



JUDICIAL COUNCIL OF CALIFORNIA

FAMILY AND JUVENILE LAW
ADVISORY COMMITTEE

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FAMILY AND JUVENILE LAW ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

July 18, 2022
4:30 - 5:30 p.m.

Advisory Body Members Present: Hon. Charles F. Adams, Hon. Craig E. Arthur, Hon. Bunmi O. Awoniyi, Hon. John P. Bianco, Dr. Gena Castro Rodriguez, Hon. Tari L. Cody, Hon. Ana L. España, Hon. Suzan M. Gill, Mx. Cody Hernandez, Mr. Jonathan Laba, Ms. Sharon Lawrence, Hon. Frank J. Menetrez, Ms. Melissa J. Poulos, Hon. Lawrence P. Riff, Hon. Nannette J. Stomberg, Ms. Shannon Sullivan.

Advisory Body Members Absent: Hon. Stephanie E. Hulse, Hon. Amy M. Pellman, Dr. Baljit Atwal, Ms. Kristen Erickson-Donadee, Ms. Katherine Fogarty, Hon. Suzanne Gazzaniga, Hon. Jennifer Lee Giuliani, Hon. Donna L. Quigley Groman, Ms. Stephanie M. Hansel, Ms. Leslie Heimov, Ms. Joan Miller, Hon. Laura H. Miller, Hon. Annemarie G. Pace, Ms. Sherry Peterson, Mr. Brian J. Richart, Ms. Cheryl Scott, Ms. Nancy E. Smith, Hon. B. Scott Thomsen.

Others Present: Ms. Diana Glick, Ms. Audrey Fancy, Mr. John Henzl, Ms. Tracy Kenny, Ms. Andi Liebenbaum, Ms. Kelly Mehleib, Ms. Sarah Saria, Ms. Marymichael Smrdeli, Mr. Don Will.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:37 p.m. and took roll call.

DISCUSSION AND ACTION ITEMS

Item 1

Juvenile Law: Fiscal Year 2022–23 Funding Allocations for California Court Appointed Special Advocate Association (Action Required)

The Family and Juvenile Law Advisory Committee met to consider recommendations to the Judicial Council on the allocation of \$20 million in Court Appointed Special Advocate (CASA) program grant funding, included in the Budget Act of 2022, to the California Court Appointed Special Advocate Association for fiscal year (FY) 2022–23. The Budget Act directs the Judicial Council to allocate this funding directly to the California CASA Association, and provides discretion to the California CASA Association on the allocation of funding to local CASA programs. Kelly Meehleib, Supervising Analyst with the Judicial Council's Center for Families, Children and the Courts provided an overview of the funding;

Ms. Sharon Lawrence, Chief Executive Officer of the California CASA Association provided additional information about implementation plans; and the committee was provided an opportunity to ask questions and provide feedback. The committee asked which counties have the most need. Ms. Lawrence identified Los Angeles, San Bernardino, Riverside, Orange and Sacramento as the top five counties. The committee also asked whether any funding would be used for CASAs for juvenile justice cases. Ms. Lawrence clarified that the budget does not restrict funding to child welfare.

Action:

The committee considered and approved the recommendations detailed in the draft Judicial Council Report – Juvenile Law: Fiscal Year 2022–23 Funding Allocation for California Court Appointed Special Advocate Association.

Sharon Lawrence abstained from voting.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 4:54 p.m.

Pending approval by the advisory body on August 15, 2022.

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT [ITC prefix as assigned]-__

Title

Juvenile Law: Secure Youth Treatment
Facility Offense Based Classification Matrix

Action Requested

Review and submit comments by TBD

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 5.806

Proposed Effective Date

July 1, 2023

Proposed by

Family and Juvenile Law Advisory
Committee

Hon. Stephanie E. Hulse, Cochair

Hon. Amy M. Pellman, Cochair

Contact

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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes that the Judicial Council adopt a rule of court to implement Welfare and Institutions Code section 875(h), which requires the council to develop and adopt a matrix of offense-based classifications to be used by all juvenile courts when setting baseline terms for youth committed to a Secure Youth Treatment Facility (SYTF) disposition. The statute calls for the matrix to assign a baseline term of years to each offense for which a youth can be committed to an SYTF. The offenses are to be grouped into offense categories that are linked to a standard baseline term of years for each offense category. The statute was recently amended to allow the standard term to be a range of years as designated by the council. The proposed matrix in the rule would include four total offense categories, and each category is assigned a range of years as the standard baseline term. To assist the court in determining a baseline term for each youth within the range, the rule sets forth criteria for the court to weigh in making its decision.

Background

Realignment of the Division of Juvenile Justice

In 2020, the Governor and the Legislature reached agreement on a framework to close the Division of Juvenile Justice (DJJ) and reallocate funding to counties to allow them to meet the needs of youth who would previously have been committed to the DJJ in local or regional programs. The details of this framework were spelled out in detail in Senate Bill 92 (Stats. 2021,

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

ch. 18), which was enacted in May of 2021. Senate Bill 92 adds a new article, Secure Youth Treatment Facilities, to the Welfare and Institutions Code which sets forth a new dispositional option for juveniles ages 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense and for whom a less restrictive alternative disposition is unsuitable. If a court commits a youth to an SYTF disposition, it must set a baseline term of commitment that must “represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community.”¹ This term is to be based on an offense-based classification matrix to be developed and adopted by the Judicial Council by July 1, 2023. In the interim, the baseline term is governed by the discharge consideration guidelines that apply to the DJJ, which can be found in California Code of Regulations, title 9, sections 30807 through 30813.

SYTF Offense-Based Classification Matrix Working Group

Senate Bill 92 specified that in developing the matrix, the council would be advised by a working group of stakeholders to include “representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system.”² To fulfill this requirement, the Judicial Council’s Family and Juvenile Law Advisory Committee established a subcommittee to perform this task, and solicited nominations from the public. On November 2, 2021, the Chief Justice appointed the members of the SYTF Offense-Based Classification Matrix Working Group (hereafter the working group) and they began meeting in mid-December of 2021.³

The statute directed that the council take into account the following in its development process: “youth sentencing and length-of-stay guidelines or practices adopted by other states or recommended by organizations, academic institutions, or individuals having expertise or having conducted relevant research on dispositions and sentencing of youth in the juvenile justice system.”⁴ The working group held numerous meetings ensuring that it was informed by all of these sources before beginning work in earnest on developing the proposed matrix, hearing from another state juvenile justice agency that recently implemented a similar matrix after conducting a review of their data, a professor with expertise on length of stay and juvenile recidivism, as well as from leadership at the DJJ and from California probation departments. The working group also discussed how the proposed matrix relates to the goals, structure and implementation of the 2020-21 DJJ realignment legislation including the potential impact of the matrix on

¹ Welf. & Inst. Code, § 875(b).

² Welf. & Inst. Code, § 875(h)(1).

³ Secure Youth Treatment Facility Offense-Based Classification Matrix Working Group Roster at <https://www.courts.ca.gov/documents/SYTF-Roster-external.pdf>

⁴ Welf. & Inst. Code, § 875(h)(1).

prosecutor decisions to maintain juvenile jurisdiction under the SYTF sentencing structure or to pursue transfer of the case to adult criminal court.

After the information-gathering phase was completed, the working group proceeded with the development of the matrix itself, beginning with a set of objectives designed to guide the rest of the process. The working group settled on three primary objectives for the matrix, as well as the following explanations of those objectives:

Positive Youth Development

A primary objective of a commitment to an SYTF must be an evidence-based and trauma-responsive effort to promote healthy adolescent development by providing positive incentives for long-term prosocial behavior, and targeting the treatment needs of the youth to ensure healing and rehabilitation. The ultimate goal of an SYTF commitment is to provide an enduring foundation to support successful reentry into the community, emphasizing family and community connections with extended support at the time of release from the SYTF.⁵

Public and Community Safety

An SYTF commitment is only permissible when community safety and rehabilitation of the youth cannot be accomplished with a less restrictive disposition; thus, protecting the public and the community is a central objective of the matrix. To accomplish this goal, use of the matrix helps ensure that the term of commitment is no longer than necessary to protect the public, by working to prevent the likelihood that the youth will reoffend, but is of sufficient length to assure the victim and the community that the harm committed can be redressed by the juvenile justice system in a developmentally appropriate manner and thus reduce the need for the youth to be transferred to criminal court.

Flexible and Fair Terms of Commitment

A baseline term should be based on the needs of the individual being committed, and not simply the seriousness of the offense for which the youth was adjudicated. Evidence demonstrates that recidivism is more highly correlated with the extent to which the treatment offered by the juvenile justice system can address the unique strengths and needs of individual youth, rather than the nature of the offense. The matrix provides flexibility for the court and positive incentives for the youth to reduce the baseline term. This flexibility is intended to meet the statutory mandate “to represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community.”⁶ This individualized approach must be balanced with the goal of the fair and just application of

⁵ The committee acknowledges that many counties are using juvenile hall facilities as SYTF's, but the issue of whether or not a particular juvenile facility does or does not support positive youth development is outside the scope of the charge given to this committee.

⁶ Welf. & Inst. Code, § 875(b).

the matrix across California jurisdictions and an awareness that racial and ethnic disproportionality has been a failing of our juvenile justice system that all stakeholders must seek to remedy at each decision point.⁷

With these objectives in mind, the working group held a series of meetings, informed by a series of surveys of working group members, to determine the number of categories needed, assign each of the 707(b) offenses to those categories, and then assign the baseline term range to the category. The working group reached consensus early on that it would be preferable to provide the court with a range of years from which a baseline term could be selected to ensure that the key matrix objectives could be achieved. In addition, the working group reached consensus that implementing such an approach would require the court to exercise some structured discretion in selecting the baseline term, and thus the proposed rule sets forth some basic criteria to be evaluated by the court in setting the term.

The Proposal

The Family and Juvenile Law Advisory Committee proposes the adoption of a new rule of court, rule 5.806, to include the statutorily required matrix and to guide the court in applying the matrix to set a baseline term for any youth committed to an SYTF disposition.

Setting the baseline term

The proposed rule directs the court when setting the baseline term to apply the range set forth in the matrix for the category under which the commitment offense falls and then to assign a specific term to each youth based on the court's review and consideration of four criteria. An analysis of these criteria will provide a basis for the court to more effectively accomplish the statutorily mandated goal that the term "represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community."⁸ To assist the court in applying the criteria, the rule includes a set of non-exclusive factors that the court may take into consideration in its review of each criterion.

Circumstances and gravity of the offense

The first criterion for the court to evaluate is the specific facts of the offense that resulted in the youth's commitment to the SYTF. Unlike the DJJ regulations that currently govern the expected length of stay in an SYTF, the proposed matrix does not put the same offense in different categories depending on the facts of the offense (e.g., whether a firearm was used or the degree of harm to the victim). Instead, the breadth of the ranges allows the court to look at all of the specific offense factors in assessing the gravity of the offense in relationship to the appropriate baseline term. Specific proposed factors that the court is encouraged to consider include the

⁷ The committee notes that these objectives which the matrix is designed to advance cannot be accomplished for youth committed to an SYTF by the matrix alone.

⁸ Welf. & Inst. Code, § 875(b).

severity of the offense, the extent of harm to the victims, the role of the youth and any co-participants, and any exculpatory circumstances.

Youth’s history in the juvenile justice system

SYTF commitments are reserved for youth who were at least 14 when the offense was committed and who cannot be served in a less restrictive setting. Typically, such youth have prior history in the juvenile justice system and have continued to commit law violations despite less restrictive interventions. This criterion directs the court to evaluate any such prior history and suggests that it weigh factors including prior offense history, the success of prior rehabilitative efforts, and the environmental and family system factors that may have influenced the youth’s prior involvement in the juvenile justice system.

Confinement time necessary to rehabilitate the youth

This criterion directly reflects the statutory language on the baseline term and ensures that the commitment is focused on the individual rehabilitation of the youth. The factors that the court should focus on include the programming that the youth has already received as well as what programming the court anticipates the youth will need in the SYTF, as well as the youth’s specific circumstances and characteristics that may influence the time needed to be rehabilitated, such as specific mental health or substance abuse needs or being pregnant or currently parenting a child.

Youth’s developmental history

This criterion calls on the court to consider the maturity of the youth as well as their exposure to trauma (including involvement in the child welfare system) and its impact on the youth’s development and maturity. This criterion takes into account the significant role that developmental immaturity plays in influencing antisocial behavior in youth and the objective that the SYTF promote prosocial positive youth development as the key factor in preventing recidivism when the youth is returned to the community.

Adjusting the baseline term at the progress review hearings

Welfare and Institutions Code section 875 provides that the court review the progress of each youth committed to an SYTF at least every six months, and that at each hearing the court may reduce the youth’s baseline term by up to six months. The statute also provides that the matrix may provide for positive incentives for youth. The proposed rule would incorporate positive incentives into this progress review process by requiring the probation agency to track the youth’s positive behavior in a systematic way and to report on those results at the progress review hearing, as well as to make a recommendation to the court on any reduction in the baseline term that should be ordered based on the youth’s behavior. The working group proposed this approach to positive incentives because it incorporates the evidence-based practice of positive behavioral incentives in a manner that allows each SYTF program the flexibility needed to implement a specific behavioral incentive structure.

The offense-based classification matrix

Subdivision (d) of the proposed rule contains the matrix that is required by the statute. It divides the 30 listed offenses in Welfare and Institutions Code section 707(b) into four categories, A through D, and assigns each category a range of baseline terms from which the court can select a specific term for each commitment. Category A contains only murder, for which the range of baseline terms is 4 to 7 years. Thus, for a youth committed to an SYTF for murder, the court would need to select a baseline term of at least 4 and no more than 7 years. Category B contains the most serious sex offenses, the kidnapping offenses, attempted murder and voluntary manslaughter, as well as mayhem and torture, and has a range of 3 to 5 years. Category C contains many of the most commonly adjudicated 707(b) offenses including arson, robbery, serious assaults, and carjacking and has a range of 2 to 4 years. Category D has only two offenses, the one controlled substance offense in section 707(b) and witness intimidation and has a range of 1 to 2 years.

The committee intentionally created ranges with some overlap in recognition of the great variety of variables and factors present for each youth and their committing offenses. The proposed matrix ensures that there will be adequate time to provide rehabilitative services to the youth and protect community safety, while also providing ample opportunities for the youth to demonstrate positive development and to have the baseline term reduced at the six-month progress review hearings. Offenses were grouped based on their underlying severity as well as an estimate of the level of programming needed to address the behavior, with the ranges providing a level of flexibility that ensures that the matrix can be applied to each youth fairly, taking into account their specific needs and the risks that they pose to the community.

Advisory committee comment

The committee has included an advisory committee comment that sets forth a summary of the objectives for the matrix that the working group developed to guide its work. The committee is including the comment to provide additional context to courts when selecting a baseline term that reminds the court of the objectives that the matrix—and the baseline terms that it generates—are designed to achieve.

Alternatives Considered

Development of a dispositional matrix for juvenile commitments is a novel task for California. There were few comparable models from other states, so the working group spent considerable time discussing alternative approaches to this proposal. One of the threshold issues was whether the matrix should provide for just one baseline term for each category, like the current regulations that apply to DJJ commitments, or if more flexibility was preferred. The working group had strong consensus that a more flexible approach is best suited to address individual case circumstances and to determine the appropriate baseline term for each youth. This was seen as preferable to applying a fixed term of years for each offense category subject to deviations up or down. The working group had some concern that the range, while optimal to accomplish the objectives of the matrix, might run afoul of the statutory language in section 875(h), and was

happy to see that language amended in recent legislation to expressly authorize the use of ranges in the matrix.⁹

Similarly, the working group considered adopting risk and needs assessments into the matrix to provide for longer terms for higher risk youth and lower terms for those with lower risk scores. However, the working group concluded that too many measures of risk and need reinforce racial and ethnic biases and disparities, and that it would be unworkable to require all courts and probation agencies to use one risk assessment tool. Thus, the working group opted instead to require the court to consider the factors in each case when selecting the baseline term for each youth and to articulate its analysis on the record to promote transparency and prevent bias.

The working group also considered whether the matrix should include credits for time served as authorized in the statute but concluded that a separate credit system was not necessary because under current law, pre-commitment confinement time must already be credited against the youth's maximum confinement time. Additionally, the proposed criteria for selecting a term of years within a category range permits the judge to take into account the amount of time the youth has already spent in custody. The working group was mindful that in some cases, youth spend excessive time in pre-disposition detention such that they may be subject to extended time in secure confinement, but noted that recent trailer bill clarifications expressly authorize the court to set a maximum confinement time that is less than the statutorily allowable maximum, and that this provision provides a safety valve to prevent excessive confinement without including day-for-day credits against the baseline term for pre-disposition detention time.

Fiscal and Operational Impacts

Implementation of SB 92 will create new costs, primarily derived from the legislation rather than the matrix. Judges, probation agencies, prosecutors, and defense counsel will need to be trained on the structure and requirements of the proposed rule and matrix. Case management systems may need to be modified to track relevant information. Probation agencies will need to ensure that they are tracking the positive behavior of the youth committed to their SYTF programs and can collect needed information to make a recommendation to the court at each progress review hearing on reductions that should be made to the baseline term as a reward for positive behavior.

⁹ Assem. Bill 200 (Committee on Budget; Stats. 2022, ch. 58).

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?
- Given that Welfare and Institutions section 875 directs that the matrix reflect the expertise of the following stakeholders: “representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system” the committee is particularly interested in hearing from those stakeholders regarding the extent to which the matrix would further the goals of the juvenile justice realignment legislation, and if it does not, how it might be revised?

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 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

Attachments and Links

1. Cal. Rules of Court, rule 5.806, at pages 9–13
2. Link A: Secure Youth Treatment Facility Offense-Based Classification Matrix Working Group Roster
<https://www.courts.ca.gov/documents/SYTF-Roster-external.pdf>
3. Link B: Welfare and Institutions Code section 875,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=875.&lawCode=WIC

Rule 5.806 of the California Rules of Court would be adopted, effective July 1, 2023, to read:

1 **Rule 5.806. Secure youth treatment facility baseline term**
2

3 **(a) Category for baseline term based on most serious recent offense**
4

5 If the court orders the youth committed to a secure youth treatment facility, the
6 court must set a baseline term of months, years, or months and years falling within
7 the range for the offense category based on the most serious recent offense that is
8 the basis for the youth’s commitment to the secure youth treatment facility as
9 provided in the matrix contained in (d) of this rule.
10

11 **(b) Selecting the baseline term with the range for the offense category**
12

13 The baseline term must be set by the court based on the individual facts and
14 circumstances of the case. In its selection of the individual baseline term, the court
15 must review and consider each of the following criteria listed in paragraphs 1
16 through 4. When evaluating each of the criteria, the court may give weight to any
17 relevant factor including but not limited to the factors listed below. The court must
18 state its reasons for selecting a particular term on the record, referencing each of the
19 criteria, and any factors the court deemed relevant.
20

21 (1) *The circumstances and gravity of the commitment offense.*
22

- 23 (A) The severity and statutory degree of the offense for which the youth has
24 been committed to the secure youth treatment facility;
25
26 (B) The extent of harm to victims occurring as a result of the offense;
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28 (C) The role and behavior of the youth in the commission of the offense;
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30 (D) The role of co-participants or victims in relation to the offense; and
31
32 (E) Any exculpatory circumstances related to the commission of the
33 offense including peer influence, immaturity or developmental delays,
34 mental or physical impairment, or drug or alcohol impairment.
35

36 (2) *The youth’s prior history in the juvenile justice system.*
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- 38 (A) The youth’s offense and commitment history;
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40 (B) The success of prior efforts to rehabilitate the youth; and
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(C) The effects of the youth’s family, community environment, and childhood trauma on the youth’s previous behavior that resulted in contact with the juvenile justice system.

(3) *The confinement time considered reasonable and necessary to achieve the rehabilitation of the youth.*

(A) The amount of time the youth has already spent in custody for the current offense and any progress made by the youth in programming and development;

(B) The capacity of the secure youth treatment facility to provide suitable treatment and education for the youth;

(C) Special needs the youth may have in relation to mental health, intellectual development, academic or learning disability, substance use recovery, and other special needs that must be addressed during the term of confinement;

(D) Whether the youth is pregnant, is a parent, or is a primary caregiver for children; and

(E) The availability of programs and services in the community to which the youth may be transitioned from secure commitment to less restrictive alternatives.

(4) *The youth’s developmental history.*

(A) The age and overall maturity of the youth;

(B) Developmental challenges the youth may have in relation to mental health, intellectual capacity, educational progress or learning disability, or other developmental deficits including specific medical or health challenges;

(C) The youth’s child welfare and foster care history including abandonment or abuse by parents or caregivers or the incarceration of parents;

(D) Harmful childhood experiences including trauma and exposure to domestic or community violence, poverty, and other harmful experiences; and

(E) Discrimination experienced by the ward based on gender, race, ethnicity, sexual orientation, or other factors

(c) Adjusting the baseline term at review hearings

As provided in Welfare and Institutions Code section 875(e)(1), the court must review the progress of a youth committed to a secure youth treatment facility at least every six months, and may modify the baseline term downward by up to six months at each hearing. To provide an incentive for each youth to engage productively with the individual rehabilitation plan approved by the court under section 875(b)(1), each probation department operating a secure youth treatment facility must implement a system to track the positive behavior of the youth in a regular and systematic way and report to the court at every progress hearing on the youth’s positive behavior, including a recommendation to the court on any downward adjustment that should be made to the baseline term in recognition of the youth’s positive behavior and development. In developing this recommendation, the probation department must consult with all other agencies or entities providing services to the youth.

(d) Secure youth treatment facility offense-based classification matrix

The court must select a baseline term within the range set for the category that has been assigned to the Welfare and Institutions Code section 707(b) commitment offense as provided in this matrix:

Category	Offense (Listed with reference to paragraph within section 707(b))	Term
A	(1) Murder	4 to 7 years
B	(4) Rape with force, violence, or threat of great bodily harm. (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm. (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm. (8) An offense specified in Penal Code section 289(a) . (9) Kidnapping for ransom. (10) Kidnapping for purposes of robbery. (11) Kidnapping with bodily harm. (12) Attempted murder. (23) Torture, as described in Penal Code sections 206 and 206.1 . (24) Aggravated mayhem, as described in Penal Code section 205 . (26) Kidnapping for purposes of sexual assault, as punishable in Penal Code section 209(b) . (27) Kidnapping, as punishable in Penal Code section 209.5 .	3 to 5 years

	(29) The offense described in Penal Code section 18745 . (30) Voluntary manslaughter, as described in Penal Code section 192(a) .	
C	(2) Arson, as provided in Penal Code section 451(a) or (b). (3) Robbery. (6) A lewd or lascivious act, as provided in Penal Code section 288(b) . (13) Assault with a firearm or destructive device. (14) Assault by any means of force likely to produce great bodily injury. (15) Discharge of a firearm into an inhabited or occupied building. (16) An offense described in Penal Code section 1203.09 . (17) An offense described in Penal Code section 12022.5 or 12022.53 . (18) A felony offense in which the minor personally used a weapon described in any provision listed in Penal Code section 16590 . (21) A violent felony, as defined in Penal Code section 667.5 that also would constitute a felony violation of Penal Code section 186.22(b) . (22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of Penal Code section 871(b) if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape. (25) Carjacking, as described in Penal Code section 215 , while armed with a dangerous or deadly weapon. (28) The offense described in Penal Code section 26100(c) .	2 to 4 years
D	(19) A felony offense described in Penal Code section 136.1 or 137 . (20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in Health and Safety Code section 11055(e) .	1 to 2 years

Advisory Committee Comment

In developing the matrix for baseline terms required by Welfare and Institutions Code section 875, the committee sought to accomplish three primary goals that should serve as objectives for the court when setting a baseline term: positive youth development, public and community safety, and the establishment of flexible and fair commitment terms. A primary objective of a commitment to a secure youth treatment facility must be an evidence-based and trauma-responsive effort to promote healthy adolescent development. This objective will be achieved by

1 providing positive incentives for prosocial behavior, focusing on the treatment needs of the youth
2 to ensure healing and rehabilitation, and with a persistent focus on the end goal of successful
3 reentry into the community. The flexibility inherent in the matrix is intended to result in a
4 baseline term of commitment that is no longer than necessary to protect the public but is of
5 sufficient length to assure the victim and the community that the harm committed can be
6 redressed by the juvenile justice system in a developmentally appropriate manner and thus reduce
7 the need for youth to be transferred to criminal court. A baseline term should be based on the
8 needs of the individual being committed and not simply the seriousness of the offense for which
9 the youth was adjudicated. This individualized approach must be balanced with the goal of the
10 fair and just application of the matrix across California jurisdictions and an awareness that racial
11 and ethnic disproportionality has been a failing of our juvenile justice system that all stakeholders
12 must seek to remedy at each decision point.

DRAFT