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February 21, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
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Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

MOTION TO SUPPORT AB 324 (BUCHANAN) RELATED TO JUVENILE SEX OFFENDERS (SUPPLEMENTAL AGENDA ITEM NO. 56-D, MEETING OF FEBRUARY 21, 2012)

Item No. 56-D on the February 21, 2012 Supplemental Agenda is a motion by Supervisor Knabe to direct the Chief Executive Officer and the County Sacramento advocates to support AB 324 (Buchanan).

On December 12, 2011, the California Supreme Court ruled that a juvenile offender adjudicated for a sex offense described in Penal Code (PC) section 290.008(c) may not be committed to the State Division of Juvenile Facilities (DJF), unless the offender has also been adjudicated for a current or prior offense described in Welfare and Institutions Code (WIC) section 707(b). The Court ruling found that regardless of legislative intent set forth in previous legislation to include serious sex offenders in the narrowed population of youth still eligible for DJF commitment, the plain language reading of existing law precludes juvenile offenders convicted of certain sex offenses from being committed to DJF.

The Court ruling means that juveniles convicted of certain serious sex offenses must remain in county facilities. Furthermore, the ruling allows youthful offenders serving a current commitment in DJF for certain sex offenses to have their sentence recalled and to be returned to the committing county to serve the remainder of their sentence in a local facility.

The Probation Department indicates that there are currently up to ten juvenile sex offenders from Los Angeles County housed at DJF on sex offenses who could petition to have their sentence recalled and be returned to the County. In addition,

approximately three to four juvenile sex offenders adjudicated annually in Los Angeles County under these criteria that would remain in local custody as a result of the Court's ruling.

This population has committed serious sex offenses and requires specialized housing and an intensive level of supervision and treatment. The Probation Department indicates that there are limited housing options for these offenders and it would be extremely difficult to integrate these youth into the existing population housed at County facilities. This effort would require a significant investment of County resources to address the intensive treatment and supervision needs of this type of offender. Furthermore, the DJF currently offers an intensive sex offender management treatment program that is not available at the County level.

AB 324 (Buchanan), as amended on February 7, 2012, is urgency legislation, which would address this issue and stipulates that juveniles adjudicated for serious sex offenses may be committed to the DJF. In addition, the legislation would allow counties to contract with the State to house any juvenile sex offenders currently in DJF who are eligible to be returned to their committing county before the legislation is enacted.

There is no Board policy related to the housing of juvenile sex offenders; **therefore approval of this motion to support AB 324 (Buchanan) is a matter of Board policy determination.**

The measure is co-sponsored by the Chief Probation Officers of California and the California District Attorneys Association. AB 324 is supported by California State Association of Counties; Chief Probation Officers for the Counties of Mariposa, Monterey, Sacramento, San Francisco, San Luis Obispo, Santa Barbara, and Sutter; Crime Victims United of California; Peace Officers Research Association of California; Service Employees International Union, Local 1000; State Coalition of Probation Organizations; and Urban Counties Caucus. It is opposed by the California Public Defenders Association, California Attorneys for Criminal Justice, and Pacific Juvenile Division Center.

AB 324 passed the Senate Appropriations Committee by a vote of 7 to 0 on February 13, 2012, and is currently on the Senate Floor.

We will continue to keep you advised.

WTF:RA
MR:KA:sb

c: Executive Office, Board of Supervisors
County Counsel