



# CCJBH

Council on Criminal Justice and Behavioral Health



## CCJBH Juvenile Justice Meeting Minutes

Friday, February 16, 2024

12:45 PM - 2:45 PM

In-Person and MS Teams Webinar

**Workgroup Purpose:** The workgroup highlighted current efforts that are underway to improve student behavioral health, particularly regarding at-risk and justice-involved youth.

### Councilmember Advisors:

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

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

### CCJBH Staff:

Staff Members Present: Brenda Grealish, Executive Officer, *Council on Criminal Justice and Behavioral Health (CCJBH)*, Elizabeth Vice, Kamilah Holloway, Jessica Camacho Duran, Emily Mantsch, and Cameron Byrd

### I. Welcome & Introductions

Ms. Grealish gave an overview of the purpose of the workgroup and agenda.

### II. Update on the California Juvenile Justice Toolkit

Emily Mantsch, *Associate Governmental Program Analyst (AGPA), CCJBH*

Ms. Mantsch provided an update on the RAND Cooperation contract to develop the [Evidence-Based and Emerging Programs and Practices Compendium and Toolkit](#) (hereafter referred to as the Juvenile Justice Toolkit). The Juvenile Justice Toolkit is currently undergoing internal review and will be released in March 2024. A formal launch of the Juvenile Justice Toolkit is scheduled for the April Juvenile Justice Workgroup. RAND is in the process of developing a Training and Technical Assistance (TTA) Plan which will be completed in April 2024. The Office of Youth and Community Restoration (OYCR) is exploring opportunities to fund the TTA. RAND and OYCR are in collaboration to create a strategy that allows for the implementation of the TTA Plan.

### Councilmember Discussion

**Q:** Councilmember Mack Jenkins discussed his anticipation for the RAND TTA Plan that was under development. He expressed the significant impact the program can have on the youth population, specifically those in California. He noted his interest in understanding how the RAND TTA Plan will intersect with OYCR.

**A:** Ms. Mantsch confirmed more information will be given in the April Juvenile Justice Workgroup regarding the collaboration with RAND and OYCR.



### III. Defining Restorative Justice

Emily Mantsch, AGPA, CCJBH

Ms. Mantsch defined Restorative Justice and its usage in CCJBH. This definition will be how Restorative Justice will be defined for the current and future projects at CCJBH. The [Chief Probation Officers of California's \(CPOC\) definition](#) most aligned with CCJBH's intended focus concerning the victim, offender, and the community. Restorative Justice considers the needs of all parties with a priority focus on the restoration of the victim and the community. Youth who committed offenses have personal accountability to the victim and the community and thus should be held accountable for the crime they committed. Restorative Justice functions to ensure that these youth take responsibility for meeting their obligations and develop improved competencies. Success is measured by the integration or reintegration of these youth as a productive member of the community. CPOC's definition of Restorative Justice is not meant to abolish the "Due Process" for youth who commit offenses.

Ms. Mantsch opened a discussion for Councilmembers and the Public to provide input for additional information that could be added to the definition to better encompass CCJBH's mission to serve justice-involved youth with behavioral health needs, or if the definition provided was all-around inclusive of CCJBH's goals.

#### Councilmember Discussion

- Q:** Councilmember Jenkins voiced appreciation for establishing a clear definition of Restorative Justice, acknowledging the presence of multiple interpretations. A unified definition enhances clarity and uniformity in CCJBH's work. He noted that while Restorative Justice historically emphasizes rehabilitation without punitive measures, the current definition incorporates elements of accountability. The blend of restorative and punitive elements aligns with Councilmember Jenkins' perspective, offering a comprehensive approach to justice that he supports.
- Q:** Dr. Pantoja proposed adding an element of empathy to the accountability aspect of the restorative justice definition, emphasizing the involvement of the youth, their families, the community, and victims. She suggested an amended definition to read, "restorative justice seeks to address the underlying causes of behavioral health issues while providing support and resources to promote healing and growth. It prioritizes the well-being of the young person and recognizes the impact of trauma and behavioral health challenges on their actions. Restorative justice approaches strive to build connections and support networks within the community to promote long-term positive outcomes for justice-involved youth with behavioral health needs definition that focuses on addressing the root causes of behavioral issues, promoting healing, and recognizing the role of trauma."
- A:** Ms. Mantsch acknowledged Dr. Pantoja's suggestion expressing CCJBH Staff would work on integrating the new verbiage. The modifications to the definition will then be presented once again in the April workgroup meeting.

#### **IV. Collaborative Justice Courts Advisory Committee**

Carrie Zoller, *Supervising Attorney, Centers for Families, Children and the Courts, Operations and Programs Division Judicial Council of California*

Ms. Zoller initiated her presentation with a concise overview of the role of the Judicial Council. The Judicial Council serves as the policymaking entity within the Judicial branch. Collaborating with courts and other entities, the Council ensures the equitable administration of justice statewide. It is responsible for the creation of all mandatory state forms and operations across diverse areas, including accounting and the establishment of court rules, ensuring consistency across the state. While the Council does not impose mandates on all 58 counties, it facilitates counties in maximizing their system to best suit their needs. Additionally, the Council houses a juvenile subcommittee that aids in problem-solving within courts, notably through initiatives such as the [Youth Court Toolkit](#).

Ms. Zoller defined the concept of youth courts, also referred to as peer courts or teen courts. These programs are specifically tailored to redirect the youth, often first-time offenders who have committed low-level offenses. The objective is to steer these individuals away from formal judicial proceedings and towards a more informal process. The program seeks to foster accountability among the youth while also striving to deter future delinquent behavior, leveraging the involvement of other youth peers.

Ms. Zoller provided a depiction of the implementation of youth courts within the court system. Instead of adults, teen peers assume positions of authority, a structure that varies by county. These peers hold young offenders accountable by imposing measures aimed at repairing harm inflicted upon victims, families, and the community, thereby reducing recidivism. Young offenders often withdraw from those around them, especially if they exhibit repeated behavioral patterns. A young offender who has become disenfranchised, emotionally shut down, and has not had successful relationships with adults may show more resistance to intervention. By substituting adults with peers, who are closer in age, the gap and tensions are diminished. This allows offenders to better understand their situation and feel supported, thereby engaging more with the process compared to adult mentorship.

The process for placing individuals in youth courts varies, as it operates outside the court system with sponsors such as schools, probation departments, Boys and Girls Club, and YMCA. Referrals are sourced from schools or probation officers, followed by a coordinator guiding the intake process, identifying needed assistance, and explaining the procedure to the youth and their families. Upon entering the court, youths admit their actions, though not all participants admit it. The focus of this program lies in the sentencing phase, where peers serve as attorneys, sometimes influenced by their interest in law or personal experience with youth court. Youthful offenders may return in roles like attorneys, judges, or bailiffs, having undergone transformational experiences.

The court proceedings involve the defense and prosecuting attorneys, testimony from the youth, and a jury of peers who deliberate on the best course for the individuals, aiming for



reparations and deterrence from future involvement in the justice system. The jury will then confer and review what is the best course for the individual, for the youth to have the opportunity to make reparations and grow, to deter them from the court system. The jury services allow for the jurors to see the struggles of their peers and allow for a positive impact to be made on that individual's life. Allowing the jurors to see the struggles of one another and look for outcomes that can help that individual. Sentencing options include community service, apology letters, essays, and educational classes addressing anger management, substance abuse, or serving as jurors. This fosters a sense of community achievement and offers opportunities for acceptance and forgiveness. Youth court serves to reduce recidivism, promote leadership, and prove cost-effective by diverting individuals from long-term involvement in the justice system. The degree of offenses handled varies by county, with diverse court compositions and guidance provided by toolkits developed by the Judicial Council and the California Association of Youth Courts (CAYC). Youth Court Summits provide platforms for adults and youth involved in courts to discuss models, approaches, benefits, and life skills, fostering empowerment and the belief that youth can contribute positively to problem-solving and higher education, thereby aligning themselves on a different life path. The Youth Court Summit is held on a college campus which is youth and adults who are working in the courts and youth courts. It is three days with sessions specific to adults and youth.

## V. Restorative Justice Program

Jake Harder, *Restorative Justice Coordinator, Kings County Unified School District*

John Swenning, *Restorative Justice Coordinator, Kings County Unified School District*

Marc Ediger *Commander, Reedley Police Department*

Mr. Ediger began his presentation by providing a concise history of Reedley's restorative justice initiatives. Reedley has been actively engaging with restorative justice for thirteen years, distinguishing itself as one of the few law enforcement agencies collaborating with school districts to facilitate mediation between victims and offenders. The partnership with the district has experienced fluctuations, notably uncommon in such a relationship. Police officers on the streets have been trained to identify and comprehend low-level crimes, referring young individuals accordingly. A recent addition has been made at the middle school level. Mr. Ediger delved into the rationale behind opting for the restorative approach from a law enforcement perspective.

Restorative justice offers relief for lower-level crimes, resulting in fewer juveniles interacting with individuals with more serious criminal records who may perpetuate their involvement in the system. By diverting low-level juvenile offenses from the court system, the program not only eases the burden on the courts, but also prevents negative influences on young offenders. The program primarily focuses on pre-arrest interventions, ensuring juveniles are not formally entered into the system, and safeguarding their futures. Restorative justice also extends support to the families of young offenders, providing them with the necessary resources and assistance, leading to restorative healing through intervention. Moreover,

restorative justice fosters greater accountability, providing individuals with a platform to voice their opinions and concerns about their circumstances.

Mr. Swenning highlighted the program's focus on cases affecting communities, particularly those in low-income areas with limited access to court resources. The program seeks to bridge justice to these communities, addressing gaps in communication, enhancing understanding, and fortifying connections between law enforcement and community members. It acts as a mediator among schools, individuals, and law enforcement to understand behavior's root causes and build supportive relationships. This voluntary process encourages open communication, aiming to halt the progression of individuals, especially youth, into the criminal justice system by addressing misdemeanors and felonies with a focus on rehabilitation and accountability.

Mr. Harder elaborated on the implementation of restorative justice in the community, specifically through the victim-offender reconciliation program model, which encompasses all individuals impacted by the crime. The process involves three straightforward steps, fostering relationship-building and accountability. Initially, the program receives cases from police officers, school representatives, or district administrators. It involves understanding the details of the crime from various perspectives, including those of the police officer, administrator, victim, and offender. The offender's level of remorse and regret is considered, initiating the process of restitution. Ultimately, the aim is to dissuade individuals from re-entering the program or the justice system.

The step-by-step process begins with identifying the offense, evaluating its suitability for the restorative process through Reedley Peace Building Initiative, and then proceeding with the work. This entails understanding the youth's background, their family, and the impact of their actions on others, including community partners, businesses, or school personnel. Individual meetings are conducted with both the youthful offender and victim families to comprehend the impact, circumstances, motivations, and trends. Consequently, a safe and productive mediation is facilitated, where the offender takes responsibility, and the victim feels secure. All affected parties engage in discussions to address the incident, rectify consequences, and prevent future occurrences. An agreement is then drafted, and signed by all parties, outlining accountability measures and timelines. Continuous monitoring ensures offenders adhere to their agreements, supporting their success in both school and life. Even after graduation, interactions persist, with former youthful offenders sometimes participating in mediation meetings to represent victims or surrogate victims, fostering ongoing accountability and community reintegration.

Mr. Swenning then presented data sets from 2011 to the present day, illustrating the program's effectiveness. Data collection has been ongoing since the program's inception, focusing on student's reintegration into the community after involvement in the program. From October 2011 to 2023, a total of 1,043 offenders were referred to and participated in the program. Out of these, only 78 offenders (7.5 percent) returned to commit another crime resulting in arrests or citations. Among these 78, 21 did not complete the program, while the remaining 57 completed it but later committed another crime. This indicated a

commendable 94.5 percent success rate for those who completed the program and did not re-offend.

The data collection received full support from law enforcement and school districts. Additionally, students facing suspension from school due to criminal activity have alternatives through the program. Their suspension could be reduced from five days to three days if they agree to participate in the restorative behavioral intervention (RBI), subject to approval by the school administration. These programs offer immediate resolution and restoration within the communities and among individuals involved, typically commencing within an average timeframe of five days to five or six weeks.

## **VI. Marin Youth Court<sup>1</sup>**

Don Carney, *Executive Director, Youth Transforming Justice*

Mr. Carney discussed his previous work experience, which involved managing a group home for wards of the court from 1975-1985. He quickly realized that the public school system was not equipped to effectively educate children who had experienced significant trauma. Many of the young people under the jurisdiction of the court had endured years of trauma before entering the system. In response, he started a school to serve these children, as the public school in the county that acknowledged their limitations in supporting children with severe trauma. Over ten years, Mr. Carney operated two group homes and a school tailored to the needs of the young individuals residing in those homes. Notably, he familiarized himself with restorative justice practice and trauma-informed care long before these terms gained widespread recognition.

Marin County Youth Court was established in response to the implementation of a zero-tolerance policy in the school system. In Marin County, middle and high school students were integrated; this blending of different grade levels did not yield optimal outcomes. At the time, Mr. Carney served as the director of Youth and Family Services for the YMCA and held a contract with the county school. As the school began to fill due to the zero-tolerance policy, students were facing expulsion for minor infractions. An illustrative example of this was a seventh-grade African American boy who brought a Swiss army knife to school as a gift from his grandfather, a source of pride for him. Despite no involvement in gangs or drugs, the school expelled him upon discovery of the knife. Within three weeks of expulsion, the boy found himself coerced into holding drugs by older peers. At this point, Mr. Carney was a member of the Juvenile Justice Commission and he reached out to a fellow commissioner to propose an alternative method to prevent middle schoolers from facing expulsion under the county's strict policies

Youth courts were presented to Mr. Carney as a potential alternative or outlet for his community. At the time, visits were made to the Santa Cruz and Sonoma County Youth Courts. Although the Sonoma Youth Court is no longer active, Karen Green oversees all such courts in California. In 2004, Marin implemented its own youth court and CAYC was

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<sup>1</sup> Note that the order of presentations differed from the agenda order due to technical difficulties.



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established in 2005 to promote similar initiatives statewide. The program commenced with training sessions led by attorneys, district attorneys (DA), and public defenders, following the typical format of youth courts. However, the handling of the first case by a young attorney led to a shift in approach, emphasizing a win-win outcome rather than a win-lose system. As the youth-adult team developed deeper into the process, they encountered restorative practices and learned about systemic racism.

Understanding concepts such as trauma-informed care, restorative practice, and systemic racism provided insights into the community's reluctance to participate in the programs. Some young individuals declined involvement due to the perception that proceedings held in Superior Courts were pathways to prison. This perception marginalized vulnerable populations, leaving them feeling unwelcome and lacking necessary resources.

Through recognition of the impact of the justice system on these communities, there arose a need for a vocabulary shift to mitigate tensions. Thus, the transition from youth courts to peer solutions ensued, wherein attorneys became advocates, bailiffs became peer facilitators, jurors transformed into peer team members, judges became adult facilitators, and sentences were redefined as restorative plans.

Mr. Carney discussed the impact of the pandemic on the youth court system. When the state was shut down, courts transitioned to Zoom. For six months, Marin County operated the only youth court, encouraging other courts to seek guidance. CAYC provided training on virtual operations and confidentiality maintenance. The shift to online platforms enabled college-aged volunteers to re-engage, expanding the age range from 12-18 to 12-25. This virtual shift facilitated the nationwide promotion of the restorative trauma model. In 2020, the program became an independent nonprofit, named Youth Transforming Justice (YTJ), reflecting its mission. Leadership is defined by participation in meetings and vocal engagement. With the separation from the YMCA, the program underwent a name change to align with its transformative work.

The program prioritizes youth empowerment and authentic agency, exploring transformative justice through critical pedagogy. The research focused on the school-to-prison pipeline and community challenges, with methodologies including Participatory Action Research and data maintenance. Program offerings include Probation Diversion and Alternatives to School Suspension, Substance Safety Skills Harm Reduction Training, School Based Trauma Resiliency Support Groups, and High School and College Paid BIPOC Internship Program, and YTJ Program Replication, Coaching and Consulting. The peer solution process emphasizes offender accountability, repentance, and harm repair, fostering understanding and community engagement. Transforming school discipline aims to address trauma and reshape disciplinary frameworks. Marin County faces significant racial and socioeconomic disparities. The program prioritizes youth empowerment and understanding individuals beyond their mistakes. Peers offer personalized plans and focus on reshaping disciplinary practices to address trauma and promote healing. Anecdotes highlight the positive impact of restorative circles in fostering connections between teachers

and students, demonstrating the program's effectiveness in addressing underlying issues and promoting mutual understanding and support.

Substance Safety Skills Harm Reduction Training consists of a six-hour family group session, supplemented by an additional two-hour youth-only session. This training is typically undertaken between the ages of 12-25, as the frontal lobe is still developing during this period. At this stage, dopamine influences risk-taking behavior, affecting perceptions of right and wrong, as well as intelligence. During the program, Mr. Carney prompts parents to reflect of their own experiences between 12-25, considering the availability of substances within their peer group and any associated consequences. Personal anecdotes are discouraged, as the focus is on understanding environmental and personal factors.

To foster openness, students are encouraged to discuss available substances and express concerns about those around them. Role-playing exercises are employed to help students recognize, avoid, and respond to risky situations, enabling them to identify early warning signs and support peers in need. Additionally, group interventions allow young participants to forge bonds and support each other through the process.

YTJ data indicated that within a year of completing the program, 2,000 young individuals have been diverted from the juvenile system, with only four to six percent reoffending. Additionally, thousands of suspensions have been diverted, keeping students in school and away from the streets. Notably, Davidson Middle School saw a significant decrease in suspension rate by 150 percent between 2009 and 2012 through the implementation of restorative practices. During this time, young participants contributed over 3,035 hours of community service based on their interests and strengths.

The program boasts a range of partners including DAs, public defenders, boards of supervisors, education officers, community organizations, and drug and alcohol coalitions across northern California counties, including Oakland.

### **Councilmember Discussion**

**Q:** Councilmember Pantoja posed a question to King County Unified School District regarding restorative justice, particularly for offenders who are among the top five at risk of expulsion. Would completing the program eliminate the possibility of expulsion for these individuals?

**A:** Mr. Swenning stated the district maintains a stance on implementing some form of discipline within schools. While there may be a reduction in suspension days for students, a re-entry process has been established for expulsion. Expulsion periods are shortened to six months instead of the full year. Additionally, there is a behavioral intervention process in place, offering resources such as anger management, drug counseling, or other necessary support for students.

**A:** Councilmember Pantoja envisions a new path for students and aims to provide families with the necessary resources. This approach could serve as a preventative measure for



children experiencing challenges in foster homes, schools, and the criminal justice system, potentially diverting them from such trajectories.

- A:** Mr. Harder distinguished between restorative discipline and restorative practices, noting that most children involved in the program have committed crimes and are categorized as tier three at school.
- Q:** Councilmember Svonkin directed his question to King County Unified School District, seeking clarification on the integration of the probation process within the program and the entities responsible for its operation. Specifically, he inquired whether the program is overseen by police or district employees and how it is funded.
- A:** Mr. Ediger explained that the police department initially took a risk and funded the program. The police department retains complete ownership of all criminal cases within the city, while the district does not have jurisdiction over criminal matters. Successfully mediated cases, regardless of outcome, are returned to the police department. Both the police department and districts are involved in the court process, with districts gaining authority under the police department's umbrella and with permission of the DA's office. Despite probation officers being present on campus, the program primarily focuses on pre-arrest situations, where probation has limited authority. Neither the court nor probation officers are fully engaged, as the program aims to alleviate their workload and assume responsibility within the police jurisdiction.
- Q:** Councilmember Svonkin sought clarification on whether [707\(b\)](#) offenses are within the program's scope.
- A:** Mr. Ediger stated given that most cases are pre-arrest, they are documented, and an official police report is filed, although some offenses may not necessitate a report. Youthful offenders benefit from avoiding involvement in the formal system, although the police department maintains records of all contracts made with individuals. Regarding funding, the school district, police department, and city collaborate, employing two full-time restorative justice coordinators through a joint decision by all three departments.
- Q:** Councilmember Jenkins directed a question for Ms. Zoller from the Judicial Council, asking about qualifying or disqualifying offenses for youth courts, and whether this varies by jurisdiction.
- A:** Ms. Zoller responded, noting that qualifying offenses often involve lower-level infractions, such as graffiti, petty theft, disturbance of peace, or school fights, though specifics may differ by jurisdiction.
- Q:** Councilmember Jenkins sought further clarification on whether youth courts, like King County's, operate pre-arrest.
- A:** Ms. Zoller confirmed that youth courts typically handle cases pre-arrest, as referrals come from probation, schools, or other sources before any formal arrest.

**Q:** Councilmember Jenkins inquired about the criteria for qualifying individuals for the program.

**A:** Ms. Zoller explained that participation hinges on the youthful offender accepting responsibility, showing remorse, and admitting to the offense. Care is also taken to ensure victims are not re-victimized. If a child or their parents are initially hesitant, they're given time to reconsider participation.

**Q:** Mr. Harder sought clarification on whether Councilmember Jenkins was asking about criminal qualifications.

**A:** Councilmember Jenkins confirmed, specifying interest in criminal qualifications.

**A:** Mr. Harder elaborated, mentioning that in cases involving higher-level offenses, such as assault with a deadly weapon, mediation may occur, often in collaboration with the DA's office. The DA then decides whether the case proceeds through the courts or is handled within the program. Additionally, if a student poses a threat without a specific victim, the district may choose to file or mediate the case.

**Q:** Councilmember Jenkins asked if active wards under probation are eligible.

**A:** Mr. Swenning confirmed eligibility, noting that even those under probation supervision may participate if they meet the program's criteria, regardless of past adjudications.

**A:** Councilmember Jenkins expressed interest in future discussions regarding specific data points. These include demographics of referrals, recidivism rates, family structures (intact families, single-parent households, foster home history), income levels, and individuals past involvement in the justice system.<sup>2,3</sup>

## Public Comment

**A:** A member of the public expressed their gratitude for the programs. As an individual with lived experience, they understand the importance of restorative justice as they are taking responsibility and restoring the community to which they did damage. They also highlighted the inability of youth to trust law enforcement and creating this bridge helps bring hope and interest to these at-risk populations.

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<sup>2</sup> The Reedley Police Department and Kings Canyon Unified School District (KCUSD) Restorative Justice Program shared via email that [KCUSD's 2021-2024 Local Control and Accountability Plan Community Report](#) provides an overview of the data requested and finds that less than one percent of the KCSUD students are foster youth, 88 percent are economically disadvantaged, and 28 percent are English learners.

<sup>3</sup> The Marin Youth Court shared via email that the Youth Transforming Justice (YTJ) Annual Report 22-23 includes the requested demographic information. The findings include, 82 percent financially impacted families and 52 percent single-parent families; one to two foster youth per year; and that YTJ has a 95 percent program completion rate and a four to seven percent rate of recontact with law enforcement within one year of program completion.

**A:** A public participant from the California Alliance of Child and Family Services brings forward a bill that their office has been working on for those who might be interested in looking into it. The bill is [Assembly Bill 2711](#), which prohibits schools from suspending or expelling students for being under the influence of drugs, alcohol, or tobacco from K-12 education.

## **VII. Announcements**

The next [Full Council Meeting](#) will be on March 22, 2024, from 2:00-4:30 PM and focus on homelessness for people with behavioral health needs and justice involvement. The next [Juvenile Justice Workgroup](#) will be on April 19, 2024, from 12:45-2:45 and focus on The RAND Corporation giving their final presentation on the CCJBH SB 823 juvenile justice compendium and toolkit contract. The next [Diversion/Reentry Workgroup](#) will be on April 19, 2024, from 3:00-5:00 PM and focus on behavioral health peers.

## **VIII. Adjourn**