



*Building bridges to prevent incarceration*

## **Juvenile Justice Workgroup**

Friday, February 11, 2022

1:00 PM – 3:00 PM

Zoom Webinar

**Workgroup Purpose:** To provide an update on CCJBH's Juvenile Justice Compendium and Toolkit Request for Proposal (RFP) and learn about the Office of Youth and Community Restoration's (OYCR) process, including background, organizational structure and the vision for the future.

### **Councilmember Advisors:**

Mack Jenkins, *Chief Probation Officer, Ret. San Diego County*

Danitza Pantoja, Psy. D., *Coordinator of Psychological Services, Antelope Valley Union High School District*

### **CCJBH Staff:**

Brenda Grealish, *Executive Officer, Council on Criminal Justice and Behavioral Health*,  
Monica Campos, Elizabeth Vice, Catherine Hickinbotham, Paige Hoffman, and Emily Grichuhin

### **I. Welcome & Introductions:**

Ms. Grealish welcomed participants and reviewed the agenda.

### **II. Juvenile Justice Compendium and Toolkit Update**

CCJBH's Juvenile Justice Compendium and Toolkit Request for Proposal was initially posted on October 14, 2021, and closed on November 18, 2021. No bids were received during the first procurement due to insufficient time to complete the application. The RFP was reposted on December 9, 2021, for a second round of bidding and closed on February, 4, 2022. CCJBH is now working to review and score the submitted bids. CCJBH and the OYCR will be working closely with the selected contractor throughout the duration of the contract to identify areas for collaboration.

### **Q&A with Councilmember Advisors**

**Q:** Chief Jenkins shared that he was disappointed and surprised there were no bidders for the first round, but is hopeful there were respondents this round.

**A:** Ms. Grealish stated CCJBH did receive proposals for this round of bidding.

**Q:** Chief Jenkins stated the field of juvenile justice is important and there is a lot happening in the State around juvenile justice. There is research and evidence around how to work with youth who enter the system at different levels and it is the objective of the compendium and toolkit to empower jurisdictions to take advantage of the research and evidence-based practices to better serve those youth.

**Q:** Dr. Pantoja thanked the CCJBH team for the work that went into the RFP and stated she is excited to hear who was selected. She stated the contract will be great for system partners and the state of California when working with youth.

**A:** Ms. Grealish thanked the Councilmember Advisors for their feedback and input in establishing the vision for the contract, as well as their assistance in developing it. CCJBH is excited to be making connections with Director Lucero and the OYCR so that the work done through the contract can serve as a useful resource as they move forward with strengthening the services and systems for our most vulnerable youth.

**\*\*\*PUBLIC COMMENT\*\*\***

**Q:** A participant asked what the expected timeframe of the review and Notice of Award for the contract is.

**A:** Ms. Grichuhin stated CCJBH will be conducting the review in the next few weeks and the estimated contract award date is March 21, 2022.

### **III. Office of Youth and Community Restoration**

Katherine Lucero, *Executive Director, OYCR*

Director Lucero gave background information on herself. After law school she began working as an attorney in Santa Clara County and was a Commissioner in the Child Welfare Courts. She was appointed to the bench by Governor Gray Davis in 2001 and focused on families in crisis in the Child Welfare Family Court and juvenile justice. She retired on January 14, 2022, as the presiding Judge of the juvenile division. She has a passion for systems change and having systems meet the needs of people rather than expecting people to meet the needs of the system. She implemented a human-centered design to assist families, who were involved in multiple court systems or governmental organizations, manage the demands from multiple judges and case managers. She started a Family Wellness Court in the Child Welfare Court for children ages zero to five to address the “positive-talks” baby phenomenon of 2006. She started a Teen Court to address the unique needs of teenagers. She started an Individualized Treatment of Adolescents Court for children who had dual diagnoses of substance use disorder (SUD) and mental health disorders, which sought to individualize the approach for them in the Juvenile Justice Court with a goal of having children at home, out of trouble, and in schools, with a warm handoff to the community to address their behavioral health needs in the correct system. The role of the juvenile justice system is to hold youth accountable and work in the best interest of the youth and community safety, but many of the youth in the juvenile justice system have behavioral health needs that are not squarely addressed in the juvenile justice system. She is excited to join OYCR and that it is designated under the California Health and Human Services Agency (CalHHS), which allows for the whole child and family to be addressed and to identify the root causes that may have drawn the child into law violations resulting in system involvement. She noted the overlap in the Child Welfare and Juvenile Justice Courts

and that the same kids and families were treated differently depending on the court they were in. Alisa Hartz, Counsel for OYCR, has experience working for the Governor and prior to that was an attorney with a nonprofit that ensured certain health care rights to children.

OYCR was created by Senate Bill (SB) 823, which closed the Division of Juvenile Justice (DJJ) and realigned the youth to their counties. SB 823 aims to “improve the outcomes of youth and public safety, reduce the transfer of youth into the adult criminal justice system, ensure that dispositions are in the least restrictive appropriate environment, reduce and then eliminate racial and ethnic disparities, and reduce the use of confinement in the juvenile justice system by utilizing community-based responses and interventions.” OYCR’s mission is “to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths’ successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.” (WIC 2200(b)) The mission is broad and deep because youth come with different parts of themselves and their families. An individualized response is needed as to not miss an opportunity to be part of the healing process so that the youth is not forever destined to be defined by their worst decision or moment. The mission is to help communities and families recognize that youthful offenses don’t define the youth’s character at adolescence, specifically ages 14 to 25, is a critical time in the life course to divert youth into systems and narrow the school to prison pipeline and the sexual assault to prison pipeline. OYCR’s mission is to become the voice and experts on a state-level to assist counties with this complicated work.

OYCR mandates are as follows:

- Best practices: “Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.” (WIC 2200(c)(2)) and “Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims’ services.” (WIC 2200(c)(2))
- County support: Director Lucero stated OYCR wants to be seen as supportive rather than critical or judgmental and hopes to form a partnership and relationship with counties. She hopes to have regional staff to ensure the OYCR has people from each area advising the counties and that they are aware of the jurisdictional characteristics of the counties they oversee. OYCR will 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 offenders, substance abuse, and mental health treatment.” (WIC 2200(c)(4))
- Data, research, reporting: Director Lucero stated data collection mandates are often not as robust as they could be with probation youth, particularly with educational outcomes. Data collection is not required for probation youth graduation rates. OYCR plans to examine the data needed to support youth

outcomes in the juvenile justice system, as well as other existing reports, to develop a report based on the updated Juvenile Court and Probation Statistical System (JCPSS) (WIC 2200(c)(1)) and “evaluate the efficacy of local programs being utilized for realigned youth” to provide a report to the Governor and Legislature by July 1, 2025 (WIC 2200(e)). OYCR plans to hire policy and data research staff to undertake the report.

- Ombudsman unit: The ombudsman shall, “(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.” (WIC 2200(c)(5))
- Concurrence with the Board of State and Community Corrections (BSCC) on grants: “Juvenile grants shall not be awarded by BSCC without the concurrence of the office” and “all juvenile justice grant administration functions in BSCC shall be moved to the office no later than January 1, 2025.” (WIC 2200(f))
- Concurrence with BSCC on facility standard regulations: Director Lucero stated she plans to sit at the table where these regulations are being modified. “BSCC shall by July 1, 2023, review existing juvenile facility standards and modify or add standards for the establishment, design, security, programming and education, and staffing of any facility that is utilized or accessed by the court as a secure youth treatment facility under the provisions of this section” and “the standards shall be developed by the board with the coordination and concurrence of the OYCR established by Section 2200.” (WIC 875(g)(3)) The structure is going from the centralized DJJ to local Secure Youth Treatment Facilities (SYTF). There are currently 17 counties that don’t have their own facility and will have regional agreements to provide close-to-home alternatives to incarceration in the adult system. The goal is not to widen the net and to prevent any future thinking that the youth need to go to state prison since the DJJ is closed. OYCR will ensure the local SYTFs are robust, centered on community safety, and designed for longer-term stay. County facilities were built for detention, not necessarily rehabilitation. Some counties have both, but many are turning their detention facilities into longer-term facilities. The County Plans have innovative programs that are based in research and data on the importance of trauma-informed and therapeutic settings for youth.
- County realignment plans: To be eligible for the Juvenile Justice Realignment Block Grant, a county must develop a plan that includes:
  - Demographics of the target population (e.g., DJJ youth and all 707b violent felony offenses for youth) to examine the programming, services, and facilities that can serve them and keep them from penetrating deeper into the justice system.

- Programs relating to mental health, sex offender treatment, trauma needs, family engagement, healthy adolescent development, reentry, culturally responsive programs, etc. (WIC 1995(c)) to maximize the therapeutic environment for youth while they are away from their families and communities to emerge as whole and healed as possible.
- A description of how the plan will keep youth in the juvenile system (WIC 1995(c)(5)). Counties are analyzing research and collaborating with stakeholders to keep youth home, in their communities, and in the juvenile justice system when possible.
- A description of data collection and outcome measures.
- Review of county plans: “The OYCR shall review the plan to ensure that the plan contains all the elements described in this section and may return the plan to the county for revisions as necessary prior to final acceptance of the plan.” (WIC 1995(f)) The counties had to prepare the plans fairly quickly and form a new committee that complied with the Brown Act for public and transparent meetings. All plans were received on time and each question was significantly answered. OYCR has had good discussion with the Chief Probation Officers of California (CPOC) and community youth advocates. In the future, OYCR plans to have technical assistance office hours to assist counties with their plans, as needed, so they comply with the requirements of the statute. The plans are designed to make sure youth have access to justice in every domain, not just at their court date. OYCR also plans to offer technical support to counties that meet their individualized needs and provide regional support to best serve the families and youth.

The OYCR has been given 34 positions and are envisioning a strong leadership team comprised of subject matter experts who have a deep understanding of education for probation youth; the “school push-out” phenomena for foster youth; foster and probation; youth with Individualized Education Plans or 504 plans, and educational rights holders to offer technical assistance to counties. The OYCR will hire a behavioral health clinician or medical doctor with an understanding of trauma to ensure policies are considering how to best help youth and communities heal from the underlying events that resulted in justice-involvement for the youth. The OYCR plans to analyze the evidence-based practices around youth juvenile detention alternatives, the differences between girl and boy offenders, and how to best address the unique needs of youth with special needs to facilitate healing. The OYCR will hire a Chief Policy Research Officer who will work with counties individually to gather the data necessary to produce the final report; a Chief Policy Officer who will specialize in juvenile detention alternatives, the unique needs girls and gender-non-conforming youth, and the school to prison pipeline; staff with restorative justice expertise; staff dedicated to connecting to victims and victim advocates; an ombudsman; regional staff; and county liaisons. Thus far, positions have been posted for the Deputy Director, the Assistant to Director, and the County Coordination Unit. There has been an abundance of interest in the office with applicants who are passionate about the work.



Director Lucero gave an overview of OYCR's partnerships:

- Cross-agency initiatives participation: Director Lucero is on the Judicial Council SYTF Offense-Based Classification Working Group where they are creating a Title 15 commitment matrix to determine the youth's commitment until their first hearing with a judge. Ms. Hartz is on the Department of Justice, JCPSS Replacement System Working Group. OYCR will be reconstituting the OYCR Subcommittee within the Child Welfare Council and are in the process of determining people's needs. OYCR is interfacing with the Center for Data Insights and Innovation to leverage their information around adolescent behavioral health needs and other pertinent juvenile justice research. OYCR will be working with the Children and Youth Behavioral Health Initiative to address the significant behavioral health conditions and trauma youth face and understand how it affects their lives.
- State partner engagement: Director Lucero plans to continue her partnership with the Juvenile Court Judges of California to lend their expertise and knowledge on how to achieve the best outcomes for our State and community. The OYCR has a continued partnership with BSCC. Director Lucero has met with the DJJ Director to ensure the realignment is rolled out in the best way possible and to examine complexities. The OYCR has partnered with the Department of Social Services given the shared population to address the life course continuum. The OYCR will also continue to partner with CCJBH.
- Local and community partner and stakeholder engagement: The OYCR has been partnering, sharing and interfacing with CPOC. Director Lucero has a plan to stay in communication with district attorneys since they will be doing the transfer hearings. She hopes the OYCR will be able to make sure people are heard and discuss necessary infrastructure so the district attorneys feel confident and communities feel safe in the healing and transformation of youth. The OYCR will also partner with public defenders, victim services, and youth advocates (e.g., Human Rights Watch, Children's Defense Court, California Alliance – Youth and Community Justice, Youth Law Center, etc.).

### **Q&A with Councilmember Advisors**

**Q:** Chief Jenkins thanked Director Lucero for the comprehensive presentation and stated he is pleased to hear OYCR has engaged with CPOC. Chief Jenkins suggested OYCR look at [CCJBH's 20<sup>th</sup> Annual Legislative Report](#), specifically the programs and concepts outlined in the juvenile justice recommendations to better serve the justice system. The State has passed legislation to facilitate the integration, cooperation, and collaboration between the delinquency and dependency systems. When Chief Jenkins was a chief in San Diego County they were employing the Crossover Youth Model and he had working relationships with the Child Welfare Directors. The chronic users of the system are almost always crossover youth and have extensive trauma backgrounds. Current research discusses the importance of recognizing and focusing on a family unit rather than

just the child. Chief Jenkins noted the similarities between OYCR's mission and the original mission of the juvenile court when it was conceived in this country, particularly in the Welfare and Institutions Code language that determines the purpose of the OYCR. Chief Jenkins said he is a defender of probation and that the system has received criticism for being more punitive than necessary in serving youth, but that was part of a transition and evolution period. Probation has always had a restorative approach and mission to youth entering the system, but the ability to employ it has varied. Chief Jenkins stated he was pleased to hear Director Lucero discuss the importance of not forgetting the experience of crime victims because that does get pushed aside. It will be important for the OYCR to have a restorative justice approach that includes victim offender mediation when improving the system for youth and families. Chief Jenkins stated he appreciated that Director Lucero's understanding of the quick timeframe for counties to develop their realignment plans because it isn't easy and almost always involved a readjustment of the plans. Sometimes the process can solidify collaborations that already exist and sometimes it can fracture them. He appreciates that the OYCR will support the counties in the development of future plans and allow for re-evaluation or readjustment of the plans as necessary.

- Q:** Dr. Pantoja admired all the work the OYCR has done since January and the partnerships they are working towards. The technical assistance offered by the OYCR, especially for smaller counties, will be beneficial. The California Department of Education has identified the special populations that school districts should be tracking and providing additional support to, and Dr. Pantoja hopes juvenile justice youth can be added as a special population. She requested that the OYCR work to get the juvenile justice youth added as a special population because it will help with gathering data that is crucially need. Some of the justice-involved youth are also foster youth or students with special needs, so they do cross multiple special populations, but it would be beneficial to have juvenile justice youth as its own special population. Dr. Pantoja stated the OYCR will promote consistency and equity across counties and ensure all youth are getting the support and resources they deserve and need.
- Q:** Chief Jenkins added that one of the challenges with justice-involved youth is reengaging them in their local school districts because often times the school districts don't want them. It is a struggle to try to get them back productively and successfully into local school districts.
- A:** Director Lucero stated there are recent tools, such as memorandums of understanding (MOUs) that counties can have with school districts to dually enroll youth in both the court school and homeschool for 30 days so they don't have to transfer schools on the books. Many counties don't have those MOUs yet, so the OYCR will be able to offer technical assistance to help them. Director Lucero stated the OYCR plans to partner with child welfare, behavioral health, county offices of education, immigration, and homeless systems to effectively address the whole child. The responsibility could be put solely on probation, and they would rise to the

occasion, but that is not the most efficient path. These systems often work in silos and are not able to share information because of privacy limitations. Director Lucero stated she is not a believer in limitations and knows others who feel similarly in CalHHS, so she hopes to find a way to work together. The goal is not to overburden probation, but to offer technical assistance to system partners to best serve the child.

**A:** Ms. Grealish stated California Innovating and Advancing Medi-Cal (CalAIM), the California Department of Social Services, and the County Behavioral Health Directors Association of California and their provider associations are potential partners to move health and behavioral health care closer to the justice system. CalAIM is doing this with the 90-day in-reach proposal that the Department of Health Care Services (DHCS) is working to get approved with the Centers for Medicare and Medicaid Services. CPOC and DHCS are currently having conversations about how CalAIM 90-day in-reach can assist with the transition back to the community, and how Enhanced Care Management and Community Supports may be beneficial. Also, the California Interagency Council on Homelessness will be having a Justice-Involved Workgroup starting in Fiscal Year 2022-23, as well as a Children and Youth Workgroup.

**\*\*\*PUBLIC COMMENT\*\*\***

**Q:** A participant stated Amity Foundation recently began services at the last three DJJ locations. Amity has successfully activated services at O.H. Close Youth Correctional Facility and N.A. Chaderjian Youth Correction Facility, and will begin services at Ventura Youth Correction Facility effective March 1, 2022. Amity provides evidence-based curriculum to participants and will be providing services until June 30, 2023, or until the closure of DJJ. The participant stated he has been doing this work for many years with both the adult and juvenile justice population and offered his support, as well as the support of Doug Bond, Amity CEO.

**Q:** A participant stated the planning for CalAIM is very smart and well done, but we need to do what is put in the statute and care less about the feelings of the counties and more about the system users and families. By the time system users are asked for input, the program is already 95 percent implemented for most programs in California. As CalAIM is being implemented, hiccups are appearing, especially at the pharmacy benefit meetings. For OYCR, who is collaborating? Are there successful models we can emulate? What counties work well together across silos?

**A:** Director Lucero stated Santa Clara County did a lot of important collaborative work that resulted in “real help for real people.” In 2016, Santa Clara County closed their Truancy Court, which had been in existence for 40 years, because it was an overly punitive approach to truancy. Youth and families were fined thousands of dollars and youth’s drivers licenses were taken away when the reason for the youth being truant was not fully understood. It was also an equity issue because some students were able to take month-long vacations with their families while others were deemed truant after missing three days of school. When the Truancy Court closed in 2016, all



the outstanding fees and fines were forgiven and driver's licenses were restored. Truancy is now viewed as a behavioral health issue, not a law enforcement issue, which took the collaboration of the district attorney, probation, schools, judges, and behavioral health. Research found that 30 to 60 percent of kids who were truant also had open behavioral health or mental health cases. Truancy is now called a school climate or chronic absenteeism issue and aims to place kids in the best school for them instead of ordering them to go somewhere they are not comfortable or unsafe. Santa Clara County also partnered with the Vera Institute to end the incarceration of girls and gender-non-conforming youth. It was found that they are usually low-to-moderate risk and don't need custodial intervention, but it was difficult to navigate where they should go when they couldn't go back to their families or if their foster home was no longer available. The solution was to develop alternatives to incarceration by building short term residential placement (STRP) for girls and gender-non-conforming youth who can't go back home. STRPs are designed to be a safe place to wait for permanent placement. The program was started three years ago when there were between 15 and 20 girls and gender-non-conforming youth in custody, and when Director Lucero left Santa Clara County in January 2022, there were zero in custody. The program was successful because of collaboration with behavioral health, child welfare, probation, district attorney, and defense. Although those are only two smaller examples, Director Lucero hopes those models can be shared with other counties and jurisdictions as a lesson on how to effectively break down silos and how to make a positive difference.

- A:** Ms. Grealish stated there was [interagency collaboration mandated](#) a few years ago with AB 2083 that required counties to establish MOUs on how they would collaborate to serve foster youth.
- A:** Director Lucero stated information on the education work done by Santa Clara County can be found on the National Center for Youth Law website, under the [JusticeED program](#). The work with girls can be found on the Vera Institute of Justice website, under the [Initiative to End Girls' Incarceration program](#).
- Q:** A participant stated in regards to how a patient will be addressed and screened based off Medi-Cal and SB 428, will OYCR implement trauma screening in the manner described by SB 428 from the Surgeon General? Would the OYCR be open to entertaining a justice-involved screening tool for youth pre- and post-incarceration? This screening would help to rectify problems up front, as well as identify problems when the youth leaves.
- A:** Director Lucero stated the assessment will be left to the counties and the OYCR will not regulate that. The role of the OYCR is to ensure that assessments are evidence-based and the staff that will be hired, such as the Chief Policy Officer, the Education Policy Specialist, and the clinician, will provide the best evidence-based and trauma-informed programming to counties as stated in the OYCR's vision. She agreed with that participant's statement that pre- and post-assessments are important. It is important to remember that these youth are over assessed, over interviewed, and

over diagnosed. Santa Clara County is re-examining how many assessments are necessary and how many times a youth needs to tell their story.

**Q:** The participant asked how long it took Santa Clara County to learn the lessons from the Truancy Court and update the policy. We should move forward with adaptive-practices instead of best-practices. Adaptive-practices are things learned today and yesterday that will work tomorrow. It shouldn't take six months or a year to implement policy change for our youth.

**A:** Director Lucero stated the decision to close the Truancy Court was based on a lot of information about the inequity of the truancy statements that helped to inform herself and stakeholders in their decision. The implications of closing the Truancy Court and to not penalize truants was not specifically studied by Santa Clara County, but there are likely other people who have done that research. Santa Clara County wanted to treat youth differently and believed there would be better outcomes for families and youth if their fines were relieved so that they did not emerge adults with huge truancy fines.

**Q:** The participant stated in regards to equity, data shows more children of color and minority children are prone to be victims of violence and they act out in violence as a result. This precludes the child from about 80 percent of programs that other children have the ability to access because, oftentimes, violent children don't qualify for programs. At one point the child was the victim and either public safety or the county failed the child, so we need to hold each other accountable and give the child equitable access to programs. Will exclusionary factors from programs because a child's actions be removed?

**A:** Director Lucero said that is seen on school campuses when students get suspended or expelled. There are also "collateral consequences" when a youth has a sustained petition for a crime that gets dismissed, but there isn't a record sealing opportunity. There could be barriers to joining the military or college. There is an emphasis in juvenile courts to seal records whenever possible and Santa Clara County has a robust protocol with the district attorney to determine particular offenses that might have consequences on immigration pathways to citizenship.

**A:** Ms. Grealish stated [California's ACEs Aware Initiative](#) and Medi-Cal Managed Care Plans are building out trauma screening in primary care to bring probation and primary care together. Primary care Medi-Cal Managed Care Plans are new in the justice-involved space for youth and adults and bringing trauma screening is critical. There is a lot of opportunity to do so with CalAIM Initiatives and ACEs Aware.

#### **IV. Announcements / Next Steps**

The [Diversion/Reentry Workgroup](#) will be held Friday, March 4, 2022, from 1:00 – 3:00 PM and feature a presentation from the Riverside County Whole Person Care Pilot Program. The [Housing Recommendations Implementation Webinar 3: Common Practices for Connecting to and Using Housing as a Strategy for Diversion & Reentry](#)



*Building bridges to prevent incarceration*

will be held Thursday, February 24, 2022, from 12:00 – 1:30 PM. The next [CCJBH Full Council Meeting](#) will be Friday, April 29, 2022, from 2:00 – 4:30 PM and feature a presentation from Sacramento's Substance Use Respite and Engagement Program.

**V. Adjourn**