

DATE: November 17, 2016 **AGENDA ITEM:** N

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Implementation of Senate Bill 1004, Young Adults: Deferred Entry of Judgment Pilot Program: **Requesting Approval**

Summary

Senate Bill 1004 (Chapter 865, Statutes of 2016) creates a pilot program in five counties whereby people ages 18-20 who are under the jurisdiction of the criminal court may be housed in a juvenile detention facility. The Young Adults: Deferred Entry of Judgment Pilot Program requires the BSCC to approve for suitability any named county detention facility that seeks to participate. Finally, the BSCC is required to conduct an evaluation of the program's impact and effectiveness.

Background

SB 1004 created the Young Adults: Deferred Entry of Judgment Pilot Program in the following counties:

Alameda
Butte
Napa
Nevada
Santa Clara

The impetus of this bill is recent research into adolescent brain development and the potential benefits of allowing certain young adults access to age-appropriate rehabilitative services in the juvenile justice system rather than being sentenced to local jail or state prison.

Among its requirements, SB 1004 requires that each county named in the legislation apply to the BSCC for approval as a suitable place for holding individuals 18 to 20 years old who are eligible for the pilot program. When considering approval, the BSCC must take into account the available programming, capacity, and safety of the institution as a place for the confinement and rehabilitation of individuals within the jurisdiction of the criminal court, and those within the jurisdiction of the juvenile court. In addition, SB 1004 requires the BSCC to review a county's plan to ensure compliance with the federal Juvenile Justice and Delinquency Prevention Act of 2002 (JJDP A) ^[ii] and its requirements to keep juvenile and adult inmates separated.^[i]

BSCC staff has met with affected counties to discuss implementation of this legislation and has drafted an application and approval process (see Attachment N-2). Because of the placement of adult inmates into juvenile detention facilities, counties must also comply with JJDP A criteria to operate a "collocated facility,"¹ which includes: separation between

juveniles and adults, separate program areas, dedicated staff, and compliance with the Title 15 minimum standards for local juvenile detention facilities.

SB 1004 requires the BSCC to approve or deny an application from an eligible county within 30 days. Once a county submits an application, BSCC staff will coordinate an on-site visit to review applicable policy, procedure and documentation, and inspect the physical plant to verify compliance with the adult-juvenile separation requirement. If a county satisfies each of the above-referenced requirements, staff will approve the agency's application and provide notice of approval to the Board at its next meeting.

Finally, SB 1004 requires the BSCC to conduct an evaluation of this program's impact and effectiveness. BSCC staff is working to contract with a university to conduct this evaluation. BSCC staff will provide an update on the procurement of these evaluation services at the next Board meeting.

Recommendation/Action Needed

BSCC staff recommends that the Board approve the application template and the proposed process to review and approve county plans for the pilot projects. In addition, the BSCC staff recommends that the Board authorize BSCC staff to approve applications that satisfy the requirements of SB 1004

Attachments

N-1: Senate Bill 1004 (Chapter 865, Statutes of 2016)

N-2: Draft Application

^[iii] 42 U.S.C. § 5633(a)(12)

^[iv] 42 U.S.C. § 5603 (26):

the term "adult inmate" means an individual who –

(A) has reached the age of full criminal responsibility under applicable State law; and

(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense

¹ 28 C.F.R. § 31.303(e) (3)

A collocated facility is a juvenile facility located in the same building as an adult jail or lockup, or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered "related" when it shares physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water, and sewer), or the specialized services that are allowable under paragraph (e)(3)(i)(C)(3) of this section.