



# JUDICIAL COUNCIL OF CALIFORNIA

COLLABORATIVE JUSTICE  
COURTS ADVISORY COMMITTEE

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[collabjusticecomm@jud.ca.gov](mailto:collabjusticecomm@jud.ca.gov)

## COLLABORATIVE JUSTICE COURTS ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

June 29, 2015  
12:15 p.m. - 1:15 p.m.  
Teleconference Call

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**Advisory Body Members Present:** Hon. Richard Vlavianos, Chair, Ms. Wendy Broughton, Ms. Deborah Cima, Hon. Sam Lavorato, Hon. Richard Loftus, Jr., Hon. Eileen C. Moore, Undersheriff Randolph Peshon, Ms. Kim Turner, and Hon. Michael Tynan.

**Advisory Body Members Absent:** Ms. Jo Ann Allen, Mr. Steve Binder, Mr. David Brooks, Hon. Rogelio Flores, Mr. Mack A. Jenkins, Hon. Elizabeth Lee, Hon. Stephen V. Manley, Ms. Sharon Owsley, Ms. Jennifer Pabustan-Claar, Ms. Maria Rocha, Mr. Paul Shapiro, Ms. Kulvindar "Rani" Singh, Hon. Dylan Sullivan, Dr. Donald Strangio, and Dr. Kathleen West.

**Others Present:** Hon. Charles Ervin, Ms. Francine Byrne, Ms. Shelly Curran, Ms. Sharon Reilly, Ms. Angelica Souza, Ms. Nancy Taylor, Ms. Adrienne Toomey, and Ms. Carrie Zoller.

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the meeting to order at 12:18 p.m., and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the March 11, 2015, Collaborative Justice Courts Advisory Committee meeting.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1)

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##### Item 1

##### Parolee Reentry Court Funding Allocation Recommendations

**Action:** Ms. Francine Byrne presented the process of funding allocations for parolee reentry courts. The purpose is to recommend to the Judicial Council a funding methodology to execute \$4.4 million in funding from the California Department of Corrections and Rehabilitation (CDCR) for the purpose of supporting parolee reentry courts. An e-mail was sent to the Presiding Judges in all 58 counties, to gauge interest in participating in the program. Nineteen courts expressed interest in participating; however, only seven courts met the criteria to receive the funding, that included focusing the efforts on parolees and not on individuals on other forms of post release supervision, and providing data to the Judicial Council on participant characteristics and outcomes. The proposed funding formula was developed based on the

*Substance Abuse Focus Grant using a similar methodology. It includes a base amount and the number of participants to determine the funding proposal. The counties that met the criteria are: Alameda, Mono, San Diego, San Francisco, San Joaquin, Santa Clara, and Santa Cruz.*

*If allocations are approved, Ms. Byrne suggested to schedule a proxy meeting or conference call to discuss ways for the courts to be involved in the program. Ms. Byrne answered some of the questions from committee members regarding the usage of the allocations within their courts. Courts need to create their own budget over the span of two years. The participating courts have until June 30, 2017 to spend all the funds. A motion was made to approve and accept the recommendations. The committee unanimously approved the recommendations.*

## **Item 2**

### **Announcements**

**Action:** *Judge Vlavianos shared an interesting report on parole reentry courts as part of their AB109. There is a significant reduction in convictions in San Joaquin. The data collected in 2014 included clients both on PRCS and LCS and it reduced recidivism 24% over PRCS and 31% over LCS. Staff to the committee will share San Joaquin's data with all committee members. On another announcement, the request for applications for the Substance Abuse Focus Grant fiscal year 2015-2016 will be sent to all the courts this week.*

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### **A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:43 p.m.

Approved by the advisory body on August 27, 2015.

**ACHIEVING NATIONAL ADHERENCE TO THE ADULT  
DRUG COURT BEST PRACTICE STANDARDS:  
A DISCUSSION WITH KEY STAKEHOLDERS**

**TERRENCE D. WALTON  
CHIEF OF STANDARDS**

**NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS**



# Overview

- **Summary of Volume II**
- **Purpose and Principles Guiding Exploration**
- **Strategies Researched and Considered to Date**
- **Open Discussion**

# Overview

*Until Drug Courts define appropriate standards of practice, they will be held accountable, fairly or unfairly, for the worst practices in the field. Scientists will continue to analyze the effects of weak Drug Courts alongside those of exceptional Drug Courts, thus diluting the benefits of Drug Courts. Critics will continue to tarnish the reputation of Drug Courts by attributing to them the most noxious practices of the feeblest programs. Only by defining the bounds of acceptable and exceptional practices will Drug Courts be in a position to disown poor-quality or harmful programs and set effective benchmarks for new and existing programs to achieve.*



# Volume I

- I. Target Population**
- II. Historically Disadvantaged Groups**
- III. Roles & Responsibilities of the Judge**
- IV. Incentives, Sanctions, & Therapeutic Adjustments**
- V. Substance Abuse Treatment**

# Volume I

Twenty out of twenty-five states (80%) responding to a national survey indicated they have adopted the Standards for purposes of credentialing, funding, or training new and existing Drug Courts in their jurisdictions.

# Volume II

**VI. Complimentary Treatment &  
Social Services**

**VII. Drug and Alcohol Testing**

**VIII. Multidisciplinary Team**

**IX. Census and Caseloads**

**X. Monitoring and Evaluation**

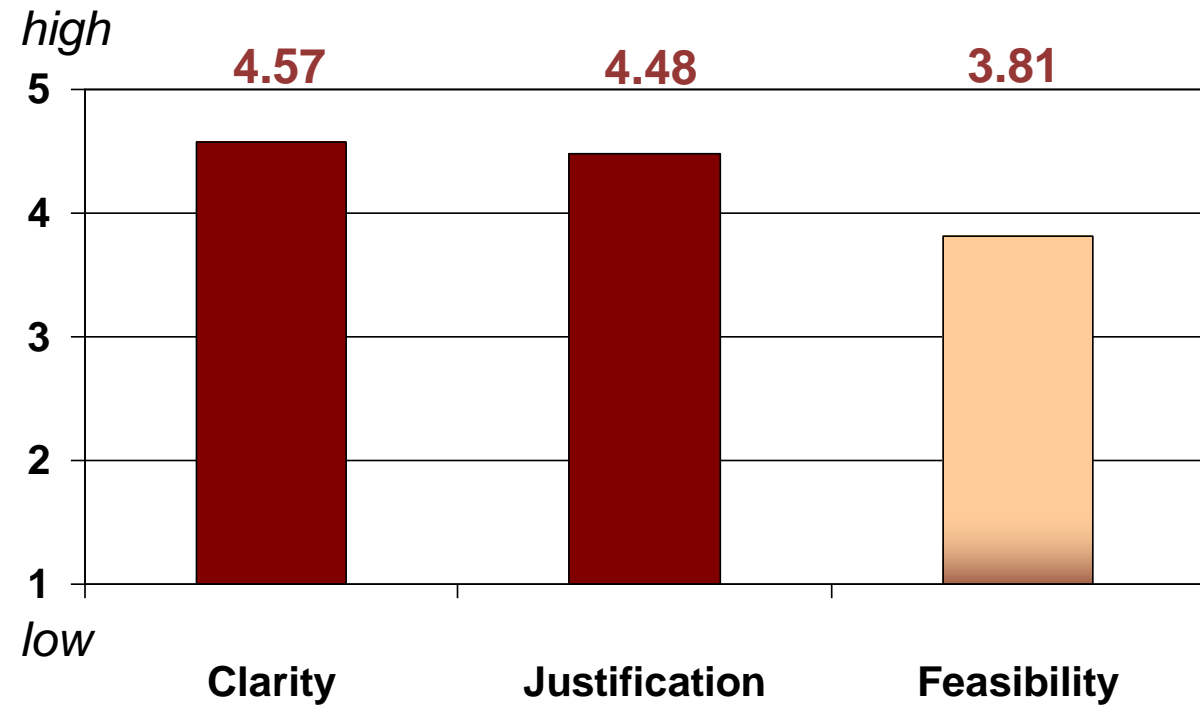


# Complementary Treatment

**Participants receive complementary treatment and social services for conditions that co-occur with substance abuse and are likely to interfere with their compliance in Drug Court, increase criminal recidivism, or diminish treatment gains.**

# Complementary Treatment

- N = 21 reviewers



# Complementary Treatment

- A. Scope of Services
- B. Sequence and Timing of Services
- C. Clinical Case Management
- D. Housing Assistance
- E. Mental Health Treatment
- F. Trauma-Informed Services

# Complementary Treatment

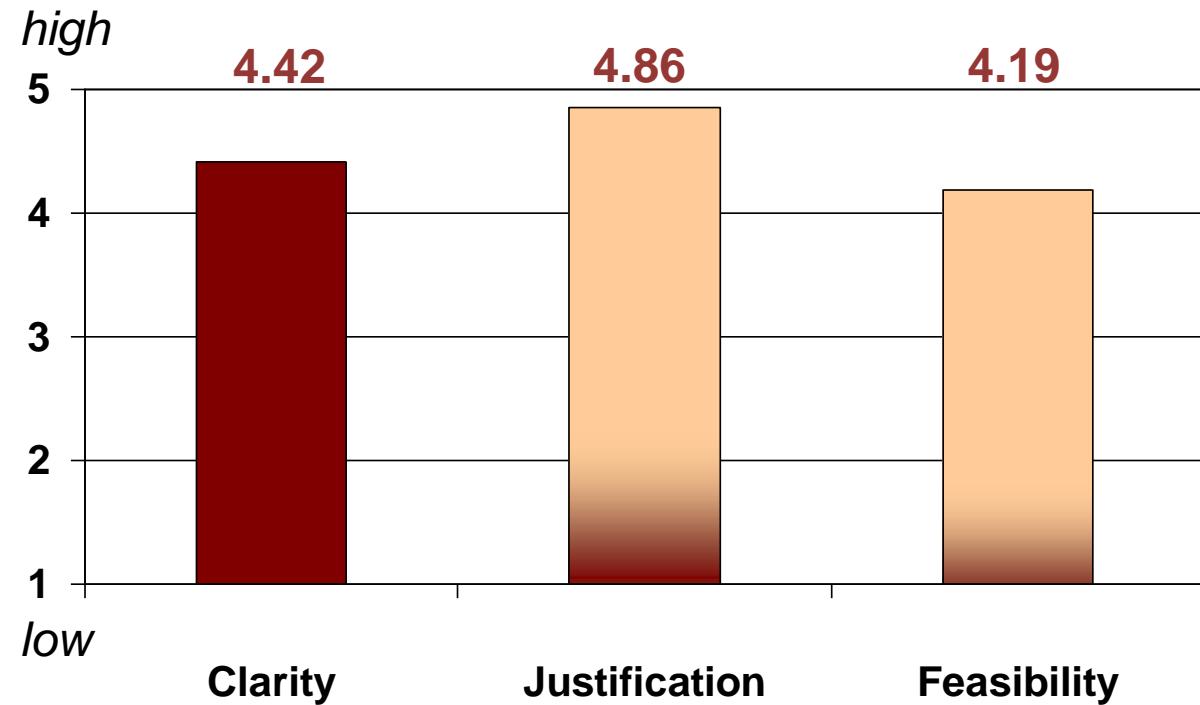
- G. Criminal Thinking Interventions
- H. Family & Interpersonal Counseling
- I. Vocational & Educational Services
- J. Medical and Dental Treatment
- K. Prevention of High-Risk Behaviors
- L. Overdose Prevention & Reversal

# Drug & Alcohol Testing

**Drug and alcohol testing provides an accurate, timely, and comprehensive assessment of unauthorized substance use throughout participants' enrollment in the Drug Court.**

# Drug & Alcohol Testing

- N = 36 reviewers



# Drug & Alcohol Testing

- A. Frequent Testing
- B. Random Testing
- C. Duration of Testing
- D. Breadth of Testing
- E. Witnessed Collection

# Drug & Alcohol Testing

F. Valid specimens

G. Accurate & Reliable  
Testing Procedures

H. Rapid Results

I. Participant Contract

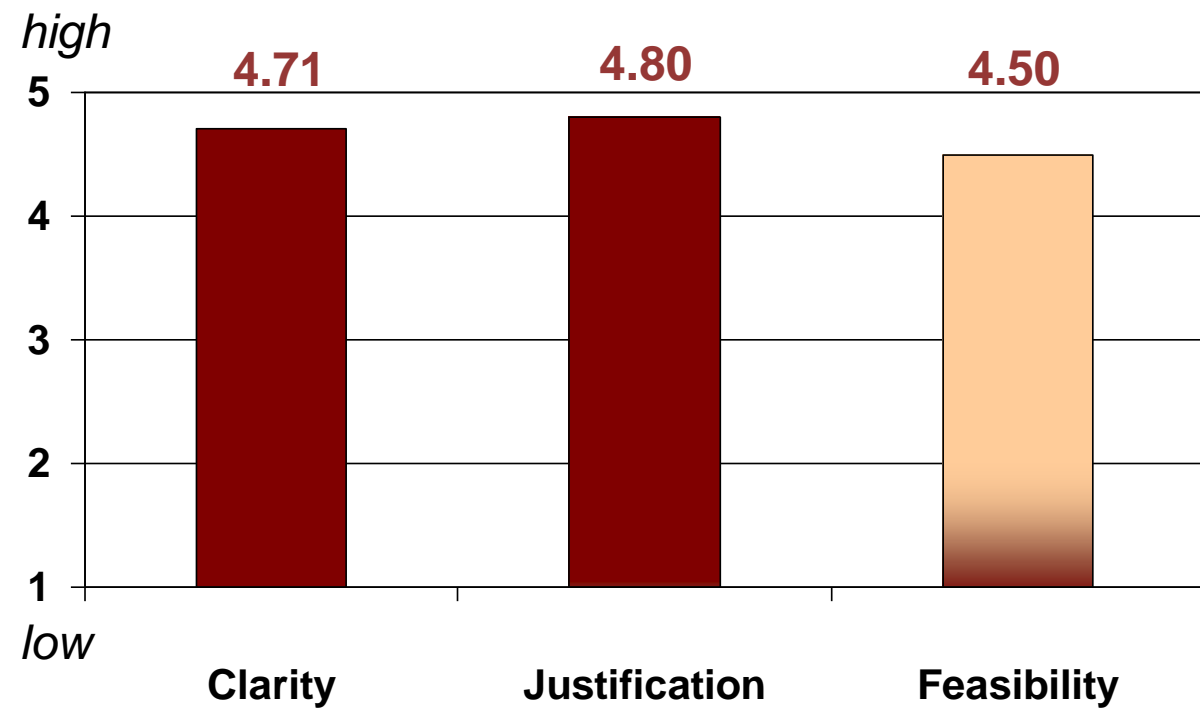


# Multidisciplinary Team

**A dedicated multidisciplinary team of professionals manages the day-to-day operations of the Drug Court, including reviewing participant progress during pre-court staff meetings and status hearings, contributing observations and recommendations within team members' respective areas of expertise, and delivering or overseeing the delivery of legal, treatment and supervision services.**

# Multidisciplinary Team

- N = 21 reviewers



# Multidisciplinary Team

Composition &  
Training

Pre-Court Staff  
Meetings & Status  
Hearings

**Team**

Sharing Information

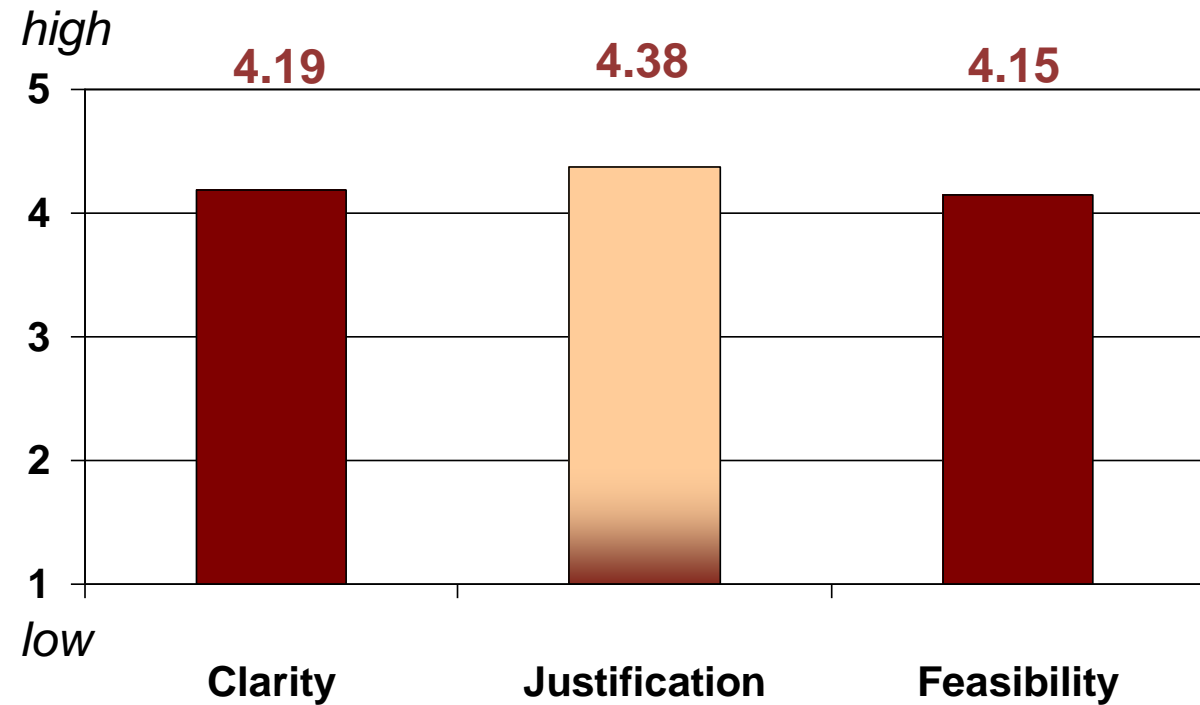
Communication &  
Decision Making

# Census and Caseloads

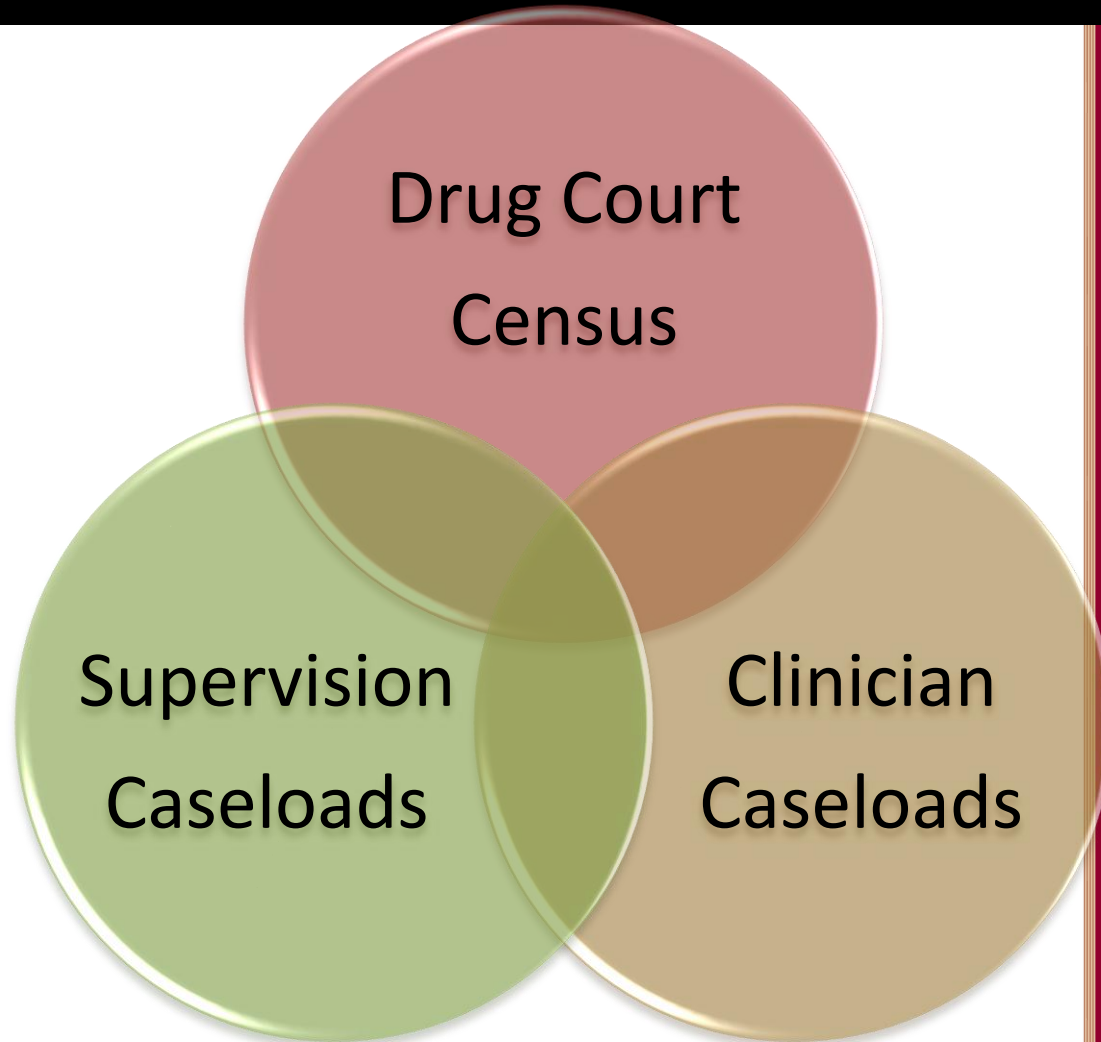
**The Drug Court serves as many eligible individuals as practicable while maintaining continuous fidelity to best practice standards.**

# Census and Caseloads

- N = 26 reviewers



# Census and Caseloads

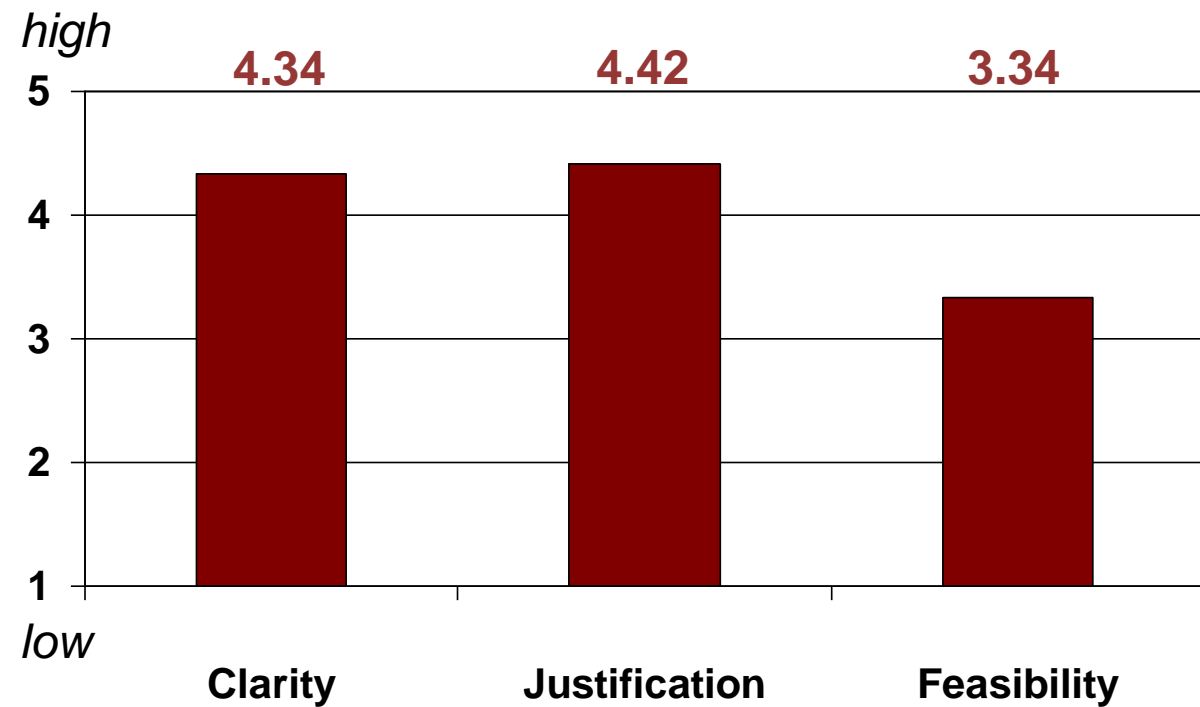


# Monitoring & Evaluation

**The Drug Court routinely monitors its adherence to best practice standards and employs scientifically valid and reliable procedures to evaluate its effectiveness.**

# Monitoring & Evaluation

- N = 32 reviewers





# Monitoring & Evaluation

- A. Adherence to Best Practices
- B. In-Program Outcomes
- C. Criminal Recidivism
- D. Independent Evaluations
- E. Historically Disadvantaged Groups

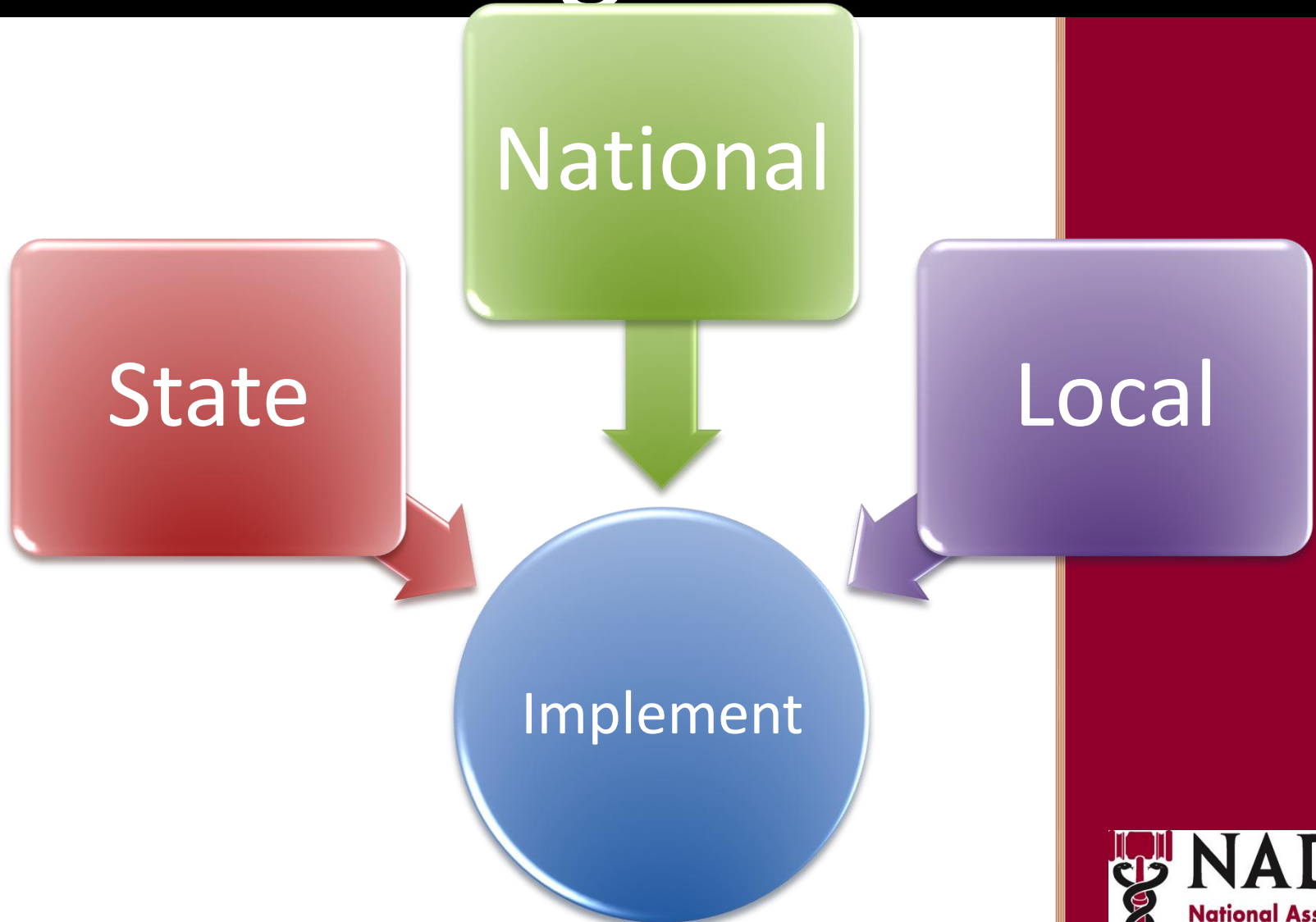
# Monitoring & Evaluation

- F. Electronic Database
- G. Timely & Reliable Data Entry
- H. Intent-to-Treat Analyses
- I. Comparison Groups
- J. Time at Risk

# Best Practice Standards

# Achieving National Compliance

# Achieving Adherence



# Achieving Adherence

**Responsibility for enforcing best practices is the province of state and local court and treatment systems; however, NADCP and other national organizations can and will play a critical role in training, consulting, and evaluating program adherence to best practices.**

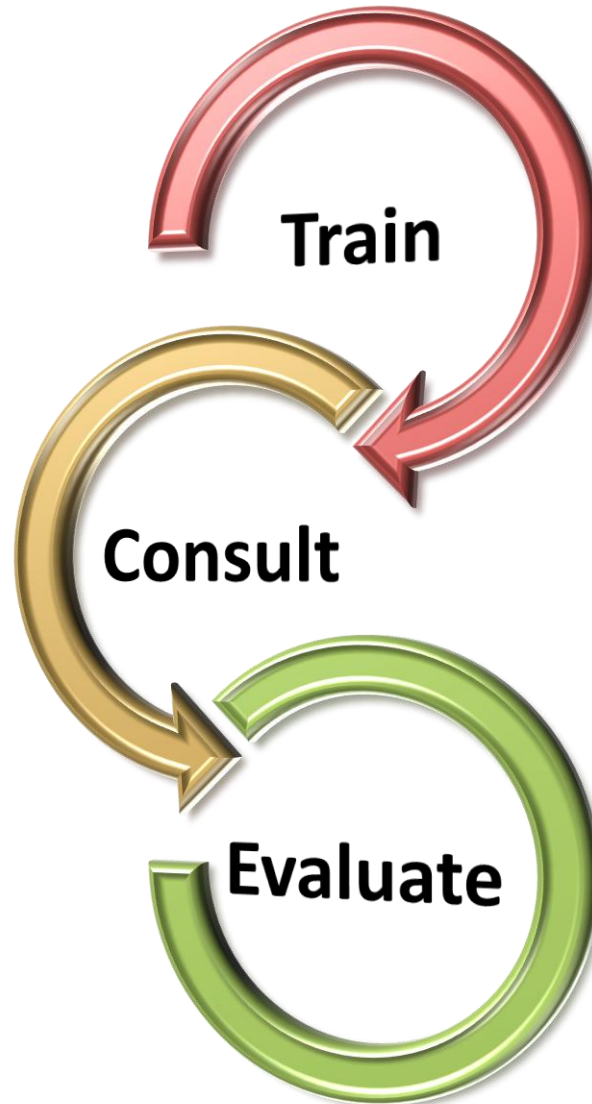
# Achieving Adherence

## GUIDING PRINCIPLES

# Achieving Adherence



# Critical NADCP Functions





# Strategies Proceeding

- **Targeted Training**
- **Technical Assistance**
- **Practical Application Guides**
- **Development of a Standards Adherence Instrument**

# Strategies Under Consideration

- 1. Voluntary National Program To Assess and Recognize Local Drug Courts That Are Substantially Adhering to Standards (accreditation);**
- 2. Joint State & NADCP Accreditation/Certification;**
- 3. Reciprocal NADCP & State Accreditation/Certification; and/or**
- 4. Providing Technical Assistance and Resources To States With Certification/Accreditation Programs or Plans and Advocating for State-Based Accreditation/Certification Efforts in States Not Yet Planning to Do So**

# National Accreditation



# National Accreditation

- 1. Voluntary**
- 2. Offered to Local Adult Drug Court Programs**
- 3. Based Exclusively on the Standards**
- 4. Would Not Require 100% Adherence**
- 5. Would Affirm that Drug Court Program was Substantially in Compliance with Standards—  
and nothing more**
- 6. Independent or Semi Independent Commission**

**ACHIEVING NATIONAL ADHERENCE TO THE ADULT  
DRUG COURT BEST PRACTICE STANDARDS:  
A DISCUSSION WITH KEY STAKEHOLDERS**

**TERRENCE D. WALTON  
CHIEF OF STANDARDS**

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## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

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Title	Agenda Item Type
Collaborative Justice: Funding for Parolee Reentry Court Programs through the California Department of Corrections and Rehabilitation	Action Required
	Effective Date
	July 28, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	July 15, 2015
Recommended by	Contact
Collaborative Justice Courts Advisory Committee	Francine Byrne, 415-865-8069 <a href="mailto:francine.byrne@jud.ca.gov">francine.byrne@jud.ca.gov</a>
Hon. Richard Vlavianos, Chair	Arley Lindberg, 415-865-7682 <a href="mailto:arley.lindberg@jud.ca.gov">arley.lindberg@jud.ca.gov</a>

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### Executive Summary

The Collaborative Justice Courts Advisory Committee (CJCAC) recommends that the Judicial Council enter into an interagency agreement with the California Department of Corrections and Rehabilitation (CDCR) to continue the California Parolee Reentry Court Program and direct the CJCAC to determine maximum allocations and execute a funding model, based on a non-competitive funding formula, for which all courts that meet program criteria may apply. The interagency agreement will transfer \$4.4 million in funding from CDCR to the Judicial Council to expand and enhance the reentry court program with the goal of reducing recidivism in the parolee population.

## **Recommendation**

The Collaborative Justice Courts Advisory Committee (CJCAC) recommends that the Judicial Council, effective July 28, 2015:

1. Direct staff to enter into a two-year interagency agreement on behalf of the Judicial Council with the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$4.4 million to support the expansion and enhancement of parolee reentry courts. Of this amount, \$4.18 million will be distributed to the trial courts and 5 percent (\$220,000) will be allocated to the Judicial Council for program management, data collection, and other administrative overhead costs. A letter of intent from CDCR concerning this interagency agreement is included in this report as Attachment A.
2. Direct the CJCAC to execute the funding model, including maximum allocations, based on a noncompetitive formula, for which all courts that meet program criteria may apply. This noncompetitive grant will be available to all interested parolee reentry court programs that meet the criteria, including adherence to the collaborative justice court model, as well as demonstrate the ability to meet data collection and programmatic requirements. The funding formula methodology and recommended funding maximums are included in this report on page 7.
3. Direct the CJCAC to allocate remaining funds to future eligible courts through the non-competitive funding formula methodology.

## **Previous Council Action**

On July 25, 2013 the Judicial Council accepted the recommendation by the CJCAC to enter into a two-year interagency agreement with CDCR in the amount of \$3 million to support existing parolee reentry courts, as directed by the Legislature in the Budget Act of 2013.

On December 12, 2014 the Judicial Council received the *California Parolee Reentry Court Evaluation Report* and directed the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 3015. Under the statute, the Judicial Council was required to submit a final evaluation report that assesses the pilot reentry court program's effectiveness in reducing recidivism no later than three years after the establishment of a reentry court.

## **Rationale for Recommendation**

A parolee reentry court is a collaborative justice court, similar to a drug court, that provides an alternative to reincarceration for parole violators with a history of substance abuse or mental health issues. These courts combine intensive judicial supervision and collaboration among justice system partners with rehabilitation services to reduce recidivism and improve outcomes for participants.

In 2009, in an effort to reduce recidivism, lower state spending on incarceration, and maintain public safety, the California Legislature enacted the Parolee Reentry Accountability Program set forth in Penal Code section 3015, which established the parolee reentry court pilot program. The Legislature allocated \$10 million in American Recovery and Reinvestment Act (ARRA) Byrne Memorial Justice Assistance Grant monies through a competitive bid process and funded parolee reentry courts in the following California counties: Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, and Santa Clara. These pilot programs began operation between October 2010 and January 2011.

Penal Code section 3015 also charged the Judicial Council to work in collaboration with CDCR to support the implementation and operation of reentry courts, and to evaluate the program to assess its effectiveness in reducing recidivism. The final evaluation report, submitted to the Judicial Council on December 12, 2014, stated that:

- Reentry courts are serving the intended high-risk, high-need target populations.
- Reentry court participants were revoked (for either parole violations or new crimes) less frequently than the comparison group and therefore spent fewer days in prison.
- Reentry court participants were rearrested more often than the comparison group; however, an exploratory analysis of a subsample of conviction data indicates that reentry court participants may be convicted less often than the comparison group.

The 2012–2013 State Budget included an allocation of \$3 million from CDCR for the continued operation of reentry courts. The budget bill language stated: “The Department of Corrections and Rehabilitation may utilize up to \$ 3,000,000 of funds appropriated in this item for use in the 2012–13 fiscal year to support Parolee Reentry Courts funded pursuant to subdivision (d) of Provision 2 of item 0690-102-0890, Budget Act of 2009 (Ch. 1. 2009-10 3rd Ex. Sess., as revised by Ch.1, 2009-10 4th Ex. Sess.).” In accordance with the budget language, the Judicial Council allocated the funding to the Superior Courts of Alameda, San Diego, San Francisco, San Joaquin, and Santa Clara Counties.<sup>1</sup> In addition to funding the courts, the council retained a 5 percent allocation to cover the costs of grant administration, expenditure tracking, and data collection and reporting.

The CDCR is interested in continuing its support of the reentry court program for two additional years and expanding the program into other interested jurisdictions. If executed, the recommended interagency agreement will secure funding for the expansion of reentry courts into new jurisdictions and support preexisting reentry court programs. The goals of the California Parolee Reentry Court Program are to:

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<sup>1</sup> The 2012–2013 reentry court funds originated with the California Department of Corrections and Rehabilitation and focused solely on parolees, the only supervised population that falls under the jurisdiction of CDCR. The Superior Court of Los Angeles County’s reentry court population is primarily composed of women who are supervised by the probation department on postrelease community supervision, and did not receive funding through CDCR.



- Reduce recidivism and parole revocation;
- Reduce criminal justice costs by providing rehabilitation in lieu of incarceration;
- Increase public safety; and
- Implement each program in a cost-effective manner.

In order to be eligible for funding, the reentry court programs must meet the following criteria:

- Operate using a collaborative justice court model, informed by the 11 Guiding Principles of Collaborative Justice Courts set forth by the Judicial Council’s Collaborative Justice Courts Advisory Committee;
- Serve high risk/high need parolees who have violated the conditions of their parole;
- Use funds for parolees. Because the funds originate with CDCR they must be used to support individuals that fall under the jurisdiction of CDCR, as opposed to individuals supervised by probation (i.e. those on postrelease community supervision, mandatory supervision, or felony probation);
- Include a parole agent and case manager on the reentry court team; and
- Submit quarterly reports on program activities, accomplishments, and challenges, as well as participant data.

### **Comments, Alternatives Considered, and Policy Implications**

The use of a competitive request for proposal (RFP) process to distribute funds could be considered as an alternative to a noncompetitive formulaic funding model; however, the RFP process is lengthy and would not be feasible given the limited time frame of this interagency agreement. Because there are a limited number of jurisdictions currently operating or planning to implement reentry courts, the CJCAC believes there is sufficient funding for all interested parties that meet the criteria through a noncompetitive process. CJCAC has experience in developing and executing noncompetitive formula-based grants and has modeled this allocation formula on the Substance Abuse Focus Grant (SAFG) program, which has been successfully providing funds to the courts since 2002.

The reentry court funding formula considers the following:

- Total funding amount available;
- Number of courts requesting funds;
- Active program caseloads;
- Information from current reentry court program expenditures; and
- Cost per participant information based on the Judicial Council’s 2006 drug court cost study.

Like the Substance Abuse Focus Grant, this formula includes a standard base allocation for each court as well as a caseload-based allocation determined by the number of program participants. The base allocation supports court administrative and program activities that apply to each parolee reentry program regardless of the number of participants, and may include costs associated with grant and contract management, data reporting, project overhead, etc. The

caseload-based allocations were determined according to average expenditures of the existing reentry courts as well as per participant costs identified in the Judicial Council's 2006 drug court cost study.<sup>2</sup> Allocations were determined based on the program's active caseload when at full capacity. Reentry courts represent an emerging collaborative justice court program that is being implemented in an increasing number of jurisdictions. It is likely that the number of reentry courts will continue to grow due to the enactment of public safety realignment, which shifted responsibility for most parole violation hearings from CDCR to the courts and allows for referral to a reentry court as a disposition option for supervision violations. This program will support courts that currently operate reentry courts and will enable other interested jurisdictions to implement new programs.

### **Implementation Requirements, Costs, and Operational Impacts**

Judicial Council staff sent an e-mail to all trial court presiding judges and court executive officers on April 28, 2015 to alert them to this grant opportunity and gauge their interest in applying for funding to either implement or enhance an existing reentry court program. Information about this funding opportunity was then sent out in *Court News Update*, posted on Serranus, and sent to the CJCAC membership. Nineteen courts initially responded to express interest in the funding. After distributing additional information about the program, seven courts confirmed that their programs met eligibility requirements. Five of the seven courts have existing reentry court programs (Alameda, San Francisco, San Diego, San Joaquin, and Santa Clara) and two will be implementing new programs (Mono and Santa Cruz).

Most of the other 12 courts that originally expressed interest in the funding were not considered eligible because their proposed programs focus on reentry populations not covered under this grant (i.e. mandatory supervision and postrelease community supervision populations). Because individuals on mandatory supervision and postrelease community supervision do not fall under the CDCR's jurisdiction, only parolees can be served through this program. Some of the ineligible courts expressed a desire to create parolee reentry court programs, but indicated that they needed more time to develop program policies and procedures. Judicial Council staff will work with these courts, provide technical assistance, and allocate the remaining funds, as appropriate.

The CJCAC will utilize the funding formula described above to equitably distribute \$4.18 million of the total \$4.4 million to all trial courts that meet eligibility requirements. Once this process is approved by the Judicial Council, the CJCAC will inform all eligible courts of the maximum funding amount for which they may apply. Courts will then submit a program and spending plan, and contracts will be executed based on acceptance of these items. The CJCAC

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<sup>2</sup> Although no cost-benefit studies have been conducted on reentry courts to date, they are modeled after drug courts, which have been extensively studied. The 2006 Judicial Council cost-benefit study of adult drug courts indicated that there is a significant variation in the drug courts' per participant cost that is impacted by location, services offered, drug court practices, etc., with most courts expending anywhere from \$6,000–\$15,000. Certain economies of scale were found in which larger courts were able to operate with lower per participant costs. See [www.courts.ca.gov/documents/cost\\_study\\_research\\_summary.pdf](http://www.courts.ca.gov/documents/cost_study_research_summary.pdf).

will distribute any remaining funds, using the same funding formula methodology, to courts that later indicate an interest and meet eligibility criteria.

The estimated cost to the Judicial Council for administrative overhead of the project is approximately 5 percent, or \$220,000, over the span of the project. These costs will be covered through the interagency agreement and include program management, contract execution, grant accounting, data collection and analyses, report writing, and invoice and expenditure tracking.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommendations in this report support Goal IV, Quality of Justice and Service to the Public, and specifically address Objective 1: “Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.” Innovative problem-solving practices and expanded collaborative justice programs are identified in desired outcome IV.1.c. This funding allocation enables the courts to expand and enhance collaborative justice model parolee reentry court programs that focus on providing services to court participants as an effective method for reducing recidivism for parolees, which may potentially reduce future court workload.

### **Attachments**

1. Reentry Court Funding Formula and Proposed Maximum Allocations, page 7
2. Attachment A: Letter of intent from California Department of Corrections and Rehabilitation

## Reentry Court Funding Formula and Proposed Maximum Allocations

The following table provides maximum possible funding allocations for which each eligible reentry court may apply. Funds may be expended over the course of two years. Each court will receive a base amount of \$50,000 plus an additional allocation based on the number of participants active in the program at any given time when the program is at full capacity.

	<b>Active Program Caseload at Full Capacity</b>					
Base Amount	5–10 participants	11–20 participants	21–30 participants	31–75 participants	76–100 participants	101+ participants
\$50,000	\$150,000	\$300,000	\$450,000	\$500,000	600,000	\$700,000

Based on data provided by eligible courts to the Judicial Council in June 2015, current maximum allocations are as follows:

<b>Reentry Court Program</b>	<b>Maximum Allocation</b>
Alameda	\$550,000
Mono	\$200,000
San Diego	\$500,000
San Francisco	\$350,000
San Joaquin	\$750,000
Santa Clara	\$750,000
Santa Cruz	\$550,000

**DIVISION OF REHABILITATIVE PROGRAMS**P.O. Box 942883  
Sacramento, CA 94283-0001

June 25, 2015

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Members of the Judicial Council:

On behalf of the Division of Rehabilitative Programs (DRP) at the California Department of Corrections and Rehabilitation (CDCR), I am providing you this letter in continuing support of the Parolee Reentry Court (PRC) program. We are pleased that this program will be expanded to additional county court jurisdictions to provide specialized court case management services for parolees as described in the Interagency Agreement (IA) with the Administrative Office of the Courts.

Over the last two years, since we have established an agreement, we have developed a stronger partnership that has allowed us to troubleshoot matters related to court referrals from DAPO on a timely basis. The court's collaborative case management model to link parolees to appropriate rehabilitative services that will foster successful completion of their court treatment plan, mirrors DRP's rehabilitative programming goals. It is important to hold individuals accountable while providing rehabilitative programs to help reduce recidivism and enhance public safety.

We look forward to continuing to partner in these efforts. If you ever have any questions or concerns, please don't hesitate to contact me at (916) 324-3663 or via email at [Millicent.Tidwell@cdcr.ca.gov](mailto:Millicent.Tidwell@cdcr.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Millicent Tidwell".

MILLICENT TIDWELL  
Director  
Division of Rehabilitative Programscc: Francine Byrne, Supervising Research Analyst, Judicial Council of California  
Cynthia Florez-DeLyon, DRP Deputy Director, Community Reentry Services  
and Program Support



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**PENAL CODE - PEN**

**PART 2. OF CRIMINAL PROCEDURE [681 - 1620]** ( Part 2 enacted 1872. )

**TITLE 7. OF PROCEEDINGS AFTER THE COMMENCEMENT OF THE TRIAL AND BEFORE JUDGMENT [1065 - 1188]** ( Title 7 enacted 1872. )

**CHAPTER 4.5. Trial Court Sentencing [1170 - 1170.9]** ( Chapter 4.5 added by Stats. 1976, Ch. 1139. )

**ARTICLE 1. Initial Sentencing [1170 - 1170.91]** ( Article 1 added by Stats. 1976, Ch. 1139. )

**1170.9.** (a) In the case of any person convicted of a criminal offense who could otherwise be sentenced to county jail or state prison and who alleges that he or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from service in the United States military, the court shall, prior to sentencing, make a determination as to whether the defendant was, or currently is, a member of the United States military and whether the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her service. The court may request, through existing resources, an assessment to aid in that determination.

(b) (1) If the court concludes that a defendant convicted of a criminal offense is a person described in subdivision (a), and if the defendant is otherwise eligible for probation, the court shall consider the circumstances described in subdivision (a) as a factor in favor of granting probation.

(2) If the court places the defendant on probation, the court may order the defendant into a local, state, federal, or private nonprofit treatment program for a period not to exceed that period which the defendant would have served in state prison or county jail, provided the defendant agrees to participate in the program and the court determines that an appropriate treatment program exists.

(c) If a referral is made to the county mental health authority, the county shall be obligated to provide mental health treatment services only to the extent that resources are available for that purpose, as described in paragraph (5) of subdivision (b) of Section 5600.3 of the Welfare and Institutions Code. If mental health treatment services are ordered by the court, the county mental health agency shall coordinate appropriate referral of the defendant to the county veterans service officer, as described in paragraph (5) of subdivision (b) of Section 5600.3 of the Welfare and Institutions Code. The county mental health agency shall not be responsible for providing services outside its traditional scope of services. An order shall be made referring a defendant to a county mental health agency only if that agency has agreed to accept responsibility for the treatment of the defendant.

(d) When determining the "needs of the defendant," for purposes of Section 1202.7, the court shall consider the fact that the defendant is a person described in subdivision (a) in assessing whether the defendant should be placed on probation and ordered into a federal or community-based treatment service program with a demonstrated history of specializing in the treatment of mental health problems, including substance abuse, post-traumatic stress disorder, traumatic brain injury, military sexual trauma, and other related mental health problems.

(e) A defendant granted probation under this section and committed to a residential treatment program shall earn sentence credits for the actual time the defendant serves in residential treatment.

(f) The court, in making an order under this section to commit a defendant to an established treatment program, shall give preference to a treatment program that has a history of successfully treating veterans who suffer from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of that service, including, but not limited to, programs operated by the United States Department of Defense or the United States Department of Veterans Affairs.

(g) The court and the assigned treatment program may collaborate with the Department of Veterans Affairs and the United States Department of Veterans Affairs to maximize benefits and services provided to the veteran.

(h) (1) It is in the interests of justice to restore a defendant who acquired a criminal record due to a mental health disorder stemming from service in the United States military to the community of law abiding citizens. The restorative provisions of this subdivision shall apply to cases in which a trial court or a court monitoring the defendant's performance of probation pursuant to this section finds at a public hearing, held after not less than 15 days' notice to the prosecution, the defense, and any victim of the offense, that all of the following describe the defendant:

(A) He or she was granted probation and was at the time that probation was granted a person described in subdivision (a).

(B) He or she is in substantial compliance with the conditions of that probation.

(C) He or she has successfully participated in court-ordered treatment and services to address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from military service.

(D) He or she does not represent a danger to the health and safety of others.

(E) He or she has demonstrated significant benefit from court-ordered education, treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this subdivision would be in the interests of justice.

(2) When determining whether granting restorative relief pursuant to this subdivision is in the interests of justice, the court may consider, among other factors, all of the following:

(A) The defendant's completion and degree of participation in education, treatment, and rehabilitation as ordered by the court.

(B) The defendant's progress in formal education.

(C) The defendant's development of career potential.

(D) The defendant's leadership and personal responsibility efforts.

(E) The defendant's contribution of service in support of the community.

(3) If the court finds that a case satisfies each of the requirements described in paragraph (1), then the court may take any of the following actions by a written order setting forth the reasons for so doing:

(A) Deem all conditions of probation to be satisfied, including fines, fees, assessment, and programs, and terminate probation prior to the expiration of the term of probation. This subparagraph does not apply to any court-ordered victim restitution.

(B) Reduce an eligible felony to a misdemeanor pursuant to subdivision (b) of Section 17.

(C) Grant relief in accordance with Section 1203.4.

(4) Notwithstanding anything to the contrary in Section 1203.4, a dismissal of the action pursuant to this subdivision has the following effect:

(A) Except as otherwise provided in this paragraph, a dismissal of the action pursuant to this subdivision releases the defendant from all penalties and disabilities resulting from the offense of which the defendant has been convicted in the dismissed action.

(B) A dismissal pursuant to this subdivision does not apply to any of the following:

(i) A conviction pursuant to subdivision (c) of Section 42002.1 of the Vehicle Code.

(ii) A felony conviction pursuant to subdivision (d) of Section 261.5.

(iii) A conviction pursuant to subdivision (c) of Section 286.

(iv) A conviction pursuant to Section 288.

(v) A conviction pursuant to subdivision (c) of Section 288a.

(vi) A conviction pursuant to Section 288.5.

(vii) A conviction pursuant to subdivision (j) of Section 289.

(viii) The requirement to register pursuant to Section 290.

(C) The defendant is not obligated to disclose the arrest on the dismissed action, the dismissed action, or the conviction that was set aside when information concerning prior arrests or convictions is requested to be given under oath, affirmation, or otherwise. The defendant may indicate that he or she has not been arrested when his or her only arrest concerns the dismissed action, except when the defendant is required to disclose the arrest, the

conviction that was set aside, and the dismissed action in response to any direct question contained in any questionnaire or application for any law enforcement position.

(D) A dismissal pursuant to this subdivision may, in the discretion of the court, order the sealing of police records of the arrest and court records of the dismissed action, thereafter viewable by the public only in accordance with a court order.

(E) The dismissal of the action pursuant to this subdivision shall be a bar to any future action based on the conduct charged in the dismissed action.

(F) In any subsequent prosecution for any other offense, a conviction that was set aside in the dismissed action may be pleaded and proved as a prior conviction and shall have the same effect as if the dismissal pursuant to this subdivision had not been granted.

(G) A conviction that was set aside in the dismissed action may be considered a conviction for the purpose of administratively revoking or suspending or otherwise limiting the defendant's driving privilege on the ground of two or more convictions.

(H) The defendant's DNA sample and profile in the DNA data bank shall not be removed by a dismissal pursuant to this subdivision.

(I) Dismissal of an accusation, information, or conviction pursuant to this section does not authorize a defendant to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction pursuant to Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

*(Amended by Stats. 2014, Ch. 163, Sec. 1. Effective January 1, 2015.)*



# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

### SPR15-15

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Title	Action Requested
Criminal Procedure: Petition and Order for Dismissal (Military Personnel)	Review and submit comments by June 17, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Approve forms CR-183 and CR-184	January 1, 2016
Proposed by	Contact
Criminal Law Advisory Committee Hon. Tricia Ann Bigelow, Chair	Eve Hershcopf, 415-865-7961 eve.hershcopf@jud.ca.gov

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### Executive Summary and Origin

The Criminal Law Advisory Committee proposes two new optional forms, a *Petition for Dismissal (Military Personnel)* (form CR-183) and an *Order for Dismissal (Military Personnel)* (form CR-184) in response to recent legislation that authorizes courts to order dismissal relief to certain defendants who acquired a criminal record due to a mental health disorder stemming from service in the United States military. The proposed forms would incorporate the new statutory basis for relief.

### Background

Recent legislation<sup>1</sup> added Penal Code section 1170.9(h) to authorize a defendant to petition the court for dismissal relief if the defendant was, or currently is, a member of the United States military, acquired a criminal record due to a mental health disorder stemming from service in the military, was granted probation, and has substantially complied with the conditions of probation.

For the defendant to receive dismissal relief, section 1170.9(h) requires a trial court or a court monitoring the defendant's probation to find that the defendant:

1. Is a current or former member of the United States military who acquired a criminal record due to a mental health disorder stemming from service in the military, was granted probation and, at the time probation was granted, was suffering from sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance abuse, or mental health problems as a result of that service;

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<sup>1</sup> [Assem. Bill 2371](#) (Butler); Stats. 2012, ch. 403.

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

2. Is in substantial compliance with the conditions of probation;
3. Has successfully participated in court-ordered treatment and services to address the problems stemming from military service;
4. Does not represent a danger to the health and safety of others; and
5. Has demonstrated significant benefit from court-ordered education, treatment, or rehabilitation to clearly show that granting restorative relief would be in the interests of justice.

In determining whether granting restorative relief is in the interests of justice, the court may consider, among other factors, the defendant's completion and degree of participation in education, treatment, and rehabilitation; development of career potential; leadership and personal responsibility efforts; and contribution of service in support of the community.

If the court finds that the defendant satisfies each of the requirements noted above, section 1170.9(h) authorizes the court, by a written order setting forth the reasons for so doing, to:

1. Deem all conditions of probation, other than court-ordered victim restitution, to be satisfied, including fines, fees, assessments, and programs, and terminate probation prior to the expiration of the term of probation;
2. Reduce eligible felonies to misdemeanors pursuant to Penal Code section 17(b); and
3. Grant relief in accordance with section 1203.4.

**Penal Code section 1170.9(h) dismissal distinguished from section 1203.4 dismissal**

The *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) are used by petitioners and courts to facilitate the dismissal procedures authorized by Penal Code sections 1203.4, 1203.4a, and 1203.41. It is anticipated that dismissal procedures authorized by Penal Code section 1203.49 will soon be added to these forms. Although the eligibility requirements and available relief differ to some extent with each of the subdivisions noted above, they are sufficiently similar to be contained in a single *Petition* form and a single *Order* form. The same is not true for dismissals authorized by Penal Code section 1170.9(h).

A dismissal under Penal Code section 1170.9(h) differs from the dismissals provided by sections 1203.4, 1203.4a, 1203.41, and 1203.49 in two significant ways: the manifold, explicit criteria the defendant must meet in order to be eligible for section 1170.9(h) relief, and the somewhat more extensive relief provided to those eligible defendants. Under section 1170.9(h), the defendant is released from all penalties and disabilities resulting from the conviction, with certain exceptions:

- The court has discretion to order the sealing of police records of the arrest and court records of the dismissed action, which are thereafter viewable by the public only in accordance with a court order;
- The defendant is not obligated to disclose the arrest or the set-aside conviction when information concerning prior arrests or convictions is requested to be given under oath, affirmation, or otherwise, except in response to a direct question in a questionnaire or application for any law enforcement position; and
- The dismissal is a bar to any future action based on the conduct in the dismissed action, though the set-aside conviction may be pleaded and proved as a prior conviction in any subsequent prosecution or for administratively revoking or suspending the defendant's driving privilege.

However, if dismissal is granted under section 1170.9(h), the defendant's DNA sample remains in the DNA databank, and the defendant is not authorized to own, possess, or have a firearm in his or her custody or control.

### **The Proposal**

The Criminal Law Advisory Committee proposes two new optional forms, a *Petition for Dismissal (Military Personnel)* (form CR-183) and an *Order for Dismissal (Military Personnel)* (form CR-184) to incorporate the new statutory basis for relief under Penal Code section 1170.9(h) by including:

- In the caption of both forms, a reference to Penal Code section 1170.9(h);
- In item 2 of the *Petition for Dismissal (Military Personnel)*, the mandatory eligibility criteria as delineated in section 1170.9(h)(1);
- In item 3 of the *Petition for Dismissal (Military Personnel)*, the criteria for the court to consider in determining whether granting restorative relief is in the interests of justice, as delineated in section 1170.9(h)(2);
- In item 4 of the *Petition for Dismissal (Military Personnel)*, the various types of relief the court may provide as delineated in section 1170.9(h)(3);
- In item 1 of the *Order for Dismissal (Military Personnel)*, an option for the court to deem all conditions of probation to be satisfied;
- In item 2 of the *Order for Dismissal (Military Personnel)*, an option for the court to terminate probation prior to the expiration of probation;

- In items 5 and 6 of the *Order for Dismissal (Military Personnel)*, a reference to section 1170.9(h) specifying that the court grants or denies dismissal of the *felony* convictions;
- In item 7 of the *Order for Dismissal (Military Personnel)*, an option for the court to seal the police records of the arrest and the court records of the dismissed action; and
- In item 8 of the *Order for Dismissal (Military Personnel)*, the various types of relief that are automatically provided to the petitioner when the order is granted under section 1170.9(h), including certain exceptions.

By providing forms that specifically detail the requirements for a dismissal under Penal Code section 1170.9(h), and the relief available, the proposed forms will facilitate court implementation of a new procedure with unique procedural requirements, promote access to justice for self-represented defendants with military histories, and facilitate the requirement that court orders be in writing and set forth the reasons for providing the relief granted.

### **Alternatives Considered**

In consideration of the additional burden that any new forms or form changes place on the courts, the committee considered postponing or declining to propose new forms to implement the provisions of Penal Code section 1170.9(h), and alternatively considered implementing the provisions through revisions to the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181). The committee determined, however, that it was appropriate to propose the creation of new forms to implement the provisions of Penal Code section 1170.9(h) because implementation is required by recent legislation. Given the significant differences in eligibility and relief between Penal Code section 1170.9(h) and dismissals under sections 1203.4, 1203.4a, 1203.41, and 1203.49, the committee determined that establishing a separate set of forms for conviction dismissals for military personnel will reduce confusion and assist courts in providing dismissal relief for eligible defendants who were, or are, members of the United States military.

### **Implementation Requirements, Costs, and Operational Impacts**

Because the forms are optional, expected costs are limited to training, possible case management system updates, and the production of new forms. No other implementation requirements or operational impacts are expected.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are the proposed new forms, *Petition for Dismissal (Military Personnel)* (form CR-183) and *Order for Dismissal (Military Personnel)* (CR-184), an effective way to address the legislation adding Penal Code section 1170.9(h)?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Forms *Petition for Dismissal (Military Personnel)* (form CR-183) and *Order for Dismissal (Military Personnel)* (form CR-184), at pages 6–9
2. *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181), at pages 10–13
3. [Assem. Bill 2371](#) (Butler); Stats. 2012, ch. 403

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> <b>Not Approved by the</b> <b>Judicial Council</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	
<b>PETITION FOR DISMISSAL (Military Personnel)</b> <b>(Pen. Code, §§ 17(b), 1170.9(h))</b>	CASE NUMBER: _____
<b>INSTRUCTIONS</b> Before filing this form, petitioner should consult local rules and court staff to schedule the hearing in item 1.	

1. **HEARING INFORMATION:** A hearing on this petition for dismissal has been scheduled as follows:

Date: _____	Time: _____	Department: _____
Location (if different than court address above): _____		

If an interpreter is needed, please specify language: \_\_\_\_\_

2. On (date): \_\_\_\_\_, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following:

Offense <i>(Specify each offense in the case noted above.)</i>	Code	Section	Type of offense: <i>(Felony; Misdemeanor; Infraction)</i>	Eligible for reduction to misdemeanor under Penal Code § 17(b) <i>(Yes or No)</i>

If additional space is needed for listing offenses, use *Attachment to Judicial Council Form (form MC-025)*.

3. **Felony or misdemeanor with probation granted (Penal Code § 1170.9(h)):**

Petitioner was granted probation on the terms and conditions set forth in the docket of the above-entitled court. At the time probation was granted, the petitioner was a person described in Penal Code section 1170.9(a) (a member of the United States military suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her service) and the petitioner:

- is in substantial compliance with the conditions of that probation;
- has successfully participated in court-ordered treatment and services to address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from military service;
- does not represent a danger to the health or safety of others; and
- has demonstrated significant benefit from court-ordered education, treatment, or rehabilitation to clearly show that granting restorative relief would be in the interests of justice.

*(Please note: You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents in support of one or more of the above statements.)*

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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**4. The petitioner has (check all that apply):**

- a.  participated in education, treatment, and rehabilitation as ordered by the court (indicate the degree of participation and whether it was completed).
- b.  progressed in formal education.
- c.  developed career potential.
- d.  demonstrated leadership and personal responsibility efforts.
- e.  contributed service in support of the community.
- f.  other factors.

*(Please note: You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents in support of one or more of the statements checked above to explain why granting a dismissal would be in the interests of justice.)*

**5. The petitioner requests that the court order (check all that apply):**

- a.  deem all conditions of probation, other than victim restitution, to be satisfied, including fines, fees, assessment, and programs, and terminate probation prior to the expiration of the term of probation.
- b.  reduce the eligible felony offenses listed above to misdemeanors under Penal Code section 17(b).
- c.  permit the petitioner to withdraw the plea of guilty, or set aside the verdict or finding of guilt and enter a plea of not guilty, and the court dismiss this action and grant relief in accordance with Penal Code section 1170.9(h).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: \_\_\_\_\_  
(DATE)

 \_\_\_\_\_  
 (SIGNATURE OF PETITIONER OR ATTORNEY)

\_\_\_\_\_  
(ADDRESS, PETITIONER)

\_\_\_\_\_  
(CITY) (STATE) (ZIP CODE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not Approved by the</b> <b>Judicial Council</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	
<b>ORDER FOR DISMISSAL (Military Personnel)</b> <b>(Pen. Code, §§ 17(b), 1170.9(h))</b>	CASE NUMBER: _____

The court finds from the records on file in this case, and from the foregoing petition, that granting restorative relief is in the interests of justice, and that the petitioner (*the defendant in the above-entitled criminal action*) is eligible for the following requested relief:

1.  The court deems all conditions of probation, other than victim restitution, to be satisfied, including fines, fees, assessments, and programs.
  
2.  The court terminates probation prior to the expiration of the term of probation, if the term of probation has not yet expired.
  
3. The court **GRANTS** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and reduces the following felony convictions to misdemeanors:
  - ALL FELONY CONVICTIONS in the above-entitled action; or
  - Only the following felony convictions in the above-entitled action (*specify charges and date of conviction*):
  
4. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) for the following felony convictions:
  - ALL FELONY CONVICTIONS in the above-entitled action; or
  - Only the following felony convictions in the above-entitled action (*specify charges and date of conviction*):
  
5. The court **GRANTS** the petition for dismissal regarding the following felony convictions under Penal Code § 1170.9(h), and it is ordered that the pleas, verdicts, or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed:
  - ALL FELONY CONVICTIONS in the above-entitled action; or
  - Only the following felony convictions in the above-entitled action (*specify charges and date of conviction*):
  
6. The court **DENIES** the petition for dismissal regarding the following felony convictions under Penal Code § 1170.9(h):
  - ALL FELONY CONVICTIONS in the above-entitled action; or
  - Only the following felony convictions in the above-entitled action (*specify charges and date of conviction*):
  
7. The court  ORDERS, or  DOES NOT ORDER the sealing of police records of the arrest and court records of the dismissed action, thereafter viewable by the public only in accordance with a court order.



8. If this order is granted under the provisions of Penal Code section 1170.9(h):
- a. The petitioner is released from all penalties and disabilities resulting from the offense(s) of which he or she has been convicted in the dismissed action.
  - b. Dismissal of the conviction does not *automatically* relieve a person from the requirement to register as a sex offender under Penal Code section 290. (See, e.g., Pen. Code, § 290.5.)
  - c. The petitioner is not obligated to disclose the arrest on the dismissed action, or the conviction that was set aside when information concerning prior arrests or convictions is requested to be given under oath, affirmation, or otherwise, except when he or she is required to disclose the arrest, the conviction that was set aside, and the dismissed action in response to any direct question contained in any questionnaire or application for any law enforcement position.
  - d. The dismissal of the action shall be a bar to any future action based on the conduct charged in the dismissed action.
  - e. In any subsequent prosecution for any other offense, a conviction that was set aside in the dismissed action may be pleaded and proved as a prior conviction and shall have the same effect as if the dismissal had not been granted.
  - f. A conviction that was set aside in the dismissed action may be considered a conviction for the purpose of administratively revoking or suspending or otherwise limiting the petitioner's driving privilege on the ground of two or more convictions.
  - g. The petitioner's DNA sample and profile in the DNA data bank shall not be removed by a dismissal.
  - h. Dismissal of an accusation, information, or conviction does not authorize a petitioner to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction pursuant to Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.
  - i. Dismissal of the conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
9. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b) or 1170.9(h) does *not* release petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if he or she was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

FOR COURT USE ONLY

Date:

\_\_\_\_\_  
(JUDICIAL OFFICER)

## Family Code section 3044

3044. (a) Upon a finding by the court that a party seeking custody of a child has perpetrated domestic violence against the other party seeking custody of the child or against the child or the child's siblings within the previous five years, there is a rebuttable presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of the child, pursuant to Section 3011. This presumption may only be rebutted by a preponderance of the evidence.

(b) In determining whether the presumption set forth in subdivision (a) has been overcome, the court shall consider all of the following factors:

(1) Whether the perpetrator of domestic violence has demonstrated that giving sole or joint physical or legal custody of a child to the perpetrator is in the best interest of the child. In determining the best interest of the child, the preference for frequent and continuing contact with both parents, as set forth in subdivision (b) of Section 3020, or with the noncustodial parent, as set forth in paragraph (1) of subdivision (a) of Section 3040, may not be used to rebut the presumption, in whole or in part.

(2) Whether the perpetrator has successfully completed a batterer's treatment program that meets the criteria outlined in subdivision (c) of Section 1203.097 of the Penal Code.

(3) Whether the perpetrator has successfully completed a program of alcohol or drug abuse counseling if the court determines that counseling is appropriate.

(4) Whether the perpetrator has successfully completed a parenting class if the court determines the class to be appropriate.

(5) Whether the perpetrator is on probation or parole, and whether he or she has complied with the terms and conditions of probation or parole.

(6) Whether the perpetrator is restrained by a protective order or restraining order, and whether he or she has complied with its terms and conditions.

(7) Whether the perpetrator of domestic violence has committed any further acts of domestic violence.

(c) For purposes of this section, a person has "perpetrated domestic violence" when he or she is found by the court to have intentionally or recklessly caused or attempted to cause bodily injury, or sexual assault, or to have placed a person in reasonable apprehension of imminent serious bodily injury to that person or to another, or to have engaged in any behavior involving, but not limited to, threatening, striking, harassing, destroying personal property or disturbing the peace of another, for which a court may issue an ex parte order pursuant to Section 6320 to protect the other party seeking custody of the child or to protect the child and the child's siblings.

(d) (1) For purposes of this section, the requirement of a finding by the court shall be satisfied by, among other things, and not limited to, evidence that a party seeking custody has been convicted within the previous five years, after a trial or a plea of guilty or no contest, of any crime against the other party that comes within the definition of domestic violence contained in Section 6211 and of abuse contained in Section 6203, including, but not limited to, a crime described in subdivision (e) of Section 243 of, or Section 261, 262, 273.5, 422, or 646.9 of, the Penal Code.

(2) The requirement of a finding by the court shall also be satisfied if any court, whether that court hears or has heard the child custody proceedings or not, has made a finding pursuant to subdivision (a) based on conduct occurring within the previous five years.

(e) When a court makes a finding that a party has perpetrated domestic violence, the court may not base its findings solely on conclusions reached by a child custody evaluator or on the recommendation of the Family Court Services staff, but shall consider any relevant, admissible evidence submitted by the parties.

(f) In any custody or restraining order proceeding in which a party has alleged that the other party has perpetrated domestic violence in accordance with the terms of this section, the court shall inform the parties of the existence of this section and shall give them a copy of this section prior to any custody mediation in the case.

**The New York Times** | <http://nyti.ms/1Na1yIb>

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Sunday Review | OPINION

# The V.A.'s Woman Problem

By HELEN THORPE AUG. 15, 2015

ON Sept. 11, 2001, Desma Brooks was a single mother in her mid-20s who served part-time in the Indiana Army National Guard. Watching the attack on TV, she wondered if she might be called up. She had three kids, so maybe she would be assigned to some kind of support role on the home front. Instead, she served two yearlong deployments, the first to Afghanistan, the second to Iraq. During the second, while driving a military vehicle that was guarding a supply convoy, she hit a roadside bomb. Ms. Brooks returned home with a mild case of traumatic brain injury and a serious case of post-traumatic stress disorder.

Of the almost 22 million veterans in the United States today, more than two million are women, and of those, over 635,000 are enrolled in the Department of Veterans Affairs system, double the number before 9/11. Women are the fastest growing group of veterans treated by the V.A., and projections show that women will make up over 16 percent of the country's veterans by midcentury.

Like Ms. Brooks, many female veterans are returning home with PTSD — the No. 1 complaint among women seeking treatment at V.A. health facilities. Hypertension and depression are the next two largest diagnostic categories for women. And one in five female veterans treated by the V.A. reported having experienced military sexual trauma.

Unfortunately, these veterans aren't always getting the care they require from a system originally designed to serve mostly men. Women have health care needs that are distinct from men; cardiovascular disease, for example, plays out differently in the female body, and particular expertise is required when providers see women in their childbearing years. "For too long, the V.A. has essentially ignored many of the most pressing needs that our women veterans face," Senator Richard Blumenthal, Democrat of Connecticut, said during a hearing held by the Senate Armed Services Committee earlier this year.

Women's clinics at Veterans Affairs facilities are sometimes located in basements or obscure corners of the buildings, without adequate signage. V.A. facilities still usually do not offer some of the services that women require, such as prenatal care or obstetrics, and very few do mammograms.

Disabled American Veterans, an advocacy and assistance group, recently issued a report called "Women Veterans: The Long Journey Home," which includes a list of recommended changes. Among them are establishing a culture of respect for women, providing access to peer support networks, requiring every Veterans Affairs clinic to have a gynecologist on staff, removing barriers to mental health services, and adding gender-sensitive mental health programs aimed at women. "One of the most perplexing problems is a culture in V.A. that is not perceived by women as welcoming, and does not afford them or their needs equal consideration," said Joy J. Ilem, the group's deputy national legislative director, at this year's Senate hearing.

Part of the solution is simply explaining that female veterans exist. "We are invisible," says Kathryn Wirkus, the founder of Women Veterans of Colorado. "Women vets come home and we blend back in. We go back to being mothers, wives, schoolteachers, nurses, doctors, whatever. We don't hang out at bars wearing funny hats that say 'World War II vet.' We aren't easily identified by our haircuts or the clothing that we wear. If I walked into a room, nobody would think I was a veteran."

Once, when Ms. Wirkus sought treatment at a V.A. facility in Colorado, she was approached by a male veteran who asked what she was doing there. “I was like, ‘What the hell do you think I’ve been sitting here for 45 minutes for?’” she said. “They don’t think you’re a veteran. They think you’re somebody’s spouse, there to pick up meds for somebody else.”

Ms. Wirkus spoke with a woman who had been the victim of military sexual trauma and was suffering from PTSD, and who was told to participate in group therapy, even though the group consisted mostly of men and she was not comfortable in that setting. Congressional staff members on the Senate Committee on Veterans’ Affairs worked with a veteran who had a brain tumor that caused various health complications including weight gain, yet her condition was incorrectly diagnosed and referred to a weight loss clinic, rather than the specialist she needed to see. Only when she went outside the V.A. system did she receive help. Either because they do not believe the V.A. can offer them the care they need or because they do not understand that they qualify for the benefits, eligible women have been approximately 30 percent less likely to enroll in the system than eligible men.

Veterans Affairs has been working to respond. It has hired more providers with expertise in women’s health, relocated space to make room for women’s clinics, and offered a mini-residency training program to get its providers ready to administer breast exams, gynecological exams and Pap smears, and to understand which medications can put a fetus at risk for birth defects.

The problem is not will, it’s money. The V.A. has to care for all living veterans, and has encountered increased demand on every front, from nursing home beds to mental health care. The demographic challenge is daunting: dealing with a large population of aging Vietnam veterans just as over one million veterans are making the transition from the military back into civilian life, most after serving in Iraq and Afghanistan. “Yes, increased funds will be needed,” says Dr. Sally Haskell, the V.A.’s deputy chief consultant for women’s health services. “We need to work to make sure that women veterans are being

taken care of.”

But leaders of the V.A. have to choose between competing priorities. This summer, for example, they obtained extra funds to provide new drugs for hepatitis C, which is rampant among Vietnam veterans, after threatening to close facilities unless the dollars came through. They did not employ the same strong-arm tactics to obtain additional funding for new services for the young women who served in Iraq and Afghanistan.

Desma Brooks eventually did get the help she needed. Recently, she spoke on a panel about PTSD at the V.A. facility in Indianapolis, and described how regular therapy helped to reduce her hyper-vigilance. She showed the audience that it was not only men who returned from combat zones with hidden injuries. And when, like Ms. Brooks, the veteran is a mother, the well-being of her children is deeply affected by the question of whether she is able to heal from trauma.

As we put more women in peril, we have to get better at welcoming all veterans back home. We have to make sure the V.A. can treat men and women equally.

Helen Thorpe is the author of “Soldier Girls: The Battles of Three Women at Home and at War.”

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A version of this article appears in print on August 16, 2015, on page SR3 of the New York edition with the headline: The V.A.'s Woman Problem.

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## MILITARY SEXUAL TRAUMA [MST]

- What judges should know about MST
  - Definition of MST comes from 38 USC § 1720D, but in general it is sexual assault or repeated threatening, sexual harassment that occurred during a veteran's military service
  - MST is an experience, not a diagnosis
  - Both men & women experience MST
  - Among some Veterans, MST is associated with:
    - Suicide
    - Both mental & physical health problems, even decades later
    - Drinking & drug use
    - Aggressive outbursts
    - Confusing, sometimes reckless, behaviors
    - Decrease in normal coping strategies
    - Male victims questioning their sexual identity
  - An MST history can affect response to court-ordered programs
  - MST victims suffer with power & control issues
  - MST is frequently underreported; victims are often reluctant to disclose
- Every VA healthcare facility provides treatment for mental and physical health conditions related to MST, even if not reported at the time of occurrence; Veterans do not need documentation of their experiences or to have a VA disability rating to receive treatment
- The Veterans Health Administration [VHA]<sup>1</sup> outpatient, inpatient and residential services for treatment related to MST<sup>2</sup>
  - A vet just asks for treatment for MST & it will be given<sup>3</sup>
  - All treatment for MST is provided free of charge
  - Every VA facility has an MST Coordinator to assist in accessing care. Veterans with questions about eligibility or other issues that might interfere with accessing services should contact the facility MST Coordinator to discuss possibilities
  - VHA Vet Centers<sup>4</sup> may be a good option for active duty personnel who wish to keep treatment confidential from the Department of Defense [DOD]
    - Most VHA Vet Centers are staffed by veterans; treatment is provided in a non hospital environment
    - Vet Centers DO NOT share their treatment records with the DOD

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<sup>1</sup> Department of Veterans Affairs has three main subdivisions: 1) Veterans Health Administration [VHA]; 2) Veterans Benefits Administration [VBA]; and, 3) National Cemetery Administration. The media frequently confuses the evidentiary burden and documentation required to receive MST-related disability compensation from VBA with the free MST-related treatment available through VHA, which does not require any documentation of the MST experiences.

<sup>2</sup> [www.mentalhealth.va.gov/msthome.asp](http://www.mentalhealth.va.gov/msthome.asp)

<sup>3</sup> The only clear bar to treatment is a dishonorable discharge.

<sup>4</sup> To find the nearest Vet Cent: [http://www.va.gov/landing2\\_locations.htm](http://www.va.gov/landing2_locations.htm)



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## FACT SHEET

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January 2012

# Mental Health Issues Implementation Task Force

The Judicial Council's Mental Health Issues Implementation Task Force was appointed to advise the council on ways to implement the recommendations of the Task Force for Criminal Justice Collaboration on Mental Health Issues. These recommendations were designed to improve the response of the criminal justice system to offenders with mental illness by promoting collaboration at the state and local level. The task force focus will be on improving practices and procedures in criminal cases involving adult and juvenile offenders with mental illness, ensuring the fair and expeditious administration of justice, and promoting improved access to treatment for litigants with mental illness in the criminal justice system.

### Charge

The task force was charged with developing recommendations for policymakers, including the Judicial Council and its advisory committees, to improve systemwide responses to mentally ill offenders and to develop an action plan to implement the recommendations of the Task Force for Criminal Justice Collaboration on Mental Health Issues.

Specifically, the task force is charged with:

1. Identifying recommendations under Judicial Council purview to implement;
2. Identifying potential branch implementation activities; and
3. Developing a plan with key milestones for implementing the recommendations.

### History

The Mental Health Issues Implementation Task Force evolved from the Task Force for Criminal Justice Collaboration on Mental Health Issues which was one of seven similar projects established by state supreme courts throughout the nation with support from the Council of State Governments (CSG) as part of its criminal justice



## *Mental Health Issues Implementation Task Force*

Page 2 of 2

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and mental health initiative encouraging effective leadership from different facets of the criminal justice and mental health systems. Continued funding for this project is supported by California's Mental Health Services Act (MHSA) fund.

Presiding Judge Richard J. Loftus, Jr., of the Superior Court of Santa Clara County serves as chair of the task force. Task force membership currently includes judicial officers and court executive officers from throughout the state. The task force will establish liaison positions with mental health and justice system partners.

The task force, in collaboration with its mental health and justice system partners, will address ways to improve outcomes and reduce recidivism rates for offenders with mental illness while being mindful of cost and public safety considerations. The work of the task force will be based on the final recommendations submitted to the Judicial Council by the Task Force for Criminal Justice Collaboration on Mental Health Issues.

The recommendations are designed to:

- Promote innovative and effective practices to foster the fair and efficient processing and resolution of cases involving mentally ill persons in the criminal justice system;
- Expand education programs for the judicial branch, State Bar of California, law enforcement, and mental health service providers to address the needs of offenders with mental illness;
- Foster excellence through implementation of evidence-based practices for serving persons with mental illness; and
- Encourage collaboration among criminal justice partners and other stakeholders to facilitate interagency and interbranch efforts that reduce recidivism and promote improved access to treatment for persons with mental illness.

*Contacts:*

Karen Moen, Senior Court Services Analyst, Center for Families, Children & the Courts, karen.moen@jud.ca.gov

*Additional resources:*

Criminal Justice/Mental Health Consensus Project <http://consensusproject.org/>;  
and

Criminal Justice/Mental Health Consensus Project Leadership Initiative:  
<http://consensusproject.org/judges-leadership-initiative>

California Department of Mental Health/Mental Health Services Act  
Information:  
[http://www.dmh.ca.gov/Prop\\_63/MHSA/State\\_Interagency\\_Partners.asp](http://www.dmh.ca.gov/Prop_63/MHSA/State_Interagency_Partners.asp)

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# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

### LEG15-04

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Title	Action Requested
Judicial Council–Sponsored Legislation: Competency under Welfare and Institutions Code Section 709	Review and submit comments by August 24, 2015
Proposed Rules, Forms, Standards, or Statutes Amend Welf. & Inst. Code, § 709	Proposed Effective Date January 1, 2017
Proposed by Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	Contact Marymichael Miatovich, 415-865-4561 marymichael.miatovich@jud.ca.gov
Collaborative Justice Advisory Committee Hon. Richard Vlavianos, Chair Hon. Rogelio R. Flores, Vice-chair	
Mental Health Issues Implementation Task Force Hon. Richard J. Loftus, Jr., Chair	

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### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee, Collaborative Justice Advisory Committee, and the Mental Health Issues Implementation Task Force (advisory bodies) propose amending Welfare and Institutions Code section 709 to clarify the legal process and procedures in proceedings that determine the legal competency of juveniles.

### Background

Before 2011, the only guidance for determining the legal competency for juveniles was found in rule 1498 of the California Rules of Court and case law. Rule 1498 (renumbered in 2007 as rule 5.645) was adopted by the Judicial Council effective January 1, 1999. Rule 1498 was specifically drafted to conform to the court ruling in *James H. v. Superior Court* (1978) 77 Cal.App.3d 169<sup>1</sup>,

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<sup>1</sup> See *Timothy J. v. Superior Court* (2007) 150 Cal.App.4th 847, 858.

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

which referred the juvenile court to the definition of incompetency stated in Penal Code section 1367 or the test stated in *Dusky v. United States* (1960) 362 U.S. 402. Although Penal Code section 1367 referred to “mental disorder or developmental disability,” *Dusky* did not. Interpreting rule 1498, the court in *Timothy J. v. Superior Court* (2007) 150 Cal.App.4th 847 considered the question of whether a mental disorder or developmental disability as required by the Penal Code was an elemental requirement under rule 1498(d).<sup>2</sup> The court held it was not. Therefore, the test of competency is that as stated in *Dusky*.<sup>3</sup> Since 1999, this rule of court (rule 5.645, formally rule 1498) has been amended three times.<sup>4</sup>

Effective January 1, 2011, Welfare and Institutions Code<sup>5</sup> section 709 was enacted by the passage of Assembly Bill 2212 (Fuentes; Stats. 2010, ch. 671). This bill endeavored to clarify the legal standard regarding competency in juvenile delinquency proceedings. The following year, section 709 was amended by AB 104 (Stats. 2011, ch. 37) to include provisions for minors who are developmentally disabled. Since 2011, section 709 has been clarified and interpreted in appellate decisions. In 2013–2014, five published appellate decisions addressed the issue of competency as discussed in section 709. In May 2015, the California Supreme Court issued an opinion that clarified some aspects of section 709: *In re R.V.* (May 18, 2015, S212346).

Recommendations have also been made to the Judicial Council to address issues and gaps in section 709. In 2008, the *Juvenile Delinquency Court Assessment (JDCA)*<sup>6</sup>, the first-ever comprehensive assessment of California’s delinquency court system, recommended changes to section 709. These recommendations included a call for legislation addressing competency issues more adequately and effectively.<sup>7</sup> *The Task Force for Criminal Justice Collaboration on Mental Health Issues* in their final report to the Judicial Council in 2011 also recommended changes in juvenile competency procedures. The final report contained two recommendations on juvenile competency issues. One recommendation was that experts in juvenile law should further study the issue of juvenile competency to ensure appropriate services<sup>8</sup>. The report also recommended modifying the law regarding juvenile competency proceedings to refine legal procedures and processes.<sup>9</sup>

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<sup>2</sup> *Timothy J.*, *supra*, at p. 15.

<sup>3</sup> The *Dusky* test is “whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding -- and whether he has a rational as well as factual understanding of the proceedings against him.”

<sup>4</sup> The rule was amended in 2007, 2009, and 2012.

<sup>5</sup> All further statutory references are to the Welfare and Institutions Code, unless otherwise specified.

<sup>6</sup> Center for Families, Children & Cts., Admin. Off. of Cts., *Juvenile Delinquency Court Assessment* (2008), <http://www.courts.ca.gov/cfcc-delinquency.htm>.

<sup>7</sup> Recommendation 27.

<sup>8</sup> Recommendation 95: Experts in juvenile law, psychology, and psychiatry should further study the issue of juvenile competence, including the need for appropriate treatment facilities and services, for the purpose of improving the systemic response to youth found incompetent to stand trial in the delinquency court.

<sup>9</sup> Recommendation 96: Existing legislation should be modified or new legislation should be created to refine definitions of competency to stand trial for juveniles in delinquency matters and outline legal procedures and processes. Legislation should be separate from the statutes related to competency in adult criminal court and should be based on scientific information about adolescent cognitive and neurological development and should allow for

## Prior Circulation

There has been no prior circulation of this proposal.

## The Proposal

The advisory bodies propose amending section 709 to address the issues that arise when a doubt is expressed regarding the minor's competency. The advisory bodies formed a joint working group<sup>10</sup> in 2014 to develop this proposal with input from others in the juvenile justice community. This proposal addresses: who may express doubt regarding competency, who has the burden of establishing incompetence, the role of the expert in assessing and reporting on competency, the process for determining competency, the process for determining whether competency has been remediated, review hearings to ensure the proceedings are not unduly delayed, due process and confidentiality protections for minors during the competency determination and thereafter, and remediation services.

The standard to determine competency in juvenile court is different from that for determining competency for adults as discussed in *Bryan E. v. Superior Court* (2014) 231 Cal.App.4th 385, 390–391. In *Bryan E.*, the appellate court held that the trial court incorrectly applied the standard of competence for adult proceedings, rather than the standard required in juvenile proceedings. The appellate court cited a litany of cases addressing the difference between adult and juvenile competency determinations.<sup>11</sup> Unlike adults, a minor may be determined to be incompetent based upon developmental immaturity alone (*Timothy J. v. Superior Court* (2007) 150 Cal.App.4th 847). However, although the standard for competency is different, the purpose of competency determinations for adults and juveniles is similar; therefore, the proposed language in subdivision (a) adds language that mirrors that in Penal Code 1367, which applies to adults.

The proposal broadens the number of persons who can raise a doubt as to the minor's competency in understanding the proceedings. Currently, doubt can be raised only by the minor's counsel or the court. The change allows counsel for a minor, any party, participant, or the court to raise doubt. The addition of party and participant is inspired in part by *Drope v. Missouri* (1975) 420 U.S. 162. In *Drope*, the wife of the defendant raised the issue of competency during her testimony. The United States Supreme Court found that the defendant was deprived of due process because the trial court failed to order a psychiatric examination with respect to his competency to stand trial after his wife raised the issue of competency. Courts have an independent duty to determine competency issues as a matter of due process. In juvenile delinquency proceedings, the parent or relative caretaker may be the only person who has sufficient information to raise doubt as to the minor's competency. Although parents and

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appropriate system responses for children who are found incompetent as well as those remaining under the delinquency court jurisdiction.

<sup>10</sup> The working group, comprised of members of the Family and Juvenile Law Advisory Committee, the Collaborative Justice Advisory Committee, and the Mental Health Issues Implementation Task Force, included judges from a cross-section of courts, a chief probation officer, deputy district attorney, deputy public defender, and private defense attorney.

<sup>11</sup> *In re Christopher F.* (2011) 194 Cal.App.4th 462; *In re Alejandro G.* (2012) 205 Cal.App.4th 472; *In re John Z.* (2014) 223 Cal.App.4th 1046.

relatives are not parties in delinquency court proceedings, they are allowed to participate in the court hearings. An expression of doubt does not automatically require suspension of the proceedings, it merely triggers the inquiry. The proceedings would be suspended only if the court finds there is substantial evidence that raises a reasonable doubt as to the minor's competence.<sup>12</sup>

Once the court suspends the proceedings, the proposal, in subdivision (b), clarifies the procedure for the competency hearing. First, it adds the ability of the parties to stipulate to the minor's competence or lack thereof. Second, it attributes to the minor the burden of establishing incompetence. The recent California Supreme Court case of *In re R.V.* (May 18, 2015, S212346) discusses this specific issue. The Supreme Court held that section 709 contains an implied presumption that a minor is competent. "Because the presumption of competency applies in a wardship proceeding, the party asserting incompetency bears the burden of proving the minor is incompetent to proceed."<sup>13</sup> Because the existing statute is silent on the burden of proof, the court looked to Evidence Code sections 605 and 606<sup>14</sup> and held that the party asserting incompetence has the burden of establishing incompetence. By specifically attributing the burden of establishing incompetence to the minor, this proposal alleviates the need to rely on Evidence Code section 606, thus closing a gap in the existing statute.

If the court orders the suspension of proceedings and there is neither a stipulation nor submission as to the minor's competence, the court is required to appoint an expert to evaluate whether the minor is competent. Paragraph (2) of subdivision (b) of the proposal clarifies what is expected of the expert who is appointed to assess the minor's competence. The expert must personally interview the minor, consult with the person who raised a doubt about the minor's competence (unless the court raised the doubt), review all available records, consider the minor's developmental history, administer age-appropriate testing (unless testing is deemed unnecessary or inappropriate), and render an opinion in a written report of the minor's competence. The expert is required to state the basis for his or her conclusions and address the type of treatment that would be effective for the minor to attain competence. The addition of subdivision (c) in the proposal ensures that statements made to the expert during the competency evaluation, any statements made by the court-appointed expert, and any fruits of the minor's competency evaluation shall not be used in any other adjudication against the minor in either juvenile or adult court.<sup>15</sup> The proposal also requires the Judicial Council to develop a rule of court outlining the training and experience needed for an expert to be competent to conduct forensic evaluations of minors.

Nothing in the proposal prevents the prosecutor or the minor from retaining or seeking the appointment of additional qualified experts. The proposal adds subdivision (d) to section 709 to specifically address this issue. If the party anticipates using the expert's report or testimony at the

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<sup>12</sup> Current language in section 709(a).

<sup>13</sup> *In re R.V.* (May 2015, S212346, 19).

<sup>14</sup> "The effect of a presumption affecting the burden of proof is to impose upon the party against whom it operates the burden of proof as to the nonexistence of the presumed fact."

<sup>15</sup> See *People v. Arcega* (1982) 32 Cal.3d 504, 518.

evidentiary hearing, the report and expert's qualifications must be disclosed to the opposing party within a reasonable period of time prior to the hearing, but no later than five court days before the hearing. The opposing party may request a continuance to prepare further for the hearing and must show good cause for the continuance. If the court finds that the minor is competent, the court shall reinstate proceedings.<sup>16</sup> If the court finds the minor incompetent, the minor must be referred to a remediation<sup>17</sup> program.

Recognizing the unique characteristics of each county, rather than establishing a statewide process to encompass all aspects of the issue, the proposal adds a requirement to section 709 under subdivision (j) that the presiding judge of the juvenile court and enumerated stakeholders develop a written protocol and program to ensure that the minors who are found incompetent receive appropriate services. The proposal also adds a requirement that, upon a finding of incompetence, the court must refer the minor to the county remediation program, but allows each county to determine the specific infrastructure for such a program. The proposal allows for counties to add a diversion program to their written protocol. The proposal adds that these remediation services must be held in the least restrictive environment consistent with public safety and requires the court to review the remediation services every 30 calendar days for a minor in custody and every 45 calendar days for minors out of custody.

When there is a recommendation regarding the minor's remediation, the court must hold an evidentiary hearing, unless the parties submit on the recommendation or enter into a stipulation. Again, the proposal places the burden of proof on the minor to prove, by a preponderance of the evidence, that the minor is incompetent. If the recommendation is that the minor is not remediable, the burden is placed on the prosecutor to prove that the minor is remediable. The proposal further defines the options for the court. If the court finds the minor is remediated, the court must reinstate proceedings. If the court finds that the minor is not yet remediable, but is able to be remediated, the court must order the minor back to the program. Finally, if the court finds that the minor will not achieve remediation, the court may set a hearing or hold a meeting to determine if there are any further services that would be available to the minor after the dismissal of the petition. All persons with information about the minor would be invited to the hearing or meeting. The last alternative for the court, if appropriate, is to refer the minor for an evaluation pursuant to section 6550 et seq. or section 5300.

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<sup>16</sup> Current language in § 709(d).

<sup>17</sup> The advisory bodies selected the term remediation to use throughout the proposal. As noted in the recent article in the *Juvenile and Family Court Journal* (Spring 2014), some scholars prefer the term *remediation* rather than *restoration* when referring to juveniles because, in some states, juveniles may be found to be incompetent due to developmental immaturity as well as because of mental illness and intellectual deficits or developmental disabilities. Remediation involves utilization of developmentally and culturally appropriate interventions along with juvenile/child-specific case management to address barriers to adjudicative competency. See Shelly L. Jackson, PhD, Janet I. Warren, DSW, and Jessica Jones Coburn, "A Community-Based Model for Remediating Juveniles Adjudicated Incompetent to Stand Trial: Feedback from Youth, Attorneys, and Judges" (Spring 2014), Vol. 65, Issue 2, *Juvenile and Family Court Journal* 23–38.

## **Alternatives Considered**

The advisory bodies consider numerous viewpoints when discussing each of the issues set forth above, as well as other potential changes that were not ultimately included in this proposal. The most significant alternatives to the language in this proposal are highlighted below.

There are two issues that are not addressed in this proposal. One issue is cost of remediation services and the burden to pay for such services. There was much discussion concerning the cost of remediation services. During this discussion, it was discovered that not all counties pay for remediation services in the same way. Some counties already have protocols in place that address remediation services and funding; others do not. The advisory bodies decided not to address the specific issue of funding. They thought it was better left to be discussed in the local protocols. The second issue is incompetent youth with dangerous or violent behavior. The advisory bodies realize that these minors present additional challenges. However, this proposal discusses only the process and procedures to establish competency, as the issue of the minor's dangerousness is beyond the scope of the proposal.

## **Raising Doubt of a Minor's Competency**

The advisory bodies considered the alternative of maintaining the current language that only the court and the minor's counsel can express doubt as to the minor's competency. However, in considering *Drope v. Missouri* (1975) 420 U.S. 162 and their experience in delinquency proceedings, members concluded there was benefit to provide for nonparties to express a doubt about the minor's competence, particularly because parents and relatives are in a unique position to be aware of factors raising a doubt about competence. The advisory bodies considered explicitly adding "parent" to the list of those who may raise the issue of competence, but determined that this was too limiting, as there may be other people—relatives and nonrelatives—involved in a minor's life who may have information that would raise a doubt regarding a minor's competence. Therefore, the committee agreed that the statute should allow the minor's counsel, any party, participant, or the court to express doubt as to a minor's competence. The advisory bodies discussed the burden this places on the defense attorney. The discussion with the advisory committees focused on the potential conflict the defense attorney may have when the stated interest of the minor is to enter a plea, yet others raise a doubt as to competency. The advisory bodies understand that this may present challenges for the minor's attorney; however, because the court has an independent duty to determine competency in juvenile proceedings, the advisory bodies believe that it is important that other participants in the court process be able to express a doubt as to the minor's competency.

## **Burden of Proof**

The advisory bodies considered the burden of proof discussion found in *In re R.V.* (May 18, 2015, S212346). The burden of proof regarding the minor's competence is found in subdivisions (b) and (l) of the proposal. *In re R.V.* places the burden on the party raising doubt of competency. The advisory bodies considered using this language. However, as stated in the prior section, the advisory bodies concluded the burden is more appropriately the minor's. By specifying this, the proposal addresses the gap in the existing statute and alleviates the need to rely upon the general



provisions of Evidence Code section 606. Thus, the proposal is mindful of the *In re R.V.* decision. The advisory bodies also discussed the ethical dilemma for the minor's attorney that may result from placing the burden of proof on the minor, such as the minor insisting on his or her competence to enter a plea after a parent expressed a doubt regarding the minor's competence. However, because the proposal specifically provides that an expression of doubt does not automatically lead to a suspension of the proceedings, the minor's attorney may advocate against the need for a competency determination. If a competency evaluation is ordered, the ethical constraints on the minor's attorney would not be compromised by the proposal's placing the burden to prove incompetence on the minor.

### **Diversion Alternative**

Much discussion surrounded the addition of a diversion program added to subdivision (j) of the proposal. Although there is no current statutory authority to allow a diversion program for a minor who may not be competent, the advisory bodies heard from many courts and juvenile justice partners about diversion programs that have been operating successfully. The diversion programs under section 654.2 cannot be used in these proceedings, because those programs presume consent of the minor, which cannot be given if the minor is not competent. In some circumstances, a diversion program can be a useful way to allow minors who may not be competent to benefit from services without a formal competency evaluation or adjudication of wardship. The advisory bodies attempted to incorporate such a diversion program into the proposal. However, after much discussion, it was decided that a formal diversion program in statute was less desirable than the existing practice where local jurisdictions create programs unique to the needs of each jurisdiction.

### **Competency Evaluations**

In subdivision (b), upon the suspension of proceedings, the court shall appoint an expert to evaluate the minor's present capacity to assist counsel or understand the nature of the proceedings. The advisory bodies considered whether to place the responsibility of payment for the first competency evaluation including cost of the examination, report, and testimony on a particular agency. Since the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997,<sup>18</sup> questions about payment responsibility for such services turn on whether the evaluation is part of probation services, district attorney services, juvenile delinquency defense services, or whether the evaluation serves the needs or use of the court.<sup>19</sup> The advisory bodies discussed county practices and while the court usually pays for the initial paper examination and report, practices vary regarding payment for testimony on the first report, second or third competency opinions requested, and other mental health evaluations.

The advisory bodies considered whether or not to specify in statute the requirements of the expert. Some thought it was too burdensome to list the type of records the expert should review,

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<sup>18</sup> stats. 1997, ch. 850 (Assem. Bill 233)

<sup>19</sup> See Gov. Code, § 77003(a)(7); Cal. Rules of Court, rule 10.810(b)(3-5) & function 10; see generally 87 Ops.Cal.Atty.Gen. 62 (2004); cf. Evid. Code, § 731(a)

arguing that a competent expert should know what needs to be reviewed for a thorough competency evaluation. Others maintained that the statute needed to specify the type of records and testing that was needed to ensure consistent and well-informed competency evaluations. The advisory bodies ultimately concluded it was useful and necessary to identify the type of records that the expert must review. The advisory bodies also discussed whether to include in the statute the requirements for the expert. Many people were concerned that the experts conducting competency evaluations have varied degrees of understanding regarding juvenile competency, and statewide criteria need to be set. However, because specific requirements for experts and training requirements may be fluid and comprehensive, they would be more appropriately included in a rule of court than in the statute itself. This is also consistent with the previous legislative direction to the Judicial Council to develop and adopt rules for the implementation of the requirements regarding experts.

The advisory bodies added subdivision (c) regarding the use of statements made by the minor during the competency evaluation. Originally, the advisory bodies had made reference to Evidence Code section 1017. After consideration, it was determined that Evidence Code section 1017 does not apply to competency hearings. It applies to the communications made during an evaluation relating to a plea based on insanity or to present a defense based on a mental or emotional condition. There was also discussion that the proposed language is too broad, and alternative language was proposed. However, the advisory bodies decided on the current proposed language citing *People v. Arcega* (1982) 32 Cal.3d 504. In *Arcega*, the Supreme Court held that it was an error to admit the psychiatrist's testimony at trial on the issue of guilt, as it violated the rule that neither the statements made to the court-appointed psychiatrist during a competency evaluation nor the fruits of such statements may be used in a trial on the issue of guilt.

### **Appointment and Procedure for Evaluations**

Alternatives were considered to the language in subdivision (d) of the proposal, which allows the prosecutor or the minor to retain or seek the appointment of an additional qualified expert. One alternative was to eliminate the language, as current law contemplates only one expert. Some did not want to encourage more evaluations, while others cited local protocols that allowed for more than one expert to be appointed by the court. The advisory bodies agreed on the current language, because it addresses both concerns and creates more uniformity. The language allows for more than one evaluation if the party can retain his or her own expert. The court may also consider a request to appoint an additional expert; such request may be granted or denied.

### **Time Frames**

Additional alternatives were considered in subdivision (d) regarding the time frame for disclosure of the expert's report and qualifications prior to the hearing. The time frame proposed was within a reasonable time and not later than five court days prior to the hearing. Many thought the five-day time frame was too short and did not allow enough time for discovery. It was proposed that the time frame should be 30 days, as in the criminal and civil discovery statutes. However, because many courts were already setting the hearing date weeks from the

request for hearing, the advisory bodies were concerned about delaying the court hearing for an additional 30 days. Thus, the advisory bodies decided to keep the language as originally proposed, as it does allow for the court to grant a continuance upon a showing of good cause by the opposing party.

Alternatives for the time frame discussed in subdivision (k) of the proposal were also discussed. Subdivision (k) requires the court to review the progress of remediation services at least every 30 calendar days for minors in custody and every 45 days for minors out of custody. Proposed time frames considered were a minimum of 45 days for all minors and either 60 to 90 day review hearings, depending on the minor's custody status. The advisory bodies wanted the court to review the minor's progress in remediation services on a frequent and ongoing basis. They decided that 45 days and 60 days were too long to wait for a court review for a minor who was in custody while participating in services.

### **Implementation Requirements, Costs, and Operational Impacts**

The sponsoring advisory bodies are proposing this legislation because it has concluded that its adoption would clarify the process and procedure when a doubt has been raised as to a minor's competency to understand court proceedings. Although this proposal may result in some additional hearings and expert appointments, it is anticipated that the proposed legislation will result in a net cost savings by limiting the amount of time a minor spends in juvenile hall. It is estimated that states spend approximately \$150,000 per year for every youth in a juvenile facility.<sup>20</sup> By clarifying the procedures, allowing youth to be remediated in both the least restrictive setting and a diversion program, and enforcing timelines for determinations of competency, it is anticipated that a minor's stay in juvenile hall will be shortened.

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<sup>20</sup> Juvenile Law Center, *Ten Strategies to Reduce Juvenile Length of Stay* (March 18, 2015), [http://jlc.org/sites/default/files/publication\\_pdfs/LengthofStayStrategiesFinal.pdf](http://jlc.org/sites/default/files/publication_pdfs/LengthofStayStrategiesFinal.pdf) (as of June 1, 2015)

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory bodies are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should participants be added to the list of individuals who can raise doubt?
- Should the burden to prove incompetency be placed on the minor?
- Should the statute include specific information regarding payment for initial court ordered competency evaluations or continue following current local county based practices?
- Should the discussion directing experts in subdivision (2) of paragraph (b) be taken out of the statute and placed in a rule of court?
- Similarly, should the expert qualifications and training currently found in rule 5.645 be explicitly put into statute or left to a rule of court?
- Does the option of a diversion program in the local protocols fulfill the need of the court?
- Does the language in subdivision (3) of paragraph (l) clearly portray that a minor may not be kept under the court's jurisdiction once a determinate finding of incompetence has been made?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- How well would this proposal work in courts of different sizes?

### Attachments and Links

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=WIC&sectionNum=709](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=709).

Welfare and Institutions Code Section 709 would be amended, effective January 1, 2017, to read:

1 (a) Whenever the court believes that a minor who is subject to any juvenile proceedings  
2 is mentally incompetent, the court must suspend all proceedings and proceed  
3 pursuant to this section. A minor is mentally incompetent for purposes of this  
4 section if, as a result of mental illness, mental disorder, developmental disability, or  
5 developmental immaturity, the minor is unable to understand the nature of the  
6 delinquency proceedings or to assist counsel in conducting a defense in a rational  
7 manner including a lack of a rational or factual understanding of the nature of the  
8 charges or proceedings. Incompetency may result from the presence of any  
9 condition or conditions that result in an inability to assist counsel or understand the  
10 nature of the proceedings, including but not limited to mental illness, mental  
11 disorder, developmental disability, or developmental immaturity. Except as  
12 specifically provided otherwise, this section applies to a minor who is alleged to  
13 come within the jurisdiction of the court pursuant to Section 601 or Section 602.

14 (1) During the pendency of any juvenile proceedings, the minor's counsel, any  
15 party, participant, or the court may express a doubt as to the minor's  
16 competency. A minor is incompetent to proceed if he or she lacks sufficient  
17 present ability to consult with counsel and assist in preparing his or her  
18 defense with a reasonable degree of rational understanding, or lacks a rational  
19 as well as factual understanding, of the nature of the charges or proceedings  
20 against him or her. Doubt expressed by a party or participant does not  
21 automatically require suspension of the proceedings, but is information that  
22 must be considered by the court. If the court finds substantial sufficient  
23 evidence, that raises a reasonable doubt as to the minor's competency, the  
24 proceedings shall be suspended the court shall suspend the proceedings.

25  
26 (b) Upon suspension of proceedings, the court shall order that the question of the  
27 minor's competence be determined at an evidentiary hearing, unless a stipulation or  
28 submission by the parties is made to the court. At an evidentiary hearing, the minor  
29 has the burden of establishing by a preponderance of the evidence that he or she is  
30 incompetent to proceed. The court shall appoint an expert to evaluate whether the  
31 minor and determine whether the minor suffers from a mental illness, mental

1 disorder, developmental disability, developmental immaturity, or other condition  
2 affecting competence and, if so, whether the condition or conditions impair the  
3 minor's ~~competency~~ present capacity to assist counsel or understand the nature of  
4 the proceedings.

5 (1) The expert shall have expertise in child and adolescent development, ~~and~~  
6 ~~training in the~~ and forensic evaluation of juveniles, and shall be familiar with  
7 competency standards and accepted criteria used in evaluating competence.  
8 The Judicial Council shall develop and adopt rules for the implementation of  
9 these requirements.

10 (2) The expert shall personally interview the minor and review all the available  
11 records provided, including but not limited to medical, education, special  
12 education, child welfare, mental health, regional center, and court records.  
13 The expert shall consult with the minor's defense attorney and whoever raised  
14 a doubt of competency, if that person is different from the minor's attorney  
15 and if that person is not the judge, to ascertain his or her reasons for doubting  
16 competency. The expert shall consider a developmental history of the minor.  
17 When standardized testing is used, the expert shall administer age-appropriate  
18 testing specific to the issue of competency, unless the facts of the particular  
19 case render testing unnecessary or inappropriate. In the written report, the  
20 expert shall opine whether the minor has the sufficient present ability to  
21 consult with his or her attorney with a reasonable degree of rational  
22 understanding and whether he or she has a rational, as well as factual,  
23 understanding of the proceedings against him or her. The expert shall also  
24 state the basis for these conclusions and shall address the type of treatment  
25 that would be effective in the minor attaining competency and the likelihood  
26 that the minor can attain competency within a reasonable period of time.

27 (3) The Judicial Council shall develop a rule of court outlining the training and  
28 experience needed for an expert to be competent in forensic evaluations of  
29 juveniles and shall develop and adopt rules for the implementation of other  
30 requirements related to this subdivision.

31

1 (c) Statements made to the appointed expert during the minor's competency evaluation  
2 and any statements made by the minor or the appointed expert on the issue of the  
3 minor's competency, and any fruits of the minor's competency evaluation shall not  
4 be used in any other delinquency, dependency, or criminal adjudication against the  
5 minor in either juvenile or adult court.

6  
7 (d) The prosecutor or minor may retain or seek the appointment of additional qualified  
8 experts, who may testify during the competency hearing. In the event a party  
9 seeking to obtain an additional report anticipates presenting the expert's testimony  
10 and/or report, the report and the expert's qualifications shall be disclosed to the  
11 opposing party within a reasonable time prior to the hearing, and not later than five  
12 court days prior to the hearing. If, after disclosure of the report, the opposing party  
13 requests a continuance in order to prepare further for the hearing and shows good  
14 cause for the continuance, the court shall grant a continuance for a reasonable  
15 period of time.

16  
17 (e) If the expert believes the minor is developmentally disabled, the court shall appoint  
18 the director of a regional center for developmentally disabled individuals described  
19 in Article 1 (commencing with Section 4620) of Chapter 5 of Division 4.5, or his or  
20 her designee, to evaluate the minor. The director of the regional center, or his or her  
21 designee, shall determine whether the minor is eligible for services under the  
22 Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing  
23 with Section 4500)), and shall provide the court with a written report informing the  
24 court of his or her determination. The court's appointment of the director of the  
25 regional center for determination of eligibility for services shall not delay the  
26 court's proceedings for determination of competency.

27  
28 (f) An expert's opinion that a minor is developmentally disabled does not supersede  
29 an independent determination by the regional center ~~whether the minor is eligible~~  
30 regarding the minor's eligibility for services under the Lanterman Developmental  
31 Disabilities Services Act (Division 4.5 (commencing with Section 4500)).

1 ~~(h)~~ (g) Nothing in this section shall be interpreted to authorize or require the following:

2 (1) ~~The court to place~~ Placement of a minor who is incompetent in a  
3 developmental center or community facility operated by the State Department  
4 of Developmental Services without a determination by a regional center  
5 director, or his or her designee, that the minor has a developmental disability  
6 and is eligible for services under the Lanterman Developmental Disabilities  
7 Services Act (Division 4.5 (commencing with Section 4500)).

8 (2) ~~The director of the regional center, or his or her designee, to make~~  
9 Determinations regarding the competency of a minor by the director of the  
10 regional center, or his or her designee.

11  
12 ~~(d)~~ (h) If the minor is found to be competent, the court ~~may~~ shall reinstate proceedings  
13 and proceed commensurate with the court's jurisdiction.

14  
15 ~~(e)~~ (i) ~~If the minor is found to be incompetent by a preponderance of the evidence, If the~~  
16 court finds by a preponderance of evidence that the minor is incompetent, all  
17 proceedings shall remain suspended for a period of time that is no longer than  
18 reasonably necessary to determine whether there is a substantial probability that the  
19 minor will attain competency in the foreseeable future, or the court no longer  
20 retains jurisdiction. During this time, the court may make orders that it deems  
21 appropriate for services, subject to subdivision ~~(h)~~ (d) that may assist the minor in  
22 attaining competency. Further, the court may rule on motions that do not require the  
23 participation of the minor in the preparation of the motions. These motions include,  
24 but are not limited to, the following:

- 25 (1) Motions to dismiss.  
26 (2) Motions ~~by the defense~~ regarding a change in the placement of the minor.  
27 (3) Detention hearings.  
28 (4) Demurrers.

29  
30 (j) The presiding judge of the juvenile court, the County Probation Department, the  
31 County Mental Health Department, and any other participants the presiding judge



1 shall designate, shall develop a written protocol and program to ensure that minors  
2 who are found incompetent receive appropriate services for the remediation of  
3 competency. The written protocol may include remediation diversion programs.  
4

5 (k) Upon a finding of incompetency, the court shall refer the minor to the county's  
6 remediation program, as described in (m). Remediation counselors and evaluators  
7 shall adhere to the standards set forth in this statute and the California Rules of  
8 Court. The program shall provide services in the least restrictive environment  
9 consistent with public safety. Priority shall be given to minors in custody. The  
10 Remediation Program shall determine the likelihood of the minor attaining  
11 competency within a reasonable amount of time, and if the opinion is that the minor  
12 will not, the minor shall be returned to court at the earliest possible time. The court  
13 shall review remediation services at least every 30 calendar days for minors in  
14 custody and every 45 calendar days for minors out of custody.  
15

16 (l) Upon presentation of the recommendation by the remediation program, the court  
17 shall hold an evidentiary hearing on whether the child is remediated or is able to be  
18 remediated, unless a stipulation or submission by the parties is made to the court. If  
19 the recommendation is that the minor's competency has been remediated, and if the  
20 minor disputes that recommendation, the burden is on the minor to prove, by a  
21 preponderance of evidence, that the minor remains incompetent. If the  
22 recommendation is that the minor is not able to be remediated, and if the prosecutor  
23 disputes that recommendation, the burden is on the prosecutor to prove by a  
24 preponderance of evidence that the minor is remediable. The provisions of  
25 subsection (d) shall apply at this stage of the proceedings.

26 (1) If the court finds the minor has been remediated, the court shall reinstate the  
27 delinquency proceedings.

28 (2) If the court finds the minor is not yet remediated, but is likely to be  
29 remediated, the court shall order the minor returned to the remediation  
30 program.

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(3) If it appears that the minor will not achieve remediation, the court must dismiss the petition. The court may invite all persons and agencies with information about the minor to the dismissal hearing to discuss any services that may be available to the minor after jurisdiction is dismissed. Such persons and agencies may include, but not be limited to, the minor and his or her attorney; parents, guardians, or relative caregivers; mental health treatment professionals; public guardian educational rights holders; education providers; and social service agencies. If appropriate, the court shall refer the minor for evaluation pursuant to Welfare and Institutions Code Section 6550 et seq. or Section 5300 et seq.

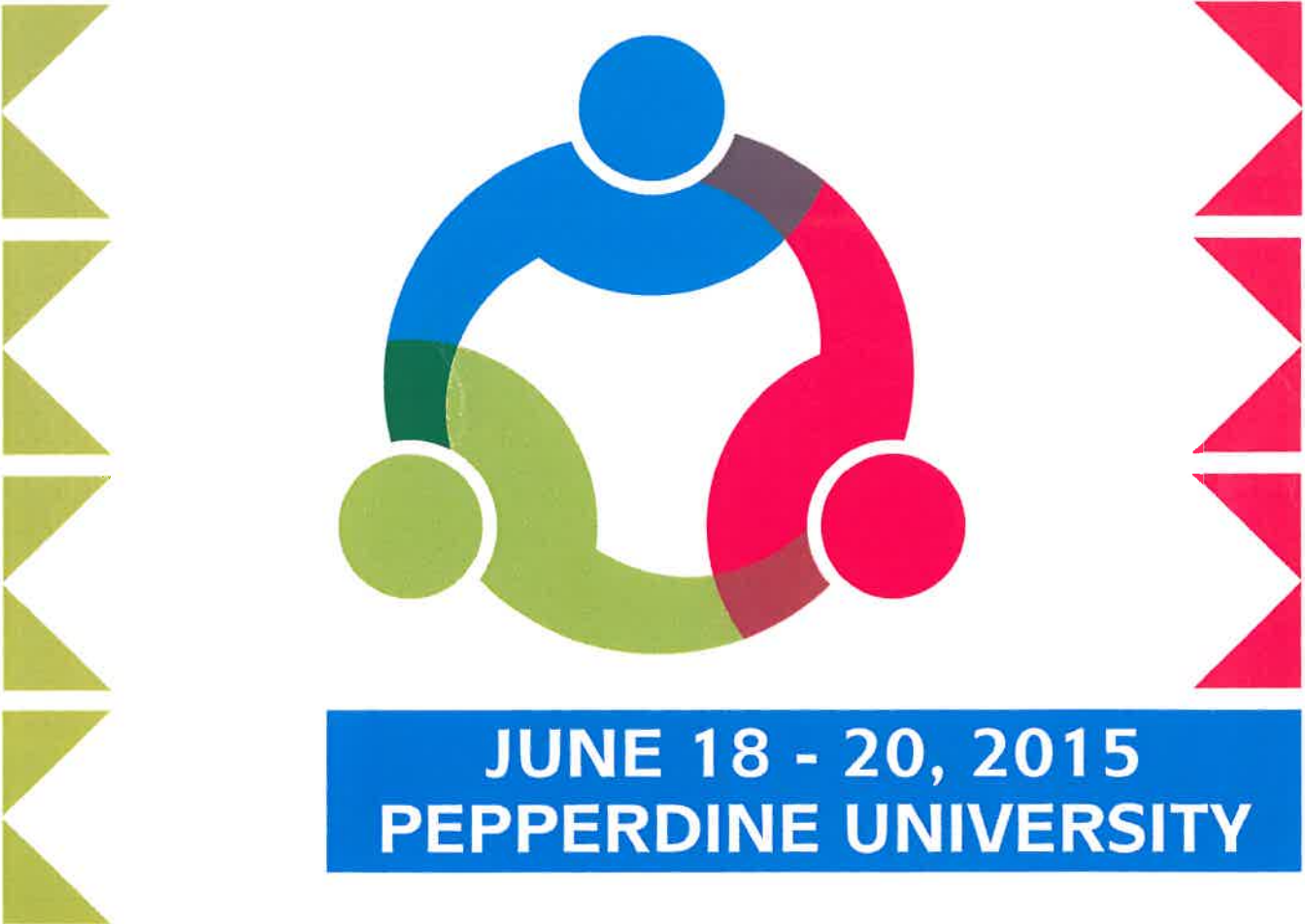
DRAFT

**10th Anniversary**

**CALIFORNIA**  
**YOUTH COURT**

**S U M M I T**

**Resilience, Social Justice, and Progress**



**JUNE 18 - 20, 2015**  
**PEPPERDINE UNIVERSITY**



**JUDICIAL COUNCIL OF CALIFORNIA**  
OPERATIONS AND PROGRAMS DIVISION  
CENTER FOR FAMILIES, CHILDREN & THE COURTS



**10th Annual  
California Youth Court Summit  
Resilience, Social Justice, and Progress  
Pepperdine University, Malibu, CA  
June 18 – 20, 2015**

**AGENDA**

**Thursday, June 18**

**Location**

1:00 pm – 5:00 pm	<b>Registration and Room Check-In</b>	<b>RHO Parking Lot Lovernich Apartments</b>
2:00 pm – 4:00 pm	<b>Campus Tour (optional)</b>	<b>RHO Parking Lot</b>
5:00 pm – 5:15 pm	<b>Walk to Adamson Plaza</b>	
5:15 pm – 7:00 pm	<b>Barbeque Dinner</b>	<b>Adamson Plaza</b>
7:00 pm – 8:00 pm	<b>Youth Court Team Building <i>Facilitator: Kelly Nickel, M.Ed., Regional Director, Western U.S., Bucketfillers for Life, Inc.</i></b>	<b>Amphitheater</b>
7:00 pm – 8:00 pm	<b>Workshop Monitor Meeting</b>	<b>Adamson Plaza</b>
8:00 pm – 8:15 pm	<b>Walk to Elkins Auditorium</b>	
8:15 pm – 8:30 pm	<b>Welcome/Introductions Mandatory Orientation (All) <i>Hon. David S. Wesley, Los Angeles County Superior Court and President, CAYC; and Ofc. Ryan Railsback, Riverside Police Department Youth Court</i></b>	<b>Elkins Auditorium</b>
8:30 pm – 9:30 pm	<b>Where Are They Now? Hear from former youth court members who attended the summit or participated in youth court over the last 10 years about how youth court affected their lives. We will also view the video, <i>Finding Justice: Ending the School to Prison Pipeline</i>, featuring one of the panelists from Marin Youth Court.</b>	<b>Elkins Auditorium</b>

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**Thursday, June 18**

**Location**

8:30 pm – 9:30 pm	<b><i>Panelists:</i></b> Dennis Alvarez, Marin Youth Court; and Breanna Kenyon, J.D., and graduate of Quartz Ville High School Q & A to follow  <b><i>Facilitator:</i></b> Karen Green, Placer Peer Court and Treasurer, CAYC	<b>Elkins Auditorium</b>
9:30 pm – 10:30 pm	<b>Explore Howard A. White Rec Center and/or Sandbar</b>	<b>HAWC/Sandbar</b>
10:30 pm – 10:45 pm	<b>Walk to Rooms</b>	
11:00 pm	<b>Lights Out</b>	

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**\*\*NOTE: Youth artwork will be on display throughout the summit in the Plaza Foyer**

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**Friday, June 19**

**Location**

7:00 am	<b>Wake Up call</b>	
7:30 am – 7:45 am	<b>Walk to Waves Café</b>	<b>Tyler Campus Center</b>
7:45 am – 8:45 am	<b>Breakfast</b>	<b>Tyler Campus Center</b>
8:45 am – 9:00 am	<b>Walk to Workshops</b>	<b>Elkins Auditorium</b>

**WORKSHOPS SESSION I:**

9:00 am – 10:15 am	<b>How Do We Decide? How our Brains Work in Teen Court and How Culture Affects Us (<i>Youth</i>)</b>	<b>Plaza 188</b>
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Did you ever wonder what our brains are doing when we decide who is guilty and who is not? Did you ever wonder why we believe some people and not others? Do you want to know how culture can affect how we answer questions in court? This cultural competence awareness-building session will teach people to have courageous conversations about race, gender, sexual orientation, and disabilities. This session will also show how we make decisions in teen court and how culture affects those decisions.

***Faculty: Michael Roosevelt, Senior Analyst, Judicial Council of California***

9:00 am – 10:15 am	<b>Cyber bullying – Part I (<i>Youth</i>)</b> This workshop will explore the proliferation of cyber bullying and teach youth to critically deconstruct the digital images they consume	<b>Hahn Fireside Room</b>
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9:00 am – 10:15 am

and create on a daily basis, particularly those shared on social media sites. During the workshop youth will analyze, deconstruct and reconsider the types of images they are looking at and creating daily. The culmination of this workshop will be the creation of their own “positive” imagery, as well as the development of recommendations to halt cyber bullying.

**Hahn Fireside Room**

***Faculty:** Camilo Cruz, Administrator, Los Angeles City Attorney’s Office; and Evelyn Serrano, Artist and Educator*

9:00 am – 10:15 am

**Social Justice and The Bystander:  
“What Can I do? Will it Really Make Any  
Difference?” (Youth)**

**Plaza 189**

***Faculty:** Hon. David Sotelo, Los Angeles County Superior Court, and Ms. Janie Forsyth McKinney*

9:00 am – 10:15 am

**I’m Talking to You! Tips, Techniques,  
and Strategies for Being More  
Authentic, Effective, and Memorable  
When Public Speaking (Youth)**

**Plaza 191**

This workshop will help participants learn to organize their thoughts, take control of their delivery and choose the most relevant content to present. Through this fun, engaging, low-stress workshop, participants will recognize the connections among communication theory, learning styles, and audience engagement;

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**Location**

9:00 am – 10:15 am

improve their ability to effectively connect with everyone in their audience, and learn tips and techniques for controlling anxiety, and minimizing distracting body movements.

**Plaza 191**

***Faculty:** Kelly Nickel, M.Ed., Regional Director, Western U.S., Bucketfillers for Life, Inc.*

9:00 am – 10:15 am

**Children Sold for Sex: Modern Day Slavery (Youth)**

**Plaza 190**

This workshop is intended to raise awareness about the commercial sexual exploitation of children; educate participants on how to avoid being trafficked; identify pathways to entry and risk factors; identify appropriate language; and identify way to combat this epidemic.

***Faculty:** Falilah Bilal, Executive Director, MISSEY*

9:00 am – 10:15 am

**CAYC: Strategic Planning for the Next Decade (Adult)**

**Appleby 263**

Join the CAYC board in reviewing where we are, where we want to be, and how we want to get there. Workshop participants will be guided through the first phase of the CAYC strategic planning process using a SWOT (Strength, Weakness, Opportunities and Threats) analysis. Your voice, ideas, and concerns will be a



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**Location**

9:00 am – 10:15 am

valuable contribution in the development of CAYC goals and objectives for the years to come. We will send out strategic planning worksheets prior to the summit, to gather your input in preparation for the workshop.

**Appleby 263**

***Faculty:** JoAnn Allen, Manager, Student Support Services; and Celeste Gutierrez, Santa Cruz County Department of Education*

10:15 am – 10:30 am

**Walk to Workshops**

**WORKSHOP SESSION II:**

10:30 am – 11:45 am

**How Do We Decide? How our Brains Work in Teen Court and How Culture Affects Us (*Youth*)**

**Plaza 188**

Did you ever wonder what our brains are doing when we decide who is guilty and who is not? Did you ever wonder why we believe some people and not others? Do you want to know how culture can affect how we answer questions in court? This cultural competence awareness building session will teach people to have courageous conversations about race, gender, sexual orientation and disabilities. This session will also show how we make decisions in teen court and how culture affects those decisions.

***Faculty:** Michael Roosevelt, Senior Analyst, Judicial Council of California*

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**Friday, June 19**

**Location**

10:30 am – 11:45 am

**Cyber bullying – Part II (*Youth*)**

This workshop will explore the proliferation of cyber bullying and teach youth to critically deconstruct the digital images they consume and create on a daily basis, particularly those shared on social media sites. During the workshop youth will analyze, deconstruct and reconsider the types of images they are looking at and creating daily. The culmination of this workshop will be the creation of their own “positive” imagery, as well as the development of recommendations to halt cyber bullying.

*Faculty: Camilo Cruz, Administrator, Los Angeles City Attorney’s Office; and Evelyn Serrano, Artist and Educator*

**Hahn Fireside Room**

10:30 am – 11:45 am

**Social Justice and The Bystander:  
“What Can I do? Will it Really Make Any  
Difference?” (*Youth*)**

*Faculty: Hon. David Sotelo, Los Angeles County Superior Court, and Ms Janie Forsyth McKinney*

**Plaza 189**

10:30 am – 11:45 am

**I’m Talking to You! Tips, Techniques,  
and Strategies for Being More  
Authentic, Effective, and Memorable  
When Public Speaking (*Youth*)**

This workshop will help participants learn to organize their thoughts, take control of their delivery and choose the most relevant content to present. Through this fun, engaging, low-stress workshop, participants will recognize

**Plaza 191**

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10:30 am – 11:45 am	<p>the connections among communication theory, learning styles, and audience engagement; improve their ability to effectively connect with everyone in their audience, and learn tips and techniques for controlling anxiety, and minimizing distracting body movements.</p> <p><i><b>Faculty:</b> Kelly Nickel, M.Ed., Regional Director, Western U.S., Bucketfillers for Life, Inc.</i></p>	<b>Plaza 191</b>
10:30 am – 11:45 am	<p><b>Children Sold for Sex: Modern Day Slavery (Youth)</b></p> <p>This workshop is intended to raise awareness about the commercial sexual exploitation of children; educate participants on how to avoid being trafficked; identify pathways to entry and risk factors; identify appropriate language; and identify ways to combat this epidemic.</p> <p><i><b>Faculty:</b> Falilah Bilal, Executive Director, MISSEY</i></p>	<b>Plaza 190</b>
10:30 am – 11:45 am	<p><b>Why is Data Collection Important? (Adult)</b></p> <p>This workshop will discuss what data elements are important to collect and why, as well as who can play a role in data collection. We will go over the basics of research and evaluation, including how and when quantitative data and qualitative data are important, and how the results of such studies can impact funding and a program’s ability to serve its population.</p>	<b>Appleby 263</b>

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**Location**

10:30 am – 11:45 am	<p>We will also discuss the differences between “promising programs” and “evidence-based” programs.</p> <p><i>Faculty: Dr. Amy Bacharach, Senior Research Analyst, Judicial Council of California</i></p>	Appleby 263
11:45 am – 12:00 pm	<b>Walk to Waves Café</b>	Tyler Campus Center
12:00 pm – 1:00 pm	<b>Lunch – Waves Café</b>	Tyler Campus Center
1:00 pm – 1:15 pm	<b>Walk to Elkins Auditorium</b>	
1:15 pm – 1:45 pm	<p><b><i>Cops &amp; Robbers</i></b> <b>Pre-performance Discussion</b></p> <p><i>Facilitator: Dr. Dawn Ferreira, Educator and Curriculum Writer, Pipedreamz Entertainment</i></p>	Elkins Auditorium
1:45 pm – 2:30 pm	<p><b><i>Cops &amp; Robbers – Act I</i></b></p> <p>Centered on an officer involved shooting, <b><i>Cops &amp; Robbers</i></b> delivers an emotionally charged ride with unexpected twists and turns, and features versatile actor, Jinho “The Piper” Ferreira, who performs 17 different characters in the show. <b><i>Cops &amp; Robbers</i></b> will take you on a revolutionary journey into the broken relationship between law enforcement, the media, and the Black community.</p> <p><i>Written and Performed by Jinho “The Piper” Ferreira</i></p>	Elkins Auditorium

**10th Annual  
California Youth Court Summit  
Resilience, Social Justice, and Progress  
Pepperdine University, Malibu, CA  
June 18 – 20, 2015**

**AGENDA**

<b><u>Friday, June 19</u></b>		<b><u>Location</u></b>
2:30 pm – 2:45 pm	<b>Break/Intermission</b>	<b>Joslyn Plaza</b>
3:00 pm – 3:45 pm	<b><i>Cops &amp; Robbers – Act II</i></b>  <i>Written and Performed by Jinho “The Piper” Ferreira</i>	<b>Elkins Auditorium</b>
3:45 pm – 4:30 pm	<b><i>Cops &amp; Robbers</i></b> <b>Post-performance Discussion</b>  <i>Facilitators: Dr. Dawn Ferreira and Jinho “The Piper” Ferreira</i>	<b>Elkins Auditorium</b>
4:30 pm – 4:45 pm	<b>Walk to rooms (drop off backpacks before dinner)</b>	
4:45 pm – 5:00 pm	<b>Walk to Adamson Plaza</b>	
5:00 pm – 6:45 pm	<b>Barbeque Dinner</b>	<b>Adamson Plaza</b>
6:45 pm – 7:00 pm	<b>Walk to Hahn Fireside Room</b>	
7:00 pm – 10:00 pm	<b>Dance with a DJ</b> <i>Total Entertainment DJ’s</i>	<b>Hahn Fireside Room</b>
7:00 pm – 10:00 pm	<b>Photo Booths</b> <i>Total Entertainment DJ’s</i>	<b>Beaman Patio</b>
8:00 pm – 9:00 pm	<b>Ice Cream Social</b>	<b>Beaman Patio</b>
10:00 pm – 10:45 pm	<b>Explore Howard A. White Rec Center/Sandbar</b>	<b>HAWC/Sandbar</b>
10:45 pm – 11:00 pm	<b>Walk to Rooms/Lights Out</b>	

**10th Annual  
California Youth Court Summit  
Resilience, Social Justice, and Progress  
Pepperdine University, Malibu, CA  
June 18 – 20, 2015**

**AGENDA**

**Saturday, June 20**

**Location**

7:00 am	<b>Wake up call</b>	
7:30 am – 7:45 am	<b>Walk to Waves Café</b>	<b>Tyler Campus Center</b>
7:45 am – 8:45 am	<b>Breakfast</b>	<b>Tyler Campus Center</b>
8:45 am – 9:00 am	<b>Walk to Elkins Auditorium</b>	
9:00 am – 9:15 am	<b>Overview of the morning</b>	<b>Elkins Auditorium</b>
	<i>Hon. David S. Wesley, and youth advisory board will collect evaluations</i>	
9:15 am – 10:45 am	<b>Artists' presentation/group critique</b>	<b>Elkins Auditorium</b>
	Students who participated in the "Cyber Bullying" workshop will critique their own imagery with the guidance of Camilo Cruz and Evelyn Serrano	
10:45 am – 11:00 am	<b>Youth Court Summit Slideshow</b>	<b>Elkins Auditorium</b>
11:00 am – 11:45 am	<b>Certificate of Attendance Ceremony</b>	<b>Elkins Auditorium</b>
	<i>Hon. David S. Wesley, Los Angeles County Superior Court, and President, CAYC; and Hon. Richard Couzens (retired), Placer County Superior Court</i>	
11:45 am – 12:00 pm	<b>Walk to Waves Café</b>	<b>Tyler Campus Center</b>
12:00 pm – 1:00 pm	<b>Lunch &amp; Farewell</b>	<b>Tyler Campus Center</b>
1:00 pm – 2:00 pm	<b>Checkout</b>	<b>Seaver Parking Lot B</b>

**Have a Great Summer!**

## BIOS FOR YOUTH COURT SUMMIT 2015

**JoAnn Allen** has been the Manager of Student Support Services at the Santa Cruz County Office of Education for 24 years and the Director of the Santa Cruz County Teen Peer Court for 19 years. She has a BA degree in Business and Project Management and has specialized training in organizational development, conflict resolution, resiliency, youth development practices, and strength-based assessments. She is well trained in the interpersonal skills of cultural competence and sensitivity that address a diverse population. She has provided training workshops focused on school safety issues, teen dating violence, bullying, school truancy prevention/intervention, youth court implementation, restorative justice and a variety of other methods to address the needs of high-risk youth locally, regionally, and nationally. Her court has received the AOC collaborative justice courts grants consistently since the grants inception. She is also the recipient of two AOC grants to address DUI prevention in schools and was a member of the AOC's DUI Court in Schools Planning Committee. Ms. Allen is a member of the National Association of Youth Courts; California Association of Youth Courts; and was appointed by the California Chief Justice to serve on the AOC Collaborative Justice Courts Advisory Committee.

**Dennis Alvarez** is a Marin County resident who will graduate from San Rafael High School in June and has been admitted to Sacramento State College. Dennis hopes to work in the health care field after college. Dennis shared his Youth Court experience in the documentary, *Finding Justice: Ending the School to Prison Pipeline* and also participated in an international documentary focusing on youth who are making a difference in their communities.

Dennis hopes his story will help make changes in how authorities respond to youth. "As a former Youth Court respondent, I had a chance to learn what restorative practices are about. Through experiences with myself and my brother, I realized that the practices used at schools to resolve conflicts between students and the community have not been effective and can potentially do more harm than help. I'm hoping that my story may change the approach to how students are disciplined."

**Dr. Amy Bacharach** is a Senior Research Analyst with the Judicial Council's Center for Families, Children, and the Courts (CFCC). She primarily works on projects dealing with delinquency and collaborative courts in California, as well as human trafficking issues. She led a project to implement evidence-based practices in three jurisdictions in California, and has written several articles on best practices in the areas of juvenile justice and human trafficking. Prior to joining CFCC in 2006, Amy worked with the Fresno County Board of Supervisors and Interagency Council on Children and Families, where she evaluated adolescent substance abuse treatment resources. She has conducted

extensive research on juvenile issues, including runaway behavior, substance abuse, and prostitution in adolescents in the US and Mexico City. She was a recipient of a Fulbright Award in Egypt to study women's experiences with a new law allowing them to ask for divorce, and she serves on boards of local organizations dedicated to women's rights and preventing human trafficking. She also serves on the Board of Trustees of City College of San Francisco. Amy holds a Ph.D. in Forensic Psychology and a certificate in Organizational Development.

**Falilah "Aisha" Bilal** - Ms. Bilal is the Executive Director of MISSEY. The Executive Director provides visionary, dynamic, innovative, and strategic leadership to promote and further expand MISSEY's vision and mission. The Executive Director directs and manages implementation and evaluation of program components and performance, fundraising, organizational development, financial management, community outreach, and public relations. Falilah comes to MISSEY with a strong background in working with youth and adults, most recently at the Alameda County Sheriff's Department, Oakland Bay Area CARES Mentoring Movement, GirlSource, Office of Family, Children and Youth, City of Oakland, and the Center for Young Women's Development. She holds a M.A. in Counseling Psychology from California Institute of Integral Studies and a B.A. in Theater Arts and Child Psychology from San Francisco State University. Ms. Bilal has worked with numerous Bay Area youth development agencies, local city government agencies, and independent businesses. As a leader in this field, Ms. Bilal was invited to present at the United Nation's Beijing Plus Five World Conference on Women's Issues. She has been involved in panel discussions, conference organizing and presentation, educational summits, event coordination, and public speaking. Falilah brings love, skills, passion, expertise and dedication.

**Hon. J. Richard Couzens** served on the Placer County Superior Court for 25 years. Since his retirement in 2005, he continues to sit on full-time assignment. He was the presiding judge of the juvenile court for over ten years. He was chair of the Placer County Special Multi-discipline Assessment and Referral Team (S.M.A.R.T) from its inception in 1988 through 1997. SMART is a collaborative team for the delivery of juvenile services to at-risk youth and their families. In 1990 Judge Couzens formed the Placer County Peer Court program that focuses positive peer pressure on first-time youthful offenders and offers a unique education program in the schools. The program has received state and national recognition for its innovative approaches to juvenile delinquency. Currently he is a member of the Placer County Peer Court board of directors, past-president of the California Association of Youth Courts, and is president of the Board of Directors of the National Association of Youth Courts. For over 15 years Judge Couzens has taught California judges and attorneys law and procedure related to criminal and juvenile law. He has been a presenter at many state and national



conferences on youth courts. In 2008 he was named Jurist of the Year by the California Judicial Council.

**Camilo Cruz** is an administrator within the Los Angeles City Attorney's Office and a professional artist. He observes the emotionally charged scenes of the justice system in which he works and over the course of his artistic career he has been granted permission to explore the intensity of this powerful space through conceptual, visual, and photographic fine art. Camilo has exhibited at the National Museum of Mexican Art (Chicago, IL), the El Paso Museum of Art (TX), and the Museum of African American Art (Los Angeles) among many other galleries and on-line publications. Cruz is a recipient of the California Community Foundation's 2013 Visual Arts Fellowship. In 2012 he was awarded the Artistic Innovation Grant from the Center for Cultural Innovation. Cruz received his MPP in Public Policy from Claremont Graduate School and his MFA in Photography from California State University, Long Beach. More can be seen at [www.camilocruzphoto.com](http://www.camilocruzphoto.com) and <http://my.calfund.org/artist-gallery/gallery/year-2013/camilo-cruz>.

**Andy Diep** is a recent graduate from the University of California, Santa Cruz with a double major in Legal Studies and Economics. Andy is immensely interested in restorative justice, policy analysis, poverty reform, and self-esteem building. During his undergraduate studies, Andy worked with the Santa Cruz Teen Peer Court under the guidance of Jo Ann Allen and Celeste Gutierrez, first as a volunteer, then as a case manager for the last two years. He is currently aspiring to open his own youth court in San Francisco because he hopes to positively impact the youth of his community. Andy would not be where he is today had it not been for his community and loved ones supporting him every step of the way, and Andy hopes to do the same for the youth. They say all it takes is one person to make the difference in many people's lives and he wants the youth court in San Francisco to be an environment in which youth can find that person to be able to reach self actualization through building strong and healthy relationships. Outside of youth court work, Andy enjoys poetry and basketball.

**Dr. Dawn Ferreira** has been a credentialed educator in public schools since 1997. Although she is primarily a language teacher of French, Spanish, and English, she has additionally taught social studies, physical education, and math. She has taught in rural, suburban, and urban school districts in mainstream and alternative education. Dawn has also worked as an educational consultant for Teach Youth Radio, writing curriculum for youth-written and produced news stories. She strongly believes in making connections between academic content and popular culture. Dawn also feels that education should go beyond the classroom. She is the co-founder of the Williams-Bah Museum in Dalaba, Guinea, West Africa, where African Diaspora history is honored and celebrated.

Dawn received her Bachelor's in French Education with a minor in Spanish Education from Arizona State University. She pursued her doctorate at UC Berkeley's Graduate School of Education in the Language, Literacy, Society, and Culture Program. Her dissertation looked at Post Traumatic Stress Disorder in urban classroom settings. Dawn is the curriculum writer for Pipedreamz Entertainment. In this capacity, she is able to extend Piper's creative work by adding an educational element.

**Jinho "The Piper" Ferreira** is a rapper, actor, and screenwriter from Oakland, California. He is one-third of Flipsyde, an alternative hip hop band that has toured internationally with artists such as Snoop Dogg, The Black Eyed Peas, Akon, The Game, Busta Rhymes, etc. Flipsyde has written anthems for the 2006 Winter Olympics and the 2008 Summer Olympics. The band continues to enjoy several song placements in television and film, as well as sporting events.

In 2009, Piper won the Creative Promise Award for screenwriter at the Tribeca Film Festival for his CIA thriller: Walter's Boys. In the spring of 2010, Piper paid his way through a Bay Area law enforcement academy, eventually graduating in the top percentile and delivering the commencement speech. The paradox of being a member of the Black community and a hip-hop artist, while simultaneously working in Law Enforcement, served as the inspiration to write *Cops and Robbers*.

Though Piper is not a stranger to the stage, *Cops and Robbers* is his first venture into theater. The ingenuity of his play led to him being selected as a scholarship recipient for a performance workshop with Anna Deavere Smith at the Yerba Buena Arts Center.

**Nathan Folsom** is a member of the California Association of Youth Courts Student Advisory Board. He has participated in his local Youth Court for two years and has almost completed his first year as a C.A.Y.C. member. This next school year, he is looking at going to college and plans to attend Biola University where he will be majoring in Political Science. He plans to work hard and study harder to become an

attorney. Whenever he is not working with his Youth Court, Nathan enjoys being active in the local Antelope Valley Children's Choir and Youth Chorale. He also enjoys either watching or acting in theater productions. Nathan is also involved in his Boy Scout Troop 586 and hopes to reach the rank of Eagle Scout in early June.

**Karen Green** has been the coordinator of the Placer County Peer Court since its inception in 1991. An educator for over twenty-five years, Ms. Green holds an MS degree in psychology and school counseling. She was a public high school counselor for twelve years. Involved in community activities, she has been a 4-H leader for over 25 years. She currently sits on the Board of Directors for Placer Dispute Resolution Service,

the Sutter Hospital Community Advisory Board, 4-H Child Care Board, Sierra Regional Career Partners, and Gateway, a group helping pregnant and parenting teens. From 1997-98 Ms. Green served on the California State Attorney General's Youth Council on Violence Prevention. She was named Business Woman of the Year in 1997 and Mother of the Year 1987. Ms. Green is married, is the mother of three grown children, and has four grandchildren. She owns "Connections," a private college and career counseling business.

**Celeste Gutierrez** graduated from UCSC with a degree in Philosophy. Celeste has been involved with Youth Courts for the past 9 years. She was the Chair of the Student Advisory Committee of the California Association of Youth Courts (CAYC), Project Specialist for the Santa Cruz County Teen Peer Court and Work4Youth, the summer youth employment of Santa Cruz county and translator for attorney Ben Rice. Celeste enjoys working with young people and being a part of the process of assisting young people accomplish their goals and dreams. If you see her walking around during the summit, feel free to go and start talking to her as she loves to read, think and discuss ideas.

**Clair Hearn** is 17 years old and from Shasta County. She enjoys listening to music and getting to know new people. Clair has been volunteering at her youth court for 6 years. She is the president of the CAYC Student Advisory Board. Clair has attended the last two summits and she is looking forward to the success of this year's 10th anniversary!

**Breanna Kenyon** came to the R. Rex Parris Law Firm with a wealth of experience as a paralegal, law clerk, research assistant and attorney in such varied fields as family law, criminal law, construction defects and civil rights.

Breanna was involved in her high school youth court at Quartz Ville High School in Lancaster, graduated from Chico State and Chapman Law School.

During law school, Breanna secured a judicial externship with the Los Angeles County Superior Court, assisting self-represented litigants in preparing and filing contested and uncontested dissolution forms and pleadings and all other required forms for disposition of family law matters. After graduating from Chapman University Law School, Breanna worked for the University as a research assistant performing civil rights legal research relating to issues arising from current conflicts in the Middle East. After leaving the academic setting, she established her own law firm in Lancaster representing clients in family law matters until she joined the R. Rex Parris Law Firm in 2011.

**Janie Forsyth McKinney** lives in Thousand Oaks, California, with her husband Larry McKinney and their three rescued cats. She earned the B.S. Degree in Secondary Education from Auburn University, Auburn, Alabama, and the M.S. Degree in Technical

Writing from Rensselaer Polytechnic Institute in Troy, New York. She is a career employee at the University of California, Los Angeles (UCLA), in the External Affairs Division. She has two grown-up children and four rambunctious but adorable grandchildren. But underneath that ordinary exterior lives an angel with the heart of a lion. In 1960, the Supreme Court ruled that segregation was illegal in facilities that engaged in interstate commerce. A group of 13 riders, organized by the Congress of Racial Equality, bravely rode buses through the South, stopping at each bus station to see whether segregation would be enforced. Except for a couple of skirmishes, it was not enforced, but that is only because the Ku Klux Klan had previously agreed for everyone to meet up at the Anniston Greyhound station to make a bigger show of force.

Five miles west of Anniston, right in front of the Forsyth family's grocery store, the mob surrounded the bus and set it afire, even while people were still in the bus. Janie was horrified, but she watched and listened to what was going on, seemingly unable to move. Somehow the people on the bus got out and tumbled onto the front lawn, gasping for breath and vomiting. Over the din Janie heard a woman crying for water, her voice parched and cracked from smoke inhalation. Janie broke out of her daze and swung into action to do whatever she could to help. She ran to the house and filled a Size A zinc washtub with as much water as she could carry and waded out into the crowd, along with all the drinking glasses she could grab from the family kitchen. She made several trips to the house for more water, stopping only when she could see that everyone had some.

Hank Thomas, a Freedom Rider who is now one of Janie's most beloved friends, took one look at that little girl and dubbed her "The Angel of Anniston." And from him Janie received the greatest compliment of her life – before or since: "I became so busy watching that little girl carrying water that I forgot to be afraid."

**Kelly Nickel** has been teaching Public Speaking at Shasta College since 2008, and has been working with Shasta Youth Peer Court in a variety of capacities since 2007. As a communication consultant, Kelly provides training and professional development to businesses and organizations on topics of leadership, communication, teamwork, and customer service. As the Regional Director for Bucketfillers for Life, Kelly travels to elementary and middle schools around the Western U.S. delivering character education assemblies and workshops to students, parents, and staff that teach kindness, empathy, appreciation, and respect. In the past four years, Kelly has brought his bucket filling message to more than 130,000 children and adults in over 270 schools.

**Michael Roosevelt** – has been a senior court services analyst with the Center for Families, Children & the Courts since December 2006. Mr. Roosevelt has worked in the Education Division/CJER for eight years, developing fairness programs and curricula for judicial officers, managers, and other court professionals. Mr. Roosevelt works on the

Parole Reentry Court Program and other projects for the Collaborative Justice Project. He has a bachelor's degree and a master's degree in clinical psychology from San Francisco State University.

**Evelyn Serrano** is an interdisciplinary Cuban artist, educator, independent curator, and community organizer living in Los Angeles. Her work explores the politics and poetics of place, engagement and participatory action. Serrano obtained a BFA from the Maryland Institute College of Art (MICA) and an MFA from the California Institute of the Arts, School of Art. Prior to that, she studied visual arts, design, art theory, epistemology, and literature in Havana, Montevideo and Miami. She has exhibited her work in solo and group exhibitions nationally and internationally. In addition, she has worked with talented artists, choreographers, writers and performers in many exhibitions, projects and art events she has organized and curated throughout the United States as well as in Montevideo, Tel Aviv, Tijuana, and La Habana. Serrano currently teaches courses on arts, activism, and community engagement at the California Institute of the Arts (CalArts), and has lectured and led workshops at the New World School of the Arts in Miami, the CEART in Mexicali, the Center for the Arts in Eagle Rock, Antioch University, the University of Texas in Dallas, and the Instituto Superior de Diseño Industrial in La Habana. In addition, she works with teachers and school administrators to design K-12 arts curriculum and integrate the arts in the general school curriculum. Serrano's work has received recognition and support from the National Endowment for the Arts, ArtPlace, and the Surdna Foundation among others.

**Esther Smith** was born on December 4, 1998 in Seattle, Washington. Growing up, she has been to nine different schools which enable her to adapt to any situation or environment. Esther loves participating in leadership roles, because it gives her a chance to voice out the people she represents. As a leader Esther believes you must be a catalyst for change and courageous enough to step out of your comfort zone. She considers herself a feminist because she believes in gender equality. Her goals for life include reaching gender equality (which includes LGBTQ+) as well as help support under-served youths reach their full potential. Esther loves big dogs; her favorite color is blue; and she enjoys meeting new people.

**Hon. David Sotelo** was appointed by Governor Gray Davis to the Superior Court of the State of California for the County of Los Angeles in December 2002. He served two years as the Supervising Judge for all of Los Angeles Superior Court Traffic Operations and as the Site Judge of the Metropolitan (Metro) Courthouse in Downtown Los Angeles. He has as presided over adult criminal trials at Metro, the Sara Shortridge Foltz Criminal Justice Center, the South-Central District in Compton and the South-West District courthouse in Torrance. He served as a member of the Mexican American Bar Foundation Board of Directors for six years; served as a mock trial judge for the Constitutional Rights Foundation, the UCLA School of Law, Southwestern School of

Law, the National Native American Law Student Association; served on the Mexican American Bar Foundation for 10 years; and as was founder of the Rotary Club of East Los Angeles' Elementary and Junior High School Justice Education Program.

In 2002, Judge Sotelo started a Teen/Peer Court in South Los Angeles' Manual Arts High School--where cases involving juveniles charged with misdemeanor crimes are adjudicated entirely by high school students--and since 2006 he presides over a similar program at Carson High School, in the City of Carson, California.

A native Californian, Judge Sotelo was born in East Los Angeles and raised in the Mission and Excelsior Districts in City of San Francisco. He attended public schools, from elementary to high, then college and law school: After graduating from the University of California at Santa Cruz where he majored in politics and philosophy, he received his Juris Doctor degree from the U.C.L.A. School of Law.

**Devon Walker** is a Humboldt County Teen Court volunteer and incoming senior in high school. She has been involved in her youth court since her freshman year, but this is her first time serving on the CAYC Student Advisory Board. She likes all subjects, especially science and debate, and loves animals. In her free time, she likes to sing, play guitar, go to the beach, pet cats, and read. After high school, she hopes to travel and learn as much as possible.

**Judge David S. Wesley** was appointed to the Los Angeles Superior Court by Governor Pete Wilson in 1997. Judge Wesley presided over a felony trial court upon his appointment to the Superior Court in 1997 and was appointed as the Assistant Supervising Judge of the Criminal Division in 2001. Thereafter, Judge Wesley was appointed as the Supervising Judge of the Criminal Division in 2003, and served in this position through 2006, and again in 2008, and presided over a complex felony trial court through the end of 2010. Judge Wesley is currently the Presiding Judge of the Los Angeles Superior Court. Judge Wesley devotes a great deal of time and effort to the Los Angeles County Teen Court program. He serves as the director of Los Angeles County Teen Court and continues to preside as a Teen Court judge for Dorsey High School Law Magnet since 1995. He is also the President of the California Association of Youth Courts, Inc. Judge Wesley has also been developing a further extension of the Los Angeles Teen Court program called SHADES (Stopping Hate and Delinquency by Empowering Students), a program implemented to help combat hate incidents and hate crimes on our high school campuses in partnership with the Museum of Tolerance.

**Special Thanks and Appreciation to the following people for their time  
and commitment to the 2015 Youth Court Summit**

**CALIFORNIA ASSOCIATION OF YOUTH COURTS (CAYC)**

Hon. David S. Wesley  
Hon. J. Richard Couzens  
JoAnn Allen  
Karen Green  
Celeste Gutierrez  
Camilo Cruz

**MEMBERS-AT-LARGE**

Andy Diep, Student Advisory Liaison  
Hon. Michael Donner  
Raul Elias  
Sacha Marini  
Ryan Railsback  
Jennifer Richards  
Hon. David Sotelo  
Donna Strobel, Ex-Officio

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Nathan Folsom  
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Clair Hearn  
Alexis Hernandez  
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Devon Walker

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Danielle McCurry  
Diane Nunn  
Susan Paul  
Whitney Perona  
Donna Strobel  
Nancy Taylor  
Dorothy Wang  
Charina Zalzos  
Carrie Zoller

Support for the summit was provided by the California Association of Youth Courts, Inc., with support from the Judicial Council of California, Center for Families, Children & the Courts. Points of view expressed are those of the author(s) or presenter(s) and do not necessarily represent the official position or policies of event sponsors.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2015

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Title	Agenda Item Type
Collaborative Justice: Recommended Allocations of Fiscal Year 2015–2016 Substance Abuse Focus Grants	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 21, 2015
Recommended by	Date of Report
Collaborative Justice Courts Advisory Committee	August 12, 2015
Hon. Richard Vlavianos, Chair	Contact
	Carrie Zoller, 415-865-8829 <a href="mailto:carrie.zoller@jud.ca.gov">carrie.zoller@jud.ca.gov</a>

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### Executive Summary

The Collaborative Justice Courts Advisory Committee recommends that funding allocations for Collaborative Justice Courts Substance Abuse Focus Grants, through the California Collaborative and Drug Court Projects in the Budget Act of 2015 (Stats. 2015, ch. 10; § 45.55.020, item 0250-101-0001), and the Dependency Drug Court Augmentation to the Substance Abuse Focus Grants, through the federal Court Improvement Program funds for fiscal (FY) year 2015–2016 [item 0250-101-0890], be distributed to court programs as proposed in the attached table. This report details the committee’s recommendations for funding programs in 50 courts for FY 2015–2016 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

### Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective August 21, 2015, approve the distribution of Collaborative Justice Courts Substance Abuse Focus Grants for 2015–2016 as proposed in the last column of the attached table (see Attachment C), *Allocation Summary: Fiscal Years 2014–2015 and 2015–2016*.



## **Previous Council Action**

The Judicial Council has approved the annual funding allocation for the Substance Abuse Focus Grants since FY 1998–1999. In November 2005, at the recommendation of the Collaborative Justice Courts Advisory Committee, the Judicial Council approved a Caseload-Based Funding-Level Formula for distributing the funds, as shown on the grant calculation worksheet in Attachment B. Grant funds from the federal Court Improvement Program were made available as an augmentation to the Substance Abuse Focus Grants by the U.S. Department of Health and Human Services, Administration for Children and Families in July 2014.

## **Rationale for Recommendation**

### **Substance abuse focus grant**

This year's funding authorization for the annual grants comes from a legislative mandate under California Collaborative and Drug Court Projects in the Budget Act of 2015, as referenced in item 0250-101-0001.

This recommendation distributes the funding for FY 2015–2016 in allocation amounts calculated with the same formula previously approved by the Judicial Council and used in previous years (see Attachment B). The 2015–2016 State Budget allocates \$1.16 million for these projects. This is the same level of funding that was allocated for the Collaborative Justice Courts Substance Abuse Focus Grants in FY 2014–2015.

As in previous years, grants are awarded to all proposed projects that meet the following criteria:

- Consistency with both the California Standards of Judicial Administration and the *Guiding Principles of Collaborative Justice Courts* (see Attachment A);
- Involvement of a local steering committee; and
- Fulfillment of statistical and financial reporting requirements for previous grant funding periods (if applicable).

As in previous years, courts were permitted to apply for grants for more than one project and at more than one site. The funding formula worksheet, which weighs total adjusted funding allocation, type of program, and number of individuals served by each program, follows this report as Attachment B.

The formula starts with the presumption that all projects that meet the grant criteria start with a base funding amount of \$12,000 per county. This base figure is then adjusted upward or downward to reflect the actual amount of total funding approved by the Legislature for the year and the number of court projects eligible for grants from those funds. Each project's adjusted base figure may then be augmented depending on the program's focus and the number of participants who may potentially benefit from the program. Programs that focus on treatment receive higher allocations than those that do not, in recognition of the intensive case management required in treatment court programs. Courts can also request grants for program planning, which

may include an augmentation for the estimated number of participants if the project will become operational before the end of the fiscal year. These adjustments combine to arrive at the algorithm applied against the year's total allocation to determine each program's grant award.

For the 2014–2015 fiscal year, the \$1.16 million allocation supported 155 court projects in 51 counties. The types of projects funded were adult drug courts (35), juvenile drug courts (18), dependency drug courts (19), peer and truancy courts (9), adult mental health/dual-diagnosis courts (15), juvenile mental health/dual-diagnosis courts (4), DUI courts (6), domestic violence courts (6), homeless courts (2), and veterans courts (10), as well as other collaborative justice court programs (18).

### **Dependency drug court augmentation grant**

Federal Court Improvement Program funds in the amount of up to \$75,000 have been made available to support dependency drug courts. In past years, the Judicial Council's Collaborative Justice Court's Advisory Committee (CJCAC) has made grants available through a formulaic distribution available to all eligible dependency drug courts requesting funding through the Substance Abuse Focus Grant program for the purpose of implementing, maintaining, enhancing, or expanding their dependency drug courts. As these augmentation funds are federal funds, this grant augmentation shall be administered in compliance with conditions set forth in part B of title VI of the Social Security Act (specifically, section 438B of the act: the approved state application and plan, including all assurances, approved amendments, and revisions) and with applicable federal regulations, program policies, and instructions. These funds augment the Substance Abuse Focus Grant awards.

### **Application process**

Judge Richard Vlavianos, chair of the Collaborative Justice Courts Advisory Committee, informed the presiding judges and court executive officers of the superior courts of this year's grant opportunity on July 8, 2015. Courts submitted project action plans, which staff of the Judicial Council's Center for Families, Children & the Courts reviewed to confirm that the proposed projects met the requirements of addressing substance abuse issues and adhering to the collaborative justice court principles; see Attachment A, *Guiding Principles of Collaborative Justice Courts*.

### **Comments, Alternatives Considered, and Policy Implications**

All program proposals that meet grant guidelines, including those for planning grants, are considered eligible for funding. The committee considered introducing a competitive process for determining which programs deserve awards, but rejected the idea because distributing funds to all qualified applicants by straight formula has proven to be an effective and efficient process.

### **Implementation Requirements, Costs, and Operational Impacts**

In FY 2010–2011, substance abuse focus grants changed from reimbursable to deliverable. Under the reimbursement model, courts were required to submit semiannual statistical data

reports and monthly invoices to receive reimbursement for their program costs. Under the deliverable model, courts now submit only basic program information, two progress reports, and two invoices. This change has streamlined the process for distributing funding to the courts, resulting in significant time savings for the courts and for the grant processing staff at the Judicial Council.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

This funding allocation enables interested courts to expand and enhance collaborative justice court programs that focus on improved services and outcomes for court users. The improvements introduced by these courts as a result of the grants help fulfill strategic plan Goal IV, Quality of Justice and Service to the Public, and operational plan Goal IV, Objective 1: “Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.”

### **Attachments**

1. Attachment A: *Guiding Principles of Collaborative Justice Courts*
2. Attachment B: *Caseload-Based Funding-Level Formula: Fiscal Year 2015–2016*
3. Attachment C: *Allocation Summary: Fiscal Years 2014–2015 and 2015–2016*

## **Guiding Principles of Collaborative Justice Courts**

Using the National Drug Court Institute's 10 key components of drug courts as a model, the Collaborative Justice Courts Advisory Committee identified 11 essential components as the guiding principles of collaborative justice courts:

1. Integrate services with justice system processing;
2. Achieve the desired goals without the use of the traditional adversarial process;
3. Intervene early and promptly to place participants in the collaborative justice court program;
4. Provide access to a continuum of services, including treatment and rehabilitation services;
5. Use a coordinated strategy that governs the court's response to participant compliance, using a system of sanctions and incentives to foster compliance;
6. Use ongoing judicial interaction with each collaborative justice court participant;
7. Use monitoring and evaluation to measure the achievement of program goals and gauge effectiveness;
8. Ensure continuing interdisciplinary education;
9. Forge partnerships among collaborative justice courts, public agencies, and community-based organizations to increase the availability of services;
10. Enhance the program's effectiveness and generate local support; and
11. Emphasize team and individual commitments to cultural competency.

**Caseload-Based Funding-Level Formula:  
2015–2016 Judicial Council Collaborative Justice Courts Substance Abuse Focus Grant Program**

**FUNDING CALCULATION TABLE**

Program Focus Category	Base Amount	Number of Total Program(s) Participants						Enhancement	
		5–19	20–49	50–99	100–199	200–499	500+	10–24	25+
Treatment Court	\$12,000	\$0	\$4,000	\$8,000	\$12,000	\$20,000	\$30,000	\$2,000	\$3,000
Education / Nontreatment Program	\$12,000	\$0	\$2,000	\$4,000	\$6,000	\$10,000	\$15,000	\$1,000	\$2,000

**INSTRUCTIONS**

1. **Program Focus Category:** Identify whether the primary focus of the program is on treatment or education.

2. **Base Amount:** Minimum base program funding level. Only one base amount can be included in funding calculation.

3. **Number of Total Program(s) Participants:** Number of total participants that will be directly served by the grant program for FY 15–16.

- Find the number range of participants for your program.
- Match it with the appropriate Program Focus Category. **Note:** For treatment-focused programs, include all participants enrolled in the program, not just the participants receiving a particular level or kind of treatment.
- Add the matching funding amount to the Base Amount—**this is your maximum funding level.**

\* **Example:** \$12,000 (Base) + \$12,000 (Treatment Court Focus with 125 program participants) = \$24,000 eligible maximum funding level.

4. **Enhancement:** For court program(s) that will increase the maximum number of participants they can serve to be larger than their FY 14–15 program capacity.  
A minimum of 10 additional participants is required for enhancement funding.

\* **Example:** \$12,000 (Base) + \$12,000 (Treatment Court Focus w/ 125 program participants) + \$2,000 (increase in program capacity from previous year by 15 additional participants) = \$26,000 eligible maximum funding level.

**CALCULATION TOOL**

<b>5. Court Calculation</b>	<b>Base</b>	<b>Treatment</b>	<b>Nontreat</b>	<b>Enhance</b>	<b>Maximum Funding Level</b>
Enter numbers here:	\$12,000	\$0	\$0	\$0	\$12,000
	<b>Total</b>				

**Note:** This tool is provided to assist courts in calculating the appropriate level of funding to request. Actual award amounts will be based upon the number of courts applying and the total allocation available in the 2015 California State Budget.

**Allocation Summary: Fiscal Years 2014–2015 and 2015–2016****Collaborative Justice Project—Substance Abuse Focus Grant and Dependency Drug Court Augmentation Awards (by Court)**

	County	FY 14-15 Final SAFG Funding Allocation	FY 14-15 Dependency Drug Court Augmentation Allocation	FY 14-15 Total Allocation (SAFG + DDC)	FY 15-16 Allocation Based on Formula	FY 15-16 Final SAFG Funding Allocation <sup>1</sup>	FY 15-16 Dependency Drug Court Augmentation Allocation <sup>2</sup>	FY 15-16 Total Allocation (SAFG + DDC)
1.	Alameda	\$24,855	\$1,172	\$26,027	\$35,000	\$29,304	\$3,934	\$33,238
2.	Amador	\$14,432		\$14,432	\$14,000	\$12,000		\$12,000
3.	Butte	\$25,657		\$25,657	\$32,000	\$26,792		\$26,792
4.	Calaveras	\$12,000		\$12,000	\$12,000	\$12,000		\$12,000
5.	Contra Costa	\$23,251		\$23,251	\$27,000	\$22,606		\$22,606
6.	Del Norte	\$19,242		\$19,242	\$20,000	\$16,745		\$16,745
7.	El Dorado	\$16,035	\$469	\$16,504	\$20,000	\$16,745		\$16,745
8.	Fresno	\$36,080	\$703	\$36,783	\$45,000	\$37,675	\$1,230	\$38,905
9.	Glenn	\$19,242		\$19,242	\$24,000	\$20,094		\$20,094
10.	Humboldt	\$14,432		\$14,432	\$18,000	\$15,070		\$15,070
11.	Inyo	\$12,000		\$12,000	\$12,000	\$12,000		\$12,000
12.	Kern	\$33,674		\$33,674	\$20,000	\$16,745		\$16,745
13.	Kings	\$16,035		\$16,035	\$20,000	\$16,745		\$16,745
14.	Lake	\$12,000		\$12,000	\$12,000	\$12,000		\$12,000
15.	Lassen	\$15,234		\$15,234	\$29,000	\$24,280		\$24,280
16.	Los Angeles	\$36,080	\$7,812	\$43,892	\$41,000	\$34,328	\$7,377	\$41,705
17.	Madera	\$19,242		\$19,242	\$24,000	\$20,094		\$20,094
18.	Marin	\$18,441		\$18,441	\$16,000	\$13,396		\$13,396
19.	Mendocino	\$19,242	\$2,539	\$21,781	\$26,000	\$21,768	\$3,197	\$24,965
20.	Merced	\$12,000		\$12,000	\$12,000	\$12,000		\$12,000
21.	Modoc	\$12,828	\$391	\$13,219	\$16,000	\$13,396	\$393	\$13,789
22.	Monterey	\$36,080		\$36,080	\$45,000	\$37,675		\$37,675
23.	Napa <sup>3</sup>	\$19,242	\$2,344	\$21,586				
24.	Nevada	\$19,242		\$19,242	\$24,000	\$20,094		\$20,094

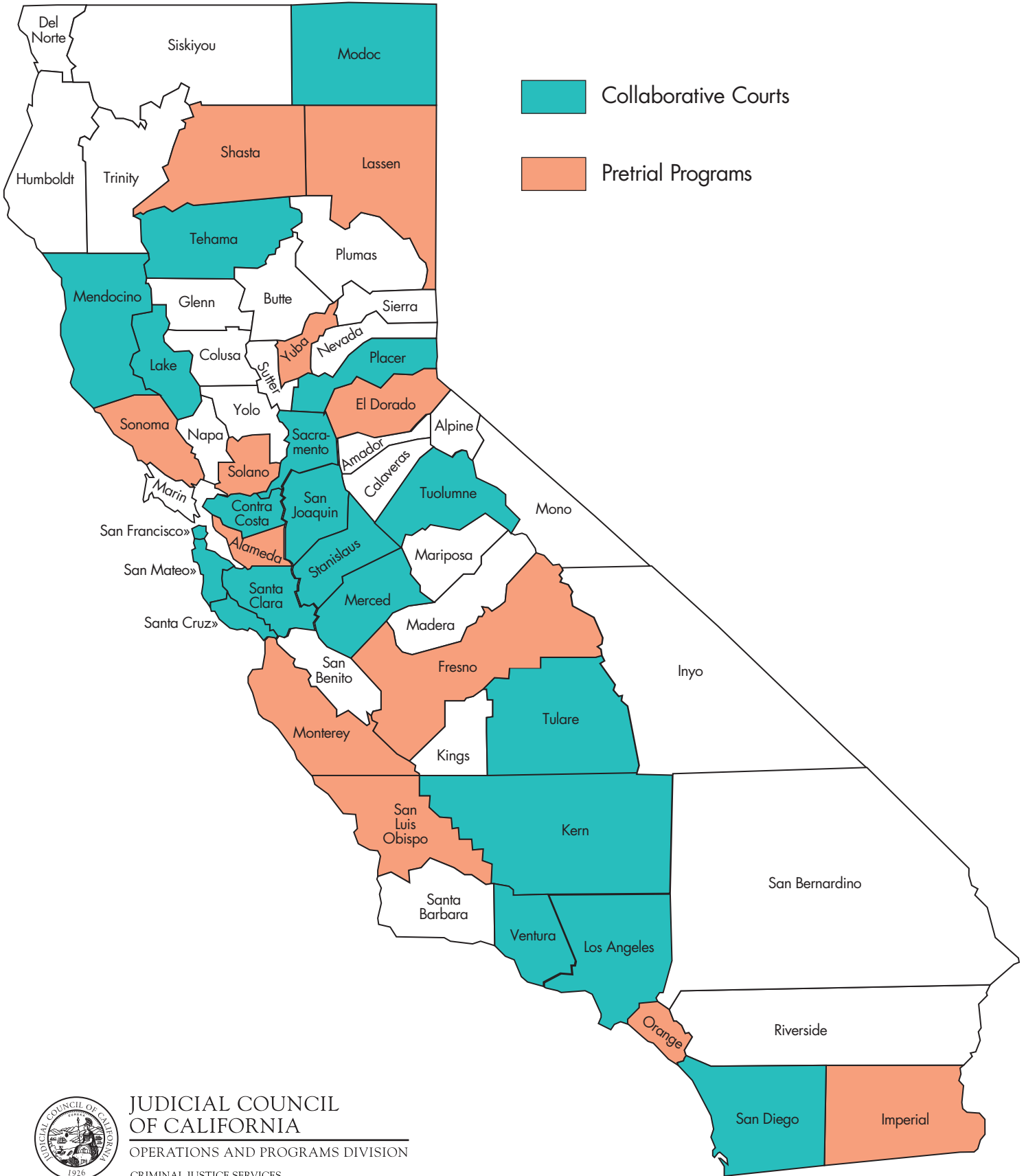
<sup>1</sup> The maximum SAFG grant award is capped at \$45,000. To match the projected state allocation, the maximum allowable funding amount based on formula was adjusted downward by approximately 18% percent. The courts which requested less than the base amount or their maximum funding amount are not adjusted downward.

<sup>2</sup> Dependency Drug Court augmentation funds were allocated based on number of participants at the rate of approximately \$49.18 per person.

<sup>3</sup> The Superior Court of California, County of Placer did not apply for funding in fiscal year 2014–2015, but has applied in fiscal year 2015–2016. The Superior Court of California, Counties of Napa and Riverside did not apply for fiscal year 2015–2016.

	County	FY 14-15 Final SAFG Funding Allocation	FY 14-15 Dependency Drug Court Augmentation Allocation	FY 14-15 Total Allocation (SAFG + DDC)	FY 15-16 Allocation Based on Formula	FY 15-16 Final SAFG Funding Allocation <sup>1</sup>	FY 15-16 Dependency Drug Court Augmentation Allocation <sup>2</sup>	FY 15-16 Total Allocation (SAFG + DDC)
25.	Orange	\$33,674		\$33,674	\$42,000	\$35,165		\$35,165
26.	Placer <sup>3</sup>				\$16,000	\$13,396		\$13,396
27.	Plumas	\$20,846		\$20,846	\$29,000	\$24,280		\$24,280
28.	Riverside <sup>3</sup>	\$28,062	\$13,672	\$41,734				
29.	Sacramento	\$33,674	\$9,375	\$43,049	\$42,000	\$35,165	\$11,803	\$46,968
30.	San Bernardino	\$33,674		\$33,674	\$42,000	\$35,165		\$35,165
31.	San Diego	\$33,674		\$33,674	\$42,000	\$35,165		\$35,165
32.	San Francisco	\$36,080	\$1,953	\$38,033	\$44,500	\$37,256	\$2,705	\$39,961
33.	San Joaquin	\$36,080	\$17,578	\$53,658	\$45,000	\$37,675	\$20,656	\$58,331
34.	San Luis Obispo	\$25,657	\$2,930	\$28,587	\$32,000	\$26,792	\$3,689	\$30,481
35.	San Mateo	\$25,657		\$25,657	\$32,000	\$26,792		\$26,792
36.	Santa Barbara	\$35,278		\$35,278	\$44,000	\$36,840		\$36,840
37.	Santa Clara	\$27,260	\$4,687	\$31,947	\$35,000	\$29,304	\$8,361	\$37,665
38.	Santa Cruz	\$36,080		\$36,080	\$45,000	\$37,675		\$37,675
39.	Shasta	\$22,450		\$22,450	\$24,000	\$20,094		\$20,094
40.	Sierra	\$12,000		\$12,000	\$12,000	\$12,000		\$12,000
41.	Siskiyou	\$19,242	\$1,953	\$21,195	\$20,000	\$16,745	\$1,475	\$18,220
42.	Solano	\$33,674	\$1,953	\$35,627	\$41,000	\$34,328	\$2,459	\$36,787
43.	Sonoma	\$36,080	\$1,563	\$37,643	\$45,000	\$37,675	\$1,967	\$39,642
44.	Stanislaus	\$16,035		\$16,035	\$24,000	\$20,094	\$836	\$20,930
45.	Sutter	\$12,828		\$12,828	\$22,000	\$18,419		\$18,419
46.	Tehama	\$19,242	\$586	\$19,828	\$24,000	\$20,094	\$738	\$20,832
47.	Trinity	\$12,028		\$12,027	\$15,000	\$12,558		\$12,558
48.	Tulare	\$12,828		\$12,828	\$20,000	\$16,745		\$16,745
49.	Tuolumne	\$16,035	\$1,953	\$17,988	\$20,000	\$16,745	\$2,459	\$19,204
50.	Ventura	\$25,657	\$1,367	\$27,024	\$32,000	\$26,792	\$1,721	\$28,513
51.	Yolo	\$12,000		\$12,000	\$18,000	\$15,070		\$15,070
52.	Yuba	\$17,639		\$17,639	\$22,000	\$18,419		\$18,419
	<b>Total</b>	<b>\$1,160,000</b>	<b>\$75,000</b>	<b>\$1,235,000</b>	<b>\$1,373,500</b>	<b>\$1,160,000</b>	<b>\$75,000</b>	<b>\$1,235,000</b>

# 2015–2017 RECIDIVISM REDUCTION FUND GRANTEES



JUDICIAL COUNCIL  
OF CALIFORNIA  
OPERATIONS AND PROGRAMS DIVISION  
CRIMINAL JUSTICE SERVICES