



COUNTY OF DEL NORTE

PROBATION DEPARTMENT
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DARREN MCELFRISH
Superior Court Judge

ROBERT COCHRAN
Superior Court Judge

AGENDA DATE: October 11, 2022
TO: Del Norte County Board of Supervisors
FROM: Lonnie Reyman, Chief Probation Officer
SUBJECT: Juvenile Hall report and recommendation

A handwritten signature in blue ink, appearing to be "Lonnie Reyman", is written over the "FROM:" line of the agenda.

RECOMMENDATION FOR BOARD ACTION:

Receive and review the Juvenile Hall report as presented by the Chief Probation Officer. There is no recommendation for action at this time. Staff asks for direction.

SUMMARY:

At the present time the Probation Department is 43% understaffed with Juvenile Corrections Officers in the Juvenile Hall Division, and 42% understaffed with Probation Officers in the Probation Division. To varying degrees, this staffing crisis has been ongoing since 2020 and before. Current information from the Human Resources Department indicates that the hiring rate for JCOs is 4%. Based upon a minimum staffing level of 11 it is projected to take 66 months to reach minimum staffing levels in Juvenile Hall. The current operation of Juvenile Hall is unsustainable.

The Chief Probation Officer wishes to present current information to the Board and seek direction.

DISCUSSION/JUSTIFICATION:

Please see the attached report from the Chief Probation Officer.

ALTERNATIVE:

N/A

FINANCING:

N/A

CHILDREN'S IMPACT STATEMENT:

This section meets 0 of the following outcome measures for children in Del Norte County:

- Children ready for and succeeding in school.
- Children and youth are healthy and preparing for adulthood.
- Families are economically self-sufficient.
- Families are safe, stable and nurturing.
- Communities are safe and provide a high quality of life.
- No impact to Children as a result of this action.

OTHER AGENCY INVOLVEMENT:

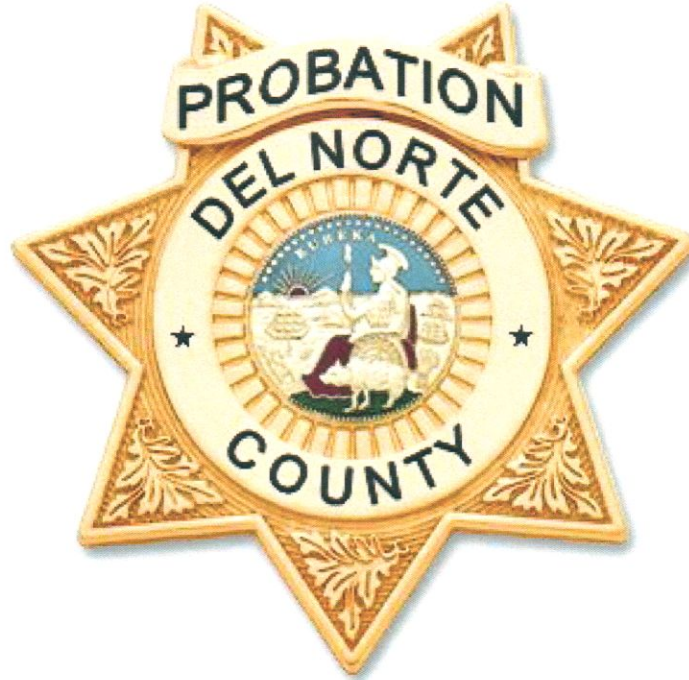
N/A

SIGNATURE REQUIRED:

N/A

ADMINISTRATIVE SIGN-OFF:

- AUDITOR:
- COUNTY ADMINISTRATIVE OFFICER:
- COUNTY COUNSEL:
- PERSONNEL:
- OTHER DEPARTMENT:



Juvenile Hall

An Examination of the Current & Future Status of Juvenile
Hall Operations and a Recommendation

Juvenile Hall

An Examination of the Current & Future Status of Juvenile Hall Operations and a Recommendation

Current Situation

As of October of 2022, the Probation Department is 43% understaffed with Juvenile Corrections Officers in the Juvenile Hall Division, and 42% understaffed with Probation Officers in the Probation Division. To varying degrees, this staffing crisis has been ongoing since 2020 and before, and based upon current information this staffing crisis will not be alleviated for several years. Given the current difficulties involved in appropriately staffing the Juvenile Hall to meet operational, safety, and regulatory requirements, I have been considering the possibility of closing Juvenile Hall for some time.

This report has been prepared as an examination of the impacts such a closure would have on the juvenile justice system in Del Norte County, as well as a proposed roadmap to effectuate such a change while providing as much opportunity and accountability for juvenile offenders as possible while continuing to provide for community safety.

Considerations & Methodology

While numerous juvenile halls around the state, particularly in the northern region of California, have either closed or faced the possibility of closure, typically the primary driving force for these decisions have been either the low population of juveniles in custody in recent years, and/or the high cost to the counties of maintaining the juvenile facilities. In the current situation we face, while these are definitely considerations they are not the primary drivers behind this proposal. Primarily, the current situation is driven by the lack of sufficient staff and the

Del Norte County Juvenile Hall

The Del Norte County Juvenile Hall was opened in 2001, replacing a dilapidated 16-bed, 1958 vintage juvenile hall which was insufficient to meet the current and future needs of the County.

The Hall is a 44-bed facility which includes 3 housing units, 2 classrooms, a full-size gymnasium, visiting rooms, an industrial kitchen, laundry, offices, and a booking area.

Title 15 Regulation requires that a ratio of 1:10 certified staff to wards be maintained during waking hours. It is also required that at least 1 staff be of the same gender as the incarcerated youth.

The minimum staff required in order to appropriately operate our 24-hour Juvenile Hall is 11 Juvenile Corrections Officers. Minimally 5 must be of one

Juvenile Hall

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bleak outlook for recruitment in the near future. All these factors will be examined in this report.

In CPOC's (Chief Probation Officers of California Association) northern region of fourteen counties, only six currently have juvenile halls. This is down from ten since 2014. Glenn, Trinity, Siskiyou, and Lassen counties have all closed their juvenile halls in the last 7 years. Three counties (Modoc, Sierra, and Plumas) have not had their own juvenile halls in my memory. Colusa county is one of three counties invested in a joint regional juvenile hall located in Yuba county.

In light of these, and other, closures of juvenile halls around the state, CSAC (California State Association of Counties) spearheaded the development of a toolkit in 2019 for counties considering repurposing or closing their juvenile halls. This document has been used as a guide in preparation for this report. Additionally, staff experience regarding needed resources for our delinquent youth has been heavily relied upon in reaching the conclusions outlined here. Finally, as there was previous discussion in 2021 of repurposing the Juvenile Hall as an adult facility, information from a stakeholders' meeting held in relation to that discussion has also been relied upon to attempt to capture all the varied impacts such a substantive change as this would cause.

The Current Status of Juvenile Hall

Staffing

The Juvenile Hall currently has 14 Juvenile Corrections Officer (JCO) positions. Since 2014 when I was appointed Chief Probation Officer the Department has struggled to maintain sufficient staffing levels. This struggle to retain employees is not something new to Del Norte County and the Department has conducted ongoing and constant recruitment over the last eight years, completing three to four hiring cycles for JCOs each year.

In Spring of 2015, because of the low staffing levels, Hall staff were supplemented with probation officers in order to meet a "temporary" need while staff were recruited, hired, and trained; a process that often lasts 15 months. This pattern was repeated again in the Spring of 2016 for another 5 months, and then in September of 2016 a rotating schedule was begun that incorporated 3 POs during any given week. After that, JCOs from Bar-O Boys' Ranch were added to the rotating schedule to maintain operations. That crisis abated in 2017, however throughout the intervening years Hall operations have been regularly supported by DPOs on an intermittent basis.

Staffing reached a critical juncture once again in 2020 when one PO was assigned to a regular shift for a period of about 4 months. Though staffing has ebbed and flowed since that time, for much of 2022 we have operated with four to JCOs in the Hall. For much of this year there have been at least three employees at any given time out on leave of one kind or another. Only in the last two months have we had several return from leave, but have the expectation that one will remain out

Juvenile Hall

indefinitely. Operationally this has meant that we have been operating Juvenile Hall 55-64% below our *minimum* staffing levels for much of the year. The only way that Hall operations have continued during 2020-2022 has been the rotating assignment of probation officers to fill shifts and gaps in the Juvenile Hall schedule.

This solution has had ripple effects throughout departmental operations. Probation officers have struggled to ensure that required court reports are completed on time, and also struggle to supervise their caseloads with the appropriate intensity that is needed. This creates a backlog of violations that need to be addressed, either informally or formally through the court process. It also results in an inability to address the needs of our offenders in a timely fashion, causing them to languish without the needed referrals to services for extended periods of time.

This struggle is compounded due to the fact we are 45% understaffed in sworn officer positions among Deputy Probation Officers at the present time. Out of twelve Probation officer positions, five are vacant and one is assigned to Truancy, leaving only six officers to run both Adult and Juvenile Services with all the mandates of court appearances, reports, and supervision as well as rotating through Juvenile Hall shifts.

Having probation officers fill the vacancies in Juvenile Hall has other implications as well. State regulations do not confer on Probation Officers the same supervisory authority granted to trained JCOs while in the institution, therefore depending on whether a particular DPO has prior JCO training or not, even with the required number of officers working a shift we are regularly out of compliance with regulations.

Finally, this patchwork approach to filling shifts to continue to operate often leaves us out of compliance with the Title 15 regulations regarding needed staff genders. By regulation we are required to staff at least one of each gender on each shift. We have been unable to meet this requirement at times given the lack of staff. This puts the Department and the County in a vulnerable position in relation to regulatory requirements. Although we document each time we are outside of regulations, it is unknown how the Board of State and Community Corrections (BSCC) will address these violations at our next inspection which will happen in 2023; ultimately they do have the power to shut down the Hall if we are unable to meet their requirements in operating the Hall.

All of this adds up to incredible strain on both Juvenile Hall and Probation staff. It is palpable and we face the very real threat of attrition by burnout and overwork.

Because of the continued struggle of staffing and recruitment in Juvenile Hall and the spillover impact, in May I asked for and received a basic breakdown of how many JCO recruitments we conducted in the last two years, how many applicants we received for those positions, how many offers we made, and how many applicants we hired. HR was quick to respond and provide the needed

Juvenile Hall

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information, and once I had a chance to analyze our outcomes I quickly realized that our current processes are unsustainable and need to be reconsidered.

To summarize the data I received from HR, I found that we had completed five full recruitment cycles in the span of eighteen months. Each cycle took approximately 110 days from when it was begun to the final outcome. For each hiring cycle we received an average of nine qualified applicants, and on average hired one every nine months which is equivalent to about one every three cycles. There were nine conditional offers that resulted from these five cycles: one declined the offer, five failed the background process, one withdrew their application prior to the background being completed, and two were hired.

I estimate that we will lose at least two existing staff to other employment opportunities or life-changes in the next six months. I also factor in that it takes a minimum of nine months to fully train and certify a new JCO to be able to count in our staffing ratio. In considering the hiring rate of 4% of qualified applicants and these other factors, and projecting the length of time it will take to reach a minimum staffing level of eleven, I project that it will take 66 month, or 5 ½ years, without losing additional staff, to reach minimum staffing levels in Juvenile Hall. In the meanwhile, I will be required to continue to assign probation officers, as long as I have those, to fill the gaps in the schedule in order to continue to operate the Hall.

In a similar vein, it has become increasingly difficult to recruit probation officers as well. This definitely has an impact on the services that we can offer the community, but the nature of the responsibilities for DPOs is such that we can be more flexible in accomplishing our mandates. As explained above, this is not to say that there are critical needs that are going unfulfilled, only that the impact is less obvious and stark than that in a 24-hour facility.

Understandably, staff morale has suffered. Both JCOs and POs have staunchly done what is required to maintain the Hall, however the lack of sufficient staff at the Hall and the inability of the POs to consistently manage the caseloads of probationers that they leave behind has negatively affected everyone's outlook on the future. If left unchecked, this situation will likely result in even more staff looking to find other employment, compounding the problem we now face.

Possible Solutions

Status Quo

As is always the case when facing difficult circumstances, one option is to continue to operate as we have in the past. In some respects, this option is very desirable as the short-term procedures, programs, and methods remain the same. In the long term however, as I believe has already been made clear by the previous information, continuing to operate in the same way that we have while hoping for a different outcome will likely lead to disastrous results.

Juvenile Hall

Should the decision be made to continue to operate the Hall there would be some impact on community safety in the short term and increasing impact into the future.

It cannot be ignored that the direct impact of continuing to operate the Hall as we have will allow us to incarcerate youth when needed and appropriate. This has a positive impact on community safety, providing for safe care and custody of youth who have engaged in criminal activity. Continuing to operate the Hall as we have also allows us to facilitate court appearances, provide services to incarcerated youth provided through community partners and other governmental agencies, and maintain connection with their families. All of these are positive outcomes for our community, but the question remains whether this model remains sustainable.

A decision to retain the status quo will require incorporating an increasing number of Probation Officers into the Hall schedule until enough JCOs can be hired and trained. As was stated previously, such a decision would further reduce the staff available to work in the Probation Division, effectively crippling community supervision of offenders into the foreseeable future. A factor not stated previously is the ever-present staffing and workload flux as officers take time off due to sickness, vacation, or are participating in the high training tempo that is required by state regulation and necessary to provide them needed skills. This could reasonably reduce the Probation Division's capacity from the 45% it regularly operates at now to less than 30% at any given time. This would have a direct impact on the ability of Probation to provide not only the mandatory and statutory services to the Court, but also on the ability of the Probation Officers to provide necessary oversight and supervision of the over 500 adult and juvenile cases in Del Norte County.

As staffing the Hall is the crux of the issue we are currently facing, this is where the largest potential for negative outcomes resides if the status quo is maintained. Without belaboring the point, choosing to continue this demand on the staff in both the Hall and Probation will likely result in decreasing morale and a likelihood that employees will look to find other employment; for Hall staff due to being overworked, for Probation staff due to being overworked and job dissatisfaction as they are not conducting the work which they are employed to do. Any vacancies created by staff leaving would have a cyclical and debilitating effect that will be difficult to overcome.

With continued operation the programs and services that are currently conducted for youth incarcerated in the Hall would remain the same for the most part. Many of these are integral in the daily schedule of the Hall and/or provided by outside agencies, e.g. Mental Health, AOD, etc. What would suffer by maintaining the status quo are the relationships that are built between youth and correctional staff that is a cornerstone of facilitating change for youth while incarcerated in the Hall. Typically, staff have been assigned to youth in a counseling/mentoring role. This process is upset when there is high turnover in staff.

Ultimately, though there are both positive and negative outcomes of maintaining the status quo, none of this changes the continued lack of qualified applicants applying for these vacant positions and the never-changing requirements that regulation imposes on operations. I foresee that if we continue to take a defensive posture and protect what we have because we fear the alternative we will soon find ourselves in a position where the alternative is forced upon us, and not of our choosing.

Day-Release Program

Earlier in 2022 in response to the staffing crisis as well as the extremely low population that we have had, there was work put into attempting to structure what we were calling a day-release program. The essence of the program was to hold appropriate youth in custody during the nighttime hours and release them during the day to attend school, participate in counseling and programming, spend time with and reunify with family, etc. The youth would remain on GPS electronic monitoring during the day to ensure that the Department could locate and track their whereabouts. This program was envisioned to target those youth who were low-risk for escape and absconding, whose criminality was minimal in seriousness so that they would not present a public safety risk if released, and for those who may not have had stable housing or family structure to be released to.

This project was never fully implemented although several youths were released as a trial. Those youth, although apparently meeting the criteria, were not successful in remaining in compliance with their terms of probation and release and within a week were retaken into 24-hour custody.

I and my management team have considered whether this program could be implemented fully, along with a closure of 24-hour custody in order to provide a compromise between the two extremes of status quo and closure. This program would allow for low-risk youth to remain in the community while serving a lower-level custody sanction, or to remain within the custody and control of the Department until a more suitable and stable placement could be found for them.

The challenges that we envision in attempting this idea are several. First, we would be required to staff this facility (the Hall or an alternate location that would have to be secured) such as to continue to meet the Title 15 requirements that we currently adhere to. This would minimally require a team of 6 officers to staff a graveyard only facility. In addition, depending on the time that youth would be released and required to return, a part-time cook and part-time correctional technician would also be required. To supplement this custody team, the Department would still be required to maintain a cadre of staff who would be available for custody transports should youth be arrested who screened out of this alternative, or youth already in custody that would need transport for court or returning home.

Second, and perhaps most poignant, due to the declining average daily population (ADP) of youth that are detained (see Figure 1 below), and the existing criteria for detention that typically screens out low-risk youth, in our estimation it is likely that for the majority of the time such a program

would have no youth eligible for it, requiring us to staff an empty facility with the slim chance that an appropriate youth would be booked or transferred to it after serving time in a juvenile hall out of county.

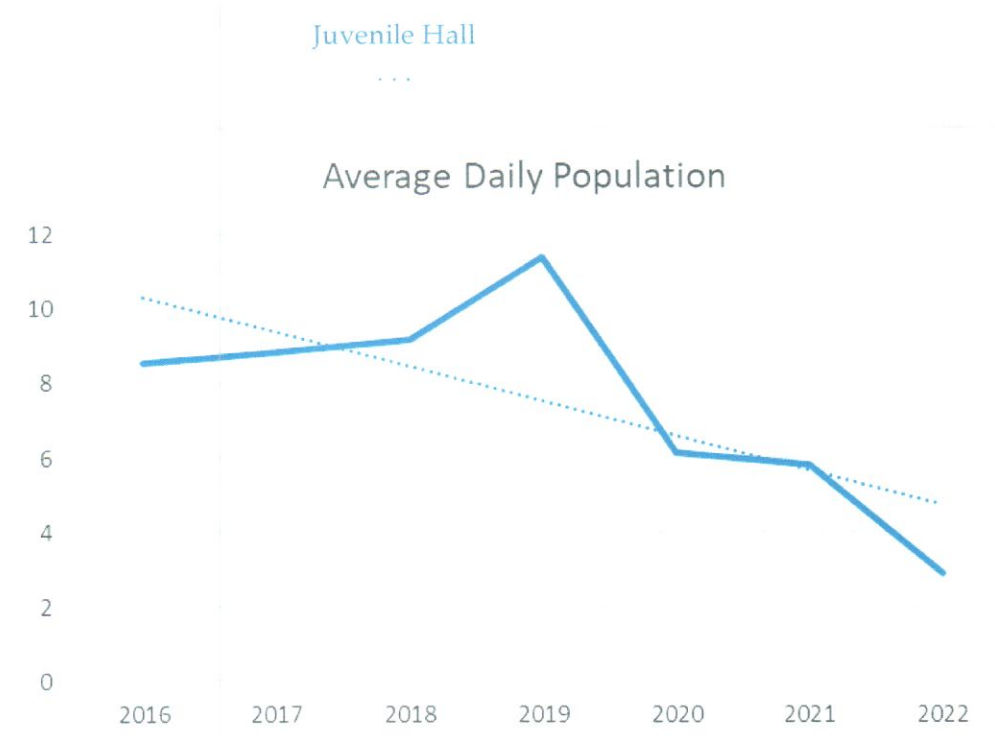


Figure 1

In my mind, these two primary factors,

staffing a graveyard only facility and a low to non-existent population, lead me to believe that this idea is not workable. In concept, providing a safe place for youth who just cannot return home is very attractive, but within the parameters of custody which the Department operates in I do not believe that this is a viable option. I would be very interested in partnering with other agencies and entities to look into the possibility of what essentially would be a half-way house for youth, a safe landing spot for them, but it would have to be structured outside of the purview of the Probation Department.

Special Purpose Juvenile Hall

Another possibility that has been considered as an alternative is operating the Hall as a Special Purpose Juvenile Hall (SPJH) which is a specific category under Title 15 regulations. Title 15 defines Special Purpose Juvenile Halls as “a county facility used for the temporary confinement of a youth, not to exceed 96 hours, prior to transfer to a full service juvenile facility or release.” This status exempts these juvenile halls from some Title 15 regulations such as operating a school, providing health education, meeting the same food program requirements and others. It does not, however, exempt these juvenile halls from maintaining the same staff to ward ratio that regular juvenile halls are required to maintain.

Operating the SPJH would make most sense over a weekend and into the beginning of the workweek. This would allow any bookings during the weekend to receive a detention hearing prior to the facility being closed for the week. I would project the staffing requirements for this option as 8 officers, 1 cook, and a facility manager. The officers would be split into two regular shifts of 3 officers for the day and graveyard shifts with those officers managing the youth supervision, programs, and

Juvenile Hall

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manning control. Two other officers would be assigned to conduct transports throughout the week for bookings, court hearings, and other transport needs as well as filling in for any vacation, sick time, or training requirements. The cook would work over the weekend to provide food for any youth incarcerated.

This option would also necessitate contracting with other counties for housing youth who required detention for longer periods than the 96 hours that the SPJH would operate. This would in some respect split our juvenile population with short term detentions remaining local while those that are higher risk or receive court dispositions to custody would be housed outside the county. This would also likely increase the cost of juvenile detention services overall though there would be some cost savings from a lower overall number of positions.

Email communication from Chief Pete Judy of Mariposa was insightful regarding this topic. Chief Judy was appointed in Mariposa in 1999 after serving in San Diego County for many years. He retired as chief after several years and then returned to the department as the chief again in 2010, remaining in that position to the present day. Given his longevity in the industry his perspective is supremely valuable, particularly as he is chief of a small, rural county.

Summarizing his emails, two primary topics stand out, the difficulty in staffing a SPJH, and the expense of operating such a facility as opposed to contracting with other counties for custody. The difficulty of staffing such facilities is something that has been addressed in different ways by different counties that have operated these halls over time. Some counties have attempted to maintain full-time staff to run the facilities, others have tried to blend full-time with part-time or extra-help staff as well. Both of these methodologies present different challenges. In Chief Judy's experience, counties have faced difficulty in retaining full-time staff for these facilities, just as they have for 24-hour facilities or other units within their departments. However, utilizing part-time staff also presents challenges as some are not available when needed and often these staff do not possess the required training to meet the regulatory requirements for youth supervision.

Chief Judy also spoke about the general decline of the use of SPJH over the years. When the regulation was originally created to allow for it, it was primarily targeted at small counties to allow an opportunity for those departments to hold youth overnight or until they could attend a court hearing, sometime within the 96-hour window. Few counties have chosen to operate SPJH on a regular basis, electing rather to only open and operate them when a youth is arrested and detained. According to his memory there were 6 counties that originally opened SPJH; Mariposa is one of the only counties that still operates such a facility and he stated that it has been several years since he opened the Hall, finding it more efficient and cost-effective to transport any juvenile arrests. His analysis of the circumstances that caused the other counties to close their facilities is that primarily it had to do with

Juvenile Hall

the difficulties of maintaining the needed mixture of full-time and part-time staff that would allow them to operate effectively.

The cost of operating juvenile halls has also been a challenge for small counties, and unfortunately for most the expense of operating SPJH along with the staffing challenges did not sufficiently meet the needs of those counties. Chief Judy used an example of detaining a youth for 72 hours in a SPJH as opposed to transporting the same youth to a contract county. In his scenario the comparable cost to house the youth was \$3,024 to house in a SPJH versus less than \$500 to transport and house in a neighboring county. Although the dollar figures would change given the difference in costs between counties the principle would remain constant that there is a significantly greater expense to house a youth locally in a SPJH, even for a short period of time, in contrast to housing the same youth in a more stable detention facility for a greater length of time.

In considering this as an option for Del Norte County I cannot escape from the present reality of our staffing challenges. Although a SPJH would reduce the overall size of our organization, my experience indicates that problems such as we face do not discriminate between large or small organizations. Our almost 50% understaffing rate will likely follow us to a smaller team just as surely as it has been a reality with larger team. Another significant factor I consider is our low in-custody population as well. We already aggressively screen out youth whom we do not believe need to be detained; with our low ADP it is likely that we would regularly operate a SPJH with no youth in custody, a situation we have already run into several times over the past 18 months. As much as I am loathe to make a decision regarding our youth based on the cost, I would not be able to easily justify the cost to the county of operating a facility of any kind without youth in custody.

Closure

In contrast to the three options of the status quo, a day-release program, or a Special Purpose Juvenile Hall, I propose an alternative; taking an offensive posture toward this challenge and finding within it opportunity to work toward good outcomes for our youth, our staff, and our community.

While acknowledging that this is a moment of making lemonade out of lemons, I believe that the only viable response to the situation we face is closure of the Juvenile Hall. This is the other end of the spectrum of solutions from maintaining the status quo and would be a sea-change in how juvenile justice, in relation to custody, is handled in Del Norte County. Some of the most obvious factors that would have to be considered and addressed with a closure are where Del Norte County youth are detained, the cost of custody contracts, the logistics of transporting youth back and forth from Del Norte to the receiving county/ies, the likelihood that less youth would be detained by the Court, reentry considerations for youth detained out of county, and others. These and other factors will be outlined later in the following sections.

Juvenile Hall

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I believe that this is a viable, and at this point in time inevitable, solution to the issues we face. This is not an unusual position for a small, rural county to find itself in as was explained earlier; shifts in juvenile justice since 2007 have led to numerous juvenile halls being closed. It is nevertheless no less difficult given the inevitability and similarity to other counties. Such a systemic change will require participation and partnership from all the local justice partners to be successful.

Factors in a Juvenile Hall Closure

Obligations to provide secure custody

The first and primary obligation which would have to be met upon closing the Hall is providing for a secure custody placement for youth who have committed crimes requiring incarceration or have been ordered detained by the Juvenile Court. Article 23 of Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code in its various sections mandates that the county provide for “a suitable house or place for the detention of wards...of the juvenile court and of persons alleged to come within the jurisdiction of the juvenile court,” otherwise known as a juvenile hall. (See Section 726(d)(6) in Notes at the end of this document) It is contemplated within the Code that there will be counties which will not maintain their own juvenile hall and instead partner with other counties which do. This is commonplace across the state and there is plenty of precedent for county-to-county contracts for juvenile hall placements.

In Del Norte County’s circumstance, the closure of our own Hall will necessitate not only one contract with another county, but multiple redundant contracts in order to ensure that in any eventuality we will be able to have secure detention available to us. There are a number of circumstances where redundant contracts would be needed. In most contracts there is some discretion retained by the housing county to refuse to house a youth if, for whatever reason, they find that the youth is disruptive in their facility. Another possibility is that a primary housing county may not have enough capacity to house our youth at any given time. A last possibility is that whatever route may be taken to a housing county is impassable. For instance, Highway 101 South which leads to two of the remaining five northern facilities could be impassable due to the ongoing issues with Last Chance Grade. Alternatively if we were traveling to the Northern California valley counties, weather over the pass in Southern Oregon could be an obstacle.

With these considerations factored in, the most sensible county to contract with is Humboldt County. They have recently completed construction of a brand-new facility and based upon their ADP have some extra capacity that Chief Brenneman has verbally agreed to allow us to use. Given our proximity and similarity in populations he does not foresee significant issues arising from such a partnership. In addition to a contract with Humboldt I would propose contracts with Mendocino, Shasta, and Tehama counties. This would put in place the ability to transport to another relatively

close (4.5-hour drive), coastal county if Humboldt could not, or would not, house a particular youth. Also, Shasta and Tehama offer two of the closest possible locations to house youth off the 101 corridor. All three of these counties have long experience providing contracted services to other Northern California counties. Chiefs Locatelli Neal, and Muench, from Mendocino, Shasta, and Tehama respectively, have expressed their willingness to consider such contracts if the Board does choose to close the Hall.

Lastly in regards to custody contracts, I have contemplated reaching out to the Community Justice Director in Jackson County, Oregon to discuss the possibility of establishing a relationship with them for the purpose of housing youth in Medford in emergency situations. Such a relationship would be used in circumstances in which we cannot physically reach other California counties. Currently, with no existing relationship, I believe pursuing this avenue would be premature without more specific direction from the Board regarding the closure of the Hall and at least some contracts established with California counties. If the Board does choose to take that action then I believe it would be worthwhile to explore this option and discuss the possibility with the Juvenile Court Judge.

Population Trends & Projections

In any circumstance where the Hall is closed and we are required to house youth out of county, the local population we serve will be a determining factor in how much we will need to utilize this option. In light of this we have examined demographic projections from the Department of Finance from the present day out to 2032. Del Norte County’s 12-18-year-old demographic is projected to rise 13.3% by 2025, only to drop to the same numbers we have today by 2032. Essentially over the next 10 years there is no expected change in the number of youths of jurisdictional age. When those numbers

Del Norte County Population projection for 12-18 yo												
Age	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
12	341	363	362	331	358	321	338	354	319	307	284	291
13	348	335	360	358	328	361	317	334	352	321	303	281
14	353	346	332	354	357	330	352	316	327	340	312	301
15	303	354	340	324	353	352	325	343	315	316	335	312
16	244	295	356	334	325	351	346	317	335	316	314	334
17	288	252	304	360	343	335	362	350	329	343	316	312
18	262	287	251	301	359	342	336	362	351	322	342	316
	2,139	2,232	2,305	2,362	2,423	2,392	2,376	2,376	2,328	2,265	2,206	2,147

Figure 2

are broken out by gender you can see a slightly higher variation in the female population versus the male population.

Overall, I interpret this information to mean that we will see little to no change in our juvenile probation population based upon demographics alone. This would mean that generally our ADP in

Juvenile Hall

custody, our average number of bookings, our average number of court transports/hearings, etc., would be likely to also remain stable outside of other factors.

In counties that have gone through the transition of closing their juvenile hall and beginning to contract for custody there has been a marked decrease in the ADP of youth in custody versus when the counties maintained their own Hall. Currently I believe it is possible to see a decrease somewhere in the range of 33% ADP. Typically, it appears that this decrease has been caused by a greater reticence of the courts to incarcerate youth away from their families, communities, and support structures. Additionally, our Department would be much less likely to detain youth for short periods of time for probation violations without first presenting the youth to the Court and receiving some kind of disposition of the violation. Generally our ADP is made up of more than half of youth in custody for probation violations. Other factors that could lower ADP are the costs involved in custody contracts and the cost incurred in transporting youth back and forth to the housing county. Both of these costs would be driven by the decision-making process used by the Department and the Court as to what circumstance will dictate a youth being detained.

In Del Norte, over the last 5 full years our in-custody ADP averaged 8.27 from 2017-21. As with many things in our lives, 2020 instigated significant changes and we saw a marked decline in our ADP. This can be seen in Figure 1 on page 7. Part of this was driven by our internal decisions to minimize our population out of an abundance of caution in response to COVID-19. I fully expected to see a rise in ADP as we moved through 2021 and into 2022; this rise did not materialize as I had imagined and our numbers remain significantly lower than in years past. Our ADP from 2020 to the current date is 4.9. A projected decrease of 33% from our '17-'21 numbers would leave us with an ADP of 5.45. The reality of our current situation is that we would more likely see an ADP of 3.23 based upon a similar percentage of our '20-'22 ADP. I believe that this will be a more accurate projection of our ADP if the Hall is closed.

While the projected ADP number provides an idea of the cost for a custody contract, it does not provide a complete picture of the number of bookings and transports that are required to place these youth in custody after initial arrest or transport them back and forth for the numerous court hearings required in reaching a case disposition and the (often) regular case management that occurs while a youth is incarcerated. Over the five-year span of 2017-2021, the Del Norte Juvenile Hall averaged 8.2 bookings per month. In a different context this is one booking approximately every 4 days, every week for every month of every year for five years: days, nights, weekends, holidays, good weather, and bad weather.

As with ADP, I fully expected the number of bookings to rise in 2021 and into 2022, if not reaching pre-COVID levels then at least a significant rise. This expectation was not realized at all, likely due to a multiplicity of factors and none of which I can definitively point to in order to explain

the trend. Examining the booking numbers for 2021-22 reveal that our average number has decreased to 6.5/month, or roughly one booking every 4-5 days.

An argument can be made that this number would decrease along with the ADP, despite the fact that the Department has for years been extremely selective in the youth that we will book in custody. This has been due to both a principle of finding the least restrictive response to juvenile crime as well as the more practical considerations of staff to ward ratios and other regulatory considerations that have led us to attempt, when at all possible, to tightly control our population. While it is safe to say that at least half of our bookings are due to probation violations rather than new law violations, I would postulate that we would see a similar or slightly less decrease in the number of bookings. This

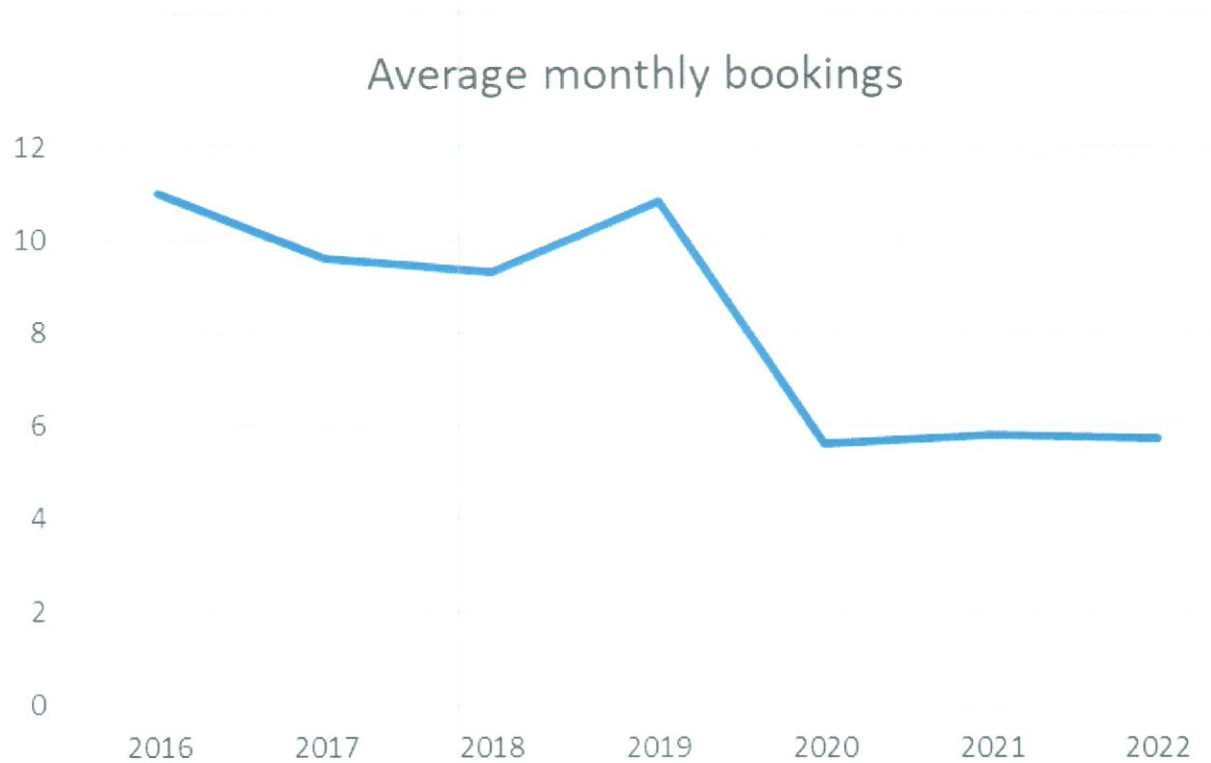


Figure 3

would likely be driven by even more scrutiny of our responses to violations coupled with the greater difficulty of detaining a youth for a violation; the pressures on the officers and entities involved in the local justice system to avoid incarcerating youth will be even greater if the Hall is closed. At the same time the youth in our community are not fools: they would realize quickly the cost and effort needed to incarcerate them and will attempt at every turn to “game” the system. This will require consistent and creative responses to juvenile crime by the Department.

The consideration of both the ADP and the average number of bookings has great relevance to the effort and cost of regular transportation of youth for initial detention and regular court hearings.

Juvenile Hall

Since 2018 we have seen court transports decline from 264 in 2018 to a projected 108 for 2022. Averaged over the last 3 years, this number averages 2.6 youth transported each week. Projecting out a decline at the same percentage as our decline in ADP, I would project that we would have 1.7 youth (or 2) transported each week if the Hall is closed. While it is possible that some of these youth might be heard before the court on the same day, there is never a guarantee of this occurring. For instance, detention hearings for youth that are arrested and detained for a criminal offense are required to occur within 3 business days of detention by law.

As the Board is well aware a round trip to Humboldt County is a round trip of 170 miles, taking an estimated drive time of 3 hours. A round trip to Mendocino County is 482 miles, approximately 8 hours and 45 minutes, a trip to Shasta County is approximately 440 miles and 8 ½ hours, while a trip to Tehama County is 490 miles and a little less than 10 hours. Any transportation of youth for court will also have to be planned and scheduled around the calendar that the Court sets, whenever during the day that may occur. When bookings and court transports are taken into account, it is reasonable to conclude that on at least 3 to 4 days of any given week we will be required to transport a youth/s at least one way.

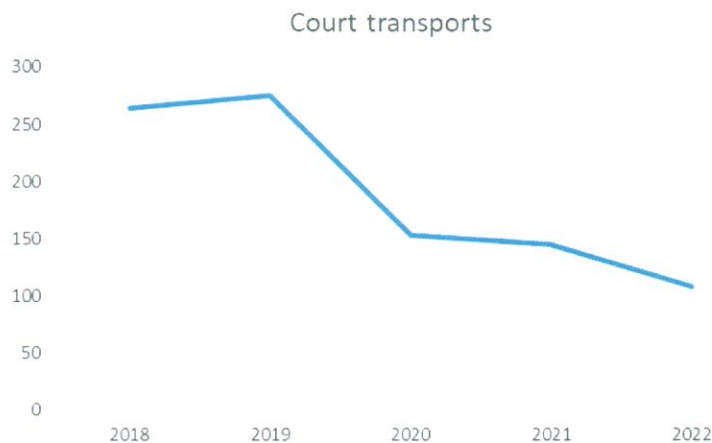


Figure 4

One slightly positive note in such a transition is that more emphasis would be placed on alternatives to custody responses by both the Court and Juvenile

Probation, as has already been discussed. This might result in positive outcomes for some youth, but again it is already the norm to attempt to place youth in the most prosocial and healthy environments possible that are conducive to rehabilitation. A significant burden will be placed on the Department to ensure that any such change has as wide-ranging effects and impacts as possible to outweigh the negative repercussions of the closure of the only juvenile facility within 85 miles.

Staff & Organizational Structure

Much discussion has occurred in the management team of the Department regarding the best way to structure such a reorganization as this. We believe that given the nature of the shift in responsibility and focus that a closure would bring, we have come to the best structure possible to propose to the Board. In the big picture, a closure will require the elimination of all 18 existing Juvenile Hall positions. A new Reentry Services Unit would be established with 6 positions. This unit would

Juvenile Hall

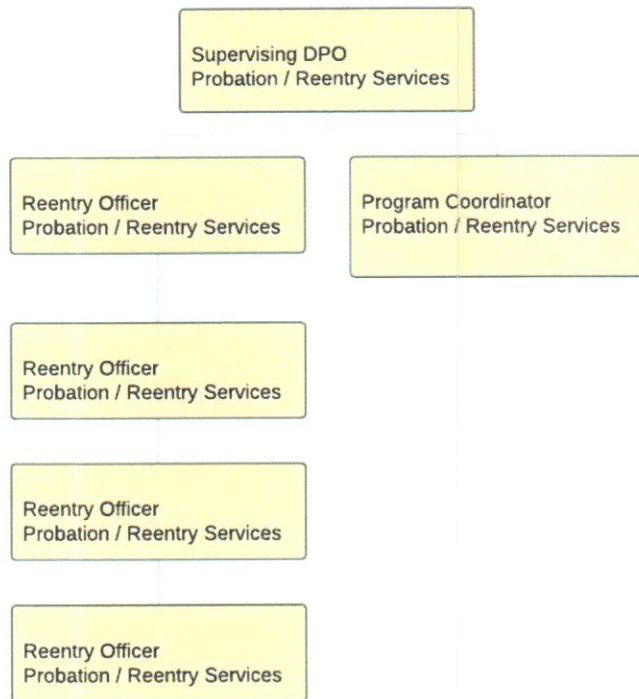


Figure 5

work in tandem with the Juvenile Services Unit and be primarily responsible for transportation of youth in custody and programming and engagement of youth and families to facilitate rehabilitation and reentry into the community. Their responsibilities will be continuous, and the schedule and structure of assignments will allow for providing services 24 hours a day, year-round.

The team would consist of a Supervising Deputy Probation Officer to supervise the unit, 4 Reentry Officers, and a Program Coordinator. Of these positions, only the Reentry Officer is a new position, the SDPO and Program Coordinator positions already exist. The Reentry Officer position falls somewhere in between Juvenile Corrections Officers and Deputy Probation Officers in terms of their job duties and responsibilities. While they will

be the primary staff in charge of care and custody of youth who are detained and need to be transported, similar to a JCO, they will not be operating within an institutional setting. Additionally, these officers will assist in the facilitation of programs and engage with youth and families, also similar to the responsibilities of JCOs but again outside the context of an institution. These are considerations that several counties that closed their Halls had to contend with, and ultimately those counties (Siskiyou and Lassen most recently) determined for a variety of reasons that a JCO position did not meet the needs of their department given the shift in responsibilities.

At the same time, given the focused nature of the position and role it was determined that classifying these staff as Deputy Probation Officers was also not the best choice; the duties and expectations between the two classifications are too dissimilar to easily allow this to be an assignment rather than its own position. The training requirements of both the JCO and DPO positions were considered in weighing these options. Feedback from other Chiefs was that the JCO core training was irrelevant for the most part given the duties of the position, and the broad scope of DPO core training would not be useful to these staff as they would be unlikely to utilize the content and skills taught in that course for years, if at all.

Juvenile Hall

In the end, these staff should be peace officers and receive the requisite training in arrest and control along with basic defensive tactics. Specific transport training would round out the hard skills training component while courses like report writing, motivational interviewing and other soft skills would be focused on to round out the program facilitation and engagement part of the position.

Adding a second Program Coordinator position in the Department with a focus on juveniles and families will allow us to ramp up our programming tempo and increase engagement of those youth who we might normally detain for short periods of time, but in this context would remain out of custody. This position will be primarily focused on coordinating and providing programs and services out of a youth day reporting center which will operate out of the closed juvenile hall.

Finally, the decision to place a SDPO in charge of this unit was made to ensure parity of authority and responsibility with the other probation units. This team will be critical in facilitating juvenile justice services in Del Norte County, no more or less important than Juvenile Services which will continue to maintain the case carrying responsibilities that that unit has always provided. Although priorities in any moment may shift depending on circumstances of a situation, there cannot be any confusion that one unit is more preeminent than another.

Some discussion has already begun with the Human Resources Director and Administration on the best way to integrate these new positions into the structure of the Department. It has already been determined that some other positions may need to be slightly modified in range in order to avoid compaction and properly align the compensation of positions with their responsibilities.

In these discussions we have also begun to address the opportunities and transitions for existing employees, whether that is a transition to the newly created positions or to other vacant positions within the county. Of primary importance throughout this process is the care and consideration we extend to our existing employees who have faithfully served through the difficult times we have faced over the last 5 years. In spite of all these difficulties, they have dedicated themselves to providing opportunity and safety for our most troubled and vulnerable youth as well as the community, and they deserve to be honored for that service and sacrifice.

Reentry Support & Programs

Something that is often overlooked by the community at large is the great investment in our youth that is made by the Department and many other partners while a youth is in custody, not in a financial sense but in the programs and supports provided by staff and others. Just a small sampling of what staff do with youth in custody are sports and exercise programs, team-building activities, art projects, social skills programs, Aggression Replacement Therapy, Moral Reconciliation Therapy, Forward Thinking journaling program, Seeking Safety, substance abuse groups and counseling, mental health counseling, gardening, Incredible Years for our young parents, and many others.

Juvenile Hall

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The loss of these programs for our in-custody youth will be significant, however this change will also provide us an opportunity we have not pursued before. Our goal would be to ramp up these and other programs to all our youth that are out of custody with direct services as well as partnerships with other agencies. This will be a critical aspect of supervision for those youth who would otherwise be detained, but instead will need high-intensity services to address their behaviors out of custody. We would engage with Behavioral Health, Remi Vista, the County Office of Education, 4-H, and other organizations to bolster our ability to provide services and offer our help in facilitating the connection of youth with these programs.

In addition to the focus on out-of-custody youth, we want to create a structure in which our detained youth being released can return home and be overwhelmed with the prosocial opportunities available to them. Keeping youth engaged in a variety of activities that both challenge and inspire them remains a goal of the Department, but with a closure of the Hall takes on an even greater importance. The transition home after detention can be one of the most challenging times for youth and families and there will be an even more critical need for the Department to facilitate this transition well as our ability to remove the youth from a dangerous situation, whether created by themselves or others, will be limited.

Aside from transportation of youth, this will be the primary responsibility of the Reentry Services Unit. That team will be engaged with youth and families on a regular basis to facilitate and provide these opportunities to youth. They will regularly work with Juvenile Services to create transition plans for youth being released from custody so that their reentry home can be as seamless as possible. Engagement with family will be a responsibility of this unit as well, both in programming offered as well as facilitating and monitoring visitation when a youth is in county for court or other appointments. It has also been contemplated that this team may provide transportation for families to see youth out of county. They will assist in the reentry coordination needed for school and medical services, working in tandem with the youths' probation officer to ensure that needed information is passed between Del Norte and housing counties.

To make this type of programming and engagement possible the Department will need an appropriate space to hold programs and work with youth on a regular, daily basis. Having a hub from which to conduct multiple types of programs and work with youth makes complete sense, and the most logical place to do this is in the (closed) Juvenile Hall. The facility would offer the opportunity to co-locate Reentry and Juvenile Services, as well as a facility that can host a variety of types of programs with relatively little modification. This idea will be addressed in more detail in the next section.

Facilities

When discussing an alternate use of the Juvenile Hall, one of the first hurdles that must be discussed is any restriction on the use of the facility based upon the funding that constructed it. The

Juvenile Hall

Del Norte County Juvenile Hall was constructed with the use of federal Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) funding administered by the Office of Justice Programs, a division of the Department of Justice. In May of 2022 the OJP issued a Guidance on the Duration of the Federal Interest in VOI/TIS-funded Facilities; that document is included on page 24 of this report. In summary, the duration of DOJ's interest in any facility lasts for "the useful life of the facility..., or 15 years, whichever is shorter." After that time "...the grant recipient no longer has any obligation to continue using the facility as was originally intended under the award..." As the Juvenile Hall was opened in 2001 we are well beyond any restriction placed upon our use of the facility by DOJ.

For a number of years, the Juvenile Services Unit has operated out of the Juvenile Hall administration section. This allowed us to consolidate the location of our juvenile services and isolate our juvenile offenders from adults who report to the main office in the courthouse. We would intend to continue this physical structure and leave Juvenile Services where it is.

With the establishment of the Reentry Services Unit, we need additional office space for this team. I propose that this unit would operate out of the existing office space within the Hall. There is sufficient space off of the main secure corridor to have this 6-person team work out of that section. There would be minimal modification to any of these rooms as most are already set up as office spaces for a variety of purposes.

Circling back to the importance of offering regular programming, we envision that a number of different rooms and spaces within the Hall can be used as, for lack of a better term, a day-reporting center where youth can come and participate in soft-skills programming, tutoring after school, gardening, physical activities such as basketball or other organized sports and activities. At the present time we would propose that the contact-visiting room, one of the classrooms, and part of the gym be specifically set aside and set up for these activities. We would also utilize the exercise yard to continue and expand our gardening program as well as a space for sports and physical programs. In addition to this, we have for years worked with our in-custody youth to get their ServSafe certifications and learn basic kitchen skills. With an industrial kitchen at our fingertips it makes complete sense to utilize it to continue a variety of culinary programs, as well as continuing our partnership with organizations like Gateway Education to provide them access to a kitchen space for their various programs. We have also discussed the possibility of leaving our medical room unchanged and establishing a partnership with Open Door Clinic to provide services on some scheduled basis to the youth who come to our center. We would also utilize space in the Hall for family visits and engagement for in-custody youth who are in county for court or other appointments. We can, at the same time, facilitate attorney visits with the youth as well.

Finally, a critical need in the event the Hall is closed is to provide for the secure, temporary detention of youth as they are screened for secure detention. We would intend to utilize the existing

Juvenile Hall

booking space of the facility for this purpose. Current law allows for the temporary detention of juveniles by law enforcement while cases are being investigated, family is contacted, or other situations. While the booking area of the facility would provide an amply secure space for this purpose, we would still meet statutory and policy limitations on the length of time we would detain youth.

In attempting to utilize every part of the facility possible to the benefit of our youth and community, I would also repurpose some sections of the building for staff development and training. The Department, as well as other local agencies, have scraped by and made do with what we could find or scrounge as far as training space. Closing the Hall as a custodial institution allows us the ability to set up one of the classrooms as a training room and part of the gym as a dedicated physical skills training space which is desperately needed by both the Department and the Sheriff's Office, as well as the Police Department. This will facilitate the development and maintenance of skills and abilities that will make both our officers and our community safer.

The last item to address in relation to the facility are the historical issues that the Department has had with Juvenile Hall maintenance. There are significant systems in the building, at this time primarily the HVAC system, that have not been appropriately maintained and will need to be replaced in the foreseeable future. For the most part these maintenance needs that have been deferred will continue to need to be addressed so the facility can remain a viable location for the provision of services to our youth and community. We have attempted to capture and include these ongoing costs in our analysis of the cost of this proposal which will be addressed in the next section.

Cost Analysis

While the significant cost to the county of operating the Juvenile Hall cannot be ignored, it is not the driving factor for this recommendation. Were that the case the county would have made the decision to close years ago. However, a decision of this magnitude cannot be weighed appropriately without consideration of the existing and future financial cost to the county. Ultimately there is a significant cost savings to the county if the Hall is closed and juvenile detention is contracted out. This does take into consideration the need for regular transports as well as the entire Reentry Unit and the programs and services that would be facilitated by that unit.

The existing budget for the Juvenile Hall for fiscal year '22/'23 which was just approved by the Board, is \$2,497,962, with a net county cost of \$1,754,930, covering payroll, operations, programs, juvenile health, etc.

The current Salaries & Benefits includes one (1) Facility Manager, four (4) Supervising Juvenile Correctional Officers, ten (10) Juvenile Correctional Officers, one (1) Juvenile Correctional Technician, one (1) Supervising Cook, and one (1) Cook. In contrast the proposed Salaries & Benefits budget eliminates the aforementioned positions and establishes one (1) Supervising Deputy Probation Officer,

Juvenile Hall

four (4) Reentry Officers, and one (1) Program Coordinator costing \$700,915, which is a difference of \$971,046

Del Norte Juvenile Hall 2022/23 Budget

	Current budget	Proposed budget
SALARIES & BENEFITS	\$1,671,961	\$700,915
SERVICES & SUPPLIES	\$525,266	\$564,827
FIXED ASSETS	\$0	\$60,000
INTERFUND COSTS	\$300,735	\$241,960
EXPENSES SUBTOTAL	\$2,497,962	\$1,567,702
REVENUES	(\$743,032)	(\$447,783)
COUNTY NET COST	\$1,754,930	\$1,119,919

Figure 6

Because of the significant restructure of the Department and the creation of new jobs with new requirements and expectations, we believe it is imperative to, as best we are able, attempt to address compaction issues within the Department’s organizational structure as a part of this restructure. We would propose that the Supervising Deputy Probation Officer move from a range 47 to a range 49 to ensure adequate separation between the DPO III and SDPO. In order to become consistent with other existing Program Coordinator positions in the County that position will change from a singular range 44 to a I/II position at range 46/48.

Services & Supplies is projected to be slightly higher than the existing budget due to the cost of contracting with other counties which is estimated at \$275,000. This cost is based on a conservative projection of an ADP of 5 throughout the year. Basic services and supplies include program costs and facility maintenance costs as well. One factor which will remain a budget focus going into the future is ensuring transport vehicles are purchased with enough regularity to ensure the safety and security of youth and staff as they travel. The frequency and need of replacements will ultimately depend on the

Juvenile Hall

number of transports required to meet mandatory court hearings, bookings and releases. Overall the increase to Services & Supplies from our current cost is projected to be \$70,311.

Revenue projections are obviously lower due to the restructure changes. These include fees from Curry County for housing their youth, reimbursement for meals served to youth from the Child Nutrition Program, STOP funds which are for mental health services in custody, and Health funds which cover the costs of additional Mental Health Services, the medical contract with Wellpath, and medical bills for youth. Despite this, we expect to continue to receive some offsetting revenue which will allow us to lower our net county cost.

The proposed budget has been developed in conjunction with the CAO and Auditor to ensure accuracy to the greatest degree possible. As can be seen in the comparative chart above, the proposed budget has a lower net county cost of \$1,119,919 with a general fund saving of \$635,011.

Summary & recommendation

As with every complicated problem, there are options available and solutions that can be tried. My overarching concern is the wellbeing and morale of my staff coupled with the ability for the Department to healthily function in its critical role in the local justice system. Having struggled with constant staffing crises since my appointment in 2014, almost nine years ago, I have never seen the staff of the entire Department as hopeless and ground down as they are right now. The overlaying factors of continuing changes in juvenile justice and the impacts of our collective response to COVID have compounded the pressure on the staff and the seeming futility of what we do for our youth. We have constantly operated in a defensive posture in regards to Juvenile Hall operations and we continue to lose ground no matter what steps are taken to remedy the situation.

I have publicly stated numerous times that I am not in support of closing the Juvenile Hall as the social costs that would be incurred outweigh the financial cost of operating our own facility. What I had not taken into account is the personal cost on my staff which I have seen increase exponentially over the last few years as different factors have come to bear. Frederick Douglass said, "It is not light that we need, but fire; it is not the gentle shower, but thunder. We need the storm, the whirlwind, and the earthquake." In that vein I believe the time has come for us to take the offensive and be stirred to new action in response to the storms that have been constant in juvenile justice, the economy, and the day to day operation of a facility in rural California.

As is indicated by the very existence of this report, I and my management team do not believe that maintaining the status quo is a viable option for continuing operations of the Juvenile Hall. To continue to operate in the same fashion and expect different results is to ignore the stark reality of the struggles currently faced. Nor do we believe that any of the other options considered have any long-term benefit to the Department or the county. Maintaining operations as they are or desperately

Juvenile Hall

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attempting to operate a SPJH is, in my opinion, only forestalling the eventual forced closure of the Hall due to the impossibility of recruiting and retaining the needed numbers of qualified staff required to ensure the safety and security of our youth.

Though by no means an easy decision, we are left to choose between two options: continue to be defensive in our posture toward juvenile detention, or go on the offensive to create an environment that we can sustain long-term. The indicators that I see leave me no other alternative than to recommend closure and an aggressive creation of alternative operations that can still bring a great benefit to our youth involved in the justice system. I believe this is the right choice and that delaying this decision will work to our detriment.

I await the Board's direction.

Notes:

Welfare & Institutions Code

Section 726(d)(1). If the minor is removed from the physical custody of the minor's parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the middle term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.

(2) As used in this section and in Section 731, "maximum term of imprisonment" means the middle of the three time periods set forth in paragraph (3) of subdivision (a) of Section 1170 of the Penal Code, but without the need to follow the provisions of subdivision (b) of Section 1170 of the Penal Code or to consider time for good behavior or participation pursuant to Sections 2930, 2931, and 2932 of the Penal Code, plus enhancements which must be proven if pled.

(3) If the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, including previously sustained petitions adjudging the minor a ward within Section 602, the "maximum term of imprisonment" shall be the aggregate term of imprisonment specified in subdivision (a) of Section 1170.1 of the Penal Code, which includes any additional term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1 of the Penal Code, and Section 11370.2 of the Health and Safety Code.

(4) If the charged offense is a misdemeanor or a felony not included within the scope of Section 1170 of the Penal Code, the "maximum term of imprisonment" is the middle term of imprisonment prescribed by law.

(5) "Physical confinement" means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

(6) This section does not limit the power of the court to retain jurisdiction over a minor and to make appropriate orders pursuant to Section 727 for the period permitted by Section 607. Section 850. The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court or in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court, a suitable house or place for the detention of wards and dependent children of the juvenile court and of persons alleged to come within the jurisdiction of the juvenile court.

Section 870. Two or more counties may, pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, establish and operate a joint juvenile hall. A

Juvenile Hall

joint juvenile hall shall be under the management and control of the probation officers of the participating counties, acting jointly, or of one of such probation officers, as provided by the agreement among the counties, and shall be in the charge of a superintendent selected pursuant to a civil service or merit system. A joint juvenile hall shall be operated in the manner prescribed by this chapter for juvenile halls.

A county participating in the maintenance of a joint juvenile hall pursuant to this section need not maintain a separate juvenile hall.

Section 872. Where there is no juvenile hall in the county of residence of minors, or when the juvenile hall becomes unfit or unsafe for detention of minors, the presiding or sole juvenile court judge may, with the recommendation of the probation officer of the sending county and the consent of the probation officer of the receiving county, by written order filed with the clerk of the court, designate the juvenile hall of any county in the state for the detention of an individual minor for a period not to exceed 60 days. The court may, at any time, modify or vacate the order and shall require notice of the transfer to be given to the parent or guardian. The county of residence of a minor so transferred shall reimburse the receiving county for costs and liability as agreed upon by the two counties in connection with the order.

As used in this section, the terms “unfit” and “unsafe” shall include a condition in which a juvenile hall is considered by the juvenile court judge, the probation officer of that county, or the Board of State and Community Corrections to be too crowded for the proper and safe detention of minors.

CSAC Juvenile Hall Report & Toolkit: [https://www.counties.org/sites/main/files/file-attachments/juvenile hall report and toolkit 2019.pdf](https://www.counties.org/sites/main/files/file-attachments/juvenile_hall_report_and_toolkit_2019.pdf)

Guidance on the Duration of the Federal Interest in VOI/TIS-funded Facilities

This guidance relates to correctional facilities that were constructed, in whole or in part, with funds from the federal Violent Offender Incarceration and Truth-in-Sentencing ("VOI/TIS") Incentive Formula Grant Program. The VOI/TIS program was administered under the Office of Justice Programs ("OJP"), U.S. Department of Justice (the "DOJ"), with grants made between 1996 and 2001.¹ The VOI/TIS grants provided States with funding to increase bed space for violent offenders, by (among other things) building new correctional facilities or jails or by expanding existing facilities or jails. No new VOI/TIS funds have been appropriated since 2001, but numerous facilities throughout the United States were built with VOI/TIS funds. This guidance is intended to address the ongoing obligations that recipients of those funds have to the DOJ regarding those facilities, and is a supplement to the [*Guidance for States on the Use and Disposition Requirements for VOI/TIS-funded Facilities*](#).

As a condition of funding, and in keeping with the statutory purpose of increasing correctional bed space, VOI/TIS grant recipients were required to agree to operate those facilities built under VOI/TIS as correctional facilities or jails. The DOJ has a federal interest in that continued use of the grant-funded facilities. The duration of that interest with respect to any particular facility extends throughout the useful life of the facility (as indicated in the grant recipient's tax returns and/or annual financial-statement depreciation schedules), or 15 years, whichever is shorter.

Once the federal interest expires, the grant recipient no longer has any obligation to continue using the facility as was originally intended under the award, and, at that point, a grant recipient may cease facility operations, repurpose the facility, or sell or otherwise dispose of the facility. For questions about changing the use of a facility, or property disposition options, before the federal interest expires, see [*Guidance for States on the Use and Disposition Requirements for VOI/TIS-funded Facilities*](#).

¹ The grants initially were administered by OJP's Corrections Programs Office but later were transferred to the Bureau of Justice Assistance ("BJA") for administration.