



California State Association of Counties

JUVENILE JUSTICE FACILITIES IN CALIFORNIA: REPORT AND TOOL KIT





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EXECUTIVE SUMMARY

JUVENILE JUSTICE in California has undergone a variety of significant reforms over the past several decades. In the 1990s, the state began to shift responsibility for juvenile offenders to the counties. In 2007, the juvenile population was realigned to provide that only the most serious juvenile offenders could be committed to state facilities. In the past decade, probation departments throughout California have focused on rehabilitation efforts aimed at keeping youth out of the juvenile halls. These efforts have led to a drastically lower youthful offender population and an increase in the number of vacant beds in juvenile facilities. In fact, according to data provided to the Board of State and Community Corrections (“BSCC”), in August 2018 there were over 5,000 vacant juvenile hall beds across the state. (<http://app.bscc.ca.gov/joq/jds/QuerySelection.asp>.) As a result, many counties are grappling with how to balance the fiscal inefficiencies of vacant beds with the complicated needs of their local juvenile justice system.

In January 2019, CSAC created a Juvenile Hall Utilization Workgroup comprised of Chief Administrative Officers and Supervisors that represent rural, suburban and urban counties, as well as Chief Probation Officers. The goal of the working group was to meet over the several months to discuss the use of local juvenile detention facility beds throughout California and complete a report and tool-kit that outline possible options for how counties can move forward in this area.

This Toolkit reflects the work of the CSAC Juvenile Hall Utilization Workgroup, which convened in March of 2019 and concluded with the development of this toolkit in November 2019. Through the course of its work over several months, the Workgroup gathered information and insight from a number of juvenile justice policy and practitioner experts. In addition, the Workgroup learned about the experiences of many counties that have faced appreciable changes in their juvenile hall populations. Supported by the information discussed at its meetings, the Workgroup has prepared this *Juvenile Justice Facilities in California: Report and Toolkit*. The Toolkit is intended to provide a helpful checklist of policy and fiscal considerations, informed by data, to aid decision makers in assessing a juvenile hall that may be underutilized, while still continuing to address the needs of a smaller juvenile justice system. Recognizing that each county faces different circumstances and resources, the Toolkit is designed to provide a framework for analysis; it is deliberately not weighted to favor any outcome other than one supported, to the extent available to decision makers, by data and analysis.

JUVENILE JUSTICE PROCESS IN CALIFORNIA

IN CALIFORNIA, juvenile court is part of the Superior Court and hears cases that involve minors who are alleged to have committed a crime. (Welfare and Institutions Code § 601, et seq.) The goal of the juvenile court is to protect and rehabilitate youth, provide the youth care and treatment, build strong and healthy families, redress victims, and increase the safety of the community.

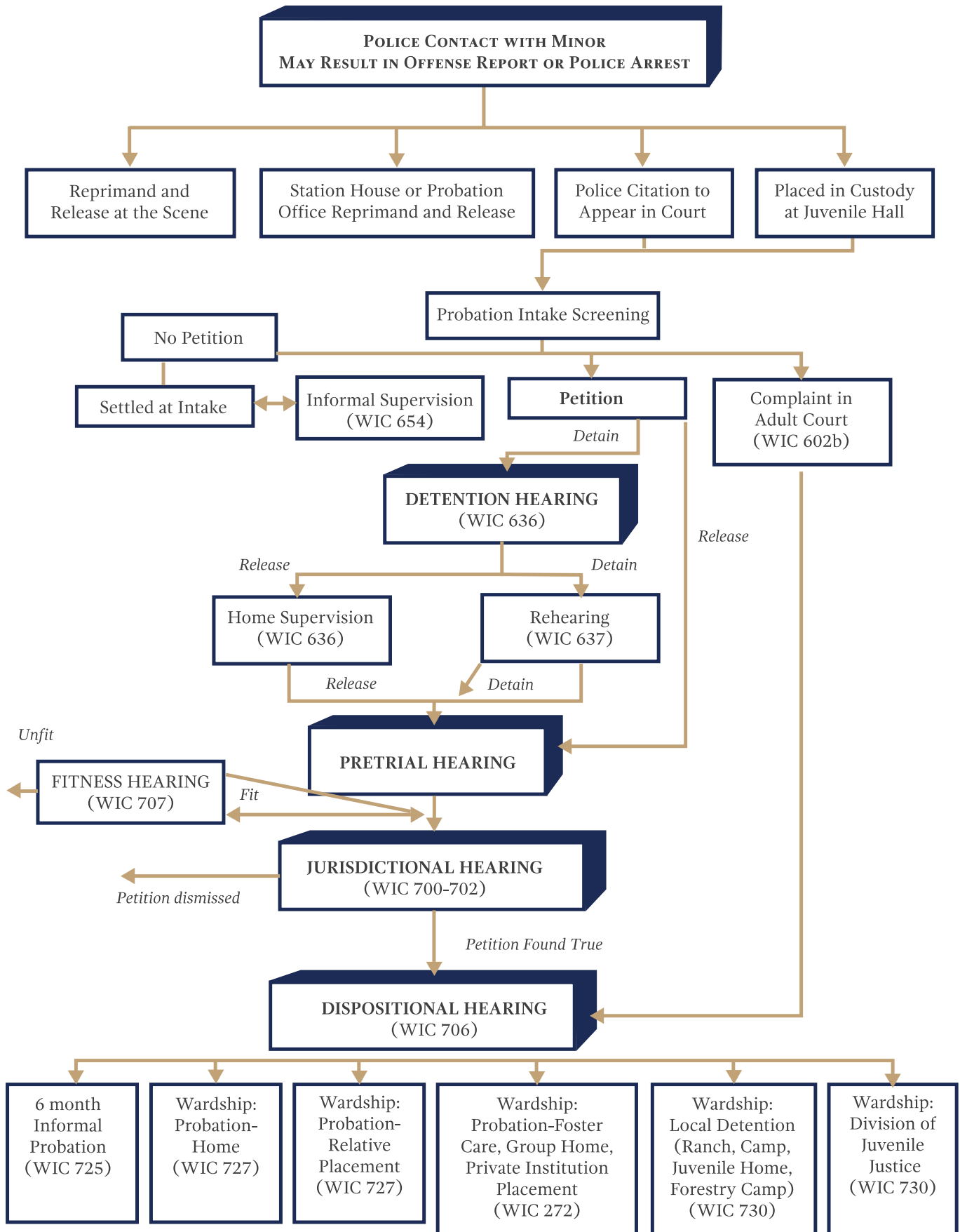
A juvenile justice matter begins when a youth is arrested by law enforcement. After arrest, there are a variety of outcomes that can occur, most of which do not include a referral to the juvenile court:

When a youth is arrested by a local law enforcement agency in California, there are various outcomes that can occur depending on the circumstances of the alleged offense and the criminal history of the youth. For example, arresting officers could choose to turn youths over to their guardians or refer them to county probation departments, which are primarily responsible for youth in the criminal justice system. (Probation departments also receive referrals from non-law enforcement sources —such as schools and parents.)

The probation department generally has the discretion to refer the case to juvenile court, place the juvenile into a voluntary diversion program (such as community-based programs designed to modify behaviors while redirecting youth away from formal involvement with the criminal justice system), or take other actions. If a probation department chooses to refer the case to the district attorney, and the district attorney’s office chooses to file in juvenile court, the youth will receive a court date.

(<https://lao.ca.gov/reports/2019/3998/juvenile-justice-041019.pdf>)





http://www.sccourt.org/self_help/juvenile/jjustice/process.shtml

If a youth is in custody for more than 48 hours, he or she must have a Detention Hearing within three court days. At the Detention Hearing, a judge will:

- Decide if the youth can go home before the next hearing.
- Whether to detain the youth in juvenile hall.

(<https://www.courts.ca.gov/1216.htm?rdeLocaleAttr=en>)

After the district attorney's office chooses to file in juvenile court, if the court finds that the charges are true, at the Jurisdictional Hearing, a Disposition Hearing is set. At the Disposition Hearing, the judge decides what to do for the minor's care, treatment and guidance, as well as the youth's punishment. Before the hearing, the probation officer writes a report for the court that includes information about the minor and a recommended outcome.

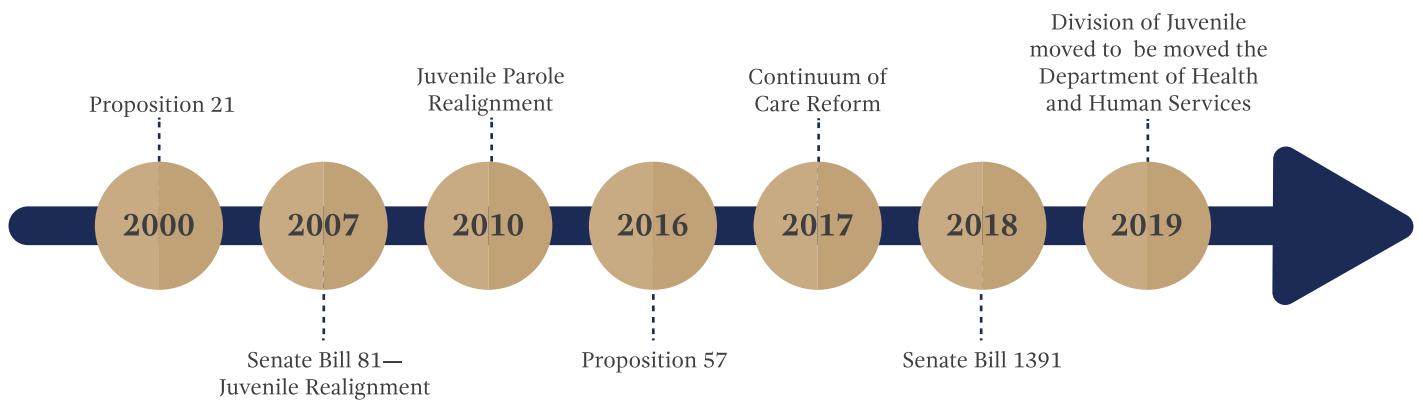
At the Dispositional Hearing, the court can:

- Dismiss the case—the judge does this if it is necessary for the interest of justice and the good of the youth or if the youth does not need treatment or rehabilitation.
- Put the youth on informal probation with the probation department for six months.
- Make the youth a ward of the court. This lets the court make decisions instead of the parents. The court makes decisions about the care, treatment and guidance for the minor.
- If the minor is a ward of the court, the judge can order different things. The list below begins with the less serious interventions:
 - ◇ Send the minor home on probation with supervision.
 - ◇ Send the minor to live with a relative.
 - ◇ Put the minor in foster care, a group home or institution.
 - ◇ Send the minor to a local detention facility or camp.
 - ◇ Send the minor to the Division of Juvenile Justice (DJJ).ⁱ

DJJ is the most restrictive setting and commitments are limited to serious juvenile offenders. If a juvenile court judge finds that a youth committed a crime listed in Welfare and Institutions Code section 707(b) (such as murder, robbery, and certain sex offenses), the judge can place the youth in state juvenile facilities operated by DJJ. Very few youths are placed in DJJ by the juvenile courts. For example, only 224 youths were sent to DJJ by juvenile courts in 2017— less than one percent of the youth placed by juvenile courts. As of December 2018, DJJ housed about 623 juvenile court youths. (<https://lao.ca.gov/reports/2019/3998/juvenile-justice-041019.pdf>)

OVERVIEW OF JUVENILE JUSTICE REFORM IN CALIFORNIA

OVER THE past two decades numerous reform efforts have significantly affected California’s juvenile justice system. Perhaps the most impactful of these reforms was juvenile justice realignment, which shifted the responsibility for the majority of youth in the juvenile justice system from the state to county probation departments. In 2007, when juvenile realignment occurred, the state had entered into a consent decree in *Farrell v. Cate*,ⁱⁱ a major lawsuit over conditions in state juvenile institutions. At that time, the state was failing to meet the basic requirements of the decree. In an effort to reduce the population in state juvenile institutions and in recognition that youth could be more effectively served closer to home if probation had sufficient resources, the legislature enacted Senate Bill 81 (Committee on Budget), which provided that youth who commit non-violent, non-serious, non-sexual offenders, could no longer be committed to the state system. This legislation, additionally, created the: (1) Youth Offender Block Grant Program, which provides state funding for the development of county-level programs and facilities; and (2) Local Youthful Offender Rehabilitative Facility Fund, which provides state funding for the construction for new juvenile facilities or renovate existing facilities.



As will be discussed below, juvenile realignment changed the landscape of juvenile justice. As counties took responsibility for greater numbers of youth who had previously been confined in state facilities, they invested in resources that allowed the youth to remain in the community instead of being detained in juvenile halls. In the years following realignment, county probation departments have worked to serve youth locally whenever possible, in the least restrictive setting, as evidenced by a 50% decline in the both youth committed to the DJJ, and over 60% decline in juvenile detention in its entirety (see “**Juvenile Justice Population in California**”). In fact, over 90% of youth served in California’s juvenile justice system are treated in the community.ⁱⁱⁱ

Proposition 57, passed by voters in 2016, also impacted the number of youth detained in juvenile halls. That is, Proposition 57 made procedural changes to prosecuting a youth as an adult by repealing provisions of Proposition 21. The passage of Proposition 21 in 2000 gave prosecutors the discretion to file

cases against minors 14 and older, depending upon their age, alleged offense and offense history, in juvenile or adult criminal court. Proposition 21 also required the prosecution of minors 14 years of age or older in adult criminal court who were alleged to have committed special circumstances first-degree murder and specified sex offenses. Sixteen years later, Proposition 57 repealed both of these provisions, eliminating a prosecutor’s ability to file charges against a minor directly in adult criminal court. Currently, a minor can only be transferred to adult criminal court from juvenile court after a fitness hearing. This change in the law has reduced the number of youth being tried as adults: in 2016 there were 406 youth transferred to adult court (direct file and fitness hearing referrals) and in 2018 there were 77 transferred to adult court. (*Juvenile Justice in California*, California Department of Justice, 2016, <https://data-openjustice.doj.ca.gov/sites/default/files/2019-06/jj16.pdf> and *Juvenile Justice in California*, California Department of Justice, 2018, <https://data-openjustice.doj.ca.gov/sites/default/files/2019-07/Juvenile%20Justice%20In%20CA%202018%2020190701.pdf>). This translates to more youth in both the local and state juvenile system. Additionally, Senate Bill 1391 (Lara) went into effect in 2019 and repealed the authority of a prosecutor to make a motion to transfer a minor from juvenile court to adult criminal court if the minor was alleged to have committed certain serious offenses when he or she was 14 or 15 years old. So, instead of these youth being sentenced as adults, they will remain under the jurisdiction of the juvenile court and will be housed in DJJ.

Finally, over the last 5 years, major foster care reforms collectively known as “Continuum of care Reform” (CCR) have eliminated licensed group homes in favor of family based care and “Short Term Residential Therapeutic Centers”. Over the last decade, the number of youth placed into foster care by probation has decreased by over 50%. Instead, probation has increased utilization of wraparound services in efforts to keep youth with the families.



COUNTY SPOTLIGHT

Group Home Alternative: Coastal Valley Academy

Coastal Valley Academy (CVA), in San Luis Obispo, is a custody commitment camp program in Juvenile Hall for 14-17 year old male and female youth who are moderate to high risk and in need of residential treatment. Youth are ordered to stay 6-12 months and receive intensive case management, treatment and educational services through collaboration with probation, a local treatment provider, Family Care Network, and the County Office of Education.

While CVA is located onsite with Juvenile Hall, the program is completely separated in programming, having its own classroom, recreation yard and living unit. The physical features of the unit are more home like, while still maintaining compliance with Title 15 and Title 24.

Planning for CVA was initiated well before the changes to foster care related to Continuum of Care Reform (CCR); however, it has become an integral part of the Probation Department's response to this legislation. CVA provides a safer, more structured, and locally controlled alternative to group homes or Short Term Residential Therapeutic Programs (STRTPs) for those youth that need to be removed from their homes but are not appropriate for a home based foster care setting. CVA engages families in the treatment and reunification process. Youth participate in Child and Family Team (CFT) meetings as well as individual, family and group treatment. CVA staff is trained in Comprehensive and Substance Abuse Curriculums designed by the University of Cincinnati and Positive Behavioral Interventions and Supports (PBIS). Groups are facilitated by both treatment staff and CVA Probation Officers. Youth participate in pro social activities, including off-site activities, community service projects, and home passes.

For more information visit:

<https://www.slocounty.ca.gov/Departments/Probation/Juvenile-Hall.aspx>.

Coastal Valley Academy (CVA),
San Luis Obispo



JUVENILE JUSTICE POPULATION IN CALIFORNIA

FOLLOWING THE reforms discussed above the number of felony juvenile arrests in California has plummeted. The total number of juvenile arrests was nearly 88,000 in 1995, down to 19,373 in 2017. (See Figure 1.)

CALIFORNIA JUVENILE FELONY ARREST AND JUVENILE FELONY ARREST RATE PER 100,000
1995-2017

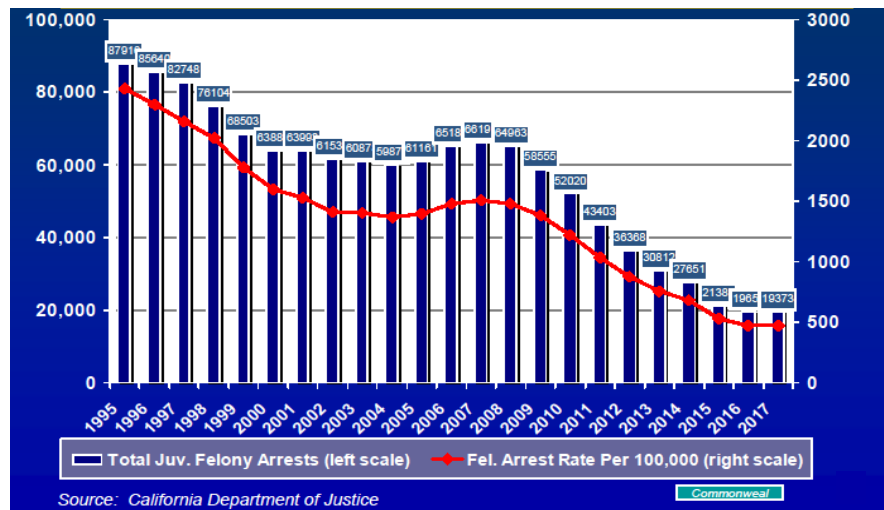


Figure 1. Prepared by David Steinhart for April 23, 2019 Meeting with the CSAC Juvenile Working Group.

Fewer arrests have, in turn, led to a sharp decrease in the number of youth in both state and juvenile justice facilities. In 2010, the average daily population in juvenile halls across the state was 5,940. (See Figure 2.) By 2017, that number was cut in half and by 2018 the average daily population was 2,673. (http://www.bscc.ca.gov/s_fsojuveniledetentionprofile/)

Of the youth who are currently in juvenile halls, the vast majority are there because of a felony offense. As of the last quarter of 2018, according to the BSCC, 72% of the youth in juvenile halls were there for a felony offense and 28% were there for a misdemeanor offense.

ALL CALIFORNIA JUVENILE JUSTICE FACILITIES Combined Average Daily Population (ADP)(2010 - 17)
EIGHT YEAR DECLINE OF 50%

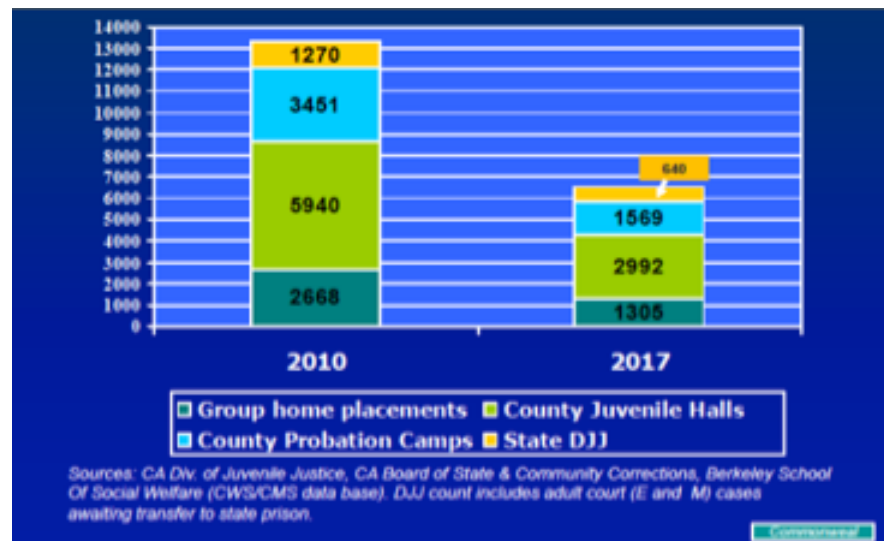


Figure 2. Prepared by David Steinhart for April 23, 2019 Meeting with the CSAC Juvenile Working Group.

COUNTY SPOTLIGHT

Innovation in Leveraging Space: Nevada County

Nevada County opened its current juvenile hall in 2003. In 2005, the juvenile hall had an average daily population of 25. The average daily population dropped to 8 in 2011 and the county began to lease beds to other counties. In 2013 and 2017, Grand Jury Reports were released recommending closing the juvenile hall. The county put together an interdepartmental county workgroup to identify and analyze the opportunities to repurpose the juvenile hall facility. The workgroup had several meetings over 15 months and included representatives from the following departments: County Executive Office; Health and Human Services; Probation; Sheriff's Office; Behavioral Health; Housing and Community Services; County Counsel; and Public Defender's Office.

The working group considered using the facility for homeless services, mental health services, as a group home, an adult reentry program and as an expanded youth facility. The working group recommended that the juvenile hall be used as an Expanded Youth Facility (EYF). The working group reported:

An EYF would keep part of the facility as a locked detention center and open up part of the facility for other youth programming. For example, the Superintendent of Schools has expressed interest in leasing part of the facility for the Earl Jamison School program. In addition, other youth groups could use other parts of the facility for their programming such as 4H. The Transition Age Youth (TAY) program could remain in the third pod. Revenue from a SOS lease could offset operating costs to reduce the General Fund allocation for operations. Probation continues to explore leasing beds to other counties and tribes.

All the other options identified and explored by the workgroup were assessed to be either unfeasible due to Department of Justice and Board of State and Community Corrections restrictions or higher costs.

Finally, the Sheriff's Dispatch office is currently located in the Wayne Brown Correctional Facility near the medical unit. The space Dispatch occupies was originally intended for medical services expansion. The space is needed for mental health medical services expansion and the underutilized administrative area of the Juvenile Hall has been determined to be an appropriate location for Dispatch to move to in order to expand medical services at Wayne Brown. (Staff Memo, June 25, 2019, Juvenile Hall, see <https://nevco.legistar.com/LegislationDetail.aspx?ID=3991544&GUID=2EE059FB-40E0-46D9-9B28-B0103729A04E>).

By utilizing the space within the juvenile hall for other purposes, the county was able to significantly lower the overall cost of the juvenile hall and keep it open.

JUVENILE HALL CONSTRUCTION: FUNDING THROUGH THE DECADES

STARTING IN 1997, California began to dedicate the majority of its Violent Offender/Truth-in Sentencing (VOI/TIS) federal grant funds to juvenile justice facility construction. Over five funding cycles, California set aside nearly \$250 million in federal VOI/TIS funds for county juvenile facilities. Some of the grant funds supported additional detention capacity while other grants supported new probation camp space for adjudicated juvenile offenders. According to the state Board of Corrections (now the BSCC), construction grants awarded between 1998 and 2001 were expected to add more than 3,000 juvenile detention beds to California's juvenile detention capacity. In addition, grant funds were used to renovate or replace more than 1,350 existing beds. (*Youth Corrections in California*, Steinhart and Butts, July 2002, <https://www.urban.org/sites/default/files/publication/60466/410529-Youth-Corrections-in-California.PDF>).

In August 2007, the Local Youthful Offender Rehabilitative Facility Construction Financing Program (SB 81 (Committee on Budget)) went into effect. The purpose of this financing program was to support the rehabilitation of youthful offenders at the local level and fund construction, expansion and renovation of juvenile facilities. Within this context, the counties were given the flexibility to define the project scope to meet local rehabilitative needs. These needs include construction, expansion and/or renovation of an existing facility or building to include programming or treatment space; expanding an existing facility to meet population demands; and building a new facility. SB 81 authorized \$100 million in lease-revenue bond financing authority. In October 2010, AB 1628 added \$200 million in lease-revenue bond financing authority to this construction financing program. The first round of funding allocated over \$220 million to fifteen counties: Alameda, Santa Clara, Riverside, Los Angeles, Stanislaus, San Luis Obispo, Monterey, Santa Cruz, Merced, Tuolumne, Shasta, Humboldt, Yolo, Yuba and Colusa. In 2014, the BSCC released a second round of SB 81 funding-- the remaining \$79.2 million in lease-revenue bonds. These funds were awarded to eight counties: San Diego, Orange, Riverside, Santa Cruz, Tulare, El Dorado, Yuba and Kings. (<http://www.bscc.ca.gov/wp-content/uploads/SB81-Round-1-2-Award-Update-7-21-15.pdf>)

The working group consulted with the BSCC to ascertain whether a county that received state or federal funding could close or repurpose a juvenile hall. The working group found that every county is different. If a county received SB 81 funds, a county must receive permission from the California Department of Corrections and Rehabilitation and the State Public Works Board before changing the facility's use. If a county received federal Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS), the county must contact the federal Bureau of Justice Assistance before disposing of the property. If a county intends to change the use of a facility to an adult facility, collocate an adult facility at the juvenile facility, or close a facility either temporarily or permanently, the BSCC should be consulted to ensure the county complies with Titles 15 and 24 of the California Code of Regulations. Counties should consult with County Counsel before making any changes to a state or federally funded facility.

PROGRAM SPOTLIGHT

Addressing the Needs of Youthful Offenders: Transitional Age Youth Pilot

In order to address the criminogenic and behavioral needs of adolescents, California has recognized that it is important that developmental age appropriate services are provided. Local juvenile detention facilities have such services available for adolescents including, but not limited to, cognitive behavioral therapy, mental health treatment, vocational training, and education among other programming intended to specifically address the needs of the emerging adolescent brain. To help facilitate these services being provided, in 2016, California passed the Young Adults Deferred Entry of Judgement Pilot Program (Senate Bill 1004) which authorized the counties of Alameda, Butte, Napa, Nevada, and Santa Clara to adopt a pilot program that makes young adults ages 18 to 21 who commit non-violent felonies eligible to serve their sentence in juvenile hall, rather than in adult county jail, if determined suitable by local stakeholders. The following year, Senate Bill 1106 added Ventura County to the pilot and in 2019 the pilot was extended to young adults up to the age of 25.

The requirements of the program include the following:

- Transitional age youth population must be housed and programmed completely separate from juvenile minors (*See* 34 U.S.C. § 11133);
- Youth cannot serve more than one year in detention;
- Youth must agree to be part of the program, plead guilty and charges are dismissed after successful completion of probation; and
- The pilot county track specific outcomes and report to Department of Justice.

An evaluation of the program will be completed and provided to the legislature by December 31, 2020. For all requirements for the Transitional Age Youth Pilot see Penal Code section 1000.7 and for more information visit:

http://www.acgov.org/probation/documents/CCPEC_SB1004_presentation.pdf.

Workgroup members:
Chair Alfredo Pedroza, Supervisor,
Napa County, and Carmel Angelo,
Chief Administrative Officer,
Mendocino County, learn about
Nevada County Juvenile Hall's
gardening program.



KEY CONSIDERATIONS WHEN ASSESSING THE FUTURE OF JUVENILE JUSTICE FACILITIES

THE WORKING group gathered information and insight from a number of juvenile justice policy and practitioner experts. Based on the information provided, the workgroup assembled a list of considerations designed to provide a framework for making an informed decision about how to utilize the juvenile hall. These considerations are intended to help counties assess their options, which include: maintaining the juvenile facility; re-purposing a portion or an entire facility; or closing a juvenile facility. The considerations fall into four categories: (1) Understanding the County’s Juvenile Justice Population and Juvenile Hall Utilization; (2) Juvenile Justice Facilities; (3) Costs of Repurposing or Closing a Juvenile Hall; and (4) Options for Re-purposing a Juvenile Justice Facility.

Understanding the County’s Juvenile Justice Population and Juvenile Hall Utilization

As a county begins to assess options for its juvenile hall, the first, and most essential, step is gaining an understanding of the county’s juvenile justice population. The workgroup looked at juvenile justice population data from the California Department of Finance^{iv}, the BSCC^v and the California Department of Justice.^{vi} Based on the information reviewed, the workgroup developed the following key population considerations:

- *What is the 12 to 17 year-old population in your county? What is the population projection for this population over the next five to ten years?*
- *What are the juvenile justice population trends in your county?*
- *For minors who are in the juvenile hall, how many are pre-disposition? How many are post-disposition? What are their respective lengths of stay? If available, what is their gender, race and ethnicity, and alleged offense? For minors detained or committed to the hall, what if any detention screening or intake assessment tool was used? Is there comparable data for the prior two to five years, for purposes of noting changes in these numbers and characteristics?*
- *What has been your county’s juvenile offender arrest rate over the last five years?*
- *How many juvenile detention beds does your county estimate it will need in the next five to ten years?*
- *Is your county participating in the Transitional Age Youth Program? How many youth are in the program?*

COUNTY SPOTLIGHT

From Juvenile Hall to a Juvenile Day Reporting Center: Siskiyou County

From 2017 through 2019, the Charlie Byrd Youth Corrections Center experienced various phases of detention, but ultimately was converted to Charlie's Place Juvenile Day Reporting Center and Court Day Reporting School in April 2019. J. Everett Barr School operates year round and various schools throughout the County refer students for credit recovery, truancy problems, or behavioral issues. Charlie's Place staff engages students in pro-social activities like swimming, hiking and bowling. Students have also taken part in community service projects, including visiting Rescue Ranch to help feed and walk the dogs. The youth have also participated in community clean-up efforts, such as picking up trash following school football games and raking leaves in local cemeteries. Due to transportation being a challenge for this population, juvenile correctional and probation officers provide transportation to and from school. Charlie's Place also provides a food pantry, free laundry services for youth, and works on increasing the youth's life skills by teaching youth how to grocery shop and budget.

Given that Siskiyou County is no longer housing youth in detention youth who need to be detained are transported to the Tehama County Juvenile Detention Facility, in Red Bluff.

Siskiyou was able to convert its juvenile hall to Charlie's Place because it was able to contract with Tehama. In November 2014, Tehama County Juvenile Hall started a campaign to contract out bed space. The Tehama County Juvenile Detention Facility is currently staffed to support up to 32 juveniles. Four local counties chose to close their juvenile halls and Tehama County was successful in competing with other regional centers to house juveniles from those counties, which include Trinity, Glenn, Lake and Siskiyou counties. Trinity has since entered into a contract with Shasta County as it is closer.

For more information visit:

<https://www.co.siskiyou.ca.us/probation>

COUNTY SPOTLIGHT

Regional Juvenile Hall: Tri-County Juvenile Hall

Under a Joint Powers Agreement, Sutter and Yuba counties have operated a Bi-County Juvenile Hall since the early 1970's. In 2010, Colusa County approached Sutter and Yuba counties about joining their juvenile hall. All three counties mutually determined it was beneficial to best serve the interest of the juvenile population of their communities with a regional juvenile facility. This was the best approach for these three counties because their juvenile populations are similar, as well as the culture of their juvenile justice systems. Additionally, this approach allowed the counties to house youth close to home.

In 2014, Yuba, Sutter, and Colusa counties created and adopted a Joint Powers Agreement, which was approved by all Boards of Supervisors to govern the new Tri-County Juvenile Rehabilitation Facility. Yuba and Sutter counties each cover 44 percent of the costs of the facility, while Colusa County will be responsible for the remaining 12 percent. An Oversight Committee comprised of Board of Supervisors from each county was established to oversee operations and the development of the new facility. This regional approach permitted the counties to pool resources, thereby allowing Colusa to transfer \$5.7 million in grant funding to the development of the Tri-County Juvenile Rehabilitation Facility. Yuba County was also able to obtain approximately \$9.6 million in additional funding, bringing the total to \$15.3 million for a new three-county juvenile hall. Construction of the new Tri-County Juvenile Rehabilitation Facility is expected to be completed in 2022.

For more information visit:

https://www.suttercounty.org/doc/government/depts/jh/jh_home.

Costs of Repurposing or Closing a Juvenile Hall

The workgroup learned that a county is required to have access to a locked facility to house youth pending serious charges. Specifically, California Welfare and Institutions Code section 625.3, states that “a minor who is 14 years of age or older and who is taken into custody by a peace officer for the personal use of a firearm in the commission or attempted commission of a felony or any offense listed in subdivision (b) of Section 707 shall not be released until that minor is brought before a judicial officer”. So, even if a county decides to close a juvenile hall, there will need to be locked placement options available for youth who are pending serious charges. In addition to this requirement, there are dozens of statutes relating to the juvenile detention. (See **Appendix A**).

The workgroup also heard about some of the challenges a county without a juvenile hall faced. Specifically, the workgroup heard from Tuolumne County, which was contracting for beds in counties that were three to four hours away. (See “**Housing Youth Locally: Lessons Learned in Tuolumne County**”) This discussion informed the following considerations:

- *Where would replacement beds be obtained?*
- *Would those beds be operated by another county?*
- *Where would intake occur?*
- *What is the condition of the replacement beds, and are there any historical or outstanding issues or litigation concerning conditions of confinement relating to the replacement facility?*
- *What would be the cost of the replacement beds?^{vii}*
- *What would be the transportation needs/costs for using these beds? What are the liabilities related to transportation? What happens when weather prevents transportation?*
- *What are the liabilities or back-up plan if the other county is sued over conditions in its juvenile hall?*
- *What is the reliability for those beds to continue to be available and affordable in the long term?*
- *What would be the impact on the youth placed out-of-county; families of the youth placed out-of-county; on the courts; on the existing juvenile hall staff; and on probation operations with respect to youth detained elsewhere?*
- *Is regionalization a possibility for your county? Are there nearby counties that might be interested in regionalization and what would it cost?*
- *What would be the facility debt impact, if any?*
- *What would be the costs to shutter?*
- *What would be the costs to reopen in the future?*
- *What if any changes would occur in state regulations applicable to a re-opened facility?*
- *What would be the ongoing costs to maintain a shuttered facility?*
- *What are the potential future outcomes for the property?*
- *Are there other properties in the county that could be used for a juvenile facility?*

Juvenile Justice Facilities

California juvenile facilities must comply with the physical plant and facility requirements set forth in Title 15 and Title 24 regulations. The workgroup learned that the physical plant requirements for juvenile halls are dependent on when the facility was activated —some facilities have to comply with the 1998 version of Title 24, others have to comply with more recent versions. Counties that choose to close their halls, even if only temporarily, may have to comply with more updated regulations if they decide to reopen. With that, there are a number of issues for a county to consider:

- *What state regulations apply to the facility?*
- *What is the condition of the facility?*
- *How was the facility paid for, and is there any outstanding debt relating to the facility? If so, are there any limitations on the use of the facility? See “Juvenile Hall Construction: Funding through the Decades”*
- *What are the annual costs of operating the facility, including staffing and operational costs?*
- *What is the deferred maintenance and necessary facility improvements?*
- *Is there pending litigation?*
- *What upgrades would be required if the county were to decide to reopen the facility in the future?*



COUNTY SPOTLIGHT

Housing Youth Locally: Lessons Learned in Tuolumne County

The Mother Lode Regional Juvenile Detention Center (MLRJDC) opened in April of 2017. The facility has a maximum capacity of 30 and the average daily population in 2019 was approximately 11 youth. Prior to opening this facility, Tuolumne was contracting for beds in counties that were three to four hours away. This meant that probation had to pick the youth up, transport them to court and then bring them back to the facility where they were being held—thereby necessitating probation officers be on the road all hours of the day. And, on one occasion, a youth kicked the window out of the officer’s vehicle. Not only was transportation costly and dangerous, but also impacted a youth’s ability to reintegrate into the community. In fact, according to a recent report of the Tuolumne County Grand Jury,

The 2018-2019 Grand Jury was informed by MLRJDC staff that keeping youth close to home is much more beneficial to rehabilitation efforts. They are able to see their families on a regular basis and also don’t feel like Tuolumne County has abandoned them by shipping them far away from everyone and everything they know. It is much easier to place youth back with their families if they are close by. In the long run the County is saving money because the youth are usually not detained as long when they are kept close to home. This gives the family an opportunity to have group counseling. Recidivism, defined as no new crimes committed, in 2013-2016 was 49%. Since opening MLRJDC that recidivism rate has dropped to 19%.

(<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/12824/Mother-Lode-Juvenile-Detention-Center-Report>)

While Tuolumne County has been successful in reducing recidivism, it does not come without a cost. For Fiscal Year 2019/2020 MLRJDC’s operating budget is approximately 2.1% (\$1.5 million) of the county’s general fund. For Fiscal Year 2018/2019 the facility had a net cost to the county of \$1,297,000. To keep the cost of staff in line with the average number of youth that are detained in Tuolumne County, the 30 bed facility is staffed to house 16 youth under BSCC staffing/youth ratio regulations. A snap shot on November 1, 2019 showed 15 youth housed at the facility.

For more information visit:

<https://www.tuolumnecounty.ca.gov/910/Mother-Lode-Regional-Juvenile-Detention>.

Options for Re-purposing a Juvenile Justice Facility

If a county determines that it wants to consider repurposing all or part of its juvenile justice facility--the workgroup created a list of the following alternatives. Counties might consider pooling resources for the purpose of converting juvenile hall space into one of the following options:

- *Close portions of the facility or use space for another purpose.*
See “**Innovation in Leveraging Space: Nevada County.**”
- *Repurpose some beds as transition beds for youth transitioning back from other out of home placements.*
- *Add young adult beds.*
See “**Addressing the Needs of Youthful Offenders: Transitional Age Youth Pilot.**”^{viii}
- *Provide regional/contract beds.*
See “**Regional Juvenile Hall: Tri-County Juvenile Hall.**”
- *Provide secure residential alternative beds for special needs population.*
See “**Group Home Alternative: Coastal Valley Academy.**”
- *Transition to non-residential uses for space, like day treatment or mental health treatment.*
See “**From Juvenile Hall to a Juvenile Day Reporting Center: Siskiyou County.**”
- *Transition to residential space for vocational training.*
See “**Residential Career Training Center: Camp Gonzales and Camp Challenger.**”



COUNTY SPOTLIGHT

Residential Career Training Centers: Camp Gonzales and Camp Challenger

Los Angeles County has closed eight juvenile detention camps in the past several years due to a marked reduction in the juvenile detention population, as well as an ongoing commitment to providing services to youth in community-based settings. The closure of these facilities presents the County with the opportunity to repurpose existing facilities into residential career pathway programs. To this end, Los Angeles is transforming Camp Gonzales and the Challenger Memorial Youth Center into residential educational and career training facilities.

These programs will be operated by community-based organizations and will provide young adults, 18-25 years old, including homeless and/or system-involved transitional-aged youth, with specialized rehabilitation, educational, and reentry services. The Challenger Memorial Youth Center will also be available for women 18-30 years old—these participants will have the ability to bring their children.

In addition to career training and educational support, these voluntary, non-detention programs will provide participants with housing, life-skills training, behavioral health services, outpatient support and other services tailored to each individual's needs. Program participants will have a job, housing and other transitional needs identified upon completion of the program. These services will be provided in partnership with community agencies, county agencies, non-profit organizations, academic institutions and local industries.

For more information visit:

<https://probation.lacounty.gov/l-a-county-moves-forward-with-first-of-its-kind-transformation-of-juvenile-probation-camp-into-a-career-training-center/>

CONCLUSION

THE NEED to deal with some juvenile halls not being used to capacity is a story of success. The decline in juvenile crime and the need for local juvenile custodial beds represents a remarkable achievement in how California counties have more effectively dealt with youthful offenders. As counties continue to pivot and adapt to maintain this success, they face important decisions—that will have short and long—term consequences. The Work Group hopes that this Report and Tool Kit will provide helpful support and guidance as counties undergo the effort of carefully assessing how to utilize juvenile halls, as well as the potential intended and unintended consequences of these decisions.



ENDNOTES

ⁱ DJJ will be renamed as the Department of Youth and Community Restoration (DYCR) when it moves to the Department of Health Care Services. Specifically, “commencing July 1, 2019, the Division of Juvenile Justice, in coordination with the California Health and Human Services Agency and the Department of Corrections and Rehabilitation, shall initiate the transfer process, with the transfer completed by July 1, 2020.” (Government Code § 12820.)

ⁱⁱ On Jan. 16, 2003, Margaret Farrell, a taxpayer in the state of California, filed a lawsuit against the director of what was then called the California Youth Authority (CYA). The suit claimed CYA was expending funds on policies, procedures and practices that were illegal under state law. Farrell also claimed that CYA failed in its statutory duties to provide adequate treatment and rehabilitation for juvenile offenders in its care. The lawsuit also alleged that the youth offenders were denied adequate medical, dental and mental health care. On Nov. 19, 2004, the parties entered into a consent decree in which DJJ agreed to develop and implement six detailed remedial plans in the following areas: safety and welfare, mental health, education, sexual behavior treatment, health care, dental services, and youth with disabilities. (<https://insidecdrcagov.mystagingwebsite.com/2016/02/class-action-lawsuit-against-californias-division-of-juvenile-justice-terminated-after-sweeping-reforms/>)

ⁱⁱⁱ Provided by the Chief Probation Officers of California.

^{iv} The California Department of Finance prepares population projections, including projections for each county based on age. Forecasting information can be found at <http://www.dof.ca.gov/Forecasting/Demographics/Projections/>

^v While each county’s probation department has data relating to the number of justice involved youth and daily juvenile hall populations, the Board of State and Community Corrections collects statewide juvenile detention data that can be found at <http://app.bscc.ca.gov/joq/jds/QuerySelection.asp>

^{vi} The California Department of Justice releases the Juvenile Justice Report that contains statewide juvenile arrest information –a county that is interested in learning more about its individual arrest rate can find that information here: <https://openjustice.doj.ca.gov/exploration/crime-statistics/arrests>

^{vii} The BSCC conducted surveyed the counties to determine the average daily cost to house youth in the county—this survey can be found at: http://www.bscc.ca.gov/wp-content/uploads/FINAL_BSCC-Youth-Cost-Report-FY17_18.pdf.

^{viii} Legislation is required for a county to join the Transitional Age Youth pilot.

ATTACHMENT A

WELFARE AND INSTITUTION CODE SECTIONS RELATED TO SECURE DETENTION

850 W&I - The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court or in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court, a suitable house or place for the detention of wards and dependent children of the juvenile court and of persons alleged to come within the jurisdiction of the juvenile court. Such house or place shall be known as the “juvenile hall” of the county. Wherever, in any provision of law, reference is made to detention homes for juveniles, such reference shall be deemed and construed to refer to the juvenile halls provided for in this article.

852 W&I - The juvenile hall shall be under the management and control of the probation officer.

851 W&I - Except as provided in Section 207.1, the juvenile hall shall not be in, or connected with, any jail or prison, and shall not be deemed to be, nor be treated as, a penal institution. It shall be a safe and supportive homelike environment.

853 W&I - The board of supervisors shall provide for a suitable superintendent to have charge of the juvenile hall, and for such other employees as may be needed for its efficient management, and shall provide for payment, out of the general fund of the county, of suitable salaries for such superintendent and other employees.

854 W&I - The superintendent and other employees of the juvenile hall shall be appointed by the probation officer, pursuant to a civil service or merit system, and may be removed, for cause, pursuant to such system.

855 W&I - The probation officer shall keep a classified list of expenses for the operation of the juvenile hall and shall file a duplicate copy with the county board of supervisors.

856 W&I - The board of supervisors may provide for the establishment of a public elementary school and of a public secondary school in connection with any juvenile hall, juvenile house, day center, juvenile ranch, or juvenile camp, or residential or nonresidential boot camp for the education of the children in those facilities.

271 W&I - In counties having charters that provide a method of appointment and tenure of office for the superintendent, matron, and other employees of the juvenile hall, the charter provisions shall control as to those matters and, in counties that have established or hereafter establish merit or civil service systems governing the methods of appointment and the tenure of office for the superintendent,

matrons, and other employees of the juvenile hall, the provisions of the merit or civil service systems shall control as to those matters. In all other counties, these matters shall be controlled exclusively by the provisions of this code.

749.32 W&I - As used in this article, the following terms have the following meanings:

- (a) “County juvenile facilities” means county juvenile halls or camps.
- (b) “Board” means the Board of Corrections.

210 W&I - The Board of Corrections shall adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors.

888 W&I - Any county establishing a juvenile ranch or camp under the provisions of this article may, by mutual agreement, accept children committed to that ranch or camp by the juvenile court of another county in the state. Two or more counties may, by mutual agreement, establish juvenile ranches or camps, and the rights granted and duties imposed by this article shall devolve upon those counties acting jointly. The provisions of this article shall not apply to any juvenile hall.

862 W&I - In addition to those juveniles specified in Section 850, the probation officer may receive and detain in the county juvenile hall any juvenile committed thereto by process or order issued under the authority of the United States until such juvenile is discharged according to law as if he had been committed under process issued under the authority of this state, provided, that, in the absence of a valid detention order issued by a federal court, such detention shall not exceed three judicial days. Juveniles detained pursuant to this section shall have all the rights, powers, privileges, and duties, and shall receive the same treatment, afforded juveniles detained pursuant to the laws of this state. The board of supervisors of a county may contract with the United States for reimbursement of the county’s cost incurred in the support of such juvenile.

872 W&I - Where there is no juvenile hall in the county of residence of minors, or when the juvenile hall becomes unfit or unsafe for detention of minors, the presiding or sole juvenile court judge may, with the recommendation of the probation officer of the sending county and the consent of the probation officer of the receiving county, by written order filed with the clerk of the court, designate the juvenile hall of any county in the state for the detention of an individual minor for a period not to exceed 60 days. The court may, at any time, modify or vacate the order and shall require notice of the transfer to be given to the parent or guardian. The county of residence of a minor so transferred shall reimburse the receiving county for costs and liability as agreed upon by the two counties in connection with the order.

As used in this section, the terms “unfit” and “unsafe” shall include a condition in which a juvenile hall is considered by the juvenile court judge, the probation officer of that county, or the Board of Corrections to be too crowded for the proper and safe detention of minors.

602.3 W&I - (a) Notwithstanding any other law and pursuant to the provisions of this section, the juvenile court shall commit any minor adjudicated to be a ward of the court for the personal use of a firearm in the commission of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, to placement in a juvenile hall, ranch, camp, or with the Department of the Youth Authority.

(b) A court may impose a treatment-based alternative placement order on any minor subject to this section if the court finds the minor has a mental disorder requiring intensive treatment. Any alternative placement order under this subdivision shall be made on the record, in writing, and in accordance with Article 3 (commencing with Section 6550) of Chapter 2 of Part 2 of Division 6.

730 W&I - (a) When a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 602, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a juvenile home, ranch, camp, or forestry camp. If there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall.

4496.04 PC -As used in this title, the following terms have the following meanings:

(a) “Committee” means the 1988 County Correctional Facility Capital Expenditure and Youth Facility Finance Committee created pursuant to Section 4496.34.

(b) “Fund” means the 1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund created pursuant to Section 4496.10.

(c) “County correctional facilities” means county jail facilities, including separate facilities for the care of mentally ill inmates and persons arrested because of intoxication, but does not include county juvenile facilities.

(d) “County juvenile facilities” means county juvenile halls, juvenile homes, ranches, or camps, and other juvenile detention facilities.

(e) “Youth center” means a facility where children, ages 6 to 17, inclusive, come together for programs and activities, including, but not limited to, recreation, health and fitness, delinquency prevention such as antigang programs and programs fostering resistance to peer group pressures, counseling for problems such as drug and alcohol abuse and suicide, citizenship and leadership development, and youth employment.

(f) “Youth shelter” means a facility that provides a variety of services to homeless minors living on the street or abused and neglected children to assist them with their immediate survival needs and to help reunite them with their parents or, as a last alternative, to find a suitable home.

740 W&I - (a) Any minor adjudged to be a ward of the court on the basis that he or she is a person described in Section 602 and who is placed in a community care facility shall be placed in a community care facility within his or her county of residence, unless both of the following apply:

(1) He or she has identifiable needs requiring specialized care that cannot be provided in a local facility or his or her needs dictate physical separation from his or her family.

(2) The county of residence agrees to pay the placement county the costs of providing services to the minor, pursuant to Section 1566.25 of the Health and Safety Code.





California State Association of Counties