
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair

2025 - 2026 Regular

Bill No: SB 824 **Hearing Date:** April 22, 2025

Author: Menjivar

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Urgency: No

Consultant: SJ

Fiscal:

Yes

Subject: *Secure youth treatment facilities*

HISTORY

Source: Alliance for Boys and Men of Color
California Alliance for Youth and Community Justice
Center on Juvenile and Criminal Justice
Fresh Lifelines for Youth
Haywood Burns Institute
National Center for Youth Law
Pacific Juvenile Defender Center

Prior Legislation: AB 102 (Ting), Ch. 38, Stats. of 2023
SB 92 (Com. on Budget & Fiscal Review), Ch. 18, Stats. of 2021
SB 823 (Com. on Budget & Fiscal Review), Ch. 337, Stats. of 2020
SB 81 (Com. on Budget & Fiscal Review), Ch. 175, Stats. of 2007

Support: A New Way of Life Re-Entry Project; ACLU California Action; All of Us or None; Back to the Start; Black Parallel School Board; California Alliance of Child and Family Services; California Coalition for Women Prisoners; California Public Defenders Association; Californians United for a Responsible Budget; Ceres Policy Research; Children Now; Communities United for Restorative Youth Justice; Courage California; Ella Baker Center for Human Rights; Fixin San Mateo County; Freedom 4 Youth; Fresno County Public Defender's Office; Future Leaders of America; GRACE Institute-End Child Poverty in CA; Immigrant Legal Resource Center; In Our Care San Mateo County; Initiate Justice; Initiate Justice Action; Justice2Jobs Coalition; LA County Public Defenders Union, Local 148; La Defensa; Legal Services for Prisoners With Children; Loyola Law School, Center for Juvenile Law and Policy; Mid-City Community Advocacy Network; MILPA Collective; Peace and Justice Law Center; Public Health Advocates; Rubicon Programs; San Diego Public Defender; San Francisco Peninsula People Power; San Francisco Public Defender; Santa Barbara Teen Legal Clinic; Silicon Valley De-Bug; Sister Warriors Freedom Coalition; Smart Justice California; Unitarian Universalist Fellowship of Redwood City, Social Action Committee; Universidad Popular; Urban Peace Movement; Ventura County Juvenile Justice and Delinquency Prevention Commission; Youth Forward; Youth Law Center

Opposition: California District Attorneys Association; Chief Probation Officers of California; Los Angeles County Probation Managers Association AFSCME Local 1967; Los

Angeles County Probation Officers Union, AFSCME Local 685; SEIU 721 Joint Council, BU 702

PURPOSE

The purposes of this bill are to: 1) require the individual rehabilitation plan (IRP) for a youth being committed to a secure youth treatment facility (SYTF) to describe how the programming, treatment, and education to be provided are designed to enable the ward to transition to a less restrictive program (LRP); 2) require the IRP description to include how the IRP will be implemented to prioritize the youth's progress toward transfer to an LRP; 3) require the court to hold a hearing prior to approving an IRP; and 4) require the court to assess the youth's progress toward transferring to an LRP at each review hearing and authorize the court to make or modify orders for the purpose of improving and prioritizing that progress.

Existing law provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

Existing law authorizes a court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor or nonminor who is adjudged a ward of the court. (Welf. & Inst. Code, § 727, subd. (a)(1).)

Existing law authorizes a court to order commitment of a minor to a juvenile home, ranch, camp, or forestry camp, or to juvenile hall if the county does not have a juvenile home, ranch, camp, or forestry camp, when the minor is adjudged a ward of the court. (Welf. & Inst. Code, § 730, subd. (a)(1).)

Existing law authorizes a court to order a ward who is 14 years of age or older to be committed to an SYTF for a period of confinement if the ward meets all of the following criteria:

- The juvenile is adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Section 707 that was committed when the juvenile was 14 years of age or older.
- The adjudication is the most recent offense for which the juvenile has been adjudicated.
- The court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. (Welf. & Inst. Code, § 875, subd. (a)(1)-(3).)

Existing law requires the court, in determining whether a less restrictive disposition is suitable, to consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. Requires the court to additionally make its determination based on specified criteria, including the severity of the offense or offenses for which the ward has been most recently adjudicated; the ward's previous delinquent history; whether the programming, treatment, and education offered and provided in an SYTF is appropriate to meet the treatment and security needs of the ward; and whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court, among other things. (Welf. & Inst. Code, § 875, subd. (a)(3)(A)-(E).)

Existing law requires the court, in making its order of commitment for a ward, to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. Requires the baseline term of confinement to represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. Requires the baseline term of confinement for the ward to be determined according to offense-based classifications. Provides that the baseline term is subject to modification in progress review hearings. (Welf. & Inst. Code, § 875, subd. (b)(1).)

Existing law requires the court, in making its order of commitment, to additionally set a maximum term of confinement for the ward based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. (Welf. & Inst. Code, § 875, subd. (c)(1).)

Existing law provides that the maximum term of confinement is the longest term of confinement in a facility that the ward may serve subject to the following:

- Prohibits a ward committed to an SYTF from being held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. Allows a ward who has been committed to an SYTF based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, to be held in secure confinement until 25 years of age, or two years from the date of commitment, whichever occurs later.
- Prohibits the maximum term of confinement from exceeding the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses. Requires, if the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, the maximum term of confinement to be the aggregate term of imprisonment specified in Section 1170.1 of the Penal Code.
- Requires precommitment credits for time served to be applied against the maximum term of confinement. (Welf. & Inst. Code, § 875, subd. (c)(1)(A)-(C).)

Existing law requires the court, within 30 judicial days of making an order of commitment to an SYTF, to receive, review, and approve an IRP that meets specified requirements for the ward that has been submitted to the court by the probation department and any other agencies or individuals the court deems necessary for the development of the plan. (Welf. & Inst. Code, § 875, subd. (d)(1).)

Existing law requires an IRP to do all of the following:

- Identify the ward's needs in relation to treatment, education, and development, including any special needs the ward may have in relation to health, mental or emotional health, disabilities, or gender-related or other special needs.
- Describe the programming, treatment, and education to be provided to the ward in relation to the identified needs during the commitment period.
- Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care.

- Requires the ward and their family to be given the opportunity to provide input regarding the needs of the ward, and requires the opinions of the ward and the ward's family to be included in the IRP report to the court. (Welf. & Inst. Code, § 875, subd. (d)(2).)

Existing law requires the court to schedule and hold a progress review hearing for the ward not less frequently than once every six months during the term of commitment, including any term spent in an LRP. Requires the court to evaluate the ward's progress in relation to the IRP and determine whether the baseline term of confinement is to be modified in the review hearing. (Welf. & Inst. Code, § 875, subd. (e)(1)(A).)

Existing law provides that the court may order, at the conclusion of each review hearing and upon making a finding on the record, that the ward remain in custody for the remainder of the baseline term, or may order that the ward's baseline term or previously modified baseline term be modified downward by a reduction of confinement time not to exceed six months for each review hearing. Authorizes the court to additionally order that the ward be assigned to an LRP. Provides that the determination of whether the baseline term will be modified, or whether a youth will be assigned to an LRP, is a judicial decision and the juvenile court's discretion may not be limited by stipulation of the parties at any time. (Welf. & Inst. Code, § 875, subd. (e)(1)(A).)

Existing law authorizes the court, if the ward is already assigned to an LRP, to order a reduction in the length of time the ward is to remain in the LRP prior to a probation discharge hearing, based on the ward's progress. Authorizes the court, if it determines that ward has failed materially to comply with the court-ordered conditions of placement in the LRP, to modify the order of placement in the LRP. (Welf. & Inst. Code, § 875, subd. (e)(1)(B).)

Existing law prohibits the ward's confinement time, including time spent in an LRP, from being extended beyond the baseline confinement term, or beyond a modified baseline term, for disciplinary infractions or other in-custody behaviors. Requires that any infractions or behaviors be addressed by alternative means, which may include a system of graduated sanctions for disciplinary infractions adopted by the operator of an SYTF and subject to any relevant state standards or regulations that apply to juvenile facilities generally. (Welf. & Inst. Code, § 875, subd. (e)(2).)

Existing law requires the court to hold a probation discharge hearing for the ward at the conclusion of the baseline confinement term, including any modified baseline term. Requires the probation discharge hearing to occur at the end of the period, or modified period, of placement that has been ordered by the court for a ward who has been placed in an LRP. (Welf. & Inst. Code, § 875, subd. (e)(3).)

Existing law requires the court to review the ward's progress toward meeting the goals of the IRP and the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary at the discharge hearing. Requires the court to order that the ward be discharged to a period of probation supervision in the community under conditions approved by the court at the conclusion of the hearing unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. Provides that if the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody, the ward may be retained in custody in an SYTF for up to one additional year of confinement, subject to review hearing

and probation discharge hearings and to the maximum confinement provisions of law. (Welf. & Inst. Code, § 875, subd. (e)(3).)

Existing law requires the court, if the ward is discharged to probation supervision, to determine the reasonable conditions of probation that are suitable to meet the needs of the ward and to facilitate the ward's successful reentry into the community. Requires the court to periodically review the ward's progress and to make any additional orders deemed necessary to modify the program of supervision in order to facilitate the provision of services or to otherwise support the ward's successful reentry into the community. Authorizes the court, if it finds that the ward has failed materially to comply with the reasonable orders of probation imposed by the court, to order that the ward be returned to a juvenile facility or to an LRP for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer, and in any case not to exceed the maximum confinement limits. (Welf. & Inst. Code, § 875, subd. (e)(4).)

Existing law authorizes the court, upon a motion from the probation department or the ward, to order that the ward be transferred from an SYTF to an LRP. Requires the court to consider the transfer request at the next scheduled treatment review hearing or at a separately scheduled hearing. Requires the court to consider the recommendations of the probation department on the proposed change in placement. Requires approval of the request for an LRP to be made only upon the court's determination that the ward has made substantial progress toward the goals of the IRP and that placement is consistent with the goals of youth rehabilitation and community safety. (Welf. & Inst. Code, § 875, subd. (f)(1).)

Existing law requires the court, in making its determination to approve a transfer request to an LRP, to consider both of the following factors:

- The ward's overall progress in relation to the rehabilitation plan during the period of confinement in an SYTF.
- The programming and community transition services to be provided, or coordinated by the LRP, including, but not limited to, any educational, vocational, counseling, housing, or other services made available through the program. (Welf. & Inst. Code, § 875, subd. (f)(1).)

Existing law authorizes the court, in any order transferring the ward from an SYTF to an LRP, to require the ward to observe any conditions of performance or compliance with the program that are reasonable and appropriate and that are within the capacity of the ward to perform. Requires the court to set the length of time the ward is to remain in an LRP, not to exceed the remainder of the baseline or modified baseline term, prior to a probation discharge hearing. (Welf. & Inst. Code, § 875, subd. (f)(2).)

Existing law authorizes the court, if it determines that the ward has materially failed to comply with the court-ordered conditions of placement in the LRP, to modify the terms and conditions of placement in the program or to order the ward to be returned to an SYTF for the remainder of the baseline term, or modified baseline term, and subject to further periodic review hearings and to the maximum confinement provisions of law. Requires the ward's baseline or modified baseline term to be adjusted to include credit for the time served by the ward in the LRP if the ward is returned to the SYTF. (Welf. & Inst. Code, § 875, subd. (f)(2).)

Existing law outlines the criteria that an SYTF must meet, including that the facility be a secure facility. (Welf. & Inst. Code, § 875, subd. (g).)

This bill requires the court to hold a hearing prior to approving the IRP. Requires a copy of the plan to be provided to the prosecutor and the counsel for the ward at least two court days in advance of the hearing. Requires the court to order the provision of any programs, services, and supports to the ward that facilitate implementation and fulfillment of the IRP.

This bill requires an IRP to include a description of how to meet any identified needs that cannot be met by currently available programming, treatment, and education.

This bill requires the IRP to describe how the programming, treatment, and education to be provided to the ward is designed to enable the ward to transition to an LRP during the baseline term or modified baseline term, with a persistent focus on the goal of successfully returning the ward to the community.

This bill specifies that the IRP's description of how it is designed to enable the ward to transition to an LRP must include all of the following:

- Available LRP s that may address the ward's individual needs and goals.
- Specific measures of progress that it is anticipated will qualify the ward for transfer to a an LRP.
- Furloughs from secure confinement that would provide opportunities for the ward's reintegration into their family and community, which may include, but is not limited to, temporary releases for work, education, vocational training, family visitation, obtaining identification or licenses, treatment, or attendance at family, community, or religious events.
- How the IRP will be implemented to prioritize the ward's progress toward transferring to an LRP.
- A projected timeline for the ward's transition to an LRP.
- The specific supports, services, and programs that it is anticipated will facilitate the ward's success upon transitioning to an LRP and upon discharge to probation supervision.

This bill requires the description of programming, treatment, and education that is designed to enable the ward to transition to an LRP to include consideration of the ward's individualized needs and goals related to housing, education, vocation, employment and career, family relationships, daily living skills, income and finances, mentorship, transportation, health care, and any other areas relevant to achieving and maintaining the ward's successful rehabilitation in a nonsecure, community-based setting.

This bill requires the court to assess the ward's progress toward transferring to an LRP at the progress review hearings.

This bill requires the court, if it determines at a review hearing that a ward should remain in custody, to make a finding on the record regarding progress made toward transitioning the ward to an LRP and toward a successful return to the community, as described in the IRP, and assess whether the ward has been provided adequate opportunities to make the progress required to transition to an LRP. Authorizes the court to make or modify orders for the purpose of improving

and prioritizing that progress, which may include orders to require the ward to be granted furloughs.

This bill requires the court to order the ward to be transferred to LRP, if it makes a determination that the ward has made substantial progress toward the goals of their IRP and that placement is consistent with the goals of youth rehabilitation and community safety, and it additionally finds that it is reasonably likely that transferring the ward to an LRP will better facilitate fulfillment of the goals in the IRP than would continued confinement in the SYTF. Requires the court to make its findings on the record.

COMMENTS

1. Need For This Bill

According to the author:

In 2020, when the Legislature directed the closure of the Division of Juvenile Justice (DJJ), it envisioned a system that would use public health approaches to support positive youth development, build the capacity of community-based programs and interventions, and reduce crime by youth.

Local secure youth treatment facilities (SYTFs) replaced DJJ facilities, and new laws sought to employ evidence-based strategies to ensure rehabilitation and successful community reintegration. These methods include the creation of an Individual Rehabilitation Plan (IRP) that were intended to be tailored to meet the unique needs of each youth committed to an SYTF, and placements in Less Restrictive Programs (LRPs) that support successful reentry transitions by enabling youth to serve a portion of their commitment rehabilitating in the community.

Persistent challenges to implementing this new vision of youth justice remain. They include inadequate IRPs that fail to address individual needs, failure to deliver services called for in IRPs, and under-utilization of LRPs and furloughs.

SB 824 addresses these challenges in two ways. First, it strengthens IRPs by requiring a roadmap for successful reentry, ensuring a fair hearing to adopt the IRP, and clarifying judicial authority to tailor services.

Second, it promotes LRPs by adding a reentry progress assessment to existing six-month reviews, prioritizing LRPs over SYTF confinement.

With these needed improvements, SB 824 will ensure the youth justice system prioritizes rehabilitation and the services, programs, and placements young people need to successfully return to the community.

2. Secure Youth Treatment Facilities

With the passage of SB 823 (Committee on Budget, Chapter 337, Statutes of 2020), the state planned the closure of the Division of Juvenile Justice (DJJ) and realigned the responsibility for managing all youth under the jurisdiction of the juvenile courts to county probation departments.

This change resulted in the reallocation of funding to counties to enable them to meet the needs of youth who would have previously been committed to DJJ. SB 823 also established the Office of Youth and Community Restoration (OYCR) within the California Health & Human Services (CalHHS) Agency. OYCR's mission is to "promote[] trauma responsive, culturally informed, gender honoring, and developmentally appropriate services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood" and its "vision of youth justice is one that is framed by accountability and healing rather than punishment, and has been driven by on-the-ground advocates, researchers and probation departments, along with policy, funding, and practice changes, working together to make this new vision of youth justice a reality." (OYCR, *About OYCR* available at <<https://www.oycr.ca.gov/about/#our-mission>>.)

SB 92 (Committee on Budget, Chapter 18, Statutes of 2021) was enacted the following year to establish a new dispositional option for juveniles ages 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense (i.e., a specified serious or violent felony) and for whom a less restrictive alternative disposition is not suitable. This dispositional option—commitment to an SYTF—is a secured, custodial setting. Counties are not required to establish an SYTF and may contract with another county that has an SYTF to house this population. A county is also authorized to establish an SYTF to serve as a regional center for the commitment of juveniles from one or more counties. A county that elects to establish an SYTF is required to notify and submit a description of the facility to the BSCC to ensure compliance with standards pertaining to facility design and security, among other things.

3. Baseline Term of Commitment

If a court commits a youth to an SYTF, it must set a baseline term of commitment that must "represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community." (Welf. & Inst. Code, § 875, subd. (b)(1).) The baseline term is established using an offense-based classification matrix developed and adopted by the Judicial Council. The matrix was developed with three primary objectives in mind: positive youth development, public and community safety, and flexible and fair terms of commitment. (Judicial Council of California, *Invitation to Comment on Juvenile Law: Secure Youth Treatment Facility Offense-Based Classification Matrix* (SP22-14), p. 3 available at <<https://www.courts.ca.gov/system/files?file=itc/sp22-14.pdf>>.) The invitation to comment on the proposed changes to the Rules of Court pertaining to SYTFs explained:

A primary objective of a commitment to an SYTF must be an evidence-based and trauma-responsive effort to promote healthy adolescent development by providing positive incentives for long-term prosocial behavior, and targeting the treatment needs of the youth to ensure healing and rehabilitation. The ultimate goal of an SYTF commitment is to provide an enduring foundation to support successful reentry into the community, emphasizing family and community connections with extended support at the time of release from the SYTF.

... An SYTF commitment is only permissible when community safety and rehabilitation of the youth cannot be accomplished with a less restrictive disposition; thus, protecting the public and the community is a central objective of the matrix. To accomplish this goal, use of the matrix helps ensure that the term of commitment is no longer than necessary to protect the public, by working to prevent the likelihood that the youth will reoffend, but is of sufficient length to

assure the victim and the community that the harm committed can be redressed by the juvenile justice system in a developmentally appropriate manner and thus reduce the need for the youth to be transferred to criminal court.

... A baseline term should be based on the needs of the individual being committed, and not simply the seriousness of the offense for which the youth was adjudicated. ... The matrix provides flexibility for the court and positive incentives for the youth to reduce the baseline term. (*Ibid.*)

The California Rules of Court outline how the baseline term of commitment is determined. In selecting the baseline term, the court must consider the following: the circumstances and gravity of the commitment offense; the youth's prior history in the juvenile justice system; the confinement time considered reasonable and necessary to achieve the rehabilitation of the youth; and the youth's developmental history. (Cal. Rules of Court, rule 5.806(a).) Each of these criteria include additional factors for the court to consider, but the rule specifies that "[e]numerated factors listed ... that are outside the youth's control must not result in a longer baseline term than otherwise needed to meet [the objective that the baseline term is no longer than necessary to meet the developmental needs of the youth and to prepare the youth for discharge to a period of probation supervision in the community].” (*Ibid.*)

The rule includes the offense-based matrix that establishes terms with a range of years for various offenses. For example, the matrix specifies a term of 4-7 years for murder, kidnapping with bodily harm involving death or substantial bodily injury, and torture. (Cal. Rules of Court, rule 5.806(d).) Attempted murder, voluntary manslaughter, specified kidnapping offenses, and specified sex offenses, including rape with force, violence, or threat of great bodily harm, have a term of 3-5 years. (*Ibid.*) A variety of offenses, including arson, robbery, carjacking, specified weapons-related offenses, specified types of assault, and specified gang-related offenses have a term of 2-4 years. (*Ibid.*) Finally, witness or victim intimidation, bribery of a witness, and specified offenses related to manufacturing or selling drugs, such as PCP, have a term of 1-2 years. (*Ibid.*)

The court must also set the maximum term of confinement for the youth. In general, a youth committed to an SYTF cannot be held in secure confinement beyond 23 years of age or two years from the date of the commitment, whichever occurs later, unless the youth has been committed to an SYTF based on adjudication for an offense or offenses for which the youth would have faced an aggregate sentence of seven or more years if convicted in adult criminal court. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) In that case, the youth can be held until 25 years of age or two years from the date of commitment, whichever occurs later. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) Additionally, the maximum term of confinement cannot exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses, except as specified. (Welf. & Inst. Code, § 875, subd. (c)(1)(B).)

4. Individualized Rehabilitation Plans

The court is required to approve an IRP after making an order to commit a youth to an SYTF. (Welf. & Inst. Code, § 875, subd. (d)(1).) In general, the probation department develops the IRP which "may be developed in consultation with a multidisciplinary team of youth service, mental and behavioral health, education, and other treatment providers who are convened to advise the court." (Welf. & Inst. Code, § 875, subd. (d)(1).) The prosecutor and youth's attorney may also provide input in the development of the IRP. (Welf. & Inst. Code, § 875, subd. (d)(1).) The court

is authorized to modify the plan based on the information provided to it. (Welf. & Inst. Code, § 875, subd. (d)(1).) An IRP is required to do all of the following:

- Identify the youth's needs in relation to treatment, education, and development, including any special needs the ward may have in relation to health, mental or emotional health, disabilities, or gender-related or other special needs.
- Describe the programming, treatment, and education to be provided to the youth in relation to the identified needs during the commitment period.
- Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care. (Welf. & Inst. Code, § 875, subd. (d)(2).)

The youth and their family must be given the opportunity to provide input regarding the youth's needs, and the opinions of the youth and their family must be included in the IRP report to the court. (Welf. & Inst. Code, § 875, subd. (d)(2).)

5. Review Hearings

The court must review the progress of a youth committed to an SYTF at least every six months, and may order that the youth remain in custody for the remainder of the baseline term or modify the baseline term downward by up to six months at each hearing. (Welf. & Inst. Code, § 875, subd. (e)(1)(A).) The court may additionally order that the youth be assigned to an LRP. (Welf. & Inst. Code, § 875, subd. (e)(1)(A).) If the youth is already assigned to an LRP, the court may order a reduction in the length of time the youth must remain in the LRP. (Welf. & Inst. Code, § 875, subd. (e)(1)(B).) However, if the court determines that the youth has failed to comply with the court-ordered conditions of placement in the LRP, the court may modify the terms and conditions of placement or order the youth returned to an SYTF. (Welf. & Inst. Code, § 875, subd. (f)(2).) Notably, the youth's confinement time cannot be extended beyond the baseline confinement term, or beyond a modified baseline term, for disciplinary infractions or other in-custody behaviors. (Welf. & Inst. Code, § 875, subd. (e)(2).)

At the conclusion of the baseline confinement term, including any modified baseline term, the court must hold a probation discharge hearing. (Welf. & Inst. Code, § 875, subd. (e)(3).) At the discharge hearing, the court reviews the youth's progress toward meeting the goals of the IRP as well as the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary. (Welf. & Inst. Code, § 875, subd. (e)(3).) The court must order that the youth be discharged to a period of probation supervision in the community under court-approved conditions, unless the court finds that the youth constitutes a substantial risk of imminent harm to others in the community if released from custody. (Welf. & Inst. Code, § 875, subd. (e)(3).) If the court finds that the youth's release to the community is not appropriate, the youth may be retained in custody in an SYTF for up to one additional year of confinement, subject to review hearings and the maximum term of confinement. (Welf. & Inst. Code, § 875, subd. (e)(3).)

If the youth is discharged to probation supervision, the court must determine reasonable conditions of probation that meet the developmental needs and circumstances of the youth and facilitate the youth's successful reentry into the community. (Welf. & Inst. Code, § 875, subd. (e)(4).) The court must periodically review the youth's progress under probation supervision and make additional orders as necessary to facilitate the provision of services or to otherwise support the youth's successful reentry into the community. (Welf. & Inst. Code, § 875, subd. (e)(4).) If

the youth fails to comply with the conditions of probation, the court may order that the youth be returned to a juvenile facility or to an LRP for the remainder of the baseline term or six months, whichever is longer, but not exceeding the maximum confinement limits. (Welf. & Inst. Code, § 875, subd. (e)(4).)

The California Rules of Court specify that in order to incentivize youth to engage productively with their court-approved IRP, each probation department operating an SYTF is required to “implement a system to track the positive behavior of the youth in a regular and systematic way and report to the court at every progress hearing on the youth’s positive behavior, including a recommendation to the court on any downward adjustment that should be made to the baseline term in recognition of the youth’s positive behavior and development” and the recommendation requires probation to “consult with and report on the input of all other agencies or entities providing services to the youth.” (Cal. Rules of Court, rule 5.806(c).)

6. Less Restrictive Program

As mentioned above, Welfare and Institutions Code section 875 authorizes a court to commit a youth to an SYTF if: the juvenile was adjudicated for and found to have committed a Section 707(b) offense when the juvenile was 14 and older; the adjudication is the most recent offense for which the juvenile has been adjudicated; and the court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. (Welf & Inst. Code, § 875, subd. (a)(1).) In other words, the court must decide, following a youth’s adjudication for an eligible offense, whether an SYTF is the appropriate placement for a youth who qualifies for commitment to an SYTF. Once the SYTF commitment is ordered, the court conducts the review hearings discussed in the previous section. In reviewing the youth’s progress, the court may order that the youth be assigned to an LRP.

The court may order that the youth be transferred from an SYTF to an LRP, such as a halfway house, a camp or ranch, or a community residential or nonresidential service program, upon a motion from the probation department or the youth. (Welf & Inst. Code, § 875, subd. (f)(1).) The stated purpose of an LRP is “to facilitate the safe and successful reintegration of the ward into the community.” (Welf & Inst. Code, § 875, subd. (f)(1).) When a request for a transfer from an SYTF to an LRP is made, the court must consider the request at the next scheduled review hearing or at a separately scheduled hearing, and must consider the probation department’s recommendations. (Welf & Inst. Code, § 875, subd. (f)(1).)

In order to approve a transfer request to an LRP, the court must find that the youth has made substantial progress toward the goals of the IRP and that placement in an LRP is consistent with the goals of youth rehabilitation and community safety. (Welf & Inst. Code, § 875, subd. (f)(1).) In making its determination, the court must consider the youth’s overall progress in relation to the IRP during the period of confinement in an SYTF as well as the programming and community transition services to be provided or coordinated by the LRP, including any educational, vocational, counseling, housing, or other services made available through the program. (Welf & Inst. Code, § 875, subd. (f)(1)(A) & (B).)

The court may order any reasonable and appropriate conditions that are within the capacity of the youth to perform when ordering a transfer from an SYTF to an LRP. (Welf & Inst. Code, § 875, subd. (f)(2).) The length of time the youth is to remain in an LRP cannot exceed the remainder of the baseline or modified baseline term, prior to a probation discharge hearing. (Welf & Inst. Code, § 875, subd. (f)(2).) A youth who fails to comply with the court-ordered conditions of

placement in the program may have the conditions modified or be returned to an SYTF for the remainder of the baseline term, or modified baseline term. (Welf & Inst. Code, § 875, subd. (f)(2).)

7. Stepping Home Model

In 2023, OYCR adopted the Stepping Home Model which was developed to prepare and support youth as they transition back into their communities. The Model is described as:

[P]romot[ing] healing and accountability for youth and is intended to guide counties and partnering entities as they ensure the safe and successful transition of youth from SYTFs through the continuum of placements to home. The model details a process for all youth that begins from their confinement in an SYTF and ends with their safe and successful return to their communities through the usage of LRP. The Model also promotes key elements that center healing and accountability for youth and the participation of youth and their family in the formation of the youth's treatment and programming. (OYCR & UCLA Luskin Social Welfare, *Stepping Home Elements—Less Restrictive Programs: Considerations and Possibilities* (2024), p. 4 available at <<https://www.chhs.ca.gov/wp-content/uploads/2024/08/OYCR-UCLA-Stepping-Home-Elements-Less-Restrictive-Programs.pdf>>.)

The Model includes ten key elements:

- SYTFs and LRP must protect youth from harm and abuse by promoting cultures and environments of dignity and respect.
- Youth facing potential commitment to SYTFs should receive professional neuro-psychological assessments to identify underlying trauma, developmental needs, behavioral health needs, and unmet social needs, coupled with targeted healing, trauma-informed and therapeutic interventions by qualified personnel.
- Informed by assessment, each youth's case plan should be developed utilizing family and community support teams and include full access to restorative health care.
- Informed by assessment and the youth's whole person care plan, access must be provided to behavioral health services as needed, administered with fidelity to quality, dose, and duration.
- Restorative justice programming must be provided that promotes youth accountability for offenses and builds positive relationships and behavior, including victim awareness and personal insight.
- Cohort support and programming that connects youth to others going through similar transitions, providing motivation through peer support, and exposing youth to pro-social experiences.
- Strength based, healthy living and support activities for positive youth development, including opportunities for healing and spirituality, quality and age-appropriate education, outdoor and leisure time, and opportunity to move from the facility to the community to attend school, work, and family and community events.
- Use of trusted/credible messengers with lived experience to help the youth engage with staff and programs, and to help them express their needs.
- Pre-release engagement with community-based health organizations and resources that address the social determinants of health through CalAIM and Enhanced Care

Management services provided by trusted community resources to ensure continuity of care and access to needed community services including housing.

- Transitions to community and home living that include comprehensive wraparound services such as supported living programs, basic income assistance, continuing behavioral health support, education and vocational placements, and transportation support. (OYCR, *Memo on the Stepping Home Model* (Mar. 5, 2025), p. 1 available at <<https://www.chhs.ca.gov/wp-content/uploads/2024/11/OYCR-Stepping-Home-Model-Memo.pdf>>.)

In 2024, OYCR requested that the Child Welfare Council (CWC), another entity within CalHHS, adopt the Model as “the standard of care and services to be pursued for youth committed to SYTFs and embarking on transitions to LRP s and upon their return to community living.” (OYCR, *Memo, supra*, p. 2.) The CWC unanimously approved adoption of the Model at its March 5, 2025 meeting. In its memo, OYCR provided the following with respect to future actions following the CWC’s adoption of the Stepping Home Model:

[T]he next stage in the development of the model will be preparation of action and implementation guides for each of the elements, as well as development of implementation assessment instruments that can be used by county probation leadership, staff and affected youth, as well as by external stakeholders to determine progress towards fulfilling these best practices.

Such guides and assessment instruments are essential considering the highly decentralized structure of Juvenile Probation in California. While probation facilities are subject to Title 15 and Title 24 regulations, these regulations serve as minimum health and safety requirements, not as guidance for fulfilling the goals of the transition from a strictly correctional model to a behavioral health-based youth justice model in the state. (*Ibid.*)

8. Data Related to SYTFs

AB 102 (Ting), Chapter 38, Statutes of 2023, requires county probation department to provide OYCR with data regarding: the number of youth and their commitment offense or offenses committed to an SYTF; the number of individual youth in the county who were adjudicated for a Section 707(b) or a registerable sex offense; the number of youth and their commitment offense or offenses transferred from an SYTF to an LRP; and the number of youth who had a transfer hearing as well as the number of youth whose jurisdiction was transferred to adult criminal court. The data requirements are designed to provide a better understanding of the impacts of the state’s juvenile justice realignment.

The data are reported by counties on a fiscal year basis. In the 2021-22 fiscal year, 237 youth were committed to an SYTF. (OYCR, *AB 102 Report* (May 2024), p. 9 available at <https://www.oycr.ca.gov/wp-content/uploads/sites/346/2024/05/OYCR_AB-102-Report_5.1.24.pdf>.) During the 2022-23 fiscal year, 427 youth were committed to SYTFs; however, this number also included 140 individuals returning to county custody from DJJ. (*Ibid.*) The SYTF population is largely male, and about half of the SYTF population was 17 or 18 years old during the two fiscal years covered in the report. (*Ibid.*) The most prevalent offenses committed by SYTF population were assault, homicide, and robbery. (*Id.* at p. 11.)

Both Black and Latino youth were overrepresented in the SYTF population compared to state population rates. (OYCR, *AB 102 Report, supra* at p. 9.) While Black youth aged 14-25 made up 5% of the state's population in 2021 and 2022, Black youth made up about 30% of the SYTF population during the 2021-22 fiscal year and over 25% of the SYTF population during the 2022-23 fiscal year. (*Ibid.*) Latino youth aged 14-25 made up 50% of the state's population in 2021, and 49% of the state's population in 2022. (*Ibid.*) However, Latinos made up about 60% of the SYTF population during both the 2021-22 fiscal year and 2022-23 fiscal year. (*Ibid.*)

With respect to racial disparities related to SYTF commitments:

Across both reporting periods, Latino youth were about five times as likely as White youth to be committed to an SYTF, and for FY 21/22 Black youth were nearly 27 times as likely to be committed to an SYTF when compared with White youth. There was a slight decrease in FY 22/23 with Black youth being 20 times as likely as their White peers to be committed to an SYTF. Pacific Islander youth were nearly 12 times as likely as White youth to be committed to an SYTF in FY 21/22, this group also showed a decrease in the next year. In FY 22/23, Pacific Islander youth were four times as likely to be committed to an SYTF compared to White youth. The only group not showing a disparity decrease between FY 21/22 and FY 22/23 are Indigenous youth. In FY 21/22, Indigenous youth were nearly six times as likely as White youth to be committed to an SYTF, in FY 22/23 this disparity increased, and Indigenous youth were 19 times more likely to be committed to an SYTF than White youth. (OYCR, *AB 102 Report, supra* at p. 10.)

With respect to transfers to LRP, fewer than 12 youths were transferred to an LRP in fiscal year 2021-22, and 100 youths were transferred to an LRP during fiscal year 2022-23. (OYCR, *AB 102 Report, supra* at p. 17.) Notably, 14 counties transferred youth to from an SYTF to an LRP during fiscal year 2022-23 with nearly 43% of those counties located in Southern California. (Id. at p. 18.) Nearly three-quarters of those transferred to an LRP were aged 18 to 21, and the greatest number of transfers to LRP were individuals adjudicated for homicide and assault. (*Ibid.*)

9. Effect of This Bill

This bill makes changes to the IRP and its approval process, and emphasizes the use of LRP as part of a youth's transition from an SYTF to the community. Specifically, this bill requires the IRP to describe how the programming, treatment, and education to be provided in an SYTF are designed to enable the youth to transition to an LRP. Next, it requires the IRP description to include how the IRP will be implemented to prioritize the youth's progress toward transfer to an LRP. This bill also requires the court to hold a hearing prior to approving an IRP. Finally, this bill requires the court to assess the youth's progress toward transferring to an LRP at each review hearing as well as authorizes the court to make or modify orders for the purpose of improving and prioritizing that progress.

Proponents of the bill maintain that there are deficiencies with the current SYTF framework. Specifically, they assert that IRPs are vague, not tailored to meet the needs of youth, and lack measurable goals. Proponents additionally contend that there are a lack of available programs and services to successfully implement IRPs even when they are individualized for a particular

youth. Finally, the bill's proponents argue that LRPCs and furloughs are underutilized or inconsistently utilized, contrary to the vision of SB 823.

10. Argument in Support

According to a coalition of organizations co-sponsoring the bill, including the Alliance for Boys and Men of Color, Pacific Juvenile Defender Center, National Center for Youth Law, and Center on Criminal and Juvenile Justice:

SB 824 ... will ensure that the youth justice system prioritizes rehabilitation and the services, programs, and resources youth people need to successfully return to the community. SB 824 ensures that youth who are committed to a Secure Youth Treatment Facility (SYTF) will be ready to successfully return to their community by strengthening Individual Rehabilitation Plans (IRPs) and promoting Less Restrictive Programs (LRPs).

...

Persistent challenges to implementing this new vision of youth justice [following DJJ's closure] remain. First, despite the intent that IRPs be tailored to the unique needs of each youth, in reality they are frequently generic, with each youth limited to the same set of preexisting programs. ... This problem is widespread throughout the state. Probation departments in most counties prescribe the same set of programs and resources to every youth, rather than tailoring interventions to each individual's unique circumstances and needs.

Additionally, under current law, the IRP requirements ... fail to include any requirement to plan for a youth's reintegration into the community over the course of their commitment, including by using tools such as furloughs and LRPCs. Current law fails to require the IRP to map a youth's individual pathway to successfully returning to the community. In practice, this is leading to widespread failure to supportively transition youth from the locked facility to the community in a way that sets them up for stability and success. ... All of the IRP planning is focused on the time in the SYTF, without a plan to bridge the gap between SYTF confinement and living successfully in the community.

Furthermore, even when youth, their families, and their advocates succeed in getting well-tailored goals into IRPs, youth are often denied their individualized programs, services, and resources needed to actually fulfill such goals. One persistent and widespread example of this problem is that SYTFs tend to provide a single vocational training program, and even when a youth's IRP is modified to call for a different type of vocational training...nothing is actually done to provide it. ... Similarly, even when an IRP identifies a youth's goal to obtain a college degree in a certain major or field, they end up in the same educational track as all the other youth in the SYTF. Even worse, youth have been denied access to college programs altogether, contrary to their IRPs, when technology or internet access has been taken away as punishment or for security reasons.

Finally, LRPCs and furloughs are currently underutilized despite being essential tools for ensuring a successful transition from and SYTF to the community. ...

OYCR has developed the Stepping Home Model for SYTF commitments. This Model—which was adopted as the standard of care for youth in SYTFs by the California Child Welfare Council on March 5, 2025—envisioned a process and continuum of care that starts from the very beginning of a youth’s confinement in an SYTF and involves transitioning the youth, as soon as reasonably possible, to LRP. ... OYCR thus characterizes LRP as “an integral part” of each SYTF commitment. Newly reported ... data indicates that, between fiscal years 2021 and 2024, 1,050 youth have been committed to SYTFs and fewer than 281 have been released to LRP. While there is no publicly available data on the use of LRP by county, attorneys who represent youth committed to SYTFs report that many counties either rarely or never transfer youth to LRP, and a small number of counties account for the vast majority of the approximately 281 transfers to LRP over the past three years. ... Furloughs, distinct from LRP, provide valuable opportunities for education, work, life-skills development, and family engagement in the community for youth while they remain confined in an SYTF. Many counties never use furloughs, and they are rare and strictly limited in the few counties that do utilize them.

SB 824 addresses these challenges in two ways. First, it strengthens IRPs by requiring the creation of a roadmap for a youth’s successful return to their community that includes planning for furloughs and LRP. ...

Second, SB 824 promotes the effective use of LRP by requiring judges to assess progress toward transfers to and LRP and toward successful return to the community at each six-month review hearing. It also clarifies that judges should continue to tailor their orders to facilitate such progress throughout the SYTF commitment. Additionally, it requires the prioritization of LRP over SYTF confinement when qualifying conditions are met and the LRP is more consistent with achieving the goals of the IRP, and ensures youth receive clear explanations for judges’ LRP decisions.

11. Argument in Opposition

The Chief Probation Officers of California write:

Senate Bill 824 ... would make changes to Individualized Rehabilitation Plans (IRPs) requirements that were established pursuant to SB 92 (2021) as part of the realignment of the Division of Juvenile Justice to counties pursuant to SB 823 (2020).

Our overarching concern is around the impact this bill would have on community safety and the rehabilitation for young adults who are committed to a Secure Youth Treatment Facility (SYTF) for the most serious and violent 707(b) offenses by establishing processes that presumptively seek to transition youth to less restrictive programs (LRP) before they have made substantial progress on their IRP goals.

The premise of the bill is that youth should be transferred to an LRP in the community *in order to meet* the rehabilitative goals of the IRP, usurping the current framework established by the Legislature which requires the court to find

that a youth has made substantial progress on their IRP before consideration to be stepped down to a less restrictive program for the remainder of their baseline, or modified, baseline term. Further, the bill mandates that courts ... order the person to a less restrictive program if they find that it is likely that transferring the ward to an LRP will better facilitate fulfillment of the plan rather than reviewing and determining that progress on key goals has been achieved *prior* to that transfer.

Additionally, the changes contemplated for inclusion in the rehabilitation plans are not consistent with practices that would be in the best interest of the youth and public safety. For example, a proposed change would require estimation of a projected timeline for a ward's transfer to an LRP. The development of the IRP is importantly a very individualized process and estimating LRP readiness upon entry to a secure youth treatment program, before treatment and programming have been initiated, is premature. Further, statute currently allows the court to consider whether an individual is ready for transition to an LRP at the six-month review hearing.

We share the goal of ensuring that approaches to each youth and young adult's rehabilitation plan are individualized and reflect their specific criminogenic and treatment needs, risks, goals and opportunities. This approach is currently reflected in the existing statutes, rules of court, and practices governing IRPs which balance safety and treatment considerations for youth and young adults who have been committed to an SYTF due to the gravity, seriousness and/or violence nature of their offense. The changes proposed in their bill to require transfer to a less restrictive program in order to meet one's rehabilitation goals is counter to the realignment framework which currently requires a determination by the court that substantial progress on one's identified goals has been achieved and the court thereby deeming the youth ready to transition to an LRP.

Transition to an LRP is stage within the progression of a youth completing their baseline term whereby the court exercises its discretion ... assured in knowing that substantial progress has been made on the IRP resulting in a positive impact on public safety.

We believe it is important that a youth or young adult demonstrate substantial progress on their IRP goals, taking full advantage of all programming and treatment available, before transitioning to a less restrictive program.

-- END --