

# Lack Of Facilities and Programs for Juvenile 601 Offenders in Ventura County

## Background

During visits to detention facilities and law enforcement agencies, the Grand Jury became aware of the problems facing the juvenile judicial system law enforcement agencies and the Ventura County Probation Agency regarding the handling and placement of Section (§)601 status offenders of the California Welfare and Institution Code (WIC).

A §601 WIC status offender is an individual under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper order or directions of his or her parent(s) or guardian, has four or more truancies within one school year as defined in Section 48260 of the Education Code, or is in violation of curfew. While not every status offender becomes a delinquent, almost every delinquent has a history of status offenses or court dependency in their background.

A minor made a ward of the Juvenile Court, after committing one or more of these status offenses, can be charged with contempt of court after committing a further offense. This minor can be subject to confinement of no more than five days during non-school hours. According to the Ventura County Counsel, the Juvenile Court in its powers of contempt may place a minor who is a ward of the court pursuant to §601 in a secure facility provided that a number of specific findings establishing the necessity of such placement are made by the court. These findings shall include that: “(1) the juvenile is given sufficient notice to comply with the order and understands its provisions; (2) the violation of the court order is egregious; (3) less restrictive alternatives were considered and found to be ineffective; and (4) special confinement conditions are arranged which are consistent with the statutory provisions barring intermingling with delinquent minors or criminal adults.” Ventura County has not incarcerated contempt §601 cases because it has been unable to separate §601 from §602 offenders due to inadequate juvenile hall facilities.

§601.5 WIC, At Risk Youth Early Intervention Program, is an important resolution established to assess and serve families with children who have chronic behavioral problems that place the child at risk of becoming a ward of the juvenile court under §601. Ventura County has programs available, but with more and/or different programs in place, it might be possible to reduce the number of §601 cases, and future involvement with the justice system may be avoided.

§602 WIC deals with a juvenile violator of *criminal* law.

Parents have been frustrated by our present system. The Grand Jury became aware of a situation where a child was a habitual runaway for four years and no help was available through the schools, police, and juvenile system until she committed a few serious felonies and was committed as a §602 offender. The Grand Jury also received copies of letters sent to the Los Angeles County Sheriff's Vital Intervention Directional Alternatives (VIDA) from parents in Ventura County requesting a VIDA-type program in the County.

## Methodology

The Ventura County Grand Jury contacted and received information from Juvenile Superior Court Judges, the Ventura County Probation Agency Director, Director of the Ventura County Human Services Agency, Ventura County Deputy District Attorney, the Ventura County Sheriff, all the police agencies within our County and the Manager of the Ventura County Self-Help Legal Access Center. Grand Jury members also interviewed representatives from Ventura County community organizations and other counties to determine the scope of Ventura County's problem and some possible solutions.

## Findings

- F-1. Ventura County has not been incarcerating §601 contempt cases and Juvenile Judges have not been committing §601 contemnors for incarceration because Ventura County could not provide facilities to separate §601s from §602s.
- F-2. In 1976 the juvenile law changed, requiring separation of §601 offenders from §602 offenders. As a result, the juvenile court stopped incarceration of §601 cases due to lack of space. The Probation Agency does provide services to these youth and families at the Youth Services level but does not have formal programs or staff allocated for this group as they do with delinquent offenders.
- F-3. The Probation Agency Director has indicated that when the new Juvenile Justice Center is completed, it will be possible to meet the legal requirements to incarcerate §601 contempt offenders for short periods of time.
- F-4. The number of §601 youth with mental health problems is a major factor. The Probation Agency Director stated that his department was recently provided with funding from the Board of Supervisors to increase mental health services. The agency hired a psychologist and has a contract with a psychiatrist to assess cases, but cooperation and participation with the Ventura County Behavioral Health Department is required.
- F-5. The Juvenile Justice Coordinating Council (JJCC) has responsibility for setting juvenile policy and standards throughout Ventura County. The presiding Juvenile Judge and the Probation Agency Director are chairs of this committee. The JJCC includes the District Attorney, Sheriff, Public Defender, Human Services Agency Director, the Director of Behavioral Health Department, a representative from City Impact, Chief Executive Officer, a representative from the Coalition to End Domestic and Sexual Violence,

two members of the Board of Supervisors, Chief of the Oxnard Police Department, a member of the Public Health Services, a representative of the ACTION organization, citizen representative of the Juvenile Justice/Delinquency Prevention Commission and the Ventura County Superintendent of Schools.

- F-6. The Human Services Agency provides Youth Services that coordinate educational and job search opportunities for young people. These feature individualized programs for participants working with police, probation and the schools. This agency has many programs for at-risk youth in the community, some voluntary and some mandated as terms of probation.
- F-7. The Self-Help Legal Access Center established a Teen Court as a component of the Juvenile Justice System. The purpose of Teen Court is to direct minors who have not yet entered the Juvenile Justice System away from formal court while holding them accountable for their actions before a jury of their peers. Teen Court suffered last year because it was not receiving referrals from the Probation Agency.
- F-8. A deputy district attorney, involved in truancy problems and handling at-risk minors, has related the seriousness of not having contempt §601 beds available and the necessity for them in the new Juvenile Justice Complex when it will be possible to separate §601 from §602 cases.
- F-9. Following is a partial list of programs for at-risk youth with truancy problems in Ventura County:
1. The School Attendance Review Board (SARB), along with the District Attorney's Office and Probation Agency, is a community and countywide program to address severe student attendance problems.
  2. The Oxnard Police Department's award winning Student Truancy Offender Program (STOP) is a program designed to keep kids in school, promote education and reduce the opportunity for them to become victimized or engaged in criminal acts. Juveniles are processed there and their parents are notified, counseling services may be used, and the SARB and District Attorney's office for truancy mediation may be utilized.
  3. The Truancy Habits Reduced Increases Vital Education (THRIVE) program works with SARB and conducts monthly mediations, participates in teaching truancy classes, coordinates with CalWORKs, formerly known as Aid to Families with Dependent Children, incorporates job placement and vocational training services into SARBs.
- F-10. Following is a list of what other counties in California are doing to try and prevent §601 offenders from becoming §602 offenders:
1. San Diego County has §601 space in their Juvenile Hall and uses the contempt proceedings for weekend custody. They also have paralegals monitoring student school attendance. They think it is important to at least have a credible threat of incarceration to get compliance.

2. Santa Barbara County's District Attorney's office and Juvenile Probation are concerned about §601 wards that are not in compliance with court orders. Their Juvenile Court has the authority to secure non-school hours confinement of a minor previously made a ward of the court under §601 if they are later found in contempt of court. These minors are detained at Juvenile Hall and do not have contact with §602 wards.
3. Los Angeles County Sheriff's Department does not incarcerate §601 contempt cases, but their VIDA program deals with at-risk youth. This program is a structured sixteen-week non-custody youth intervention program, which is specifically designed to assist at-risk youth between 11 and 17 ½ years of age and their families. VIDA, overseen by law enforcement personnel, covers community service, physical training, behavior modification, career guidance, counseling the youth and parent(s), and drug and alcohol testing. The Grand Jury requested and received a power-point presentation about the program and visited the training area in Malibu Hills to observe that local "boot camp" portion and lecture. Grand Jury members also attended the ceremony in East Los Angeles for VIDA graduates from all of Los Angeles County.

## Conclusions

- C-1. It is imperative that the Juvenile Justice System be able to incarcerate Ventura County §601 contempt cases in the new Juvenile Justice Complex scheduled to open in 2003. (F-1)
- C-2. The Probation Agency needs more personnel assigned to adapt formal programs and staff to §601 juveniles. (F-2)
- C-3. In order to focus on the mental health aspect for at-risk youth, the Probation Agency, Human Services Agency and Behavioral Health Department must coordinate and cooperate in their efforts. (F-4)
- C-4. The County needs to coordinate and utilize its resources cooperatively among all County agencies. The JJCC is an organization that coordinates and utilizes the resources of all agencies in the County. They are excellent in establishing effective programs for at-risk juveniles because of the variety and position of individuals belonging to the organization and their theme of juvenile justice. (F-5)
- C-5. Ventura County has at-risk youth programs in different communities in the County but there are none such as VIDA for a countywide effort. It is important that a solution for at-risk youth for the whole county be developed. A "boot camp" and counseling program like VIDA is an outstanding way to accomplish this solution. (F-10, #3)
- C-6. The Teen Court is an underutilized, effective early intervention program. (F-7)

## Recommendations

- R-1. §601 incarceration should be used sparingly and with the utmost sensitivity; however in a worst-case scenario and as a deterrent, the new Juvenile

- Justice Complex must be available to incarcerate contempt §601 minors as required. (C-1)
- R-2. The Probation Agency needs to assign more personnel to deal with §601 juveniles. (C-2)
- R-3. The Behavioral Health Department and the Probation Agency must cooperate to solve the mental health aspects for at-risk youth. (C-3)
- R-4. Utilize the JJCC group to establish a countywide agency approach to handling at-risk youth. (C-4)
- R-5. Institute a protocol program by law enforcement like VIDA countywide so all at-risk youth have the same type of program available. (C-5)
- R-6. Continue the Teen Court program as an early intervention program. (C-6)

### **Responses Required**

Ventura County Probation Agency (R-1, R-2, R-3 and R-6)

Ventura County Behavioral Health Department (R-3)

Juvenile Justice Coordinating Council (R-4)

Ventura County Sheriff (R-5)

Police Departments of: (R-5)

Oxnard

Port Hueneme

Santa Paula

Simi Valley

Ventura

Ventura County Board of Supervisors (R-5)