



California Rules of Court

(Revised January 1, 2023)

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Rule 5.806. Secure youth treatment facility baseline term

(a) Category for baseline term based on most serious recent offense

If the court orders the youth committed to a secure youth treatment facility, the court must set a baseline term of months, years, or months and years falling within the range for the offense category, based on the most serious recent offense that is the basis for the youth's commitment to the secure youth treatment facility, as provided in the matrix contained in (d) of this rule.

(b) Selecting the baseline term with the range for the offense category

The baseline term must be set by the court based on the individual facts and circumstances of the case. In its selection of the individual baseline term, the court must review and consider each of the criteria listed in paragraphs (1) through (4). When evaluating each of the criteria, the court may give weight to any relevant factor, including but not limited to the factors listed below each one. The court must select a baseline term that is no longer than necessary to meet the developmental needs of the youth and to prepare the youth for discharge to a period of probation supervision in the community. Enumerated factors listed below that are outside the youth's control must not result in a longer baseline term than otherwise needed to meet this objective. The court must state on the record its reasons for selecting a particular term, referencing each of the criteria and any factors the court deemed relevant.

(1) The circumstances and gravity of the commitment offense

- (A) The severity and statutory degree of the offense for which the youth has been committed to the secure youth treatment facility;
- (B) The extent of harm to victims occurring as a result of the offense;
- (C) The role and behavior of the youth in the commission of the offense;
- (D) The role of co-participants or victims in relation to the offense; and
- (E) Any exculpatory circumstances related to the commission of the offense including peer influence, immaturity or developmental delays, mental or physical impairment, or drug or alcohol impairment.

(2) The youth's prior history in the juvenile justice system

- (A) The youth's offense and commitment history;
- (B) The success of prior efforts to rehabilitate the youth; and
- (C) The effects of the youth's family, community environment, and childhood trauma on the youth's previous behavior that resulted in contact with the juvenile justice system.

(3) The confinement time considered reasonable and necessary to achieve the rehabilitation of the youth

- (A) The amount of time the youth has already spent in custody for the current offense and any progress made by the youth in programming and development;
- (B) The capacity of the secure youth treatment facility to provide suitable treatment and education for the youth;

- (C) Special needs the youth may have in relation to mental health, intellectual development, academic or learning disability, substance use recovery, and other special needs that must be addressed during the term of confinement;
- (D) Whether the youth is pregnant, is a parent, or is a primary caregiver for children; and
- (E) The availability of programs and services in the community to which the youth may be transitioned from secure commitment to less restrictive alternatives.

(4) *The youth's developmental history*

- (A) The age and overall maturity of the youth;
- (B) Developmental challenges the youth may have in relation to mental health, intellectual capacity, educational progress or learning disability, or other developmental deficits, including specific medical or health challenges;
- (C) The youth's child welfare and foster care history including abandonment or abuse by parents or caregivers or the incarceration of parents;
- (D) Harmful childhood experiences including trauma and exposure to domestic or community violence, poverty, and other harmful experiences; and
- (E) Discrimination experienced by the ward based on gender, race, ethnicity, sexual orientation, or other factors.

(c) Adjusting the baseline term at review hearings

As provided in Welfare and Institutions Code section 875(e)(1), the court must review the progress of a youth committed to a secure youth treatment facility at least every six months, and may modify the baseline term downward by up to six months at each hearing. To provide an incentive for each youth to engage productively with the individual rehabilitation plan approved by the court under section 875(b)(1), each probation department operating a secure youth treatment facility must implement a system to track the positive behavior of the youth in a regular and systematic way and report to the court at every progress hearing on the youth's positive behavior, including a recommendation to the court on any downward adjustment that should be made to the baseline term in recognition of the youth's positive behavior and development. In developing this recommendation, the probation department must consult with and report on the input of all other agencies or entities providing services to the youth.

(d) Secure youth treatment facility offense-based classification matrix

The court must select a baseline term within the range set for the category that has been assigned to the Welfare and Institutions Code section 707(b) commitment offense as provided in this matrix:

Category	Offense (<i>Listed with reference to paragraph within section 707(b)</i>)	Term
A	(1) Murder. (11) Kidnapping with bodily harm involving death or substantial injury. (23) Torture, as described in Penal Code sections 206 and 206.1.	4 to 7 years

B	<p>(4) Rape with force, violence, or threat of great bodily harm. (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm. (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm. (8) An offense specified in Penal Code section 289(a). (9) Kidnapping for ransom. (10) Kidnapping for purposes of robbery. (11) Kidnapping with bodily harm not involving death or substantial injury. (12) Attempted murder. (24) Aggravated mayhem, as described in Penal Code section 205. (26) Kidnapping for purposes of sexual assault, as punishable in Penal Code section 209(b). (27) Kidnapping, as punishable in Penal Code section 209.5. (29) The offense described in Penal Code section 18745. (30) Voluntary manslaughter, as described in Penal Code section 192(a).</p>	3 to 5 years
C	<p>(2) Arson, as provided in Penal Code section 451(a) or (b). (3) Robbery. (6) A lewd or lascivious act, as provided in Penal Code section 288(b). (13) Assault with a firearm or destructive device. (14) Assault by any means of force likely to produce great bodily injury. (15) Discharge of a firearm into an inhabited or occupied building. (16) An offense described in Penal Code section 1203.09. (17) An offense described in Penal Code section 12022.5 or 12022.53. (18) A felony offense in which the minor personally used a weapon described in any provision listed in Penal Code section 16590. (21) A violent felony, as defined in Penal Code section 667.5, that also would constitute a felony violation of Penal Code section 186.22(b). (22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of Penal Code section 871(b) if great bodily injury is intentionally inflicted on an employee of the juvenile facility during the commission of the escape. (25) Carjacking, as described in Penal Code section 215, while armed with a dangerous or deadly weapon. (28) The offense described in Penal Code section 26100(c).</p>	2 to 4 years
D	<p>(19) A felony offense described in Penal Code section 136.1 or 137. (20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in Health and Safety Code section 11055(e).</p>	1 to 2 years

In developing the matrix for baseline terms required by Welfare and Institutions Code section 875, the committee sought to accomplish three primary goals that should serve as objectives for the court when setting a baseline term: positive youth development, public and community safety, and the establishment of flexible and fair commitment terms.

A primary objective of a commitment to a secure youth treatment facility must be an evidence-based and trauma-responsive effort to promote healthy adolescent development. This objective will be achieved by providing positive incentives for prosocial behavior, focusing on the treatment needs of the youth to ensure healing and rehabilitation, and with a persistent focus on the end goal of successful reentry into the community. The flexibility inherent in the matrix is intended to result in a baseline term of commitment that is no longer than necessary to protect the public but is of sufficient length to assure the victim and the community that the harm committed can be redressed by the juvenile justice system in a developmentally appropriate manner and thus reduce the need for the youth to be transferred to criminal court.

A baseline term should be based on the needs of the individual being committed and not simply the seriousness of the offense for which the youth was adjudicated. This individualized approach must be balanced with the goal of fair and just application of the matrix across California jurisdictions and an awareness that racial and ethnic disproportionality has been a failing of our juvenile justice system that all stakeholders must seek to remedy at each decision point. To advance this goal the advisory committee encourages juvenile courts and probation departments to monitor implementation of this rule to ensure that it is fairly and consistently applied.