

## **FAQ SB 823 (DJJ REALIGNMENT)**

### **1. How can I provide input on the new local secure rehabilitation program?**

#### Juvenile Justice Coordinating Council (JJCC) SB 823 Juvenile Realignment Subcommittee Agendas and Documents

Meetings of the Juvenile Justice Coordinating Council (JJCC) SB 823 Juvenile Realignment Subcommittee are public, and agendas can be accessed on the [County of San Diego Public Safety Group's meeting portal](#) and the [Children's Initiative website](#).

### **2. What is Senate Bill (SB) 823?**

It is the intent of the Legislature to close the Division of Juvenile Justice (DJJ), within the Department of Corrections and Rehabilitation. Beginning July 1, 2021, youth cannot be committed to DJJ and any youth adjudicated with charges that would have made them eligible for commitment to DJJ will instead be committed to local custody. The state will be providing annual funding for county governments to fulfill this new responsibility.

Youth committed to DJJ before July 1, 2021 may remain there until discharged, released, or otherwise moved pursuant to law. The legislature is currently considering SB 92, which would set June 30, 2023 as the date when DJJ is to close and would require DJJ to develop a plan to transfer jurisdiction of any youth remaining at DJJ.

SB 823 presents an opportunity for local probation departments to create a local program to address secure youth treatment and rehabilitation, as well as other interventions, to meet the individualized needs of youth and young adults who would have previously been housed by DJJ.

SB 823 also extends the age of local juvenile court jurisdiction to 23 or 25, as specified and increases protections to prevent youth transfers to the adult criminal justice system. It also repealed certain provisions that allowed youth to be detained in adult facilities. Instead, SB 823 requires any person whose case originated in juvenile court, if detained, to remain in a county juvenile facility until they turn 25, except as specified. Probation departments may petition the juvenile court to transfer a person 19 years or older to an adult facility if certain conditions are met as specified.

SB 823 also creates a new statewide oversight body called the Office of Youth and Community Restoration (OYCR) within the California Health and Human Services Agency. The mission of the OYCR will be *"to promote trauma responsive, culturally informed services for youth involved in*

*the juvenile justice system that supports the youth’s successful transition into adulthood and helps the youth become responsible, thriving and engaged members of the community.”*

OYCR will oversee the transition of youth from state to local custody and oversee the block grant funding for SB 823, statewide data collection, research, best practices and technical assistance, the creation of an ombudsman position with investigatory powers, and will have responsibility for all juvenile justice grant funding by January 1, 2025.

The Judicial Council is working with the Legislature to ensure that the state has a new dispositional track for high needs youth. (W.I.C. §736.5)

### **3. How will SB 823 funds be distributed to counties?**

The Legislature has provided an initial three-year plan for annual funding to counties for the purpose of providing housing in 24/7 facilities, staff for facilities, and supervision of all programs and supports for youth who previously would have been committed to DJJ.

- Annual Juvenile Justice Realignment Block Grant (W.I.C. §1900)
  - Not an amount per youth
  - Funds allocated to each county by formula – a percentage share of a fixed statewide amount. Based on: (W.I.C. §1991)
    - 20% - County’s Juvenile Population
    - 30% - County’s Population at DJJ on one day in 2018 and one day in 2019
    - 50% - County share of certain statewide felony offenses (707b)

Allocations are Phased in

- Partial funding in 2021-22, increases in 2022-23 and in 2023-24
- Full funding in FY 2024-25 - HOWEVER – a new formula distribution to counties will be developed – San Diego County’s share is unknown.
- One-Time Facilities Grant - \$9.6 M Statewide (W.I.C. §2250)

#### **ESTIMATE (\$ in millions)**

<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>
<b>\$2.7</b>	<b>\$8.1</b>	<b>\$13.4</b>

To be eligible for the funding, each county must form a subcommittee of its JJCC that must develop and submit a plan to the newly established Office of Youth and Community Restoration (OYCR) by January 1, 2022 (W.I.C. §1995).

#### **4. Who are the members of the JJCC Subcommittee?**

- Chief Probation Officer, as chair
- One (1) representative from each:
  - District Attorney's Office
  - Public Defender's Office
  - Juvenile Court
  - Department of Social Services
  - County Office of Education
  - Department of Mental Health
- Three (3) Community Members who are 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.

#### **5. How many local youths are committed to DJJ?**

In 2020, twenty-four (24) local youths were committed to DJJ. As of March 2021, 55 youths from San Diego County were in DJJ custody.

##### Annual Commitment to DJJ

- In 2019, 22 San Diego County youths were sent to DJJ
- In 2020, 24 San Diego County youths were sent to DJJ
- In 2021 to date (March 2021), two San Diego County youths have been sent to DJJ
- As of March 2021, there are three (3) San Diego County youths in local custody pending transfer to DJJ

##### Annual Releases/Paroles of local youth from DJJ

- 2019 – 13 returns
- 2020 – 19 returns
- 2021 – 3 returns

#### **6. Who can be ordered into the new local program?**

Youth who were previously eligible to be committed to DJJ will be eligible for the new local program. The youth must be adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of W.I.C. §707 (primarily serious of violent offenses) or Penal

Code §290.008, and the 707(b) offense is the youth's most recent offense. The youth must be deemed unsuitable by the court for a less restrictive alternative setting.

## **7. Who is currently at DJJ?**

- 2020 Commitments Demographics
  - Majority of DJJ commitments male (23); Female (1)
  - Ethnicity/Race – 13 (54%) Mexican/Hispanic; 6 (25%) Black; 3 (13%) White; 1 (4%) Asian; 1 (4%) Pacific Islander
  - Age Upon Admission
    - 16 years of age – 4
    - 17 years of age – 6
    - 18 years of age – 8
    - 19 years of age – 5
    - 20 years of age – 1
  - Average length of stay of San Diego youths discharged from DJJ in 2020 was 879 days.

## **8. What types of treatment and services will these youth receive?**

Youth committed to the local secure youth treatment will receive services to address their individual risks and needs as well as programming and assistance to support their education and career readiness.

## **9. What are the needs of the youth currently at DJJ?**

See Santa Clara's info – Do we want to include similar statistics?

## **10. What are the goals of the new local program?**

Working with juvenile justice stakeholders and community, the Probation Department is developing goals for the new local program to address the following areas of need or development for the realigned youth. These goals are in draft form and are subject to change as the Subcommittee receives feedback from juvenile justice stakeholders and the community.

- *Treatment*
  - To utilize validated assessments to understand a youth's individual needs and match them to appropriate services, and provide an array of therapeutic

services, including groups, mentoring, and individual counseling to allow for the diversity of needs of this population of youth.

- *Education*
  - To support educational success, attention to academic supports including tutoring and literacy improvement and career/education planning.
- *Facility Environment and Staffing*
  - To employ a range of professionals (e.g., licensed clinicians, contracted professionals, probation officer) who embrace the therapeutic approach, are well trained, and held accountable for creating and maintaining a safe, strength-based, and trauma informed environment.
- *Program Fidelity*
  - To institute policies and procedures to ensure fidelity to model for each program, including procedure manuals, monitoring tools, staff training, and corrective action processes.
- *Re-entry*
  - To incorporate national best practices to support the re-entry needs of this specific population.