



April
2021



Division of Juvenile
Justice Realignment and
Secure Track Proposal
Senate Bill 92

California Regulations





Senate Bill 92

Legislative Allowances

- **Allows counties to establish secure youth treatment facilities for wards 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense which would have resulted in a commitment to DJJ**
- **Division of Juvenile Justice will close on June 30, 2023**
- **Director of Division of Juvenile Justice will be required to develop a plan by January 1, 2022, for transfer of jurisdiction of youth remaining at the facility who are unable to discharge or otherwise move pursuant to law prior to the final closure**



Commitment Requirements

Eligible Youth:

- Adjudicated as a ward
- Most recent offense must be 707(b) offense
- Finding that less restrictive, alternative disposition is unsuitable



Evaluation Requirements

Criteria:

- Severity of the offense
- Previous delinquent history
- Ability of programming, treatment, and education at the secure youth treatment facility to meet treatment and security needs
- Ability of alternative, less restrictive disposition to meet the youth's rehabilitative goals while maintaining community safety
- 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 the youth to a term of confinement in a secure youth treatment facility



Confinement Terms

Judicial Council will be required to develop and adopt a matrix of offense-based classifications to be applied by the juvenile courts in all counties by July 1, 2023.

- Baseline and maximum term of confinement which is based on the most serious recent adjudicated offense will be set by the Court
- Maximum term of confinement for the youth in a secure youth treatment facility shall not exceed 23 years of age, or two years from the date of commitment, whichever is later
- Maximum term of confinement for an offense which would have resulted in seven or more years in adult criminal court shall not exceed 25 years of age or two years from the date of commitment, whichever is later.
- Total maximum confinement time limited to the middle term that an adult would serve for the same offense





Confinement Terms

Courts will use existing timeframes outlined in the California Code of Regulations beginning July 1, 2021 until the Judicial Council convenes a stakeholder group to develop new baseline terms.

Category Term	OFFENSE
Category One 7 years	Murder, Kidnapping with Death of Substantial Injury, Torture, Conspiracy to Commit any Category 1 Offense
Category Two 4 years	Voluntary Manslaughter, Rape, Sodomy, Sexual Assault w/Foreign Object, Oral Copulation, Lewd/Lascivious Act on Child Under 14, Kidnapping for Ransom/Carjacking/Robbery, Conspiracy to Commit any Category 2 Offense, Attempt of any Category 1 Offense
Category Three 3 years	Assault with Deadly Weapon or Force Likely to Produce Great Bodily Injury, Assault with a Firearm, Shooting at Inhabited Dwelling, Arson, Carjacking, Conspiracy to Commit any Category 3 Offense
Category Four 2 years	Robbery, Sale/Transportation/Possession of Controlled Substance, Attempt of any offenses in Categories 2 and 3, Recommitment for any offenses listed in Category 5 and 6 with a prior commitment for any offense in Categories 1 through 6
Category Five 18 months	Accessory to Murder, Intimidation of a Witness, Conspiracy to Commit any Category 5 Offense, Attempt of any Category 4 Offense
Category Six 1 year	Possession of Explosives, Conspiracy to Commit any Category 6 Offense, Attempt of any Category 5 Offense
Category Seven *1 year or less	Offenses not listed in Categories 1 through 6, Parole Revocation for Technical Violation





Individualized Rehabilitation Plan

- Court must receive, review, and approve an individualized rehabilitation plan for the youth from the probation department and any other designated entity within 30 days of making the commitment.
- The Individualized Rehabilitation Plan must include the following:
 - Needs in relation to treatment, education, and development, including special needs
 - Description of programming, treatment, and education provided
 - Reflect principles of trauma-informed, evidence-based, and culturally responsive care
 - Input from the youth and their family





Hearings



- Court will provide oversight through regular progress review hearings
- Reviews should occur no less frequently than every six months from the time of the commitment
- Individualized Rehabilitation Plan must be updated for each hearing reflecting the youth's progress
- Court may order that the youth remain in custody the remainder of the baseline term or may order that baseline term be modified downward by a reduction of confinement time not to exceed six months



Hearings

- Upon receipt of motion from probation department or the youth, the Court may order that the youth be assigned to less restrictive program such as a halfway house, a camp or ranch, or a community residential or nonresidential service program.
- Decision for less restrictive program will be based on evidence that the youth has made substantial progress toward the goals provided in the Individualized Rehabilitation Plan and community safety
- Court will set the length of time that the youth must remain in the less restrictive program and reserves the option to return the youth to a secure setting should it be determined that the youth has failed to comply with the conditions of placement in the program





Discharge



- Upon conclusion of baseline confinement, court will hold a discharge hearing
- Court will review progress towards goals identified in the Individualized Rehabilitation Plan and the recommendations of counsel, the probation department, and any other agencies identified as necessary
- At the conclusion of the hearing, the Court will specify conditions and period of probation supervision in the community, unless the Court finds that the youth constitutes a substantial risk of imminent harm to others in the community if released from custody, at which time the Court may exercise the ability to retain the youth for up to one additional year (subject to review hearing & maximum confinement limits)
- Probation to submit a reentry plan to the court for approval prior to the youth completing their commitment



Thank You!