
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 505 **Hearing Date:** June 27, 2023
Author: Ting
Version: June 15, 2023
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *The Office of Youth and Community Restoration*

HISTORY

Source: Alliance for Children’s Rights; Anti-Recidivism Coalition; Haywood Burns Institute; Human Rights Watch; National Center for Youth Law; Pacific Juvenile Defender Center; Young Women’s Freedom Center

Prior Legislation: SB 823 (Comm. on Budget & Fiscal Review), Ch. 337, Stats. 2020

Support: ACLU California Action; Advokids; All Saints Church Foster Care Project; Alliance for Boys and Men of Color; Arts for Healing and Justice Network; Asian Law Alliance; Asian Prisoner Support Committee; California Alliance for Youth and Community Justice; California Alliance of Caregivers; California Attorneys for Criminal Justice; California Catholic Conference; California Coalition of Women Prisoners; Californians for Safety and Justice; California Public Defenders Association; California Youth Connection; Center for Juvenile Law and Policy, Loyola Law School; Ceres Policy Research; Center on Juvenile and Criminal Justice; Children Now; Children’s Defense Fund-CA; Children’s Initiative; Children’s Law Center of California; Communities United for Restorative Youth Justice; Community Agency for Resources, Advocacy and Services; Community Interventions; East Bay Community Law Center; Ella Baker Center for Human Rights; Equal Justice Society; Everychild Foundation; Freedom 4 Youth; Fresh Lifelines for Youth; Fresno Barrios Unidos; Fresno County Public Defender’s Office; Friends Committee on Legislation of California; Gathering for Justice; GRACE - End Child Poverty in California; Healing Dialogue and Action; Immigrant Legal Resource Center; Initiate Justice; InsideOUT Writers; John Burton Advocates for Youth; Justice Policy Institute; Juvenile Law Center; Kids in Common; Legal Services for Children; Legal Services for Prisoners With Children; MILPA; National Association of Social Workers, California Chapter; National Center for Lesbian Rights; National Juvenile Justice Network; Nextgen California; Prison Law Office; Public Counsel; Root & Rebound; RYSE Center; Safe Return Project; San Francisco Public Defender; Santa Cruz Barrios Unidos; Sentencing Project; Sigma Beta Xi; Silicon Valley Debug; Sister Warriors Freedom Coalition; Sow a Seed Community Foundation; Spirit Awakening Foundation; UnCommon Law; Underground GRIT; Urban Peace Institute; Youth Law Center; Youth Alliance; Youth Forward; Youth Law Center

Opposition: Association of Orange County Deputy Sheriffs; California Fraternal Order of Police; Chief Probation Officers of California; Kern County Probation Officers Association; Riverside Sheriffs' Association; Sacramento County Probation Association; San Joaquin County Probation Officers Association; State Coalition of Probation Organizations

Assembly Floor Vote: 58 - 15

PURPOSE

The purpose of this bill is to transfer all authority, responsibilities, and duties regarding juvenile justice from the Board of State and Community Corrections (BSCC) to the Office of Youth and Community Restoration (OYCR).

Existing law establishes the BSCC to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. (Pen. Code, § 6024.)

Existing law provides that it is the duty of the BSCC to collect and maintain available information and data about state and community corrections policies, practices, capacities, and needs. (Pen. Code, § 6027, subd. (a).)

Existing law requires any construction or alteration plans for jails, prisons or detention facilities costing over \$15,000 to be submitted to the BSCC for recommendations. (Pen. Code, § 6029, subd. (a).)

Existing law requires the BSCC to establish minimum standards for local correctional facilities. Requires the BSCC to review those standards biennially and make any appropriate revisions. (Pen. Code, § 6030, subd. (a).)

Existing law requires the BSCC to inspect each local detention facility in the state, biennially, at a minimum. (Pen. Code, §§ 6031, subd. (a) & 6031.4.)

Existing law requires the BSCC to adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors. (Welf. & Inst. Code, § 210.)

Existing law establishes the OYCR in the California Health and Human Services Agency, whose mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support their successful transition to adulthood and help them become responsible, thriving, and engaged members of the community. (Welf. & Inst. Code, § 2200, subs. (a) & (b).)

Existing law requires the OYCR to have an ombudsman who shall have the authority to investigate complaints from youth, families, staff, and others about harmful conditions or practices, violations of law and regulations governing facilities, and circumstances presenting an emergency. (Welf. & Inst. Code, § 2200, subd. (d).)

Existing law moves all juvenile justice grant administration functions in the BSCC to the OYCR no later than January 1, 2025. (Welf. & Inst. Code, § 2200, subd. (h).)

Existing law establishes the Regional Youth Programs and Facilities Grant program, which appropriates \$9,600,000 to award one-time grants to counties for the purposes of providing resources for infrastructure related needs and improvements to counties. (Welf. & Inst. Code, § 2250, subd. (a).)

Existing law establishes the Juvenile Justice Realignment Block Grant program for the purpose of providing county based custody, care, and supervision of youth who are realigned from the Division of Juvenile Justice (DJJ). Specifies the funds to be appropriated beginning with fiscal year 2021-22. (Welf. & Inst. Code, §§ 1990, 1991.)

This bill transfers, all authority, responsibilities and duties conferred on the BSCC regarding juvenile justice to the OYCR. Requires OYCR to assume all juvenile justice statutory authority, duties and responsibilities including, but not limited to:

- Awarding grants;
- Collecting data;
- Making reports;
- Conducting inspections;
- Developing and enforcing minimum standards for local facilities; and,
- Developing standards for selection and training of personnel.

This bill requires, commencing July 1, 2025, the OYCR to establish, revise, and enforce minimum standards for the operation and maintenance of juvenile facilities.

This bill states that, starting on January 1, 2025, the OYCR shall serve as the state planning agency with respect to federal acts pertaining to juvenile justice and delinquency and shall succeed the BSCC regarding all other responsibilities, duties, and authority related to those federal acts.

This bill transfers, commencing July 1, 2025, all authority, responsibilities and duties regarding juvenile halls, special purpose juvenile halls, camps, ranches, forestry camps, and secure youth treatment facilities from the BSCC to the OYCR, including developing and enforcing standards, and conducting inspections, as specified.

This bill requires the OYCR to review the standards developed no less frequently than every two years and make any revisions deemed appropriate.

This bill requires the OYCR to conduct a biennial inspection of each juvenile facility to monitor compliance with standards.

This bill requires the OYCR to implement a system of graduated sanctions by regulation applicable to all juvenile facilities in the state. Requires the sanctions to include the option for facility closure, and may also include training, technical assistance, and assessment of fines and civil penalties.

This bill requires the OYCR to promptly notify the county board of supervisors of any sanctions related to facilities within its county, as well as provide an annual report to the Legislature, beginning July 1, 2026, of sanctions imposed.

This bill requires the OYCR to review annual inspection reports and recommendations of county or regional juvenile justice commissions and communicate with judges regarding any inspections, findings, and suitability determinations made.

This bill requires the OYCR to adopt and periodically amend regulations establishing minimum standards for the selection and training of personnel employed by local entities or agencies to provide for the custody, supervision, treatment, or rehabilitation of juvenile court wards, as specified.

This bill grants the ombudsperson of the OYCR access to all juvenile facility records, as defined, at all times.

This bill grants the ombudsperson access to meet and communicate with youth housed in juvenile facilities at all times and without notice, and allows the ombudsperson to take notes, make audio or video recordings, or take photographs to the extent not otherwise prohibited under state or federal law.

This bill grants the ombudsperson of the OYCR access to all juvenile facilities at all times, with or without prior notice.

This bill requires ombudsperson staff to conduct a site visit to every juvenile facility within a county at least once per year.

This bill authorizes the ombudsperson to recommend changes to improve services or correct systemic issues.

This bill requires the ombudsperson to advise all complainants that retaliation is prohibited and constitutes the basis for filing a subsequent complaint.

This bill states that ombudsperson reports to the Legislature pertaining to data collected over the course of the year should include recommendations for improving the juvenile justice system that are consistent with the data collected.

This bill provides that for any grant programs applicable to both youth and adult services, and for any programs that continue to be administered by the BSCC, the BSCC shall consult with the OYCR regarding grant design, solicitation, and awards that could be directed towards youth programs and services.

This bill transfers authority regarding the plans and specifications of every juvenile facility housing persons detained or committed under the juvenile court law from the BSCC to the OYCR.

This bill requires the BSCC to provide copies of reports pertaining to the detention of a minor in an adult facility to the OYCR.

This bill authorizes, commencing July 1, 2025, any duly authorized officer, employee, or agent of the OYCR to enter and inspect any area of a juvenile facility without notice for inspection purposes, and also authorizes the OYCR to inspect any adult lock up facility that was used for

the secure detention of any minor in the preceding year.

This bill requires the OYCR to develop guidelines and procedures for determining the suitability of juvenile halls no later than July 1, 2025. Requires OYCR shall conduct a publicly-noticed hearing to gather input regarding suitability standards.

This bill requires the OYCR to provide notices of non-compliance with suitability standards for juvenile facilities, and corrective action plans, as specified.

This bill requires all reports and notices of findings prepared or received by the OYCR to be made publicly available on its website.

This bill requires the OYCR to notify the Legislature of any findings related to facility suitability within 30 days of making any findings.

This bill specifies the data that the OYCR is mandated to collect, requires that is be disaggregated by descriptors, and that all data, reports, and notices of findings prepared or received by the OYCR be made publicly available on its website.

This bill allows OYCR personnel to access to juvenile case files in order to carry out the duties of its office.

This bill confers the OYCR with the sole authority to make recommendations in respect to plans and specifications for the construction of local juvenile facilities or for alterations thereto, except recommendations that the office may request from any such state department or agency.

This bill requires the OYCR to verify to the Controller annually, by July 1, that a county has an approved plan in order for the Controller to allocate funds from the Juvenile Justice Realignment Block Grant program.

This bill makes conforming changes.

COMMENTS

1. Need for This Bill

According to author:

California youth deserve every opportunity to grow, learn, and thrive. The State began transforming its juvenile justice system from a corrections model to an evidence-driven, health-based approach when the Legislature passed SB 823 in 2020. It opened the state's first office of youth justice, the Office of Youth and Community Restoration (OYCR), to facilitate this transformation, and created an Ombudsperson to investigate violations of youth rights in the juvenile justice system. AB 505 ensures the new state youth justice office has the tools it needs to partner with counties in continuing the youth justice system transformation that began in 2020, and to keep them safe. The bill clarifies existing law and strengthens accountability, ensures county plans are consistent with health-based approaches, enables the Ombudsperson to respond quickly to youth who may be

facing abuse, and consolidates regulatory authority and technical assistance under the state's youth justice expert, the OYCR.

2. Office of Youth and Community Restoration

In 2020, with the passage of SB 823 (Committee on Budget), the state planned the closure of the Division of Juvenile Justice run by the California Department of Corrections and Rehabilitation and re-aligned the responsibility for managing all youth under the jurisdiction of the juvenile courts to county probation departments. As noted by the California Health and Human Services Agency, as part of this transition:

Effective July 1, 2021, pursuant to Senate Bill 823, a new Office of Youth and Community Restoration (OYCR) operates within the California Health & Human Services (CalHHS) Agency. Supporting the transition of justice involved youth being served in local communities, the OYCR will promote a youth continuum of services that are trauma responsive and culturally informed, using public health approaches that support positive youth development, build the capacity of community-based approaches, and reduce the justice involvement of youth.

By promoting the use evidence-based and promising practices, the OYCR will 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.

The OYCR will also assess the efficacy of local programs, provide technical assistance and support, review local Juvenile Justice Realignment Grants, fulfill statutory obligations of an Ombudsperson and develop policy recommendations. (<https://www.chhs.ca.gov/oycr/>)

OYCR is currently responsible for developing a report on youth outcomes; identifying policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth; identifying and disseminating best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services; and providing technical assistance to probation departments, as requested. (<https://www.counties.org/node/20061>) All juvenile justice grant administration functions in the BSCC are required to be moved to the OYCR no later than January 1, 2025. (Welf. & Inst. Code, § 2200, subd. (h).)

This bill transfers all other juvenile justice related responsibilities from the BSCC to the OYCR. Proponents of the bill contend this transfer of responsibilities is necessary in order fully complete juvenile justice realignment. Among its new responsibilities, the OYCR will be required to establish, revise, and enforce minimum standards for the operation and maintenance of juvenile facilities; conduct a biennial inspection of each juvenile facility to monitor compliance with standards; implement a system of graduated sanctions by regulation applicable to all juvenile facilities; and notify the county board of supervisors of any sanctions related to facilities within its county. The bill also requires OYCR to prepare an annual report to the Legislature of sanctions imposed.

This bill makes changes to the role of the ombudsperson of the OYCR. Specifically, this bill provides that the ombudsperson is authorized to: access to meet and communicate with youth housed in juvenile facilities at all times and without notice, and allows the ombudsperson to take notes, make audio or video recordings, or take photographs to the extent not otherwise prohibited under state or federal law; access to all juvenile facilities at all times, with or without prior notice; have access to all juvenile facility records at all times; and recommend changes to improve services or correct systemic issues. This bill also requires ombudsperson staff to conduct a site visit to every juvenile facility within a county at least once per year.

3. Argument in Support

Human Rights Watch, one of the bill's co-sponsors writes:

The OYCR must be well-equipped to help fulfill the promises of SB 823 to youth and the community. AB 505 provides for this in three ways:

First, AB 505 makes the allocation of state funds to counties subject to OYCR approval. The state provides more than \$200 million annually to counties that, starting this year, are responsible for the custody of all youth in locked facilities, including youth who previously would have been committed to the state Division of Juvenile Justice (DJJ). Under existing law, counties must submit plans to receive these funds, but there is no clear requirement that these plans comply with state law and be approved before the funding is awarded. Under AB 505, the OYCR would be authorized to review and approve county plans so that the use of state funds are consistent with legislative intent. AB 505 also clarifies that counties must develop their plans with ongoing engagement from the local community.

Second, AB 505 ensures that the OYCR Ombudsperson can promptly visit facilities and access records to ensure a youth's safety in a locked facility. The OYCR Ombudsperson, modeled after the state Office of the Foster Care Ombudsperson, was created to investigate violations of youths' rights. Under existing law, however, the Office of the Ombudsperson cannot carry out its duties effectively and efficiently. For example, current law provides the Ombudsperson access to youth and facilities with advance notice of a minimum of 48 hours. AB 505 would allow the Ombudsperson to, like the Foster Care Ombudsperson, have immediate access to youth and facilities to avoid any further harm and address potential violations as quickly as possible. In addition, the Ombudsperson does not have explicit access to important records, such as a youth's case file or incident reports. These types of records are crucial to the investigation process, particularly when it comes to investigating specific complaints. AB 505 would add the Ombudsperson to the list of people who may access and make copies of important records throughout the course of their investigation, while still protecting the youth's confidentiality.

Third, AB 505 transfers youth-related duties currently vested in the Board of State and Community Corrections (BSCC) to the OYCR. The OYCR is a singular and pioneering state entity with the focused mission of implementing a health-based approach to youth justice. Therefore, the OYCR is best situated to ensure that the

BSCC's grantmaking, data collection, and locked facility regulation and inspection duties specific to youth are consistent with the Legislature's transformative vision. AB 505 will ensure that the state's juvenile justice efforts are coordinated and effective by placing all of these functions under the OYCR.

California youth deserve every opportunity to grow, learn, and thrive. We appreciate your dedication to youth in California's juvenile justice system and thank you for carrying AB 505, which will continue the Legislature's important work of transforming the way that youth, families, and communities experience youth justice.

4. Argument in Opposition

According to the Chief Probation Officers of California:

We are concerned that the substantial organizational and programmatic changes proposed in this bill would destabilize the implementation work that has been asked of probation and counties, and is currently and earnestly underway, to implement SB 823 (DJJ Realignment) with the impending closure of June 30, 2023.

The changes proposed in this bill would create instability in implementation and add additional barriers to the work being done locally to best serve the DJJ realigned youth and all youth being served locally in our communities.

What is needed at this time is stability, continuity, and the ability to implement SB 823 and related juvenile policies without concurrently moving the overarching structure for training, standards and inspection duties, or changing course on key provisions being implemented that were recently enacted as part of DJJ realignment and subsequent budgets.

-- END --