

**JUVENILE JUSTICE  
DELINQUENCY PREVENTION  
COMMISSIONER HANDBOOK**

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# JUVENILE JUSTICE / DELINQUENCY PREVENTION COMMISSION HANDBOOK

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## INTRODUCTION

The Juvenile Justice and Delinquency Prevention Commissions and Commissioners serve important functions in California's juvenile justice system. This handbook is intended as a resource to assist in carrying out commissions' mandates and responsibilities in fulfilling your roles.

The Board of Corrections has compiled it with advice and assistance from its Juvenile Justice/Delinquency Prevention Planning Committee to serve as a resource for commissioners. The Juvenile Justice/Delinquency Prevention Planning Committee was comprised of commissioners from different size counties and different areas of the state. The Board of Corrections graciously thanks those you have contributed. They have helped develop this manual to inform, instruct, guide, and serve as a reference.

This handbook is intended to help new commissioners understand their roles and responsibilities, help more seasoned commissioners expand their vision of the functions and possibilities of commissions, and help the juvenile justice system understand and use commissions more effectively. Thus, help frame the vision of commissions seeking to enhance their positive impact on the reduction of crime and delinquency in our communities.

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## THE EVOLUTION AND ROLE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSIONS

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From its inception, California's juvenile justice system has been shaped by the involvement and strong influence of lay citizens. Citizen reaction to conditions within government's provision or lack of provision for the needs of children had played a part in major reforms leading to the state's present system. Lay advocacy of the interests of children had been and must be a consequential dimension of California juvenile justice.

### HISTORY

With statehood in 1850, California inherited the legacy of the English Poor Laws of the sixteenth and seventeenth centuries. It was these laws that established local governmental jurisdiction over the young, poor, and criminal. Workhouses, almshouses, jails, and prisons for adult paupers, vagrants, criminals, and the insane were the common caretakers of young offenders as well. Upon admission to the Union, California's public capacity to respond to the needs of children was small indeed.

A Special Panel of Commissioners determined that 300 youth under age 20 were sent to California's prisons and another 600 were detained in or committed to jails during the decade of the 1850's. Public pressure upon the Legislature to separate juvenile from adult offenders led to the establishment of the San Francisco Industrial School in 1858 and the State Reform School in Marysville three years later.

This was small provision still for delinquent children outside of jails and prisons. Private groups such as the Boys and Girls Aid Society of California began to address themselves to decent care for children. Through the Society's efforts the Juvenile Probation Law was passed in 1883. The Probation Law was not only the state's first child welfare law but for the first time provided for placement of juveniles in facilities other than jails.

Despite the law, confinement of juveniles in jails continued. Miserable conditions confronted juveniles not only in jails but private institutions as well. These prompted the Boys and Girls Aid Society, the California Club, and the Associated Charities of San Francisco to work for reform. Their efforts culminated in 1903 in an Act Defining and Providing for the Control, Protection, and Treatment of Dependent and Delinquent Children, California's first juvenile court law. The law prohibited the commitment of children under 12 to jail, prison, or police stations. It allowed the commitment of children to the care of the sheriff, police officer, constable, or probation officer. It required placement in a city or county facility outside the enclosure of any jail. The Act established the Board of Charities and Corrections, which placed in state government the function of establishing standards for juvenile institutions. Until this provision, standards for the decent care of juveniles were informally addressed by private citizens' organizations.

The Act was amended in 1905 to require the juvenile court judge of each county to appoint a probation committee. The precursor of juvenile justice and delinquency prevention commissions, probation committees served as unpaid assistant probation officers and citizens' advisory groups.

The role of probation committees expanded over the years. By 1945 the law authorized probation committees to inspect and report to the court on private and public (except state) juvenile institutions. When directed by the court the committees provided friendly supervision and visitation of court wards, investigations, reports to the court, and recommendations on court orders. They could establish public delinquency prevention committees and cooperate in their work. Probation committees were given the authority to nominate probation officers and assistant probation officers to the juvenile court judge.

By 1960, although the specific repertoire of functions varied from county to county, probation committee roles typically included selection of the probation officer, advice on administration, public relations and political influence for their probation departments, administrative functions in juvenile halls, and personnel matters. In lesser number, some committees were involved in preparation and presentation of budgets, and delinquency prevention functions.

The Governor's Special Study Commission on Juvenile Justice, whose work led to the Arnold-Kennick Juvenile Court Law of 1961, indicated in 1960 that there was a general feeling that the statutorily assigned functions of the probation committee was no longer appropriate to the juvenile justice system. More specifically, a number of chief probation officers felt the committees made little contribution. There was some resentment by a smaller number of chiefs of what was felt to be committee interference in probation administration and in personnel selection.

As a result, the Governor's Study Commission proposed that probation committees become part of local juvenile justice commissions. These commissions would investigate the administration of juvenile justice in its broader sense, including law enforcement, the courts, and probation departments. The traditional functions of probation committees would be relinquished.

The Arnold-Kennick Juvenile Court Law was placed in the statutes the following year. The recommendation of the Governor's Study Commission was implemented. Juvenile justice commissions were established replacing probation committees, except in Los Angeles County. There, the role of the Probation Committee was defined as advisory to the probation officer. The duties defined for juvenile justice commissions in 1961 by the Arnold-Kennick Law remain unchanged today.

With the demise of probation committees the Law left authority to establish public delinquency prevention committees with the juvenile court and probation. In 1965 the Juvenile Court Law was amended to allow county boards of supervisors to establish delinquency prevention commissions or designate the juvenile justice commission to serve as such. Like the justice commissions, the duties defined in 1965 describe the duties of delinquency prevention commissions today. By 1965, 31 counties had established prevention commissions.

## **ROLE**

Government's Provision for the care of delinquent children at times falls short. The course of juvenile justice in California is marked by studies pointing to objectionable conditions suffered by children in public facilities, adult and otherwise. Public response to governmental shortcomings in its provision of care for delinquent children had led to important changes in the state's laws regarding delinquents. It's as if quality government requires citizen watchfulness and involvement.

Beginning with the Boys and Girls Aid Society, through probation committees, to the juvenile justice and delinquency prevention commissions of today, justice for juveniles' calls for concerned private citizens advocating the interests of children to government. Prior to 1905 and the advent of probation committees, California juvenile law made no provision for citizen advocacy. Nevertheless, private citizens groups advocated reform. After the establishment of Board of Charities and Corrections with standard setting responsibility and the creation of probation committees in each county, the work of private advocacy groups is not as discernable in the records of California juvenile justice. Juvenile justice and delinquency prevention commissions are today charged under the law with that tradition of advocacy of the interests of children to government and the larger public.

### The Role of Juvenile Justice Commissions

Section 225 of the Welfare and Institutions Code requires each county to have a juvenile justice commission. The definition of the role of juvenile justice commissions is found in Sections 229, 230, 270, and 271 of the Welfare and Institutions Code. The law requires commissions to inquire into the administration of juvenile justice in their counties. To accomplish this, commissions are granted access to all publicly administered institutions in their county authorized by the Juvenile Court Law. That includes annual inspection of probation-administered institutions, jails, and other lockups detaining juveniles more than 24 hours. Conceivably this means not only law enforcement and probation facilities, but of those state facilities located in the county as well. It also can be considered to include those institutions operated for dependent children of the court. To gain information beyond the inspection of institutions, commissions may hold hearings and, using the subpoena power of the juvenile court judge, require testimony of witnesses and the production of papers. Commissions must report yearly the results of their inspections to the juvenile court judge and the Youth Authority. Commissions may also recommend changes that investigation indicates beneficial to any person administering provisions of the juvenile court law. Commissions may publicize its recommendations. Justice commissions are empowered to play an important role in the appointment of the probation officer. This is not true in chartered counties where provisions of the charter control such matters or in counties with merit or civil service systems. The commission is required to nominate the probation officer to the juvenile county judge as he/she directs. The judge must then appoint the nominee.

Thus the tools of advocacy as defined in the law are:

1. Inquiry into the administration of juvenile justice in the county.
2. Inspection of publicly operated juvenile institutions in the county authorized under the juvenile court law.
3. The holding of hearings using the subpoena power of the juvenile court judge.
4. Recommendation for changes deemed beneficial after investigation, to any administrator of the provisions of the juvenile court law.

5. Publicizing its recommendations.
6. Nomination of the probation officer.

### The Role of Delinquency Prevention Commissions

The law governing delinquency prevention commissions is found in Sections 233 and 233.5 of the Welfare and Institutions Code. Unlike juvenile justice commissions, the law does not require counties to establish delinquency prevention commissions. Boards of supervisors are allowed, if they wish, to appoint a delinquency prevention commission separate from the juvenile justice commission or the designate the juvenile justice commission as the county's prevention commission. Most boards of supervisors, who have established delinquency prevention commissions, have chosen the latter option.

The law is considerably less specific in defining the role of prevention commissions. It says the board of supervisors may establish a delinquency prevention commission to coordinate countywide, the work of governmental and non-governmental organizations engaged in delinquency prevention. It may receive funds from private and public sources to hire an executive secretary and staff, to defray administrative expenses, and expend on specific projects. In counties with populations greater than 6,000,000, the commission may be assigned by the board of supervisors to report on pornography. The law does not define delinquency prevention. With a rather vague charge under the law, compared to that of juvenile justice commissions, the role of delinquency prevention commissions can be uncertain. When commissions fulfill both roles the result can be, understandably, effort focused largely on the more concretely determined inspection function.

Nevertheless, if the thesis offered in this paper (that juvenile justice commission advocacy of the interests of governments juvenile charges is required because government can fail to provide adequate care) is valid, then the meaning of delinquency prevention becomes clearer. Prevention within this context means encouragement and coordination of the efforts of those who work to make governments' assumption of responsibility unnecessary.



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## JUVENILE JUSTICE COMMISSION PROTOCOLS

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By  
Bruce Malloy

### Action Plan

The purpose of an Action Plan is to give direction and focus to your activities during the year. The plan is the "roadmap," it sets the course for what your commission expects to accomplish, and helps keep you on task. This encourages teamwork and focus.

Every plan is outdated the day it is produced; conditions change. That is the reason for the midyear review, a way to check on "how we are doing."

### Annual Report

Each year it is incumbent upon you as a commission to issue a report of your *actions, findings, evaluation, and recommendations*. As the membrane between the public and the system and the eyes of the court, your official findings are important. The Annual Report is your annual product. It should provide an accurate and easy to read snapshot of the juvenile justice system in your county for that year. Helpful elements should include the following:

- \* Letter of introduction from the Chairman
- \* Total number of hours donated by the commissioners
- \* Commissioner activity (new appointments, resignations, etc.)
- \* Total cost to the county for the commission
- \* Activities, including: inspections, investigations, studies, evaluations, recommendations, commendations and tables of data
- \* Copy of the Welfare and Institutions code Sections pertaining to the commission reports from the Chairperson for the committees on annual activities/findings.

### Bylaws

The rules by which your organization operates are your "*Bylaws*." You will note that in the W & I Code, there is no mention on how to operate the Commission. That is described in your bylaws, which show all that review them the extent of your powers as well as the limitations. These rules by which you govern your operation are critical, each commissioner needs to know what is expected of him/her. The bylaws give that explanation.

In any organization there is a need to set boundaries for actions and establish predictable expectations. The bylaws are the "blueprint for expectations" for the commissioners. Each new commissioner should be given a copy and sign a form indicating he/she knows, understands, and

agrees to comply with the stated expectations in the bylaws. Unless this is done, you run the risk of people engaging in personal agendas, abusing their authority, and jeopardizing the integrity and the operations of the group.

Sharing your bylaws with the Presiding Judge and the heads of the agencies you interface with, is valuable because it demonstrates your willingness to show others what rules are expected of your commissioners. By doing this, you tell others you are not a "secret" organization and your roles are clearly defined.

Commissioner's expectations and responsibilities fall into several important categories. Among other things, commissioners are expected to exhibit:

- \* Integrity
- \* Dedication
- \* Commitment to issues
- \* Willingness to be a "team" player
- \* Willingness to learn all the aspects of the system
- \* Desire to keep making improvements to the Juvenile Justice System.

### Investigations

During the year, people within and without the system may come to the commission with complaints and requests for investigations. If your commission is inclined to conduct investigations the following is recommended:

- \* Have a *defined protocol* that outlines how you conduct investigations
- \* Have the *Vice Chair do the initial review* for assessment prior to further action
- \* Undertake investigations that are "systems" issues only
- \* The investigations must be confined to juvenile court issues (no family law, etc.)
- \* The results of a full investigation should yield a report to the agency(s) and the Judge
- \* If the press is involved only the Chair and Vice Chair speak for the Commission.

The process can be difficult, and sometimes agencies and individuals will refuse to provide necessary information. It is for that reason that the commission is empowered to request the Presiding Judge of the Juvenile Court to issue a subpoena or ask for material via an 827 Order. In the event of a subpoena, it is recommended County Counsel issue the document. If County Counsel is unavailable (because the subpoena is against another county agency that has already contacted county counsel making them in a conflict), the County must provide appropriate legal services for the issuance of the document. The Presiding Judge cannot give legal advice and cannot act as counsel for the commission. In addition, it is recommended you contact other commissions for their experiences in this area.

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## EACH COMMISSION - A FORCE IN THE COMMUNITY

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Juvenile Justice and Delinquency Prevention Commissioners are in a unique role, with their mandates from the State and from their Boards of Supervisors, to work on behalf of youth, their families, and their communities. We have strong motivation to become significant participants in changing our communities, which seem increasingly to be overwhelmed by drugs, youth violence, property crimes, and a large number of youth and adults who do not see themselves as individuals who could have strong positive roles in their community.

To develop your Commission to a level of significance in its positive impact in your community requires that you mobilize on several levels. First, develop within our Commission a sense of the strength, competence, and resources of your individual members as well as your strength, competence and resources as a group. Second, using the abilities of your commissioners, reach out to the community and find the many allies who exist but may feel that they are alone in the effort to improve conditions for youth and families. Third, build a reputation for integrity, based on a thorough and judicious study of community needs and concerns, followed by responsible reporting of your concerns to representatives of the juvenile justice system, Board of Supervisors, and the community at large. Fourth, maximize yourselves and strengthen others in their advocacy by working together regionally as commissions as well as acknowledging your strength in advocating these ways, you will be able to analyze your community needs and then decide on goals, objectives, and strategies which will allow you to advocate successfully to most effectively serve your community's youth and families.

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### BUILDING OURSELVES

First, develop within your Commission a sense of the strength, competence, and resources of your individual members as well as you strength, competence and resources as a group.

Capacity Building: Your Commission has the capacity to be a powerful force in your community. When Rollo May was writing about the problem of violence in our society, he defined power as the awareness or sense that you have impact as a person - that you affect things around you. He saw danger, not in those who see themselves as powerful, but rather in those who feel weak and therefore express their power by furiously trying to appear strong. Each commissioner and Commission can have a sense of power, of impact on others, and through them, on our communities.

Membership: If your Commission is representative of the community including human services, law enforcement, schools, churches, business, public agencies, foster parents, etc. and includes a range of ages from youth to retired individuals, a diversity of backgrounds, and if these individuals involve themselves in activities which are supportive to the growth of a healthy community, their range of impact, in their network of interests will be large. We need to realize that our advocacy role as

Commissioners are augmented as we take individual responsibility to develop and expand our own networks of individuals and groups whom we can influence through close contact. Recruitment for diversity in interests, enthusiasms, expertise, and areas of commitment will result in a much more effective commission with a wide range of advocacy.

Commission Education: We, as Commissioners need to learn from our chief probation officers, our judges and essential agencies. We can become an informed Commission, in regard to the Juvenile Justice system, because our Chief Probation Officer and our Juvenile Court Judge can teach us enough so that we can learn on our own, and if we support them in continuing to teach us, our advocacy can be up to date. A big part of that growth is the willingness of our Chief Probation Officer and Judge to be our teachers and to see us as valued partners. Being valuable partners is our job. If this close relationship does not exist with our judge and chief probation officer, we need to begin by building a strong relationship with them.

We need to learn from our agencies and organizations. This can be done through individual outreach by Commission members through their other community activities. It can be done formally, at each Commission meeting, through the sharing time described below. We, as Commissioners, must make a concerted effort to know our communities. We must understand the community needs, strengths, weaknesses, gaps and overlaps in services. We need to understand our community power structure and how to work with it. We need to understand our communities in depth so that we can support effective community programs, help to build needed programs, and support all providers in becoming more collaborative as they serve the community. With this kind of understanding, it is possible to develop specific action plans to make the wisest use of Commissioners time and energies.

Organizational Structure: Structure your commission so that you can most effectively use your members. Develop structures and processes, which support your Commission officers and share the workload so that everyone feels involved and no one is worn out. Some Commissions function under multiple vice chairs. Sutter County, for example, has a Vice Chair for Youth to support their excellent program for recruiting and maintaining youth members. Planning Commission structure to support the diversity of interests represented by the membership will result in increased performance and satisfaction of commission members.

Communication Skills: Essential to effectiveness as a Commission are the individual and group communication skills which can be learned and augmented. The communication needs of each Commission are very individual and also have many commonalties with other Commissions. Available from the Community Congress of Humboldt is the pamphlet, What Communication Skills Will I Need?, by Antoinette Martin. You can also plan a special training or retreat for your Commission on which you work on basic communication skills and barriers, which you have encountered as you tried to accomplish your goals. Such training can, for example, support your youth members in speaking out, encourage more sharing of ideas, allowing more creative input from all your members. Many Commissioners are new to each other and therefore don't know each other's styles, apprehensions, needs for power, level of defensiveness, or how to encourage sharing among them.

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## **BUILDING PARTNERSHIPS**

Second, using the abilities of your commissioners, reach out to the community and find the many allies who exist but may feel that they are alone in the effort to improve conditions for youth and families.

Communications Bridges: We can increase our impact through helping to build community communication so that our efforts are collaborative rather than fragmented. We can help to build a community-wide collaborative mind set. In many of our communities, we have terrible communication gaps. Many of us are working very hard to bridge these gaps and we still sit down at the table with each other, listen, and then lean across and say "You're doing what?" Some of the Commissions have newsletters. Humboldt County Celebrates, Commission newsletter, has articles about positive things that are happening for children, youth and families and is mailed to schools, agencies, boards, and individuals, thereby helping to bridge that communication gap. Calaveras County has developed a number of outreach documents, which give their Commission a clearer public image. Some Commissions have a sharing time at the beginning of each meeting to keep Commissioners informed. They have a Community Relations Vice Chair who invites members from various groups, agencies, youth organizations, etc. to speak to the Commission about their activities. If there are specific ethnic or minority groups in your community, a special vice chair can help to develop subcommittees such as a Native American Concerns Committee, which meets actively each month with members of the Native American community to look at concerns and possible solutions.

Very specific communication avenues can be used to build the visibility and credibility of our Commissions. Publicity, public relations, and marketing of what Commissions do is essential. Providing useful educational documents such as the Calaveras County Juvenile Justice Handbook which was done in collaboration with schools, district attorney, probation department, law enforcement agencies, bar association, and courts helps others to see what collaborative efforts can do as well as providing valuable information to the youth and adults of the county. You can develop a speakers bureau and share with other members of your community your growing sense of pride and competence as community leaders on behalf of youth and families.

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## **BUILDING A REPUTATION**

Third, build a reputation for integrity, based on a thorough and judicious study of community needs and concerns, followed by responsible reporting of your concerns to representatives of the juvenile justice system, your Board of Supervisors, and the community at large.

Becoming Advocates/Gaining Credibility: When you decide, as a Commission, to become a force for positive action in your community, when you decide truly to have impact, you must develop an image of yourselves as Commissioners and as a Commission which encourages you to grow. A crucial step in developing this image in the community is to make yourselves an essential component of your community. This needs to be done by acting as individuals, acting as Commissioners, and acting as full Commissions. To be seen as an essential component of the community, you must make yourself visible as advocates for youth, families, and healthy communities. At first, you wonder how to get into the sphere or situation which is governing the management of areas in which the Commissions have concerns. How do we get into that sphere - that circle? How do we figure out where the decisions are going made? How do we communicate our concerns and priorities? How do we become the advocates we want to be on behalf of youth and families?

Well, we can go to the meetings of the Board of Supervisors as routinely as possible, through thick and thin, as well as to all meetings where our Probation Department is presenting accomplishments or asking for allocations. We can go when Social Services is the topic, or Mental Health, or Public Health, or the Courts, or Parks and Recreation, or child care, or just plain budget, budget, budget. In this way, we become more sophisticated in gaining a better understanding of all the components which affect prevention and intervention.

We won't just go to these meetings. We will speak up. If you are not used to doing it, you will be scared, unsure about when and where to speak. We need to stop making our public figures into psychological giants to whom we give even more power than we do our mothers. Representatives, judges, designated leaders do have charisma and then we give them more when we are afraid to address them. Often they are surrounded by protectors who make us feel like outsiders, and we have to wait a lot. But the bottom line is, that it is we who decide whether we are outsiders and whether or not it is worth the wait. If we really believe, "of the people, by people, and for the people," we have all the motivation and power we need to change things.

When Commissions build and strengthen themselves as outlined above, they become role models for bringing about community change. They are listened to with increasing respect and are seen as the leaders they have become in the communities they serve.

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## **BROADENING OUR ADVOCACY**

Networking: We can network with the Commissions near us or those who share common concerns. For example, Humboldt, Del Norte, Mendocino, and Lake Counties have learned through meeting together. They have shared with each other the planning and support for aftercare with regard to the Regional Facility for Hard to Place Youth. Each Commission can follow up trainings provided to them by sharing, supporting, and building on the strengths of each Commission. For very little cost, we can join each other, have joint trainings, communicate by telephone, mail, or the Internet, and expand in the many areas in which we can learn from each other.

Potential Range of Impact: How do we decide what to do? While the range of monitoring in the system is governed by our legislation, the dedication with which we do this job and our creativity in giving support to those within the system is governed by us. The range of activities open to us as Delinquency Prevention Commissions is as wide as we wish to be in terms of productivity. One thing we can do is to look for the places where something is not happening that should be happening? Many examples can be found in the list entitled, "What Commission Can Do/Have Done" (See appendix).

Neighborhood Meetings/Community Forums: Seeing the Commission as an instigator, supporter and hand off organization, may result in many ongoing community efforts. An example of such an effort can be seen in Humboldt County's Community Congress. Begun with a Comprehensive Long Range Delinquency Prevention Planning funded by the California Youth Authority, Humboldt evolved a non-profit, primarily volunteer, group known as Community Congress, who have been given national recognition by the American Parole and Probation Association in their document, Restoring Hope through Community Partnerships: A Handbook for Community Corrections. This approach is a town meeting approach, which has been detailed in a document, The Humboldt County Experience: Creating a Climate for Strengthening Families and Preparing Youth (Building a Community Climate for Change through Neighborhood Meetings), by Dewell Byrd, Antoinette

Martin, and David Lehman. This document can be obtained through the Community Congress of Humboldt. This approach has been very helpful in supporting Humboldt in its growth toward more collaborative, effective human services, and a movement toward more empowered communities. It has been used to help with community organization, gang prevention, healthy start, Board of Supervisors planning, and town meetings for the Crime Commission.

We want and need concrete solutions. The process developed by the Community Congress is a process that supports change and empowerment. It doesn't seem concrete but it is. It is hard to describe systems change without seeming like a "visionary." It doesn't seem specific but in fact, it supports specific solutions.

Many individuals are apprehensive about Town Meetings, perhaps feeling that if concerns and dissatisfactions are aired, they will negatively impact the current situations and make them more difficult to manage. In fact, it has been the experience of the Community Congress that the airing of concerns leads to possible solutions and action planning where the larger community is involved in a supportive way far beyond expectations. With such a process, the partnership which results more than doubles the human and physical resources potentially available to solve the problems. Such meetings are based on the belief that communities know, better than anyone else, what they need. The meetings are conducted with the belief that individuals and communities can solve their own problems and can be supported in this process through respectful facilitation.

To reach our communities we must join our "leaders" in a partnership of humanness. This means that we must be willing to be vulnerable as we begin to understand the pressures facing others as they and we try to solve the very serious problems confronting Juvenile Justice and Delinquency Prevention Commissions within communities. Those "in charge" know perfectly well that the professionals cannot solve the problems we are facing, alone. They do not have the staff or the funds to address problems of this size. Further, even if they did, it is a community problem we face, not a problem for human service agencies. With our understanding, support, active collaborative planning, and the hard work which must follow that, their efforts can succeed.

When Commissions have developed an effective collaborative working relationship within, with other Commissions, and with their communities, they can support their counties in recognizing and celebrating all their successes, large and small. With each celebration, they will draw an increasing number of their county's citizens into the circle of helping.

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## WHAT COMMUNICATION SKILLS WILL I NEED?

by  
Antoinette E. Martin

Each individual is unique because he is the result of his own creation. If we see each individual as a product of his creativity in interaction with his unique environment, we realize that we cannot know what to offer until we know what to offer until we know what each individual has created already. It is particularly important to realize that what each individual has created is one thing, and our perception of what he has created is our creation. Through encounter, we will make a bridge on which we can both stand for a moment before we return to ourselves and create our perception of the moment we stood on the bridge. Then, as we continue creating ourselves, that moment is part of our creation.

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### INTRODUCTION - WHY DO WE NEED COMMUNICATION SKILLS?

Specific communication skills are essential to the success of any process in which individuals come together to plan, problem solve and develop action plans. The communication theory and approaches in this document are directly applicable to the communication tasks and attitudes required to facilitate town meetings. The skills can be applied to individual and group interactions thus enhancing community development. Those who are in the helping professions or in other helping roles will find that these approaches supportive to working effectively with individuals of all ages.

When helpers take the responsibility to use these skills, they will find them useful at each step:

1. From the initial stage when participants have many agendas and may need to express strong feelings.
2. Through the processes of honoring and recording all viewpoints until necessary trust building has begun to take place.
3. To the development of action plans and their implementation.

Long range plans focused on the development of individual empowerment and community responsibility require extensive resources. Effective communication is needed to develop these human material resources.

Among the barriers to this process, three factors seem to stand out:

1. Effective services are sometimes prevented because those involved allow differing approaches to polarize them instead of planning and working together.



2. In their anxiety about funding and turf, those participating often engender very defensive climates among themselves and often those trying to help them.
3. Individuals in the helping professions often communicate poorly with their colleagues.

Effective communication can alleviate many of these problems.

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## **A BASIC PREMISE - ALL COMMUNICATION REFLECTS INDIVIDUAL PERSPECTIVE**

The effective communicator recognizes that all communication reflects individual perspective and is therefore subjective. The following three concepts offer a sound rationale for incorporating this viewpoint.

### Seeing the Self

If we do not recognize and accept the influence of our own perspective, we meet our own needs blindly, sometimes to the detriment of others. If, for example, we have a strong need for approval and are unaware of this need, we may place heavy burdens on others who need to resist or withdraw for their own survival.

### Communicating the Self

Awareness of our own perspective encourages us to communicate that perspective in the form of "I" messages, rather than blaming our dilemmas on others. For example, if you are participating in a meeting at a time when you are feeling pressured with additional responsibilities, you can make a statement such as, "I am feeling very pushed today. I have two meetings following this one. For that reason, I would appreciate being first on the agenda or moving as quickly as possible through these items." Say the above rather than giving messages of restlessness and inattention while others are speaking. Do not make a statement such as "You don't need to go over all those things, do you?" The "I" messages, delivered without blame, will provide a model for openness and honesty.

### Participating with Self

Participation as a member of a planning or evaluating team is enhanced by acceptance of your individual perspective. Awareness of this quality encourages us consistently to practice role taking (understanding the attributes of the other so that your messages are appropriately phrased) and active listening (focused, empathetic, accurate listening responses). These skills encourage all participants to share their knowledge, feelings, and judgements openly.

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## **SPECIFIC COMMUNICATION SKILLS**

Accepting the fact that all communication reflects individual perspective, you must develop skills in three specific areas.

1. Understand and learn to deal with the impact of DEFENSIVE BEHAVIORS on communication. These behaviors are the result of life experience and judgements about the world made by each individual.
2. Develop the awareness to KNOW YOURSELF. This includes the acquisition of broader perspective and practice in communicating that perspective.
3. Increase your skills in growing to KNOW THE OTHER. This requires accepting the effects of your deliberate interventions in the lives of others, as well as learning specific skills to encourage others to accurately express their needs and ideas.

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## **DEFENSIVE BEHAVIORS**

### Origins

Defensive behaviors are a component of survival behaviors. Survival behaviors are ways of dealing with the world developed from the time each individual is an infant. An individual experiences something, reacts to it, receives a reaction to his reaction and concludes something. This cycle of experience results in the assimilation of some information and a change in the mental structures (called accommodation) which affects the way the next piece of information is handled.

### Survival Systems are Necessary

It is appropriate for an individual to develop survival systems. Each individual must have some method for organizing experience. Each brings his individuality to life experience and continues to have unique experiences governed by what he encounters in his family and the world beyond that.

### Organizing Reality Is Necessary for Survival

The tolerances of individuals vary. For example, methods for handling sensory information vary greatly. Some creative individuals are unable to protect themselves from sensory input as efficiently as other individuals. To survive psychologically and physically, they must develop methods to deal with this situation. Some of the methods are constructive. Some are not. This survival dilemma is present, in some form, for all individuals.

The organization of "reality" is what the socialization process is all about. It is a primary concern for helpers because different sets of survival behaviors are developed by each individual. We all must deal daily with manifestations of these behaviors.

The following example illustrates survival behaviors which may be developed by two types of individuals. Some people deal with a multiplicity of input by tuning some of it out. They automatically develop priorities to survive because they cannot deal with the amount of information without some means of control. They simplify the information. Main ideas appear to them in darker print almost automatically (particularly if their intelligence, problem solving skills, and inner language are effective). They then create subcategories and eliminate depending on the range of awareness they can tolerate.

Those individuals who tend to deal with a broader range of data (because they can't seem to help it) do not go automatically through this simplifying process. They do not necessarily know how to set priorities. They cannot ignore a wide range of data that others, who use simplifying, seem to be ignoring. They do not exclude information because it does not fit present sets. Often they create new mental sets or categories to accommodate information.

This range of behavior, which faces the facilitator/helper, reflects normal responses to growth and experience.

### Survival Behaviors and Defensive Behaviors

Survival behaviors are necessary and constitute effective and ineffective ways for dealing with the organization of the world as perceived by each individual. The individual's life experience may have provided sufficient nurture and safety for the development of curiosity, intelligence, and experience, combined with appropriate development of self-protective behaviors. If so, it is reasonable to assume that he or she will approach life experience and other individuals with a degree of trust and ability to reach out. The individual will probably have been encouraged to look on new experience as potentially positive and will enter new situations with a reasonably low level of apprehension.

If the individual's life experience has been frightening, painful, or discouraging, he is apt to view new situations with a high level of apprehension and will probably devote a large portion of his energy to being prepared to defend himself. He often perceives that such a defense will be necessary. He may find himself feeling safer when he places rigid boundaries on his world. This includes his expectations of himself, others, and situations.

### Defense Systems May Govern Reality for the Defensive Individual

To survive and feel reasonable safe, individuals may sharply curtail the degree of freedom they allow themselves. If the psychological and cultural "rules" which they allow themselves are crucial to their defense systems, they may consider their internal "rules" as "facts." This is the way they "must" see reality.

### Defenses Are Not Always Available to Awareness

Since all life experience is not positive, some survival behaviors will have strong defensive components. This is a natural development from early experience. Remember! The individual experiences something, reacts to it, receives a reaction to his reaction, and concludes something. The conclusion to a negative reaction may be a very biased perception of the world. This biased perception is assimilated and accommodated by the person. He has made this biased perception part of his mental structures. The world "looks" different because of that experience. Future experiences will carry the shadow of this experience. Because the world actually does "look" different and the "looking equipment" is different, reactions and behaviors, even when inappropriate, are not always available to awareness. Therefore, they are difficult to detect, discuss, and change.

### Individuals Focused on Change Are Still Vulnerable

Each of us had defenses. Each of us had a developed set of survival behaviors. Stress, conflict, and awareness of inefficient communication may alert us to defensive survival behaviors which are interfering with our growth, happiness and productiveness. Those of us who work to develop and

maintain awareness are constantly modifying these survival behaviors to be appropriate to our present situations and capabilities. Even so, old, unsuspected survival behaviors surprise us in moments of stress. When that occurs, we can be glad because we can then examine these old patterns and modify them.

### Communication with Individuals Who's Survival Behaviors Are Highly Defensive

Some individuals are defended in such a way that they are limited in their ability to be aware. They seem to wish to continue their existence with their defenses relatively unknown to themselves. If this is the case, their messages to you may be disconcerting or devastating, depending on your vulnerability. While you may see increased awareness as a choice, they may not. They may have structured their reality in such a way that their range of choice is quite limited. It is wise to remember this as they discuss what you consider "variables" as "fact." Their responses may be extremely frustrating to you because they will not yield to "reason." Attempts to make these views subject to debate may elicit increased defensive responses, including a distorted perception of your motives, non-verbal behavior, and the content of your messages. At this point, feeling misperceived, you may become defensive yourself as your attempts to clarify the situation fail, and your frustration.

### Responding When Placed in An Adversary Role

The ability to deal with your own feelings and the distortions placed on you when you are seen in an adversary role rather than a helping one is central to continuing to be effective as facilitators/helpers. When people treat us as if they like and trust us, it is easy to respond in a caring and effective way. When they see us as adversaries, authority figures, or as "uncaring representatives of a frightening institution", we need all our skills in communication to move past that point of distrust.

Understanding and responding non-defensively to such situations requires that we be aware of the tendency of defensive individuals to transfer their feelings about other people and situations which have affected them negatively, to new situations which seem similar. When they do this, and we are not alert to the possibility, it often leaves us confused, hurt, and frustrated.

### Dealing with Defensive Behaviors

What practical things can you do when you feel you are meeting an invisible shield or a volley of arrows every time you approach a particular individual? Your strongest tool is your awareness. With awareness, you are alert to the confusion which defensiveness adds to communication, and less apt to be triggered into responding defensively yourself.

### Distortion and Altering of Messages

With some individuals who have barriers to receiving and sending messages, your message may not be heard at all, may be severely limited, may be critically altered, or it may be heard. The individual may have developed a pattern of using one or more defensive responses habitually. Be aware of what is happening to your messages with defensive individuals. Check to see what the other person heard.

### Lowered Defenses

Never underestimate the defense pattern or the implications of what you are doing when you ask a defended person to trust. You are asking him to lower his present defenses and try new patterns of operating. You must realize, as you do this, that you are invading the person's survival structure. When you invade, in this way, you increase the individual's vulnerability. Unless there are protections during this period of increased fragility, the person may seem more troubled, act inappropriately, or build stronger defenses. Remember that if an individual takes his defenses down, even a little bit, he trusts you.

### Respond to the Person While Acknowledging the Defense System

A strongly defended person may slowly begin to build trust based on his or her relationship with you. When you first begin communication, each of your overtures may be greeted with a defensive response. The response might be sullenness, refusal to talk, inappropriate language, shouting, or refusal to work. If your setting permits, respond, both to the inappropriate behavior as unacceptable to you, and to the defensive response. Compliment the latter as the person's best effort to make sense out things and to defend himself. Continue to identify defensive behavior as such, while you respectfully communicate directly about the individual and his needs. This process can build up a layer of legitimate trustworthy communication experience. When the individual's barrier is to honest communication, if you choose to continue the communication, it may be your responsibility to build trust through continual modeling of the skills needed to start communicating more effectively.

### Distortion in the Appearance of the Defensive Individual

When areas of awareness are closed off for an individual, there is often distortion in the appearance of capability. The entire personality, including performance, may have a very different appearance depending on the degree of defensiveness. This is one reason why defended individuals may demonstrate capability in one area and ineffectual performance in another. Such discrepancy is often misinterpreted as "laziness" and treated as such. The stress accompanying such a label compounds the difficulty.

### Variation in Defenses

Communicating with a very defensive individual is further confused by the fact that some areas elicit stronger defenses than others. This is startling because there is rarely any warning that you are about to enter a highly defended area. You will occasionally find yourself in the middle of a battlefield you didn't anticipate. Understanding will help you approach it with more caution and skill the next time.

Think of the individual as having to protect himself. Accept that he has surrounded his healthy creative essence with a very strong defense system. Think next that he has surrounded this core with inadequately expressed feelings and biased perceptions. On top of this, the individual has built an image for survival. This image may be built on self-hate. It may be expressed through very inappropriate behaviors. Surrounding this self-image built for survival is another defense system, less resistant than the one, which guards the core. The bubbles rising from the core represent the occasional gentle honest messages from the core which appear in nurturing, trust building environments.

Facilitators/Helpers attempting to communicate with such defended persons will encounter defenses related to the created self-image that may seem like static, annoying but not devastating. When you encounter the defense system for the core, the defensive responses will be sudden, strong, and confusing. Be aware, when you receive responses which seem inappropriate or disproportionate to the situation that you may have inadvertently touched on a very vulnerable area. Use approaches which restore stability and security. Give the individual a chance to save face and turn around.

### Responses That Increase Defensiveness

Many times, in our attempt to be responsible adults, we usurp the right of others to think through and solve their own problems. We actually wish to help defensive individuals begin to devote more of their energy to thinking and problem solving than to defense. Therefore, we must take a closer look at some forms of communication, which previously we have considered helpful and responsible. The following are categories and examples of types of messages, which may result in increased defensiveness in the person we are trying to help.

1. TELLING WHAT TO DO: "I don't care what other people are doing, you have to use this approach."
2. WARNING OTHERS: "If you keep on doing that, this group will be completely out of control."
3. USING "SHOULD'S": "You ought to...."
4. GIVING ADVICE: "I think you should meet with that group first so you can stay in control."
5. TRYING TO INFLUENCE USING FACT OR OPINIONS: "When I began as chairman, I had twice as much to do as you."
6. MAKING JUDGEMENTS: "You are absolutely wrong about that."
7. USING RIDICULE: "I hope you don't plan to use the same approach you used in the last meeting."
8. ANALYZING MOTIVES: "You feel that way because you are taking your job too seriously."
9. DENYING FEELINGS: "Don't worry about it - it's Friday."
10. PUSHING THE PROBLEM ASIDE: "Everybody has that problem sometimes."
11. APPEARING NEUTRAL: "Well, that doesn't affect me."
12. MANIPULATING: "You do what you want but I can tell you what will happen if you..."
13. ACTING SUPERIOR: "I wouldn't expect you to know how to do that."

14. BEING DOGMATIC: "I have managed these situations many times. I'll tell you what to say."

The examples are all messages which might come to you as facilitator/helper. Identify how you would feel to receive such messages. Study your responses to others. Categorize them as the list indicates. Evaluate your messages to others as to their impact on defensiveness.

Messages that arouse defensiveness usually imply one of the three things:

1. The receiver is unable to solve his own problems and needs help from the sender to do so.
2. There is something wrong with the receiver.
3. The issue should be avoided because it is too upsetting to deal with.

### Recognizing the Impact of Defensive Behaviors

Awareness of the impact of defensive survival behaviors present in each of us will strengthen you for the hard work of effective communication, which begins with knowing yourself and learning how to know others. With this awareness, you can develop sufficient flexibility to respond non-defensively in many different settings.

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## **KNOWING YOURSELF**

To communicate congruently, you must be in touch with your own needs and feelings. If you are not, others may perceive your communication as false. They will not trust you. Needs and feelings will show themselves. If we are unwilling to recognize and accept responsibility for our own needs, we then meet these needs through blind manipulation of others and ourselves. We can choose to be aware and thus make open responsible choices.

Knowing yourself is a complex search. Fortunately, there are some areas of knowing yourself, which can be described and practiced as specific behaviors. If you incorporate the following, you will be supported in helping others: PRACTICE SUBJECTIVITY. Develop a commitment to OPEN COMMUNICATION. Take a closer look at YOUR PERSONAL AND CULTURAL ENVIRONMENT. Accept YOUR NEEDS AND LEVEL OF COMMITMENT. Believe that YOU CAN HAVE THESE SKILLS. Welcome the RISKS OF HONEST COMMUNICATION. Treasure the SPECIAL KIND OF COURAGE you can share.

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## **PRACTICING SUBJECTIVITY**

I emphasized initially the importance of recognizing that all communications is affected by individual perspective and therefore is subjective. It is almost a cliché that, if we wish to get a message across, we should begin where the other individual is. To be effective communicators, we must accept the larger reality that we must begin where each individual in the interaction is. That includes where we are. Where we are includes our assumptions about where others are, based on our way of looking. The only protection against forgetting this is the deliberate practice of subjectivity.

How can you be deliberately subjective? You can be deliberately subjective by feeling subjective. This means that you feel sufficiently secure to allow yourself to view your own perceptions as variables rather than absolutes. You must be willing to take the psychological risk involved in being deliberately aware that the meanings and use of "facts" and "language" are relative.

You can be subjective by learning to communicate in such a way that others feel the right to be subjective. In your presence, they do not have to deny themselves to have an impact on you.

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## **OPEN COMMUNICATION**

Open communication includes the willingness to acknowledge openly your feelings and to accept the open response of your partner(s) in a dialogue. It includes the recognition that what is, doesn't say anything about what each of you can or will do with what is. A primary problem in human communication is the assumption that when you have awareness, there is only one use for it. For example, the feeling or belief that, if you are angry, and aware of it, you have to strike out. If you fear what you will do if you are aware, you force yourself to turn off the messages from your feelings.

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## **KNOWING YOUR PERSONAL AND CULTURAL ENVIRONMENT**

Knowing yourself involves knowing the environment you carry around with you. Each of us is like a haunted house, filled with ancient prejudices, fears, insecurities, and other negative echoes of the past. We are also filled with values and strengths we have developed to make sense of the world and our place in it. All of this affects the way we see others and communicate with them. Caution is advisable when we find ourselves communicating our values as societal edicts. We sometimes place a heavy burden on others who are less experienced by allowing our needs to masquerade as absolutes while their budding perceptual systems force them to recognize and deal with an increasing number of relativity's in all domains.

Remember that our position as leaders or facilitators gives us authority and psychological size. Since this adds weight to our communication, we must work for maximum awareness about our own communication. This awareness is essential so we can take responsibility for these weighted communications. Vulnerable individuals sometimes carry the impact of our messages, both positive and negative ones, throughout their lives.

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## **KNOWING YOUR NEEDS AND LEVEL OF COMMITMENT**

Knowing yourself involves knowing what your needs are. It also involves knowing the amount of personal investment you are willing or able to make work with others who seem troubled, often resistant, and confusing. You also need to know your resources for handling stress. Becoming involved with those in distress requires that you feel pain and learn to live with it to be effective. You cannot project caring if you do not feel it. If you really wish to increase your effectiveness, you must be willing to subject yourself to discipline. For example, we are often quite unaware of many levels of meaning that are present in messages we send and receive. Whether this level of awareness changes needs to be a deliberate choice if you wish to communicate in difficult situations.



You need to know how you feel about providing the kind of support - unconditional regard - which will make you another feel that it can be all right to fail, or to have failed, and that while he is suffering the consequences of an error, that he does not also have to suffer the loss of positive regard from you. You need to know how you feel about being very important to someone who is not in your own family. Because you will matter, you will feel emotional and moral responsibilities.

Effective communication requires that you always balance awareness of the other's needs with awareness of your own needs. You can communicate constructively across the very real barriers put up by another if you develop disciplined awareness. You can even overcome the barriers you, yourself, will put up. To reach across, you must demonstrate your caring as you accept and respect the other where he is.

You will experience the impact of these skills on your communication with all. You will also see the results of your modeling and teaching of these skills to individuals you are helping. Significant changes for individuals at risk can result from improved communication skills alone. This is true because often their failure with the world centers on their inadequacy at communication.

With the use of these skills, you may find working with individuals in difficulty a stimulating challenge rather than a drain on your already strained physical resources. You can become a person who is making sense of what is going on inside and outside. You can then create a climate for openness, creativity, authenticity, risk taking, and discovery.

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## **ASSURANCE THAT YOU CAN HAVE THE SKILLS**

Attempting to intervene in ways that will encourage others to make significant changes is a serious responsibility. When you choose to work with individuals at risk you are in a therapeutic educational role. You are part of a growing trend, which sees counseling as an educational process. Some reassurance that you can develop the skills for effective interventions comes from research regarding the effectiveness of various methods in psychotherapy and counseling. Some characteristic behaviors of helping persons seem to support growth in those being helped. When the following qualities are present in the helping person, be the neighbor, psychiatrist, teacher or social worker, acting in a therapeutic way, his chances of being constructive and helpful are greatly increased.

1. The helping person is in touch with himself, not defensive, and genuine with the person being helped.
2. The helping person provides a setting which feels safe and trustworthy by his demonstration of acceptance and caring for the individual. This caring is not based on conditions of acceptable behavior.
3. The helping person demonstrates that he is able to understand the feelings and meaning conveyed by the person needing to be understood. He must check that understanding through continual feedback from the individual.

The same research indicates that persons most likely to be helped are those who are troubled by the situation, behavior, or problem, but are not exhibiting a high degree of inappropriate behavior. Growth oriented persons wish to improve and are willing to examine their behavior, understand, and change it. Many individuals must be provided with a secure physical and communicative environment before they can exhibit such growth producing attitudes and behaviors. The

communication skills discussed here, if integrated through knowing yourself, and practiced, will greatly assist you in providing such a facilitating climate for individuals in need.

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## **RISKING HONESTY IN COMMUNICATION**

Many of us tend to think of "honest" communication as being confrontive and abrasive. This does not have to be the case. Honesty in communication does require that we are willing to feel vulnerable and to be nurturing to others as they risk being vulnerable with us. A true partnership requires that we support each other in recognizing our areas of openness in learning and growing together is appropriate. Unless you set a standard of "honest communication," and unless you are convinced that it is essential, your communication will contain such ambivalence as to negate its potential effectiveness.

While we accept that openness, genuineness, and vulnerability are powerful tools in building authentic constructive communication, we must also recognize that they do carry risks. All of us like to look as if we have it together. We like to feel and appear competent. This is equally true of those we are trying to help. The very fact that an individual is having problems means that he or she is not feeling comfortable or competent. As you deal openly and honestly with them, you will not always feel competent either. Being able to be open about this vulnerable feeling will encourage other persons to feel all right about their vulnerability. Even this degree of self-acceptance on their part will encourage change. Becoming less defended is a step-by-step process.

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## **A SPECIAL KIND OF COURAGE**

You give another a special kind of courage when you are willing to journey afraid together through a troubled time. A tenuously defiant boy said to me, "You're so perfect! You're always talking more about me. What about you? Don't you ever do anything wrong? Are you ever dumb?" The caring adult who wishes to make a bond with this pain and embarrassment must risk sharing his own "dumbness." This sharing can't be superficial, but must be on the same level of hurt as the other. An honest response takes you off any manufactured pedestal and places you as an equal with the other as a vulnerable human being. From this position, greater helping can take place.

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## **KNOWING THE OTHER**

When you make the choice to help another, you are making a deliberate choice to know another person for the express purpose of helping him change and grow toward more effective functioning. At the same time, to support this growth, you must build and maintain crucial trust and communication. When we make such a deliberate choice, we need to expand our understanding of what "knowing" is. To "know" is to have a clear and certain perception. We might say, as we did in talking about effective therapists, that you must have an accurate understanding of the person. As you know from our discussion of DEFENSIVE BEHAVIORS and KNOWING YOURSELF, an accurate understanding involves, awareness, flexibility, hard work, and a consistent search for clarity.

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## IMPLICATIONS IN DELIBERATELY ATTEMPTING TO CHANGE BEHAVIORS

I am suggesting the deliberate use of specific skills in communication. I suggest that any person involved in a setting deliberately structured for growth has a right to know what is happening to him, in language and behaviors that he can understand. This is particularly important because there is a destructive element in entering the private world of another person with change as your purpose. There is a quality of violence because once an individual has given allegiance to any definite pattern of behavior, a complete change of intellectual habits and feelings is often required before the individual can even become aware of other approaches. What are we asking others to do? We are asking them to lower defenses, to trust us, to abandon former behaviors, and to try a new way of being. We must realize that in order to reorganize an individual, you have to disorganize him. In the process, you create anxiety and tension.

Further, we must deal with our own feelings about what makes people change and whether or not you can change people. I hold the view that you cannot change anyone. Individuals can only change themselves. Through your skills and commitment, you can create an environment, communicative and physical, in which they become secure, skilled and flexible enough to make the choice for positive change.

Your final concern as you enter significantly into the lives of others in a helping role is that it will require dealing with their sense of privacy and yours. Dealing with this sense of invasion is all part of knowing the other.

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## EACH INDIVIDUAL IS HIS OWN UNIQUE CREATION

Each individual is unique because he is the result of his own creation. If we see each individual as a product of his creativity in interaction with his unique environment, we realize that we cannot know what to offer to him or her, until we know what each has created already. It is particularly important to realize that what each individual has created is one thing, and our perception of what he has created is our creation. Through encounter, we will make a bridge on which we can both stand for a moment before we return to ourselves and create our perception of the moment we stood on the bridge. Then, as we continue creating ourselves, that moment is a part of our creation.

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## KNOWING THE UNIQUE PERSON

To KNOW THE OTHER in a way that will support your helping purposes requires that you integrate additional specific communication skills with those required to understand DEFENSIVE BEHAVIORS and to KNOW YOURSELF. The skills which make up ACCURATE EMPATHETIC LISTENING and ROLE-TAKING will assist you to "know" the other person clearly and with increasing certainty.

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## ACCURATE EMPATHETIC LISTENING

Listening with accuracy and empathy, though it has many names in our modern helping professions, is not a mystery. It can be learned.

Effective empathetic listening is based on respect. This respect includes the belief that individuals, including children, can often handle their own problems, given a facilitating environment.

The person who is actively and supportively listened to will feel heard. When his feelings and ideas are recognized and accepted, he feels perceived and may feel helped in solving his own problem. If he does not feel perceived and doesn't feel heard, the "What's the use?" feeling which follows may prevent any sense of autonomy, power, or self-direction. If he feels misperceived, he may be too defensive to listen and is, in fact, engaged in silent argument.

### Intense Focus

Learning to focus intently on the person who is communicating with you is the starting point. It will require that you do not allow yourself to be distracted by other issues, your particular agenda, or unnecessary interruptions. The quality you can learn to convey is sometimes called "being with" another person as opposed to "doing something." Your full focused attention alone, expressed verbally and in body language, is a powerful tool to increase effective communication. Few individuals enjoy the luxury of undivided attention as they explore their concerns, needs, and hopes. Such listening not only increases your ability to take in information accurately, it decreases the fragmentation of the other person and allows him to focus more fully on the content of his concerns and communication. Your accurate empathetic listening will help him to clarify his thinking.

### Variation in Your Ability to Listen

Our ability to be effective listeners is drastically affected by: 1) what is being communicated, 2) who is communicating it, 3) whether or not we feel it is our problem, 4) the time, 5) the place, 6) the situation. All these affect our ability to receive messages in particular instances. When the messages of an individual fall within a range where you can accept them, you can effectively listen.

### Increasing Data Reception

Make a conscious effort to extend the period for receiving information prior to making a judgement. This will help in assessing situations with more accuracy so that your responses will be more appropriate. When the listener has made up his mind about what the sender is saying, accurate empathetic listening is no longer taking place. The decision colors the hearing of additional information. To improve your ability to listen longer before coming to a conclusion, you must return to the idea of respect. You will come up with your own solutions if you do not respect the ability of the other to solve his own problem. As long as you do not make it your problem, you can continue to listen. Developing this quality is sometimes especially difficult for individuals who feel that being responsible means making decisions promptly and efficiently.

### Accepting Joint Responsibility

If, in the process of listening, you find that you have a stake in the situation which makes the problem also yours, your ability to listen effectively is immediately limited. You then have a responsibility to express your feeling about the situation openly and honestly, using "I" messages. Your skills in dealing with defensiveness, both yours and others, as well as your honesty and vulnerability in communicating yourself will assist in resolving differences when the problem belongs to both of you.

## How You Listen

When individuals are sharing things that are important to them, especially for the first time, they are very alert to the responses of their listener. If they are feeling defensive, you already know the kinds of distortions that can take place. For this reason, you need to be very aware of how you appear to the other. Interpretation of your attentiveness may depend more on your skill and non-verbal language than on your intent.

To convey your total focused concern, you must remember that your whole body conveys your focus or lack of it. If you are restless, glance at your watch, allow your eyes to wander, the other individual may interpret these actions as lack of concern, boredom, or a desire to terminate the conversation. Remember to look directly at your partner in communication. Make eye contact, if this is comfortable for your partner. Some individuals are uncomfortable with eye contact. Lean forward. Observe carefully the appearance and behavior of your partner. Reflect his mood, attitude, and the content of his communication, as it is expressed verbally and non-verbally. Check frequently to see if you are understanding what the other wishes to express. This is not a time for advice, judgements, or solutions. It is a time to trust the other individual to solve his own problem, or, given a facilitating environment, to communicate clearly his perceptions.

There are other non-verbal elements which need to be considered as you build your communication skills.

Time is a very crucial element and includes the concept of rhythm. Usually we think of time in terms of the time of day. Due to individual peak periods this may be an element in successful communication. Time also affects the needs of individuals for time to get used to ideas, even to the ending of an interview. It relates to the feeling you might have if your partner seemed to be taking an inordinately long time to respond. Time also affects the order with which individuals deal with information, the length of time they can pursue an idea, even their sense of past and future.

Sense of individual space or territory is also an important element. Each of us needs a certain amount of personal space and we are not comfortable when it is invaded. For example, some individuals feel pressured if you lean eagerly over them to help with some task. Adolescents have a strong sense of personal space as they sway between autonomy and dependency.

Do not be afraid to be silent. Silence may be the most effective way of "being with" a troubled individual. Your silent concern and interest may be just the encouragement, without pressure, needed to help the individual move forward. Sometimes if we are too eager to fill the silences, we take responsibility away from our partner, and are therefore disrespectful.

Many of us fantasize that others can read our minds, and would, if they really cared about us. This is a barrier to communication. Few individuals are clairvoyant. Do not expect mind reading from yourself or others. Intuition is a valuable tool. It requires confirmation.

A Special Caution: Abused children will often resist touching or even too close an invasion of their personal space. They may need you and fear you at the same time. This ambivalence will be conveyed non-verbally and needs to be observed, accepted and understood.

## Defensive Maneuvers

With the background of the discussion on defensive components of survival behaviors, you will understand that, as you listen, you must recognize that important messages may be preceded by protective, misleading, or confusing messages. As you accurately reflect these back, the individual will have to take responsibility for what he has said, and clarify. As he does this, he will come closer and closer to sending his true message. A good example of such a situation is the high school student who storms into his favorite teacher's room and shouts that he is never going to return to Mr. Snow's class and he may quit high school. If this load of fury and frustration is accurately reflected and allowed expression, the underlying feeling of anxiety about failure or hurt feelings about a specific incident in class will come out and the student himself will arrive at a more balanced, less extreme perception of the situation. He will also begin to consider alternate solutions.

## Choosing Order and Intensity - the Helping Person's Responsibility

Remember, it is the helper's responsibility to build a bridge of trust for the individual who is apprehensive and has little or no experience with constructive communication. Choices cannot be made for the individual, but since he may be inexperienced and frightened, you have the responsibility for choosing the order and intensity with which data or suggestions are presented.

## Relevance

Usually when individuals come together, one or the other has a specific agenda. The structure provided by thoughtful planning is helpful to effective communication. It is also important, however, to remember that, in a trustworthy environment, an individual who feels free to communicate may approach his concerns in what seems to be a roundabout way. Taking into consideration your time constraints and needs, it may be a constructive use of your time and effort to pursue what seems to you a less direct route. If you trust the process of accurate empathetic listening, your focused concern will allow the other individual to bring the communication into productive channels. If you do not understand the direction, reflection and questions, as needed, will clarify the situation.

## Anger

Though it makes most of us uneasy, anger is not necessarily a roadblock. The open expression of feelings like fear, apprehension, sense of failure, guilt, inadequacy, sadness, is not often encouraged in our society. Often these feelings are covered by an angry expression, loud and forceful voice, and an apparent search for villains in the situation. For example, parents coming for the first time to a meeting, filled with deep concern about their child, are often frustrated, frightened, and full of self-doubt. Those feelings are often expressed as anger. If this expression is reflected with genuine empathy for their worry or fear, more specific sharing of concerns and possible solutions can take place.

The individual who begins an interchange with a barrage of defensive anger is actually easier to work with than the individual who is completely withdrawn. For example, he may say, "You can't teach me to read. Better people than you have tried." With that statement, he gives you the chance to reinforce him positively by saying, "I'm glad you told me how you feel. That gives us a place to start."

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## **ROLE TAKING**

Role taking is the ability to put yourself in the other person's frame of reference for sending or receiving - to hear and speak in the other's language. It is a skill which is often expected of children and youth at points in their development when it may be impossible. It may be present in a greater or lesser degree in adults.

The impetus for the development of the skill of role taking lies in the desire to get the message through and in the sense of competence when use of the skill improves communication and helps an individual. Consciousness of subjectivity and accurate empathetic listening are strong undergirding skills. When an individual feels that you hear and speak in his language, his sense that the listener knows how he feels may allow him to share his burden and grow.

Understanding the four components of role taking will assist you in two ways. It will aid you in increasing the effectiveness of your discussion skills and it will help you to understand when others do not hear and speak in your language. It will also increase your awareness to realize that young children often are not aware of the first step, that multiple perspective exist at all. It is also possible that, in periods of intense egocentrism such as adolescence, role-taking skills are diminished.

### Multiple Perspectives

In order to speak and hear in the language of another, you must be aware that he does indeed have a language of his own. He does have attributes as a listener and a speaker that are different from yours. You will not seek to discover those differences and unique characteristics if you are not aware that differences exist. Therefore, the first step in learning to role take is to accept that multiple perspectives exist.

### Is It Necessary?

Once you have accepted that multiple perspectives exist, you must then decide whether or not it is important to know what they are. Sometimes we don't want to know that there are other perspectives. You must decide that an analysis of the other perspective would be helpful in this particular situation. Our decision as to whether or not it is necessary to understand the other's perspective is often influenced by our particular goals at the time.

### Can I Know What It Is?

When you reach this point in understanding role taking, the third point must be built on the awareness of the first two. You must be able to separate other viewpoints from your own and you must want to know them. The third aspect of the skill requires making educated guesses about the attributes of the partner in communication. These guesses need to include awareness of the possible reactions of the individual to the particular situation. The accuracy and usefulness of these guesses depends greatly on your previous experiences with this individual and others with whom you compare him. The guesses will also depend on your flexibility and ability to check out information tentatively and respectfully.

### Competition Between Your Idea and His/Hers

Once you have accepted that there is another viewpoint, want to know it, and have some idea what it is, can you keep a clear picture of it in your mind if it is in competition with your ideas? As you work out differences, for example, can you keep the communication attributes of your partner clearly enough in mind to pursue his viewpoint and yours to a point of resolution? This understanding is essential for effective facilitation, compromise, and conflict resolution.

### Translating for Effective Communication

Skill at communication, particularly in controversial or defensive situations, will be significantly augmented by a conscientious effort understand and apply role taking. A close study of your partner in the communication, a respect for his communication needs, and a consistent deliberate effort to send messages appropriate to this listener, will be facilitating.

### Oversending and Undersending

Two common and somewhat defensive forms of communication are oversending and undersending. They both cause confusion. Undersending them will assist you in role taking.

Undersending occurs when the partner in communication has a great deal of feeling about the situation but does not feel free to share it. He sends a message which is rather low key. You respond at the same level, based on what you have observed. Your partner does not feel perceived and starts to yell. He has been triggered by the "lack of response". You are amazed.

Oversending is equally misleading - both as to what the emotion is and its level of intensity. Many of us have experienced being told something upsetting in a very angry voice. The message itself was distressing. The anger compounds it. Such oversending occurs for many reasons. Two common ones are: 1) the fear that the message won't be heard, and 2) since the message is a negative one, the sender either does not want to hurt the receiver or fears retaliation.

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## **SENDING DIFFICULT MESSAGES**

As a final note, it is important to realize that none of us who are attempting to improve the situation for others like to say things that we think other people won't want to hear. It is usually hard to stick up for ourselves and tell others what we do not like. Using the skills which have been discussed, it is possible.

An acceptance of the vulnerability of each of us makes it easier to start off with, "this is very hard for me to say..." "I am not quite sure how to say this..." "It would help me if you would listen to my idea about this..." "I feel a little as if I am invading, but I must tell you my concern about your youngster in this situation..."

It is helpful to know that speaking with genuineness and spontaneity, with empathy, with vulnerability, with openness to the other's viewpoint, will support your communication. In short, being you, with your expanded knowledge, will help you.



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## **BUILDING A COMMUNITY CLIMATE FOR CHANGE THROUGH NEIGHBORHOOD MEETINGS**

### **The Humboldt County Experience: Creating a Climate for Strengthening Families and Preparing Youth**

by

Dewell Byrd, Antoinette Martin, and David Lehman

### **"HOW TO FACILITATE TOWN HALL MEETINGS"**

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#### **WELCOME AND OVERVIEW**

Town Hall meetings are as American as apple pie, a pure form of democracy which exists when a group of neighbors come together, each representing his own concerns, interests and realistic view of the present with an eye to the future. Town Hall meetings provide a forum based on the assumption that citizens know, better than anyone else what they need for self governance, and that working together, they can meet their own needs. Neighbors learn to create an idea, share it in open forum, watch over it, trust and respect ideas and opinions of others, and allow others to help give their idea shape, form, and life. Mutual trust and respect for each other and for the ideas produced are cornerstones to arriving at a group action plan to which all are committed.

An unique process for facilitating town hall meetings ahs been developed and refined by the Juvenile Justice and Delinquency Prevention Commissions and Community Congress members in Humboldt County, California. The process includes these steps:

- \* Key community leaders are defined
- \* They, in turn, involve other concerned citizens and youth in their community
- \* A series of Town meetings with various community groups are held in which concerns, needs and possible solutions are brainstormed
- \* Brainstorming information is recorded and presented back to community participants
- \* Final community meeting involves clustering and prioritizing needs, lobbying, voting, and development of a preliminary action plan
- \* Planning follow-up town hall meetings
- \* Celebrating success

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#### **COMMUNICATION: JOINING, LISTENING, FACILITATING**

When facilitating with communities, you bring only yourself, in partnership with others who bring themselves to these roles. To that extent, you are alone and vulnerable. To see and hear these community participants, you have to be very present and at the same time leave a piece of yourself

behind. You need to set aside preconceived notions about how people should be or what they think, and act as a sponge. At the same time, you use all your communication skills to make this an effective experience during which there is joining, the development of mutual understanding, some consensus, and an action plan.

- \* Being with others in a catalytic role requires continuous focus
- \* People know what their own problems are and they know how to solve them. Unless you believe this, you will not be able to listen effectively
- \* Really understand, and explain brainstorming. Speak up, during the brainstorming process, about the ground rules including no "Yes, but."
- \* Each of us has his or her own language. When you choose to facilitate, use their words or express their thoughts so that they are satisfied.
- \* Try not to extrapolate, modify, or negate their ideas
- \* During brainstorming, if you want the results to reflect the community, do not put in your ideas. Save them for later.
- \* Be prepared to deal with participants of diverse viewpoints. Be aware that you are often dealing with highly emotional issues and that individuals may or may not have effective ways to deal with their feelings about the issues. Your recording and facilitating may serve as model and provide sufficient structure so that upset individuals can communicate their concerns without negating others.
- \* Keep people engaged while limiting accusations and blaming. Save downside planning for later.

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## STRUCTURING CHAOS

Bringing together a diverse group, respecting their concerns, moving from individual agendas to a shared action plan requires insight into yourself and your agendas, as well as understanding of the agendas of others. Included are:

- \* Understand your own agenda, try not to let it interfere.
- \* Express issues as concerns, not problems, then ownership changes.
- \* Avoid single item agendas
- \* Encourage participation so that one individual does not monopolize the meeting
- \* Keep the meeting in present time.
- \* You may need to deal with the unexpected.
- \* You will need to deal with conflict and know when venting is appropriate and when to limit interchange.
- \* Share the leadership from the beginning.

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## PROCESS STOPPERS

Stakeholders focused on issues about which they have concerns and possible solutions have a wonderful momentum and commitment to problem solving. If this process is facilitated, the potential for an action plan and potential change is almost unlimited. There are elements and behaviors which may significantly impede this process. These include:

- \* Late arrivals, particularly when they stand and do not join the group
- \* Private conversations
- \* Individuals who unload their particular concern and leave

- \* Individuals who sidetrack the process
- \* Lack of action planning
- \* Individuals who want to argue
- \* Not allowing venting (note: the venting process can be structured)
- \* Individuals who blame others
- \* Individuals who speak for or interpret others
- \* Individuals who lose faith in the process and begin undermining.

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## **FACILITATING AS A TEAM**

Mutual trust, awareness, and flexibility are essential components of the successful teamwork required to effectively facilitate a town meeting. Creating and maintaining a respectful climate for the participants and the team involves constant alertness to needs and a willingness to be supportive. A team of four is the most effective. Two individuals are needed to deal with the issues of recording and facilitating. A third needs to monitor the room including the set up and greeting people. A fourth needs to take notes and provide feedback to the team.

- \* Always respect and trust the ability of others to solve their own problems, given the non-judgmental support to do so.
- \* Be patient with the fact that this often seems like a slow process.
- \* Be sure to include tearsheets for: 1) concerns 2) possible solutions, and 3) great ideas for future brainstorming (not germane to this topic).
- \* Active listening is an essential skill for the recorder.
- \* Recorder needs to record exactly, paraphrase, turn a negative to a neutral or a positive statement with respect for speaker. Accurate statement can sometimes forestall destructive comments.
- \* Be comfortable with handing off back and forth. Every once in a while, you will lose it.
- \* Use stories and metaphor.
- \* Trust your intuition and awareness of other team members.
- \* Support other team members.
- \* The facilitator must always face the audience.
- \* The recorder must face the audience when checking out accuracy of recording. Go toward the person and focus.
- \* Check constantly for those who want to speak.
- \* Be aware so that the facilitator does not get ahead of the recorder.
- \* Timing and flexibility are crucial.
- \* Watch for the need to change timing. Be willing to speak to your partner about what you need to be effective.

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## **STRUCTURING FOR SUCCESS - PHYSICAL AND PROCESS ENVIRONMENT**

The structure/organization of the environment in which the town meeting takes place can have a significant impact on the outcome of the meeting. The physical setting can create a sense of intimacy and cooperation or encourage isolation. The structure of the emotional climate of the evening can create a sense of order, accomplishment and welcome. Factors to be considered include:

- \* In creating a climate for honest, intimate interchange, room structure, as well as, placement and movement of facilitators makes a difference.
- \* Two charts, room to display tearsheets easily visible to the audience and accessible to the writing facilitator for revisions, masking tape or post it tape - cut and ready, and someone to assist in putting up tearsheets to leave the writing facilitator free to respond to the audience.
- \* Maintain an interactive physical closeness with the participants, spatial barriers can block progress.
- \* Chairs placed in a semicircle with no one behind and all participants visible to each other.
- \* Chairs for facilitators placed in front, not behind a table if possible.
- \* A comfortable room temperature and good acoustics.
- \* Refreshments
- \* Childcare is a decision which needs to be made depending on the community or particular group.
- \* Adjust style and format for large and small groups.

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### **FOLLOW-UP PROCESS**

There are specific actions which can be taken by the facilitators to support closure, a sense of fulfillment and purpose in the participants, as well as a viable action plan. The mobilization of a grass root effort which includes support to the transfer of leadership from the facilitators to the community members will be enhanced by the following:

- \* Help participants feel good throughout the process.
- \* Emphasize that no one can do it alone.
- \* Support the group in building consensus.
- \* Offer assistance for connections to resources.
- \* Key words happen. Hand back to them in writing what they created. It is the raw material for the next steps.
- \* Obtain a commitment to talk to each other in the community about issues between meetings.
- \* Reinforce that stakeholders are in charge.
- \* Hand off as much as community members want.
- \* Identify a local coordinator (natural community helper).
- \* Action items need to be tied to local community helpers.
- \* Get agreement to follow up and report back.
- \* Let go when the stakeholders are ready. You may feel a sense of loss. It means they are empowered.
- \* CELEBRATE.

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### **LEARNING TO FACILITATE USING ALL ROLES (FACILITATOR, RECORDER, MONITOR, OBSERVER) - MINI SESSIONS - IDEAS FOR PRACTICE**

The only way these roles get more comfortable is practice. Each time there is an element of risk because you do not know your audience. Even if you have done research on community needs and leaders, you do not know your audience because, in many ways, they do not know themselves as a group until they begin to work together. There will always be time when you will feel awkward, inadequate, and sometimes a failure because of your expectations of yourself. This is why this seems a high-risk activity. Being a catalyst often is.

## IDEAS FOR PRACTICE

Choose three of the following topics or invent your own. Keep sessions to 20 minutes. For each session, choose or accept volunteers for each of the roles. Have fun.

- \* Assault type squirt guns
- \* Youth suicide
- \* Sidewalk graffiti
- \* Overcrowded jail and juvenile hall
- \* Gophers in the parks
- \* Transportation for youth
- \* Youth gangs
- \* Youth coming to school armed

## MONITOR'S CHECKLIST

### Physical Environment

- Sufficient space for tear sheets
- Semicircle seating so participants can see each other
- Easels, Pads, Markers and Tape
- Point out restrooms and telephone
- Help people locate child care if available
- Lay out handouts
- Assist the host with any details

### Human Environment

- Greet participants
- Introduce neighbors to neighbors
- Move to centers of potential distraction
- Anticipate needs of group and team
- Greet latecomers and seat them
- Be alert to recorder's needs to have charts placed on the wall. Do it.
- Support smooth closure at the time agreed upon
- Sign-up sheet with addresses and phone numbers to facilitate the mailing of recorded information.

## OBSERVER'S GUIDE

- \* Assist other team members in debriefing.
- \* Share ideas about the quantity and quality of the interaction.
- \* Share opinion regarding the extent to which community members were empowered.
- \* Help team evaluate their own interaction.
- \* Help team predict the most effective community approach for next steps.
- \* Give team positive feedback and encouragement.

## PARTICIPANT RESPONSE FORM

Please help the presenters refine the presentations by providing candid responses to the following subject areas and any others you choose to add. Circle the number which most nearly represents the degree to which the presentations met your needs.

	Very Well 5	Well 4	Adequately 3	Somewhat 2	Not At All 1
I. The Workshop Overall	5	4	3	2	1
II. The Facilities (Physical Environment)	5	4	3	2	1
III. The Ambiance (Human Environment)	5	4	3	2	1
IV. Food and Refreshments	5	4	3	2	1
V. Methods and Materials	5	4	3	2	1
VI. Instructional Strategies	5	4	3	2	1
VII. Program Content and Skills	5	4	3	2	1
A. Facilitation	5	4	3	2	1
B. Pre Planning	5	4	3	2	1
C. Behavior and Attitudes	5	4	3	2	1
D. Team Building	5	4	3	2	1
E. Sharing the Leadership	5	4	3	2	1
F. Listening with Others	5	4	3	2	1
G. Adjusting Style and Format	5	4	3	2	1
H. Timing in the Process	5	4	3	2	1
I. Action Planning	5	4	3	2	1
J. Preserving the Integrity of the Forum	5	4	3	2	1
K. Dealing with Conflict	5	4	3	2	1

Remarks: Please put your remarks below and on the back of this sheet. Include the extent to which the presenters modeled the behaviors and strategies they presented.

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**CALIFORNIA PROBATION, PAROLE AND CORRECTIONAL ASSOCIATION  
JUVENILE JUSTICE/DELINQUENCY PREVENTION COMMITTEE**

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**BACKGROUND**

In 1986, at the request of Commissioners from a number of counties, the California Probation, Parole and Correctional Association (CPPCA) created, within its structure, a **Juvenile Justice/ Delinquency Prevention Committee**. The purpose of the committee was to represent the needs and concerns of Juvenile Justice and Delinquency Prevention Commissioners across the state to CPPCA's Board of Directors. Commissioners felt, and the Board of Directors agreed, that CPPCA was an appropriate entity to assist in the development and enhancement of local commissions.

Thus, with advice from Commissioners from a number of jurisdictions, CPPCA undertook amendments to its constitution and bylaws to enable such a committee. These amendments were adopted in a statewide election, and the **Juvenile Justice/ Delinquency Prevention Committee** became operational in May 1987.

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**COMMITTEE MEMBERSHIP**

The **Juvenile Justice/ Delinquency Prevention Committee** is comprised of four members selected by Juvenile Justice and Delinquency Prevention Commissions, one from each of the four regions of the state, to represent them. The regional representatives/chairs determine which of them will be the committee chair and serve on CPPCA's Board of Directors.

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**MANDATES OF THE JJ/DP COMMITTEE**

The committee's responsibilities are outlined in CPPCA's Bylaws as follows:

The Juvenile Justice Delinquency Prevention Committee shall be comprised of four (4) members appointed by the Juvenile Justice Delinquency Prevention Commissions, one from each of the four regions of the state, to represent them. One of these members shall serve as a member of the Board of Directors.

It shall be the duty of the Juvenile Justice/Delinquency Prevention Commission to represent Juvenile Justice and Delinquency Prevention Commissions; to advise the Board of Directors as to developments, needs, and resources of such commissions; to serve as a liaison between CPPCA and such commissions; to develop training or workshops to be incorporated into the annual CPPCA conference; to enhance communication among such commissions and between commissions and other elements of the criminal justice community; and to assist in developing understanding of and support for the work of commissions statewide.

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## **PROCEDURES AND PROCESS OF THE JJ/DP COMMITTEE**

The Committee operationalizes its responsibilities as follows:

1. Each regional Chair/Committee Member is responsible for updating information about the commissions in his/her region, i.e. the names and addresses of each commission's chair, and relaying that information to the Sacramento office so a current and accurate roster can be maintained.
2. Each Regional Chair/Committee Member holds at least one meeting of commissions in his/her region each year for the purpose of information exchange and discussion.
3. Regional Chairs/Committee Members exchange information with one another about what is happening in the various regions by, among other things, notifying the chair of ideas, activities and correspondence relevant to commissions and commissioners. The chair reports this information to CPPCA's Board of Directors as well as other issues of concern to commissions.
4. Each Regional Chair/Committee Member solicits nominations for commissioners in his/her region to run for Regional Chair for the subsequent year. Each Regional Chair/Committee Member shall send out the region's ballots, tabulate returns and notify the CPPCA office of the chair so elected, or, if the committee agrees, balloting shall occur at the JJ/DP training held in conjunction with CPPCA's Annual Training Conference.

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## **ADDITIONAL ACTIVITIES OF THE JJ/DP COMMITTEE**

Each Regional Chair/Committee Member will provide opportunities for networking among commissions by inviting commissions to the meetings described in #2 above and by offering assistance as needed.

Regional Chairs/Committee Members will advocate for commissions' credibility and importance. The Committee will communicate with juvenile court judges about the roles and responsibilities of commissions on a regular and ongoing basis to ensure dialogue about the place commissions fill in the justice system.

The Committee will seek to develop a generic information brochure about Juvenile Justice Delinquency Prevention and joint JJ/DP Commissions and their roles in relation to the court, the juvenile justice system and the community.

The Committee designs training for commissioners at the annual CPPCA Training Conference with input from the State Commission on Juvenile Justice, Crime and Delinquency Prevention and the advice of the commissions in the region in which the conference will occur.



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## COUNTIES IN CPPCA REGION

### Northern Region

Amador	Glenn	Plumas	Sutter
Butte	Lassen	Sacramento	Tehama
Calaveras	Modac	Shasta	Yolo
Colusa	Nevada	Sierra	Yuba
El Dorado	Placer	Siskiyou	

### North Coastal Region

Alameda	Marin	San Francisco	Sonoma
Contra Costa	Mendocino	San Mateo	Trinity
Del Norte	Monterey	Santa Clara	
Humboldt	Napa	Santa Cruz	
Lake	San Benito	Solano	

### Central Valley Region

Alpine	Kern	Merced	Stanislaus
Fresno	Kings	Mono	Tulare
Inyo	Madera	San Joaquin	Tuolumne
	Mariposa	San Luis Obispo	

### Southern Region

Imperial  
Los Angeles  
Orange  
Riverside  
San Bernardino  
Sa Diego  
Santa Barbara  
Ventura

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## GLOSSARY

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### ACRONYMS AND KEY TERMS

- AB** Assembly Bill
- AB 90** Assembly Bill 90, the County Justice System Subvention Program, which was repealed by the 1992 realignment of human services.
- AB 3121** Legislation passed in the 1970's which deinstitutionalized status offenders and criminalized some delinquents.
- AB 3632** Legislation which guides mental health involvement in the Individual Education Plan (IEP) required for special education students.
- ACA** AMERICAN CORRECTIONAL ASSOCIATION
- ACLU** AMERICAN CIVIL LIBERTIES UNION
- ACYF** Administration for Children, Youth, and Families (Federal)
- Adjudicated Delinquent** A child who has been found by a judge in juvenile court to have committed a violation of the criminal law, a delinquent act. The judge can formally adjudicate the child as an initial step before imposing a disposition (a sentence or punishment), or the judge can decide not to adjudicate the child and instead impose conditions which, if met, will result in dismissal of the charges.
- Adjudication** Both the hearing and the outcome of a juvenile court process; adjudication hearings are also known as jurisdictional hearings or evidentiary hearings; adjudication is also the equivalent of conviction in adult court, i.e., a juvenile who has been found to have committed a delinquent or criminal act of which he/she was charged is said to be an 'adjudicated' minor. [See also Disposition]
- Adjudicatory Hearing** The fact-finding (trial) phase of a juvenile case when a judge receives and weighs evidence before deciding whether a delinquency or status offense has been proven beyond a reasonable doubt.
- Adult Detention** The temporary care of adults in physically restricted facilities, usually referred to as jails or lockups pending court disposition or transfer to another jurisdiction or agency.
- Aftercare** Follow up, generally by supervision and support in the community, when a minor is released from a juvenile institution or completes a specified correctional program such as boot camp, drug treatment, etc.

**APPENDIX A**

- AG** ATTORNEY GENERAL; head of Department of Justice; both Federal and State Government have Departments of Justice and Attorney Generals.
- Aggravating Factors** Factors to be considered that may increase the seriousness of an offense, such as prior offenses, weapon use, heinous nature of crime, and threats to victims or witnesses.
- APPA** AMERICAN PROBATION AND PAROLE ASSOCIATION
- Arrest** An arrest is made when a law enforcement officer charges an adult with a criminal act or violation of law, and takes the adult into custody based on probable cause. A juvenile is often said to be "taken into custody" rather than arrested."
- BOC** BOARD OF CORRECTIONS; the agency in California government which sets standards for, provides technical assistance to and inspects city and county jails and, since 1995, juvenile halls. The BOC also sets standard for and provides technical assistance to sheriffs and probation departments relative to the hiring and training of personnel and is the agency responsible for the Juvenile Crime Enforcement and Accountability Challenge Grants per SB 1760. [See also SB 1760]
- BOP** BUREAU OF PRISONS; the agency of the Federal Department of Justice which runs the federal prison system.
- BPT** BOARD OF PRISON TERMS; the California agency which is the paroling authority for prisoners in the custody of the California Department of Corrections. [See also CDC]
- Brown Act** California legislation which requires certain boards and commissions to provide public notice of and access to meetings; in light of differences of opinion from one county to another. Juvenile Justice and Delinquency Prevention (JJ/DP) commissions should contact their county counsel for specific interpretation and/or direction as to whether the Brown Act applies to commission meetings in their jurisdiction.
- CAO** COUNTY ADMINISTRATIVE OFFICER, aka COUNTY ADMINISTRATOR, COUNTY EXECUTIVE and/or CHIEF ADMINISTRATIVE OFFICER
- CASA** COURT APPOINTED SPECIAL ADVOCATE, aka CASA COURT APPOINTED SPECIAL REPRESENTATIVE
- CBO** COMMUNITY BASED ORGANIZATION; a non-public or non-governmental organization, usually nonprofit, which is involved in and/or provides services.
- CCCJ** CALIFORNIA COUNCIL ON CRIMINAL JUSTICE; the organization within the California Governor's Office of Criminal Justice (OCJP) which has authority for granting federal funds under the Juvenile Justice and Delinquency Prevention Act (JJ/DP). CCCJ generally delegates the actual funding decisions to the State Advisory Group (SAG), which is mandated under the JJ/DP Act. [See also JJ/DP, OCJP, and SAG]

- CCCY** CALIFORNIA COUNCIL ON CHILDREN AND YOUTH; State coalition of youth serving agencies, divided into five regions.
- CCEC** CALIFORNIA CORRECTIONS EXECUTIVES COUNCIL; A loose-knit coalition of state and local correctional administrators which meets to address problems and issues relating to corrections statewide.
- CDC** CALIFORNIA DEPARTMENT OF CORRECTIONS; The department which operates state prisons and adult parole services.
- CEC** THE FOUNDATION FOR CONTINUING EDUCATION IN CORRECTIONS; The nonprofit foundation created by the California Probation, Parole and Correctional Association (CPPCA) to provide training and other services. [See also CPPCA]
- Citation** In the justice system, citation means a summons, and official notice to appear in a court and answer to a demand; a traffic ticket is a citation. When a person is arrested in some communities, the officer may give the offender a citation in lieu of placing him/her in custody in a detention facility. [See also Detention]
- Community Service** A sanction or order of the court which requires an offender to work at specified tasks in order to 'repay' the community for his/her delinquent or criminal acts
- Complaint** An oral statement, usually made to the police, charging criminal, abusive or neglectful conduct; a district attorney's document which starts a criminal prosecution; in juvenile or family court the complaint is usually called a petition; a petitioner's document which starts a civil proceeding; also the term used for a report of suspected abuse or neglect. [See also Petition]
- Comprehensive Assessment** The gathering of information for the evaluation of a juvenile offender's physical, psychological, educational, vocational, and social condition and family environment as these relate to the offender's need for services.
- Conflict Resolution** A variety of actions that all use communication skills and creative thinking to develop voluntary solutions that are acceptable to those involved in a dispute.
- Continuum Of Care** A broad array of juvenile justice programs and services ranging from prevention programs for young children and youth at risk of delinquency, to intervention programs serving high risk youth in secure residential settings.
- COPS** COMMUNITY-ORIENTED POLICING SERVICES PROGRAM: A program that trains police to work not in police stations and in squad cars, but solving problems right in and with the community; i.e., walking the streets, riding a bike or motorcycle. Officers take the time to get to know the members of the community, young and old alike, especially the children and youth. Every COPS program is different because every community is different.
- CPO** Chief Probation Officer; head of the county probation department [See also Probation]

**APPENDIX A**

- CPOC** CHIEF PROBATION OFFICERS OF CALIFORNIA; The association through which the Chief Probation Officers meet to address legislative and other professional issues.
- CPPCA** CALIFORNIA PROBATION, PAROLE AND CORRECTIONAL ASSOCIATION; One of the oldest and largest state professional associations for corrections in the nation, CPPCA is the organization through which corrections practitioners and others interested in adult and juvenile justice issues interact on legislation, training, research, technical assistance, and public information and education concerns. CPPCA is a resource for commissioner training and inter-commission communication through its Juvenile Justice/ Delinquency Prevention Committee.
- CPS** CHILD PROTECTIVE SERVICES; County agencies which are aligned with the State Department of Social Services.
- CSAC** CALIFORNIA STATE ASSOCIATION OF COUNTIES; the research, lobbying and advocacy organization for county government whose members include county counsels, district attorneys, members of boards of supervisors, county administrators, etc.
- CSJOA** CALIFORNIA STATE JUVENILE OFFICERS ASSOCIATION; an organization of law enforcement professionals working in the juvenile field.
- Curfew** A local ordinance that requires, under specific conditions and exceptions, a group of persons (usually juveniles under a certain age) to refrain from unsupervised activities after a designated hour within the confines of a selected area, city or county.
- Custody** Being in the care of a criminal justice agency or official. "Being taken into custody" in the juvenile justice system compares to being "arrested" in the criminal justice system.
- Custody Hearing** A court process to determine who has the rights of legal custody of a minor; custody hearings may involve one parent against the other or the parent(s) verses a social service agency.
- CYA** CALIFORNIA DEPARTMENT OF THE YOUTH AUTHORITY; The state department which operates 'youth training schools' and other custody facilities and parole for juvenile offenders committed by the juvenile or adult criminal court. [See also Parole and YOPB]
- Decriminalize** To remove from criminal and/or juvenile codes and local ordinances, i.e., to make certain offenses, usually those which are not injurious to others nor deprive others of property, non-criminal acts. Drunkenness is such an offense; juvenile status offenses were 'decriminalized' by AB 3121. [See AB3121 and Status Offense]
- Delinquency** Law violations as defined specifically for persons under an established age, 18 in California; delinquency includes offenses that are crimes if committed by adults as well as status offenses; i.e. acts which are offenses only because they are committed by minors. [See also Status Offense]

**Delinquency Prevention Programs** Programs and service designed to keep children-at-risk from entering the juvenile justice system.

**Delinquent** A minor who has been adjudicated for an offense described in the state penal code (PC), Welfare and Institutions Code (WIC) or local ordinance codes.

**Delinquent Act** An act committed by a juvenile that would be a criminal violation if committed by an adult.

**Delinquent Juvenile** A child who has been found responsible for having committed a delinquent act equivalent of being found guilty of a criminal offense by a juvenile court judge, and adjudicated a delinquent.

**Dependent Child** A minor whom the Juvenile court, under authority of WIC Section 300, has found to be in need of proper and effective parental control, destitute, physically dangerous to the public due to mental or physical deficiency or physically abused by her/his parent(s).

**Detention** Held in state custody; secure, non-secure, or home confinement while awaiting and adjudication hearing, disposition, or commitment placement. Detention can also be used as "timeout" in domestic violence cases and for post-adjudicatory punishment. Also in a case of delinquency, the minor may be detained pending a trial if the detention hearing indicates that the minor may be a danger to self or others or may fail to appear for trial if released.

**Detention Hearing** A judicial hearing generally required to be held within 24 to 72 hours of a juvenile being taken into custody, at which the court determines whether there is probable cause to believe that the child has committed a delinquent act, or whether a court order exists that requires the continued detention of the child, and whether continued detention is required pending an adjudicatory hearing.

**Disposition** The order of a juvenile or family court issued at a dispositional hearing which determines whether a minor, already found to be a dependent or delinquent child, should continue in or return to the parental home or be placed out of home and in what kind of setting under what kind of supervision. Disposition in a civil or juvenile case parallels sentencing in a criminal case. [See also Adjudication]

**Disposition Hearing** The hearing in a juvenile case (analogous to a sentencing hearing in criminal court) at which the court receives a predisposition report containing information and recommendations to assist in determining the appropriate sanction, ranging from probation to commitment to the custody of the Department of Juvenile Justice, or for community-based sanctions.

**Diversion** A process by which a juvenile is channeled from the juvenile justice system to community service. This may occur at the time a juvenile is taken into law enforcement custody or at intake.

**DOJ** DEPARTMENT OF JUSTICE; The department of federal and state government which oversees legal issues. [See also AG]

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- DOL** DEPARTMENT OF LABOR (Federal)
- DP** DELINQUENCY PREVENTION
- DPC** DELINQUENCY PREVENTION COMMISSION; A county commission which coordinates the work of those governmental and non-governmental organizations engaged in activities to prevent juvenile delinquency. A board of supervisors may direct the Juvenile Justice Commission (JJC) to act as the Delinquency Prevention Commission and/or may create a joint Juvenile Justice and Delinquency Prevention (JJ/DP) Commission. [See also JJC and JJ/DPC]
- DPO** DEPUTY PROBATION OFFICER {See also CPO and Probation]
- DPS** DIVISION OF PROTECTIVE SERVICES, In the State Department of Social Services
- DSS** DEPARTMENT OF SOCIAL SERVICES; The state department which is responsible for welfare, licensing of group homes and other social services and which oversees county departments of social services. Sometimes referred to as Department of Human Services (DHS).
- Felony** A major crime as defined by the California Penal Code. [See also misdemeanor]
- Foster Care** Placement of a child in a family home other than that of the child's parent(s); foster parents assume the role of caring for the child and are usually paid by an agency for this service.
- FP** FAMILY PRESERVATION
- Group Home** Similar to foster care, a number of children are placed in one home or facility, which may be operated by an agency or private individual; the agency may be staffed by counselors rather than foster parents.
- Guardian** An adult charged lawfully with the responsibility for a child; a guardian may or may not also have custody and therefore actual care and supervision of the child.
- Guidelines** A guideline has neither the force or effect of a statute or standard and provides guidance to one or more ways in which jurisdictions can meet a standard(s). They may provide a further explanation of the meaning of this standard or identify issues associated with the standard. Guidelines should provide agencies the flexibility to meet a standard which best suits their needs. It is often tempting to over-regulate by placing a guideline in standards. This should be avoided whenever possible.
- Guardian ad Litem** An adult appointed by the court to represent the child in a judicial proceeding, especially necessary in cases of child abuse pursuant to the Child Abuse Prevention and Treatment Act which requires that a guardian ad litem be appointed to represent the child in such proceedings.

- Hearing Officer** A judge or other individual who presides at a judicial proceeding; the role of judge is performed in some juvenile court hearings by referees or commissioners whose orders are issued in the name of the supervising judge. [See also Referee]
- Homicide** The killing of one human being by another.
- Informal Supervision** Applies to supervision of children who have not had a petition filed on their behalf and who will not be handled judicially in juvenile court; persons under such supervision generally must agree to the process.
- Intake** The process used for every child referred to juvenile court. Intake involves screening each child to determine the appropriateness for release or referral to a diversionary program or agency for non-official or non-judicial handling, or the presence of medical, psychiatric, psychological, substance abuse, educational problems, or other conditions that may have caused the child to come to the attention of law enforcement or intake. Intake also includes the initial screening of a status offender to determine the recommended action to be taken in the best interests of the child, the family, and the community.
- JJC** JUVENILE JUSTICE COMMISSION; County advisory committee of not less than seven citizens appointed by the Presiding Judge of the Juvenile Court, established by the Juvenile Court Law, which advises the Juvenile Court and the Probation Department and is authorized to inspect local juvenile facilities and inquire into the administration of juvenile justice in the county. [See also DPC and JJ/DPC]
- JJCDPC** STATE COMMISSION ON JUVENILE JUSTICE, CRIME AND DELINQUENCY PREVENTION; The state equivalent of counties' JJ/DP Commissions, the JJCDPC inspects CYA facilities and advises the Director of the Youth Authority on delinquency prevention issues.
- JJDPA** JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974; The federal legislation which established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide funds and direction for the control and prevention of juvenile crime and delinquency. [See also OJJDP]
- JJ/DPC** JUVENILE JUSTICE/DELINQUENCY PREVENTION COMMISSION; county commissions which inspect local juvenile facilities and deal with other issues relating to youth in the justice system. [See also JJC and DPC]
- JTPA** JOB TRAINING PARTNERSHIP ACT; Federal legislation, through the Department of Labor (DOL) to help find employment and provide job readiness training
- Judge Pro Tem** A person, usually a lawyer, who is appointed to serve temporarily as a judge. [See also Hearing Officer and Referee]
- Jurisdiction** The limits of authority of a criminal justice agency, the legal boundaries of operation, the span of control; for the juvenile court, for example, jurisdiction rests with offenses committed by children under a specific age and in a political boundary, usually a county.



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**Juvenile Court Law** Those sections of the California Welfare and Institutions code (WIC) which relate to juveniles, juvenile crime and delinquency and the operation of juvenile courts, aka the Arnold Kennick Juvenile court Law.

**Juvenile Delinquency Program** Any program or activity related to juvenile delinquency prevention, control, diversion, intervention, treatment, rehabilitation, planning, education, training and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity to help prevent juvenile delinquency.

**Juvenile Detention** The temporary care of children in physically restricted facilities, usually referred to as detention centers, pending court disposition or transfer to another jurisdiction or agency.

**Juvenile Hall** A secure juvenile detention facility, operated by a county probation department, generally for the short term detention of juveniles awaiting trial or adjudicated to require local custody.

**Juvenile Institution** The generic term for detention and/or custody facilities for juvenile offenders, aka training schools, juvenile halls, boot camps, probation camps, etc.

**Law Enforcement** Includes police, sheriffs, constables, marshals, state police and other peace officers mandated to protect public safety and maintain law and order.

**LOC** LEAGUE OF CALIFORNIA CITIES; The lobbying and advocacy organization for city government.

**Lockup** Generally a facility for temporary detention pending court disposition or transfer to another jurisdiction or agency.

**LPS** LANTERMAN-PETRIS SHORT ACT; California legislation to oversee the procedures, services and rights for involuntary commitment of mentally disordered persons, et al.

**Mediation** A process by which a neutral third person, called a mediator, encourages and facilitates the resolution of a dispute between two or more parties. It is an informal process aimed at helping the disputing parties reach a mutually acceptable and voluntary agreement. Decision making authority rests with the parties. The role of mediator includes but is not limited to assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

**Mentoring** There many different ways to mentor, but usually it is when someone provides support and guidance to, and spends time on a regular basis with, a child going sports, playing games, shopping, taking hikes, helping with homework, doing chores.

**Misdemeanor** A minor offense as defined by state law and municipal ordinances, generally punishable by fine or county jail sentence of one year or less. [See also Felony]

**MOU** MEMORANDUM OF UNDERSTANDING; Interagency agreements which detail responsibilities and lines of authority.

- NCCAN** NATIONAL COUNCIL ON CHILD ABUSE AND NEGLECT
- NCCD** NATIONAL COUNCIL ON CRIME AND DELINQUENCY
- NIC** NATIONAL INSTITUTE OF CORRECTIONS; A resource in the Federal Department of Justice on adult and juvenile correctional issues.
- NIC/NIC** NATIONAL INSTITUTE OF CORRECTIONS NATIONAL INFORMATION CENTER
- NISA** NATIONAL INSTITUTE OF SENTENCING ALTERNATIVES
- NNRYS** NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES
- NOVA** NATIONAL ORGANIZATION FOR VICTIMS' ASSISTANCE
- NRCYS** NATIONAL RESOURCE CENTER FOR YOUTH SERVICES
- OCAP** OFFICE OF CHILD ABUSE PREVENTION (California)
- OCJP** GOVERNOR'S OFFICE OF CRIMINAL JUSTICE PLANNING (California)
- OJJDP** OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (Federal)  
[See also JJDPA]
- Parole** The period of post release supervision for offenders completing sentences of custody in state institutions; both the California Department of Corrections (CDC), through its Parole and Community Services Division (P&CSD), and the California Department of the Youth Authority (CYA), through its Parole and Community Corrections Branch (P&CC), provide parole supervision and services. Many counties operate what they call 'county parole' or 'sheriff's parole' as a form of early release from jail; however parole is ordinarily a state function while release from local custody is generally referred to as probation. [See also CDC, CYA and Probation]
- Paroling Authority** The body authorized by statute to grant or revoke parole; because of California's determinate sentencing structure, the adult paroling authority is able to determine eligibility for parole only for those prisoners with indeterminate sentences. For juveniles the paroling authority actually does complete pre-parole investigations and determine eligibility for parole and rule on revocations of parole. For adults the paroling authority is the Board of Prison Terms and for juveniles, the Youthful Offender Parole Board. [See also BPT and YOPB]
- PC** PENAL CODE; California's criminal law.
- Petition** The legal document used by juvenile courts to specify the details of an alleged delinquent act; petitions are said to be filed on behalf of a child.
- PIC** PRIVATE INDUSTRY COUNCIL; The local entity which operationalizes the JTPA

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**PJ** PRESIDING JUDGE

**POST** PEACE OFFICERS STANDARDS AND TRAINING COMMISSION; sets standards for and provides technical assistance in the training of non-correctional peace officers. [See BOC and STC for training of correctional peace officers]

**Probation** Probation is a punishment ordered by a court whereby the convicted adult or adjudicated juvenile is permitted to remain in the community subject to conditions specified by the court which usually include a requirement that the person report to a probation officer, stay drug and alcohol free, not associate with other convicted persons, etc. Probation supervision may also include drug testing and/or treatment, electronic monitoring, a period of confinement in a jail or juvenile facility, restitution, community service and/or assignment to other programs or punishment options as determined necessary by the probation officer or sentencing judge.

**Probation Department** The county department which conducts pre-hearing or pre-sentence investigations, supervises probationers, operates juvenile halls and camps for adjudicated juvenile offenders and makes recommendations regarding modifications of probation conditions, revocations and discharge. Each California county has a probation department which supervises adults and juveniles, with the exception of San Francisco, which has separate adult and juvenile probation departments. [See also CPO, DPO and Parole]

**Protective Custody** Emergency measure taken to detain a child, until a written detention request can be filed, generally to separate the child from a harmful or dangerous family or other situation. Protective custody is also sometimes known as emergency custody. [See also Custody and Detention]

**Protective Factors** Research tells us that there are three categories of protective factors that help to reduce the impact of risk factors in a young person's life. These are personal characteristics, positive adult relationships, and healthy beliefs or clear standards of conduct.

**Public Offense** An offense described in the Penal Code, Welfare and Institutions Code or in local ordinances. [See also Felony and Misdemeanor]

**RCAC** REGIONAL CITIZENS ADVISORY COMMITTEES. Headquartered in California Youth Authority (CYA) regional offices, they advise the Youth Authority on all juvenile justice issues in their region

**Recidivism** This is the justice system's term for failing to be 'corrected' by the correctional system; committing another offense and returning to the juvenile or criminal justice system after completing a sentence or correctional intervention.

**Recidivist** A repeat offender; a child's second referral to a juvenile court makes him/her a recidivist; an adult's second arrest makes him/her a recidivist.

**Referee** A court officer whose principal functions are to act as a hearing officer, to reduce testimony to findings of fact and to make recommendations as to the disposition of

cases. A referee's recommendation may be modified, and approved or disapproved by the judge, but when approved or modified it becomes the order of the court.

**Region IX** The one of the 20 federal planning regions for OJJDP and DOJ grants in which California is included, along with Arizona, Nevada, Hawaii and the Outer Pacific.

**Regulations** Regulations are administratively established and may or may not be mandatory. They implement the statutes that authorize their existence and specify the general parameters that must/should be met but, in the Board's philosophy, should not dictate to those regulated how to meet them. In the case of jail regulations they have been generally determined to be advisory thus do not technically have the force of law. An exception would be for food, bedding, and clothing as set forth in Penal Code Section 4015. Standards that affect juvenile facilities are also advisory except for the provisions of Section 885 of the Welfare and Institutions Code which affect juvenile homes, ranches, camps or forestry camps. A third exception to the advisory nature of regulations occurs when state funding is available for construction of facilities. Statutes require that facilities constructed utilizing state funds meet all physical plant requirements.

There are two basic types of standards that are placed in regulations:

- \* **Prescriptive Standards:** There are standards that specify what is required and provide the sole means of compliance by stating the measures or actions by which they will be met.
- \* **Performance Standards:** These describe the objective and provide criteria for achieving the objective. They indicate what is required without directing the jurisdiction on how they will be implemented, thus allowing for greater flexibility in addressing the objective.

**Remand** The act of waiving or transferring a juvenile to adult court, generally per WIC Section 707(b), (d) or (e). [See also Transfer or Waiver]

**Residential Treatment Center** Generally a small, non-custody oriented institution or facility which provides treatment and/or programs for special groups of offenders.

**Restitution** Usually an order of the court requiring a defendant to pay into the State Victim Restitution Fund and/or pay back or repair damages to the property of a victim or victims or to perform services to the community. [See also Community Service]

**RFP** Request for proposal, as for grants or contracts for service

**RHYA** RUNAWAY AND HOMELESS YOUTH ACT (Federal)

**Risk Factors** Research tells us that certain problem behaviors present risk factors, for example availability of drugs and firearms in the community, family conflict, friends who engage in problem behaviors, in a young person's life that may contribute to later delinquency. These risk factors fall within four categories: community, family, school, and individual/peer.

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- ROR** RELEASE ON OWN RECOGNIZANCE, aka OR (own recognizance release), by which a defendant is screened to determine if he/she can be released from jail pending trial without putting up bail.
- SAG** STATE ADVISORY GROUP ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION; The body which reviews proposals and awards grants of monies per the JJDP. [See also CCCJ, JJDP and OCJP]
- SARB** SCHOOL ATTENDANCE REVIEW BOARD; disciplinary panels constituted to meet with and impose sanctions on students who are truant and their parents.
- SB** Senate Bill
- Short Doyle Act** California legislation to fund and operationalize locally administered mental health programs for mentally disordered individuals.
- Status Offense** A non-criminal violation which is peculiar to children/minors, i.e., an offense which would not be a crime except for the status (age) of the offender, such as truancy, being beyond control of parental authority, being a runaway, etc. [See also WIC Section 601 and Delinquency]
- Statutes** As used in our definition, a statute is a law passed by a legislative body and set forth in a formal document. In our reference the juvenile laws are generally contained in the Welfare and Institutions Code and jail laws are found generally in the Penal Code. Statutes set forth requirements that must be met by those they impact and have the force of law.
- An example of such a statute is Section 6030 of the Penal Code which requires the Board of Corrections to establish standards for local detention facilities. It specifies the minimum areas the Board must consider when establishing these regulations and what agencies must be consulted.
- STC** STANDARDS AND TRAINING FOR CORRECTIONS PROGRAM operated by the California Board of Corrections for local correctional peace officers such as probation officer, juvenile hall counselors, jail deputies and correctional officers. [See also BOC and POST]
- TANF** TEMPORARY ASSISTANCE TO NEEDY FAMILIES; A time limited public welfare payment program established by the State/Federal block grant to help children who are in need because of the death, continued absence from home, or incapacity of unemployment of their parents.
- TITLE XX** A title of the Social Security Act providing assistance to states.-- federal
- TITLE IVB** Child Welfare Services Amendment to Social Security Act.-- federal
- TITLE IVE** Adoption Assistance and Child Welfare Act of 1980 -- federal

- Transfer to Adult Court** A decision, either forced by the WIC or Penal Code or determined by the juvenile court judge after a hearing, to relinquish jurisdiction and permit a juvenile to be tried as an adult in a criminal court. [See also Remand and Waiver]
- Treatment** Rehabilitative approaches used to effect a change from unacceptable to acceptable behaviors.
- Truant** A young person who is absent from school without permission or authorization.
- Victimization** The result of a planned or accidental act that causes physical or psychological harm.
- Violent Crime** Crimes of violence include rape, robbery, assault, or murder.
- Waiver** Another word for Transfer to Adult Court, aka Remand
- Ward** A juvenile under the jurisdiction of the Juvenile Court pursuant to a finding of delinquency, aka ward of the court; juveniles in county juvenile halls, camps or ranches or CYA facilities are referred to as wards rather than prisoners.
- WCA** WESTERN CORRECTIONAL ASSOCIATION
- WIC** WELFARE AND INSTITUTIONS CODE; California laws which include, among other things, the Juvenile Court Law, aka the Arnold Kennick Juvenile Court Law, which provides for the protection and safety of the public and each minor under the jurisdiction of the juvenile court.
- WSYSN** WESTERN STATES YOUTH SERVICES NETWORK
- YACA** YOUTH AND ADULT CORRECTIONAL AGENCY; the Cabinet level agency in California which oversees the Department of Corrections, Department of the Youth Authority, Board of Prison Terms, Youthful Offender Parole Board, Board of Corrections and Prison Industry Authority.
- YDB** YOUTH DEVELOPMENT BUREAU --federal, part of ACYF
- YOPB** YOUTHFUL OFFENDER PAROLE BOARD; determines program and parole status for wards in the California Department of the Youth Authority (CYA). [See also CYA and Parole]
- YSB** Youth Service Bureau

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**KEY WELFARE AND INSTITUTIONS CODE SECTIONS**

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WIC 206	Separate segregated facilities for habitual delinquents or truants; secure and nonsecure facilities
WIC 207	Place of detention
WIC 207.1	Detention of minor in jail or lockup
WIC 208	Detention or sentence to adult facilities contact with adults
WIC 209	Inspection of juvenile detention facilities for suitability
WIC 225	Juvenile Justice Commission membership
WIC 229	Duty of Commission
WIC 229.5	Juvenile Justice commissions; inquiries into group homes
WIC 230	Recommendations; publications
WIC 233	Delinquency Prevention Commission
WIC 233.5	Indent or pornographic materials; assistance and advice
WIC 270	County officers; nominations and appointment; deputies and assistants
WIC 271	County charter provisions
WIC 601	Statutes relating to status offenders
WIC 602	Statutes relating to delinquent children
WIC 851	Nature and Environment of Juvenile Hall
WIC 880	Purposes of establishment
WIC 883	Work, studies and activities of committed wards
WIC 885	Standards; adoption
WIC 886	Maximum number of children
WIC 886.5	Expanded capacity
WIC 888	Agreements with other counties
WIC 889	Administration and operation of public schools
WIC 893	Counties of over 5,00,000; contracts with private organizations

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**LEGISLATIVE WEB ADDRESSES**

- \* [www.bdcorr.ca.gov](http://www.bdcorr.ca.gov)
- \* [www.cppca.com](http://www.cppca.com)
- \* [www.csac.counties.org](http://www.csac.counties.org)
- \* [www.csjoa.org](http://www.csjoa.org)
- \* [www.fontana.k12.ca.us/burton](http://www.fontana.k12.ca.us/burton)
- \* [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

**206 - Separate segregated facilities for habitual delinquents or truants; secure and non-secure facilities:** Persons taken into custody and persons alleged to be within the description of Section 300, or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground, shall be provided by the board of supervisors with separate facilities segregated from persons either alleged or adjudged to come within the description of Section 601 or 602 except as provided in Section 16514. Separate segregated facilities may be provided in the juvenile hall or elsewhere.

The facilities required by this section shall, with regard to minors alleged or adjudged to come within Section 300, be nonsecure.

For the purposes of this section, the term "secure facility" means a facility which is designed and operated so as to insure that all entrances to, and exits from, the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences, or physical restraints in order to control behavior of its residents. The term "nonsecure facility" means a facility that is not characterized by the use of physically restricting construction, hardware, and procedures and which provides its residents access to the surrounding community with minimal supervision. A facility shall not be deemed secure due solely to any of the following conditions:

(1) the existence within the facility of a small room for the protection of individual residents from themselves or others;

(2) the adoption of regulations establishing reasonable hours for residents to come and go from the facility based upon a sensible and fair balance between allowing residents free access to the community and providing the staff with sufficient authority to maintain order, limit unreasonable actions by residents, and to ensure that minors placed in their care do not come and go at all hours of the day and night or absent themselves at will for days at a time; and

(3) staff control over ingress and egress no greater than that exercised by a prudent parent. The State Department of Social Services may adopt regulations governing the use of small rooms pursuant to this section.

No minor described in this section may be held in temporary custody in any building that contains a jail or lockup for the confinement of adults, unless, while in the building, the minor is under continuous supervision and is not permitted to come into or remain in contact with adults in custody in the building. In addition, no minor who is alleged to be within the description of Section 300 may be held in temporary custody in a building that contains a jail or lockup for the confinement of adults, unless the minor is under the direct and continuous supervision of a peace officer or other child protective agency worker, as specified in Section 11165.9 of the Penal Code, until temporary custody and detention of the minor is assumed pursuant to Section 309. However, if a child protective agency worker is not available to supervise the minor as certified by the law enforcement agency which has custody of the minor, a trained volunteer may be directed to supervise the minor. The volunteer shall be trained and function under the auspices of the agency which utilizes the volunteer. The minor may not remain under the supervision of the volunteer for more than three hours. A county which elects to utilize trained volunteers for the temporary supervision of minors shall adopt guidelines for the training of the volunteers which guidelines shall be approved by the State Department of Social Services. Each county which elects to utilize trained volunteers for the temporary supervision of minors shall report annually to the department on the number of volunteers utilized, the number of minors under their supervision, and the circumstances under which volunteers were utilized. No record of the detention of such a person shall be made or kept by any law enforcement agency or the Department of Justice as a record of arrest.



**207 - Place of detention:** (a) No minor shall be detained in any jail, lockup, juvenile hall, or other secure facility who is taken into custody solely upon the ground that he or she is a person described by Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that ground, except as provided in subdivision (b). If any such minor, other than a minor described in subdivision (b), is detained, he or she shall be detained in a sheltered-care facility or crisis resolution home as provided for in Section 654, or in a nonsecure facility provided for in subdivision (a), (b), (c), or (d) of Section 727.

(b) A minor taken into custody upon the ground that he or she is a person described in Section 601, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

(1) For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or holds against the minor in cases where the arresting officer or probation officer has cause to believe that the wants, warrants, or holds exist.

(2) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian.

(3) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, whose parent or guardian is a resident outside of the state wherein the minor was taken into custody, except that the period may be extended to no more than 72 hours when the return of the minor cannot reasonably be accomplished within 24 hours due to the distance of the parents or guardian from the county of custody, difficulty in locating the parents or guardian, or difficulty in locating resources necessary to provide for the return of the minor.

(c) Any minor detained in juvenile hall pursuant to subdivision (b) may not be permitted to come or remain in contact with any person detained on the basis that he or she has been taken into custody upon the ground that he or she is a person described in Section 602 or adjudged to be such or made a ward of the juvenile court upon that ground.

(d) Minors detained in juvenile hall pursuant to Sections 601 and 602 may be held in the same facility provided they are not permitted to come or remain in contact within that facility.

(e) Every county shall keep a record of each minor detained under subdivision (b), the place and length of time of the detention, and the reasons why the detention was necessary. Every county shall report this information to the Board of Corrections on a monthly basis, on forms to be provided by that agency.

The board shall not disclose the name of the detainee, or any personally identifying information contained in reports sent to the Youth Authority under this subdivision.

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**207.1 - Detention of minor in jail or lockup:** (a) No court, judge, referee, peace officer, or employee of a detention facility shall knowingly detain any minor in a jail or lockup, except as provided in subdivision (b) or (d).

(b) Any minor who is alleged to have committed an offense described in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707 whose case is transferred to a court of criminal jurisdiction pursuant to Section 707.1 after a finding is made that he or she is not a fit and proper subject to be dealt with under the juvenile court law, or any minor who has been charged directly in or transferred to a court of criminal jurisdiction pursuant to Section 707.01, may be detained in a jail or other secure facility for the confinement of adults if all of the following conditions are met:

(1) The juvenile court or the court of criminal jurisdiction makes a finding that the minor's further detention in the juvenile hall would endanger the safety of the public or would be detrimental to the other minors in the juvenile hall.

(2) Contact between the minor and adults in the facility is restricted in accordance with Section 208.

(3) The minor is adequately supervised.

(c) A minor who is either found not to be a fit and proper subject to be dealt with under the juvenile court law or who will be transferred to a court of criminal jurisdiction pursuant to Section 707.01, at the time of transfer to a court of criminal jurisdiction or at the conclusion of the fitness hearing, as the case may be, shall be entitled to be released on bail or on his or her own recognizance upon the same circumstances, terms, and conditions as an adult who is alleged to have committed the same offense.

(d) (1) A minor 14 years of age or older who is taken into temporary custody by a peace officer on the basis of being a person described by Section 602, and who, in the reasonable belief of the peace officer, presents a serious security risk of harm to self or others, may be securely detained in a law enforcement facility that contains a lockup for adults, if all of the following conditions are met:

(A) The minor is held in temporary custody for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility.

(B) The minor is detained in the law enforcement facility for a period that does not exceed six hours except as provided in subdivision (f).

(C) The minor is informed at the time he or she is securely detained of the purpose of the secure detention, of the length of time the secure detention is expected to last, and of the maximum six-hour period the secure detention is authorized to last. In the event an extension is granted pursuant to subdivision (f), the minor shall be informed of the length of time the extension is expected to last.

(D) Contact between the minor and adults confined in the facility is restricted in accordance with Section 208.

(E) The minor is adequately supervised.

(F) A log or other written record is maintained by the law enforcement agency showing the offense that is the basis for the secure detention of the minor in the facility, the reasons and circumstances forming the basis for the decision to place the minor in secure detention, and the length of time the minor was securely detained.

(2) Any other minor, other than a minor to which paragraph (1) applies, who is taken into temporary custody by a peace officer on the basis that the minor is a person described by Section 602 may be taken to a law enforcement facility that contains a lockup for adults and may be held in temporary custody in the facility for the purposes of investigating the case, facilitating the release of the minor to a parent or guardian, or arranging for the transfer of the minor to an appropriate juvenile facility. While in the law enforcement facility, the minor may not be securely detained and shall be supervised in a manner so as to ensure that there will be no contact with adults in custody in the facility. If the minor is held in temporary, nonsecure custody within the facility, the peace officer shall exercise one of the dispositional options authorized by Sections 626 and 626.5 without unnecessary delay and, in every case, within six hours.

(3) "Law enforcement facility," as used in this subdivision, includes a police station or a sheriff's station, but does not include a jail, as defined in subdivision (i).

(e) The Board of Corrections shall assist law enforcement agencies, probation departments, and courts with the implementation of this section by doing all of the following:

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(1) The board shall advise each law enforcement agency, probation department, and court affected by this section as to its existence and effect.

(2) The board shall make available and, upon request, shall provide, technical assistance to each governmental agency that reported the confinement of a minor in a jail or lockup in calendar year 1984 or 1985. The purpose of this technical assistance is to develop alternatives to the use of jails or lockups for the confinement of minors. These alternatives may include secure or nonsecure facilities located apart from an existing jail or lockup, improved transportation or access to juvenile halls or other juvenile facilities, and other programmatic alternatives recommended by the board. The technical assistance shall take any form the board deems appropriate for effective compliance with this section.

(f) (1) (A) Under the limited conditions of inclement weather, acts of God, or natural disasters that result in the temporary unavailability of transportation, an extension of the six-hour maximum period of detention set forth in paragraph (2) of subdivision (d) may be granted to a county by the Board of Corrections. The extension may be granted only by the board, on an individual, case-by-case basis. If the extension is granted, the detention of minors under those conditions shall not exceed the duration of the special conditions, plus a period reasonably necessary to accomplish transportation of the minor to a suitable juvenile facility, not to exceed six hours after the restoration of available transportation.

(B) A county that receives an extension under this paragraph shall comply with the requirements set forth in subdivision (d). The county also shall provide a written report to the board that specifies when the inclement weather, act of God, or natural disaster ceased to exist, when transportation availability was restored, and when the minor was delivered to a suitable juvenile facility. If the minor was detained in excess of 24 hours, the board shall verify the information contained in the report.

(2) Under the limited condition of temporary unavailability of transportation, an extension of the six-hour maximum period of detention set forth in paragraph (2) of subdivision (d) may be granted by the board to an offshore law enforcement facility. The extension may be granted only by the board, on an individual, case-by-case basis. If the extension is granted, the detention of minors under those conditions shall extend only until the next available mode of transportation can be arranged. An offshore law enforcement facility that receives an extension under this paragraph shall comply with the requirements set forth in subdivision (d). The facility also shall provide a written report to the board that specifies when the next mode of transportation became available, and when the minor was delivered to a suitable juvenile facility. If the minor was detained in excess of 24 hours, the board shall verify the information contained in the report.

(3) At least annually, the board shall review and report on extensions sought and granted under this subdivision. If, upon that review, the board determines that a county has sought one or more extensions resulting in the excessive confinement of minors in adult facilities, or that a county is engaged in a pattern and practice of seeking extensions, it shall require the county to submit a detailed explanation of the reasons for the extensions sought and an assessment of the need for a conveniently located and suitable juvenile facility. Upon receiving this information, the board shall make available, and the county shall accept, technical assistance for the purpose of developing suitable alternatives to the confinement of minors in adult lockups.

(g) Any county that did not have a juvenile hall on January 1, 1987, may establish a special purpose juvenile hall, as defined by the Board of Corrections, for the detention of minors for a period not to exceed 96 hours. Any county that had a juvenile hall on January 1, 1987, also may establish, in addition to the juvenile hall, a special purpose juvenile hall. The board shall prescribe minimum standards for that type of facility.

(h) No part of a building or a building complex that contains a jail may be converted or utilized as a secure juvenile facility unless all of the following criteria are met:

(1) The juvenile facility is physically, or architecturally, separate and apart from the jail or lockup such that there could be no contact between juveniles and incarcerated adults.

(2) Sharing of nonresidential program areas only occurs where there are written policies and procedures that assure that there is time-phased use of those areas that prevents contact between juveniles and incarcerated adults.

(3) The juvenile facility has a dedicated and separate staff from the jail or lockup, including management, security, and direct care staff. Staff who provide specialized services such as food, laundry, maintenance, engineering, or medical services, who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, may serve both populations.

(4) The juvenile facility complies with all applicable state and local statutory, licensing, and regulatory requirements for juvenile facilities of its type.

(i) (1) "Jail," as used in this chapter, means a locked facility administered by a law enforcement or governmental agency, the purpose of which is to detain adults who have been charged with violations of criminal law and are pending trial, or to hold convicted adult criminal offenders sentenced for less than one year.

(2) "Lockup," as used in this chapter, means any locked room or secure enclosure under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest.

(3) "Offshore law enforcement facility," as used in this section, means a sheriff's station containing a lockup for adults that is located on an island located at least 22 miles from the California coastline.

(j) Nothing in this section shall be deemed to prevent a peace officer or employee of an adult detention facility or jail from escorting a minor into the detention facility or jail for the purpose of administering an evaluation, test, or chemical test pursuant to Section 23157 of the Vehicle Code, if all of the following conditions are met:

(1) The minor is taken into custody by a peace officer on the basis of being a person described by Section 602 and there is no equipment for the administration of the evaluation, test, or chemical test located at a juvenile facility within a reasonable distance of the point where the minor was taken into custody.

(2) The minor is not locked in a cell or room within the adult detention facility or jail, is under the continuous, personal supervision of a peace officer or employee of the detention facility or jail, and is not permitted to come in contact or remain in contact with in-custody adults.

(3) The evaluation, test, or chemical test administered pursuant to Section 23157 of the Vehicle Code is performed as expeditiously as possible, so that the minor is not delayed unnecessarily within the adult detention facility or jail. Upon completion of the evaluation, test, or chemical test, the minor shall be removed from the detention facility or jail as soon as reasonably possible. No minor shall be held in custody in an adult detention facility or jail under the authority of this paragraph in excess of two hours.

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**208 - Detention or sentence to adult facilities contact with adults:** (a) When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with such adults.

(b) No person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall be permitted to come or remain in contact with any adult person who has been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory

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pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.

(c) As used in this section, "contact" does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities which are directly supervised by employees of the hospital, so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations.

(d) This section shall be operative January 1, 1998.

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**209 - Inspection of juvenile detention facilities for suitability:** (a) The judge of the juvenile court of a county, or, if there is more than one judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor.

The judge shall promptly notify the operator of the jail, juvenile hall, or special purpose juvenile hall of any observed noncompliance with minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210. Based on the facility's subsequent compliance with the provisions of subdivisions (d) and (e), the judge shall thereafter make a finding whether the facility is a suitable place for the confinement of minors and shall note the finding in the minutes of the court.

The Board of Corrections shall conduct a biennial inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. The board shall promptly notify the operator of any jail, juvenile hall, lockup, or special purpose juvenile hall of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2.

If either a judge of the juvenile court or the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for the confinement of minors, the juvenile court or the board shall give notice of its finding to all persons having authority to confine minors pursuant to this chapter and commencing 60 days thereafter the facility shall not be used for confinement of minors until the time the judge or board, as the case may be, finds, after re-inspection of the facility that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors.

The custodian of each jail, juvenile hall, special purpose juvenile hall, and lockup shall make any reports as may be requested by the board or the juvenile court to effectuate the purposes of this section.

(b) The Board of Corrections may inspect any law enforcement facility that contains a lockup for adults and that it has reason to believe may not be in compliance with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2. A judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. If the law enforcement facility is observed, upon inspection, to be out of compliance with the requirements of subdivision (d) of Section 207.1, or with any standard adopted under Section 210.2, the board or the judge shall promptly notify the operator of the law enforcement facility of the specific points of noncompliance.

If either the judge or the board finds after inspection that the facility is not being operated and maintained in conformity with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2, the juvenile court or the board shall give notice of its finding to all persons having authority to securely detain minors in the facility, and, commencing 60 days thereafter, the facility shall not be used for the secure detention of a minor until the time the judge or the board, as the case may be, finds, after re-inspection, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for the confinement of minors in conformity with all requirements of law.

The custodian of each law enforcement facility that contains a lockup for adults shall make any report as may be requested by the board or by the juvenile court to effectuate the purposes of this subdivision.

(c) The board shall collect biennial data on the number, place, and duration of confinements of minors in jails and lockups, as defined in subdivision (i) of Section 207.1, and shall publish biennially this information in the form as it deems appropriate for the purpose of providing public information on continuing compliance with the requirements of Section 207.1.

(d) Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

(e) Where a juvenile hall is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210, and where the noncompliance arises from sustained occupancy levels that are above the population capacity permitted by applicable minimum standards, the juvenile hall shall be unsuitable for the confinement of minors if the board or the judge of the juvenile court determines that conditions in the facility pose a serious risk to the health, safety, or welfare of minors confined in the facility. In making its determination of suitability, the board or the judge of the juvenile court shall consider, in addition to the noncompliance with minimum standards, the totality of conditions in the juvenile hall, including the extent and duration of overpopulation as well as staffing, program, physical plant, and medical and mental health care conditions in the facility. The Board of Corrections may develop guidelines and procedures for its determination of suitability in accordance with this subdivision and to assist counties in bringing their juvenile halls into full compliance with applicable minimum standards. This subdivision shall not be interpreted to exempt a juvenile hall from having to correct, in accordance with the provisions of subdivision (d), any minimum standard violations that are not directly related to overpopulation of the facility.

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**225 - Juvenile Justice Commission membership:** In each county there shall be a juvenile justice commission consisting of not less than 7 and no more than 15 citizens. Two or more of the members shall be persons who are between 14 and 21 years of age, provided there are available persons between 14 and 21 years of age who are able to carry out the duties of a commission member in a

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manner satisfactory to the appointing authority. Each person serving as a member of a probation committee immediately prior to September 15, 1961, shall be a member of the juvenile justice commission and shall continue to serve as such until such time as his or her term of appointment as a member of the probation committee would have expired under any prior provision of law. Upon a vacancy occurring in the membership of the commission and upon the expiration of the term of office of any member, a successor shall be appointed by the presiding judge of the superior court with the concurrence of the judge of the juvenile court or, in a county having more than one judge of the juvenile court, with the concurrence of the presiding judge of the juvenile court for a term of four years. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor.

Appointments may be made by the presiding judge of the superior court, in the same manner designated in this section for the filling of vacancies, to increase the membership of a commission to the maximum of 15 in any county which has a commission with a membership of less than 15 members.

In any county in which the membership of the commission, on the effective date of amendments to this section enacted at the 1971 Regular Session of the Legislature, exceeds the maximum number permitted by this section, no additional appointments shall be made until the number of commissioners is less than the maximum number permitted by this section. In any case, such county's commission membership shall, on or after January 1, 1974, be no greater than the maximum permitted by this section.

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**229 - Duty of Commission:** It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Board of Corrections.

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**229.5 - Juvenile Justice commissions; inquiries into group homes:** (a) Notwithstanding any other provision of law, a juvenile justice commission may inquire into the operation of any group home that serves wards or dependent children of the juvenile court and is located in the county or region the commission serves. The commission may review the safety and well-being of wards or dependent children placed in the group home and the program and services provided in relation to the home's published program statement.

(b) In conducting its review, the commission shall respect the confidentiality of minors' records and other information protected under other provisions of law. It may not review confidential records, such as court or case records of a child, personnel records of employees, or financial or donor records of the group home.

(c) The commission shall give the group home manager at least 24 hours' advance notice of a visit to a group home. If the commission believes that there is a serious violation of applicable licensing laws or regulations or that residents of a group home are in danger of physical or mental abuse, abandonment or other substantial threat to their health and safety, the commission shall notify

the Community Care Licensing Division of the State Department of Social Services for appropriate action, shall consult with the presiding judge of the juvenile court and chief probation officer as to whether or not a visit is appropriate, and shall notify other juvenile justice commissions of its actions, as appropriate.

(d) Upon the completion of a visit, if the commission finds any condition in the group home that poses a danger to its residents or otherwise violates any applicable law, ordinance, or regulation, the commission shall verbally advise the group home manager of its findings, unless it determines that the advisement could be detrimental to the children placed there, and shall send written confirmation of its findings to the group home manager within 14 days. The commission may also report its findings to the presiding judge of the juvenile court, chief probation officer, State Department of Social Services, or other juvenile justice commissions as appropriate. A group home manager may meet with the juvenile justice commission, chief probation officer, county welfare director, juvenile court, or the State Department of Social Services to resolve any problem or to submit a plan of correction.

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**230 - Recommendations; publication:** A juvenile justice commission may recommend to any person charged with the administration of any of the provisions of this chapter such changes as it has concluded, after investigation, will be beneficial. A commission may publicize its recommendations

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**233 - Delinquency Prevention Commission;** The board of supervisors may by ordinance provide for the establishment, support, and maintenance of a delinquency prevention commission, composed of not fewer than seven citizens, to coordinate on a countywide basis the work of those governmental and non-governmental organizations engaged in activities designed to prevent juvenile delinquency. If the board so elects, it may designate the juvenile justice commission, or any other committee or council appointed pursuant to Section 232 or 235, to serve in such capacity. The commission may receive funds from governmental and non-governmental sources to hire an executive secretary and necessary staff and to defray needed administrative expenses. The board of supervisors may direct any county department to provide necessary staff service to the commission. The commission may expend its funds on specific projects designed to accomplish its objectives. Members of the delinquency prevention commission shall be appointed by the board of supervisors to serve a term of four years, and they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Upon a vacancy occurring in the membership in the commission and upon the expiration in the term of office of any member, a successor shall be appointed by the board of supervisors. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor. The board of supervisors may appoint initial members to any delinquency prevention commission created after the effective date of the amendment made to this section at the 1973-74 Regular Session of the Legislature to hold office for the following terms: one-half of the membership of an even-numbered commission for a term of two years and one-half plus one of the membership of an odd-numbered commission for a term of two years. The remaining initial members and the term of office of each successor appointed to fill a vacancy occurring on the expiration of a term thereafter shall be four years. For a delinquency prevention commission existing on the effective date of the amendment made to this section at the 1973-74 Regular Session of the Legislature the board of supervisors may at any time upon the expiration of all the members' terms of office appoint members to hold office for the following terms: one-half of the membership of an even-numbered commission for a term of two years and one-half plus one of the membership of an odd-numbered commission for a term of two years. The remaining members and the term of office



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of each successor appointed to fill a vacancy occurring on the expiration of a term thereafter shall be four years. Notwithstanding the preceding provisions of this section, the board of supervisors shall appoint two or more persons who are between 14 and 21 years of age to membership on a delinquency prevention commission, provided there are available persons between 14 and 21 years of age who are able to carry out the duties of a commission member in a manner satisfactory to the appointing authority.

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**233.5 – Indent or pornographic materials; assistance and advice:** In a county having a population of over 6,000,000, the board of supervisors may assign the responsibility for assisting and advising the board and other county officers concerning the publication and distribution of allegedly indecent or pornographic materials and such other related duties as the board may determine proper to the delinquency prevention commission established pursuant to Section 233.

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**270 – County officers; nomination and appointment:** Except as provided in Section 69906 of the Government Code, there shall be in each county the offices of probation officer, assistant probation officer, and deputy probation officer. A probation officer shall be appointed in every county. Probation officers in any county shall be nominated by the juvenile justice commission or regional juvenile justice commission of such county in such manner as the judge of the juvenile court in that county shall direct, and shall then be appointed by such judge.

The probation officer may appoint as many deputies or assistant probation officers as he desires; but such deputies or assistant probation officers shall not have authority to act until their appointments have been approved by a majority vote of the members of the juvenile justice commission, and by the judge of the juvenile court. The term of office of each such deputy or assistant probation officer shall expire with the term of the probation officer who appointed him, but the probation officer, with the written approval of the majority of the members of the juvenile justice commission and of the judge of the juvenile court, may, in his discretion, revoke and terminate any such appointment at any time.

Probation officers may at any time be removed by the judge of the juvenile court for good cause shown; and the judge of the juvenile court may in his discretion at any time remove any such probation officer with the written approval of a majority of the members of the juvenile justice commission.

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**271 – County charter provisions:** In counties having charters which provide a method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and the superintendent, matron, and other employees of the juvenile hall, such charter provisions shall control as to such matters, and in counties which have established or hereafter establish merit or civil service systems governing the methods of, appointment and the tenure of office of, probation officers, assistant probation officers, deputy probation officers, and of the superintendents, matrons and other employees of the juvenile hall, the provisions of such merit or civil service systems shall control as to such matters; but in all other counties, such matters shall be controlled exclusively by the provisions of this code.

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**601 - Statutes relating to status offenders:** (a) Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian, or who is beyond the control of that person, or who is under the age

of 18 years when he or she violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court.

(b) If a minor has four or more trancies within one school year as defined in Section 48260 of the Education Code or a school attendance review board or probation officer determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directives of a school attendance review board or probation officer or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. However, it is the intent of the Legislature that no minor who is adjudged a ward of the court pursuant solely to this subdivision shall be removed from the custody of the parent or guardian except during school hours.

(c) To the extent practically feasible, a minor who is adjudged a ward of the court pursuant to this section shall not be permitted to come into or remain in contact with any minor ordered to participate in a truancy program, or the equivalent thereof, pursuant to Section 602.

(d) Any peace officer or school administrator may issue a notice to appear to a minor who is within the jurisdiction of the juvenile court pursuant to this section.

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**602 - Statutes relating to delinquent children:** (a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

(b) Any person who is alleged, when he or she was 14 years of age or older, to have committed one of the following offenses shall be prosecuted under the general law in a court of criminal jurisdiction:

(1) Murder, as described in Section 187 of the Penal Code, if one of the circumstances enumerated in subdivision (a) of Section 190.2 of the Penal Code is alleged by the prosecutor, and the prosecutor alleges that the minor personally killed the victim.

(2) The following sex offenses, if the prosecutor alleges that the minor personally committed the offense, and if the prosecutor alleges one of the circumstances enumerated in the One Strike law, subdivisions (d) or (e) of Section 667.61 of the Penal Code, applies:

(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.

(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.

(C) Forcible sex offenses in concert with another, as described in Section 264.1 of the Penal Code.

(D) Forcible lewd and lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288 of the Penal Code.

(E) Forcible penetration by foreign object, as described in subdivision (a) of Section 289 of the Penal Code.

(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(G) Lewd and lascivious acts on a child under the age of 14 years, as defined in subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (c) of Section 1203.066 of the Penal Code.

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**851 - Nature and Environment of Juvenile Hall:** Except as provided in Section 207.1, the juvenile hall shall not be in, or connected with, any jail or prison, and shall not be deemed to be, nor be treated as, a penal institution. It shall be a safe and supportive homelike environment

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**880 - Purposes of establishment:** In order to provide appropriate facilities for the housing of wards of the juvenile court in the counties of their residence or in adjacent counties so that those wards may be kept under direct supervision of the court, and in order to more advantageously apply the salutary effect of a safe and supportive home and family environment upon them, and also in order to secure a better classification and segregation of those wards according to their capacities, interests, and responsiveness to control and responsibility, and to give better opportunity for reform and encouragement of self-discipline in those wards, juvenile ranches or camps may be established, as provided in this article

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**883 - Work, studies and activities of committed wards:** The wards committed to ranches, camps, or forestry camps may be required to labor on the buildings and grounds thereof, on the making of forest roads for fire prevention or firefighting, on forestation or reforestation of public lands, or on the making of firetrails or firebreaks, or to perform any other work or engage in any studies or activities on or off of the grounds of those ranches, camps, or forestry camps prescribed by the probation department, subject to such approval as the county board of supervisors by ordinance requires.

Wards may not be required to labor in fire suppression when under the age of 16 years.

Wards between the ages of 16 years and 18 years may be required to labor in fire suppression if all of the following conditions are met:

- (a) The parent or guardian of the ward has given permission for that labor by the ward.
- (b) The ward has completed 80 hours of training in forest firefighting and fire safety, including, but not limited to, the handling of equipment and chemicals, survival techniques, and first aid.

Whenever any ward committed to a camp is engaged in fire prevention work or the suppression of existing fires, he or she shall be subject to worker's compensation benefits to the same extent as a county employee, and the board of supervisors shall provide and cover any ward committed to a camp while performing that service, with accident, death and compensation insurance as is otherwise regularly provided for employees of the county.

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**885 - Standards; adoption:** (a) The Board of Corrections shall adopt and prescribe the minimum standards of construction, operation, programs of education and training, and qualifications of personnel for juvenile ranches, camps, or forestry camps established under Section 881.

(b) The Board of Corrections shall conduct a biennial inspection of each juvenile ranch, camp, or forestry camp situated in this state that, during the preceding calendar year, was used for confinement of any minor for more than 24 hours.

(c) The custodian of each juvenile ranch, camp, or forestry camp shall make any reports that may be required by the board to effectuate the purposes of this section.

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**886 - Maximum number of children:** Except as provided in Section 886.5, no juvenile home, ranch, camp, or forestry camp established pursuant to the provisions of this article shall receive or contain more than 100 children at any one time.

**886.5 - Expanded capacity** (a) A juvenile home, ranch, camp, or forestry camp may receive or contain a maximum of 125 children at any one time if the county has determined that there is a consistent need for juvenile home, ranch, camp, or forestry camp placements which exceeds the beds available in the county. Any county desiring to expand the capacity of a juvenile home, ranch, camp, or forestry camp pursuant to this section shall certify to the Board of Corrections that the facility to be expanded will continue to meet the minimum standards adopted and prescribed pursuant to Section 885 during the period of expanded capacity.

(b) (1) The Legislature reaffirms its belief that juvenile ranches, camps, forestry camps, and other residential treatment facilities should be small enough to provide individualized guidance and treatment for juvenile offenders which enables them to return to their families and communities as productive and law abiding citizens. Consistent with this principle and upon demonstration of exceptional need, a juvenile ranch, camp, or forestry camp may receive or contain a maximum population in excess of 125 children at any one time if the Board of Corrections has approved that expanded capacity pursuant to the following procedure:

(A) The county shall submit an application to the Board of Corrections, endorsed by the board of supervisors, identifying the capacity requested and the reasons why the additional capacity is needed. The application shall include the county's plan to ensure that the facility will, with the additional capacity, comply with applicable minimum standards and maintain adequate levels of onsite staffing, program, and other services for children in the facility.

(B) The Board of Corrections shall review any application received under this subdivision and shall approve or deny the application based on a determination whether the county has demonstrated its ability to comply with minimum standards and maintain adequate staffing, program, and service levels for children in the expanded facility. In its review, the board shall consider any public comment that may be submitted while the application is pending. The board may approve an application with conditions, including a capacity below the requested number, remodeling or expansion of units or living quarters, staffing ratios in excess of those required by minimum standards, or other adjustments of program or procedure deemed appropriate by the board for a facility operating with a capacity in excess of 125 children. The board shall ensure that the staffing, program, and service levels are increased commensurate with the increased risks to residents and the staff that are a result of the expanded capacity.

(2) Notwithstanding the inspection schedule set forth in Section 885, the board shall conduct an annual inspection of any facility whose application for expanded capacity under this subdivision is approved. The approval to operate at a capacity above 125 children shall terminate, and the facility shall not thereafter receive or contain more than 125 children, if the board determines after any annual inspection that the facility is not in compliance with minimum standards, that program, staffing, or service levels for children in the expanded facility have not been maintained, or that the county has failed substantially to comply with a condition that was attached to the board's approval of the expanded capacity.

(c) The board may provide forms and instructions to local jurisdictions to facilitate compliance with this section.

**888 - Agreements with other counties:** Any county establishing a juvenile ranch or camp under the provisions of this article may, by mutual agreement, accept children committed to that ranch or camp by the juvenile court of another county in the state. Two or more counties may, by mutual agreement, establish juvenile ranches or camps, and the rights granted and duties imposed by this article shall devolve upon those counties acting jointly. The provisions of this article shall not apply to any juvenile hall.

**889 - Administration and operation of public schools:** The board of education shall provide for the administration and operation of public schools in any juvenile hall, day center, ranch, camp, regional youth educational facility, or Orange County youth correctional center in existence and providing services prior to the effective date of the amendments to this section made by the Statutes of 1989, established pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27 of the Education Code, or Article 9 (commencing with Section 1850) of Chapter 1 of Division 2.5 of the Welfare and Institutions Code.

**893 - Counties of over 5,00,000; contracts with private organizations:** (a) The board of supervisors of any county with a population of five million or more may provide and maintain a school or schools at a juvenile ranch or camp or residential or nonresidential boot camp under the control of the probation officer for the purpose of meeting the special educational needs of wards and dependent children of the juvenile court. The school or schools shall be conducted in a manner and under conditions that will minister to the specific individualized educational and training needs of each ward and dependent child in furtherance of the objective of assisting each of them, as much as possible, to fulfill his or her potential to be a contributing, law-abiding member of society. If the board of supervisors determines that this objective may be promoted as well as or better by provision of educational and training services by a qualified private organization, the board of supervisors on behalf of the county may enter into annual contracts, with or without options to renew, for the provision of those services by that organization.

(b) The Legislature hereby finds and determines that there are persons whose educational and vocational backgrounds and personal leadership qualities peculiarly fit them to instruct and train wards of the court in promotion of the aforesaid objective, but who lack certification qualifications. Accordingly, the probation officer is hereby authorized to certify to the county board of education and the Superintendent of Public Instruction that a person employed or to be employed by the probation officer or by an organization retained by contract to provide vocational training or vocational training courses at or in connection with the school or schools is peculiarly fit to provide wards of the court that vocational training in promotion of the aforesaid objective.

The certification shall specify the type or types of service the person is qualified to provide. Upon filing of that certification, the person shall be deemed to be a certificated employee for purposes of authorizing him or her to provide the services described in the certificate and for apportionment purposes.

(c) The individual school or schools shall have a maximum enrollment of 100 students.

(d) The county superintendent of schools shall report on behalf of the county the average daily attendance for the schools and classes maintained by the county in the school or schools in the manner provided in Sections 41601 and 84701 of the Education Code and other provisions of law.

(e) The Superintendent of Public Instruction shall compute the amount of allowance to be made to the county by reasons of the average daily attendance at the school or schools by multiplying the average daily attendance by the foundation program amount for a high school district that has an average daily attendance of 301 or more during the fiscal year, and shall make allowances based thereon and shall apportion to the county, the allowances so computed in the same manner and at the same times as would be done with respect to allowances and apportionments to the county school service fund.

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**FREQUENTLY ASKED QUESTIONS  
JUVENILES IN THE CUSTODY OF LAW ENFORCEMENT**

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**1. What is the difference between a "jail" and a "lockup"?**

Welfare and Institutions Code (WIC) Section 207.1(i)(1) defines a "jail" as "...any building that contains a locked facility administered by a law enforcement or government agency" which holds both pretrial and "...convicted adult criminal offenders..."

WIC Section 207.1(i)(2) defines a "lockup" as "...any locked room or secure enclosure under the control of a sheriff or other peace officer which is primarily for the temporary confinement of adults upon arrest."

Generally speaking, a jail is a Type II, III or IV Facility while a lockup is a Temporary Holding or a Type I Facility as defined in Title 15, Section 1006, California Code of Regulations. The key to the difference is whether the facility is holding sentenced adult inmates other than inmate workers.

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**2. Can minors be temporarily detained in a law enforcement facility that has a jail attached to it?**

Generally, under current law, minors may not be temporarily detained for any period of time in a law enforcement facility that contains a jail. The exception to this rule is when the law enforcement agency needs to administer an evaluation, test or chemical test pursuant to Vehicle Code Section 23157. When this occurs, there must not be equipment to complete such a test at a juvenile detention facility within a reasonable distance, the minor may not be locked in any cell or room within the law enforcement facility or jail, and the minor must be continuously supervised to ensure that no contact occurs with adult inmates.

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**3. Are there any other occasions when a minor may be detained (housed) in a jail?**

Minors may be detained in jails only after they have been transferred to the jurisdiction of an adult court as a result of allegedly committing an offense enumerated in 707.01 WIC. In addition, the juvenile court judge must issue a finding that the minor's continued detention in juvenile hall would endanger the safety of the public or other minors at the juvenile hall. Also, once detained at the jail, the minor must be adequately supervised and may not come into contact with adult inmates.

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**4. Can a minor ever be housed in the same cell as an adult?**

Yes. Minors may only be housed in a jail under two circumstances. First, under 207.1(b) WIC, as described in question #3, minors 14 years of age or older may be housed in a jail. Second, under 208.1 WIC, 16- and 17-year old minors may be housed in a jail. The difference between these two enabling sections is that under 207.1 WIC, the minor shall not have "contact" with adult inmates.

## **APPENDIX C**

Under 208.1 WIC, the minor may have contact only while continuously supervised and under limited circumstances. This contact may include being housed in the same cell as an adult. Jail managers should be cautious when employing this exception and only use it under extreme circumstances. We encourage the jail manager to first contact your assigned Board of Corrections field representative when contemplating this action.

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### **5. Can I detain a minor arrested for a criminal offense under 602 WIC in a law enforcement facility that contains a "lockup"?**

Yes. 207.1 allows minors who are detained for criminal offenses (602 WIC) to be in temporary custody in law enforcement facilities that contain lockups for up to 6 hours. This time is allowed to enable the law enforcement agency to investigate the case, facilitate the release of the minor to a parent or guardian or arrange transfer to an appropriate juvenile facility. While in the adult "lockup" the minors may not come into, or remain in "contact" with adult inmates (refer to questions 14 and 15 for additional information).

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### **6. Can I ever exceed the 6-hour limit?**

Generally, no. The only exceptions to the "6-hour rule" are under the limited conditions of inclement weather, acts of God, or natural disasters which result in the temporary unavailability of transportation, extensions may be granted by the Board of Corrections on a case-by-case basis. An exception may also be granted to an "off shore law enforcement facility" (Catalina Island) if transportation is unavailable.

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### **7. What would happen if I detain a minor for more than 6 hours under circumstances not included in question # 6?**

Although you and your agency would be in violation of 207.1 WIC, there are no formal sanctions. You would need to report this violation in the agency's monthly report to the Youth Authority, and your agency would be contacted by a BOC staff to examine the circumstances of this violation and, if appropriate, to provide technical assistance. Additionally, this is a violation of the federal Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) and must be reported in the state's annual audit. Ultimately, if the number of violations of the 6-hour rule exceed the state's de minimis allowance, federal funding under the JJDPA to the state (approximately \$8 million annually) would be in jeopardy.

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### **8. When does the clock start and stop for the 6-hour rule?**

The 6-hour limit begins when a minor enters a law enforcement facility that contains a lockup and ends when the minor leaves the facility.

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### 9. What does "secure detention" mean?

A minor is in "secure detention" whenever they are detained in a locked room, cell or enclosure, or secured to a fixed object (e.g. a handcuffing rail.) This condition would also exist if a minor is detained in a building, or portion of a building, in which all doors are locked to the inside.

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### 10. When can I place a minor in "secure detention"?

A minor 14 years of age or older may be placed in secure detention only when a law enforcement officer has a reasonable belief that the minor poses a serious security risk of harm to self or others. In addition, the following conditions must be met:

- the minor must be informed at the time they are securely detained:
  - the purpose of the secure detention;
  - the length of time the secure detention is expected to last; and
  - of the six-hour maximum time limit.
- contact between minors and adult inmates is prohibited per 208 WIC;
- the minor is adequately supervised; and
- a log or written record is maintained by the law enforcement agency which:
  - shows the offense which is the basis for the minor's detention;
  - the reason(s) and circumstance(s) which formed the basis for the minor being placed into secure detention;
  - the length of time the minor was in secure detention; and
  - the times the minor received security checks (at least one every half hour) and the identification of the person completing the checks.

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### 11. What guidelines should be used to determine what a "serious security risk of harm to self or others" is?

In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:

- age, maturity and delinquent history of the minor;
- severity of the offense(s) for which the minor was taken into custody;
- minor's behavior, including the degree to which the minor appears cooperative or non-cooperative;
- the availability of staff to provide adequate supervision or protection of the minor; and
- the age, type, and number of other individuals who are detained in the facility.

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### 12. Is it considered "secure detention" when I leave minors handcuffed to themselves, and not secured to a fixed object or locked in a room, cell or enclosure?

No. Minors may be handcuffed to themselves at all times during non-secure custody.



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**13. Can I ever secure a minor to a chair or table?**

If a minor is secured to a table, bench or chair, it is considered "secure detention" and all of the criteria for placing a minor in this position would apply. In addition, the minor must be continuously supervised by facility staff to ensure the minor's safety. Securing a minor to a fixed object must be approved by a watch commander after 30 minutes and every 30 minutes thereafter. This approval shall be documented stating the reasons for continuing secure detention. This would normally occur when secure detention is appropriate and a locked enclosure is unavailable. The minor must be moved to a locked enclosure as soon as one becomes available.

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**14. What does "sight and sound" separation mean?**

"Sight and sound" separation means that a minor may not come into contact with adult inmates or arrestees in a law enforcement facilities that contain jails or lockups. California statutes and regulations do not specifically use the term "sight and sound." Instead, Welfare and Institutions Code Section 208 provides that it is "unlawful" to permit minors to come or remain in contact with adult inmates. "Contact" is defined as communications, whether visual or verbal or immediate physical presence.

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**15. Are there any times that a minor may be in the same area as adult inmates?**

Yes. Title 15 regulations specify that when an adult inmate, including an inmate worker, is in the same room or area, staff of the law enforcement facility must maintain constant side-by-side presence with either the inmate or the minor to ensure that no communications occur. Situations where this "incidental presence" may occur are:

- booking;
- medical screening;
- where an inmate worker is performing work necessary for the operation of the law enforcement facility, such as meal service and janitorial duties; and
- during movement of persons in custody within the facility.

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**16. How often do I have to check on a minor in non-secure custody?**

You are required to provide a constant personal visual supervision for any minor in non-secure detention. You may not use any audio, video or other electronic device to replace the personal visual supervision.

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**17. How about for minors in secure detention?**

Minors in secure detention inside a locked enclosure must receive constant audio access to facility staff. This requirement may be met through the use of an audio monitoring system. In addition, staff must provide documented, unscheduled and personal visual safety checks at least once every half hour. Minors who are securely detained outside a locked enclosure (e.g. a handcuffing rail) must receive constant personal visual supervision.

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**18. What do I need to provide a minor who is in temporary custody in a law enforcement facility?**

All minors in temporary custody (secure detention and non-secure custody) must receive:

- access to toilets and washing facilities;
- one snack upon request during the term of temporary custody if the minor hasn't eaten in the past four hours or is otherwise in need of nourishment;
- access to drinking water; and
- privacy during visits with family, guardian and/or lawyer.

In addition, minors in secure detention inside locked enclosures shall be:

- provided blankets and clothing as necessary to provide for the comfort of the minor; and
- permitted to retain and wear their personal clothing unless the clothing is inadequate, presents health or safety problems, or is required to be utilized as evidence of an offense.

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**19. Who do I call if I have more questions about minors in my facility?**

Please contact your assigned field representative at the Board of Corrections or the duty officer; the phone number is 916-445-5073.

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WHAT COMMISSIONS CAN DO / HAVE DONE

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- **Acted as a catalyst for community development**
- **Acted as a sounding board for the community**
- **Attended county budget meetings / Attended Juvenile court hearings**
- **Collaborated with local university to present workshops on community building, delinquency prevention, self esteem, and Native American concerns**
- **Conducted special JJDPC forum to identify needs and concerns specific to Native American youth and families**
- **Conducted two-year study to develop a Community Switchboard for county, handed off to private non-profit for development**
- **Co-sponsored Bonding and Attachment Workshop for countywide providers**
- **Co-sponsored Prevention Celebration annually**
- **Developed a community empowerment approach to long range comprehensive delinquency prevention planning which was handed off to the Community Congress**
- **Developed a gang task force / Developed a mock trial process for youth**
- **Developed a recognition program for children and adults who have contributed to the community / Developed a regular liaison; member for the Commissions from the Board of Supervisors / Developed a resource manual for children / Developed a Youth Service Bureau and gave ongoing support / Developed and supported mentorship programs**
- **Developed emergency booklet for youth / Developed good balance on Commission**
- **Developed increased teamwork within Commission / Developed Juvenile Assigned Work Service supported by local foundation grant / Developed local Connections Project after state training / Developed mentorship programs to assure ongoing youth participation / Developed ongoing involvement with Crystal Creek Boys Ranch / Developed regional meetings to support Commission development and the development of a Regional Facility to serve hard to place minors / Developed Saturday night basketball for delinquency prevention / Developed strong working relationships with agencies / Developed work program / Developed Youth and the Law pamphlet**
- **Expanded and intensified involvement of youth on the commissions**
- **Held a social at Juvenile Hall**
- **Held legislative study session.**

- **Held meeting** in different parts of the county
- **Held meetings** with agencies who are working with children
- **Held providers** meeting to identify community needs of at risk youth
- **Helped families**
- **Helped to design** state workshop on interagency coordination
- **Improved communication** between schools
- **Increased activity** and focus of Commission
- **Increased Commission** knowledge to increase advocacy
- **Increased meetings** and worked on development of credibility with Board of Supervisors
- **Invited public** to JJDPC meetings
- **Made budget** recommendations to the Board of Supervisors
- **Made recommendations** to Boards of Supervisors regarding policies affection children youth and families
- **Made recommendations** to the Governor and legislators regarding delinquency prevention policies
- **Met kids** in placement and inspected facilities
- **Moved all** babies out of shelter into foster care
- **Networked throughout** the county
- **Obtained cameras** on school grounds - increased security
- **Originated studies** of Indian child Welfare Act as it related to services in local county
- **Participated in** development of Interagency Committee under the leadership of the Juvenile Court
- **Participated in** the statewide JJDPC training
- **Participated with** California Youth Authority meetings on Public Safety and Community resource Development
- **Participated with** the Board of Corrections in Capacity Building activities
- **Participation in** training by seven members and judge
- **Presented annual** reports to the Boards of Supervisors
- **Presented Community** Development/Collaboration Training for county
- **Presented workshop** "Detecting Learning Disabilities in Pre-School Children"
- **Presented workshop** "Parenting Adolescents"
- **Provided a** county wide television forum on gang prevention, followed by training for facilitators to work in communities dealing with gang problems

**APPENDIX D**

- **Provided Christmas Pizza feed**
- **Provided community forums**
- **Provided computers for Wilderness Recovery program**
- **Provided conference on parenting and outreach**
- **Published JJDP monthly newsletter which highlights positive programs and activities for children, families and youth in the County**
- **Published Youth Service Directory and handed off future updates to local community college**
- **Recommended changes in policy, legislative advocacy, and program support the Board of Supervisors**
- **Reduced number of kids detained**
- **Requested Study Sessions with Board of Supervisors regarding legislation**
- **Spoke to service clubs, PTA's, and community organizations about delinquency prevention**
- **Supported attempts to prevent removal of minors from their home**
- **Supported Chief Probation Officer and Probation Department**
- **Supported child abuse prevention council**
- **Supported development of local diversion programs**
- **Supported development of Special Purpose Juvenile Hall**
- **Supported multi-agency collaboration**
- **Supported program development**
- **Supported receipt of \$2.1 million grant**
- **Supported the development and building of juvenile facility - each child staffed by multi-organization group**
- **Supported the development of drug court**
- **Supported the development of teen court**
- **Through Family Resources Committee developed Children of Divorce**
- **Toured/inspected group homes**
- **Trained JJDP Commissioners**
- **Visited community agencies and programs**
- **Worked directly with youth in the community supporting their efforts**
- **Worked to eliminate graffiti**
- **Wrote and distributed Juvenile law booklets**
- **Wrote letters of support for local collaborative grant applications**