

**AMADOR COUNTY JUVENILE JUSTICE
AND
DELINQUENCY PREVENTION COMMISSION**



Commissioner's Handbook

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TABLE OF CONTENTS

<u>Chapter</u>	<u>Page</u>
1. Introduction	3
2. By-Laws	4
3. History of Juvenile Justice & Delinquency Prevention	10
4. Duties and Powers	13
5. Key Code Sections	15
6. Amador County Resource Directory	16
7. Inspections	17
APPENDIX	24
A. List of Current Commissioners	
B. Glossary of Terms	

Chapter 1

INTRODUCTION

The goal of this handbook is to describe what a Juvenile Justice and Delinquency Prevention Commission is, does and can be.

We intend the handbook to be a user friendly document which will 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. We hope this document will give commissioners answers to some of their most frequently asked questions and will help frame the vision of commissions seeking to enhance their positive impact on the reduction of crime and delinquency in our communities.

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 commissioners' mandates and responsibilities in fulfilling their roles. We hope you will consider this a 'living' document—its format is open-ended so it can be updated as new information becomes available. We encourage you to personalize the handbook by adding material specific to your commission or jurisdiction and to share with us any suggestions you may have about what might be added in subsequent editions.

This handbook would not have come to life without the input, support and contributions of those of you who are doing the work. Thank you. We hope you will find this a useful tool.

Chapter 2
JUVENILE JUSTICE & DELINQUENCY PREVENTION
COMMISSION OF AMADOR COUNTY

BYLAWS

ARTICLE I

NAME

The organization shall be known as the Amador County Juvenile Justice and Delinquency Prevention Commission, hereafter referred to as the Commission.

ARTICLE II

STATEMENT OF PURPOSE

The Commission is mandated by provisions of the State Welfare and Institutions Code and is comprised of no less than seven nor more than fifteen members who have the following objectives and charges:

It is the goal of the Commission to be a public forum in the interest of justice for children and youth and delinquency prevention to provide leadership for citizen action.

By state law, it is the duty of the Juvenile Justice Commission to inquire into the administration within its county of the Juvenile Court Law; to inspect annually secure juvenile facilities used by the County for confinement of minors, and to report its findings, with recommendations, to the Juvenile Court. The Commission, by Judicial authority, also inspects group homes and other congregate care facilities providing residential placements ordered by the Court, during the year.

By law, the Commission has access to all publicly administered institutions whose use is authorized by the Juvenile Court. The Commission may hold hearings. The Juvenile Court has the power of subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the Commission.

The Commission is empowered to inquire into the administration of justice in a broad sense including, but not limited to, operations of the Juvenile Court, Probation and Social Services Departments, and Law Enforcement. The Commission is also concerned with policy matters and makes recommendations to the Juvenile Court and/or other responsible

policy-making administrative body changes as it deems beneficial to Juvenile Justice. The Commission may publicize its findings.

The Commission is actively concerned with the provisions of appropriate and adequate services and facilities by city, county or state government.

The Commission also coordinates, on a county wide basis, the work of those governmental and non-governmental organizations engaged in activities to prevent juvenile delinquency or in the improvement of recreation, health, and other conditions in the community affecting juvenile matters.

ARTICLE III

MEMBERSHIP

Section I - Commission Membership

The composition of the Commission is provided for in Section 225 of the California Welfare and Institutions Code. This section requires that the Commission shall consist of not less than seven (7) and no more than fifteen (15) citizens. Two or more of these members shall be persons who are between fourteen and twenty-one years of age, provided there are available persons between these ages who are able to carry out the duties of Commission members in a manner satisfactory to the appointing authority.

Section 2 - Appointment

Section 225 of the Welfare and Institutions Code provides that the Presiding Judge of the Superior Court, with the concurrence of the Judge of the Juvenile Court, shall make appointments to the Commission. In Amador County, the Board of Supervisors affirms the Court's appointments.

Reappointment of a commissioner whose term is expiring requires the submission of a letter of interest and request for reappointment from the commissioner to the Judge of the Juvenile Court. The reappointment requires the approval of the Judge and a vote of the Commission.

Section 3 - Term of Membership

Members of the Commission serve a term of four (4) years. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancies shall hold office for the unexpired term of his or her predecessor.

Section 4 - Removal from Membership

Whenever a regular member of the Commission is unable to carry out the duties of a Commission member in a satisfactory manner to the Commission, the Chairperson of the Commissioner's Handbook

Commission shall recommend to the Presiding Judge, with the concurrence of the Juvenile Court Judge, that the member be removed from membership on the Commission. Should a Commissioner fail to attend three (3) regular meetings in twelve (12) months, without appropriate excuse which can be made through the Chairman or Secretary, the Chairperson shall notify the member in writing that the Commission will consider recommending to the appointing authority cancellation of membership at the next regular meeting. The Chairperson shall, after a cancellation recommendation, notify both the Commission member and the appointing authority of that recommendation.

Any member of the Commission deciding that he/she is no longer able to continue serving as a member, shall submit a letter of resignation to the current Chairperson of the Commission as soon as possible. The Chairperson shall, upon receipt of a member's letter of resignation, notify the appointing authority accordingly.

Section 5 - Ex-Officio Members

The Chairperson may, at any time during a regular Commission meeting, appoint an interested resource or community individual, fourteen (14) years of age or older, to the Commission as an ex-officio member to that body. The ex-officio member shall enjoy and be included in all Commission responsibilities and meetings, but shall not have voting privileges on the Commission. There shall be no set term of office for an ex-officio member, however, causes for removal from membership shall be the same as written in Article III, Section 4.

ARTICLE IV

COMMISSION MEETINGS

Section 1 - Regular Meetings

The Commission shall hold regular, monthly meetings on the third (3rd) Thursday of each month. Changes or cancellations in the meeting time, date or place may be made by concurrence of a majority of the Commission members present at a meeting or at the discretion of the Chairperson.

Section 2 - Special Meetings

Special Commission meetings may be called by the Chairperson and/or by the consent of the majority of members at a time and convenient location. No other business shall be conducted during special meetings except that agenda agreed upon at the time the special meeting is called.

Section 3 - Quorum

A quorum of regular and special Commission meetings shall not be less than fifty (50) percent of the currently appointed membership. Ex-officio members shall not be considered in the determination of a quorum.

Section 4 - Conduct of Meetings

The conduct of the Commission meetings shall be held according to Robert's Rules of Order as modified and adopted by the Commission.

Section 5 - Agenda for Meetings

The agenda for regular and special meetings shall be prepared by the Commission's Secretary and approved by the Chairperson. Agendas and materials will be provided to the members one week prior to regular meetings.

ARTICLE V

OFFICERS

Section 1 - Composition of Officers

The officers of the Commission shall be Chairperson, Vice-Chairperson, and Secretary.

Section 2 - Election and Term of Office

- A. The election of officers for the Commission shall be held during the May regular Commission meeting or as soon thereafter as a meeting is held.
- B. Nomination of members for office shall be made from the floor of the Commission prior to the scheduled election of officers.
- C. The term of office shall be one (1) year dating from July 1 through June 30.
- D. No ex-officio member of the Commission shall be eligible to hold office.

Section 3 - Duties of Officers

A. Chairperson

The Chairperson shall call and preside over meetings of the Commission, perform duties incidental to the role of Chairperson, and have general supervision over the affairs of the Commission. The Chairperson shall be the official spokesperson for the Commission in events concerning the Commission which arise outside of regular or special meetings of the Commission.

B. Vice-Chairperson

The Vice-Chairperson may assume the duties of the Chairperson in his/her absence at regular or special scheduled activities and meetings. The Vice-Chairperson elected to this position shall maintain overall responsibility for inspection of facilities and assignment thereto as per Art. 2 (Statement of Duties).

C. Duties of Secretary

The Secretary shall take attendance at each meeting, maintain a roster of regular members, verify the presence of a quorum at each meeting, take maintain and distribute minutes of each meeting, and prepare an agenda for each meeting for approval of the Chair and distribute same.

Section 4 - Removal from Office

- A. An officer of the Commission shall be automatically removed from office upon expiration of Commission membership or resignation or removal from the Commission.
- B. Action to remove any officer may be taken by any member of the Commission in the form of a motion during a regular Commission meeting. A recall election shall then be held during the next regular Commission meeting, with a three-fourths vote of the full Commission required to remove an officer.
- C. An officer may be removed from office for any of the following reasons:
 - 1. The absence of three (3) meetings within twelve (12) consecutive months, without appropriate excuse.
 - 2. The continuous failure to discharge the duties of his office.
 - 3. Conduct which is unbecoming of and detrimental to the

Commission.

Section 5 - Vacancy

- A. Upon removal from office, the vacant position shall be filled according to election procedures outlined in Article V, Section 2-B.
- B. A person elected by procedures in this section shall serve the unexpired term of the preceding officer.

ARTICLE VI

COMMITTEES

The Commission shall operate with standing and ad-hoc committees as appointed by the Chairperson.

ARTICLE VII

AMENDMENTS TO BYLAWS AND

CONDITIONS OF SUSPENSION OF BYLAWS

These bylaws may be altered, amended or repealed in accordance with state statutes, Juvenile Court procedures and Amador County policies, and new bylaws adopted by a two-thirds (2/3) majority vote of those Commissioners present and voting during a regular meeting of the Commission, but only after (30) days written notice of the proposed alteration, amendment, or new bylaws having been submitted, in full, in said notice.

Final approval of any such alteration, amendment or repeal will rest with both the Juvenile Court Judge and County Counsel.

The bylaws may be temporarily suspended, in part or in totality, by a two-thirds (2/3) majority vote of those Commissioners present and voting during a regular meeting. The suspension of the bylaws shall not take effect for thirty (30) days after suspension has been voted upon.

Chapter 3

HISTORY OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Evolution and Role of Juvenile Justice and Delinquency Prevention Commissions

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 has played a part in major reforms leading to the state's present system. Lay advocacy of the interests of children has 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 which 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.

There were small provisions 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 the function of establishing standards for juvenile institutions in state government. 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 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 1969, 31 counties had established prevention commissions.

Chapter 4

JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION DUTIES AND POWERS

JUVENILE JUSTICE COMMISSION

Juvenile Justice Commission Welfare and Institutions Code (WIC) Section 225 requires each county to have a Juvenile Justice Commission (JJC). The JJC must be comprised of not less than seven and no more than fifteen members, including at least two members between the ages of fourteen and twenty-one years. Terms of membership are supposed to be for four years, although the formality of set "terms" is not observed in many counties. All appointments are by the Presiding Judge with the concurrence of the Juvenile Court Judge.

Although the law gives legal parameters, it does not tell how to implement or how to accomplish the intent of the law. This means that there is a great deal of latitude, and variation, in how County JJ/DP Commissions operate and what they do.

Most counties have combined their Juvenile Justice and Delinquency Prevention Commissions; although, legal authority, roles and responsibilities are different for the two Commissions.

The duties of the JJC are "to inquire into the administration of the juvenile court law" in the county. For that purpose the JJC has access to all publicly administered institutions in the county in which juvenile offenders are housed, and has the duty of inspecting such institutions at least once each year. What does "inquire into administration" mean? It does not mean to attempt to administer. It is extremely important that any planning and/or activity in this area be done in a spirit of cooperation with the Juvenile Court and the Probation Department.

The JJC shall annually inspect any jail or lockup within the county used for confinement of any minor for more than 24 hours. A report on any inspection of a jail and/or lockup, together with recommendations, must be made to the Juvenile Court and the Board of Corrections. In urban counties this inspection duty can involve a substantial amount of time, but in rural counties this time commitment is minimal. The JJC may hold hearings, and the Juvenile Court Judge has the power to issue subpoenas requiring attendance and testimony of witnesses, or the production of documents, at such hearings.

W & I Code §229.5 states that JJC may inquire into non confidential administrations of any group home in the county which houses wards or dependent children of the Juvenile Court. Section 229.5 regulates the manner in which inspections of group homes may be conducted, and authorize the JJC to report findings to the Juvenile Court Judge, Chief Probation Officer, or Department of Social Services. The JJC may recommend changes deemed beneficial after investigation and may publicize its recommendations.

Under the direction of the juvenile court judge the JJC also nominates the Chief Probation Commissioner's Handbook

Officer who, in turn, is appointed by the judge. All appointments of deputy and assistant probation officers are subject to approval of the JJC (W & I §270).

DELINQUENCY PREVENTION COMMISSION

WIC §233 also states the Board of Supervisors may establish a Delinquency Prevention Commission (DPC) in each county. In most rural counties, the Juvenile Justice Commission is designed by the Board of Supervisors to function as the Delinquency Prevention Commission, a procedure which is also authorized by §233.

The statutory purpose of a DPC is to coordinate, on a county- wide basis, the work of those governmental and non-governmental organizations engaged in activities designed to prevent juvenile delinquency. The county DPC is charged with the further duty of providing leadership and coordination in developing and improving projects in the public and private sector intended to prevent juvenile delinquency. In that regard, a county DPC may:

- A. Make recommendations to the Board of Supervisors on projects and policies to encourage the prevention of delinquency;
- B. Promote a community understanding regarding the nature of delinquency and the services needed by youth;
- C. Stimulate and assist communities in the development of effective delinquency prevention projects;
- D. Coordinate that utilization of county resources and projects to assist communities in delinquency prevention efforts; and
- E. Operate delinquency prevention projects.

Chapter 5

KEY CODE SECTIONS

WELFARE AND INSTITUTIONS

WIC 225	Juvenile justice commission membership
WIC 233	Delinquency prevention commission
WIC 229	Duty of commission
WIC 229.5	Inquiries into group homes
WIC 206	Separate segregated 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 208.1	Legislative intent
WIC 300	Statutes relating to dependent children
WIC 601	Statutes relating to status offenders
WIC 602	Statutes relating to delinquent children
WIC 707	Statutes relating to serious and violent offenders and those to be remanded/waived/transferred to adult court
WIC 5150	Involuntary detention of mentally disordered persons for evaluation and treatment for up to 72 hours
WIC 5250	Authorization for involuntary detention beyond 72 hours and up to 14 days

PENAL CODE SECTION

PC 11165-11174.5 Child Abuse Reporting Act

Chapter 6

Amador County Resource Guide

This section will be the CASA/JJ-DP Commission Resource Guide when approved for
format and publication

Chapter 7

INSPECTIONS

Section 1. Introduction

The Welfare and Institutions Code (WIC) requires juvenile justice commissions to annually inspect juvenile facilities and jails and lockups used for confinement of any minor for more than 24 hours. The statutes are left open to interpretation and do not give guidance or direction on how to conduct these inspections. Commissions take their direction from the court.

Commissioners are the eyes of the community. You have a wealth of expertise and experience and are in an excellent position to observe and comment on the level of care given to youth confined in facilities. It would be appropriate to consider the following general questions when inspecting a facility.

1. Are facility conditions safe, humane and secure?
2. Are minors, staff and the public protected?
3. Are the casework, educational, and religious needs of the child being met?
4. Are the recreation and exercise programs adequate?
5. What do the staff and minors have to say about the conditions in the facility?

Section 2.

COMMUNITY CARE LICENSING DIVISION'S FACILITY EVALUATION PROCESS

The Community Care Licensing Division (CCLD) is a regulatory enforcement program with the principal responsibility of protecting the health and safety of children and adults in out of home care. To fulfill this responsibility, Licensing Program Analysts (LPA) conduct a variety of evaluation and investigation visits to facilities. If the LPA determines that a facility is not in compliance with regulations, a citation may be issued.

The purpose of citing facilities for violations of regulations is to ensure the health, safety, and personal rights of the clients in care. When a violation of regulation is observed, the LPA has a responsibility to determine and assess if a citation is to be issued and the length of time in which correction must be made. The basic factors to be considered in making this assessment are the consequences to those in care, the immediacy of the need to correct the frequency of occurrences and the specific regulatory or statutory requirement. This assessment focuses on the type of clients served and the facility plan of

operation. After making an assessment based on these criteria, the LPA may cite a violation giving an immediate (24 hour) plan of correction (Type A); cite a violation with a longer plan of correction (Type B) or provide consultation without issuing a citation (Type C).

The three types of violations of regulations and/or statutes are as follows:

TYPE A

Description - Violations that pose a direct and immediate risk to the health, safety or personal rights of clients if not corrected.

Plan of Correction - Short-term plan of correction with a \$50.00 penalty per day for failure to correct.

Citations - Written citation even if corrected during field visit (such corrections will be noted on the licensing report).

Example - Insufficient food supply to prepare a meal for clients.

TYPE B

Description - Violations that could become a risk to the health, safety or personal rights of the clients if not corrected, record keeping violations that could impact care of clients or the protection of the resources, or violations could impact services required to meet the clients' needs.

Plan of Correction - Longer plan of correction with \$50.00 per day penalty for failure to correct. **Citations** - Written unless corrected during field visit

TYPE C

Description - Violations that do not present an immediate or potential threat to the health, safety or personal rights of clients in care and where the licensee has maintained substantial compliance with regulations.

Plan or correction - No formal plan of correction is required.

Citations - No citations are issued, but a written or verbal consultation will be made. Written consultations are placed in the confidential section of the facility file.

Example - Facility has adequate food supply and appears to be serving nutritious meals, but copies of menus as served are not kept on file for at least 30 days. Depending upon the circumstances surrounding the violation and the history of the facility, the level of the deficiency may be raised from a type C or B to type B or A. In the case of the facility that lacked the required food supply used as an example of a type B violation, the LPA may decide to issue a type A citation if the facility had a history of running out of food. Similarly, in the case of the facility not following its menu used as example of a type C violation, the LPA may decide to issue a type B citation if the facility has a history of not keeping menus as served for at least 30 days or even a type A if there are indications that clients are not receiving nutritionally balanced meals.

Section 3. Forms

Commissioners Facility Inspection Travel Expense Request

(Form follows on the next page; suitable for reproduction)



AMADOR COUNTY JUVENILE JUSTICE AND
DELINQUENCY PREVENTION COMMISSION INSPECTION REPORT

Commissioner In-kind Facility Inspection Travel Expense

Date of Inspection:

Name of Facility:

Address of Facility:

Commission Inspection Team Member(s):

Roundtrip Mileage	Amount
Meals	Amount
Parking / Toll or Other Expense	Amount
Total Amount:	
Signature:	Date:

Section 4. Inspection Document

Contents:

Cover Page

Schedule A – Summary

Schedule B – Juvenile Hall

Schedule C – Camp

Schedule D – Group Home

Schedule E – Foster Home

Schedule F – County Holding Facility

Schedule G – School

Schedule H – Youth Interviews

Schedule I – Other Information (pictures, comments, materials)

(May be attached/included as a separate document prepared from an independent source)

APPENDIX A

List of Current Commissioners

JUVENILE JUSTICE COMMISSION MEMBERS

Four Year Term 7-15 members

Name and Address	Date of Appointment	Term Expires
Gregory Brewer, Chairperson	2/24/2009	2/23/2013
John Stettler - Secretary	2/10/2009	2/9/2013
Gail Sweet	12/11/2007 reappointment 09/09	07/1//2013
Tina Wurzburger	5/20/2008	5/20/2012
Butch Wagner, Vice-Chairperson	6/26/2007	7/8/2015
Tracey Towner-Yep	1/8/2008	1/7/2012
Dave Vicari, Argonaut High Principal	05/19/2009	05/18/2013
Lorraine Davis	08/17/2010	08/17/2014
Pamela Hill	09/13/2011	09/12/2015

9 Members Total

EX-OFFICIO MEMBERS:

Hon. Susan Harlan- Judge, Amador Superior Court

Hon. David Richmond- Judge, Amador Superior Court

Heather– Administrative Legal Secretary, Amador Superior Court

257-2658, juvenilejustice@amadorcourt.org

Mark Bonini – Chief Probation Officer

Ted Novelli- Supervisor

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APPENDIX B

Glossary of Terms