

Juvenile Title 15 and Title 24 Regulation Revisions
Executive Steering Committee Meeting
March 9, 2017, 9:00 AM
Board of State and Community Corrections
2590 Venture Oaks Way
Sacramento CA 95618

ESC Members Present:

Michelle Brown, Co-Chair, Chief Probation Officer, San Bernardino County and BSCC Board Member
David Steinhart, Co-Chair, Director, Commonweal Juvenile Justice Program and BSCC Board Member
Mark Varela, Chief Probation Officer, Ventura County
R. Ted Baraan, Chief Probation Officer, San Benito County
Marshall Hopper, Chief Probation Officer, Placer County
Jane Halladay-Goodman, Ph.D., Director of Service Systems, National Center for Child Traumatic Stress
Sherri Terao, Ed.D., Division Director, Santa Clara Behavioral Health Service Department
Arash Anoshiravani, M.D., Director of Medical Services, Alameda County Juvenile Justice Center
Esché Jackson, Policy Advocate and Outreach Coordinator, Anti-Recidivism Coalition
Sue Burrell, Policy and Training Director, Pacific Youth Defender Center
Rachel Rios, Executive Director, La Familia Counseling Center and Sacramento Juvenile Justice Commission Member
Laura Faer, Esq.

BSCC Staff Members Present:

Kathleen Howard, Executive Director
Tracie Cone, Communications Director
Aaron Maguire, General Counsel
Allison Ganter, Deputy Director, Facilities Standards and Operations (FSO)
Elizabeth Gong, Field Representative, FSO
Lisa Southwell, Field Representative, FSO
Craigus Thompson, Field Representative, FSO
Ginger Wolfe, Associate Governmental Program Analyst, FSO
Tameka Shedwin, Staff Services Analyst, FSO
Denise Esmael, Office Technician

Members of the Public Present:

Maryann O'Sullivan, Child and Adolescent Health Measurement Initiative
Virginia Corrigan, Youth Law Center
Pamela Weston, Voice of the Voiceless and Leadership and Empowerment
Louis Gutierrez, MILPA
Joseph DeLaTorre, MILPA
Israel Villa, MILPA
Dominique Nong, Children's Defense Fund-CA
Erica Webster, Center on Criminal and Juvenile Justice
William Ing, The California Endowment

1. Welcome & Introductions

Co-chairs David Steinhart and Michelle Brown opened the meeting, welcomed the Executive Steering Committee (ESC) and members of the public. An explanation to the public was also given to clarify the intention to take public comment throughout the process/day and not just at the end of the meeting.

Public Comment heard:

Members of the public expressed thanks to the ESC for their compassion and heartfelt approach to the process; a recommendation was made that focus be given to education, family engagement and visiting.

2. Overview of Process

Allison Ganter provided an overview of the regulation revision process, timeline and expected outcomes for the day.

3. General Discussion

There were several topics that came up during the day's discussions; they are included and summarized below.

- Alternate use of detention facilities.
 - The ESC agreed that this is not a workgroup issue; if an agency wants to use a detention facility for non-detention purposes, it is a local issue, and BSCC may not be involved.
- Classification: process for reconsidering whether or not detention should continue.
 - This issue will not be forwarded to a workgroup, length of detention is determined by the court, not the detention staff. The workgroup may however, consider tasks that are within the power of the detention facility/probation such as conducting reviews or other tasks that would result in a request to the court for the case to be expedited.
- Can BSCC/ESC issue guiding principles for issues that fall outside of regulations?
 - BSCC staff will continue to consider this request.
- The California Endowment may be able to help with funding travel and workgroup meetings for public input. Motivating Individual Leadership for Public Advancement (MILPA) may be able to host meetings.
- ESC direction for workgroups to allow public to attend meetings and to take public comments

4. Workgroup Composition

The BSCC convenes individual subject matter workgroups to develop the draft language for regulation revisions based on ESC direction. Workgroup members are balanced by subject matter expertise, personal and professional experience, county size (small, medium, large) and geographic representation (north, south, central, bay).

The ESC recommends that eight (8) workgroups be convened and focus on the following subject areas and regulations (Attachment A):

1. Administration and Staffing Workgroup (Sections 1300-1343)
2. Classification, Segregation and Discipline (Sections 1350-1363 and Sections 1390 & 1391)
3. Programs (Sections 1371-1378)
4. Education (Section 1370)
5. Medical/Mental Health (Sections 1400-1454)
6. Nutrition (Sections 1460-1467)
7. Environmental Health (Sections 1480-1488)
8. Physical Plant (Title 24)

Workgroup meetings will be open to public attendance. Six to twelve members will be selected from a pool of subject matter experts for each workgroup, including those individuals who have expressed interest in participating. ESC members may sit on workgroups but cannot represent the ESC at those meetings; they must participate as an individual subject matter expert. BSCC staff will facilitate the meetings and help guide discussion. Workgroup members will recommend regulation revisions, which the BSCC staff will capture for inclusion in the Office of Administrative Law process. A chair will be selected for each workgroup; this chair will present the recommended revisions to the ESC for approval at the next ESC meeting. To ensure transparency and inclusion, BSCC staff will post all workgroup related information on the BSCC website in advance of each meeting as information becomes available. The deadline for submitting interest in workgroup participation is March 24.

Public Comment heard:

Dominique Nong (Children's Defense Fund–CA): Ensure that those that cannot commit to workgroups still have their input delivered. Provide forums, utilizing technology during workgroup meetings, maybe two workgroup sessions can be made available. Allow youth to be present by offering non-traditional meeting times; this would allow more conversation. Don't limit creativity by talking about unfunded mandate, and take the time to explain process and definitions. What is subject matter expert criteria for workgroups and will it be advertised?

Erica Webster (Center on Juvenile and Criminal Justice): Agrees with Sue's suggestion about presentations. Presentations should be by persons who have expertise in the subjects being considered or to speak to the authority that supports suggested changes. Have youth represented and address LGBTQ issues at workgroups.

Israel Villa (MILPA): Thanks to Sue for telling us about this process. MILPA would like to be part of the process, exploring conversation about hosting or presenting workgroup sessions.

5. Recommendations to Individual Workgroups

The ESC reviewed and considered all public comment received by the BSCC. The ESC directs the workgroups to consider all public comment received and recommendations outlined below, in addition to the specific recommendations indicated for each workgroup. The ESC suggests that subject matter presentations be provided to workgroups where there may be benefit. In addition, the ESC directs that each workgroup review the following as it relates to each regulation:

- Prison Rape Elimination Act (PREA)

- Lesbian Gay Bisexual and Transgender (LGBT) Youth in custody
 - Workgroups should have data (CPOC survey) on the number of agencies that house transgender youth in the unit of the gender with which they identify.
- Trauma Informed Care
 - The reality of operationalized trauma informed practices and individualized safety plans.
- 1302, Definitions
 - Each workgroup should review applicable definitions and propose new or revised definitions where appropriate.
- Culturally relevant and linguistically appropriate services
- County size, needs and resources, alternatives and discretion to meet compliance
- Technology as it pertains to visitation and education

Administration and Staffing Workgroup

The Administrative and Staffing Workgroup should consider:

- All definitions (Section 1302) shall be reviewed for consistency, specificity, and to ensure they are clear and understandable. Specific examples:
 - “youth” and “minor”
 - Current regulations use the terms “minor” and “youth.” The ESC recommends that BSCC staff provide information to the workgroup that will clarify when each term should be used appropriately. For example, “minors” are persons under the age of 18 and may be required to receive certain services, such as education. However, there may be occasion when “youth” (may be persons over the age of 18 who are under the jurisdiction of the juvenile court) may be entitled to the same services as minors. Clarity must be provided and regulations should be reviewed appropriately.
 - “primary supervision”
 - Current regulation defines “primary supervision” as the ability of a youth supervision staff member to independently supervise one or more youth; however, the term’s use in regulation remains unclear.
 - “supervisory staff”
 - Current regulation defines “supervisory staff” as a staff person whose primary duties may include, but are not limited to, scheduling and evaluating subordinate staff, providing on-the-job training, making recommendations for promotion, hiring and discharge of subordinate staff, recommending disciplinary actions, and overseeing subordinate staff work. Supervisory staff shall not be included in the youth to supervision staff ratio, although some of their duties could include the periodic supervision of youth. The term is used in regulations and needs clarification.
- Section 1321, Staffing: Review current staffing ratios in light of PREA standards and the current needs of the population: more mental health needs, higher risk offenders and focus on treatment. Ratios in PREA are considered best practices.
 - Clarify requirements for “primary/sole supervision” in regulation, not just definitions.
 - Clarify/define what “adequate staffing” means.

- Resources:
 - Juvenile Detention Alternatives Initiative (JDAI)
 - DOJ standards
 - PREA (Sue Burrell)
 - STC
- Section 1322, Child Supervision Staff Orientation and Training: Consider what topics should be added to the initial training section, such as: trauma informed care, secondary trauma to staff, trauma influenced response. Consider how ongoing training and mentorship can be supported; these can go a long way towards improving the culture in detention facilities.
- Section 1324, Policy and Procedures Manual, subsection (e): Consider what additional training should be provided to non-youth supervision staff (e.g., medical providers, school staff, program providers, etc.), such as trauma informed care, etc. Should this be “training” rather than “orientation” or be “in addition to” orientation?

Public Comment heard:

Pamela Weston (Voice of the Voiceless and Leadership Empowerment): Trauma informed care includes input from the family and is culturally and linguistically appropriate to ensure that children feel safe. Mental health is important to this process and the standard of treatment should be wraparound to include family input.

Israel Villa (MILPA): Care should be culturally appropriate; this concept should be included in staff training.

Dominique Nong (Children’s Defense Fund-CA): Appreciates the need to take into consideration the resources of small counties, but care should be taken to provide alternatives, such as use of technology, to those counties. Resources for any training related issues or new STC standards should be given to workgroups for discussion.

Classification, Separation and Discipline Workgroup

The ESC recognizes that this workgroup contains some of the most intense requirements for juvenile detention facility operation. The workgroup should consider modernizing terminology throughout this section, particularly in the intake and release specific regulations.

The Classification, Separation and Discipline Workgroup should consider:

- Admission, Classification, Release Procedures, Orientation, Institutional Assessment and Planning and Counseling and Casework Services should be reviewed as a process from intake through release. The ESC recommends outlining a more streamlined process.
 - These processes should reflect current language, best practices, community defined practices, assessment tools (using validated risk tools), etc.
 - If a youth is receiving services with an outside provider, consider the feasibility of maintaining those services while in detention.
- Section 1350, Admittance: Consider that entry into detention may cause adverse reactions in youth and may also result in misbehavior. The regulation should be reviewed with thought toward the use of behavior management through de-escalation techniques for appropriate management of entry related behaviors, perhaps reducing trauma and limiting sanctions on youth entering the facility.

- Section 1351, Release: Consider reentry and transition planning. How can gaps in service be closed, medication supply being given, and how can transition to treatment and education services in the community be facilitated? Release planning should focus on the success of youth. What requirements within the context of the regulation could the facility be required to address either in conjunction with the Probation Officer of Record or with the facility partners, ie. Medical, Mental Health, Education etc.? (Refer to other workgroups as appropriate)
- Section 1352, Classification: Modernize terminology; ensure that youth aren't classified solely by labels, real or perceived. Look at disparities in classification.
- Section 1355, Institutional Assessment and Plan: Consider time frames and providing assessment and plan not only earlier in the process, but to all youth, not just commitment. Reconsider this 30-day timeframe in light of the following:
 - This regulation evolved from the original "TANF" (Temporary Assistance to Needy Families) program in the late 1990's that required basic case planning and management with youth within a certain timeframe. At that time, the average length of stay for a youth in a JH was 15-21 days. The current regulation provided for a longer period of time for assessment to address those youth that stayed longer in order to make the process meaningful. Today, youth are spending more time in both detention pre-disposition and in commitment programs; these timelines should be reviewed and adjusted accordingly and appropriately.
 - Focus on individualized plans, reliable and validated tools for assessment. Focus on strength based needs/services for both youth and family, identify past traumatic events and symptoms. Consider how to ensure staff are aware of trauma history to ensure psychological and physical safety.
 - Consider the need/appropriateness for a tiered assessment process. For example, at intake, a triage assessment should be conducted to determine immediate needs, i.e., basic needs, trauma issues, mental health, etc., that can be addressed in the short term and an additional assessment should be used for youth with longer stays, whether in detention or commitment.
 - Review regulation language and modernize terminology.
 - Consider and suggest other validated assessment tools as appropriate for the type of assessment being conducted and for the purpose in which it is being used.
- Sections 1354, Separation, 1390 Discipline and 1391, Discipline Processes: These sections must be reviewed alongside the new statutory requirements outlined in SB 1143.
- Sections 1357, Use of Force, 1358, Use of Restraints, and 1359, Safety Room should be reviewed and considered together.
- Section 1357, Use of Force: Consider including requirements for de-escalation.
- Section 1359, Safety Room: Consider multi-sensory de-escalation room.
- Section 1361, Grievances: The ESC requested that the workgroup consider the BSCC staff recommendation to clarify subsection (d) to require a 72 hour timeline for the review of and response to all grievances, and to add that the entire process, including providing the youth with a full copy, shall be completed within 10 days.
- Section 1362, Reporting of Incidents: Consider adding use of force, when services are deprived, and when youth are separated. The workgroup may also consider requiring incident reviews and including youth in incident debrief.

- Section 1391, Discipline: Consider the need for additional assistance and/or measures pertaining to due process proceedings for special needs youth, including mentally ill youth, youth with language or developmental delays.

Public Comment heard:

Pamela Weston (Voice of the Voiceless and Leadership Empowerment): In schools behavior strategies work, staff trained in restorative justice responses help. Conflict resolution works, National Alliance has ways to assess.

Israel Villa (MILPA): Workgroups should look at Juvenile Detention Alternatives Initiative model for strategies to incorporate into T15 admitting and classification sections. AJA Core Strategies and risk assessments may be helpful for the many kids that don't need to be locked up. Eradicate the gang labeling of youth during admittance. It is harmful, it is forever. Trauma is very real in families. Alcohol, drugs, and emotional trauma. Healing is so important.

Virginia Corrigan (Youth Law Center): Regulations should ensure that incidents are debriefed to allow an understanding of causes and to reduce future incidents. All workgroups should address the possibility of youth input in resolution of incidents.

Erica Webster (Center on Juvenile and Criminal Justice): Recommends splitting this section into two, having Use of Force as separate workgroup. *(Note, the ESC considered this request, but ultimately recommended to keep Use of Force in the Classification, Segregation and Discipline Workgroup)* Create workgroup to focus on LGBTQ issues, so many parts of regulation need to address this topic. Survey of counties and community organizations to reveal what transition services are most effective, not just those revealed to CPOC.

Programs Workgroup

- Section 1371, Recreation, Programs and Exercise: The ESC was concerned that this regulation contains too many separate requirement and lacks clarity. The workgroup should consider:
 - Breaking apart each required section of the regulation so that each so that each would stand alone in a separate regulation or in some other appropriately distinguished manner.
 - "Programs" should be a separate regulation (1371.5 or 1378.5).
 - Consider allowing youth to have a say in programs at the facility, perhaps encourage a student council or mentorship program.
 - Consider strength based programs, trauma informed approaches, mindfulness, art programs, restorative programs, gender specific programs, rehabilitative and innovative programs. Review intent of regulation to ensure clarity of programs being mandatory, not a privilege; clarify between recreation (free time) and programs (structured).
 - This regulation may also include Sections 1372, Religious Programs, 1373, Work Programs and 1378, Social Awareness Programs.
 - Review should also include consideration of 1378, Social Awareness Programs; 1355, Institutional Assessment and Plans; and 1356, Counseling and Casework Services.
 - Resources: The California Endowment Youth Survey
- Section 1374, Visiting: Review the proposed adult language, that video visitation shall supplement, but not replace in-person visitation. Clarify "special visits" in regulation to ensure

that persons other than family members, where appropriate, may engage in visiting. There may be confusion in the field with the term “special visits” as some agencies consider those court-ordered visits. Consider if visiting in excess of minimum time could be considered family engagement programming as an option.

- Section 1375, Correspondence: Consider youth access to and the use of writing instruments more freely. Modernize language, include and encourage technology-based alternatives to enhance the ability of youth to correspond with others assuring caution when necessary. Take care to consider sexually exploited children and limitations on communications for those youth.

Public Comment heard:

Joseph DeLaTorre (MILPA): Allow mentor or others involved in youth’s life to visit, not just immediate family members.

Israel Villa (MILPA): Update technology, encourage pro-active approach to video visits only or eliminate “no contact” visits. Accessible programs from community based organizations should be considered. MILPA not welcome into facilities, while other programs are considered and CBO’s allowed. More acceptance of cultural or otherwise appropriate programming is necessary. Consider providing library access to youth.

Pamela Weston (Voice of the Voiceless and Leadership Empowerment): Programs based on rehabilitation and quality of life, two hours a week is not enough. Focus on system impacted or justice involved programs that are culturally appropriate and unbiased. Include involvement of entire family. Extend visiting beyond parents-only.

Education Workgroup

- The workgroup should include subject matter experts in education so that the regulation aligns with Education Code. The workgroup should be provided with information related to recent Education Code amendments and new requirements for post-release enrollment in school and coordinated inter-agency planning for youth. Considerations should include:
 - Integrated behavior management plans
 - No denial of education services (minimum instruction day)
 - Tracking minimum instruction days
 - Use of technology both in the classroom and afterhours for homework purposes, i.e., computers, notebooks, internet tools, smart boards etc.
 - Access to classroom educational materials outside of the classroom
 - Post-secondary and vocational opportunities for youth who have graduated
 - Transition to community schools programming
- Resources: Ask that Laura Faer provide in-depth side-by-side review of regulations and Education Code where appropriate.

Public Comment heard:

Joseph DeLaTorre (MILPA): He indicated that he did not get much help when in juvenile hall and had to keep asking teachers to work at his level; there was no connection with teaching staff. Facility and teaching staff removed kids from class too easily. The rules were very strict and teachers did not abide by them themselves. They did not set good examples.

Luis Gutierrez (MILPA): My experience has been that education is not readily available. Services are not always provided. No options for obtaining certificates or degrees. Referring to prison, not juvenile.

Israel Villa (MILPA): Education is a right; there should be equitable access to education for all. He indicated that he did not get credits, was acting out and being a troublemaker, but did not get services. There should be a regulation to address that if youth cannot get to class, due to being in trouble, then school comes to them. Mr. Villa now has a 4.0 in college. In Monterey, youth center is trying to apply the school-to-prison pipeline issue. It is important.

Medical and Mental Health Workgroup

The ESC recognizes that health care and mental health care while in detention is an opportunity for youth to have access to care; workgroup should maintain this as a guiding principle. Focus on coordinating care with family of youth and linking youth and families to services in the community upon release. The ESC would like the workgroup to consider the following and how the individual topics impact all aspects of the detention experience:

- How to include substance abuse and co-occurring disorders in treatment plans and culturally aware care.
- Break down barriers for kids and families: e.g., anxiety can be a culturally sensitive topic.
- Ensure continuity of care for kids staying longer than 30 days.
- Trauma Informed Care. Plans and work should understand, address and respond to the effects of trauma on the youth and how to provide for their physical, psychological and emotional safety.
- Transition planning both at admission and release should be coordinated carefully to ensure continuity of care. Explore how much information can be shared using electronic records and in consideration of HIPAA. Consider the scope of regulations and revisions with regard to referring or linking detained youth with community services
- Section 1430, Intake Health Screening: Clarify if this is an assessment or a true screening, currently falls short of a full assessment. Focus on easy, short, practical screenings on intake. Staff should also focus on what's happened to youth rather than what's wrong with them.
- Section 1432, Health Appraisal: review terminology to ensure assessment of all youth, rather than just 1432 (b), adjudicated youth. Consider who can provide assessment, who is authorized to complete assessment.
- Review Section 1329, Suicide Prevention Program; this section falls under the Administration and Staffing Workgroup.
- Resources:
 - National Commission on Correctional Health Care; consider having a representative on workgroup.
 - Healthy Returns Initiative, an integrated probation/mental health service in five counties who collaborate with the California Endowment.

Public Comment heard:

Maryann O'Sullivan (Child and Adolescent Health Measurement Initiative): Trauma informed approaches have impact on workgroups. How can comments be threaded throughout process and into all workgroups?

Dominique Nong (Childrens' Defense Fund–CA): The workgroups should discuss the transferring of records vs. holding youth in facilities longer. Youth should stay with CBO they worked with in the facility upon release AND to continue care of youth post release with same provider. Also, include families in continuity of care.

Pamela Weston (Voice of the Voiceless and Leadership Empowerment) Integrated care-facilities cannot provide continuity of care. Include family and whole assessment of culture, generational trauma so can develop best way of treatment. How child sees things needs to be integrated in continuum of care. Need perspective of youth, traditions, etc.

Nutrition and Environmental Health Workgroup

- The workgroup may consider involving youth in meal planning, second servings for youth where appropriate, healthier diets and community gardens. It's also important for youth to learn about food and nutrition.
- Consider allowing youth to bring in their own undergarments; youth shouldn't be required to wear other people's underwear.

No Public Comment

Physical Plant (T24) Workgroup

- Consider keeping dorms and units smaller and focusing on homelike environment. Require space for in-person visitation.
- Ensure adequate post-disposition program space.
- Consider when "grandfathering" would be appropriate and determine an appropriate field definition.

Public Comment heard:

Israel Villa (MILPA) - Back in the day there were only a few toilets for everyone to share. None in the rooms. Community/youth should be involved in inspection process. Engaging community in this activity so more info can come out from youth.

Erica Webster (Center on Juvenile and Criminal Justice): T24 workgroup should include construction expertise or those that understand how the layout of a facility influences behavior. James Ranch good example. There is so much research available about housing size and safety. Low populations may allow this to be a priority.

6. Final Public Comment heard:

William Ing (The California Endowment): Going forward, continue to allow community to participate by having their voice in the conversation. Whether Bagley Keene is applicable or not, notice of time and agenda for meetings should still be posted to ensure continued transparency.

STAFF NOTE: In response to this comment the ESC approved on a consensus basis the commitment of BSCC to allow public attendance and comment at all Working Group meetings and to provide adequate notice of Working Group meetings and agendas in advance

Israel Villa (MILPA): I've been to many BSCC meetings about Video Visitation and jail. Thanks for letting us participate in the decision. We will continue to show up. Great dynamic, inspiring.

Pamela Weston (Voice of the Voiceless and Leadership Empowerment): Leaders don't have titles. All of us here appreciate that you listen. You have heard us. We can make a difference. Maybe one day we won't have to have prisons or incarceration.

Dominique Nong (Children's Defense Fund-CA): In the spirit of transparency, will discuss with staff the ability to have more workgroups in other areas, longer sessions and allow more people to be involved. We hope to see some ESC members on workgroups. Culture change is slow. Thank you.

Joseph DeLaTorre (MILPA): Glad to be here, this is my first time. I'm interested in being a part of the process.

Erica Webster (Center on Juvenile and Criminal Justice): I would like to offer CJCJ services for listening sessions. Thanks to the staff for letting us submit. Thanks to David and Michelle for being transparent.

7. Adjourn

The meeting was concluded with a review of next steps; ESC members agreed to pencil in July 26 and 27 as possible next ESC meeting dates.
