



Office of Youth and Community Restoration

February 17, 2023

To: Child Welfare Council

From: Katherine Lucero, Director
Office of Youth and Community Restoration
California Health and Human Services Agency

SUBJECT: Request for the Child Welfare Council to establish a Youth Justice Standing Committee upon the sunset of the OYCR committee on June 30, 2023

Summary

The Office of Youth and Community Restoration (OYCR) Committee was established by SB 823 to advise the newly formed Office of Youth and Community Restoration with recommendations related to improving outcomes, reducing detention, and reducing re-incarceration of justice-involved youth. By statute, the OYCR Committee sunsets on July 1, 2023. OYCR Director Katherine Lucero, chair of the OYCR Committee, requests that the Child Welfare Council vote to establish a Youth Justice Standing Committee to continue elevate the needs of justice involved youth who are all too often omitted from discussions of California's children, youth, and family-serving agendas.

Background

California's approach to caring for youth who commit criminal offenses has been undergoing a decades-long transformation. Over the last twenty years, the State has progressively reduced the number of youths in state youth prisons and increasingly returned those youth to be cared for in their communities. [SB 823](#) completed this transformation by closing the state's Division of Juvenile Justice (DJJ) as of June 30, 2023 and ceasing most intake to DJJ as of July 1, 2021. This change was premised on developments in the understanding of adolescent brain development and on the demonstrated fact that youth who commit law violations are better cared for close to home, in their own communities, where they can remain connected to their families and positive networks to prepare for reentry.

SB 823 (2020) created the Office of Youth and Community Restoration (OYCR) within the California Health and Human Services Agency (CalHHS), marking a statewide commitment to recognizing youth who commit law violations should be met with a government and community response that sees the incident as a social emotional disruption which requires a behavioral health as well as a criminal justice response that is adequately informed by science, research and data on how to help youth get back on track rather than a strictly penal lens that stigmatizes the youth for all time and looks at

a period of incarceration as the primary solution for accountability. Like the foster child population, juvenile justice youth need wrap around support, quality educational access, trauma informed services, and family and community reunification and engagement which allows the necessary healing to thrive both in locked facilities and upon reentry back to their community.

Created with the legislative intent to reduce and eliminate racial and ethnic disparities, OYCR's mission is to promote trauma responsive, gender respectful, culturally honoring, developmentally appropriate services for court-involved youth to support their successful transition into adulthood. OYCR is mandated, among other responsibilities, to identify and disseminate best practices to inform healing and restorative youth practices and to provide technical assistance to counties that have youth in their care.

Recognizing that the new office would benefit from community and stakeholder input, SB 823 mandated a new committee of the Child Welfare Council that would "be responsible for advising and providing recommendations related to policies, programs, and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism" for young people who would otherwise have been cared for at DJJ. (Welf. & Inst. Code section 2201(a).) The committee was to be "comprised of individuals, including, but not limited to, those with experience in trauma-responsive and therapeutic care of youth, youth justice advocates, youth and family members who have had direct experience with the juvenile justice system, and county probation department representatives." (Gov. Code section 12824 [repealed].) The bill also specified that the OYCR Committee would be mandated until July 1, 2023. (Welf. & Inst. Code section 2201(a).)

OYCR Committee Work Underway

The OYCR Committee met several times in 2021. In 2022, after Judge Katherine Lucero (ret.) assumed the position of Director of OYCR, the OYCR Committee resumed meeting at a frequent cadence and undertook a focused and ambitious set of priorities.

On May 4, 2022, the OYCR Committee Members voted to prioritize three primary topics with associated deliverables to be determined at future meetings; these were selected by majority vote.

1. Building capacity for community-based organizations,
2. Higher education/job training for youth in Secure Youth Treatment Facilities (SYTF), and
3. Step downs/alternatives to incarceration

1. Building Capacity for Community Based Organization

At the September 14, 2022, meeting a facilitated discussion was held on Building Capacity for Community Based Organizations (CBOs). Presentations delivered by experts in the field provided a shared basis of knowledge for the committee and a starting point for it to consider the direction of the work. On that basis the

Committee identified several desired deliverables including a report on existing programs, focus groups, technical assistance briefs, and guidance on CBO capacity building addressing administrative challenges. The strategies to guide the work towards these deliverables will be created by a newly formed workgroup consisting of a diverse set of stakeholders. The workgroup will identify and highlight the best practices of CBOs that deliver services to SYTF youth, those within facilities as well those out in the community. It will also work to strengthen and/or expand capacity of those CBOs that already exist, who serve justice involved youth successfully, as defined by justice involved youth. Another focus is to assist counties in identifying the CBOs that need technical assistance to build their capacity to serve justice involved youth.

The CBO Capacity Building deliverable is being led by the OYCR Technical Assistance Chief Marcia Rincon-Gallardo and the CBO Capacity Building workgroup, consisting of stakeholders that is comprised of some of the presenters at the September 14th, 2022, meeting as well as other community, probation and youth leaders that have demonstrated an expertise in this topic area.

2. Higher Education and Vocational Training for Youth in SYTFs

At the June 1, 2022, meeting, Higher Education and Job Training for youth in the SYTF was the focus topic and the committee received and participated in several presentations to support the facilitated discussion around a deliverable selection. These presentations were delivered by Mt. San Antonio College, California Conservation Corps, Imperial County Probation Chief, Shields for Families, National Center for Youth Law, and an Honorable Judge Robert Leventer. The Committee elected to produce a deliverable as follows: guiding principles for the implementation of programs and/or capacity building, a best practice guide for implementing a program(s) related to the topic, and a report on programs related to the topic that are currently being implemented. OYCR has hired Forward Change to develop this deliverable with an emphasis on educational equity for incarcerated youth and formerly incarcerated youth.

3. Step Downs and Alternatives to Incarceration for SYTF Youth

At the December 16, 2022, meeting, the CWC OYCR Committee received three presentations on the third topic area which is Step Downs & Alternatives to Incarceration from Chief Probation Officers, the Columbia University Justice Lab, and the Annie E. Casey Foundation, as well as an interdisciplinary team from UCLA (a pediatrician, a neuroscientist, and a sociologist, all with expertise in youth justice). These presentations served to further inform the future deliverable conversation on this priority topic that will be held at the March 1, 2023, meeting. The UCLA team along with members of the OYCR staff are charged with creating a continuum of care plan for justice involved youth which includes a reentry model. That model has already been presented in its first iteration and is called the Stepping Home model. The goal of this topic area is to match the data, science and research that supports the proposition that youth should spend only as short a period as possible in the

most restrictive settings and have them step into a community-based treatment environment that continues to hold them accountable with oversight and supervision, but also provides opportunities critical to adolescent development like frequent family engagement, opportunities to engage in pro-social activities such as employment and education, and lowered stress levels than are experienced in carceral settings.

The work on all three of these topic areas is underway and anticipated to be completed within the 2023 calendar year.

It is critical for the Child Welfare Council to oversee and prioritize the needs of youth in the juvenile justice system. Juvenile Justice involved youth are often foster youth, youth of color, Native youth, girls and gender expansive youth, youth with unmet serious mental health needs, youth who have deep trauma and self-medicate with alcohol and drugs, and youth who have no one to care for them, among other complex identifications and needs. The justice-involved youth population is often invisible and forgotten at our child, youth and family policy tables. They are caught between child serving agencies and the adult carceral systems. Once they are in the juvenile justice system, the intentionality of government to respond as if they are children simply dissolves, even though they are still children and youth and are still in need of trauma informed supportive services. This resolve to support a child in distress disappears in favor of standard carceral alternatives whose model was built on an adult male centric premise. We know that the youth in juvenile facilities are the same youth as those in the child welfare system.¹ In fact, the child welfare system is a pathway for youth to enter into the juvenile justice system. For example, 83% of justice involved youth in LA county had first been involved in the child welfare system.²

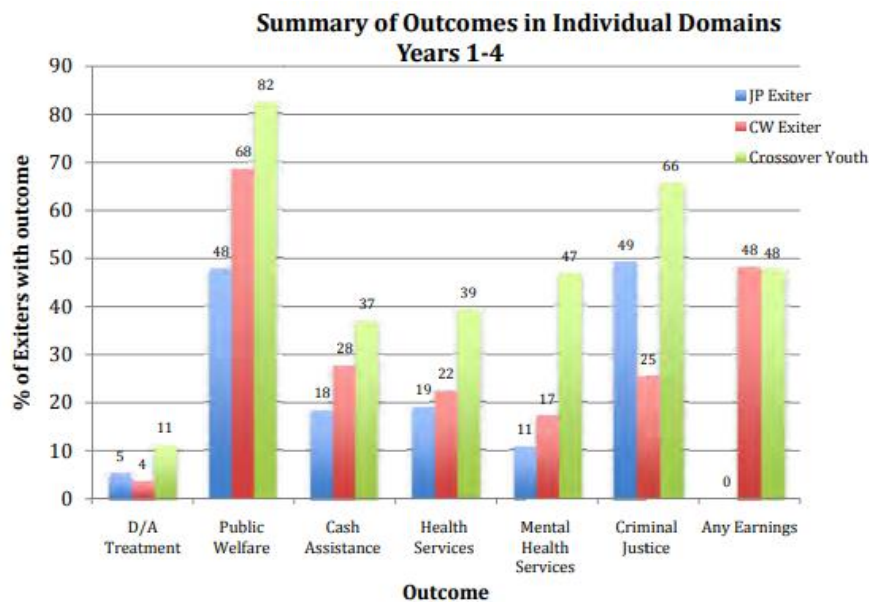
A Juvenile Court Judge who hears both Welfare and Institutions Code Section 300 and 600 cases may have a youth in court one day deemed a Dependent of the Court in need of child protection and the next day a Ward of the Court in need of prosecution. The only difference is that a behavior rooted in why that child needed protection in foster care has now caused an action that is a criminal law violation. The swift shift in how we respond to that young person has historically been due to a legal construct and not due to what is in the best interest of the youth and of society.

¹ Herz, D. C., Dierkhising, C. B., Raithel, J., Schretzman, M., Guiltinan, S., Goerge, R. M., & Abbott, S. (2019). Dual system youth and their pathways: A comparison of incidence, characteristics and system experiences using linked administrative data. *Journal of youth and adolescence*, 48, 2432-2450.

² Culhane, D. P., Byrne, T., Metraux, S., Moreno, M., Toros, H., & Stevens, M. (2011). Young adult outcomes of youth exiting dependent or delinquent care in Los Angeles County.

Unfortunately, youth in the juvenile justice system often do not have access to same services as youth in the child welfare system.³ Youth in both systems are more likely to have poor quality of life outcomes including issues with drugs and/or alcohol, financial struggles, increased physical and/or mental health issues, and increased involvement with the legal system⁴. The time has come for us to incorporate the needs of juvenile justice youth into all our child, youth and family serving agendas.

Figure 1: Outcomes from Youth in Culhane et al., [Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County](#) (November 2011)



For these reasons, I ask this body to vote to establish a Youth Justice Committee, effective July 1, 2023, to continue the work of the OYCR Committee and elevate the needs of our justice-involved youth in all our discussions of our child, youth, and family serving agendas.

Recommendation

The OYCR committee work continues by establishing a new standing committee of the Child Welfare Council called the Youth Justice Committee to be activated on July 1, 2023, concurrent to the sunsetting of the OYCR Committee.

³ Hirsch, R. A., Dierkhising, C. B., & Herz, D. C. (2018). Educational risk, recidivism, and service access among youth involved in both the child welfare and juvenile justice systems. *Children and youth services review*, 85, 72-80.

⁴ Baetz, C. (2015). A long-term follow-up of crossover youth: Young adult outcomes for maltreated youth in the juvenile justice system. City University of New York.