



## **SB 823 County Collaboration Consortium Workgroup FREQUENTLY ASKED QUESTIONS (SB 823, 2020)**

**Version 1 – March 29, 2021**

### **When will DJJ stop accepting youth?**

DJJ intake stops as of July 1, 2021. There is a narrow exception for youth who might be transferred to adult criminal court, but that would only include a very small number of youth.

### **Will the youth who are currently at DJJ be transferred back to the counties?**

Generally, the youth who are *currently* at DJJ will *not* be transferred back. DJJ facilities will remain open until July 1, 2023. However, any youth who are still at DJJ at the time of closure will have to be transferred back to the counties.

### **Which youth are impacted by this realignment? In other words, who can currently be committed to DJJ?**

Any ward of the juvenile court whose current adjudicated offense is listed in 707(b) of the Welfare & Institutions Code (WIC) can be committed to DJJ by the court.<sup>1</sup>

However, it is worth noting that not all youth who commit a 707(b) offense are sent to DJJ. Youth are sent to DJJ because the juvenile court has determined:

- The community cannot be protected from the youth if they were placed at home or in a nonsecure placement.
- Other local secure treatment programs cannot provide the long-term custody and treatment the youth needs.
- The court feels (under WIC 202) that DJJ is the appropriate sanction for the crime the youth committed.

### **What is going to replace DJJ?**

Counties will have to create **secure youth treatment programs** for these youth.

Legislation is being finalized that will allow courts to place youth who meet the current DJJ criteria into a "secure youth treatment program." Counties can operate

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<sup>1</sup> [WIC 707\(b\)](#) includes serious and violent offenses, such as: murder, robbery, carjacking, assault, burglary, rape, and other sex offenses.

their own secure youth treatment program or place youth in a secure youth treatment program operated by another county.

### **How will courts determine who is eligible for a secure youth treatment program?**

Based on the latest draft of the legislation, eligibility for a secure youth treatment program will be similar to the current eligibility for DJJ, including:

- The most recent offense is a WIC 707(b) offense
- The court has determined:
  - A less restrictive, alternative disposition is unsuitable based on the severity of the offense, the youth's behavior, and the harm done to victims
  - A secure youth treatment program is appropriate to meet the treatment and security needs of the youth

### **Why is a ward who commits an offense listed under 707(b) of the WIC not transferred to the adult court?**

Youth cannot be transferred to criminal court if:

- They were under 16 when they committed the offense;
- The district attorney does not file a transfer motion; or
- The judge believes the minor can be rehabilitated in the juvenile court and denies transfer to the adult court

### **How many youth do counties currently send to DJJ each year?**

As of December 2020, there were 698 youth at DJJ.

Juvenile courts across the state send approximately 300 youth to DJJ each year. Many counties don't send youth to DJJ every year, but then may have a year in which they send several or more.

### **Does it make sense for each county that has its own juvenile hall to operate its own secure youth treatment program?**

Probably not. Most counties only have a small number of youth who will need a secure youth treatment program and these youth tend to have high risks and needs. Some of these needs are highly specialized, such as sexual behavior treatment or mental health needs. So, it does not make sense for each county to develop its own array of programs to serve this population.

## **How would a county consortium help replace the care and treatment now provided by DJJ?**

DJJ fills a small, but critical part of the juvenile justice continuum—the deepest end. If counties share resources and continue to address this as a shared, statewide problem, they can develop high-quality programs in different parts of the state while leveraging economies of scale and maximizing limited resources.

If each county tries to replicate the deepest end of the continuum locally, it will be extremely costly, inefficient, and ineffective. For example, there are currently 70 youth in DJJ's Sexual Behavior Treatment Program. It would not be cost efficient or programmatically effective for each county to create a highly specialized secure sex behavior treatment program for 1-2 youth. The same is true for the females; there are currently 29 young women at DJJ, over half of whom are in its' mental health program.

Additionally, counties existing infrastructure varies significantly. Some counties do not have any secure beds that could be repurposed for a secure youth treatment program. Other counties that have the required physical infrastructure don't necessarily have the demand (in terms of numbers of youth) to keep a high-quality program fully staffed, especially not for all of the distinct needs this population experiences.

## **What are the benefits of a consortium?**

A consortium could establish a statewide agreement and coordinating function that:

- Allows counties to place youth in a secure youth treatment program in another county
- Ensures that capacity, including specialized capacity, is available when counties who do not have their own capacity need it
- Creates incentives for counties who are willing to host youth from other counties defray costs of starting new programs and limits their liability of taking youth from other counties
- Helps counties facilitate placements through a placement liaison that uses pre-established placing criteria
- Sets a unified price structure throughout the state
- Establishes consistency in programming among counties
- Ensures proper roles and communication among counties

### **Why is the centralized approach of a consortium helpful to counties for this limited population?**

- Helps counties who rarely commit youth find the appropriate secure youth treatment program when they need it
- Eliminates the competition for beds by establishing a cooperative placement function and pre-established criteria and rates
- Helps resolve questions that may arise among counties in regard to the placing of youth

### **Why is a standardized level of programing among counties operating secure youth treatment programs important?**

A standardized level of programming:

- Ensures all youth receive the same level of programing regardless of counties
- Eliminates the need to “program shop” by courts