

## CCJBH Juvenile Justice Workgroup

Friday, February 10<sup>th</sup>, 2023

12:45 PM - 2:45 PM

Zoom Meeting

**Workgroup Purpose:** The CCJBH team provided an update on the Juvenile Justice Compendium and Toolkit contract with the RAND Corporation and an overview of the 2022 Annual Legislative Report findings and recommendations related to the juvenile justice system in California. RYSE, a community-based organization in Contra Costa County, presented on their successful youth restorative justice diversion program, RESTOR.

### **Councilmember Advisors:**

Mack Jenkins, *Chief Probation Officer, Retired, San Diego County*

### **CCJBH Staff:**

Staff Members Present: Brenda Grealish, Executive Officer, *Council on Criminal Justice and Behavioral Health (CCJBH)*, Elizabeth Vice, Kamilah Holloway, Jessica Camacho Duran, Catherine Hickinbotham, Emily Grichuhin, and Daria Quintero

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

Ms. Grealish welcomed participants to the meeting and gave an overview of the agenda.

### **II. CCJBH Juvenile Justice Compendium and Toolkit Contract**

Emily Grichuhin, *Associate Governmental Program Analyst, CCJBH*

CCJBH provided continuous updates on the status of the RAND Juvenile Justice Compendium and Toolkit contract at each workgroups meeting. A Lived Experience Community Advisory Board (CAB) and System Representative CAB met in February to provide input on the compendium draft. Thus far, RAND has conducted a literature search that initially included about 6,000 sources, but was narrowed down to about 1,000 articles that were assessed for inclusion. RAND is now working on the compendium summary, which takes the articles examined in the literature search and organizes them by program to create the compendium that they will be submitting to CCJBH. The compendium is going to be searchable by program criteria and is intended for use by the justice system partners to identify best practices that meet the needs of the realigned youth population.

### **Councilmember Discussion**

**Q:** Chief Jenkins stated that there is a body of research that shows that the programs in the toolkit are tied to a level of fidelity. Is the Positive Youth Justice Model included in the toolkit?

**A:** Ms. Grichuhin stated that RAND is familiar with the Positive Youth Justice Model and it will likely be included in the compendium. Program fidelity will be addressed in the Implementation Toolkit.

**Q:** Chief Jenkins asked if articles or programs regarding dual status types of approaches for kids that might touch the justice system are included in the literature review?

**A:** Ms. Grichuhin stated that is it possible that it will be included. The Office of Youth and Community Restoration (OYCR) attends the monthly check-in meetings with RAND, and they are cognizant of the unique needs of crossover youth.

### **\*\*\*Public Comment\*\*\***

No public comment was provided.

### **III. 2022 Draft Annual Legislative Report Recommendations**

Emily Grichuhin, *Associate Governmental Program Analyst, CCJBH*

The juvenile justice recommendations for the 2022 Draft Annual Legislative Report were formulated using information gathered from CCJBH staff research, workgroup presentations, and discussions. CCJBH staff also examined current budget investments to make recommendations on how at-risk and justice-involved youth may benefit. The comprehensive findings and recommendations document, which will ultimately be transferred into the full annual legislative report, can be found on the [CCJBH website](#). The summary of the Juvenile Justice Recommendations has been categorized in three sections: targeted efforts should be made to ensure that at-risk and justice-involved youth benefit from recent state investments in children and youth behavioral health; optimizing educational success for at-risk and justice-involved youth; and additional recommendations for serving at-risk and justice-involved children and youth.

Recommendations on State investments include:

- Coordination between state and local entities to ensure the unique and complex needs of at-risk and justice-involved youth are considered and addressed when planning and implementing efforts using recent California funding investments, including:
  - Children and Youth Behavioral Health Initiative
  - Department of Health Care Services (DHCS) Student Behavioral Health Incentive Program

- Mental Health Services Oversight and Accountability Commission Mental Health Student Services Act
- California Advancing and Innovating Medi-Cal
- State entities that serve the at-risk and justice-involved population should coordinate with system experts (e.g., OYCR, Board of State and Community Corrections, local probation (Chief Probation Officers of California and individual County Probation Offices) and juvenile courts) to leverage their expertise and stakeholder networks.
- The Search Institutes' [Developmental Assets Framework](#) could be leveraged by state partners as a resource to consider in the development of new youth-focused initiatives, particularly to promote upstream prevention.

Recommendations on optimizing educational success include:

- To effectively changing educational culture, individuals working with justice-involved youth should participate in training(s) designed to adjust the currently accepted mental model and transition to a model that identifies adolescent behavior as normal and responds appropriately to each the expected behavior rather than default to unfair zero tolerance policies.
- School staff could consider using coordinated screening tools/processes to identify signs of early academic/social emotional challenges and promote early assessment and intervention to prevent justice-involvement.
- For youth who are incarcerated in juvenile facilities, best practices that build on existing laws should be employed to facilitate re-enrollment back into their school district, productively and meaningfully engaging students and their families or caregivers in their education.
- Statutory changes could be considered to promote an aligned response in behaviors that reduce discrepancies in subjective judgement and facilitates a system that supports youth people and responds appropriately to adolescent behaviors.
- The California Department of Education could provide guidance and or technical assistance to inform system partners that justice-involved youth are included under the Perkins V special populations and therefore could be serviced using California's grant funding from the [U.S. Department of Education's Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act \(Perkins V\)](#) mandate.
- County Probation Departments could consider establishing partnerships with legal services organizations to ensure a timely and smooth transition to the youth's home school district following release from an institutional setting.
- The California Education Code 48647 could be amended to outline the explicit steps required for a comprehensive school reentry plan.

Additional recommendation for serving at-risk and justice-involved children and youth include:

- California agencies that serve at-risk and justice-involved youth should, where feasible, incorporate a restorative justice approach that includes victim-offender mediation.
- Effective data sharing is necessary for cross-system collaboration and should be facilitated through Memorandums of Understanding or data sharing agreements.
- Data on justice-involved youth who are not involved in the child welfare system should be reported to the California Department of Education's data repository, [DataQuest](#), and the population Reference Bureau's data Repository, [KidsData](#).

### **Councilmember Discussion**

**Q:** Chief Jenkins stated that children who penetrate deeply into the criminal justice system usually have touched the child welfare system. Effective data sharing is very critical. He emphasized that each Chief Probation Officer should consider establishing partnerships with legal service organizations. It is important to detect early signs of academic and social challenges. It is critical because when assessments are done and issues are identified, youth need to be connected to appropriate service providers who can effectively intervene. The ability to effectively identify the issue is only half of the intervention, they need to be connected to the appropriate level of services. Furthermore, when we focus on prevention, it is important to look at where the referrals come from for youth in the justice system. They tend to come from law enforcement and academic contacts. If we find where the referrals come from, we can gather more information on indicators and focus on preventative efforts.

### **Public Comment**

**Q:** A participant stated that she is a newly appointed member of the Sacramento County Mental Health Board and a member of the Children's System of Care Committee. She is interested in moving towards prevention and the trajectory of addressing issues at the school before things become a juvenile justice issue. She appreciates the information presented and the transparency of having this information easily accessed on the website.

**A:** Chief Jenkins stated that prevention often comes up in conversations about juvenile justice and the collaboration with schools is often discussed. When focusing on prevention, it is necessary to look at where referrals have come from to the justice system. A certain percentage come from law enforcement, some from academic contact, and some from other places. Probation would have the ability to note where each referral they receive came from. Referrals give a place to look for earlier prevention because they pinpoint where the child needed services. Research shows what factors may lead to a child's trajectory into the juvenile justice system, so the earlier they are able to be identified and responded to, the more likely prevention and intervention will divert them from the justice system. Schools are an area where early intervention can take place and contribute to prevention efforts.

- A:** Ms. Grealish stated there is a large investment in the school behavioral health space right now and we want to make sure justice system partners are involved in the conversations to maximize the investment.
- Q:** A participant stated that opportunities for youth are based on the level of violence related to their crime and it creates an exclusionary factor for children that are most violent. Are these programs open to all children that have social and emotional and academic needs no matter their crime? The children that need the most have the highest level of crimes, but the programs are designed such that the most violent child cannot access the best level of care because they aren't designed for high-risk individuals, and there are also exclusionary criteria for violent children.
- A:** Chief Jenkins stated that speaks directly to the efficacy of any assessment tool and whether it will appropriately determine the services needed for those kids who are charged with the most violent crimes. There are tools that are designed to do both those things, but the key is a comprehensive review of the process. You have to make sure that after any assessment, at any level, and any point in the process that you assess and determine how to intervene. So, if there is an assessment that identified 20 percent of these youth who have more violent offenses, there needs to be an effort to have interventions designed to effectively meet the needs of those kids. The offenses by which any youth is charged is not the best indicator of the youth's needs. The charge is another piece of information in the comprehensive assessment, and it shouldn't be prescriptive as to the type of intervention that the child receives. Multiple system partners (e.g., juvenile justice, probation, behavioral health, education) need to be included in the assessment to determine the best approach.
- A:** Ms. Grealish stated that CCJBH can change the recommendation so that youth are being screened and assessed, but then referred over to the appropriate level of care. It could be appropriate to exclude youth from certain programs that are not appropriate for them, but you want to make sure that there's a robust continuum of programming available to make sure that they don't get excluded and that they are put into an appropriate program that will meet their needs.
- Q:** The participant stated it is challenging to comprehend between a trauma-aware or trauma-informed lens. Is there a carceral trauma tool or is one being worked on?
- A:** Chief Jenkins stated ACEs doesn't measure carceral trauma and specific trauma does take place in the system that isn't measured through ACEs. Those areas effect the outcomes of the children and are not addressed the way the system is designed.



#### **IV. RYSE R.E.S.T.O.R Program**

Stephanie Thibodeaux Medley, JD, *Youth Justice Director, RYSE*  
Chantille Tran, *Restorative Practices Associate*  
Brianna Urrutia, *Restorative Practices Associate*

RYSE was rooted from Black, Indigenous, Youth of Color (BIYOC) and created to change conditions in Richmond and beyond through their youth. It opened in Fall 2008. The program understood creative expression and relationships as key strategies and values for cultivating atmospheric healing. RYSE was created to address acute and structural violence and allows for young people to be a part of decision-making and development of access to community resources. It is a space that allows youth to express themselves. RYSE creates safe spaces grounded in social justice that build youth power for people to love, learn, educate, heal and transform their lives and the community. RYSE is not just a center; it is a home and beloved community. RYSE includes five departments: Health Justice, Media Arts and Culture, Youth Power Building, Youth Justice, and Education and Economic Justice. These departments focus on what youth want for their development and what they feel like they need to achieve their personal and professional development goals.

The R.E.S.T.O.R. (which stands for, repairing harm, elevating voices, supporting communities, transforming lives, opening minds and restoring justice) program looks at utilizing alternatives to incarceration and specifically using restorative practices and diversion is a solution. The program is a pre-charge and pre-filing diversion program. The program started in 2020, and has provided evidence that diversion does work. In Contra Costa County, black youth were incarcerated at four times the rate of white youth who were arrested for similar crimes. It was also found that it costs about \$10,000 per case for the restorative justice diversion program as opposed to \$222,000 it costs to incarcerate youth. In a similar program in Alameda County, a diversion program found that 44 percent of youth that participate in their restorative justice diversion program are less likely to recidivate, and over 90 percent of the survivors served by the program found that the program was beneficial. R.E.S.T.O.R started at the beginning of the COVID-19 pandemic, but despite the challenges, there have been 78 youth referred to R.E.S.T.O.R since March of 2022. Moving forward, the program plans to continue to support more youth in the county. Restorative practices benefit the whole community and hold individuals accountable while creating a positive alternative to traditional practices. It also creates a support system for both the person harmed and the person who did the harm.

There are five key steps in R.E.S.T.O.R the first one being referral, the second is enrollment, third is prepare, fourth is conference, and the last step is the plan.

1. The referrals come directly from the District Attorney's (DA) office. Once the referral is received, it is assessed to determine if the referral is a proper fit for the

R.E.S.T.O.R program. Successful completion of the program means that the youth's charges are dropped and there will no longer be anything on their record. Eligible referral types include burglaries, robberies, assaults, arsons, teen dating violence or other interpersonal violence, sexual assault, and car theft and carjackings. The cases referred to the program must be felonies or high-level misdemeanor charges. A case can be deemed unsuitable if it does not have an identifiable person harmed, the responsible youth is not actually the person responsible for the harm, the responsible youth does not or will not take accountability, or the responsible youth is not interested in repairing the harm to the person harmed.

2. At the enrollment step, a facilitator will meet with the responsible youth and their guardians to explain the program. At that same meeting the youth must be willing to take accountability for their crime to proceed with their case.
3. The preparation step occurs over a series of meetings where participants separately discuss what happened, why it happened, and think through impacts and needs. Unlike prosecution, the person harmed identifies the impact and needs to shape the Restorative Community Conference (RCC) process to best provide healing.
4. Before the conference begins, all participants agree to values and community agreements that will guide the conference. The responsible youth will arrive at the conference with a prepared letter where they take accountability for their actions. Everyone in the circle is able to share what happened in their own perspectives. During the conference, the responsible youth, the person harmed, supporters for both, and community members discuss the harm, its causes, and impact. All participants are able to name the impact the event or crime had on them. The RCC culminates in participants creating a plan to support the responsible youth in making things as right as possible. Everyone participating will create an agreement for the responsible youth to complete.
5. The consensus-based plan identifies ways for the responsible youth to make things right by the person harmed, their family, the community and themselves. Once the responsible youth completes the plan, the case is closed. A RYSE Restorative Specialist and those involved in the agreement assist the responsible youth to ensure the plan is completed.

R.E.S.T.O.R is having a positive and affirming experience on members of the community. Many of the people that the responsible youth have harmed and parents of the youth have great things to say regarding their experience with the program.

RYSE has a theory of liberation because it is important for the program to create a healing center space. Thinking about liberation is about changing the behavior of different systems, such as the healthcare system, educational system and the justice system. It is important to advocate for youth people and build their capacity so they can be the navigators of their own liberation.

### **Councilmember Discussion**

- Q:** Chief Jenkins stated that community conferences are often called community reparation boards and it was well described in the presentation. Are homicide and rape charges excluded from the program?
- A:** Ms. Medley stated that the program can take higher level misdemeanor and lower-level felony charges. Some of those offenses can potentially be wobblers and could be accepted into the program.
- Q:** Chief Jenkins stated that the way the California Law is written, the cases go to the DA's office through probation. Does this process bypass the probation screening and go directly to the DA?
- A:** Ms. Medley stated originally cases were taken from the DA and probation was not involved, however, there have been cases where probation refers a case to the DA's office and the DA's office will refer the case to R.E.S.T.O.R.
- Q:** Chief Jenkins stated all juvenile court findings are supposed to come through probation for diversion for all restorative justice programs. They are supposed to be a checkpoint. It is recommended to learn more about that process so that R.E.S.T.O.R can get a broader range of cases. Are you tracking data on the referrals that are sent back and the program completions?
- A:** Ms. Medley stated that data tracking started when the program started, and they are now able to reflect on what is working and what has not. They are in the process of figuring out what cases have been sent back and what the program can do to widen the net and serve those youth whose cases have been sent back.

### **Public Comment**

- Q:** A participant stated that in Contra Costa County, all felony referrals in the county are routed through the DA. The County has had discussions with the DA about routing all the referrals through probation. The County feels it is important that all referrals go through probation to decide if they can work with them or close them out so those youth do not penetrate deeper into the criminal justice system.
- Q:** A participant asked if the program is entertaining foster youth, children with mental health children, or identifying trauma-impacted children. For the cases that are sent back due to homicide and rape charges, if it was identified that a youth was a victim of that same crime, would that make a difference? How are you dealing with the environmental influences, such as a parent not being ready to break cycles? Are you building a peer alliance that may be able help youth in the future?



**A:** Ms. Medley stated that RYSE is a trauma-informed organization that works with youth in foster care and youth with mental health issues. There are therapists on site and there is a full clinical team. There is also a health clinic in the works. Once a youth comes through the program and becomes a RYSE member, they have access to all services for free. There is no need for insurance to receive those services. Once a youth is connected to the program, a free plan is created, and the youth is walked through the plan. The plan starts with identifying the youth's needs. The youth will begin individual sessions with a therapist, participating in group sessions and working to address any other health needs. RYSE supplies multiple services, and it is important for the program to have good relationships with external partners. Many staff that work at RYSE have lived experience or are a part of the community. The program is looking at how a particular incident effects the community and ecosystem around youth. The program looks to develop relationships with parents or guardians or other support systems to the youth. Case managers help the youth figure out who is in their support system or how to create that support system. It is important for the youth to be leaders, so part of what the program does is help the youth build capacity to be leaders and have the ability to connect with other youth in the program. There are workshops that they can participate in to become an alumni source.

**Q:** A participant asked if the program serves youth who are not on Medi-Cal.

**A:** Ms. Medley stated the program does serve those who are not in Medi-Cal.

## **V. Announcements**

The next Full Council Meeting will be on April 21, from 2:00-4:30 PM. For more information, please visit the [CCJBH website](#). The next [Juvenile Justice Workgroup](#) meeting will be held on May 12, 2023, from 12:45-2:45 PM via Zoom. The [Diversion and Reentry Workgroup](#) will be held on May 12, 2023, from 3:00-5:00 PM via Zoom.

## **VI. Adjourn**