

# **FAQ SB 823 (DJJ REALIGNMENT)**

## **1. What is Senate Bill (SB) 823?**

[Senate Bill 823](#) was signed by the Governor on September 30, 2020, taking the first formal steps at closing the Division of Juvenile Justice (DJJ) and realigning youth from DJJ to local control. Beginning July 1, 2021, youth 14 years of age and older who are adjudicated and found to be a ward of the court based on an offense listed in [W.I.C. subdivision \(b\) of Section 707](#) cannot be committed to DJJ and will instead be committed to local custody, with the exception for youth subject to a motion for transfer to adult court ([W.I.C. § 736.5](#)).

Additionally, [Senate Bill \(SB\) 92](#), a trailer bill amending SB 823, was signed by the Governor on May 14, 2021. The trailer bill establishes the “secure track” component of DJJ realignment and closes all DJJ facilities and discharges all remaining wards to the counties by July 1, 2023. The bill requires the Director of DJJ to produce a plan for the transfer of jurisdiction of youth who are still confined in DJJ at or near the final closure date.

Annual funding will be provided by the state through the Juvenile Justice Realignment Block Grant ([W.I.C. §1991](#)), for county governments to fulfill this new responsibility, and requires each county to develop a local plan.

SB 823 also extends the age of local juvenile court jurisdiction to 23 or 25, as specified and increases protections to prevent youth transfers to the adult criminal justice system. It also repealed certain provisions that allowed youth to be detained in adult facilities.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, if detained, to remain in a county juvenile facility until they turn 25, except as specified. Probation departments may petition the juvenile court to transfer a person 19 years or older to an adult facility if certain conditions are met as specified.

SB 823 also creates a new statewide oversight body called the Office of Youth and Community Restoration (OYCR) within the California Health and Human Services Agency ([W.I.C. §2200](#)). The mission of the OYCR will be *“to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that supports the youth’s successful transition into adulthood and helps the youth become responsible, thriving and engaged members of the community.”*

OYCR will oversee the transition of youth from state to local custody and oversee 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.

SB 823 presents an opportunity for local probation departments to create a local program to address secure youth treatment and rehabilitation, as well as other interventions, to meet the individualized needs of youth and young adults who would have previously been housed by DJJ.

## **2. How will SB 823 funds be distributed to counties?**

The Legislature has provided an initial three-year plan for annual funding to counties for the purpose of providing housing and services to youth who previously would have been committed to DJJ.

The county-by-county distribution will be based on the following:

- 50% of the by-county distribution of juveniles adjudicated for certain violent and serious felony crime categories per 2018 Juvenile Court and Probation Statistical System data (which will be updated annually based on the most recently available data); and
- 30% of the per-county percentage of the average number of wards committed to DJJ, as of December 31, 2018, June 30, 2019, and December 31, 2019; and
- 20% of the by-county distribution of all individuals between 10 and 17 years of age, inclusive, from the preceding calendar year.

To be eligible for funding, each county must form a subcommittee of its juvenile justice coordinating council (JJCC) to develop and submit a plan to the Office of Youth and Community Restoration by January 1, 2022. The County Board of Supervisors will consider the plan in making allocations.

## **3. Who are the members of the JJCC Subcommittee?**

- Chief Probation Officer, as chair
- One (1) representative from each:
  - District Attorney's Office
  - Public Defender's Office
  - Juvenile Court
  - Department of Social Services
  - County Office of Education
  - Department of Mental Health
- Three (3) Community Members who are defined as individuals who have experience providing community-based youth services, youth justice advocates with expertise and knowledge of the juvenile justice system or have been directly involved in the juvenile justice system.

## **4. How can I provide input on the new local secure rehabilitation program?**

Meetings of the Juvenile Justice Coordinating Council (JJCC) SB 823 Juvenile Realignment Subcommittee are public, and agendas can be accessed on the [County of San Diego Public Safety Group's meeting portal](#) and the [Children's Initiative website](#).

## 5. How many local youths are committed to DJJ?

In 2020, twenty-four (24) local youths were committed to DJJ. As of March 2021, 55 youths from San Diego County were in DJJ custody. The average length of stay of San Diego youths discharged from DJJ in 2020 was 879 days.

### Annual Commitment to DJJ

- In 2019, 22 San Diego County youths were sent to DJJ
- In 2020, 24 San Diego County youths were sent to DJJ
- In 2021 to date (March 2021), two San Diego County youths have been sent to DJJ
- As of March 2021, there are three (3) San Diego County youths in local custody pending transfer to DJJ

### Annual Releases/Paroles of local youth from DJJ

- 2019 – 13 returns
- 2020 – 19 returns
- 2021 – 3 returns

## 6. Who can be ordered into the new local program?

Youth who were previously eligible to be committed to DJJ will be eligible for the new local program. Youth 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of W.I.C. §707 (primarily serious or violent offenses) or Penal Code §290.008, and the 707(b) offense is the youth's most recent offense. The youth must be deemed unsuitable by the court for a less restrictive alternative setting.

## 7. Who is currently at DJJ?

- 2020 Commitments Demographics
  - Majority of DJJ commitments male (23); Female (1)
  - Ethnicity/Race – 13 (54%) Mexican/Hispanic; 6 (25%) Black; 3 (13%) White; 1 (4%) Asian; 1 (4%) Pacific Islander
  - Age Upon Admission
    - 16 years of age – 4
    - 17 years of age – 6
    - 18 years of age – 8
    - 19 years of age – 5
    - 20 years of age – 1
  - Average length of stay of San Diego youths discharged from DJJ in 2020 was 879 days.

## 8. What types of treatment and services will these youth receive?

Youth committed to the local secure youth treatment will receive services to address their individual risks and needs as well as programming and assistance to support their education and career readiness.

## 9. What are the goals of the new local program?

Working with juvenile justice stakeholders and community, the Probation Department is developing goals for the new local program to address the following areas of need or development for the realigned youth. These goals are in draft form and are subject to change as the Subcommittee receives feedback from juvenile justice stakeholders and the community.

- *Treatment*
  - To utilize validated assessments to understand a youth's individual needs and match them to appropriate services, and provide an array of therapeutic services, including groups, mentoring, and individual counseling to allow for the diversity of needs of this population of youth.
- *Education*
  - To support educational success, attention to academic supports including tutoring and literacy improvement and career/education planning.
- *Facility Environment and Staffing*
  - To employ a range of professionals (e.g., licensed clinicians, contracted professionals, probation officer) who embrace the therapeutic approach, are well trained, and held accountable for creating and maintaining a safe, strength-based, and trauma informed environment.
- *Program Fidelity*
  - To institute policies and procedures to ensure fidelity to model for each program, including procedure manuals, monitoring tools, staff training, and corrective action processes.
- *Re-entry*
  - To incorporate national best practices to support the re-entry needs of this specific population.