



24-5304

DATE: April 16, 2024 (Item No. {{item.number}})

TO: Board of Supervisors

FROM: Nicholas Birchard, Chief Probation Officer

SUBJECT: Fiscal Year (FY) 2024-2025 Juvenile Justice Realignment Annual Plan

RECOMMENDED ACTION

Receive report from the Probation Department and the Behavioral Health Services Department relating to the Fiscal Year 2025 Juvenile Justice Realignment Block Grant Annual Plan.

REASONS FOR RECOMMENDATION AND BACKGROUND

Under Senate Bill (SB) 823, to continue receiving Juvenile Justice Realignment Block Grant (JJRBG) funding for subsequent fiscal years (after the initial JJRBG annual plan for Fiscal Year (FY) 2022-2023 was submitted to the Office of Youth and Community Restoration (OYCR)), counties must submit the most recent JJRBG annual plan, regardless of changes, to the OYCR by May 1 of each year. In spring 2023, the JJCC Realignment Subcommittee could not establish quorum, so the FY2023-2024 JJRBG annual plan submitted to the OYCR contained the same information as the FY2022-2023 annual plan.

The attached JJRBG annual plan for FY2024-2025 reflects updates to the original plan (i.e. the annual plan submitted for FY2022-2023) and captures current programs and services being provided or planned for the upcoming fiscal year as well as a description of the progress made with respect to objectives identified in last year's plan.

Community Input and Less Restrictive Options

In FY2022-2023, the Probation Department contracted with Research Development Associates (RDA) to coordinate community engagement, including soliciting feedback on the annual plan, communicating the plan to stakeholders, and conducting focus groups and community forums with impacted stakeholders. RDA performed an environmental scan of existing community-based and residential options within Santa Clara County; identifying gaps within the local community and options for a less restrictive environment. RDA conducted a series of workgroups and focus group with various organizations including community-based organizations, County partners, SYTF youth, and staff from various county departments providing direct services to youth committed to SYTF. RDA reviewed the

JJRBG application and presented their findings to the JJCC Realignment Subcommittee on April 10, 2023. Subsequently, on April 4, 2024, the Probation Department presented the revised Annual Plan to the JJCC Realignment Subcommittee.

Senate Bills 823 and 92

The Division of Juvenile Justice (DJJ), within the Department of Corrections and Rehabilitation, ceased intake of new youth effective July 1, 2021. Consequently, as of July 1, 2021, the responsibility for all youth adjudged a ward of the court was shifted to county governments. The state provides annual funding for county governments to fulfill this realigned responsibility.

Youth who would have previously been eligible for DJJ commitments must generally remain under the care and custody of the local probation department, except for a limited population of youth who meet specified criteria. The youth must be adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Section 707 (primarily serious or violent offenses) or PC 290.008, and the 707(b) offense is their most recent offense. *The youth must be deemed unsuitable by the court for a less restrictive alternative setting.* Youth committed to DJJ before July 1, 2021 may remain there until discharged, released, or otherwise moved pursuant to law.

Significantly, SB 823 extended the age of local juvenile court jurisdiction to 23 or 25, as specified. It also repealed certain provisions that allowed youth to be detained in adult facilities. Instead, SB 823 requires any person whose case originated in juvenile court to remain, if detained, in a county juvenile facility until they turn 25 years of age, except as specified. However, probation departments may petition the juvenile court to transfer some individuals aged 19 years or older, to an adult facility.

SB 823 increases protections to prevent youth transfers to the adult criminal system.

- Local Juv. Court Jurisdiction Extends to Age 23, or 25 (W.I.C. §607)
- Local Juv. Facility Confinement Age Increased to 25 (W.I.C. §208.5)
- Extends DJJ Intake for Transfer Cases (W.I.C. §736.5)

Office of Youth and Community Restoration (OYCR)

SB 823 also created a new statewide oversight body in OYCR within the California Health and Human Services Agency. The mission of the OYCR is to promote trauma responsive, culturally informed, gender honoring, and developmentally appropriate services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood. OYCR, which oversees the transition of youth from state to local custody, also provides oversight to the block grant funding for SB 823, statewide data collection, research, best practices and technical assistance, the creation of an ombudsman position with investigatory powers, and will have responsibility for all juvenile justice grant funding by January 1, 2025. Finally, Senate Bill 92 required the closure of the DJJ facilities on June 30, 2023.

Juvenile Justice Coordinating Council (JJCC) Subcommittee

The County was required to create the Juvenile Justice Coordinating Council (JJCC)

Subcommittee to develop a plan describing the facilities, programs, placements, services, supervision, and reentry strategies that are needed to provide appropriate rehabilitation and supervision services to the juvenile realignment population. The juvenile realignment population consists of youth who would have been eligible for commitment to the state Division of Juvenile Justice (DJJ) prior to its closure and youth who are adjudicated a ward of the juvenile court based on an offense described in subdivision (b) of section 707 of the Welfare and Institutions Code or section 290.008 of the Penal Code.

JJRBG Annual Plan

SB 823 stipulates that to be eligible to receive Fiscal Year (FY) 2024-2025 Juvenile Justice Realignment Block Grant (JJRBG) funding, the County must submit the JJRBG annual plan to the State Office of Youth and Community Restoration (OYCR) by May 1, 2024.

Further, Assembly Bill (AB) 505, which took effect on January 1, 2024, expanded the requirements relating to the JJRBG Annual Plan and the JJCC Realignment Subcommittee, which include the following:

- The Plan should be updated annually and must be approved by a majority of the subcommittee.
- The subcommittee, which may decide to have a cochair in addition to the probation chief, shall convene no less frequently than twice a year to consider and review the plan.
- The subcommittee may decide to have a cochair in addition to the probation chief, with a selection process determined by the subcommittee.
- Plans must be developed with the review and participation of subcommittee community members.
- Counties must report progress made on actions established in the previous year's JJRBG county plan.
- The OYCR will review the plan to ensure it contains all required elements, follows the planning process, and may return it to the County for necessary revisions or completion before final acceptance. Any requests for revisions will not impact the allocation of the JJRBG funds.

The JJRBG Annual Plan must include eight elements required under Welfare and Institutions Code section 1995. Consistent with these required elements and the State's JJRBG Annual Plan template, which provides for identification of the JJCC Subcommittee membership, the County's JJRBG Annual Plan consists of the following parts:

- Part 1: Subcommittee Composition
- Part 2: Target Population
- Part 3: Programs and Services
- Part 4: Juvenile Justice Realignment Block Grant Funds
- Part 5: Facility Plan
- Part 6: Retaining the Target Population in the Juvenile Justice System
- Part 7: Regional Effort
- Part 8: Data

CHILD IMPACT

The recommended action will have a positive impact on the Every Child Safe, **Juvenile Arrest Rate** by informing the Juvenile Justice Coordinating Council of the County's implementation plan relating to SB 823, and subsequent related bills, to ensure youth who previously would have been assigned to California's Division of Juvenile Justice (DJJ) are provided with the necessary programs and services to rehabilitate youth and support public safety.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

CONSEQUENCES OF NEGATIVE ACTION

The report will not be received.

STEPS FOLLOWING APPROVAL

The Clerk of the Board is requested to notify Dolores Morales and Mariel Caballero of the Probation Department.

ATTACHMENTS:

- FY2024-2025 Juvenile Justice Realignment Annual Plan