

**State of California
Office of Administrative Law**

In re:
**Department of Corrections and
Rehabilitation**

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 4199

Amend sections:

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

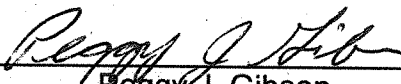
OAL Matter Number: 2019-0207-04

OAL Matter Type: File and Print Only (FP)

The California Department of Corrections and Rehabilitation, Division of Juvenile Justice is instituting a seven-year pilot program for young adult male offenders that will be diverted from adult prison to a juvenile facility. The purpose of this pilot program is to determine if these offenders, after receiving rehabilitative programming designed for transition-aged youth are more successful in terms of outcomes and recidivism. This filing is exempt from Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This filing is effective on filing with the Secretary of State and remains in effect for seven years pursuant to Welfare and Institutions Code section 1731.7 unless formally adopted as a regulation pursuant to Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

OAL filed this regulation with the Secretary of State, and will publish the regulation in the California Code of Regulations.

Date: March 22, 2019



Peggy J. Gibson
Senior Attorney

Original: Ralph Diaz, Acting Secretary

Copy: Shelly Jones

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

FILE PRINT

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0207-04FP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
State of California

2019 MAR 22 A 9:45
OFFICE OF
ADMINISTRATIVE LAW

MAR 22 2019
1:40 pm

AGENCY WITH RULEMAKING AUTHORITY
Division of Juvenile Justice

AGENCY FILE NUMBER (if any)
18-001

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Young Adult Pilot Program	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 4199
	AMEND
TITLE(S) 15	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>PC 5058.1 Pilot & WIC 1731.7</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Shelly Jones	TELEPHONE NUMBER 916-683-7473	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) shelly.jones@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 3/21/19
TYPED NAME AND TITLE OF SIGNATORY Chuck Supple, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 22 2019

Office of Administrative Law

FILE PRINT

STD. 400 (REV. 01-2013)

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2019 FEB -3 P 2:32
OFFICE OF ADMINISTRATIVE LAW

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SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 12/10/18
TYPED NAME AND TITLE OF SIGNATORY Kathleen Allison, Undersecretary (A), CDCR Operations	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 22 2019

Office of Administrative Law

INSTRUCTIONAL MEMORANDUM

Date: November 28, 2018

To: Superintendents
Assistant Superintendents
Associate Directors
Executive Officer, Board of Juvenile Hearings

Subject: **PILOT PROGRAM - YOUNG ADULT PROGRAM**

The purpose of this memorandum is to announce the implementation of the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (Division), Young Adult Program at the O. H. Close Youth Correctional Facility. The Young Adult Program will provide a limited number of young adult males the opportunity to serve their sentence in a juvenile facility instead of an adult prison. The purpose of this program is to provide these young men with developmentally appropriate treatment and rehabilitative programming, designed specifically for transition-aged youth, with the goal of improving their reintegration outcomes and reduce their risk to recidivate. This program will include the evaluation of good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned, as well as disciplinary infractions incurred by participants, with the ultimate goal of determining if the target population is more successful than an equivalent population housed in the Division of Adult Institutions. The program will include a research component that will assist in the evaluation of the cost effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity.

This memorandum defines the criteria for placement in the program, program components and structure, and establishes the overall goal of applying and enhancing the Division's policies and practices for future admissions of transitioned-aged youth (youth).

BACKGROUND

Section 1731.7 of the Welfare and Institutions Code requires the Division to *"establish and operate a seven-year pilot program for transition-age youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transitioned-age youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism."*

Youth ages 18 to 25, involved in the program, will benefit from evidence-based treatment programs designed to lower risks related to criminal thinking and behaviors, develop protective factors to maintain lowered risks upon reentry into the community, and increase opportunities for long-term success. The young men will gain these benefits through treatment

interventions, expanded college and career technical education, and community building within the facility. This includes the involvement of former offenders as mentors and programs that will help youth practice pro-social skills and create valuable connections to resources in their communities.

Through individualized treatment, the Division provides an integrated, behavioral health model to address identified risks to reoffend and protective factors to mitigate those risks. Interventions and services are matched to individual needs through analysis of assessment data and collaborative case planning. An inter-disciplinary, integrated team approach is used that includes the program participant and members of the therapeutic community, the participant's family and adult support system when applicable, living unit staff, education staff, mental health staff, any other direct-care staff, and community representatives as identified.

Through this model, interpersonal social emotional skill strategies and techniques are taught, modeled and reinforced in a safe practice environment in order to increase stress management, self-monitoring and regulation. All of these are vital in helping youth successfully transition into adulthood. These skills are essential in assisting youth with increasing their strengths and developing positive outcomes.

Studies have concluded that cognitive behavioral therapy has been found to be effective with juvenile and adult offenders, substance abusing and violent offenders, as well as probationers, prisoners, and parolees. Researchers have found that cognitive behavioral therapy is effective in various criminal justice settings and can significantly reduce recidivism, even among high-risk offenders. Other research has explored modalities of treatment with juveniles and found group therapy to be effective, as well as social skills training, behavioral programs, and teaching interpersonal skills. The Division's programs incorporate aspects of these modalities in combination with the effectiveness of cognitive behavioral therapy techniques and theory.

PILOT PROGRAM LOCATION AND DURATION

The Young Adult Program will be implemented at the O. H. Close Youth Correctional Facility in Stockton. The program will be in effect for seven years, following approval by the Office of Administrative Law, and will expire by operation of law at the end of this period, unless it is promulgated through the Administrative Procedure Act prior to expiration.

PROGRAM OVERVIEW

The Superintendent of the O.H. Close Youth Correctional Facility, along with the Associate Director of Juvenile Acceptance and Court Services, will be jointly responsible for implementation and oversight of the Young Adult Program.

Two 38 bed units will provide youth with developmentally appropriate, evidence-based programming in a therapeutic community environment. The primary objectives of the program include:

- Addressing treatment needs in a safe and secure environment that is separate from long-term, criminally sophisticated adult offenders.
- Providing individualized, evidence-based, and promising interventions, as well as education, vocational, and employment opportunities.

- Promoting the development of pro-social attitudes, values, and beliefs leading to more pro-social behaviors.
- Providing the opportunity to learn and reinforce a variety of skills such as problem solving, self-regulation, coping skills, and behavior management.
- Fostering the development of healthy interpersonal relationships.
- Preparing for family reunification and transition to the community.
- Reducing the risk to recidivate.

To accomplish the objectives, the program will consist of eight components that include an initial assessment period, treatment interventions, individualized counseling, education and career technical training, enriching experiences, family involvement, behavior management, case management, and re-entry planning.

PROGRAM STRUCTURE

Placement Criteria

Upon transfer from juvenile to superior court, the juvenile probation will forward to the Division an informational packet for all young adult males who allegedly committed an offense before the age of 18 and the offense is listed in Welfare and Institutions Code Section 707(b). These cases will be screened on a case-by-case basis for preliminary acceptance into the program.

Upon completion of adult court action, the cases that were preliminarily accepted shall be forwarded to the Division for final acceptance. The final acceptance decision will be made on a case-by-case basis.

Offenders referred to the Division, pursuant to Welfare and Institutions Code Section 1731.7, may be accepted for the program if they meet the following criteria:

- The offender was age 18-21 when sentenced.
- The sentence imposed results in an earliest release date prior to the offender's 25th birthday.
- When determining an earliest release date, program credit earnings for projected Good Conduct Credit, Milestone Completion Credits and Rehabilitative Achievement Credits may be applied.
- The offender has the ability to materially benefit from rehabilitative programming.
- Adequate facilities, treatment services, and staff are available to provide required care.
- Release dates will be re-assessed annually to determine continued age eligibility.

The Division's Director may order a youth in the program to the California Department of Corrections and Rehabilitation, Division of Adult Institutions if the youth:

- Fails to participate in rehabilitative opportunities as directed, including treatment interventions, academic education, career technical education, or employment.
- Engages in behavior that jeopardizes the safety and security of others or the facility.
- Exhibits mental health or medical issues requiring a level of care exceeding that which can be provided in the program.

Staffing

Each living unit will be staffed with a treatment team consisting of a Supervising Casework Specialist or Treatment Team Supervisor, Clinical Psychologist, Parole Agent I, Casework Specialist, Senior Youth Correctional Counselor, Youth Correctional Officers, and Youth Correctional Counselors.

PROGRAM COMPONENTS

Initial Assessments

Each youth will complete an initial assessment process upon entrance into O. H. Close Youth Correctional Facility. The process will include screenings and assessments by medical, dental, mental health, and education staff. One of the primary assessments to be completed is the California Youth Assessment Screening Instrument (CA-YASI). This instrument will assess the youth's criminogenic risks, needs, and strengths. An Initial Case Plan will be developed for each youth utilizing the assessment results.

Upon completion of the initial assessment period, the youth will participate in an Initial Case Conference facilitated by the Supervising Casework Specialist or Treatment Team Supervisor, during which the current treatment needs will be confirmed and the initial case plan reviewed.

Treatment Interventions

Youth will participate in treatment interventions that rely upon a cognitive behavioral treatment approach. Interventions will focus on pro-social attitudes, thinking skills, and positive peer relationships; skill-building activities to assist with cognitive, social, emotional, and coping skills development; consideration of other people's perspectives and rights; and skills to control anger and aggression.

Individualized Counseling

Staff will work with youth to establish their individualized pro-social behavioral goals with action steps to achieve those goals.

Education and Career Technical Training

Youth who have not obtained a high school diploma or high school equivalency exam certificate will receive education and vocational training in the facility's main school. Youth will have the opportunity to earn one or more of the following: high school diploma; high school equivalency exam certificate; career technical education certificate; and college credits.

Enriching Experiences

Youth will have the opportunity to learn job skills through work experience in volunteer and paid positions within the facility. Additionally, youth will participate in extra-curricular activities led by staff and community volunteers, such as art programs, team sports, special event assemblies, support groups, and fund raising events.

Family Involvement

When approved by the facility and youth, families will have the opportunity to engage in weekly visitation and other family activities. Families may also be actively involved in treatment and case planning through the case conference process and through the Individual Education Planning meetings.

Behavior Management

The program will utilize a comprehensive behavior management system designed to motivate and reinforce targeted, pro-social behaviors and discourage anti-social behaviors.

Case Management

A youth's progress will be regularly reviewed and assessed by the treatment team through the case conference process. Through collaboration with the youth, the youth's family or support system, and the treatment team, the youth's case plan will be monitored and revised to encourage a positive lifestyle and reduce the likelihood of further delinquent behavior.

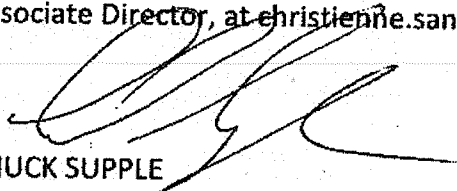
Re-entry Planning

The facility Re-entry Coordinator will provide services and work with the youth on transition planning. The Division's standardized re-entry process ensures every youth leaving the Division has a plan that connects the youth to resources and opportunities in the community, thereby helping the youth to maintain a lower risk to recidivate and to pursue positive life goals.

RESEARCH AND EVALUATION

The Division shall monitor implementation of the program. The Division shall also contract with an independent university or outside research organization to evaluate the effectiveness of the program. At a minimum, the evaluation will include cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity.

If you have any questions regarding this program, please contact Christienne Sanders, Associate Director, at christienne.sanders@cdcr.ca.gov.



CHUCK SUPPLE

Director

Division of Juvenile Justice

NOTE: Authority: Section 5058.1, Penal Code and Section 1712 and 1731.7, Welfare and Institutions Code. Reference: Section 1731.7, Welfare and Institutions Code