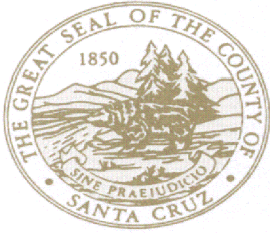


# County of Santa Cruz

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## JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION MINUTES

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Thursday, February 9, 2023  
5:30 p.m. – 7:00 p.m.  
Regular Meeting

Probation Offices  
303 Water St, Ste 9  
Santa Cruz, CA 95060

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I. CALL TO ORDER/ROLL CALL: Meeting called to order at 5:31 p.m.

Present: Beverly Brook, Cynthia Druley, David Brody, David Lucio, Elias Gonzales Kayla Kumar, Kieran Kelly, Sandra Romero, Athena Reis (arrived at 5:37 p.m.), Deutron Kebebew (arrived at 5:44 p.m.), Elaine Johnson (arrived at 5:53 p.m.)

Excused: Ben Rice

Ex Officio: Judge Denine Guy (absent), Sara Ryan

Probation Staff: Gerardo Leon Garcia

Probation Representatives: Fernando Giraldo, Jose Flores

II. CONSENT AGENDA: Commissioner Brook moved to approve the Consent Agenda (Approval of Agenda and Approval of Minutes from January 12, 2023); Commissioner Kumar seconded.

**Motion Passed**

Aye: Brook, Druley, Brody, Lucio, Gonzales, Kumar, Kelly, Romero

No: None

Abstain: None

Absent: Reis, Kebebew, Johnson (all not present at the time of vote)

III. PUBLIC COMMUNICATIONS: None.

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*Por favor haga arreglos anticipadamente por teléfono al número (831) 454-3105.*

## Juvenile Justice and Delinquency Prevention Commission Minutes

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- IV. ANNOUNCEMENTS: Commissioner Druley shared that she attended the San Luis Obispo Juvenile Justice and Delinquency Prevention Committee meeting at the invitation of Chair JD Pittenger. They have two separate meetings one for Juvenile Justice and the other for Delinquency Prevention. They also have an electronic Zoom option for the public and guest attendance.

Commissioner Brook shared that Eli Chance of the Cabrillo College Rising Scholar program for formerly and currently incarcerated students met with Sara Ryan, Jose Flores, and the County Office of Education's Jen Izant-Gonzales and Jack Michael. Eli shared about the development of this new program on campus and currently in Roundtree. Jen and Jack explained what they currently have put together to assist youth to enroll in community college both at the hall and in Sonoma. All parties look forward to working together as the Rising Scholar program continues to develop.

- V. MONTHLY STATISTICAL INFORMATION FROM PROBATION/JUVENILE HALL: Division Director Sara Ryan shared there are currently 13 youth in the hall (11 male identifying and 2 female identifying). There were two incidents which involved verbal altercations between two youth which resulted in 35-minute room confinements for each youth; five grievances and no physical altercations.

Chief Giraldo shared that probation is submitting a grant from the Vera Institute of Justice for Ending Girls Incarceration. Ending Girls' Incarceration Initiative (EGI) aims to zero out the incarceration of girls and gender-expansive youth in the country's juvenile legal system by 2030.

The grant is for technical assistance in developing a court policy to disrupt the pathways that result in girls being incarcerated. Probation has partnered with Walnut Street Women's Center and Monarch Services. The grant is for \$125,000 annually.

Probation is also in the process of having a probation mobile service. They have purchased a Sprinter van to help individuals who are struggling with housing and find it difficult to obtain services.

Division Director Ryan indicated they are still working with the county and state fire in order to move forward with the renovations which includes new cameras and software in the Hall.

As previously noted, the project had a shortfall of close to five million dollars. The Community Corrections Partnerships, which oversees AB 109 funds, voted to provide probation with funds to bridge this gap. Division Director Ryan hopes the groundbreaking will happen in early 2024.

Division Direction Ryan also mentioned that SB 823 funds were used to provide a virtual safe meeting space.

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Chair Druley inquired about the JJDCP's Juvenile Hall Inspection Report. Probation has a 'placeholder' date for the March 14, 2023, Board of Supervisors' agenda. Chair Druley requested that the report reflect it is coming from the JJDCP and not Probation. Probation will include their response; however, the report should reflect it is a JJDCP report/document.

Commissioner Reis inquired about how we might obtain CASA advocates for our incarcerated youth as well as how a mentor might be able to obtain clearance to meet with a youth. Division Director Ryan indicated that a CASA advocate can meet with the youth outside of visiting days. The advocate would need to make arrangements with the Institutional Supervisor (IS). Even though advocates are cleared they would still need to be cleared through Juvenile Hall clearance process.

Commissioner Kebebew emphasized how important it is for young men, who are incarcerated, to have male advocates and/or mentors.

Jose Flores indicated probation is still analyzing the data from the CASA pilot program. Chair Druley indicates that CASA is currently hiring a director to oversee the Juvenile Justice CASA program.

Commissioner Gonzales inquired about Probation's involvement in OYCR's goal of creating the AB 2417 - the Youth Bill of Rights. Chief Giraldo was unaware of it. Commissioner Gonzales explained that the Youth Bill of Rights expands the current youth bill of rights and applies to youth housed in all juvenile justice facilities including local ones. Additionally, a copy of it must be included in orientation packets given to the youth and parents. The Youth Bill of Rights must be in place by June 2023. Commissioner Gonzales will provide more information to the Chair who will forward it to Probation. (ATTACHED)

\*More information about AB2417 is available here as well:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2417](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2417)

### VII. ACTION ITEMS:

1. Discuss and Accept Sonoma Visit Report from SB190/823 Subcommittee (ATTACHMENT): Commissioner Kebebew made the motion; Commissioner Kumar seconded.

#### **Motion Passed**

Aye: Reis, Brook, Druley, Brody, Lucio, Kebebew, Johnson, Gonzales, Kumar, Kelly, Romero

No: None

Abstain: None

Absent: None

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**Juvenile Justice and Delinquency Prevention Commission Minutes**  
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Commissioner Lucio introduced the report and acknowledged that Commissioners Gonzales, Druley, and Brook met with Probation staff to address some of their concerns.

Commissioner Kumar expressed concern over the lack of mental health clinicians and programming at the facility.

Commissioner Druley explained that the Commission reached out to our County's Children's Behavior Health and while we hoped they might provide a temporary solution their agency felt they did not possess the bandwidth to do so.

Chief Giraldo offered that there is a lack of children's behavioral counselors throughout the state. He noted that Sonoma is in the process of hiring an additional counselor in March and continues to recruit for additional counselors.

Chief Giraldo noted the reporting of the lack of programming and indicated this is an issue in which all of the counties are dealing. He noted that the counties have asked for additional funding to address these concerns. He indicated that he feels it will be four to five years before we see real progress. In the meantime, additional youth will be going to Sonoma upon the final closure of DJJ on June 30, 2023.

Commissioner Kumar inquired about what is required by the state and what oversight and accountability is there.

Chief Giraldo said that the minimum requirements for incarceration facilities are outlined in Title 15. He indicated that Sonoma has become the Bay Area hub for smaller counties. He feels we have very little leverage since they are the only county to date that will accept our youth. The OYCR is the oversight body for Secure Treatment facilities

2. Review and adopt Commissioner Obligations (ATTACHMENT): Commissioner Brook to review and adopt Commissioner Obligations as amended; commissioner Reis seconded.

**Motion Passed**

Aye: Reis, Brook, Druley, Brody, Lucio, Kebebew, Johnson, Gonzales, Kumar, Kelly, Romero

No: None

Abstain: None

Absent: None

Several commissioners did not like the word 'obligations' and others felt strongly about lines #2 and #3. Commissioner Romero felt line #10 should be omitted. Several options for wording were shared and a friendly amendment was offered by Commissioner Brody. Both Commissioner Brook and Reis agreed to the friendly amendment.

The final Commissioner Agreements are attached.

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VIII. INFORMATION ITEMS:

1. Electronic access to our JJDPC meetings for the public – ITEM TABLED
2. Meetings by Commissioners with individual Supervisors at Board of Supervisors (ATTACHMENT) – ITEM TABLED

Chair Druley encouraged Commissioners to meet with their supervisor. If commissioner would like another commissioner to attend the meeting with them, please reach out to Chair Druley. Please review the Suggested Topics which were attached to this meeting's agenda.

IX. SUB-COMMITTEE UPDATES:

1. Steering/Outreach: Commissioner Romero reported that the committee talked about electronic access for the public and guests to our Commission meetings, how to create sample talking points to make it easier for Commissioners to meet with their Supervisors and reminding sub-committee chairs to submit items to the agenda. Also discussed were the openings on the Commission and how to fill them.
2. Juvenile Hall Inspection: Committee will meet to discuss the inspection for 2023 in order to best coordinate with Juvenile Hall regarding their availability. The subcommittee to wait to see Probation's responses before taking any further action on the report. Probation said that they would provide their response to the Commission prior to submitting it to the Board of Supervisors.
3. SB190/SB823: Commissioner Lucio shared that he resigning from the JJDPC and tonight is his last meeting. He thanked the Commission for the opportunity to serve and indicated Commissioner Brook will now serve as chair of this subcommittee. Commissioner Lucio indicated that OYCR now has an Ombudsman for all of the Secure Treatment facilities; she is an UCSC graduate. Commissioner Gonzales indicated we will have further follow-up on AB 2417 next month.
4. Delinquency Prevention: Commissioner Kebebew reported that they connected with the SLO JJDPC to inquire how they are addressing prevention. He also indicated Jose Flores joined them during one of their meetings and probation and the subcommittee will be working together to understand the current challenges for youth in our community. Commissioner Kebebew indicated they will be holding 'listening sessions' in the Pajaro Valley middle schools.
5. By-Laws: Discussed in meeting above.

X. ADJOURNMENT: Meeting adjourned at 7:14 p.m.

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**UPCOMING EVENTS/MEETINGS**

Regular JJDCP Meetings are the 2<sup>nd</sup> Thursday of the month.

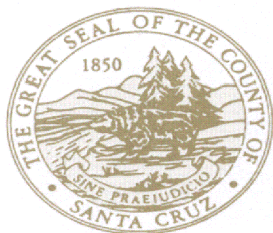
- March 9, 2023 Justice and Gender Commission Meeting (hosted by their Families, Youth and Prevention Committee) from 12-1:30 pm. Location TBD – contact [sgreene@ucsc.edu](mailto:sgreene@ucsc.edu) for location.)
- **March 9, 2023: Regular Commission Meeting, 5:30 to 7 p.m. In-Person at Probation Offices** (Judge Vinluan joins the Commission)
- March 21, OYCR Community Input Meeting in Santa Cruz (location and time TBD)
- **April 13, 2023: Regular Commission Meeting, 5:30 to 7 p.m. In-Person at Probation Offices**
- **May 11, 2023: Regular Commission Meeting, 5:30 to 7 p.m. In-Person at Probation Offices** (Annual Election of Officers)
- **June 8, 2023: Regular Commission Meeting, 5:30 to 7 p.m. In-Person at Probation Offices**

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# County of Santa Cruz

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## JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION AGENDA

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Thursday, February 9, 2023  
5:30 p.m. – 7:00 p.m.  
Regular Meeting

Probation Offices  
303 Water St, Ste 9  
Santa Cruz, CA 95060

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For questions regarding the meeting process, please contact Gerardo Leon, staff for the JJDCP, at 831-454-3105 or [PRB1150@santacruzcounty.us](mailto:PRB1150@santacruzcounty.us)

- I. CALL TO ORDER/ROLL CALL:
- II. CONSENT AGENDA:  
Approval of Agenda  
Approval of Minutes from January 12, 2023
- III. PUBLIC COMMUNICATIONS: Any member of the public will be allowed a maximum of 3 minutes each to address the Commission on any item listed on today's Agenda and/or any other topic within the scope of the responsibility of the Commission. If the issue or matter is not listed on today's agenda, Commissioners will not take actions or respond immediately to any public comment, but may follow up later, either individually or at a subsequent meeting.
- IV. ANNOUNCEMENTS (Including items via email on file)
- V. MONTHLY STATISTICAL INFORMATION FROM PROBATION/JUVENILE HALL (Accept and File)
  1. Grievances & Incidents reports
- VI. GUEST AGENCY: None
- VII. ACTION ITEMS:
  1. Discuss and Accept Sonoma Visit Report from SB190/823 Subcommittee (ATTACHMENT)
  2. Review and adopt Commissioner Obligations (ATTACHMENT)

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## Juvenile Justice and Delinquency Prevention Commission Agenda

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### VIII. INFORMATION ITEMS:

1. Electronic access to our JJDCP meetings for the public
2. Meetings by Commissioners with individual Supervisors at Board of Supervisors (ATTACHMENT)

### IX. SUB-COMMITTEE UPDATES:

1. Steering/Outreach: Romero – Chair, Brook, Druley, Rice
2. Juvenile Hall Inspection: Druley – Chair, Kebebew, Kelly, Lucio, Reis
3. SB190/SB823: Lucio – Chair, Brook, Gonzales, Kumar, Romero
4. Delinquency Prevention: Kebebew – Chair, Brody, Gonzales, Johnson, Reis
5. By-Laws: Rice – Chair, Druley, Kebebew

### X. ADJOURNMENT:

## UPCOMING EVENTS/MEETINGS

Regular JJDCP Meetings are the 2<sup>nd</sup> Thursday of the month.

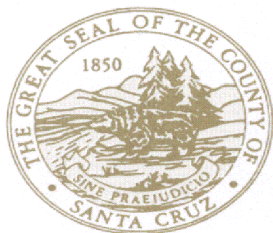
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# County of Santa Cruz



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## JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION MINUTES

---

Thursday, January 12, 2023

5:30 p.m. – 7:00 p.m.

Regular Meeting

Microsoft Teams

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I. CALL TO ORDER/ROLL CALL: Meeting called to order at 5:34 p.m.

Present: Athena Reis, Ben Rice, Beverly Brook, Cynthia Druley, David Brody, David Lucio, Deutron Kebebew, Kieran Kelly, Sandra Romero

Excused: Elaine Johnson, Elias Gonzales

Ex Officio: Judge Denine Guy (absent), Sara Ryan

Staff: Gerardo Leon Garcia

II. CONSENT AGENDA: Commissioner Kebebew moved to approve the Consent Agenda (Adopt Resolution for AB361, Approval of Agenda, and Approval of Minutes from December 8, 2022); Commissioner Reis seconded.

**Motion Passed**

Aye: Reis, Rice, Brook, Druley, Brody, Lucio, Kebebew, Kumar, Kelly, Romero

No: None

Abstain: None

Absent: Johnson, Gonzales

III. PUBLIC COMMUNICATIONS: DJ Pittenger, Chair of the San Luis Obispo Juvenile Justice Commission introduced herself. Angel Garcia, Office of Youth and Community Restoration (OYCR), announced that OYCR will be visiting Santa Cruz County on March 21st. In addition to meeting with probation OYCR will be contacting community partners. Commissioners are invited to attend the community partners meeting. She will advise of the time when the time gets closer. She also advised Debra Lewis is no longer with OYCR.

Judge Vinluan joined the meeting after public communications. He is the incoming Juvenile Court Judge beginning on March 13, 2023.

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## Juvenile Justice and Delinquency Prevention Commission Minutes

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- IV. ANNOUNCEMENTS: Commissioners Druley and Brook announced Court Appointed Special Advocates (CASA)'s new Juvenile Justice program which will provide advocates for justice-involved youth. CASA is currently advertising for a Program Manager to develop this program. The job announcement was forwarded to Commissioners and is also posted on Indeed.
- V. MONTHLY STATISTICAL INFORMATION FROM PROBATION/JUVENILE HALL: Division Director Sara Ryan shared there are currently 13 youth in the Juvenil Hall. There were three grievances in December: Mother and father not allowed to visit; a three-week special program and no staff responded to the three-week special program grievance for three days. All grievances were resolved with Division Director Ryan acknowledging and following up with staff regarding addressing grievances promptly. There were 11 room confinements which involved 7 incidents including one youth who was involved in four incidents. Commissioner Brody reviewed grievances.

Commissioner Kumar inquired as to what does 'Special Programming' entail and what is it used to address. Division Director Ryan related that Room Confinement is used when a youth needs a 'time out.' Special Programming is used to address conflict among youth and safety of all youth. Special Programming is reviewed daily. It includes a youth being out when other youth are in their rooms. Staff makes sure the youth has access to all education and physical programs as required by law. However, the evening free time program might be denied. Unstructured time is earned.

All phone calls are free for youth pursuant to the new state law.

Pursuant to AB 2644 - Custodial Interrogation, Division Directors Flores and Ryan, and Public Defender Rogers are working to comply with the Public Defender's Office being notified within two hours of a youth's arrest.

Division Director Ryan shared how Juvenile Hall was weathering the storms. There are buckets and tarps, and the kitchen and Unit A classroom have flooded. Currently the youth are eating in the day room and Unit A's school is being held in the day room as well. There are no in-person visits until the dining area is okay. General Services has inspected these 'temporary measures', as has the Office of Environmental Health and both agreed the Hall is doing what they can and there is no direct harm to the youth. Division Director Ryan emphasized that the Hall is old and needs a number of repairs and hopefully the renovations will address some of these issues. There was a day when they thought they might have to evacuate but it wasn't necessary. Commissioner Lucio inquired about what are the evacuation plans specifically. Division Director Ryan related that they have a contract with Santa Clara County Juvenile Hall to evacuate there; however, Plan B would be to contact other neighboring counties if need be.

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## Juvenile Justice and Delinquency Prevention Commission Minutes

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Division Director Ryan shared that the Assistant Division Director of Juvenile Hall is an open position as Hugo Calderon is now in the Adult Division. Jose Flores is her peer as Division Director of the Juvenile Division and Jimmy Cook is the Assistant Division Director.

- VI. GUEST AGENCY: Jasmine Najera and Adriana Mata from Pajaro Prevention and Student Assistance (PVPSA). Please refer to the attached PowerPoint for details of their presentation.

Ms. Najera encouraged Commissioners to visit their three sites: 335 East Lake, 411 East Lake, and 240 E. Lake in Watsonville. She hopes to work collaboratively with the Commission to improve outcomes for all of our youth.

Commissioner Romero inquired about translators for Mixteco-speaking families. Ms. Mata shared they have a contract with a translator who Commissioner Romero could use.

Commissioner Lucio inquired about clinicians as Sonoma County Juvenile Hall currently only has one on staff. Ms. Najera indicated that there is a lack of clinicians to hire. She shared that they provide supervision for clinician interns which is why they are able to provide the services they do. However, they could use more clinicians as well.

Ms. Najera stated that there are waiting lists of children/youth need services. There is a lack of mental health services capacity at their agency and others across the county as it is very hard to hire licensed clinicians. That said, she said that there is great work being done within the community, but many of them are working in "silos" .

They invited all Commissions to visit their facility and/or contact them for additional questions. Ms. Najera's contact information is: [jasmine.najera@pvpsa.org](mailto:jasmine.najera@pvpsa.org).

- VII. ACTION ITEMS:

1. Report from the SB190/823 subcommittee on their visit to the Sonoma Secure Treatment Facility that holds youth from Santa Cruz: **ITEM TABLED**

- VIII. INFORMATION ITEMS: None

- IX. SUB-COMMITTEE UPDATES:

1. Steering/Outreach: Commissioner Romero reported that they met on 12/27/22 and recommended having sub-committees submit brief reports prior to Commission meetings; having guest speakers every other meeting and to meet in person in February.

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## Juvenile Justice and Delinquency Prevention Commission Minutes

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2. Juvenile Hall Inspection: Commissioner Druley reported that the Inspection Report was not submitted to the Board of Supervisor (BOS) except as correspondence. Probation will submit the Inspection Report along with the Department's response as an agenda item. Probation is aiming for a March BOS meeting. Commissioner Druley will advise when it is on the BOS calendar.
3. SB190/SB823: Commissioners Druley, Lucio, and Brook provided a brief overview of their tour of the Secure Treatment facility in Sonoma and meeting with our three youth housed there. As a follow-up to their visit they met with Chief Fernando Giraldo, Division Director Jose Flores, Supervising Probation Officer Belle Perez, and Deputy Probation Officer Javier Diaz and shared their observations.

Key issues discussed with them and in this meeting were: lack of mental health supports, the distance to Sonoma and subsequent difficulties with family visits, lack of vocational and other programs, and the youth's expectations surrounding them. It was reported that Chief Giraldo had indicated that Behavioral Health could contact Sonoma about offering interim mental health services by Zoom if they have the capacity to do so.

Commissioner Lucio will submit the report prior to the February meeting.

4. Delinquency Prevention: Commissioner Kebebew reported that they scheduled two meetings but were only able to meet once. They plan to contact the San Luis Obispo Juvenile Justice Commission to inquire how they are addressing prevention. He also indicated he would like someone from PVPASA and Pajaro Valley Unified School District (PVUSD) to attend their sub-committee meetings.
  5. By-Laws: Commissioner Rice reported that the Commission will discuss and finalize the Responsibilities/Duties of the Commission in the February meeting. Commission Rice will be out of town, so we will try to determine how to bring him in via technology. If not in attendance in person, he will not be able to vote on any action items.
- X. ADJOURNMENT: Meeting adjourned at 7:08 p.m.

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**UPCOMING EVENTS/MEETINGS**

- **February 9, 2023: Regular Commission Meeting, 5:30 to 7 p.m. In-Person at Probation Offices**
- **March 9, 2023: Regular Commission Meeting, 5:30 to 7 p.m. In-Person at Probation Offices (Judge Vinluan joins the Commission)**
- **April 13, 2023: Regular Commission Meeting, 5:30 to 7 p.m. In-Person at Probation Offices**
- **May 11, 2023: Regular Commission Meeting, 5:30 to 7 p.m. In-Person at Probation Offices (Annual Election of Officers)**

*The County of Santa Cruz does not discriminate on the basis of disability, as no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. If you are a person with a disability, including a communication disability, and require special assistance in order to participate in the meeting or need language service assistance, please contact the Santa Cruz County Probation Department at (831) 454-3853 (TDD: call 711) at least 72 hours in advance of the meeting in order to make arrangements. Persons with disabilities may request a copy of the agenda in an alternate format.*

*Por favor haga arreglos anticipadamente por teléfono al número (831) 454-3800.*

# Adult and Pretrial Division Monthly Data Blast

Dec.  
2022

## Pretrial

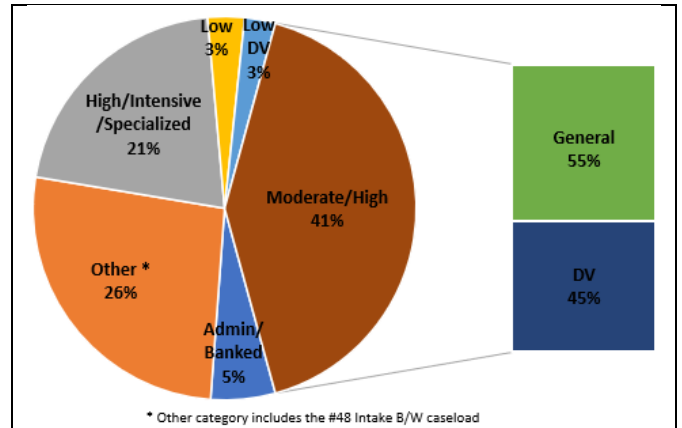
- Total PSA-Court Assessment Reports: 221
- Jail bed days saved: 9,181
- Pre-Arraignment Releases: 0
- Average Daily Population Supervised: 296

## Investigations

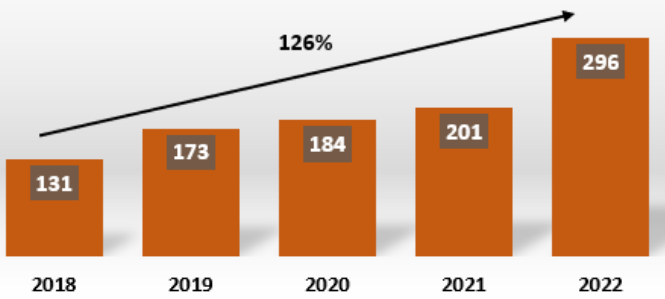
- # Pre-sentence: 19
- # Pre-plea: 2
- # Prop 63: 57

## EOM Caseload Totals

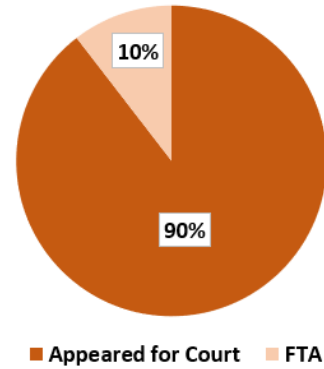
- Probation only: 898
- Includes AB-109: 1070
- Includes B/W: 1966



December Pretrial ADP  
Yearly Comparison

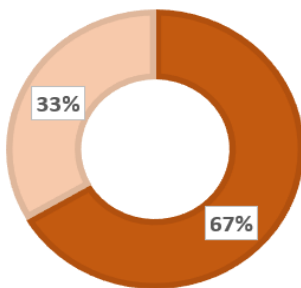


December Case Closure Appearance Rate



## ACTIVE AB372 DV CLIENTS

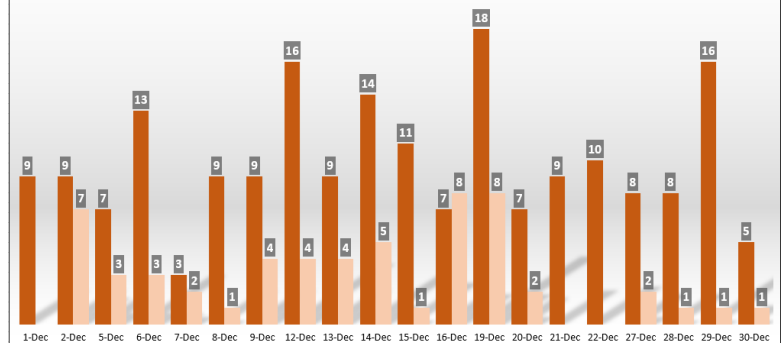
Enrolled in Programming (Dark Orange) Not Enrolled in Programming (Light Orange)



## December Daily PSC Contacts

Total = 254

North County (Dark Orange) South County (Light Orange)



## Demographics

### Dec. EOM Pretrial Sup. Cases

- African American: 8% (23)
- Latino: 44% (136)
- White: 44% (135)
- Other: 4% (11)

### Active Caseloads (incl. AB-109 & Banked)

- African American: 4% (46)
- Latino: 50% (533)
- White: 41% (436)
- Other: 5% (55)

### Bench Warrant Caseloads

- African American: 5% (47)
- Latino: 50% (445)
- White: 42% (372)
- Other: 3% (32)

# Juvenile Division Monthly Data Blast

Dec.  
2022

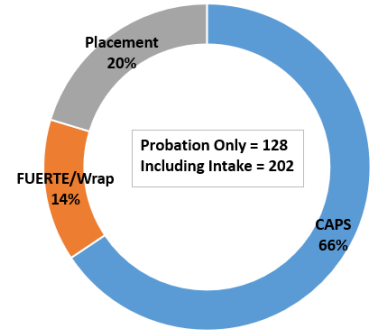
## Intake

- 11 Intake RAIs administered: 2 overrides
- Held by Probation/Released by the Judge @ Detention Hearing: 0
- ATD admissions: 7
- Diversions: 3
- EC Referrals: 4
- Recidivism Rate: 1.5% (2 youth)
- EPIC Sessions: 11
- Field Contacts: 16
- Video Contacts: 4
- Secure Track Youth: 3

## Investigations

- Court reports: 0
- Transfer reports ordered: 0

December Caseload Supervision Totals



- # Cases Closed: 6 – 4 Successful, 1 Unsuccessful, 1 Transfer Out
- # New Supervision Cases w/Low Initial Risk Level: 3

## Title IV-E (Does not include Placement IV-E)

## JAIS

### Last Month

- Reasonable Candidates: 13
- New: 0
- Reassessments: 0
- Overdue reassessments: 2
- Reassessments due last month: 7

### This Month

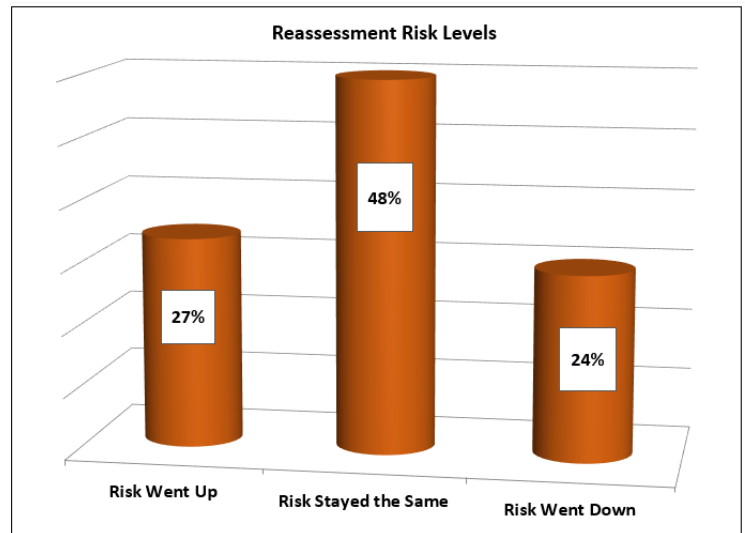
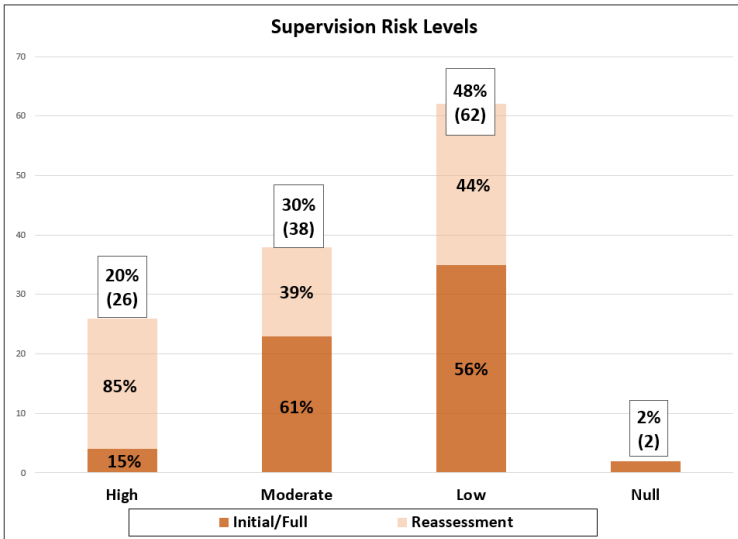
- Reasonable Candidates: 10
- New: 1
- Reassessments: 1
- Overdue reassessments: 3
- Reassessments due this month: 0

### Last Month

- 90% of youth eligible received a full assessment, 12 youth still needed one.
- Overdue reassessments: 18
- Reassessments due last month: 11

### This Month

- 91% of youth eligible received a full assessment
- 11 youth still need one.
- Overdue reassessments: 6
- Reassessments due this month: 8



## Demographics

### Probation Caseload

- African American: 1% (1)
- Latinx: 73% (94)
- White: 21% (27)
- Other/Unknown: 5% (6)

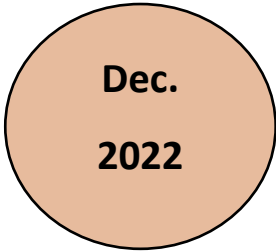
### Probation Violations

- Latinx: 100% (3)

### Warrants

- Latinx: 100% (2)

# Juvenile Hall Monthly Data Blast



## Population Info

- IEP's: 6
- 504's: 1
- Graduations: 0
- Youth on Psychotropic Meds: 9
- Youth with drug/alcohol issues: 12
- Youth open to MH services: 22
- Medical Referrals: 2
- Physical Altercations: 0
- Room confinements: 10
- Pending transfer hearing: 0

## Booking Charges (most serious offense)

- Bench Warrant: 9% (1)
- Drugs/Alcohol: 18% (2)
- ATD Violation: 18% (2)
- Property: 9% (1)
- Violent/Weapons: 27% (3)
- Other 18% (2) (*obstruction, trespassing*)

## Booking Demographics (area of residence)

- North County: 36% (4)
- South County: 45% (5)
- Out of County: 18% (2)

<u>JUVENILE HALL POPULATION INFORMATION</u>	<u>BOYS</u>	<u>GIRLS</u>	<u>TOTAL</u>
6 am count (average) <sup>1</sup>	12.6	2.4	15.0
Population in-custody at start of time period	15	2	17
Admitted during time period	9	2	11
Released during time period	14	2	16
Population in-custody at end of time period <sup>1</sup>	10	2	12
Average daily attendance	12.6	2.4	15.0
Average length of stay	29.9	13.5	27.9
Average length of stay without STYF youth	29.9	13.5	27.9
Length of Stay MODE	1.0	N/A	1.0
Range of stay	1 - 612	1 - 73	1 - 612
Range of age	12 - 18	15 - 18	12 - 18
Number of "in-county" residents received	8	1	9
Number of "out-of-county" residents received	1	1	2
Percentage from out-of-county	11.1%	50.0%	18.2%
Total child care days	399	75	474
Total court commitments admitted	0	0	0
Total court commitments released	0	0	0
Total child care days for released court commit	0	0	0
Total intake to date (current year): <b>December 2022</b>	142	49	191
Total intake to date (prior year): <b>December 2021</b>	123	34	157

## Overall Population Demographics

<ul style="list-style-type: none"> <li>• African American: 1 (4%)</li> <li>• Latinx: 18 (64%)</li> <li>• White: 9 (32%)</li> </ul>	<ul style="list-style-type: none"> <li>• Boys: 24 (86%)</li> <li>• Girls: 4 (14%)</li> </ul>	<b>ALOS</b> <ul style="list-style-type: none"> <li>• African American: 61 days</li> <li>• Latinx: 23.9 days</li> <li>• White: 28.3 days</li> </ul>	% Youth on Probation: 71%
--	--	--	------------------------------



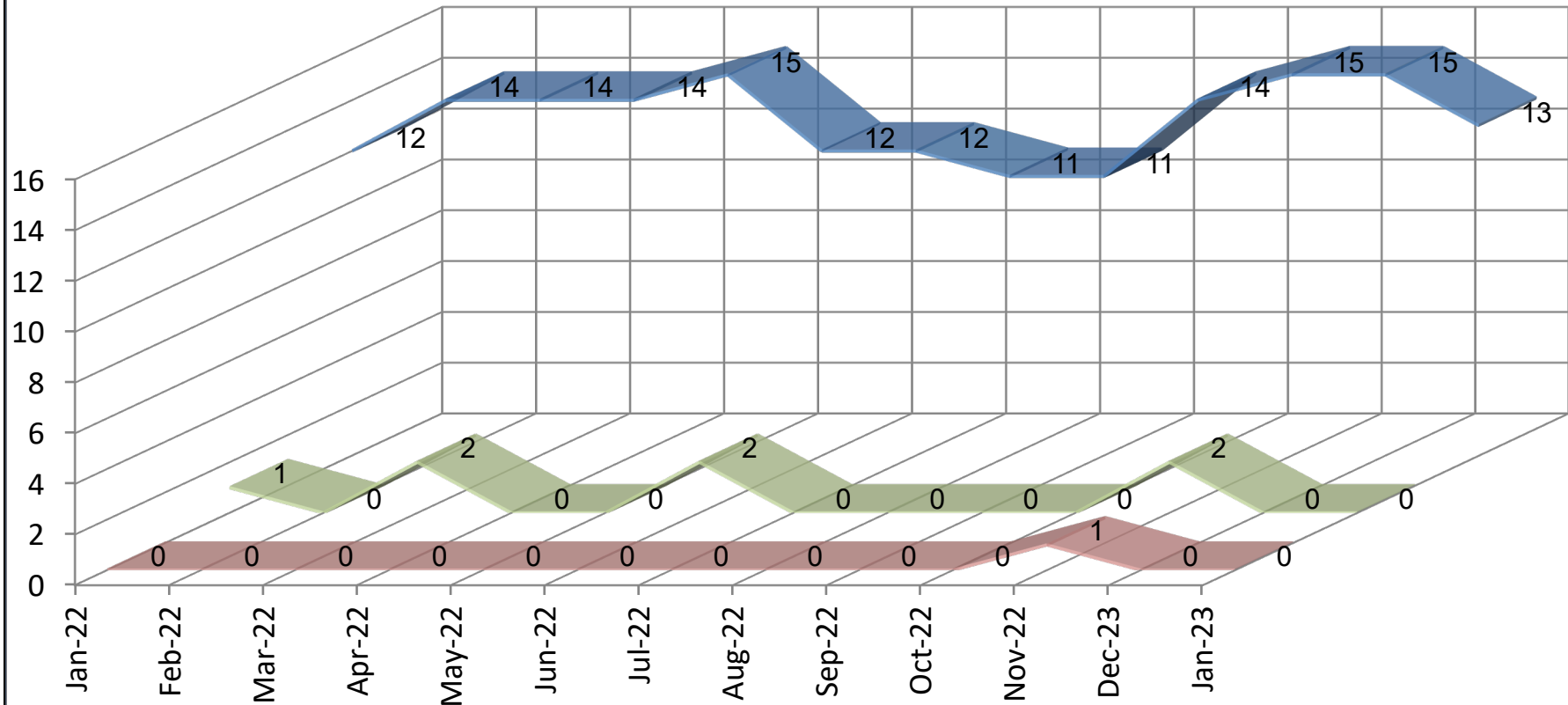
There were no firearm related bookings in January.

Youth on probation by area of residence:

count	ZipCode
1	<b>76208 Total</b>
1	<b>93722 Total</b>
1	<b>93906 Total</b>
1	<b>93907 Total</b>
1	<b>94602 Total</b>
6	<b>95003 Total</b>
1	<b>95004 Total</b>
2	<b>95005 Total</b>
3	<b>95006 Total</b>
1	<b>95007 Total</b>
3	<b>95010 Total</b>
3	<b>95018 Total</b>
1	<b>95019 Total</b>
1	<b>95023 Total</b>
1	<b>95041 Total</b>
8	<b>95060 Total</b>
7	<b>95062 Total</b>
5	<b>95065 Total</b>
4	<b>95066 Total</b>
2	<b>95073 Total</b>
67	<b>95076 Total</b>
1	<b>95123 Total</b>
1	<b>95136 Total</b>
1	<b>95338 Total</b>
1	<b>98387 Total</b>
124	<b>Grand Total</b>

# Santa Cruz County Juvenile Hall Physical Altercations: Overview

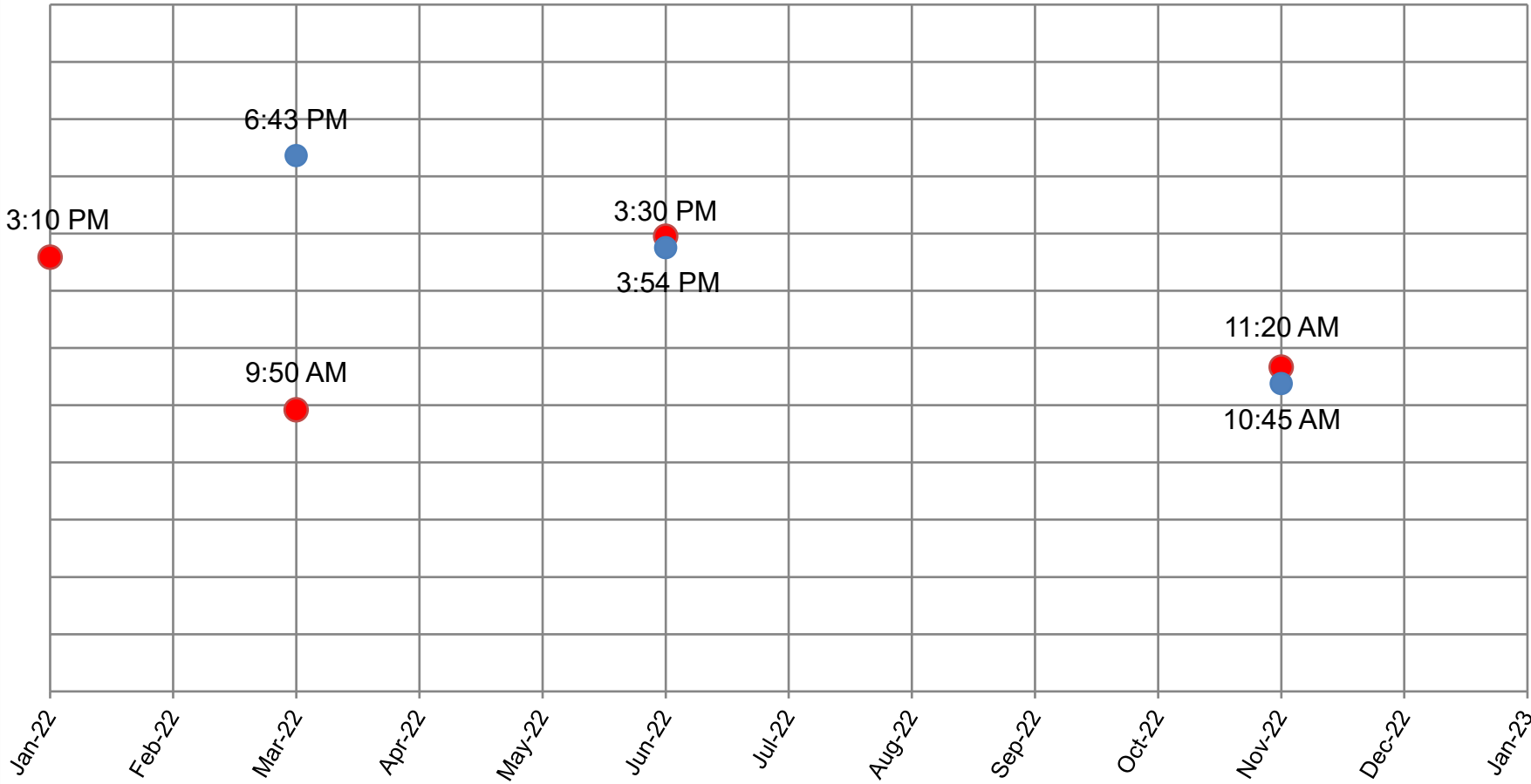
■ Serious Injury    ■ # Altercations    ■ ADP



**January 2022 - January 2023**

# Santa Cruz County Juvenile Hall Physical Altercations: Time of Day

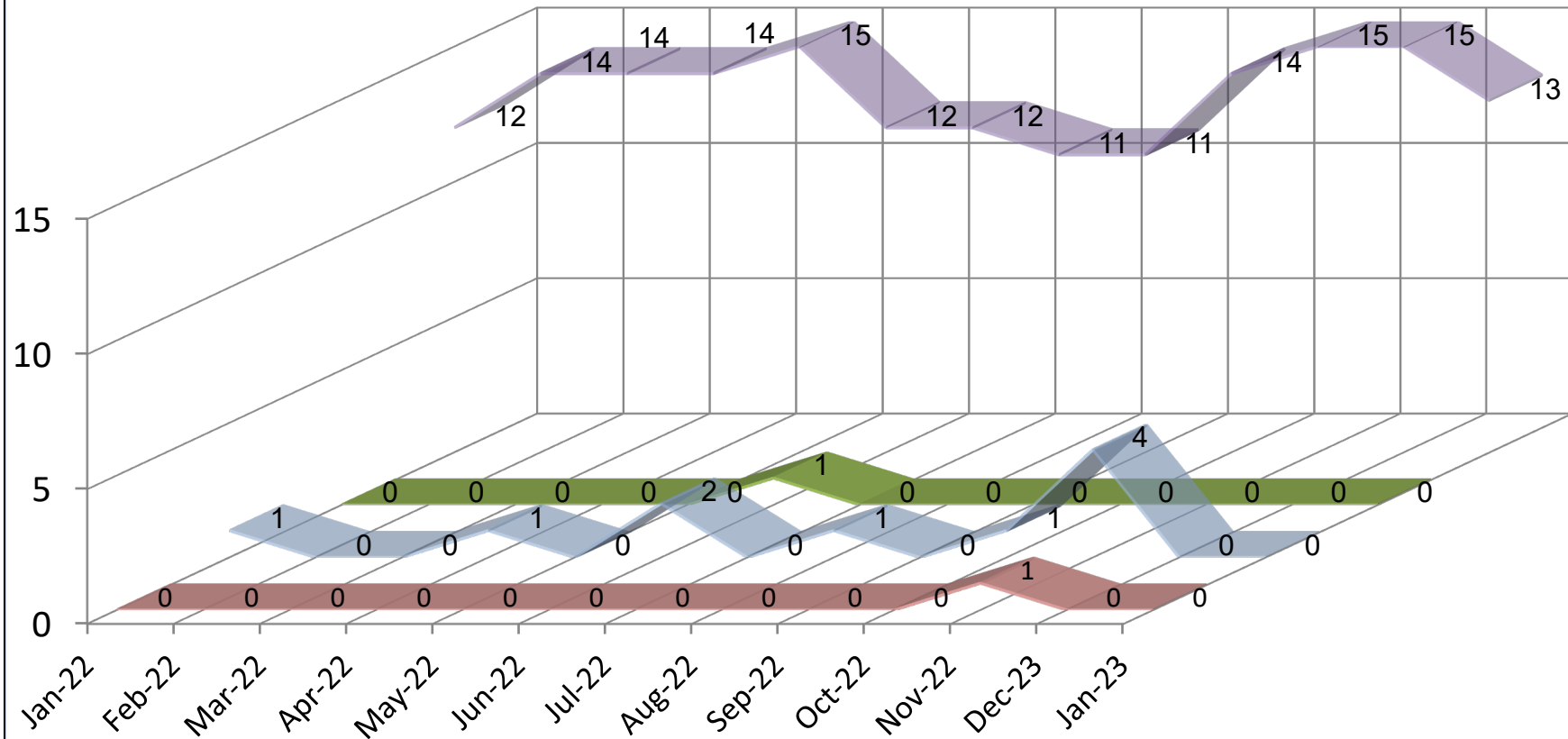
- Time of Altercation
- Time of 2nd Altercation
- ▲ Time of 3rd Altercation



**January 2022 - January 2023**

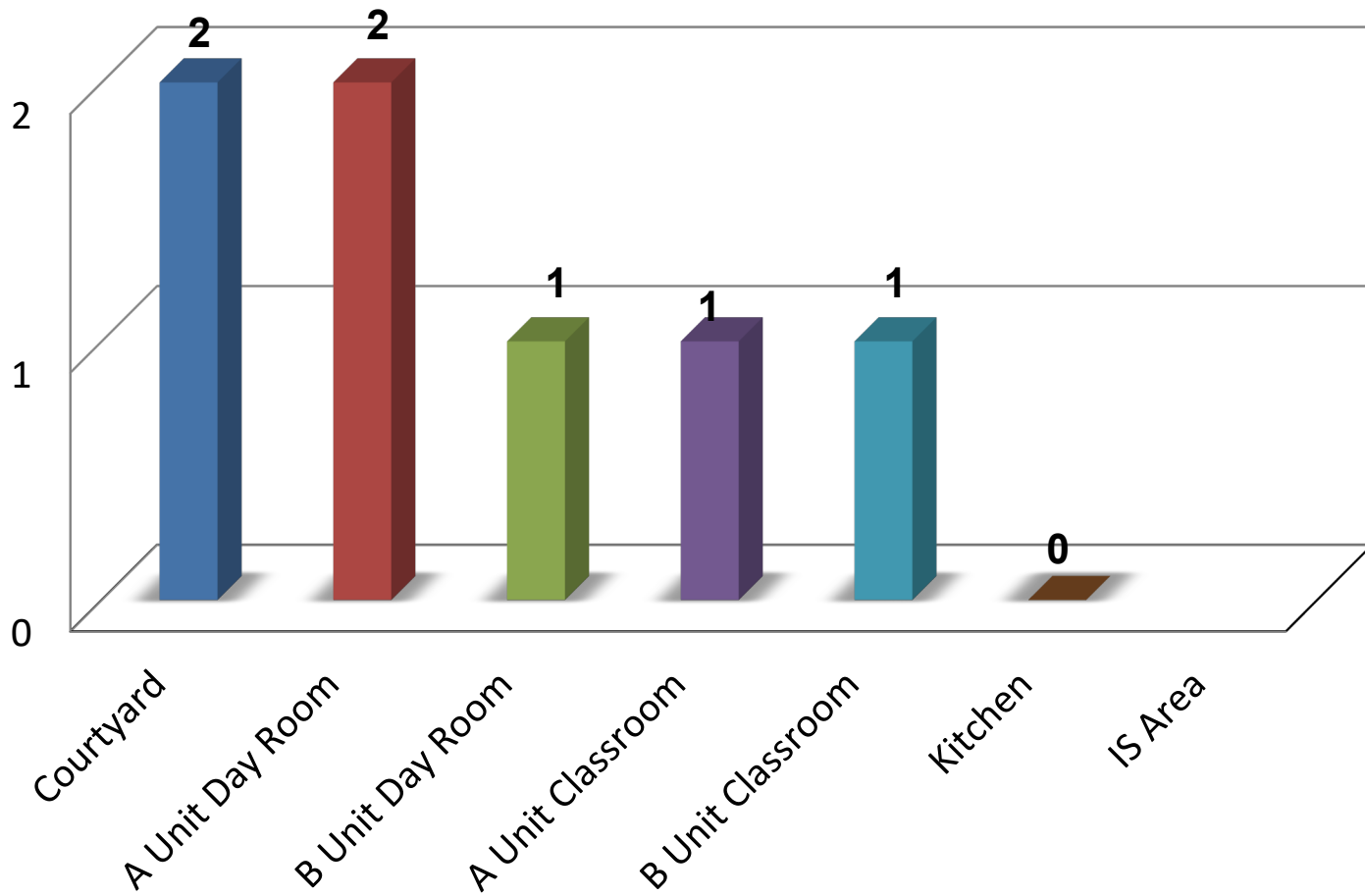
# Santa Cruz County Juvenile Hall Use of Force: Overview

■ Injuries to Minors 
 ■ # Control Holds 
 ■ Injuries to Staff 
 ■ ADP



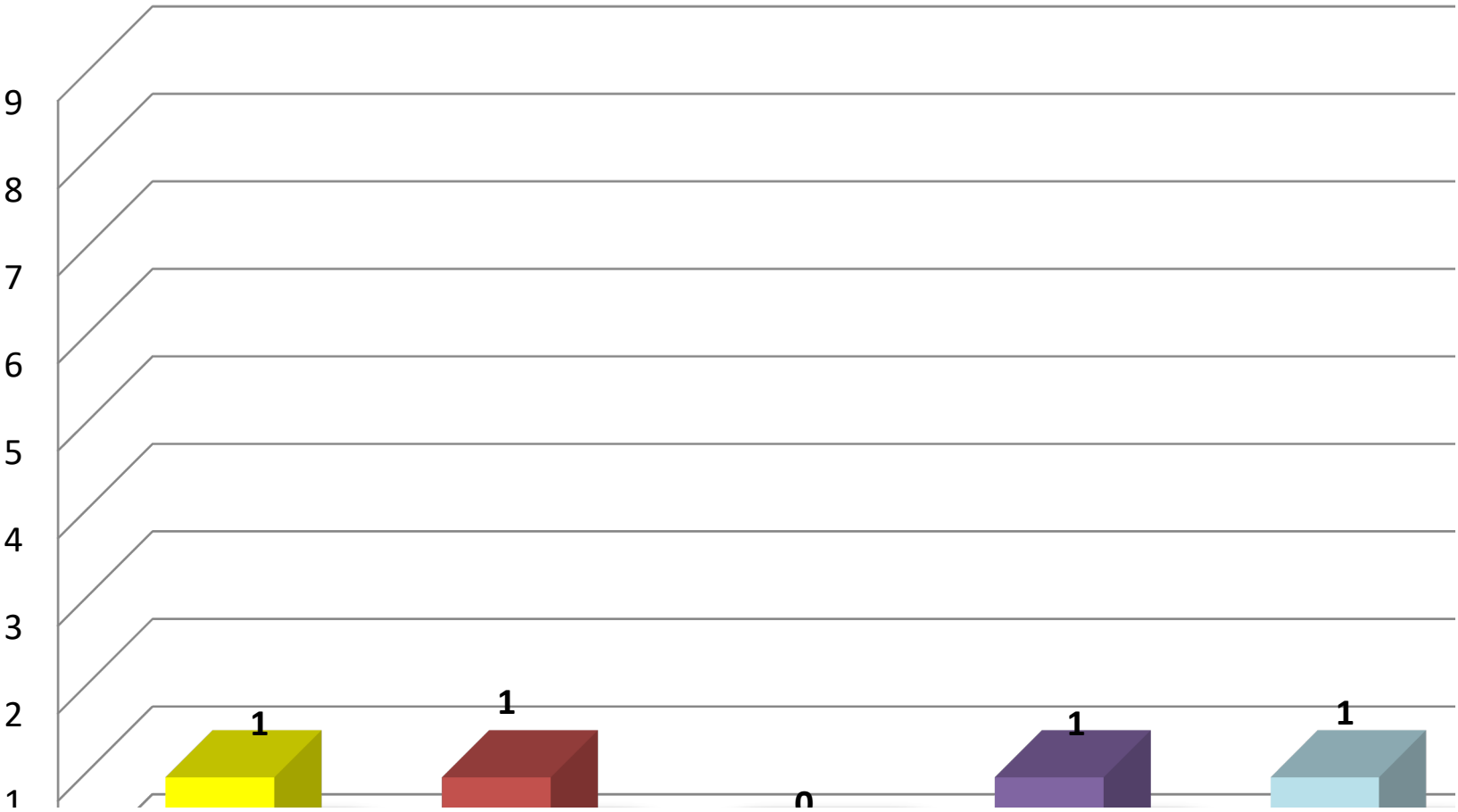
**January 2022 - January 2023**

# Santa Cruz County Juvenile Hall Physical Altercations: Location



**January 2022 - January 2023**

# Santa Cruz County Juvenile Hall Physical Altercations: Day of the Week

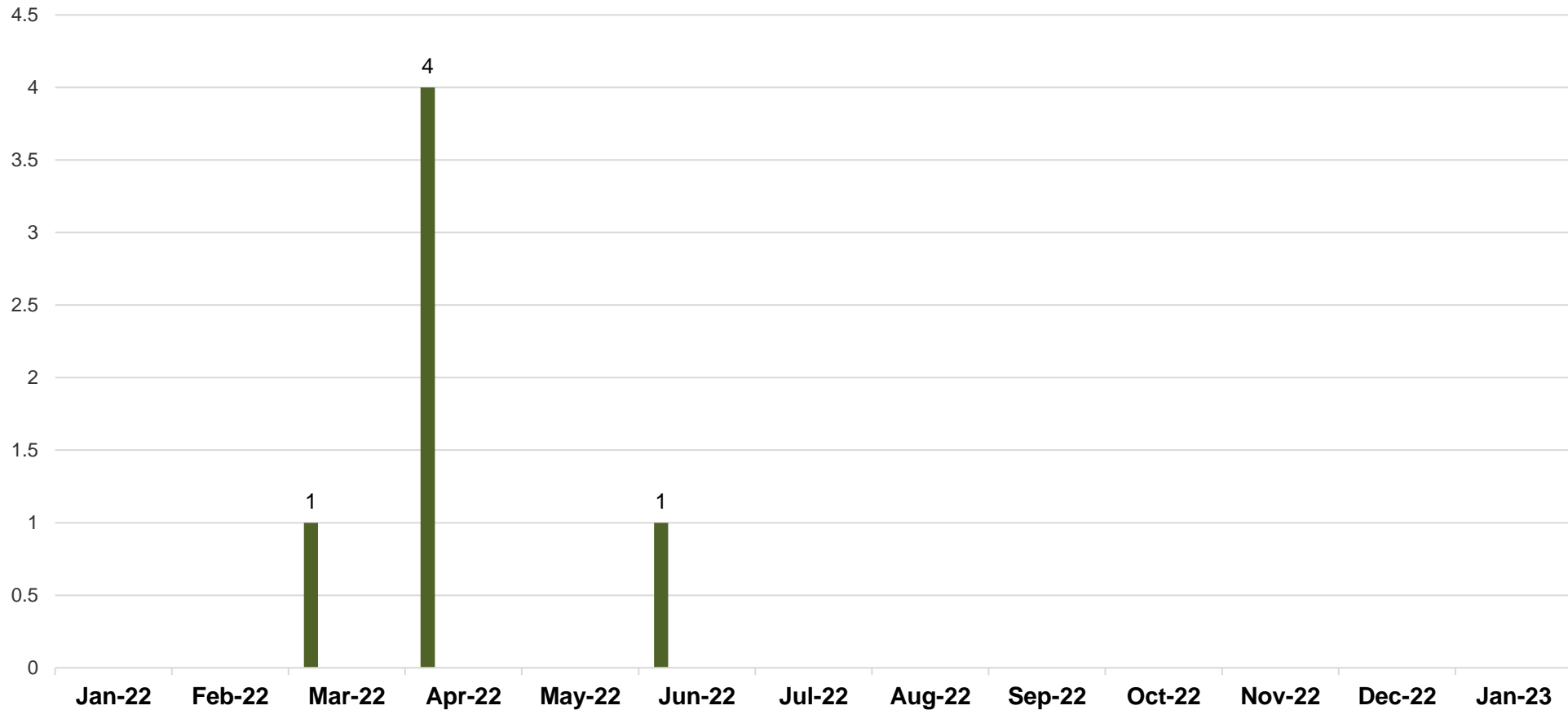




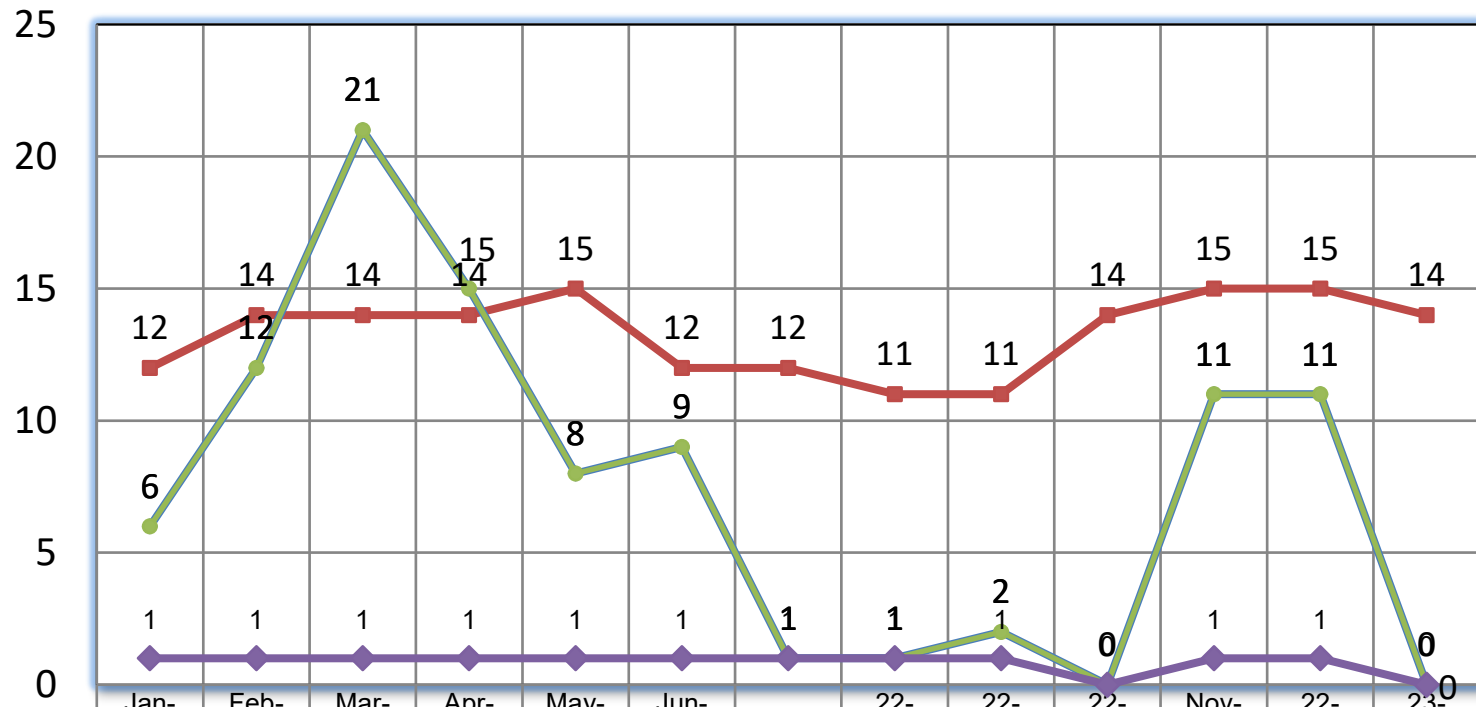
# Santa Cruz County Juvenile Hall Room Confinement over 4 Hours

## January 2 - January 2023

■ 4 - 5 Hours ■ 6 - 7 Hours ■ 8 - 9 Hours ■ 10 - 11 Hours ■ 12 Hours



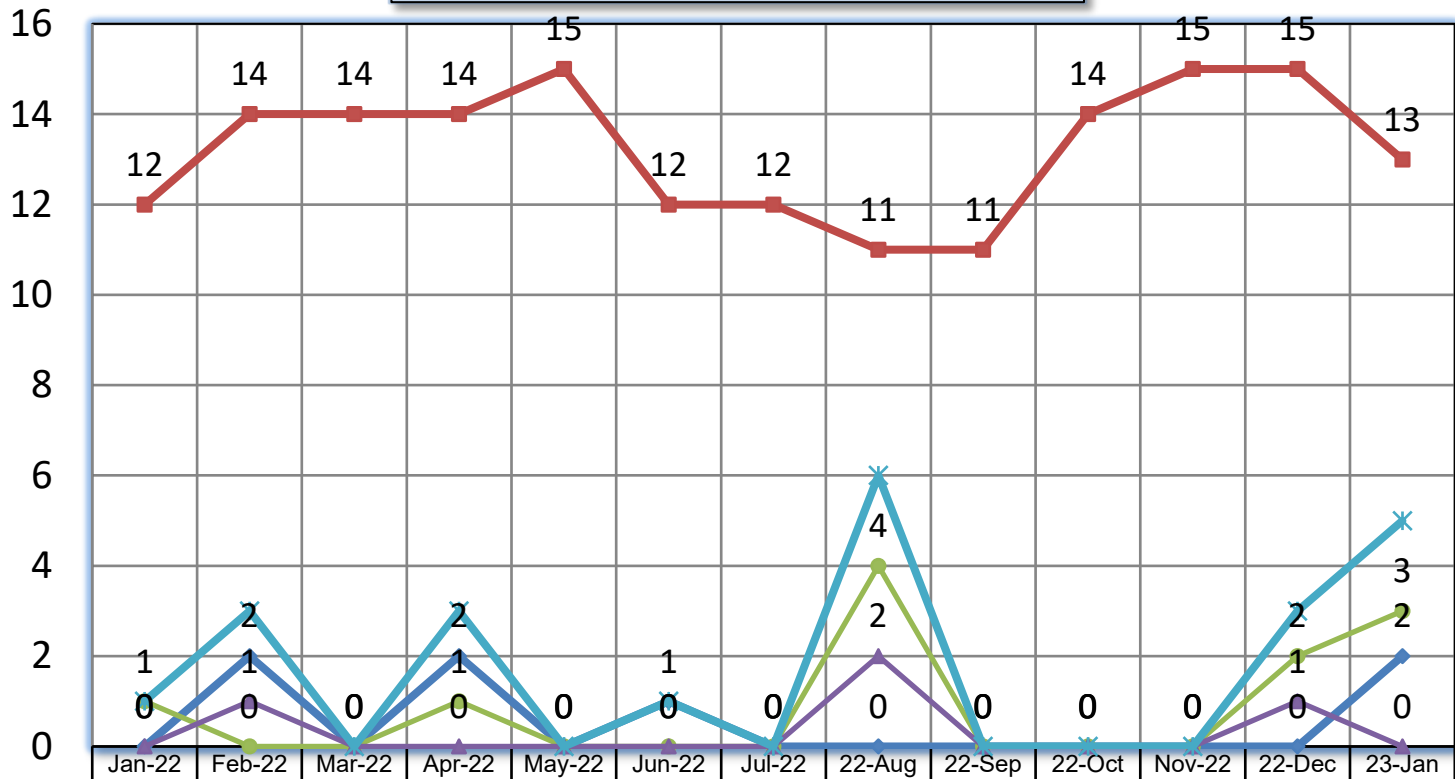




ADP	12	14	14	14	15	12	12	11	11	14	15	15	14
# Youth Incidents	6	12	21	15	8	9	1	1	2	0	11	11	0
Total # R/C Days for Month	6	12	21	15	8	9	1	1	2	0	11	11	0
Avg # R/C Days per Youth/Incident	1	1	1	1	1	1	1	1	1	0	1	1	0

**Santa Cruz County Juvenile Hall**  
**Room Confinement: Overview**  
**January 2022 - January 2023**

## Santa Cruz County Juvenile Hall Grievances: Overview



	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	22-Aug	22-Sep	22-Oct	Nov-22	22-Dec	23-Jan
ADP	12	14	14	14	15	12	12	11	11	14	15	15	13
Conditions	0	2	0	2	0	1	0	0	0	0	0	0	2
Discipline	1	0	0	1	0	0	0	4	0	0	0	2	3
Staff/Policies	0	1	0	0	0	0	0	2	0	0	0	1	0
Total # Grievances	1	3	0	3	0	1	0	6	0	0	0	3	5

January 2022 - January 2023

# County of Santa Cruz



## JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION

To: Santa Cruz County Juvenile Justice and Delinquency Prevention Commission and the  
Santa Cruz County  
Board of Supervisors  
701 Ocean Street #500A  
Santa Cruz Ca 95060

From: SB 823 subcommittee

Re: Report of tour and visit to Sonoma County Juvenile Hall on December 7, 2022 by four  
Commissioners

Dear Commissioners and Board of Supervisors:

In an effort to reduce youth carceral environments, Governor Newsom moved to close the Division of Juvenile Justice (DJJ) facilities by July, 2023. Since Juvenile Courts would no longer be about to sentence youth to DJJ and in an effort to reduce the use of transferring youth to adult court, the State transferred the responsibility of caring for and managing these youth to local jurisdictions. The goal of SB 823 was to keep incarcerated youth in their local communities in a Secure Youth Treatment Facility (SYTF). The SYTF would be responsible for providing treatment, vocational and educational programming. SB 823 additionally established the Office of Youth and Community Restoration (OYCR) to oversee how counties were implementing SB 823.

Santa Cruz County Probation determined that there was not a suitable building/campus to serve as a SYTF in Santa Cruz County. As a result, the Probation Department entered into a contractual agreement with Sonoma County Probation to house our county's SYTF youth in their juvenile hall facility. Several Juvenile Justice Delinquency Prevention Commissioners (JJPDC) visited the Sonoma County facility prior to any Santa Cruz County youth being placed there.

In December 2022, four JJPDC commissioners visited Sonoma County's Juvenile Hall. The visit included a tour of the facility, discussions with probation staff about the programming our youth were receiving, and interviews with our three Santa Cruz County youth who are housed there.

The visits with our youth were felt deeply by all four commissioners. Each fashioned their own impressions and observations which are in the attached report. All agreed that the programming at the Sonoma SYTF was lacking. It did not live up to the representations made when the

Commission first visited one year ago. Mental Health services are deficient and visits by family members are a hardship because of the expenses incurred and the distance and time it takes to travel there.

The JJDPC has shared this report and met with the Probation Department and will continue to work with Probation to ensure that Santa Cruz County youth receive the treatment and services that are envisioned by SB-823.

Sincerely

David Lucio  
SB-823 Subcommittee Chairperson

REPORT ATTACHED

*January 16, 2023 – Sent to Commissions and Probation (Fernando Giraldo/Jose Flores). To be discussed and action taken to send to the BOS at the February 2023 JJDPC Meeting.)*

**Report to the Board of Supervisors: December 7, 2022 Visit to Secure Treatment Center in Sonoma by the JJDPC**

As chairperson of the SB-823 subcommittee of the Santa Cruz County Juvenile Justice and Delinquency Prevention Commission, I coordinated with Mr. Daniel Flamson of Sonoma County Juvenile Probation to have commissioners tour the facility and visit with Secure Treatment youth from Santa Cruz County that are at Juvenile Hall in Sonoma County. A number of commissioners toured the facility prior to our youth being housed there. Four commissioners, Cynthia Druley (Chairperson of JJDPC Commission), Beverly Brook, Elias Gonzalez, and I, went this time.

**Tour:** Mr. Daniel Flamson led the tour. At the outset, he provided the following handouts: Sonoma County Juvenile Justice Center, Map of the first floor of the facility, Sonoma County Juvenile Hall Programming 2022, November 2022 – Facilities Programming, effective 8/21 (2 pages), REACH Juvenile Hall Programming Schedule (3 pages), Sonoma County Juvenile Hall SECURE YOUTH TREATMENT FACILITY Program Description (7 pages) & San Francisco Forensic Institute “At the Interface of Psychology and Law (5 pages). The facility is modern and well maintained. Some damage(s) to the roof were caused by the Tubbs fire in the summer of 2020. The facility has a few “negative pressure” rooms that keep the air from circulating throughout the entire facility.

The facility was built in 2006. There are 35 youth there, about half of which are Secure Treatment youth. All are housed and have programs together. There are 3 housing units. Youth are separated into their unit by a 19-point classification system. Three Santa Cruz youth currently reside there. There are some girls there, so one unit is coed. The facility has 35 staff on duty during the day. The staff seemed caring. They do use chemical agents to subdue youth when necessary.

The Facility has a Boys & Girls Club on site that operates 2 days a week. They provide activities and programs (1 hour leisure/1 hour programming/1-hour LMA) for the youth since our visit last year an activity room has been turned into a workout/exercise room. The youth we spoke to really liked the Boys and Girls club activities.

Youth are placed in Unit 6 upon initial intake. Stepped down to other Units as they are evaluated by Sonoma Juvenile Hall Probation Staff (SJHPS). Units 6 & 5 have metal doors and house one youth per room - Maximum occupancy is 12. Unit 4 and the others have wooden doors and have double occupancy per room. Youth are tested for COVID-19 upon arrival. A 5-day quarantine is instituted. Youth are issued masks. They can participate if they are socially distanced. They are re-tested at 5 days and can join the juvenile population. Masks are not

required in the units. Mr. Flamson described the units as being the youth's "home" and they are maskless.

Programs offered: Welding class, Boys and Girls Club, Santa Rosa Jr. College. Mental Health Services focus on in-house counseling through a cognitive mental approach – Scope Mental Health, Life Works, Dental Services, Garden Project, Cultural Programming is wrapping up and next up is Voices, for youth with AB 12 services, Boys and Girl Scouts but Girl Scouts will be phased out in favor of the Boys Scouts girl's component. Twelve Step programs are available through Alcoholics Anonymous (AA) and Narcotics Anonymous (NA). There is a restorative focus/programming at the facility. Mr. Daniel Flamson provided a list of programming available at the facility (attached) They accept Juvenile Sex Offenders (JSO).

Visiting: Some youths' families are declining to travel to Sonoma with Juvenile Probation staff. The van to transport the families of youth has not been purchased. One to two hour visits occur in the Juvenile Court visitation room, *when the rooms are not in use*.

#### **VISIT – Observations and impressions by Commissioner Lucio**

Our visits with youth were about 25 minutes long. The youth appear physically fit and healthy. Youth were told there would be programs to build fire pits & benches for state parks and recreation at the Camp. The Camp is closed. The ranch camp has been closed for over a year and half. The facility has NOT followed through with programming. Culinary Arts is not available.

The greenhouse is not readily available for youth; participation is at staff's discretion.

Mental health counselors' visits have been about completing paperwork and not treatment oriented, a true therapy session has not occurred for one youth. Group Therapy sessions are not taking place.

Special Visits are difficult because they entail a weekend (2-day) stay. Youths' families cannot afford to spend a weekend in Sonoma County. Gas prices are negatively affecting family visits.

#### **VISIT- Observation and impressions by Chairperson/Commissioner Druley**

Interviews with youth demonstrated that the single biggest disappointment for each of them was the lack of vocational programming. Each had been told that it was a much better place to be because there was a camp to learn construction, a culinary program, a barber program, and a garden program. They were very disillusioned when they got there.

The first vocational type program for welding was recently introduced and one of our youth got a certificate, but you have to be a high school grad to enroll. None of the other programs exist at this point, although they are aspirations at the facility. They hope to have the camp open as a day program sometime in 2023, the culinary program will require major security enhancements which are years away, and the garden is there and a greenhouse will be there next year, but no programming exists right now. Our youth said they rarely had access to the track facility or the

garden as it was based upon staff initiative and interest in taking the youth outside (which is infrequent.) Overall, they expressed great ideas about their futures, but felt that the need for vocational training options was critical to their futures after release. Two have identified specific post-release vocational programs in firefighting and electrician training.

Family communication: Youth are provided free access to 3 phones on each unit. They also can request Zoom calls. It was indicated that, because of distances traveled by families, Santa Cruz youth were allowed longer than the 1-hour usual visits. (However, some youth reported this was not the case and we brought it to the Director's attention.) In conversations with our youth, issues of cost and accessibility were an issue. Two youths' families have had difficulty with costs, and one has had no visitors because his relative that would visit cannot drive and has no way to travel to Sonoma. It was stated that Santa Cruz Probation had reported that they had offered rides, but families had felt uncomfortable with going with Probation staff and had declined.

Each youth has a case manager to help youth with issues they may have. It was stated that youth could request to see a counselor, but one youth hasn't seen a counselor except for intake, and despite two requests, he still hadn't seen one. Another only sees their counselor every 2 weeks vs. every couple of days when in Santa Cruz. A third said "he's not doing well." They have an allocation for 4 counselors but only have 1 at this time. They are having difficulty hiring. They have no family therapy but hoped to start it up again soon. If our youth did family therapy, it would be by Zoom. Overall, our youth felt that the respect/trust between our JH staff and youth was very different; they felt that our staff cared about youth and staff there acted more like it was a job.

Covid - all staff are required to be vaccinated. (Two exceptions for religious reasons.) All staff wear masks. Youth do NOT wear masks. When a youth arrives, they stay in a special room. They are tested on day 1; if negative they are allowed to participate in all activities but are required to wear a N95 mask and stay 6' from other youth. If, on day 5 their rapid test is negative, they join in on everything with no mask.

There is no work program for youth to earn restitution money like at DJJ. WIC states youth can be paid but it's not in place yet in Sonoma County. There is some bureaucracy about whether county or state DOJ funds would be used. There is also no commissary there.

### **Visit- Observations and impressions by Commissioner Brook**

I asked the youth, "have you been well?" thinking of Covid. Following a long pause, he said, "no, not really. I am having a really difficult time."

Our conversations with the Santa Cruz youth were the most rewarding and the most challenging part of our tour of the Sonoma County Secure Treatment facility. To hear our youth acknowledge they were having a difficult time strengthened our resolve to advocate for the

best possible situation for them. Speaking with both the staff and our youth the following four concerns stood out for me.

1) There is only one behavioral health person for the twenty-five youth housed in the facility. Our youth shared the desire and need to talk with someone, but they haven't been able to do so consistently. One youth acknowledged he would love to talk with someone on a regular basis but there were so many other youth, "who were worse off." While being empathetic towards others is commendable, a youth should not have to choose who needs more counseling due to a lack of staff. Without consistent treatment/counseling transformation and healing is almost impossible.

2) All of our youth expressed that they felt misled about the 'numerous' programs that would be available to them at Sonoma. Since my first tour in May 2021 only one program has been added. This is a modified welding program which consists of a 'pop-up' in the recreation area, a few tables, and an instructor. There are no other vocational training programs available for the youth.

The Boys and Girls Club is the only consistent program offering their programming twice a week. Staff has plans for more programming but acknowledges that finding program providers to come 'way out' to the facility is difficult.

Sonoma has added a weight room for youth. Also, they have set up individual cubicles for the few youth who are enrolled in online college classes.

3) Family visits continue to be challenging for the youths' families. Two youth have had in person family visits but for an hour only. Sonoma staff indicated that they would make accommodations for the Santa Cruz families to have longer visits given the distance they travel but it wasn't apparent that this was communicated to all staff. One youth had not had a visit in the five months he had been in the facility. He was hoping that when a friend was sentenced to Sonoma his family could get a ride with the friend's family.

4) One concern that was brought up by both staff and the youth was that they were not being fed enough. Staff shared they are going by Title 15 and BSCC regulations; however, the youth are constantly requesting more food. Staff indicated that they provide them protein bars to tide them over between meals. Staff acknowledged that the youth are working out more often and probably could use more food. I was confused by this. The youth at the Santa Cruz facility rarely complain about not being full or not getting enough to eat. Both facilities are under the same regulations.

The staff were accommodating during our tour. They acknowledged that they are still a work in progress. They hope to add more programming, improve their high school education curriculum so the youth can graduate with a diploma, look into youth working onsite to start paying off their restitution, hiring more behavioral health staff and creating step-down (reentry)



opportunities. They also acknowledge that it will be at least two or three more years before they have those opportunities in place.

While our probation department is doing its best to stay in touch with our youth, I believe it is vitally important that the JJDPC do the same.

### **Visit-Observations and Impressions by Commissioner Gonzalez**

On December 7, 2022, we were warmly welcomed to the Sonoma County Juvenile Justice Center facility surrounded by beautiful scenery, which is rather large, closely resembles adult prisons and far from our local much smaller facility. I was under the impression that opportunities would be presented to those impacted by the carceral system and there would be an investment in healing centered evidence-based approaches grounded in youth development for high-needs youth and help prevent the transfer of youth to adult prisons.

Unfortunately, I must say that this is not what I witnessed, and the following are some areas of concerns based on my interactions with staff and youth from our county:

- Transportation – it is imperative that we find a solution to the transportation issue during the time that the van is being purchased, families are struggling physically and financially to be able to see their children in a facility that is over two hours away.
- Programming – or lack of, unfortunately, these young adults need more than what they are currently offered. We saw a calendar, but when speaking to the young adults it appears that they don't feel like their needs are being met, though we realize funding moves slowly, in the meantime young adults sit idly with minimal things to do.
- Mental Health – during a mental health epidemic and COVID pandemic it is imperative that young adults in the carceral system are provided the mental health services needed to be successful in their rehabilitation. The three youth we met mentioned the lack of services, one even mentioned he wasn't doing very well and obviously a cry for help. Santa Cruz is readily equipped to serve these young adults locally, so it makes more sense to house them here.
- Healing – if we are hoping that some young individuals are returning home and becoming productive members of society, it is our duty to provide them the skills necessary to heal from the systemic trauma caused by mass incarceration and the harm they have inflicted as well. It is important that young adults know they are loved and are prepared to come back and be successful through a system of support from a village. Creating pathways to success, restorative practices and healing are not just words, there needs to be intention behind the healing of our future generations.

## Our Recommendations::

- Provide zoom counseling from Santa Cruz Behavioral Health until Sonoma is fully staffed with its 4 counselors. Youth have not seen counselors very often or when requested.
- More reasonable handling of situations by Sonoma County Juvenile Hall Probation staff. Mental Health Treatment services are lacking. There are more Mental Health services available at the juvenile hall in Santa Cruz.
- Trauma/Healing: This is a secure treatment facility. Behavioral health treatment is critical.
- Immediately address family visits with transportation and a dedicated room for Secure Treatment Youths' families visits: Consistent 2-hour visits with family instead of 1-hour visits.
- Provide more vocational training for job readiness through certificate programs - college is not for some youth. Ex: DJJ had a forklift operator program = job skills
- Facilitate youth enrolling in the Fire Camp at Pine Grove and/or other step-down opportunities

Senate Bill 823, supported the transition of justice-involved youth being served in their local communities. SB 823 promoted a continuum of services which are trauma responsive and culturally informed. Using public health approaches SB 823 supports positive youth development, building the capacity of community-based approaches, and reducing the justice involvement of youth.

By promoting the use evidence-based and promising practices, SB 823 hoped to improve youth and public safety outcomes by

- Reducing the transfer of youth into the adult criminal justice system,
- Reducing racial and ethnic disparities, and
- Increasing community-based responses and interventions.

Due to the lack of appropriate housing alternatives in Santa Cruz our youth are housed in Sonoma County. Therefore, it is vitally important that the programming, the behavioral health

component and availability of family visits at Sonoma County supports the dignity of our youth and their families and nurtures their well-being.

Respectfully

A handwritten signature in black ink, appearing to read 'DLucio', with a long horizontal flourish extending to the right.

David Lucio  
SB-823 Subcommittee Chair, for Commissioners

Cynthia Druley  
Beverly Brook  
Elias Gonzalez

**For Discussion & Approval at the February 9 JJDPC Meeting**  
**SANTA CRUZ COUNTY**  
**JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION**

***COMMISSIONER OBLIGATIONS***

- 1) Be familiar with the JJDPC bylaws and agree to be bound by them.
- 2) Attend monthly Commission Meetings and an annual Board Retreat with no more than three absences per year.
- 3) Join a Sub-Committee and attend a monthly meeting with no more than three absences per year.
- 4) Communicate with the Judge or Supervisor who nominated you no less than 3 times in a year to discuss our work or answer questions they may have.
- 5) Serve for a four-year term, with possible term renewals for up to two additional terms for a maximum of 12 years.
- 6) Consider taking a leadership role in a sub-committee.
- 7) Understand and honor the absolute requirement of preserving the confidentiality of information relating to individual juveniles and Juvenile Justice Commission work.
- 8) Assist in recruiting new commissioners.
- 9) Understand that Commissioners may not represent themselves as speaking for the Commission unless they have been authorized to do so by the Chair and/or the full Commission.
- 10) Read, understand, and sign this form.

In signing below, I agree to serve on the JJDPC Commission and abide by the above obligations:

Dated: \_\_\_\_\_

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

For JJDPC Commissioners - Information Item 2/9/23  
Suggested Topics for Meetings with Supervisors

1. Review of Mission and State Legislative Mandate for the Commission (see proposed bylaws and our webpage.) *It is helpful if they understand the large scope of our responsibilities in oversight and prevention in order to support us and, in turn, community and JJ-involved youth.*
2. Key areas of activity right now
  - a. Juvenile Hall Report and Recommendations.

This report was in the written correspondence to the BOS in January. The report is over 200 pages long and uses the Anne E. Casey Juvenile Detention Alternatives Initiative guidelines which outline the legal and best practices for Detention Centers. Highlights include:

    - Our Juvenile Hall does a very good job overall.
    - Our recent report recommendations include several items that we will be working with Probation on. The JH Inspection Committee views the Covid restrictions upon entry and the “Special Program” protocols and implementation as most in need of change. The BOS should see this report with Probation’s response on the consent agenda in March.
    - Can we follow up with them (the Supervisor) after that to talk with them further?
  - b. SB823 – Review what this law does: see Fact Sheet shared with Commission)  
Secure Youth Treatment Center in Sonoma that BOS approved in 2021. JJDPC visited in December.

Positives: Newer facility and offers education/school/college programs and a Boys and Girls Club for activities.

    - Challenges: 1) The long distance is a critical issue for families and is not in line with goals of SB823 in keeping youth local and prevents family and community support. (It is a 6 hour round trip drive.)
    - Secure Youth Treatment goals are not being met for mental/behavioral health treatment and vocational and other programming. This will negatively affect their progress and impact a positive transition back into our community.
3. Needs of the Commission
  - a. In order to comply with the legal mandates of the state legislature’s requirements for the duties of the JJDPC and the Brown Act, the Commission needs additional administrative support and we would like their support to get that. Probation is unable to provide the resources we need. What advice do they or their staff have? (Commissioners – please share that with Cynthia Druley or David Brody who are taking the lead on working on this issue.)
  - b. We have openings for two youth representatives who can come from anywhere in the county. Is there someone that they could recommend that we talk to or approach?

Revised 2/2/23



**ANNUAL JUVENILE JUSTICE COURT TRAINING:  
JUVENILE JUSTICE LEGAL UPDATES:  
2022/2023 CASES & STATUTES**

**JANUARY 11, 2023 (12 – 2 PM)**

Presenters:

Nisreen Baroudi (Supervising Public Defender, Juvenile Division)

Paul Jhin (Supervising District Attorney, Juvenile Division)

Mona M. Williams (Deputy County Counsel, Office of the County Counsel)

# JUVENILE RESTRAINING ORDERS



New Forms effective 1/1/2023!

The Juvenile Court may only issue orders "enjoining the child from contacting, threatening, stalking, or disturbing the peace of a person the court finds to be at risk from the conduct of the child." (Welf. & Inst. Code 213.5(b)).

WIC 213.5 applications for RO petitions NOT based on DV incorporate the notice requirements in CCP 527(c).

# IN RE E.F. (2021) 11 CAL. 5TH 320 & CCP 527

"[N]o temporary restraining order shall be granted without notice" ([\*Code Civ. Proc.\*, § 527, subd. \(c\)](#)) to the minor unless the prosecutor (1) shows that "great or irreparable injury will result" before the matter can be heard with proper notice (*id.*, subd. (c)(1)) *and* (2) previously informed the minor of the time and place that the application will be made, made a good faith attempt but was unable to so inform the minor, or provides specific reasons why the prosecutor should not be required to so inform the minor (*id.*, subd. (c)(2)). "

Where the prosecutor has not given advance notice and has not made an adequate showing to justify the lack of notice, the court must give sufficient time for counsel and the minor to prepare and respond to the application before any order is issued.



# NEW JUDICIAL COUNCIL FORMS FOR JUVENILE JUSTICE RESTRAINING ORDERS

## Mandatory use:

- Request for Juvenile Restraining Order Against a Child (form JV-258)
  - Item #5 incorporates notice requirements of CCP 527(c).
  - Response to Request for RO: JV-259
- Notice of Court Hearing and Temporary Restraining Order Against a Child (form JV-260),  
and
- Juvenile Restraining Order After Hearing—Against a Child (form JV-265)
- *Unlike current JV-250 and JV-255, these new forms only contain the limited orders a court can make, and law enforcement can enforce, under 213.5 (b).*

# JUVENILE RESTRAINING ORDERS

## Revised Forms

- JV-250
- JV-255
- JV-245
- JV-247
- JV-251

## NEW Forms

- JV-258
- JV-259
- JV-260
- JV-265
- JV-268
- JV-253 (see JV-251)
- JV-272
- JV-274

## Amended Rules of Court

- 5.620
- 5.625
- 5.630

# DOMESTIC VIOLENCE RESTRAINING ORDERS

WIC 213.5 distinguishes between protective orders based on DV and other protective orders.

WIC 213.5(a) allows for application for an order under CCP 527 or Family Code 6300 if related to domestic violence.

Rule of Court 5.630(b)((5) If the application is related to domestic violence, the application may be submitted without notice, and the court may grant the request and issue a temporary order.

"Disturbing the peace" & "Coercive control" (includes "reproductive coercion")

# **FIREARM RELINQUISHMENT & EXPIRATION OF RESTRAINING ORDER**

Firearm and ammunition relinquishment procedures in Family Code sections 6322.5 and 6389 apply to restraining orders issued under section 213.5.

If the juvenile case is dismissed, the restraining order remains in effect until it expires or is terminated.

# STATUTES

Effective January 1, 2023, unless otherwise specified.

# AB 2361: ADULT COURT TRANSFERS

The juvenile court must find by clear and convincing evidence that a youth is not amenable to rehabilitation in the juvenile system to transfer the youth to adult court

Transfer order must state the reasons supporting the finding that youth is not amenable to treatment in the juvenile justice system

Author: "Rehabilitation is the way forward, and that includes giving juveniles who have made a mistake the opportunity to create a new future as they prepare to reenter our society as adults."

# AB 200: ELIGIBILITY FOR SECURE TRACK

Effective  
July 1,  
2022

## Secure track eligibility

Youth must have  
been age 14+ at the  
time of the 707(b)  
offense

Court may retain  
jurisdiction until the  
latter of age 25 or  
two years after  
commitment to  
secure track

## Secure track commitments

Max term of confinement must be based on facts and circumstances of the offense and as deemed appropriate for rehabilitation

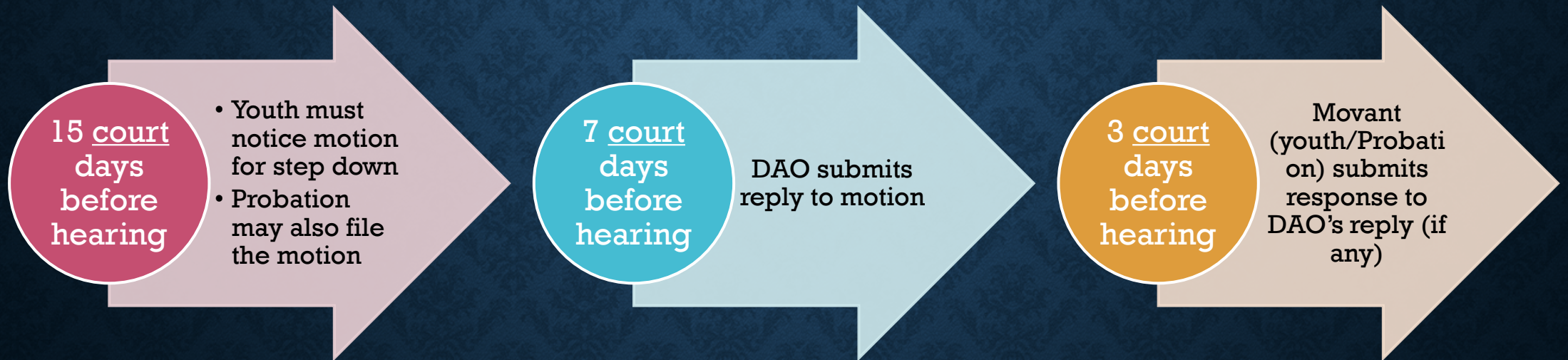
Court may reduce baseline term by up to six months at each progress review hearing

Youth earns credit for time served against the baseline term for time spent in a less restrictive program

The Individual Rehabilitation Plan (IRP) must be prepared and approved by Court within 30 **court** days

Precommitment/predisposition credits for time served is counted against the max time of confinement, not the baseline period

# SECURE TRACK STEP DOWN MOTIONS



Continuances are discouraged



# YOUTH RETURNING FROM DJJ

- DJJ is closing on June 30, 2023
- Santa Clara County stakeholder plan to realign youth to the County
  - Case Conferences scheduled
  - 779 / 778 / 731.1
  - Credits / Baseline Term if Committed to ST

Los Angeles Times

CALIFORNIA

California plans to close troubled youth prisons after 80 years. But what comes next?



Youth at the O.H. Close Youth Correctional Facility in Stockton. (Steve Yeater / Associated Press)

# AB 200: SERVING DJJ COMMITMENTS IN ADULT FACILITIES

Adds  
Section  
1732.9

Prior to DJJ's closure:

- Youth 18+ sentenced to state prison for felonies committed while at DJJ under PC 1170 may serve any remaining juvenile court commitment at CDCR or return to county of commitment
- Before deciding to serve remaining commitment at CDCR, youth must meet with counsel and PO, and PO must explain expectations when they return, conditions of probation applicable to the youth, and youth's right to voluntarily and irrevocably consent to be housed at CDCR

Written consent  
required

- Youth 18+ must voluntarily, intelligently, and knowingly execute a written consent to placement at CDCR
- Consent is irrevocable unless youth can demonstrate they would suffer great bodily harm
- If that showing is made and the youth returns to the county of commitment, they cannot thereafter be placed at CDCR

# AB 200: CONTINUITY OF CARE FOR YOUTH AT STATE HOSPITAL

Adds  
Section  
1732.10

State Department of State Hospitals (SDSH) must continue caring for youth

Once DJJ closes the SDSH is required to continue providing care to any youth referred by DJJ for treatment until clinical discharge is recommended, unless the committing court orders an alternative placement

SDSH to collaborate with counties

When clinical discharge is indicated, SDSH must notify: juvenile court, youth's counsel of record, Probation and BHSD, and collaborate with Probation and BHSD to ensure continuity of care

Notifications regarding youth's safety

SDSH must notify these entities, within 24 hours, if the following occur: suicides or attempted suicide; alleged sexual assault; escape or attempted escape; a serious injury or battery

# DJJ'S PINE GROVE (FIRE CAMP)

WIC 1760.45 is amended to authorize CDCR to contract with counties to meet the intent of the Legislature expressed in Senate Bill 823 and Assembly Bill 145 that the Pine Grove Youth Conservation Camp remain open through a state-local partnership, or other management arrangement, to train justice-involved youth in wildland firefighting skills.

Potential Secure Track Step Down or Disposition?



CDCR may contract with one or more counties to furnish training and rehabilitation programs, and necessary services incident thereto, at Pine Grove, for persons 18 years of age and older who are under the jurisdiction of the juvenile court and supervision of a county probation department following adjudication under Section 602 for a felony offense.

Youth placed at Pine Grove pursuant to this section shall be required to comply with rules and regulations consistent with the contracts entered into by CDCR and participating counties.

Placement of a youth at Pine Grove shall not be considered a commitment to the Division of Juvenile Justice.

CDCR shall establish camp eligibility criteria and assess individual amenability for the initial and continued placement at Pine Grove.

## **PINE GROVE FIRE CAMP (CONTINUED)**

# BEGINNING 7/1/2024, POLICE CAN NO LONGER USE DECEPTIVE POLICE INTERROGATION TACTICS



AB 2644 (Holden), adds WIC 625.7: “prohibit law enforcement officers from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics, as specified, during a custodial interrogation of a person 17 years of age or younger.

# **AB 2644: CUSTODIAL INTERROGATION TACTICS**

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Prohibits use of threats, physical harm, deception, or psychologically manipulative interrogation tactics during a custodial interrogation of a person 17 years old or younger related to the alleged commission of a felony or misdemeanor.

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**Exception: if the officer reasonably believes that information is necessary to protect life or property from imminent threat and the questions are limited to those reasonably necessary to obtain information related to that imminent threat.**

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Use of a lie detector test is permissible if: voluntary; consent wasn't obtained via use of threats, physical harm, deception, or psychologically manipulative interrogation tactics; and the officer doesn't suggest that the lie detector results are admissible in court or misrepresent the lie detector results to the youth.

**AB 2644:  
ALSO!  
2 HOUR  
NOTIFICATION  
BY JPD**



January 1, 2023:

After the minor has been taken to Juvenile Hall, a probation officer must *immediately* (no later than two (2) hours) notify the Public Defender's Office that the minor has been taken into custody.

And yes, we have a process in place!

[ Screening Unit Emails Defense Bar: "JPD In-Custody Notification" ... ]



# WIC 782 (SB1493 – SIGNED 8/26/2022)

“ A judge of the juvenile court in which a petition was filed or that has taken jurisdiction of a case pursuant to Section 750 may dismiss the petition or may set aside the findings and dismiss the petition, if the court finds that the interests of justice and the welfare of the person who is the subject of the petition require that dismissal, or if it finds that they are not in need of treatment or rehabilitation. of the petition is, at the time of the order, a ward or dependent child of the court. ...”



# **BASICS OF AMENDED WIC 782 (AB2629)**

- ❖ A Juvenile Court judge may dismiss a petition at any time after the filing of a petition, and regardless of whether the petition was sustained at trial, by admission or plea agreement.
- ❖ At the time the court terminates jurisdiction (or any time thereafter), the Court is required to consider and afford great weight to evidence offered by the person to prove that specified mitigating circumstances are present unless the person seeking relief under these provisions has been convicted of a serious or violent felony (as defined).
- ❖ Proof of the presence of one or more specified mitigating circumstances weighs greatly in favor of dismissing a petition pursuant to these provisions.
- ❖ Dismissal of a petition pursuant to these provisions would not prohibit a court from enforcing a civil judgment for an unfulfilled order of restitution.

# WIC 782

(2) (A) When exercising its discretion under paragraph (1) at the time the court terminates jurisdiction or at any time thereafter, the court shall consider and afford great weight to evidence offered by a person to prove mitigating circumstances are present, including, but not limited to, satisfactory completion of a term of probation, that rehabilitation has been attained to the satisfaction of the court, that dismissal of the petition would not endanger public safety, or that the underlying offense is connected to mental illness, prior victimization, or childhood trauma. Proof of the presence of one or more mitigating circumstances weighs greatly in favor of **dismissing** the petition.

- (B) “Satisfactory completion of a term of probation” shall be interpreted consistent with subdivision (a) of Section 786.
- (C) “Rehabilitation has been attained to the satisfaction of the court” shall be interpreted consistent with subparagraph (A) of paragraph (1) of subdivision (a) of Section 781.
- (D) “Mental illness,” “childhood trauma,” “prior victimization,” and “endanger public safety” have the same meanings as defined in Section 1385 of the Penal Code.
- (E) The great weight standard set forth in this paragraph shall not be applicable in cases where an individual has been convicted in criminal court of a serious or violent felony.
- (F) For the purposes of subparagraph (E), a “serious or violent felony” means any offense defined in subdivision (c) of Section 667.5, or in subdivision (c) of Section 1192.7, of the Penal Code.
- (G) The absence of the great weight standard under the circumstances described in this paragraph shall not affect the court’s authority under paragraph (1).

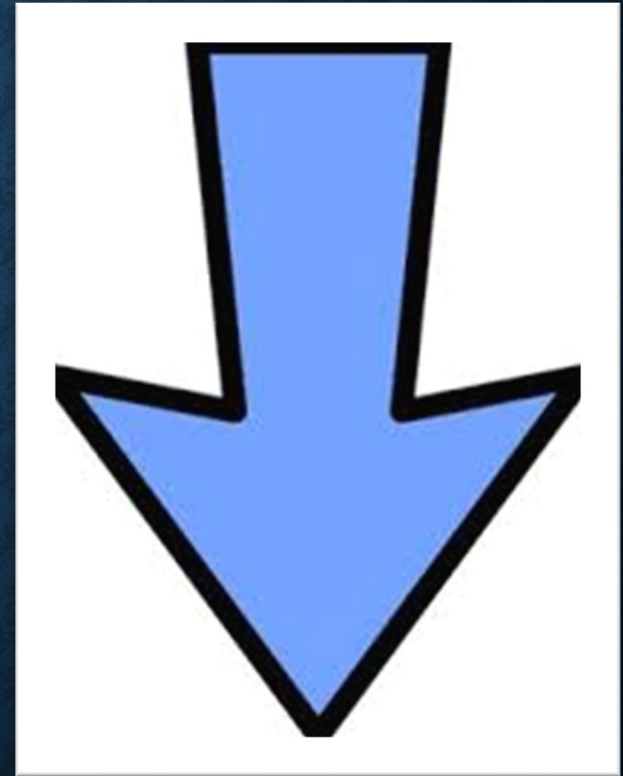
## **WIC 782 (CONTINUED)**

The reasons for a decision under this section shall be stated orally on the record. The court shall also set forth the reasons in an order entered upon the minutes if requested by either party or in any case in which the proceedings are not being recorded electronically or reported by a court reporter.

Dismissal of a petition, or setting aside of the findings and dismissal of a petition pursuant to 782, after the person was declared a ward, does not alone constitute a sealing of records as defined in Section 781 or 786. Any unsealed records pertaining to the dismissed petition may be accessed, inspected, or used by the court, probation, the DA, or counsel for the youth in juvenile court proceedings commenced by the filing of a new petition alleging the person is a person described by Section 602.

# **NEW WIC 700.3: COURT CAN REDUCE FELONY TO MISDEMEANOR AT ANY TIME**

“If a petition filed in the juvenile court alleging that a minor comes within the provisions of Section 602 alleges that a minor has committed an offense that would, in the case of an adult, be punishable alternatively as a felony or a misdemeanor, the court, subject to a hearing, at any stage of a proceeding under Section 602, may determine that the offense is a misdemeanor, in which event the case shall proceed as if the minor had been brought before the court on a misdemeanor petition.”



**ROOM  
CONFINEMENT  
AND  
RESTROOM  
ACCESS:  
AB 2321**

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Redefines the exception to room  
confinement in WIC 208.3

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Youth can be confined for no more than  
2 (two) hours

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Confined youth must be provided  
reasonable access to toilets at all  
hours, including during normal  
sleeping hours

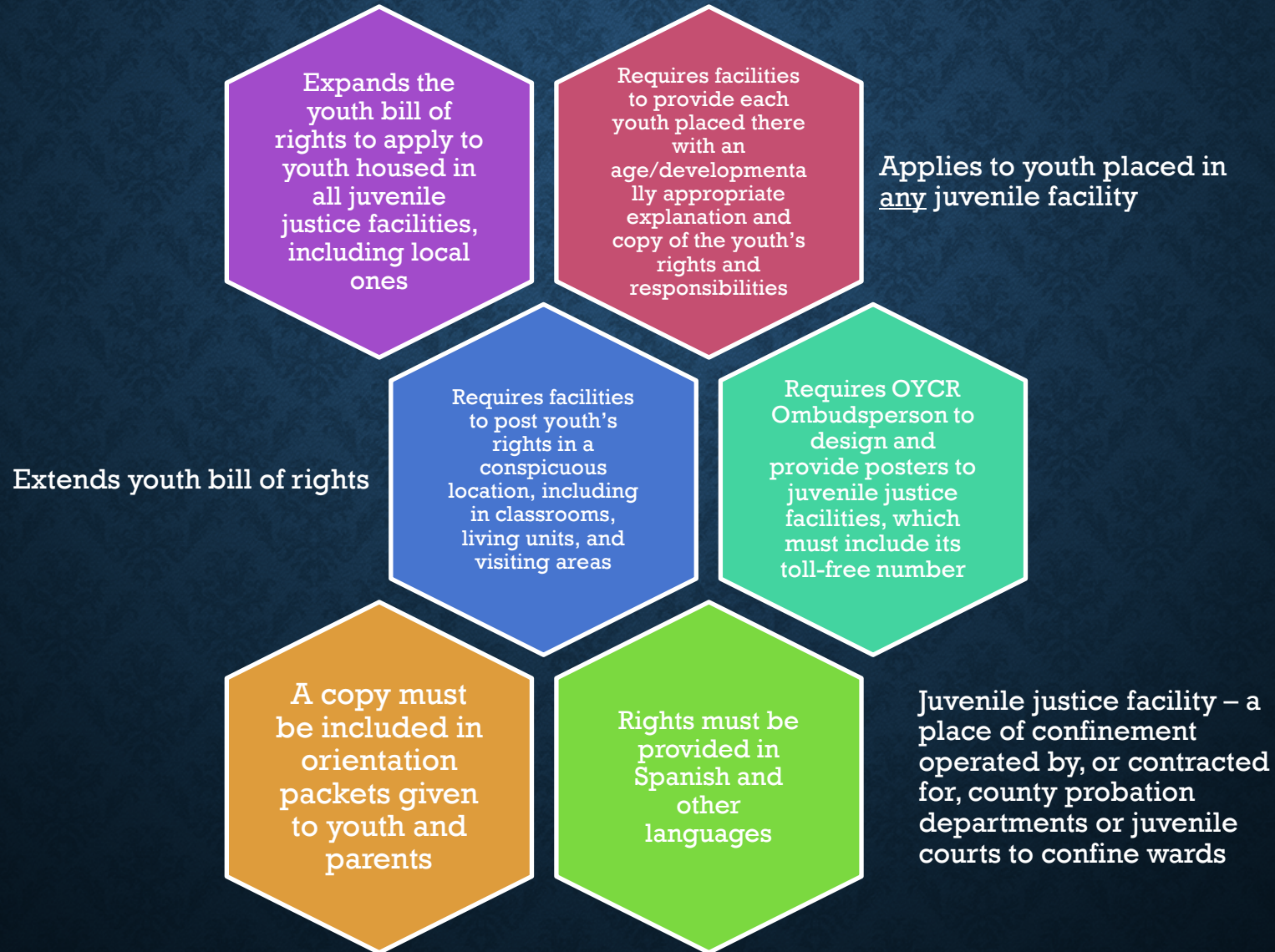
A row of payphones mounted on a wall in a prison hallway. The image is dimly lit and has a blue tint. Several signs are visible on the wall, including one that says "NUMERO DE TELEFONO" and another that says "ALL VISITORS MUST HAVE WILL BE STAMPED WITH ULTRAVIOLET INK BEFORE BEING ALLOWED TO VISIT".

# **PHONE CALLS FROM IN-CUSTODY YOUTH ARE FREE**

**Beginning January 1, 2023, people incarcerated in California state prisons, as well as those held in state and local juvenile detention facilities, are able to make and receive phone calls free of charge after SB 1008 ("Keep Families Connected Act", Becker) was signed into law Gov. Gavin Newsom.**

**California is the second state to make phone calls for people in its prisons and juvenile halls free following on the heels of Connecticut, where its law took effect in July 2022.**

# YOUTH BILL OF RIGHTS: AB 2417





# YOUTH BILL OF RIGHTS: AB 2417

Requires the OYCR Ombudsperson to notify a complainant in writing of the intention to investigate or refer a complaint for investigation.

- Ombudsperson must also provide written notice of the final outcome of the complaint.

Requires that data published by OYCR and provided to the Legislature on complainants be disaggregated by gender, sexual orientation, race, and ethnicity of the complainants.

Requires that youth have access to postsecondary academic and career technical education and programs and access to information regarding parental rights, among other things. Requires the OYCR, in consultation with other specified parties, to develop standardized information explaining these rights no later than July 1, 2023.

Prohibits discrimination against youth based on their gender expression or immigration status.

# AB2658: ELECTRONIC MONITORING (NEW WIC 628.2)

Minors are now entitled to have one day credited against the minor's maximum term of confinement for each day, or fraction thereof, that the minor serves on electronic monitoring. If EMP is imposed for 30+ days, the court must hold a hearing every 30 days to ensure that the youth does not remain on EMP for an unreasonable length of time, as specified. Also prohibits EMP devices from being used to converse with a minor or to eavesdrop or record any conversation.

In determining whether a length of time is unreasonable, the court shall consider whether there are less restrictive conditions of release that would achieve the rehabilitative purpose of the juvenile court. If less restrictive conditions of release are warranted, the court shall order removal of the electronic monitor or modify the terms of the electronic monitoring order to achieve the less restrictive alternative.

Additionally, DOJ, in complying with certain reporting requirements, must now also include data regarding the use of electronic monitoring in juvenile court, as specified.



# LEGISLATIVE INTENT (EMP)

(a) In California, persons in the juvenile justice system frequently are imprisoned in their homes and tracked by electronic monitors 24 hours a day, 7 days a week. Youth may remain on electronic monitors for months at a time, often for minor crimes. Despite the restrictions on their liberty and privacy, youth, unlike adults, do not receive custody credit for time spent on electronic monitoring. Currently, there is no statutory limit to how long youth can be subjected to this form of custody.

(b) Being on an electronic monitor is highly restrictive. Electronic monitoring programs often are not tailored to take into account modern knowledge about healthy adolescent development. Youth on electronic monitoring cannot leave their homes without advance permission. Electronic monitoring contracts make it burdensome for youth to work, attend family events, run errands for family, participate in programming, play sports, or engage in any unscheduled activity, including medical and mental health appointments. This virtual solitary confinement can lead to depression, anxiety, and social isolation.

(c) The restrictions and rules that accompany electronic monitoring often set youth up to fail, especially those with disabilities or cognitive impairments. Many electronic monitoring contracts contain over 50 separate restrictions. Some require a college reading level to understand. Intensive surveillance, which often leads to reincarceration for technical violations, undermines the rehabilitative goals of juvenile court. Ample research demonstrates that more restrictions and surveillance for persons under court supervision lead to worse case outcomes.

## **LEGISLATIVE INTENT (EMP)**

### **(CONTINUED)**

(d) Even when youth are granted permission to leave their home, their electronic monitors are often visible, and most have audio functions that emanate buzzes, beeps, or verbal commands. These visual and auditory indicators undermine the otherwise confidential nature of juvenile court by identifying the wearer as system-involved. The public nature of electronic monitoring causes feelings of shame, stigmatization, and anxiety, and may discourage young people on monitors from engaging in school, employment, counseling, and other prosocial activities. While electronic monitoring may be appropriate in limited circumstances, legislation must take into account the harms of monitoring, as well as less restrictive options for support and supervision of persons in the juvenile justice system.

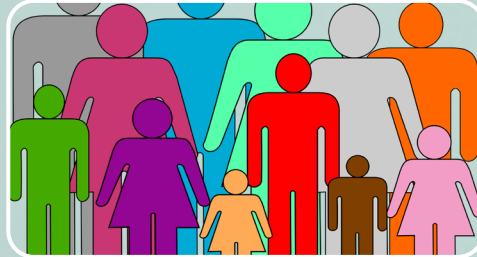
(e) It is the intent of the Legislature to recognize the potential harms of electronic monitoring for youth, and to subject the use of electronic monitoring to limitations and regular judicial review. It is further the intent of the Legislature to provide a mechanism for the collection of data on electronic monitoring in the juvenile justice system.



# FAMILY FINDING: SB 384



Amends WIC 628: Probation/DFCS must notify CDSS by Jan. 1, 2024, whether it has adopted and implemented one of the suggested practices for family finding from ACL 18-42



If a practice hasn't been implemented, Probation/DFCS must send CDSS a copy of its existing family finding policies and practices



Probation must create and publicize a procedure that allows interested family members of a child that has been removed from their parents to contact the Department and obtain required notices



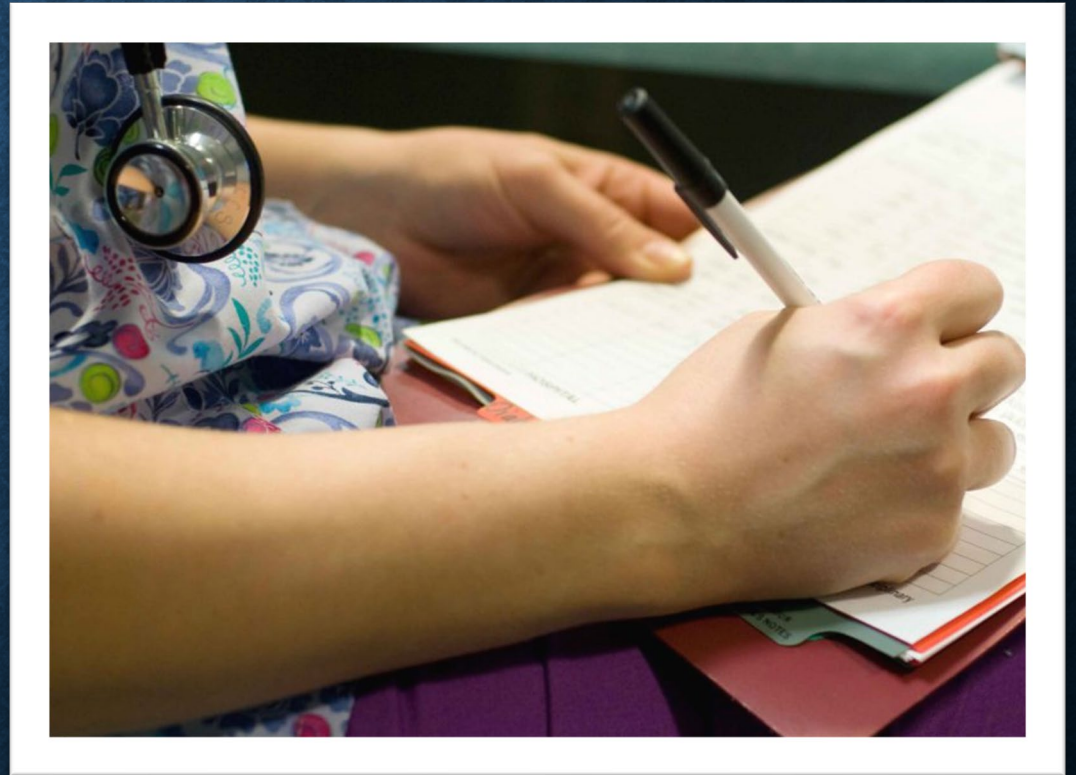
Clarifies due diligence: investigating, including via a search engine, to identify relatives and tribes Indian youth and connect disconnected youth with relatives to provide family support and placement

# SB528: MEDICATION DOCUMENTATION

**Amends Sections 369.5 and 739.5 of the Welfare and Institutions Code.**

Upon approval or denial by the juvenile court judicial officer of a request for authorization for the administration of psychotropic medication, existing law requires the person or entity that submitted the request to provide a copy of the court order approving or denying the request to the caregiver.

This new amendment makes clear that the court order approving a request shall include the last 2 pages of form JV-220(A) or JV-220(B), and all medication information sheets attached thereto. Documents must be provided to the caregiver.



## **AB2085**

### **MANDATED REPORTERS: GENERAL NEGLECT**

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**Amends Sections 11165.2, 11166,  
and 11167 of the Penal Code,  
relating to crimes.**

---

Definition of general neglect limited to circumstances where the child is at substantial risk of suffering serious physical harm or illness. General neglect does not include a parent's economic disadvantage.

**AB2169 –  
TRAFFICKING,  
INTIMATE  
PARTNER  
VIOLENCE, OR  
SEXUAL  
VIOLENCE,  
AMENDING  
PENAL CODE  
236.14 AND  
236.15**

A petitioner must establish, by clear and convincing evidence, that their (nonviolent) arrest or conviction was the direct result of being a victim of human trafficking, intimate partner violence, or sexual violence, which demonstrates that the person lacked the requisite intent to commit the offense. Upon such proof, the court, under those circumstances, is required to find that the person lacked the requisite intent to commit the offense and to vacate the conviction as invalid due to legal effect at the time of the arrest or conviction.

Removes the requirement that the victim is engaged in good faith efforts to distance themselves from the perpetrator of the harm or human trafficking scheme, and would remove the requirement that it be in the best interest of the petitioner.

See PC 236.14(j): A person who was arrested as, or found to be, a person described in Section 602 of the Welfare and Institutions Code because they committed a qualifying nonviolent offense while they were a victim of human trafficking, including, but not limited to, prostitution, as described in subdivision (b) of Section 647, may petition the court for relief under this section. If the petitioner establishes that the arrest or adjudication was the direct result of being a victim of human trafficking the petitioner is entitled to a rebuttable presumption that the requirements for relief have been met.

PC 236.15(j): (j) A person who was arrested as, or found to be, a person described in Section 602 of the Welfare and Institutions Code because they committed a qualifying nonviolent offense while they were a victim of intimate partner violence or sexual violence, may petition the court for relief under this section. If the petitioner establishes that the arrest or adjudication was the direct result of being a victim of intimate partner violence or sexual violence the petitioner is entitled to a rebuttable presumption that the requirements for relief have been met.





# SCHOOL DISTRICT MUST NOTIFY COUNSEL OF DISCIPLINARY PROCEEDINGS

This law requires appointed attorneys (including 602 attorneys) to be notified by school districts of disciplinary hearings – including suspensions, pending suspensions, involuntary school transfers, and expulsion proceedings within the same timeframe that they are required to notify a child’s parent or guardian. The definition of “foster child” is broad, and *includes* 602 youth (Ed. Code 48853.5).

Education Code 48853.5.

(a) This section applies to a foster child. “Foster child” means any of the following:

- (1) A child who has been removed from their home pursuant to Section 309 of the Welfare and Institutions Code.
- (2) A child **who is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code**, whether or not the child has been removed from their home.

\* Now includes charter schools.

Photo Credit: *BarbaraLN* / Creative Commons [Http://Michrad.Io/1LXrdJM](http://Michrad.Io/1LXrdJM)

# AB2167 – ALTERNATIVES TO INCARCERATION

## ADDS PENAL CODE 17.2

Section 17.2 is added to the Penal Code, to read:

(a) It is the intent of the Legislature that the disposition of any criminal case use the least restrictive means available.

(b) The court presiding over a criminal matter shall consider alternatives to incarceration, including, without limitation, collaborative justice court programs, diversion, restorative justice, and probation.

(c) The court shall have the discretion to determine the appropriate sentence according to relevant statutes and the sentencing rules of the Judicial Council.



Image: Marin County Probation Dept.'s Restorative Justice Program

# LEGISLATIVE FINDINGS & DECLARATIONS OF AB2167

(a) California's overreliance on incarceration has failed to improve public safety while disproportionately harming vulnerable and marginalized communities.

(b) California can safely reduce the number of people behind bars by making greater use of alternatives to incarceration, which often lead to better outcomes than incarceration, including reduced rearrest rates, better economic outcomes, and reduced racial disparities.

(c) Victims and survivors of violent crime report greater satisfaction when the case is resolved through restorative justice than do victims and survivors whose case is resolved through the traditional criminal court process.

(d) The California Committee on Revision of the Penal Code has recommended that California adopt a Penal Code section stating that alternatives to incarceration shall be considered in every case, similar to existing law in the federal system and in other states.

(e) It is the intent of the Legislature that the court presiding over a criminal matter impose an alternative to incarceration, except where incarceration is necessary to prevent physical injury to others or the interests of justice would best be served by incarceration.

# AB2778 CRIMES: RACE-BLIND CHARGING.

Adds Section 741 to the Penal Code, relating to crimes.

Starting 1/1/24:

The bill would "require the Department of Justice to develop and publish "Race-Blind Charging" guidelines whereby all prosecuting agencies, as specified, implement a process to review a case for charging based on information, from which all means of identifying the race of the suspect, victim, or witness have been removed or redacted."



## AB2799: "DECRIMINALIZING ARTISTIC EXPRESSION ACT": RAP LYRICS INADMISSIBLE

**FREE SPEECH:** What do Meek Mill, Tyga, YG, Too \$hort, Killer Mike, Ty Dolla Sign, & E-40 have in common? They joined Governor Newsom & Assemblymember Jones-Sawyer to sign a bill ensuring creative content – like lyrics and music videos – can't be used against artists in court without judicial review. Covers TV and film. Adds Evidence Code 352.2.



*Me and my n\*\*\*\*\*s tryna get it, ya bish  
 Hit this house lick tell me is you with it, ya bish  
 Home invasion was persuasive (was persuasive, was persuasive)  
 From nine to five I know its vacant, ya bish  
 Dreams of living life like rappers do (like rappers do, like rappers do) - Money Trees, Kendrick Lamar*

CALIFORNIA HAS  
ENSHRINED IN  
STATUTE A  
PROTECTION FOR  
ABORTION AS A  
FUNDAMENTAL  
RIGHT



PROPOSITION 1,  
NOVEMBER 2022

*The legislature finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions. Accordingly, it is the public policy of the State of California that:*

*(a) Every individual has the fundamental right to choose or refuse birth control.*

*(b) Every woman has the fundamental right to choose to bear a child or to choose and to obtain an abortion, except as specifically limited by this article.*

*(c) The state shall not deny or interfere with a woman's fundamental right to choose to bear a child or to choose to obtain an abortion, except as specifically permitted by this article.*

A group of people, including a woman on the left holding a sign that says "PROTECT TRANS KIDS", are gathered in front of a building. They are holding a large white banner that features the California state flag (a grizzly bear on a green hill) and a rainbow stripe at the bottom. The text "CALIFORNIA REPUBLIC" is visible on the banner. A man in a suit and glasses is standing on the right, looking towards the group. The background shows a stone building with arches.

# TRANS – HEALTH CARE

SB107- Gender Affirming Health care

AP Photo: Rich Pedroncelli

# SB107

- Law is designed to protect from prosecution patients who travel to California for gender-affirming care and doctors who provide that care. What it does:
  - Prohibits law enforcement participation and the arrest or extradition of an individual for allowing a person to receive or provide gender-affirming care when that care is legal under California and federal law.
  - Declares arrest warrants for individuals who allowed their child to receive gender affirming health care the lowest law enforcement priority.
  - Bans the enforcement of another state's law authorizing a state agency to remove a child from their parent or guardian because they allowed their child to receive gender-affirming care.
  - Bars compliance with subpoenas seeking medical information related to gender-affirming care that interferes with a person's right to allow a child to receive that care.



**CASES**



## **FIREARM RESTRICTION: FELONY SEXUAL BATTERY**

In re M.A.; H049482; 9/12/22; C/A 6th; SCC

M was found a ward for felony sexual battery. Under PC 29820, when M is found a ward for certain offenses (listed in PC 29805), they are banned from possessing firearm until age 30. List only contains misdemeanor violations including misdemeanor sexual battery. M appeals.

Court of appeal affirms stating that it doesn't make sense that ban is triggered by misdo and not felony sexual battery.

# NO 290 SEX REGISTRATION FOR SECURE TRACK CASES

*In re T.O.*; E077783; 10/18/22; C/A 4th, Div. 2

- WIC 290.008: 290 registration only when the youth is found a ward for an enumerated offense and the youth has been discharged or paroled from **DJJ**.
- Here M was committed to the county's **Secure Track** program for rape, an enumerated offense.
- DÅ appealed the juvenile court's refusal to impose 290 registration, arguing that the judge "misconstrued the legislative intent by focusing solely on the plain language of the statute" and denial of equal protection.
- Appellate court affirms "based on the legislative intent in enacting changes to the juvenile delinquency provisions and the plain language of section 290.008..."

# SOCIAL MEDIA PROBATION CONDITION

People v. Salvador (Sept. 9, 2022, H048162, SCC).

D, a 41 y.o. man, rented space in house that had young females. D choked an 18 y.o. female, sexually assaulted a 15 y.o. female, and made sexual comments to another 15 y.o. female. D used his cell phone to exchange social media messages with the victims.

D pled no contest to a felony false imprisonment and a misdemeanor sexual battery.

Over D's objection, the court ordered that D not use the internet and that D not use social media without prior approval from probation. D appealed.

The court struck the portion stating he could not use the internet but allowed the ban on social media to remain.



# JUVENILE STRIKES

People v. Thompson (Sept. 12, 2022, H044699, SCC).

D shot and killed Marvin Jackson, and was found guilty of murder at trial.

The jury also found his juvenile prior for aggravated kidnapping true.

D appealed many things including his juvenile strike prior.

The court held that using a juvenile adjudication as a prior strike conviction was constitutional.

# SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

Saul H. v. Rivas (Aug. 15, 2022, S271265).

- The Court clarified the credibility or motives of the youth is not an issue for the state court; it only becomes an issue when immigration officials review the youth's application.
- The youth's declaration can in some cases be sufficient.
- Once eligibility is shown by a preponderance of the evidence, the court does not have the discretion to deny granting the petition.
- The youth must show he or she has been "abandoned," but the parents' abandonment need not be intentional. It can be the result of poverty or conditions in the country of origin.

# SUFFICIENT EVIDENCE TO ESTABLISH SIJS STATUS

In re Scarlett V. (Dec. 18, 2021, B311089).

- A dependent is eligible to be a special immigrant juvenile and become a permanent legal resident under 8 U.S.C. § 1101(a)(27)(J).
- A state court's finding is necessary before immigration officials can consider making the minor a permanent legal resident. (See *Bianka M. v. Superior Court* (2018) 5 Cal.5th 1004, 1013.)
- The lower court was required to consider the evidence submitted and Scarlett submitted unimpeached and uncontradicted evidence that required the court to enter an order with the findings the minor requested under section 155.

# PRECOMMITMENT CREDITS

In re Ernesto L. (July 12, 2022, A162151).

M was charged with shooting at two police officers. He admitted 1 count of ADW w/ personal use & gang allegations. He was told his max time was 14y8m, max period of confinement of 3 yrs, & 969 days CTS.

For a youth committed to **DJJ**, precommitment credits shall be awarded toward the maximum term of physical confinement (maximum custodial time under WIC 731), not just the maximum confinement time (maximum exposure under WIC 726).



# INFORMAL SUPERVISION

In re N.L. (July 21, 2022, D079759).

M, 16, set fire to a bathroom trashcan in a Food 4 Less grocery store and was charged w/ felony arson and misdo reckless setting a fire. After CJH, the court sustained the petition re: felony arson.

Until January 1, 2022 (when S.B. 383 went into effect), youths who were at least 14 years old were presumptively ineligible for informal probation on a felony offense under Welfare and Institutions Code section 654.3.

The court held S.B. 383 applies retroactively to adjudications not final when the new law went into effect.

# CLERICAL ERROR – NUNC PRO TUNC

In re Jason V. (July 28, 2022, A163366, SCC).

The youth was committed to DJJ on June 28, 2021 for committing numerous armed robberies, including one where the cashier was killed. The court put erroneously put an impermissible max time of confinement. On July 1, 2021 the court no longer had the power to commit someone to DJJ. After, the court corrected the maximum confinement time “nunc pro tunc.”

The youth argued on appeal that a nunc pro tunc could only be used to correct a clerical error, not a judicial error, and thus the commitment was in July and came too late.

The Court of Appeal disagreed, stating a judge can commit a “clerical error,” so long it is a matter of which the court had no discretion. Here, the court mistakenly used the upper term, instead of the middle term, for the principal term in calculating the maximum confinement time, which it had no discretion to do.

# RESTITUTION AND JURISDICTION

In re A.R. (May 2, 2022, B312476).

M admitted 4 petitions including a robbery, a residential burglary, and 12 burglaries. The remaining counts were dismissed with Harvey waivers.

The court can make a new restitution order five years after the disposition hearing (at least so long as the minor is still on probation), and restitution can include the cost of redoing the transmission and the engine to a 21 year-old car.

**APPEAL FROM  
TRANSFER  
ORDER:  
NOT  
RETROACTIVE**

People v. Pineda (May 10, 2022, B304140, unpublished opinion).

M convicted of murder. Court remanded for new transfer hearing. M was again transferred to adult court. M appealed again re: retroactivity of AB 624.

A.B. 624, which Welfare and Institutions Code section 801 permitting an appeal from a transfer order, does **not** apply retroactively.

# SUFFICIENCY OF EVIDENCE

In re K.M. (Feb 17, 2022, A159962).

- V was on phone. 5 rode up. 1 tapped and another grabbed cell. V chased and tackled. Someone punched V in face. V surrounded by 3 individuals. 1 demanded AirPods. V did not give, others arrived, 3 rode off. Cops arrested 3 on bikes including M moments after. 1 had V's cell phone in backpack. V ID'd one with phone and other as punching/demanding AirPods. V could not id M - "could be" the one who tapped him but not sure.
- At hearing V ID'd M as being there but did not know if he was there when phone taken, not sure if he tapped, couldn't say what oif anything M did.
- Insufficient to support M aided in robbery of cell phone

# **782 DISMISSAL TO COMMIT YOUTH TO DJJ**

- In re J.B. (Feb. 18, 2022, H049130).
- M was committed to DJJ for committing murder. In order to commit M, the court dismissed two adjudicated petitions involving more recent non-707(b) offenses per WIC 782. M appealed.
- Holding: The court can dismiss an intervening petition under Welfare and Institutions Code section 782 in order to commit the youth to DJJ.

# **AB333 (STEP FORWARD ACT) IS RETROACTIVE IF CASE NOT FINAL**

- People v. Tran (Aug. 29, 2022, S165998).
- D, a gang member, did a home invasion robbery of Linda Park's house. He bound her including tying electrical cord around her throat. Linda Park died. A jury convicted D of murder with special circs and torture as well as of the gang enhancement. D was sentenced to death.
- The Supreme Court held that A.B. 333, redefining a gang, applies retroactively to all cases not yet final (on appeal when the law went into effect). The Court did not decide whether the requirement to bifurcate the gang allegation in adult court applies retroactively. The Court further decided juvenile conduct can be admitted as evidence in aggravation in the penalty phase of a capital trial. Finally, the Court held it does not violate the Eight Amendment to impose the death penalty for a defendant who was 20 years old when the offense was committed.

# **GANG CASE: PEOPLE V. HALL**

- People v. Hall (Feb. 22, 2022, E072463).
- M, 15, was convicted by jury of 6 robberies with gang enhancements. Prop 57 raised age and sent back to juvenile court, which sent M to DJJ.
- This case and case cited therein discuss how the elements to a gang allegation have changed under A.B. 333 including changes to the jury instructions.



# **GANG CASE (PEOPLE V. LOPEZ)**

People v. Lopez (2022) 82 Cal.App.5th 1.

D was one of several Norteno gang members convicted of conspiring to commit home invasion robberies.

The court decided A.B. 333 did not unconstitutionally amend Proposition 21 as applied to conspiracy to commit a gang crime under Penal Code section 182.5.

**PROBATION  
OFFICER  
DISCRETION TO  
INFORMALLY  
HANDLE  
VIOLATION OF  
PROBATION**

In re D.N. (2022) (S268437)

A youth who was adjudged a ward of the court challenged a juvenile court's order, which stated that the probation department was authorized to offer the youth community service as an option to work off an alleged probation violation, as an improper delegation of the juvenile court's authority and a violation of their due process rights.

Holding:

"In conclusion, the challenged provision of the juvenile court's probation order merely authorized the probation department to offer minor a community service option for nonjudicial resolution of alleged probation violations. In authorizing an option for informal resolution of such allegations, the court neither delegated judicial functions in an improper manner to the probation officer nor deprived minor of any judicial process due him."

# THE FIRST AMENDMENT ALLOWS PUBLIC SCHOOLS TO DISCIPLINE STUDENTS FOR OFF-CAMPUS SPEECH

*Chen v. Albany Unified School District* (9th Cir. 2022) (2022 WL 17957458)

- Does the first amendment allow a public high school to discipline students for off-campus social media posts that amounted to severe bullying or harassment targeting specific classmates? *Yes.*
- School properly disciplined two students for racist speech that occurred off campus on the social media platform, Instagram; speech that amounted to bullying.
- Court concluded that the students' off campus speech bore a sufficient nexus to school and its students to come under regulation by the school.

# YOUTHFUL OFFENDER PAROLE (YOP)

People v. Board of Parole Hearings (Sept. 15, 2022, C093941). The county district attorney's office filed a petition for writ of mandate to declare that S.B. 394, permitting youthful parole for minors who were convicted of 1st degree murder with special circumstances, was unconstitutional. The court of appeal concluded the district attorney's office lacked standing to challenge the Board of Parole Hearings scheduling the parole hearing.

People v. Heard (Sept. 20, D079237). Penal Code section 1170, subdivision (d) permits a juvenile sentenced to life without parole to petition to recall the sentence. The court held it violated the equal protection clause not to permit juveniles who receive a virtual life without parole sentence (23 years + 80 years to life for 2 counts of first degree murder) to petition to recall the sentence.

# LWOP & THE 8TH AMENDMENT

Crespin v. Ryan (9th Cir. Aug. 12, 2022, No. 18-15073). The defendant committed murder as a 16 y.o. The Supreme Court had not yet held that the death penalty couldn't be imposed on minors so he entered a plea agreement for LWOP. The Supreme Court ruled that LWOP for minors violated the 8th Amendment in some circumstances. D unsuccessfully sought post conviction relief and appealed. The court ruled that D didn't waive his right to pursue post conviction relief. Also, the sentencing court must have discretion to impose a sentence less than LWP which the trial judge didn't in this case.

THANK  
YOU

**SANTA CRUZ COUNTY**  
**JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION**  
Adopted February 9, 2023

***COMMISSIONER AGREEMENTS***

- 1) Be familiar with the JJDPC bylaws and agree to be bound by them.
- 2) Make a good faith effort to attend monthly Commission Meetings and annual Board Retreat and to notify the Chair if not able to attend a scheduled meeting.
- 3) Join a Sub-Committee and make a good faith effort to attend meetings and notify the Subcommittee Chair if not able to attend a scheduled meeting..
- 4) Communicate with the Supervisor who nominated you no less than 2 times in a year to discuss our work or answer questions they may have.
- 5) Serve for a four-year term, with possible term renewals for up to two additional terms for a maximum of 12 years.
- 6) Consider taking a leadership role in a sub-committee.
- 7) Understand and honor the absolute requirement of preserving the confidentiality of information relating to individual juveniles and Juvenile Justice Commission work.
- 8) Assist in recruiting new Commissioners.
- 9) Understand that Commissioners may not represent themselves as speaking for the Commission unless they have been authorized to do so by the Chair and/or the full Commission.

In signing below, I agree to serve on the JJDPC Commission and abide by the above agreements:

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

