File	No.	220616

Committee Item No.		
Board Item No.	46	

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee:	Date:
Board of Supervisors Meeting	Date: May 24, 2022
Cmte Board Motion Resolution Crdinance Budget and Legislative Analyst Youth Commission Report Introduction Form	
Department/Agency Cover Lett MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence	
OTHER	
California State Assembly Bill No. CSAC Position LCC Position	<u>. 2417</u>
H H	
Prepared by: Brittney Harrell Prepared by:	Date: May 19, 2022 Date:

1	[Supporting California State Assembly Bill No. 2417 (Ting) - Juveniles: Youth Bill of Rights]
2	
3	Resolution supporting California State Assembly Bill No. 2417, Juveniles: Youth Bill of
4	Rights, authored by Assembly Member Phil Ting, to extend the protections outlined in
5	the Youth Bill of Rights to youth confined in any juvenile justice facility.
6	
7	WHEREAS, Existing law establishes the Youth Bill of Rights, which includes the right to
8	live in a safe, healthy, and clean environment conducive to treatment and rehabilitation, to
9	contact attorneys, ombudspersons, and other advocates regarding conditions of confinement
10	or violations of rights, and to receive a quality education; and
11	WHEREAS, In 2020, the state legislature passed California Senate Bill No. 823,
12	Juvenile Justice Realignment: Office of Youth and Community Restoration (SB 823),
13	establishing the Office of Youth and Community Restoration (OYCR) and ending intake at the
14	state Division of Juvenile Justice (DJJ) on June 30, 2021; and
15	WHEREAS, In 2021, the state legislature passed California Senate Bill No. 92,
16	Juvenile Justice (SB 92), mandating the closure of the DJJ by June 30, 2023; and
17	WHEREAS, Youth incarcerated at DJJ have a Bill of Rights and state law requires
18	youth are informed of these rights; and
19	WHEREAS, Starting in 2023, all incarcerated youth will be held in county facilities; and
20	WHEREAS, When the DJJ closes, the Youth Bill of Rights will no longer exist; and
21	WHEREAS, California State Assembly Bill No. 2417 (AB 2417) would extend these
22	protections to youth incarcerated in local facilities, requiring youth be informed of these rights
23	and that a mechanism, the Division of the Ombudsperson of the Office of Youth and
24	Community Restoration, exist for youth to report violations of those rights; and
25	

1	WHEREAS, This bill would require that youth be provided with a document outlining
2	these rights and that local facilities post these rights; and
3	WHEREAS, This bill outlines protections that already exist under the law such as
4	freedom from harassment, access to adequate medical services, and protections against
5	discrimination based on gender expression and/or immigration status; and
6	WHEREAS, AB 2417 passed though the Assembly Public Safety Committee with
7	bipartisan support; now, therefore, be it
8	RESOLVED, The Board of Supervisors is committed to juvenile justice reform and
9	protecting the rights of all juvenile justice involved youth; and, be it
10	FURTHER RESOLVED, That the Board of Supervisors announces its support for
11	Assembly Bill No. 2417, Juveniles: Youth Bill of Rights; and, be it
12	FURTHER RESOLVED, That the Board of Supervisors urges California Governor
13	Gavin Newsom to sign Assembly Bill No. 2417 into law; and, be it
14	FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
15	Board to transmit a copy of this Resolution to the California Governor, California State
16	Legislature as well as the bill's primary sponsor, California Assembly Member Phil Ting no
17	later than 30 days upon passage of this Resolution.
18	
19	
20	
21	
22	
23	
24	
25	

Introduced by Assembly Member Ting

February 17, 2022

An act to amend Sections 224.70, 224.71, 224.72, 224.73, and 224.74 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2417, as introduced, Ting. Juveniles: Youth Bill of Rights.

Existing law, commencing July 1, 2021, establishes the Office of Youth and Community Restoration in the California Health and Human Services Agency to, among other things, identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth and identify and disseminate best practices to help inform rehabilitative and restorative youth practices. Existing law requires the office to have an ombudsperson and specifies the duties of the ombudsperson. Existing law requires the Division of Juvenile Justice to close on June 30, 2023, and provides for the transition of youth who are currently housed within a Division of Juvenile Justice facility to the care and custody of counties. Existing law further requires that, beginning July 1, 2021, counties are generally responsible for all youth adjudged wards of the court.

Existing law establishes the Youth Bill of Rights, which includes the right to live in a safe, healthy, and clean environment conducive to treatment and rehabilitation, to contact attorneys, ombudspersons, and other advocates regarding conditions of confinement or violations of rights, and to receive a quality education. Under existing law, the Youth Bill of Rights applies to youth confined in a facility of the Division of Juvenile Justice in the Department of Corrections and Rehabilitation.

AB 2417 — 2 —

This bill would make the Youth Bill of Rights applicable to youth confined in any juvenile justice facility. The bill would further require, as part of the Youth Bill of Rights, that youth have access to postsecondary academic and career technical education and programs and access to information regarding parental rights, among other things. The bill would require the Division of the Ombudsperson of the Office of Youth and Community Restoration, in consultation with other specified parties, to develop standardized information explaining these rights no later than July 1, 2023.

Existing law requires facilities under the Division of Juvenile Justice to provide care, placement, and services to youth in their custody without discriminating on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. Existing law requires the Office of the Ombudspersons of the Division of Juvenile Facilities to investigate complaints related to the care, placement, or services, within juvenile facilities, and compile and make available data regarding these complaints, as specified.

The bill would additionally prohibit discrimination against youth on the basis of gender expression or immigration status. The bill would require the data regarding the number of complaints to be disaggregated by gender, sexual orientation, race, and ethnicity. The bill would make related and conforming changes and update cross-references to the Office of Youth and Community Restoration. To the extent that this bill would impose a higher level of service on local facilities, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 224.70 of the Welfare and Institutions
- 2 Code is amended to read:

-3— AB 2417

224.70. For the purposes of this article:

- (a) "Committed" means placed in a facility of the Division of Juvenile Facilities pursuant to a court order, independent of, or in connection with, other sentencing alternatives.
- (b) "Detained" means held in secure confinement in a juvenile facility of the Division of Juvenile Facilities.

(c)

- (a) "Extended family member" means any adult related to the youth by blood, adoption, or marriage, and any adult who has an established familial or mentoring relationship with the youth, including, but not limited to, godparents, clergy, teachers, neighbors, and family friends.
 - (d) "Facility of the Division of Juvenile Facilities"
- (b) "Juvenile justice facility" means a place of confinement that is operated by, or contracted for, the Department of Corrections and Rehabilitation, county probation department or juvenile court for the purpose of the detention or commitment confinement of youth who are taken into custody and alleged to be within the description of Section 601 or 602 or who are adjudged to be a ward of the court.

(e)

- (c) "Youth" means any person detained in a facility of the Division of Juvenile Facilities. juvenile justice facility.
- SEC. 2. Section 224.71 of the Welfare and Institutions Code is amended to read:
- 224.71. It is the policy of the state that all youth confined in a *juvenile justice* facility of the Division of Juvenile Facilities shall have the following rights:
- (a) To live in a safe, healthy, and clean environment conducive to—treatment—and—rehabilitation—treatment, positive—youth development, and healing and where they are treated with dignity and respect.
- (b) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
 - (c) To receive adequate and healthy-food and water, meals and snacks, clean water at any time, timely access to toilets, access to daily showers, sufficient personal hygiene items, clean bedding, and clean clothing that is adequate and clean. in good repair, including clean undergarments on a daily basis, and new underwear that fits. Clothing, grooming, and hygiene products

AB 2417 — 4 —

1 shall be adequate and respect the child's culture, ethnicity, and 2 gender identity and expression.

- (d) To receive adequate and appropriate adequate, appropriate, and timely medical, reproductive, dental, vision, and mental health services. services provided by qualified professionals and consistent with current professional standards of care.
- (e) To refuse the administration of psychotropic and other medications consistent with applicable law or unless immediately necessary for the preservation of life or the prevention of serious bodily harm.
- (f) To not be searched for the purpose of harassment or humiliation or as humiliation, a form of discipline or punishment. punishment, or to verify the youth's gender. To searches that preserve the privacy and dignity of the person and to have access to a written search policy at any time, including the policy on who may perform searches.
- (g) To maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through visits, telephone calls, and mail. Youth may be provided with access to computer technology and the internet for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting.
- (h) To make and receive confidential telephone calls, send and receive confidential mail, and have confidential visits with attorneys and their authorized representatives,—ombudspersons ombudspersons, including the Division of the Ombudsman of the Office of Youth and Community Restoration, and other advocates, holders of public office, state and federal court personnel, and legal service organizations.
- (i) To have fair and equal access to all available services, placement, housing, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ethnicity, ancestry, national origin, language, color, religion, sex, sexual orientation, gender identity, gender expression, mental or physical disability, immigration status, or HIV status.
- (j) To have regular opportunity daily opportunities for age-appropriate physical exercise and recreation, including time spent—outdoors. outdoors and access to leisure reading, letter writing, and entertainment.

5 AB 2417

(k) To contact attorneys,—ombudspersons ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, and representatives of state or local agencies, regarding conditions of confinement or violations of rights, and to be free from retaliation for making these contacts or complaints.

- (l) To exercise the religious or spiritual practice of their choice and to participate in or refuse to participate in religious services and activities of their choice. activities.
- (m) To not be deprived of any of the following as a disciplinary measure: food, contact with parents, guardians, family, or attorneys, sleep, exercise, education, bedding, clothing, access to religious services, a daily shower, a drinking fountain, clean water, a toilet, hygiene products, medical services, reading material, or the right to send and receive—mail. mail; to not be subject to room confinement as a disciplinary measure; to access written disciplinary policies, including the right to be informed of accusations against them, have an opportunity to be heard, present evidence and testimony, and their right to appeal disciplinary decisions.
- (n) To receive a *rigorous*, quality education that complies with state law, and the abilities of students and prepares them for high school graduation, career entry, and postsecondary education; to attend—age-appropriate appropriate level school classes and vocational—training, training; to have access to postsecondary academic and career technical education courses and programs; to have access to computer technology and the internet for the purposes of education and to continue to receive educational services while on disciplinary or medical—status: status; and to have access to information about the educational options available to youth.
- (o) To information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children; to access educational information or programming about pregnancy, infant care, parenting, and breast-feeding, and childhood development; to proper prenatal care, diet, vitamins, nutrition, and medical treatment; to counseling for pregnant and post partum youth; to not be restrained by the use of leg irons, waist chains, or handcuffs behind the body while pregnant or in

AB 2417 -6-

1 recovery after delivery; to not be restrained during a medical 2 emergency, labor, delivery, or recovery unless deemed necessary

- 3 for their safety and security, and to have restraints removed when
- 4 a medical professional determines removal is medically necessary;
- 5 and to access written policies about pregnant, post partum, and 6 lactating youth.

7 (o)

(p) To attend all court hearings pertaining to them.

9 (p)

(q) To have counsel and a prompt probable cause hearing when detained on probation or parole violations.

12 (q)

- (r) To make at least two free telephone calls within an hour after initially being placed in a *juvenile justice* facility of the Division of Juvenile Facilities following an arrest.
- SEC. 3. Section 224.72 of the Welfare and Institutions Code is amended to read:
- 224.72. (a) Every *juvenile justice* facility-of the Division of Juvenile Facilities shall provide each youth who is placed in the facility with an age and developmentally appropriate orientation that includes an explanation and a copy of the rights *and responsibilities* of the youth, as specified in Section 224.71, and that addresses the youth's questions and concerns.
- (b) Each juvenile justice facility-of the Division of Juvenile Facilities shall post a listing of the rights provided by Section 224.71 in a conspicuous-location. location, including classrooms and living units. The Office of the Ombudspersons of the Division of Juvenile Facilities Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each Division of Juvenile Facilities facility juvenile justice facility operator subject to this subdivision. These posters shall include the toll-free telephone number of the Office of the Ombudspersons of the Division of Juvenile Facilities. Division of the Ombudsperson of the Office of Youth and Community Restoration.
- (c) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1,—2010, 2023, the—division Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other

7 AB 2417

languages as determined necessary by the division. and distribute to each juvenile justice facility operator.

- (d) A copy of the rights of the youth shall be included in orientation packets provided to parents or guardians of wards. Copies of the rights of youth in English, Spanish, and other languages shall also be made available in the visiting areas of division juvenile justice facilities and, upon request, to parents or guardians.
- SEC. 4. Section 224.73 of the Welfare and Institutions Code is amended to read:
- 224.73. All juvenile justice facilities of the Division of Juvenile Facilities shall ensure the safety and dignity of all youth in their care and shall—provide care, placement, and services to youth without discriminating not discriminate against any youth on the basis of actual or perceived race,—ethnic group identification, ethnicity, ancestry, national origin, color, religion,—sex, gender, sexual orientation, gender identity, gender expression, mental or physical disability, immigration status, or HIV status.
- SEC. 5. Section 224.74 of the Welfare and Institutions Code is amended to read:
- 224.74. (a) The Office of the Ombudspersons of the Division of Juvenile Facilities shall do all of the following: Division of the Ombudsperson of the Office of Youth and Community Restoration shall do all of the following:
- (1) Disseminate information on the rights of children and youth in the custody of the Division of Juvenile Facilities, confined in juvenile justice facilities, as provided in Section 224.71, and the services provided by the office. Division of the Ombudsperson of the Office of Youth and Community Restoration.
- (2) Investigate and attempt to resolve complaints made by or on behalf of youth in the custody of the Division of Juvenile Facilities, related to their care, placement, or services, confined in juvenile justice facilities or in the alternative, refer appropriate complaints to another agency for investigation.
- (3) Notify the complainant in writing of the intention to investigate or the decision to refer the complaint to another agency within 15 days of receiving the complaint. If the office declines to investigate a complaint, the office shall notify the complainant of the reason for this decision.

AB 2417 — 8 —

(4) Update the complainant on the progress of the investigation and notify the complainant in writing of the final outcome, steps taken during the investigation, basis for the decision, and any action to be taken as a result of the complaint.

- (5) Document the number, source, origin, location, and nature of complaints.
- (6) Provide a toll-free telephone number for the Office of the Ombudspersons of the Division of Juvenile Facilities. Division of the Ombudsperson of the Office of Youth and Community Restoration.
- (7) Compile and make available to the Legislature and the public all data collected over the course of the year, including, but not limited to, the number of contacts to the toll-free telephone number, the number of complaints made, the number of investigations performed by the office, the number of referrals-made, made and to whom, the issues complained about, the number of sustained complaints, the actions taken as a result of sustained complaints, and the number of unresolved complaints, including the reasons the complaints could not be resolved. resolved, and the time taken to resolve or determine that the complaint could not be resolved. All data shall be disaggregated by gender, sexual orientation, race, and ethnicity.
- (b) (1) The Office of the Ombudspersons of the Division of Juvenile Facilities, Division of the Ombudsperson of the Office of Youth and Community Restoration, in consultation with youth, youth advocate and support groups, and groups representing children, families, children's facilities, and other interested parties, shall develop, no later than July 1,—2008, 2023, standardized information explaining the rights specified in Section 224.71. The information developed shall be age-appropriate.
- (2) The Office of the Ombudspersons of the Division of Juvenile Facilities Division of the Ombudsperson of the Office of Youth and Community Restoration and other interested parties may use the information developed in paragraph (1) in carrying out their responsibilities to inform youth of their rights provided under Section 224.71.
- 37 SEC. 6. If the Commission on State Mandates determines that 38 this act contains costs mandated by the state, reimbursement to 39 local agencies and school districts for those costs shall be made

9 **AB 2417**

- pursuant to Part 7 (commencing with Section 17500) of Division
 4 of Title 2 of the Government Code.



AB 2417 (Ting D) Juveniles: Youth Bill of Rights.

Status				
5/4/2022 - In committee	Set	first hearing	Referred to suspen	se tie

Estings law, commencing July 1, 2021, established the Office of Youth and Community, Restoration in the California Health and Human Services Agency to, among other things, dentity policy recommendations for improved outcomes and integrated programs and services to best support delification in which and decembers are produced to the intermination of the integrated programs and services be obtained as the produced of the order of the community of the control of the community of the control of the c

B		

Introduced <u>Idf</u> 02/17/2022 Analysis Atm Pub 8 (Y 6 N. 0 A. 1) (Pass) 04/19/2022

05/04/2022 in committee. Set, first hearing, Referred to suspense the 04/20/2023 From committee. Or pass and re-refer to Com. on APPR. (Ayes 6, Noes 0) (April 19). Re-referred to Com. on APPR. 03/03/2022 Referred to Com. on PUB. 03/03/2022 Referred to Com. on PUB. 03/03/2022 From ponter. May be heard in committee March 20. 03/13/2022 From ponter. May be heard in committee March 20. 03/13/2022 Refer first time. To print.

Search Results

DBB Topic Organization CSAC Position
AB 2417 (Tim D) Juveniles: Youth Bill of Rights. Ryan Morimume Vastch

Total Measures: 1 Total Tracking Forms: 1

A1011(22:100) (III)



Search Results Tuesday, May 17, 2022

AB 2412 (Ting D) Averalles: Youth Bill of Rights.

Existing law establishes the Youth Bill of Rights, which includes the right to live in a safe, healthy, and clean emirronment conducive to treatment and rehabilitation, to contact attorneys, ombudspersons, and other advocates regarding conditions of confinement or violations of rights, and to receive a quality education. Under current law, the Youth Bill of Rights applies to youth confined in a sizely of the Division of luverile justice in the Department of Corrections and Rehabilitation. This bill would make the Youth Bill of Rights applies to youth confined in any juvenile justice facility. The bill would further requires a paper of the Youth further requires to postsecodary academic and externed advanction and programs and access to information regarding general rights, among other things. The bill would require the Division of the Office of Youth and Community Restoration, in consultation with other specified parties, to develop standardized information explaining these rights no later than July 1, 2023.

Cal Cities Position:

Primary Lobbytes:

Policy Committee:

Desk	Policy	Fiscal	Floor	Desk	Policy	Fissai	Floor	Conf.	2004	Vetoed	Chaptered
	1st	House			2nd 1	House		Conc.	Enroved	Vetoed	Chaptered

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp or meeting date

I hereby submit the following item for introduction	n (select only one):	or meeting date				
	•					
1. For reference to Committee. (An Ordinanc	e, Resolution, Motion or Charter Amendme	ent).				
2. Request for next printed agenda Without Re	eference to Committee.					
3. Request for hearing on a subject matter at C	Committee.					
4. Request for letter beginning: "Supervisor		inquiries"				
5. City Attorney Request.						
6. Call File No.	from Committee.					
7. Budget Analyst request (attached written m	otion).					
8. Substitute Legislation File No.						
9. Reactivate File No.						
10. Topic submitted for Mayoral Appearance	before the BOS on					
	<u> </u>					
Please check the appropriate boxes. The propose	ed legislation should be forwarded to the fo	llowing:				
Small Business Commission	Youth Commission Ethics C	Commission				
Planning Commission	Building Inspection Commis	ssion				
Note: For the Imperative Agenda (a resolution	not on the printed agenda), use the Impe	rative Form.				
Sponsor(s):						
Ronen						
Subject:						
Supporting California State Assembly Bill No. 2417 (Ting) – Juveniles: Youth Bill of Rights						
	17 (1mg) vareinies. 10um 2m 011ugna					
The text is listed:						
Resolution Supporting California State Assembly Bill No. 2417 (AB2417), Juveniles: Youth Bill of Rights, authored by Assembly Member Phil Ting, to extend the protections outlined in the Youth Bill of Rights to youth confined in any juvenile justice facility						
Signature of Spo	onsoring Supervisor: /s/Hillary Ronen					

For Clerk's Use Only