

MHSA-FINANCE COMMITTEE MEETING

MINUTES

April 15, 2021 - FINAL

| Agenda Item / Discussion | Action /Follow-Up |
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| <p>I. Call to Order / Introductions Chair, Cmsr. Douglas Dunn, District III called the meeting to order at 1:34 pm.</p> <p><u>Members Present:</u> Chair, Cmsr. Douglas Dunn, District III Cmsr. Leslie May, District V Cmsr. Barbara Serwin, District II</p> <p><u>Absent:</u> Cmsr. Graham Wiseman, District II</p> <p><u>Presenters:</u> Esa Ehmen-Krause, Chief Probation Officer</p> <p><u>Other Attendees:</u> Guita Bahramipour Angela Beck Jennifer Bruggeman Gerold Loenicker Dom Pruett Jill Ray</p> | <p>Meeting was held via Zoom platform</p> |
| <p>II. PUBLIC COMMENTS: None</p> | |
| <p>III. COMMISSIONERS COMMENTS: None</p> | |
| <p>IV. CHAIR COMMENTS: None</p> | |
| <p>V. APPROVE minutes from March 18, 2021 MHSA-Finance Committee meeting: Cmsr. Douglas Dunn moved to approve the minutes as written. Seconded by Cmsr. Barbara Serwin.</p> <p>Vote: 2-0-0 Ayes: D. Dunn, B. Serwin.</p> | |
| <p>VI. DISCUSS the Major forthcoming state mandated county Juvenile Justice changes with Esa Ehmen-Krause, MPA, Chief Probation Officer, Contra costa County Probation Department, and Steve Blum, LMFT, Clinical Supervisor, Contra Costa Health, Housing, and Homeless Services Division.</p> <p>The main elements of SB 823, essentially, is the closure of Juvenile Justice.</p> <ul style="list-style-type: none"> • Effective July 1, 2021, intakes will stop at the Division of Juvenile Justice (DJJ) with a very few exceptions. • New state Office of Youth and Community Restoration (OYCR) • Planning subcommittee to be created in each county, chaired by Chief Probation Officer • Local Plans not submitted to OYCR until 2nd year-FY 22/23 | <p>DJJ Realignment PowerPoint presentation screenshare during meeting.</p> |

- Funding at full implementation: \$208.8 million
- New disposition track to be created
- Department of Justice (DOJ) plan to replace Juvenile Court and Probation Statistical System (JCPSS)

OYCR (WIC 2200) - Housed within Health and Human Services Agency effective 7/1/21* with responsibility to:

- Oversight of juvenile justice data and reporting
- Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.
- Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.
- Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.
- Report annually on the work of the OYCR
- Receives county plan to serve realigned population starting in FY 22/23
- Board of State and Community Corrections (BSCC) must have concurrence with OYCR on juvenile grants
- BSCC juvenile grant administration shifted to OYCR by 1/1/25

OYCR Ombudsman - Creation of an Ombudsman, authorized to do the following:

1. Investigate complaints from youth, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation.
2. Decide, in its discretion, whether to investigate a complaint, or refer complaints to another body for investigation.
3. Resolve complaints when possible, collaborating with facility administrators and staff to develop resolutions that may include training.
4. Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken.

Age of Jurisdiction (WIC 208.5)

- Establishes the age of jurisdiction at age 23 for youth adjudicated of WIC 707(b) offenses and age 25 for youth adjudicated of offenses that would result in an aggregate sentence of 7 or more years in adult court. Age of jurisdiction is 21 for all other youth.
- Retains a person whose case originated in juvenile court in a juvenile facility until age 25 (subject to age of jurisdiction)
 - Outlines process for Probation to petition to house youth over 18 in adult facility

Role of Child Welfare Council Subcommittee (Section 5 & WIC 2201)

- Will serve in advisory capacity during initial years of realignment until OYCR is up and running; however, SB 823 repealed statute that created subcommittee so currently subcommittee does not exist beyond Governor's signature of SB 823.

Adult Commitments (WIC 733.1, 736.5, 912 & 1955.2)

- Allows counties to continue sending youth convicted in adult court until DJJ is finally closed – or youth whereby a motion was filed to transfer youth to criminal court
- Denotes in statute that separate jurisdictional track is to be developed

- Charges counties \$125,000 for youth sent to DJJ after 7/1/21 as adult commit
- Sets daily rate to be paid to counties at \$616.44 for youth once convicted as an adult who remain at the county until turning 18 and transferred to state facility.

Juvenile Justice Realignment Block Grant (WIC 1990 & 1991) - Funding formula for FYs 21/22 thru 23/24 as follows:

- 30% on DJJ population as of December 2018, June 2019, and December 2019
- 50% local population who have committed certain violent and felony crimes as reported annually
- 20% distribution of youth age 10-17
- At full implementation funding will be \$208.8 million
- Minimum allocation set at \$250,000 per county
- Distribution formula redone by 1/1/24 for FY 24/25

Juvenile Justice Coordinating Council Subcommittee (WIC 1995)

- Every county to create a subcommittee within the JJCC as a requirement to receive block grant funding
- Subcommittee chaired by the Chief Probation Officer
- Members must include:
 - District Attorney's office
 - Public Defender's office
 - Dept of Social Services (EHSD)
 - Office of Education
 - Court
 - No fewer than THREE additional community members defined as individuals who have experience providing community-based youth services, youth justice advocates with expertise and knowledge of the juvenile justice system, or have been directly involved in the juvenile justice system
- Development of a detailed plan for BOS on how to serve realigned youth and recommendations on how to spend the county allocation
 - In order to receive FY 22/23 funding, counties must file a plan with OYCR by 1/1/22; not required to *submit* a plan in the first year; however, must develop one for BOS consideration for FY 21/22 allocation
 - OYCR shall review plan to ensure it contains all essential elements outlined in the statute and can return to the county for revisions
 - Plans must be submitted annually (by May 1) and subcommittee must reconvene at least every 3 years review the plan

Local Plan (WIC 1995)

- Description of realignment population to be served by block grant
 - Numbers by age and other characteristics
- Description of facilities, programs, placements, services and service providers, supervision, and other responses
- Description of how grant funds will address a range of programming needs outlined in WIC 1995
- Detailed facility plan
- Plan to incentivize retaining youth in juvenile system (vs adult system)
- Description of regional arrangements
- Description of how data will be collected on youth served and outcomes

Regional Youth Programs & Facilities Grant (WIC 2250)

- \$9.6 million in one-time grant funds

- \$4 million competitive grants for regional programs for specialized populations
- \$5.6 distributed to counties based on size
- Contra Costa County (CCC) is considered a large county and is eligible to receive \$154,500.
- Funding intended for infrastructure related needs and improvements to assist counties in the development of a local continuum of care.
 - A local public agency that has responsibility for making arrests and detaining suspects as its primary responsibility, or which is responsible for prosecutions, is ineligible to apply for this grant.
- Funds from the Youth Programs and Facilities Grant Program shall not be used by counties to enter into contracts with private entities whose primary business is the custodial confinement of adults or youth in a prison or prison-like setting.

Key Considerations

- In order to avoid net-widening, youth placed in secure youth treatment programs should be limited to those ordered by court.
- Sight and sound separation will not be required from other youth in the facility, but we should not just place secure track youth into an existing program
 - By definition, the court must determine that another option is not available
 - ◊ *Secure Youth Treatment Programs are intended to fill the gap being created at the very deep end of the juvenile justice continuum by the closure of DJJ.*

Eligibility & Terms

- Eligibility
 - Similar to DJJ: 14 and older; 707(b); court finding that less restrictive disposition is unsuitable
- Baseline Term of Confinement
 - Judicial Council will establish offense-based classification matrix
 - ◊ *May provide for upward or downward deviation and a system of positive incentives or credits for time served*
 - ◊ *Stakeholder working group to advise on development of matrix*
 - Until then, courts shall use current DJJ regs
 - ◊ *Current regs in CCR Title 9, 30807-30813*
- Maximum Term of Confinement
 - Set by court
 - ◊ *Up to age 23 (or 2 years, whichever is later) for most offenses*
 - ◊ *Up to age 25 (or 2 years, whichever is later) if aggregate criminal court sentence for same offense would be 7 or more years*
 - Cannot exceed middle term for an adult convicted of same offense

Program Requirements

- Secure Youth Treatment Programs must:
 - Be a secure program that is operated, utilized or accessed by the county of commitment to provide appropriate programming, treatment, and education for this population
 - Facility may be stand-alone or a unit or portion of an existing county juvenile facility that is configured and programmed to serve the realigned population

- Can be operated by the county or under contract with the county or another county
- Program must be in compliance with regulations (role of BSCC and OYCR still under discussion)
 - ◊ Legislation specifies that standards (to be finalized by 7/1/23) must specify how facility will serve or separate youth who may also be detained or committed to that facility or to some portion of the facility.
 - ◊ Until new standards are developed (if determined necessary), existing Title 15 and 24 regs apply
- Counties proposing to operate a secure youth treatment facility must submit a description to BSCC
- Beginning 7/1/22 BSCC will conduct biennial inspections
- Local Secure Track Treatment Program Framework
 - Disposition Hearing
 - ◊ Recommendation/Court Commitment to Program
 - Orientation
 - Pathway
 - Reentry Services & Community Supervision

Multi-Disciplinary Team

- Youth
- Deputy Probation Officer (DPO)
- Juvenile Institutional Officer (JIO)
- Behavioral Health
- Medical
- Education
- Supportive Individuals
 - Mentor, coach, pastor, cousin, parent or any person the youth believes to be supportive.

Rehabilitation Plan

- Within 30 days of commitment order, court shall approve an individual rehabilitation plan
- Submitted to court by probation and other agency or individual deemed necessary by court
- Developed in consultation with a multi-disciplinary team
 - Youth service, mental and behavioral health, education, and other treatment providers
- Plan must:
 - Identify treatment, education, and development needs
 - Describe programming, treatment and education to address needs
 - Be trauma-informed, evidence-based, and culturally responsive

Programming & Services

- Aggression Replacement Training (ART)
- Cognitive Behavioral Interventions for Substance Abuse (CBI-SA)
- Choices
- Skill of the Week
- Advanced Practice
- The Council
- Victim Empathy Class (VEC)
- Thinking for a Change

- Gang Intervention
- Interactive Journaling
- Free Your Mind
- Substance Abuse
- Mental Toughness
- Emotion Regulation

Progress Reviews & Less Restrictive Programs

- Progress Reviews
 - At least every six months
 - Court may reduce baseline term by up to six months
 - Baseline term cannot be extended for disciplinary infractions or in-custody behaviors
 - Court may order youth into less restrictive placement
 - ◊ Less restrictive placement considered part of baseline term
- Less Restrictive Program
 - Can be custodial or non-custodial program
 - Court must determine youth has made progress in rehabilitation plan and that placement in a less secure program is consistent with the goals of rehabilitation and public safety
 - If court determines youth is failing to comply with placement, youth may be ordered back to secure program for remainder of baseline term

Discharge & Recall

- Discharge Hearing at Conclusion of Baseline Term
 - Court can order to period of probation supervision
 - Subject to maximum confinement time, court may order up to one additional year of confinement with finding of substantial risk of imminent harm if youth is released
- Intent to Develop Process Similar to WIC 1800
 - Placeholder language requiring Governor and Legislature to work with stakeholder group to develop a process by 7/1/21 to allow for the extended detention of individuals deemed by probation to be physically dangerous to the public.
- Recall Process
 - Current WIC 779 recall process adapted for secure youth treatment programs

Questions and Comments:

- (Cmsr. Leslie May) You mentioned looking at Casa, other TAY programs, and some other Community Based Organizations (CBOs) to help support this. If the organization can provide the services and work in conjunction with the county probation (and other entities), at what point is the youth able to be considered eligible for release into a CBO? In my opinion, most of these offenders should NOT be returned to where they were when taken into custody. Why put them back into the same environment? Wouldn't they do better in a completely different environment? (RESPONSE, Esa Ehmen-Krause) To address the first comment, that is a little premature for me to make a commitment on. The subcommittee is in preliminary discussions surrounding what that end component would look like. At that point, the probation department would release an RFP with a Scope of Service around what that residential CBO would entail. The second part, I believe we agree on that and that is why having that community residential component is so important to me as part of this program. In the first two years, it is not a

concern. The youth will not be in a high enough phase to have that need. Why this is such a big lift for my staff is that we are used to having kids for 12 months. Our current commitment programs run 12 months on the long end. These kids will be with us up to 7 years (potentially). This is why it is critical to have a behavior management system in place that continues to incentivize positive behavior. We know, with this population, they need to remain motivated and engaged; they have to see the value of the program and have that sense of hope and optimism. That is why we are committed to embedding in the program and having a community residential program. I feel the young people need to see that it is part of the next step. Many of them will likely not be returning to their homes; they will be in their early 20's when they are eligible for release. We are now addressing a 15-year-old that is being released at 16 years old, that youth will likely be in the existing program. There will need to be a progression in the residential environment for them. (Cmsr. May) will they be locked or unlocked facilities? (RESPONSE) Initially, it will be a secure program. It is required that it is a secure program in a county run facility, either as a stand-alone or as a unit in an existing Juvenile Hall. We are currently using two units in our existing Juvenile Hall. Since we do have the one unit that is less restrictive, we are able to use that as an interim and they will have something to look forward to and work toward.

- (Cmsr. Doug Dunn) One of the areas that was lacking or there was a deficit was programs for sexual offenders and a specialized mental health unit. There were some statistics mentioned (6 persons in DJJ facilities last year, possibly 21 in the last few years) in Dan's presentation last month. Most seemed to be in this sexual offender category. There were some gaps pointed out, what is probation planning on doing? How are you looking to fill those gaps going forward? (RESPONSE Esa Ehmen-Krause) Currently we have 35 youth committed to DJJ over the past three years and of those, I believe 7 are sex offenders. I completely agree with Dan and his assessment that there is a gap. We do not have the population to justify developing a full-scale sex offender treatment program and have asked our contracted providers to really dig into the research. We are looking at potentially developing out for sex offender treatment programs in the coming fiscal years, but don't feel we have an adequate enough need right now. There is potential to contract with other counties, if needed. We also have secure special short-term residential treatment programs (STRTPs) that specialize in sex offender treatment for adolescents. In the event we had a very egregious, violent sexual perpetrator that didn't meet some of the safety/security requirements of those STRTPs, we would have to look at contracting on a case-by-case basis with another county. Or, in the event the age and level of offenses associated with that individual youth, we would have no choice but to recommend to the adult system and that is up to the DA.
- (Cmsr. Doug Dunn) In terms of building up, based on the need and discussions with other counties that may want to collaborate with CCC, how that could be built out if the need seems to be there going forward, correct? (RESPONSE) The subcommittee has had extensive discussion whether or not we would advocate for our county becoming a host county. Initially, we entertained the idea of hosting girls. We have the Girls in Motion program currently. It is a very successful program, it is evidence based, we have amazing staff and, as some of you may know, we don't currently have a case management system. We are in the early development stages with county surrounding getting a

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| <p>case management system in place. We do not have the capacity or resources surrounding the collection or reporting capabilities to currently respond. It was decided that being host county was not a good idea.</p> <ul style="list-style-type: none"> • (Cmsr. Doug Dunn) Are there additional behavioral health services that need funding at Juvenile hall and particularly at the Byron Residential Rehabilitation facility (Boys Ranch)? If the funding is not adequate, let us know what level of funding is needed if you feel there are additional program needed with this realignment. (RESPONSE Esa Ehmen-Krause) We don't see foresee utilizing the Boys Ranch for this program. It is an unsecure environment and does not fit the requirement. It is not the ideal location geographically for reentry / transition into being a successful community member. There is the potential to explore current staffing is going to meet the needs of this higher-level population. • (Cmsr. Barbara Serwin) Do you have any data on efficacy for other programs? (RESPONSE Esa Ehmen-Krause) Not of this nature. • (Cmsr. Barbara Serwin) What size population are planning for or expecting? (RESPONSE Esa Ehmen-Krause) Currently 19 youth in the DJJ, many will be home before the closure. Our housing units can hold up to 30. We have the second housing unit (approximately 24 or 28), but I don't anticipate having to utilize those housing units. Probably 30 is a safe number. • (Cmsr. Barbara Serwin) And does the program pay for education? (RESPONSE Esa Ehmen-Krause) The program doesn't pay for the education; the state allocation comes in and then the BoS and county administrators office will put the appropriate funds into those agency budgets. • (Cmsr. Barbara Serwin) Can you expand on Higher Education? (RESPONSE Esa Ehmen-Krause) Our facilities team has been working very closely with the community college to establish pathways to get these youth started in the community college program while they are with us at the juvenile hall or at the Ranch program. We are looking to build that out for the DJJ population. We had a great conversation with the community college chancellor regarding strengthening the partnership between probation and the community college district and making secondary education be the expectation and highly encourage the youth in our facilities, but also those in diversion, jail and adult clients. • (Cmsr. Leslie May) Can you expand on Unions/trades? (RESPONSE Esa Ehmen-Krause) Our consultant, Chuck Patillo, is an expert consultant on Career Technical Education in correctional settings and works very closely with the building trades council. The Multi-Craft Core (MC3) curriculum is recognized by every union (except the carpenter's) as the base curriculum for all of their math and English needs. We would have staff credentialed to facilitate the curriculum and once they complete the MC3 curriculum, it is an automatic pipeline into those unions. Not everyone wants to go to college, some want to go the trade route and we are equally supportive. | |
| <p>VII. DISCUSSION on the needs to establish a fully functioning and effective county-wide 24/7 Mobile Crisis Response Team (MCRT).</p> <p>This will be a major discussion at the next MHSA-Finance committee meeting in May (May 20).</p> <p>MCRT for Adults operates out of Martinez. The MCRT for persons age 17 and under is operated by Seneca. There are between five (5) and six (6) teams comprised of a clinician and a community support worker with police back up, as</p> | |

needed. The current days and hours of operation are weekdays 8:00am to 10:30pm; Saturdays and Sunday 8:30am to 5:00pm. The current budget from MHSA is a little over \$1.6 million. The crisis response team for the youth operated by Seneca operates weekdays from 7:00am to 11:00pm and weekends 9:00am to 7:00pm. Budget numbers are unavailable, it is not part of the MHSA.

MCRT needs a team in West County, a team in Central County, (possibly) two teams in South County (primarily Supervisor Anderson's District--Lafayette/Orinda, Danville to San Ramon, a team in East County (Bay Point to Antioch/Oakley) and a team in FAR East County (Brentwood to Discovery Bay/Byron and the unincorporated areas of east CCC).

Possible clinical team locations: Are there spaces in the adult clinics in the East and West counties to do this? Are there locations in the South county locations for Behavioral Health clinics? What about the 988 collaboration? The number should active July 1, 2022. These are all ideas to kick off discussion regarding the 24/7 MCRT and the driver having been the tragedies over the past years in Walnut Creek, Antioch and Danville.

(Cmsr. B Serwin) How do you want to frame this conversation around the Crisis Response Value Stream Mapping (VSM) and the Rapid Improvement Events (RIE) focusing on 24/7 MCRT. (RESPONSE, Cmsr Dunn) That has been the driver of adding this to the agenda and looking to devote a good share of the May meeting, and possibly June, as well. The presentation was very good, in particular, the desire to have crisis response available within a 45-minute time frame, ideally.

(Cmsr. D. Dunn) What are some of the support needs for MCRT as a 24/7 operation? (RESPONSE, Cmsr. Serwin) The central goal is to have the non-police response option available, so if there is a mental health related call and the safety and medical issues are not present, the MCRT could respond on its own. Subsequent (or related) goal, the MCRT respond to all calls related to mental health, whether the police respond first or are at the ready for back up. Rather than the police responding alone. One of the teams is testing the number of calls received where the police were not needed. There is actually a significant number of calls found to not need police response. There is also clear delineation that when there is a safety issue, that law enforcement needs to be there and it is a matter of who arrives first. (Cmsr. Dunn) The feedback is to have locations close enough to easily respond on scene within 45 minutes. As of now, 45 minutes from Martinez is possible but not during rush hour in the mornings and afternoons.

(Cmsr. L. May) I am not sure where the 45 minutes is coming from but out in East County, the response time is 10-15 minutes and making suggestions that the response teams can be located at the police department and possibly the Lone Tree Community Center. These teams can be located in different areas, in order to respond quicker. This is the problem. The police are on another call and another call comes in and they are unable to respond for over an hour (as they may be on another emergency). The MCRT could respond first, neutralize the situation by coordinating hospital transport, ambulance, etc. San Francisco has a fabulous MCRT and were invited to present at a meeting. This is a good model to look at and possibly invite to present their model.

(Cmsr. B. Serwin) The RIE process is focused on adults. We have looked to Seneca for certain process information, but right now it IS focused on adults. So much of what is implied, I can see the children's program just dropping into the new system that is being developed. By the time we meet next month, we will have had the second RIE, likewise in June will be the third and there will be further

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| <p>updates. The focus is on taking the initial findings that worked and building from there.</p> <p>(Cmsr. D. Dunn) Referring to the presentation, I recall a slide regarding a Concord Police Officer who was well versed/trained in Mental Health Crisis, stating there were a little over half that law enforcement did not need to be utilized.</p> <p>(RESPONSE Cmsr Serwin) Over half the responses, MCRT would have been of value. The MCRT hours are limited and the geographic distribution is limited, sometimes law enforcement would not call because they knew the MCRT could not get there, but would have like to have the support.</p> <p>(Cmsr. D. Dunn) What about the viewpoint of those in crisis and / or the families of those in crisis, the MCRT clinicians and see what their perspectives would be? Is this going to be tested in the scenarios? (RESPONSE Cmsr Serwin) Glad you raised that as I have been struggling a bit as to how to ensure the perspective of the family members/caregivers are, rather than just those of us design team members, because we can speak to it from our experience, but not those in the situation. A focus group is an option, but have brief interviews with family members/caregivers that could be packaged to design team members to look at general statements of experiences or responses to specific elements that are being proposed and tested right now. We need to give the family/caregivers more direct involvement and input as opposed to just the design teams input. A cross-section.</p> | |
| <p>VIII. Adjourned at 2:54 pm.</p> | |