
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: SB 433 **Hearing Date:** April 9, 2019
Author: Monning
Version: March 28, 2019
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Youth Development and Diversion*

HISTORY

Source: National Center for Youth Law

Prior Legislation: AB 1812 (Com. on Budget), Ch. 36, Stats. 2018

Support: Alliance for Boys and Men of Color; American Academy of Pediatrics, California; Anti-Recidivism Coalition; California Public Defenders Association; Center on Juvenile and Criminal Justice; ConXión; Courage Campaign; County Health Executives Association of California; Community, Agency for Resources, Advocacy, and Services; County of Santa Clara; Ella Baker Center for Human Rights; Fight Crime: Invest in Kids, California; GRACE; Healing Dialogue and Action; Intertribal Court of Southern California; Juvenile Court Judges of California; Los Angeles Conservation Corps; National Association of Social Worker, California; National Center for Lesbian Rights; Pacific Juvenile Defense Center; Root & Rebound; W. Haywood Burns Institute; Women's Foundation of California; Young Women's Freedom Center; Youth Mentoring; Youth Alliance

Opposition: California Probation Officers of California

PURPOSE

The purpose of this bill is to require the state Department of Social Services, in collaboration with the State Department of Public Health, to establish and oversee a 3-year pilot program known as the Office of Youth Development and Diversion Pilot Program.

Existing law establishes the state Department of Social Services (CDSS). (Welf. & Inst. Code, § 10550.)

Existing law declares that provision for public social services is a matter of statewide concern. Provides that CDSS is designated as the single state agency with full power to supervise every phase of the administration of public social services, except health care services and medical assistance, as specified. (Welf. & Inst. Code, § 10600.)

Existing law establishes the State Department of Public Health within the Health and Human Services Agency. (Health & Saf., § 131000.)

This bill declares that it is the intent of the Legislature to do all of the following:

- Create a pilot program to be overseen by CDSS to award grants to select counties to develop pilot Offices of Youth Development and Diversion (OYDD).
- Advance a comprehensive, coordinated, and expanded approach to youth diversion across pilot counties, with a goal of minimizing youth contact with the juvenile or criminal justice systems.
- Promote positive youth development amongst children, teens, and transition-age youth, with an emphasis on youth who would otherwise be entering into the juvenile and criminal justice systems or penetrating deeper into the juvenile and criminal justice systems.

This bill requires DSS, in collaboration with the State Department of Public Health (DPH) to establish and oversee a three-year pilot program known as the OYDD Pilot Program.

This bill requires CDSS to award grants pursuant to the program to eligible counties to establish a local OYDD. Requires the local OYDD to be administered by the county public health department or the county health services department.

This bill provides that the goals of the program include all of the following:

- To ensure that a pilot county's children and youth are healthy, ready to learn, and successful in school, and live in stable, safe, and supported families and communities.
- To ensure that a pilot county is family friendly and supports the family unit.
- To focus on the prevention of public health problems and on supporting and enhancing the strengths of children, youth, and their families.
- To complement a pilot county's community development efforts.
- To strengthen a community-based network of services in a pilot county.
- To ensure that children and youth with the highest needs receive maximum benefit and that equity is a guiding principle of the funding process.
- To distribute funds based on best practices and successful and innovative models in order to ensure maximum impact.
- To the maximum extent feasible, to distribute funds equitably among services for all age groups, from infancy to transition age.
- To ensure children are provided with gender responsive, culturally relevant, and trauma-informed services.
- To strengthen collaboration around shared outcomes among all service providers for children, youth, and their families, including collaboration among public agencies and nonprofit organizations.
- To fill gaps in services for youth and leverage other resources whenever feasible.

This bill provides the following definitions:

- "Evidence-based practice" means a practice with an emphasis on achieving measurable outcomes that ensure that the services provided and the resources used are effective. Evidence-based practices involve using research-based and scientific studies to identify interventions that reliably produce significant reductions in recidivism when correctly applied to offender populations through the use of the following four principles of effective intervention:

- Risk Principle, which focuses attention on the crucial question of who is being served and targets services for higher risk offenders.
 - Need Principle, which requires that priority be given to addressing known criminogenic risks and factors to determine what programs will be most effective.
 - Treatment Principle, which conveys the importance of using behavioral treatment approaches to achieve the best possible outcomes and requires attention to the question of how programs are delivered.
 - Fidelity Principle, which draws attention to how effectively programs are delivered and reiterates the necessity that programs be implemented as designed.
- “Health and wellness” means physical, social, and mental well-being.
 - “High rate” means a rate that exceeds the state average.
 - “Pilot program” means a program implemented on a temporary and limited basis in order to test and evaluate the effectiveness of the program, develop new techniques, or gather information.
 - “Promising practice” means a program or practice that has some research demonstrating its effectiveness but does not meet the full criteria for an evidence-based designation.
 - “Target populations” includes children, teens, and transition-age youth who are homeless or in danger of homelessness, have dropped out of high school, have a disability or other special needs, including substance abuse and mental health needs, have low-income parents, are undocumented, are new immigrants or English learners, are lesbian, gay, bisexual, transgender, queer, questioning, or intersex (“LGBTQQI”), or at risk of entering or transitioning from the foster care, juvenile justice, or criminal justice systems.
 - “Transition-age youth” means individuals who are 18 to 25 years of age.
 - “Trauma-informed” means an approach that involves an understanding of adverse childhood experiences and responses to symptoms of chronic interpersonal trauma and traumatic stress across the lifespan of an individual.

This bill requires CDSS to select up to five counties to participate in the OYDD Pilot Program, including one pilot project in southern California, one pilot project in northern California, and one pilot project in central California.

This bill requires a pilot project to be operated in a county that has identified high rates of juvenile and transition-age youth arrests or counties with high rates of racial or ethnic disparities in juvenile and transition-age youth arrests.

This bill provides that local stakeholders shall express interest in and demonstrate commitment to hosting a pilot project site.

This bill requires CDSS to be responsible for administration, oversight, and accountability of the pilot program.

This bill requires CDSS, in collaboration with DPH and other partner agencies, to perform all of the following duties:

- Provide guidance to pilot counties, including guidance regarding available federal, state, and local funds for the purposes of braiding and matching funds.
- Support data collection and analysis to identify target populations with the highest need and to measure program outcomes and impact.

- Track funding allocations and disbursements in accordance with the pilot program timelines.
- Post on its internet website a report of the grantees, projects, and outcomes, including all of the information submitted to the DSS, as specified, by a county public health department or a county health services department upon completion of the three-year pilot program.

This bill provides that funding for a county public health department or a county health services department overseeing a local OYDD shall be limited to the following:

- Administration of the local OYDD and evaluation of the OYDD goals and services.
- Technical assistance and capacity building for service providers and community-based partners providing services to youth through the local OYDD.

This bill requires that funds be used by an OYDD to support new program activities or to augment existing funds that expand current program activities. Provides that funds shall not replace any federal, state, or local funds that have been appropriated for the same purpose.

This bill requires funds to be disbursed from the local OYDD to community-based organizations that are nongovernmental and not law enforcement agencies to deliver services in underserved communities with high rates of juvenile arrests.

This bill requires the county public health department or the county health services department to submit data relating to the effectiveness of the pilot program to CDSS. Provides that information may include, but is not limited to, any of the following:

- Reductions in law enforcement responses to incidents involving children and transition-age youth, reductions in court caseloads and processing, reductions in the number of days that children and transition-age youth spent in detention, reductions in the placement of minors in congregate care, reductions in school and placement disruptions, and reductions in facility staff turnover.
- Improvement in the health and wellness of children and transition-age youth, school and community stability, educational attainment, and employment opportunities.
- Projected state and local cost savings as a result of the diversion programming.

This bill requires a county public health department or a county health services department that is overseeing a local OYDD to adhere to the following timelines:

- Requires the county to do all of the following within the first six months:
 - Appoint or hire staff to administer and operate the pilot program.
 - Engage a multisector stakeholder advisory body, including representation from youth and caregivers.
 - Establish a multidisciplinary team to meet periodically to review and discuss the implementation, practices, and impact of the program. Requires the team to include, but not be limited to, representatives from the following:
 - County board of supervisors.
 - Community-based organizations.
 - Local law enforcement.
 - County health and human services department.

- Youth advocacy groups.
 - School districts.
 - County public health department.
- Identify local capacity and opportunities for youth development and diversion services.
- Requires the county public health department or the county health services department to do all of the following within the first 18 months:
 - Establish an oversight entity.
 - Develop a centralized referral system.
 - Identify county and external funding sources for community-based diversion programming.
 - Update the county's environmental scan and conduct a countywide assessment to determine the level of readiness among law enforcement agencies.
 - Identify law enforcement agencies for initial expansion or development of diversion based on the level of readiness and local needs assessment.
 - Establish contracts with community-based providers for youth development and diversion services.
- Requires the county public health department or the county health services department to do all of the following within the first 24 months:
 - Identify the final cohorts of law enforcement agencies and community-based partners for implementation.
 - Identify needs for capacity building among law enforcement and community-based partners.
 - Provide technical assistance and training for law enforcement and community-based partners.
 - Use assessment and evaluation results to facilitate data-driven decisionmaking and system improvement.
 - Convene diversion practitioners and other stakeholders countywide to communicate progress and identify priorities.
 - Use assessment and evaluation results to facilitate data-driven decisionmaking.
 - Convene diversion practitioners and other stakeholders countywide to communicate progress and identify priorities.
- Requires a local OYDD pilot program to be fully implemented and operational not later than 24 months after funds are received by the county.

This bill provides that the three-year pilot program timeline commences once funds are received by the county public health department or by the county health services department.

This bill requires a county public health department or a county health services department that is overseeing a local OYDD to provide grants to community-based organizations for services that are community based and located in communities of local jurisdictions with the highest need.

This bill requires that services be evidence-based or promising practices that are trauma-informed, culturally relevant, and developmentally appropriate diversion programs and alternatives to arrest, incarceration, and formal involvement with the juvenile and criminal justice systems.

This bill provides that services may include, but are not limited to, any of the following:

- Educational services, including academic, tutoring, and college readiness services.
- Mentoring services.
- Behavioral health services.
- Mental health services.
- Recreational, cultural, and after school programs.
- Health services, including prevention, education, and behavioral and mental health services.
- Vocational training, job placement, and employment, including apprenticeships.
- Youth empowerment and leadership development.
- Youth violence prevention programs.
- Family and parent support services.
- Driver's education programs.
- Support for collaboration among grantees to enhance service delivery and provider capacity building, as well as for community development efforts.
- Restorative justice services.

This bill prohibits grant money from being used for services provided by a police department or other law enforcement agency, a court, the district attorney's office, the public defender's office, or the city attorney's office. Prohibits grant money from being used for detention or probation services mandated by state or federal law.

COMMENTS

1. Need for This Bill

According to the author:

In 2017, more than 56,000 youth in California were arrested by law enforcement officers. Approximately 66% of those kids were arrested for misdemeanor and status offenses. A disproportionate number were children of color, children with disabilities, foster children, and youth who identify as LGBTQ. System-involved youth often suffer from abuse, abandonment, neglect, trauma, and developmental disabilities that influence their behaviors. Rather than receive supports and services to address their underlying needs via a public health and child development lens, far too many are funneled into the justice system where they experience further harms, increasing their chances of re-incarceration.

Some counties have already developed alternatives to arresting and incarcerating children for low-level offenses, showing improved outcomes for youth and public safety. For example, in 2017 Los Angeles County developed an Office of Youth Development and Diversion to coordinate its diversion and intervention programs and offer a variety of developmentally appropriate, community-based youth services ranging from youth development and enrichment activities to those services that address behavior, effects of trauma, family violence, substance use disorders, and parenting skills.

...

SB 433 establishes a 3-year pilot program under the California Department of Social Services that will provide grants for up to five California counties to establish an Office of Youth Development and Diversion (OYDD).

The pilot program would be administered by the California Department of Social Services at the state level, and locally administered by the county's public health or health services departments. The measure would provide grants to pilot counties to establish an OYDD that would act as a centralized hub for fostering health-centered responses and services to justice-involved youth.

Each county participating in the pilot program will be required to contract with service providers, collect data, track youth outcomes, and report to its board of supervisors and the Legislature on the impact that the OYDDs had on youth involved with the criminal justice system.

The specific impacts on state-level agencies are spelled out in the language of the bill, which directs the Department of Social Services to establish and oversee the pilot program...

...

Most of the "on the ground" implementation of the program will be done by the local county health departments of the participating counties.

2. Los Angeles County's Youth Diversion & Development Program

In January 2017, the Los Angeles County Board of Supervisors established a Youth Diversion Subcommittee of the Countywide Criminal Justice Coordination Committee tasked with developing a plan to coordinate effective youth diversion in the county. The subcommittee developed recommendations for youth diversion, which the Board of Supervisors adopted in November 2017. In doing so, the Division of Youth Diversion & Development (YDD) within the County Health Agency's Office of Diversion & Reentry was established. The stated purpose of the division is to "advance an evidence-informed, coordinated, and comprehensive model of youth diversion and youth development that empowers community-based organizations as the primary providers of youth diversion services in lieu of arrest with the goal of equitably reducing young people's involvement with the justice system in Los Angeles County." ([http://dhs.lacounty.gov/wps/portal/dhs!/ut/p/b0/04_Sj9CPykssy0xPLMnMz0vMAfGjzOLdDAwM3P2dgo0MQvxNDQINfDxCjJ0tDA3MTPULsh0VAeUsKvs!/>](http://dhs.lacounty.gov/wps/portal/dhs!/ut/p/b0/04_Sj9CPykssy0xPLMnMz0vMAfGjzOLdDAwM3P2dgo0MQvxNDQINfDxCjJ0tDA3MTPULsh0VAeUsKvs!/) [as of Apr. 2, 2019].)

The Los Angeles County YDD program is a pre-arrest diversion program. Youth arrested for status, misdemeanor, and non-707(b) felony offenses are eligible for the program. (Youth Development and Diversion Summit, *Understanding Los Angeles County's New Model to Help Youth Thrive and Succeed*,

http://file.lacounty.gov/SDSInter/dhs/1034535_YDDSummitPresentation3_1_18.pdf [as of Apr. 2, 2019].) As of January 2019, Los Angeles County's program was still in the implementation stage. (Los Angeles County, Executive Office, *Board Directed Priorities: January 2019 Update* at p. 13 <http://file.lacounty.gov/SDSInter/bos/supdocs/132676.pdf>>; see also http://file.lacounty.gov/SDSInter/bos/bc/1047835_ProgressReportonCountywide

ImplementationofYouthDiversionandDevelopmentEfforts_ItemNo.29-
AAgendaofNov72017_.pdf> [as of Apr. 2, 2019].)

A presentation from the Los Angeles County’s Youth Diversion and Development Summit provides insight into how the diversion program is envisioned to operate. (<http://file.lacounty.gov/SDSInter/dhs/1034535_YDDSummitPresentation3_1_18.pdf> [as of Apr. 2, 2019].) The County’s YDD is a central office that provides countywide coordination of youth diversion efforts and contracts with community-based organizations to provide diversion services. Under the YDD model, a law enforcement officer refers eligible and suitable youth to a community-based diversion partner in lieu of arrest or citation. The community-based organization then conducts an intake assessment and develop an individualized diversion plan taking into account the youth’s risks, needs, and interests. Upon completion of successful diversion, the youth’s case is dismissed and the youth does not have a criminal record. In the event a youth is unable to complete the diversion program, the youth’s case may be returned to the referring agency. Importantly, diversion partners share critical information with each other, and collect data needed to perform program- and county-level assessments.

3. Effect of This Bill

This bill would require CDSS to collaborate with DPH to establish and oversee a 3-year youth diversion and development pilot program. CDSS would oversee the pilot program. The department would select up to five counties to take part in the pilot and award grants to those counties. CDSS would be required to provide guidance to the counties, including on how to acquire additional funding, support data collection and analysis, and report on projects and outcomes at the conclusion of the pilot program. Each participating county would establish an OYDD that would be administered by the county public health or health services department. The OYDD would disperse funds to community-based organizations to deliver services to the youth participating in the diversion program. The bill outlines specific goals, timelines, and requirements for the local OYDD, including submitting specified data to CDSS, timelines for implementing the program, and requirements for qualifying services that may be offered by community-based organizations.

This bill raises a number of questions, including:

What is the selection process to determine which counties to include in the pilot?

Should the definition of “transition-age youth” include 18 to 25 year olds, or should it be narrowed?

Are the timelines established in the bill, including the requirement that all OYDD be fully implemented within 24 months of receipt of funding, reasonable?

Given that LA County has not fully implemented its own youth diversion program and does not yet have data on outcomes, is it premature to establish this pilot program?

4. Argument in Support

The Pacific Juvenile Defense Center writes:

Currently, the California criminal and juvenile justice system punishes youth despite their need for help. Detention, generally used as a disciplinary measure, and going through the justice system is traumatic in itself and not responsive to the youth’s mental development and treatment needed. ...Providing youth alternatives to the criminal and juvenile justice system would advance the

comprehensive approach to diversion and rehabilitation without additional trauma resulting from and imposed by the justice system.

Existing law does not include Department of Social Services involvement with youth in the criminal and juvenile systems, nor does it go far enough to ensure youth have alternatives to the criminal justice system.

SB 433 provides an alternative to juvenile and criminal systems in providing the holistic, rehabilitative approach envisioned by the Legislature. SB 433 minimizes additional trauma, reduces recidivism, reduces long term mental health issues and promotes community safety.

5. Argument in Opposition

According to the California Probation Officers of California:

We...share the mission of providing services to youth to assist them in developing prosocial networks and systems of support. Probation has a long history of actively engaging in youth prevention and diversion and successfully working with youth to keep them from entering the juvenile justice system and providing for diversion services.

Toward this end, while the goals and intent of the bill are commendable and of significant importance, we are concerned about the approach this bill takes in setting up new Offices of Youth Development and Diversion. The stated focus of these offices is duplicative to existing probation programs and county infrastructure which already administer diversion services and programs in coordination with community-based organizations and other government agencies, to meet the measure's stated goals as well as the needs of youth and families.

As such, there will be significant time, costs, and personnel required to set up new Offices of Youth Development and Diversion and to coordinate all the entities named in this bill. Knowing that the focus is on getting resources to the youth and corresponding programs, we believe the goals of the bill can be achieved by working in coordination with probation, community-based organizations, and other county departments within current local models and partnerships.

-- END --