

March 8, 2023

Executive Steering Committee, Juvenile Title 15 and Title 24 Regulations Revision
Secure Youth Treatment Facilities (SYTF) Subcommittee
Board of State and Community Corrections
2590 Venture Oaks Way
Sacramento, CA 95833

SENT VIA EMAIL TO: khaynes@fresnocountyca.gov and Katherine.Lucero@chhs.ca.gov

RE: Establishment of the Secure Youth Treatment Facility Subcommittee and Development of Regulations for SYTFs

Dear Executive Steering Committee and Secure Youth Treatment Facility Subcommittee Members:

On behalf of California Alliance for Youth & Community Justice (CAYCJ), we write to urge you to (1) broadly reconsider the composition of the Secure Youth Treatment Facilities (SYTF) Subcommittee to better reflect the diverse expertise needed to realize the bold vision for youth justice laid out in SB 823, and (2) broadly review existing standards and regulations across jurisdictions to establish new regulations for SYTF facilities that reflect the best practices of our time rather than simply amending existing regulations created for temporary detention facilities.

CAYCJ is a statewide alliance of youth-centered service, advocacy and legal organizations that are all committed to drastically reduce incarceration and improve outcomes for system-involved youth in California. CAYCJ members from 20 counties across the state work together on policy change that unites the vision, wisdom and collective strength of people working in local counties, regions and across the state. We are deeply invested in the vision set forth in SB 823 and believe the recommendations outlined in this letter are consistent with that vision.

Reconsider the composition of the SYTF Subcommittee to better reflect the diverse expertise needed to realize the bold vision for youth justice laid out in SB 823.

CAYCJ members are deeply concerned about the process used to establish the SYTF Subcommittee, and the apparent decision not to replace the community co-chair. First and foremost, the selection and approval process for SYTF Subcommittee members and chairs should be open and transparent, and, like all actions of the ESC, subject to comment from members of the community. Unfortunately, it is not clear how the SYTF Subcommittee members were chosen, who was involved in selecting the members, or what criteria or qualifications were set for the selection.

The SYTF Subcommittee originated during the ESC meetings on November 2nd and 3rd, 2022. Two Chairs were chosen to lead the SYTF Subcommittee, including a directly impacted expert who is no longer on the ESC or SYTF Subcommittee. Despite community members' attempts to fill that co-chair role, and numerous inquiries from the public regarding a new community co-chair, it remains unclear who made the decision not to replace the chair and what reasoning supported such a decision. In fact, it remains unclear whether such a decision is even the will of the ESC members.

Following the November meetings, BSCC staff posted an announcement soliciting SYTF Subcommittee applications. The posting did not describe seats for particular categories of experience or expertise, and no such categories were set out by the ESC when it established the SYTF Subcommittee. However, it now appears that specific categories were established for SYTF Subcommittee seats, but it is unclear who made

the decision regarding these categories and on what basis. Indeed, it is not even known whether additional individuals or members of the ESC were consulted in establishing SYTF Subcommittee criteria or in selecting participants.

The SYTF Subcommittee will be making the first attempt to establish regulations for a new category of youth facilities, which may have youth in their custody for years at a time. These new regulations will be of critical importance to the children who come of age in these facilities, and it is imperative that the SYTF Subcommittee have the expertise and experience necessary to promulgate brand new regulations that reflect the best thinking, practices, and models currently available.

CAYCJ believes that the community should have been provided with an opportunity to offer its perspective on the required experience and expertise that would make up the SYTF Subcommittee. At the very least, the community should have been aware that categories were to be established, and that categories existed for selection. Had the ESC been transparent, and publicly deliberated and decided on the categories, community members would have highlighted several significant areas of expertise that appear to be lacking on the SYTF Subcommittee as it currently exists. For instance, CAYCJ believes that the SYTF Subcommittee should have (1) community members who sit on their county Juvenile Justice Coordinating Council (JJCC) or Realignment Subcommittee who are familiar with non-law enforcement approaches to juvenile facility oversight, (2) non-law enforcement related experts in positive youth development programming, (3) disability advocates with substantial experience serving system-impacted youth, and (4) expertise on system impacted LGBTQ+ and gender expansive individuals.

While the initial creation of the SYTF Subcommittee was a highly public process with deep community engagement and public comment, the subsequent work to establish the SYTF Subcommittee has been highly secretive and lacking in community involvement. The loss of a directly impacted expert as a co-chair and decision not to replace him, the determinations regarding appropriate experience and expertise, and the selection of the SYTF Subcommittee members all took place behind closed doors. The lack of transparency threatens the community's trust and the integrity of the ESC as a public body conducting the people's business.

CAYCJ and its members request that the ESC appoint a new community co-chair with lived expertise, reconsider the composition of the current SYTF Subcommittee membership and rectify the gaps in expertise needed to meaningfully undertake the work of drafting brand new regulations that realize the bold intent and requirements of SB 823.

Broadly review existing standards and regulations across jurisdictions to establish new regulations for SYTF facilities that reflect the best practices of our time rather than simply amending existing regulations created for temporary detention facilities.

Title 15 and Title 24 should not be used as a starting point for SYTF regulations; the SYTF Subcommittee should look to other models for promulgating standards that are aligned with SB 823's vision for a model based in public health and positive youth development. For Juvenile Realignment to represent more than a mere fiscal shifting of youth incarceration from the State to the counties, our standards and practices must meaningfully change. The time is long overdue for a new approach and a higher standard for the treatment of children. The new regulations must reflect the best practices and models available today, and create pathways to improve in the future. They must outline the expectations for facilities that treat rather than detain youth, that raise rather than merely "rehabilitate" children, and that rely on rather than exclude the communities in which they sit.

The current Title 15 and Title 24 regulations lack robust standards for the care of young people who will be confined in a juvenile facility for long periods of time. The current standards were designed to address juvenile halls, which are designed for temporary, short-term stays, and do not adequately address specific requirements for the provision of care, both during confinement and in preparation for release and reentry back into the community. Beginning with the current standards will do a disservice to the mission of SYTF commitments.

CAYC strongly encourages the SYTF Subcommittee to look beyond the existing Title 15 and 24 regulations for guidance and possible approaches. For instance, we suggest reviewing the interim regulations established for Short-Term Residential Therapeutic Programs¹ or other categories of community care facility, the regulations and standards for the various components of the Close to Home model in New York State and New York City, the residential standards for the components of the Missouri Model, and to countries such as Norway which has served as an inspiration and goal post for system improvements across the US². We also suggest reviewing applicable research and model standards such as the resources of the National Academy of Sciences, and model standards applicable to special populations such as The Model Standards Project: Creating Inclusive Systems for LGBT Youth in Out-of-Home Care.³

Importantly, SB 823 provided funding for counties specifically to implement “public health approaches to support positive youth development” within local jurisdictions.⁴ The principles of public health and positive youth development must guide more comprehensive regulations impacting youth in long-term confinement, and the current regulations are not an appropriate template. The SYTF Subcommittee should look to the new codes enacted as part of SB 823 to identify the factors that should be incorporated into the regulations for youth in long-term confinement. For example, as part of their planning for realignment, counties are required to address numerous elements within their local continuum of responses, including programs or services that promote the healthy adolescent development; family engagement; and reentry, including planning and linkages to support employment, housing, and continuing education.⁵ The current regulations do not address many of these requirements and are not aligned with the requirements of SB 823.⁶

To maintain fidelity to the bold promises of SB 823, the SYTF Subcommittee should look to precedents that are rooted in positive youth development over regulations that are designed for carceral, punitive, short-term facilities. This requires that the SYTF Subcommittee and the ESC look beyond Title 15 and Title 24 and design regulations for SYTFs that offer California’s children the best thinking, practices, and possibilities of our time.

We are hopeful that California will realize its vision for a health-first, positive youth development approach to youth justice. This means ensuring that the minimum standards for SYTFs also embody this vision – this can only be done through the transparent formation of the SYTF Subcommittee and a commitment to

¹ Available at: <https://www.cdss.ca.gov/inforesources/continuum-of-care-reform/short-term-residential-therapeutic-program>

² Information available at: <https://prisonlaw.com/european-prison-project/>

³ https://www.nclrights.org/wp-content/uploads/2013/07/Model_Standards_Project_article.pdf

⁴ Sen. Bill No. 823 (2019-2020 Reg. Sess.), § 1(c)

⁵ Welf. & Inst. Code § 1995(c)(3)(B)-(D)

⁶ For example, the case planning regulation under 1355 fails to require anything in the case plan related to family engagement and the regulation, like many others in Title 15, are not rooted in a strengths-based approach to youth development. Another example is the release and transition regulations under Section 1351 – this regulation fails to account for the significant transitional planning that youth will need after long-term stays in confinement. The principles guiding realignment require that transition planning is initiated well before a youth is about to be released, ideally with a lead time of at least six months.

reviewing all possible sources to establish a new standard for California's bold vision for the future of youth justice.

Sincerely,

Abraham Medina
Director
California Alliance for Youth & Community Justice (CAYCJ)

cc: Allison.Ganter@bscc.ca.gov