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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 2.5. YOUTHS [1700 - 2250] (*Division 2.5 added by Stats. 1941, Ch. 937.*)

CHAPTER 4. Office of Youth and Community Restoration [2200 - 2202] (*Chapter 4 added by Stats. 2020, Ch. 337, Sec. 50.*)

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the responsibility and authority to do all of the following:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(6) (A) Develop an annual report on chronic absenteeism rates in juvenile court schools at juvenile facilities. The office may work with the State Department of Education and county offices of education to include data for all juvenile court schools.

(B) Subject to available funding, investigate the reasons for absenteeism at juvenile court schools with chronic absenteeism rates of 15 percent or more, including, but not limited to, an investigation of whether the juvenile facility has provided sufficient staff to support transportation and access to educational services and whether policies or practices have been implemented that withhold educational services from youth as a means of individual or group punishment. The office shall include a summary of the findings of any investigation it conducts in the annual report.

(C) Subject to available funding, if, after an investigation, the office determines that insufficient staff, transportation, punitive policies, or any policies under the juvenile facility's control are contributing to chronic absenteeism rates, provide technical assistance to ameliorate the identified causes of the chronic absenteeism.

(d) The office shall have an ombudsperson, who has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, review, and receive and make copies of any record of a local agency, and contractors with local agencies, including, but not limited to, all juvenile facility records, at all times, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(5) Meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, and may interview any relevant witnesses. The ombudsperson may interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements. The ombudsperson shall be granted access to youth at all times, and may take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law. The ombudsperson shall be permitted to carry with them and use the equipment necessary to document the meeting or communication with youth as described in this section, to the extent not otherwise prohibited by applicable federal or state law. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities at any time with or without prior notice.

(8) For purposes of this section, "record" means documents, papers, memoranda, logs, reports, letters, calendars, schedules, notes, files, drawings, and electronic content, including, but not limited to, videos, photographs, blogs, video blogs, instant and text messages, email, or other items developed or received under law or in connection with the transaction of official business, but does not include material that is protected by privilege.

(9) Ombudsperson staff shall conduct a site visit to every juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, no less frequently than once per year.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) (1) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(2) To meet the need to monitor and evaluate local responses for youth realigned to counties from the Division of Juvenile Justice, the Office of Youth and Community Restoration shall collect the data described in this paragraph not less frequently than two times per year. Commencing no later than April 1, 2025, for the reporting period from July 1, 2024, through December 31, 2024, and no later than October 1, 2025, for the reporting period from January 1, 2025, through June 30, 2025, and on this schedule every six months thereafter through October 1, 2029, county probation departments shall provide the office with the data described in this paragraph in a format designated by the office. The office shall publish a report of state and county findings not less frequently than annually. The submissions by county probation departments to the office shall include all of the following, disaggregated by gender, age, and race or ethnicity:

(A) Number of youth and their most serious commitment offense, if known, who are under the county's supervision who are committed to a secure youth treatment facility, including youth committed to secure youth treatment facilities in another county.

(B) Number of individual youth in the county who were adjudicated for an offense pursuant to subdivision (b) of Section 707 of this code or Section 290.008 of the Penal Code.

(C) Number of youth, including their commitment offense or offenses, if known, transferred from a secure youth treatment facility to a less restrictive program under the terms and provisions of subdivision (f) of Section 875, disaggregated by program description, as defined by the office.

(D) Number of youth for whom a hearing to transfer jurisdiction to an adult criminal court was held, and the number of youth whose jurisdiction was transferred to adult criminal court.

(3) The reporting and data collection provisions of paragraph (2) shall become inoperative on January 1, 2030.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), for the purposes of paragraph (2), the office may, if it deems it appropriate, implement, interpret, or make specific paragraph (2) by means of written guidelines or similar instructions from the office.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025. The allocation of funds dedicated to the Local Revenue Fund 2011 and its accounts, subaccounts, and special accounts shall be consistent with Chapter 6.3 (commencing with Section 30025) of Division 3 of Title 3 of the Government Code.

(i) The Office of Youth and Community Restoration shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees, prospective employees, contractors, subcontractors, and volunteers requiring direct contact with young people in juvenile facilities or access to criminal offender record information, as defined by Section 11075 of the Penal Code, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(j) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the Office of Youth and Community Restoration may establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices or other similar instructions, without taking further regulatory action.

(k) The Office of Youth and Community Restoration may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing those activities funded by the Budget Act of 2021 and other funding available for these purposes. Contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Administrative Manual, and the State Contracting Manual, and are exempt from the review or approval of any division of the Department of General Services.

(l) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

(Amended (as amended by Stats. 2024, Ch. 50, Sec. 15) by Stats. 2024, Ch. 385, Sec. 1. (AB 2176) Effective January 1, 2025. Repealed as of January 1, 2028, by its own provisions. See later operative version, as amended by Sec. 2 of Stats. 2024, Ch. 385.)

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

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(C) Number of youth, including their commitment offense or offenses, if known, transferred from a secure youth treatment facility to a less restrictive program under the terms and provisions of subdivision (f) of Section 875, disaggregated by program description, as defined by the office.

(D) Number of youth for whom a hearing to transfer jurisdiction to an adult criminal court was held, and the number of youth whose jurisdiction was transferred to adult criminal court.

(3) The reporting and data collection provisions of paragraph (2) shall become inoperative on January 1, 2030.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), for the purposes of paragraph (2), the office may, if it deems it appropriate, implement, interpret, or make specific paragraph (2) by means of written guidelines or similar instructions from the office.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025. The allocation of funds dedicated to the Local Revenue Fund 2011 and its accounts, subaccounts, and special accounts shall be consistent with Chapter 6.3 (commencing with Section 30025) of Division 3 of Title 3 of the Government Code.

(i) The Office of Youth and Community Restoration shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees, prospective employees, contractors, subcontractors, and volunteers requiring direct contact with young people in juvenile facilities or access to criminal offender record information, as defined by Section 11075 of the Penal Code, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(j) This section shall become operative on January 1, 2028.

(Amended (as amended by Stats. 2024, Ch. 50, Sec. 16) by Stats. 2024, Ch. 385, Sec. 2. (AB 2176) Effective January 1, 2025. Operative January 1, 2028, by its own provisions.)

2200.2. (a) If the office of the ombudsperson decides to investigate a complaint, or refer a complaint to another body for investigation, pursuant to paragraph (1) of subdivision (d) of Section 2200, the ombudsperson shall notify the complainant in writing of the intention to investigate or refer the complaint. If the ombudsperson declines to investigate a complaint or continue an investigation, the ombudsperson shall notify the complainant in writing of the reason.

(b) The ombudsperson shall update the complainant on the progress of the investigation and the attempts to resolve the complaint, and notify the complainant in writing of the final outcome. If appropriate, the office may also share the outcome of any investigation performed by the office with the youth's counsel.

(c) Except when there is a safety concern, the ombudsperson shall also notify the head of the agency against which a complaint was filed when it refers the matter for an investigation.

(d) The ombudsperson may resolve complaints, when possible, collaborating with facility administrators and staff to develop resolutions that may include training.

(e) The ombudsperson may recommend changes to improve services or to correct systemic issues.

(f) (1) Information obtained by the office related to a complaint, regardless of whether it is investigated by the office, referred to another entity for investigation, or determined not to be the proper subject of an investigation, shall remain confidential under relevant state and federal confidentiality laws. Disclosure of information that is not confidential under state and federal confidentiality laws shall occur only as necessary to carry out the mission of the office, including as necessary to provide explanation and support for the office's recommendations for improving the youth and community restoration system to the Legislature and state and local agencies that provide services and supports to youth placed in delinquency settings.

(2) The ombudsperson shall maintain confidentiality with respect to the identities of the complainants or witnesses coming before them, except insofar as disclosure may be necessary to enable the ombudsperson to carry out the duties of the office set forth in subdivisions (a) to (c), inclusive. The ombudsperson may not disclose a record that is confidential under relevant state and federal confidentiality laws.

(3) The ombudsperson shall advise all complainants that retaliation is not permitted and constitutes the basis for filing a subsequent complaint.

(g) In order to encourage candor during the ombudsperson's investigation of complaints made by, or on behalf of, detained youths and to facilitate the ombudsperson's ability to resolve complaints, both of the following shall apply:

(1) The ombudsperson and their staff shall not be compelled to testify or be deposed in a judicial or administrative proceeding regarding matters coming to their attention in the exercise of their official duties, except as necessary to enforce or implement this chapter.

(2) The records of the ombudsperson and their staff, including notes, drafts, and records obtained from an individual or agency during the intake, review, or investigation of a complaint, and any reports not released to the public shall not be subject to disclosure or production in response to a subpoena or discovery in a judicial or administrative proceeding, except as necessary to enforce or implement the provisions of this chapter.

(Amended by Stats. 2023, Ch. 528, Sec. 7. (AB 505) Effective January 1, 2024.)

2200.5. (a) The ombudsperson shall publish and provide regular reports to the Legislature about all data collected over the course of the year, including, but not limited to, contacts to the office, reports on chronic absenteeism, complaints received, including the type and source of those complaints, investigations performed by the ombudsperson, the time to investigate and resolve complaints, the number and types of complaints referred to other agencies, the trends and issues that arose in the course of investigating complaints, pending complaints, and subsequent findings and actions taken, and a summary of the data received by the ombudsperson. Data shall be disaggregated by gender, sexual orientation, race, and ethnicity of the complainants to the extent this information is available.

(b) The ombudsperson shall include recommendations consistent with this data for improving the juvenile justice system.

(c) The compiled data and recommendations shall be posted so that it is available to the public on the office's existing internet website.

(d) The report shall comply with all confidentiality laws.

(e) Nothing shall preclude the ombudsperson from issuing data, findings, or reports other than the annual compilation of data described in this section or Section 2200.

(Amended by Stats. 2024, Ch. 385, Sec. 3. (AB 2176) Effective January 1, 2025.)

2200.7. (a) The office shall hire the necessary personnel to perform the functions of the ombudsperson. In hiring decisions, priority shall be given to people who were formerly detained or committed to a juvenile justice facility.

(b) When exercising the investigative, complaint resolution, and technical assistance functions of the ombudsperson of the Office of Youth and Community Restoration, the ombudsperson and their staff shall have all immunities under Article 2 (commencing with Section 815) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code afforded to the discharge of discretionary duties by public entities and their employees.

(c) If the ombudsperson believes, based on information received during the exercise of their official duties, that there is a breach of duty or misconduct by an employee of a state or local agency or their contractors in the conduct of the employees' official duties, the ombudsperson shall refer the matter to the agency director or other responsible officer, and, if the conduct would constitute a crime, to an appropriate law enforcement body or agency.

(Added by Stats. 2022, Ch. 50, Sec. 31. (SB 187) Effective June 30, 2022.)

2201. (a) Until July 1, 2023, the committee established pursuant to Section 12824 of the Government Code shall be responsible for advising and providing recommendations related to policies, programs, and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism for the population in subdivision (b) of Section 1990.

(b) The committee established pursuant to Section 12824 of the Government Code shall work directly with the Office of Youth and Community Restoration, the Division of Juvenile Justice, and shall be staffed by the California Health and Human Services Agency.

(Added by Stats. 2020, Ch. 337, Sec. 50. (SB 823) Effective September 30, 2020.)

2202. (a) Commencing July 1, 2024, the Office of Youth and Community Restoration shall act as the designated state agency pursuant to the federal Juvenile Justice Reform Act of 2018 (34 U.S.C. Sec. 11101 et seq.) and subsequent reauthorizations.

(b) The office shall do all of the following:

(1) Carry out all grant administration functions, such as the annual review and approval, or review, revision, and approval, of the comprehensive state plan for the improvement of juvenile justice and delinquency prevention activities throughout the state.

(2) Establish priorities for the use of funds as are available pursuant to the federal Juvenile Justice Reform Act of 2018 (34 U.S.C. Sec. 11101 et seq.) and subsequent reauthorizations.

(3) Approve the expenditure of all funds, provided that the approval of those expenditures may be granted to single projects or to groups of projects.

(c) In accordance with the federal Juvenile Justice Reform Act of 2018 (34 U.S.C. Sec. 11101 et seq.) and subsequent reauthorizations, the office shall inspect and collect relevant data from any secure facility that may be used for the secure detention of juveniles.

(Added by Stats. 2024, Ch. 50, Sec. 17. (AB 169) Effective July 2, 2024.)