

SECURE YOUTH TREATMENT PROGRAM

Overview

3/5/21

CONTEXT/BACKGROUND

- SB 823 required legislature to establish a "separate dispositional track" by 3/1/21
- Language not finalized, but probably close



KEY CONSIDERATIONS

- In order to avoid net-widening, youth placed in secure youth treatment programs should be limited to those ordered by court.
- Sight and sound separation will not be required from other youth in the facility, but we should not just place secure track youth into an existing program
 - By definition, the court must determine that another option is not available

Secure Youth Treatment Programs are intended to fill the gap being created at the very deep end of the juvenile justice continuum by the closure of DJJ.

ELIGIBILITY & TERMS

Current Draft
Legislation

Eligibility

- Similar to DJJ: 14 and older; 707(b); court finding that less restrictive disposition is unsuitable

Baseline Term of Confinement

- Judicial Council will establish offense-based classification matrix
 - May provide for upward or downward deviation and a system of positive incentives or credits for time served
 - Stakeholder working group to advise on development of matrix
- Until then, courts shall use current DJJ regs
 - Current regs in CCR Title 9, 30807-30813

Maximum Term of Confinement

- Set by court
 - Up to age 23 (or 2 years, whichever is later) for most offenses
 - Up to age 25 (or 2 years, whichever is later) if aggregate criminal court sentence for same offense would be 7 or more years
- Cannot exceed middle term for an adult convicted of same offense

REHABILITATION PLAN

Current Draft
Legislation

Rehabilitation Plan

- Within 30 days of commitment order, court shall approve an individual rehabilitation plan
- Submitted to court by probation and other agency or individual deemed necessary by court
- Developed in consultation with a multi-disciplinary team
 - Youth service, mental and behavioral health, education, and other treatment providers
- Plan must:
 - Identify treatment, education, and development needs
 - Describe programming, treatment and education to address needs
 - Be trauma-informed, evidence-based, and culturally responsive

PROGRAM REQUIREMENTS

Current Draft
Legislation

Secure Youth Treatment Program must:

- Be a secure program that is operated, utilized or accessed by the county of commitment to provide appropriate programming, treatment, and education for this population
- Facility may be stand-alone or a unit or portion of an existing county juvenile facility that is configured and programmed to serve the realigned population
- Can be operated by the county or under contract with the county or another county
- Program must be in compliance with regulations (role of BSCC and OYCR still under discussion)
 - Legislation specifies that standards (to be finalized by 7/1/23) must specify how facility will serve or separate youth who may also be detained or committed to that facility or to some portion of the facility.
 - Until new standards are developed (if determined necessary), existing Title 15 and 24 regs apply
- Counties proposing to operate a secure youth treatment facility must submit a description to BSCC
- Beginning 7/1/22 BSCC will conduct biennial inspections

PROGRESS REVIEWS & LESS RESTRICTIVE PROGRAMS

Current Draft
Legislation

Progress Reviews

- At least every six months
- Court may reduce baseline term by up to six months
- Baseline term cannot be extended for disciplinary infractions or in-custody behaviors
- Court may order youth into less restrictive placement
 - Less restrictive placement considered part of baseline term

Less Restrictive Program

- Can be custodial or non-custodial program
- Court must determine youth has made progress in rehabilitation plan and that placement in a less secure program is consistent with the goals of rehabilitation and public safety
- If court determines youth is failing to comply with placement, youth may be ordered back to secure program for remainder of baseline term

DISCHARGE & RECALL

Current Draft
Legislation

Discharge Hearing at Conclusion of Baseline Term

- Court can order to period of probation supervision
- Subject to maximum confinement time, court may order up to one additional year of confinement with finding of substantial risk of imminent harm if youth is released

Intent to Develop Process Similar to WIC 1800

- Placeholder language requiring Governor and Legislature to work with stakeholder group to develop a process by 7/1/21 to allow for the extended detention of individuals deemed by probation to be physically dangerous to the public.

Recall Process

- Current WIC 779 recall process adapted for secure youth treatment programs