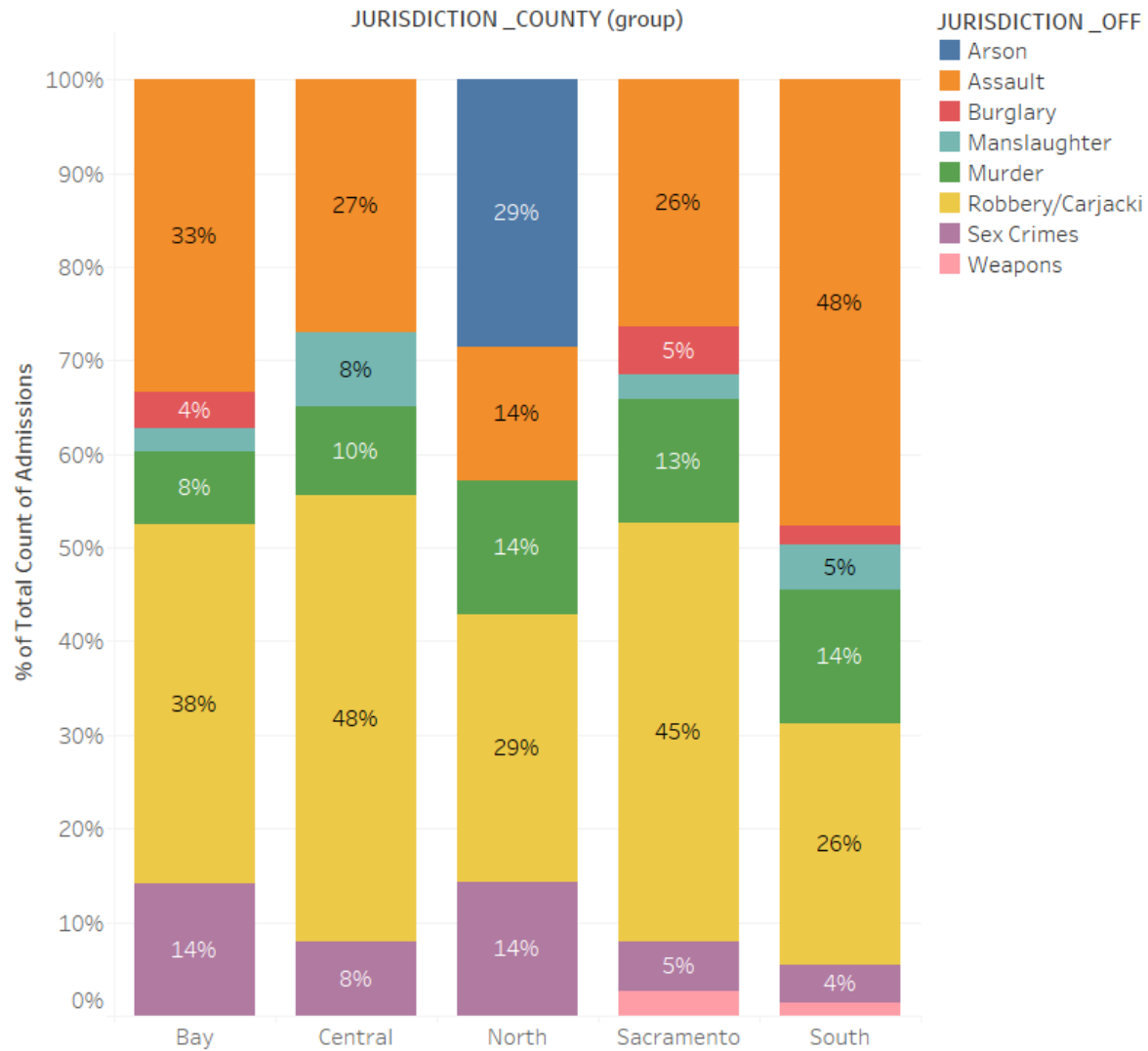


DJJ POPULATION: AGE  
(2019)





## Crime types by Region



# DJJ ADMISSION REGION/CRIME

# Statewide DJJ Demographics

## NORTH REGION

	2016	2017	2018	2019
BUTTE		2	4	5
HUMBOLDT	1	2	3	1
MENDOCINO			1	1
SHASTA			3	
SISKIYOU	1			
TEHAMA	1	1		1
TRINITY			1	

## BAY REGION

	2016	2017	2018	2019
ALAMEDA	5	5	8	
CONTRA COSTA	22	17	13	15
MARIN	3	1		
MONTEREY	10	5	18	12
NAPA			1	
SAN FRANCISCO	2	4	4	2
SAN MATEO	3	2	4	3
SANTA CLARA	5	17	8	20
SANTA CRUZ	2	5	2	1
SOLANO	5	5	4	9
SONOMA	5	7	3	8

## SACRAMENTO REGION

	2016	2017	2018	2019
CALAVERAS			1	
EL DORADO			1	1
PLACER		1	1	1
SACRAMENTO	24	27	11	33
SAN JOAQUIN	19	2	12	11
SUTTER		2	2	2
YOLO	2	4	1	2
YUBA	3	3	3	1

## CENTRAL REGION

Central Region	2016	2017	2018	2019
FRESNO	19	16	21	18
KERN	6	12	21	13
KINGS	13	10	9	6
MADERA	5		1	4
MERCED	6	8	9	2
SAN LUIS OBISPO		4		
STANISLAUS	7	2	10	8
TULARE	11	8	13	14
TUOLUMNE	3			

## SOUTH REGION

	2016	2017	2018	2019
IMPERIAL				8
LOS ANGELES	54	46	79	71
ORANGE		4	13	4
RIVERSIDE	32	22	22	21
SAN BERNARDINO	29	19	15	23
SAN DIEGO	15	20	21	21
SANTA BARBARA	6	3	1	3
VENTURA	6	4	1	2

# Alameda County DJJ Demographics

## DJJ Population as of October 9, 2020: 12 Youth

# of Youth	%	Crime Type
3	25%	Robbery/2nd Degree Robbery w/Firearm
6	50%	Murder
1	8%	Attempted Murder
2	17%	Carjacking/ Carjacking w/ Firearm
12	100%	TOTAL

# Alameda County JJC Demographics

## JJC Population as of October 2020: 56 Youth

# of Youth	%	Crime Type
16	29%	Robbery/2nd Degree Robbery w/Firearm
12	21%	Murder/Manslaughter
3	5%	Attempted Murder
6	11%	Assault w/firearm
3	5%	Carjacking/ Carjacking w/ Firearm
16	29%	Other (Carrying loaded firearm/Assault/Evading Police/Hit & Run/Felony Grand Theft/Terrorist Threats/Vandalism)
<b>56</b>	<b>100%</b>	<b>TOTAL</b>
707(b) Offenses	73%	Of All Youth at JJC

# Average length of stay

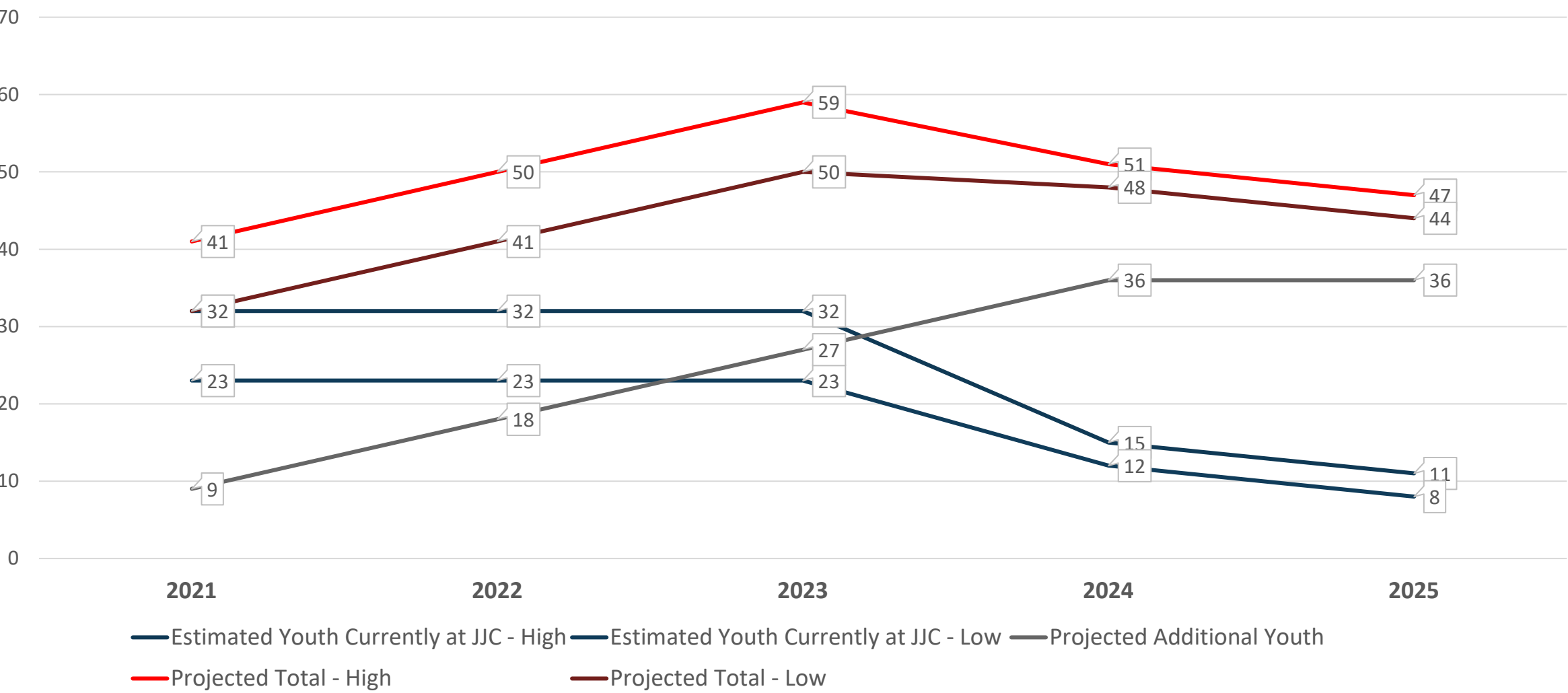
Average Length of Stay for

All Youth Released in 2019: 28 months

## Releases: Average Length of Stay (2019)

Aggravated Assault	21.7 months
Arson	21.2 months
Assault w/ Intent	42.2 months
Burglary 1st Degree	38.6 months
Carjacking	29.7 months
Extortion/Kidnapping	40.6 months
Manslaughter (inc vehicular)	41.6 months
Murder 1st Degree	47.0 months
Murder 2nd Degree	32.8 months
Rape (Forceible)	45.5 months
Robbery (Enhanced)	25.2 months
Robbery (Other)	25.1 months
Sex Offenses (Other)	30.7 months

# Projected 707(b) Population in Juvenile Hall Based on Current Youth and Projected Additions



# Program/ Treatment Needs

## DJJ Population (FY 18/19)

Enrolled High School	42%
Enrolled Vocational Program	63%
Enrolled College	28%

## DJJ Population (FY 18/19)

Mental Health Program	8%
Sex Behavior Treatment Program	13%
Behavior Treatment Program	6%

# Next Steps



Determine capacity for Alameda County to serve youth locally



Determine if Alameda County will accept youth from other counties



Establish subcommittee of JJCC



Develop local plan for Realignment Block Grants for Board of Supervisors



Consider applying for one-time Regional Youth Programs and Facilities Grant



# Thank You

# Questions?



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