



Mac Taylor
Legislative Analyst

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The 2012-13 Budget:

Completing Juvenile Justice Realignment



2012-13 BUDGET

Cover photograph: Preston Castle, opened in 1894 as the Preston School of Industry in Lone, California. Juvenile wards of the state were housed in Preston Castle until 1960 when a new facility was built adjacent to the castle. This facility was closed in 2011 as a result of the decreasing population in the state's juvenile facilities.

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EXECUTIVE SUMMARY

Over the past 16 years, the Legislature has enacted various measures which realigned to counties a significant share of responsibility for managing juvenile offenders. Under current law, only juveniles adjudicated for a serious, violent, or sex offense can be sent to state facilities by the juvenile courts. As a result, 99 percent of juvenile offenders are housed or supervised by counties.

As part of his 2012-13 budget plan, the Governor proposes completing the realignment of juvenile justice by stopping new admissions of offenders to state Division of Juvenile Justice (DJJ) facilities on January 1, 2013. The Governor would provide counties with an unspecified level of funding to manage wards who would otherwise have been committed to DJJ after that date, as well as \$10 million in planning grants in the current year.

We recommend that the Legislature adopt a comprehensive juvenile justice realignment plan that completes the shift of responsibility to counties. We believe the Governor's proposal has merit on both policy and fiscal grounds, but that the Legislature could address various concerns with the administration's plan. Specifically, we recommend developing a funding approach that promotes innovation and efficiency, establishing a transition plan for DJJ, providing state oversight and technical assistance through the newly created Board of State and Community Corrections (BSCC), taking measures to reduce the number of juveniles tried in adult court, and requiring counties to house minors tried in adult court until age 18.

2012-13 BUDGET

JUVENILE JUSTICE SYSTEM IN CALIFORNIA

Overview of System

When a juvenile is arrested by a local law enforcement agency in California, there are various criminal justice outcomes that can occur depending on the circumstances of the offense and the criminal history of the offender. Many juveniles who are arrested, particularly if their alleged offenses are more serious, are referred to county probation departments. (Probation departments also receive referrals from non-law enforcement entities and people—such as schools and parents.) The probation department then has the option to close the case, place the juvenile in a diversion program or on informal probation, or refer the case to the courts. Most such referrals are adjudicated in juvenile court, but depending on the nature of the alleged offense and the age of the accused, some cases may be prosecuted in adult criminal court. The courts place almost all juvenile offenders under the supervision of county probation departments. A smaller number of juvenile offenders, however, are sent to state institutions, either a juvenile facility operated by DJJ within the California Department of Corrections and Rehabilitation (CDCR) or state prison.

Because state and federal law require juvenile offenders to be separated from adult prison inmates, juveniles sentenced to state prison in adult court are currently housed in a DJJ facility. In some cases, these wards are transferred to prison after they reach age 18. In cases where wards are able to complete their sentence by age 21, they may be allowed to complete their sentence in DJJ rather than being transferred to state prison.

According to the California Department of Justice, there were about 186,000 juvenile arrests made in California in 2010, including 52,000 juvenile felony arrests. In the same year, the courts ordered counties to manage about 60,000 juvenile

offenders, generally on county probation or in a local facility, and sent 740 juvenile offenders to DJJ or state prison. Figure 1 (see next page) displays the outcomes of the juvenile justice system in California.

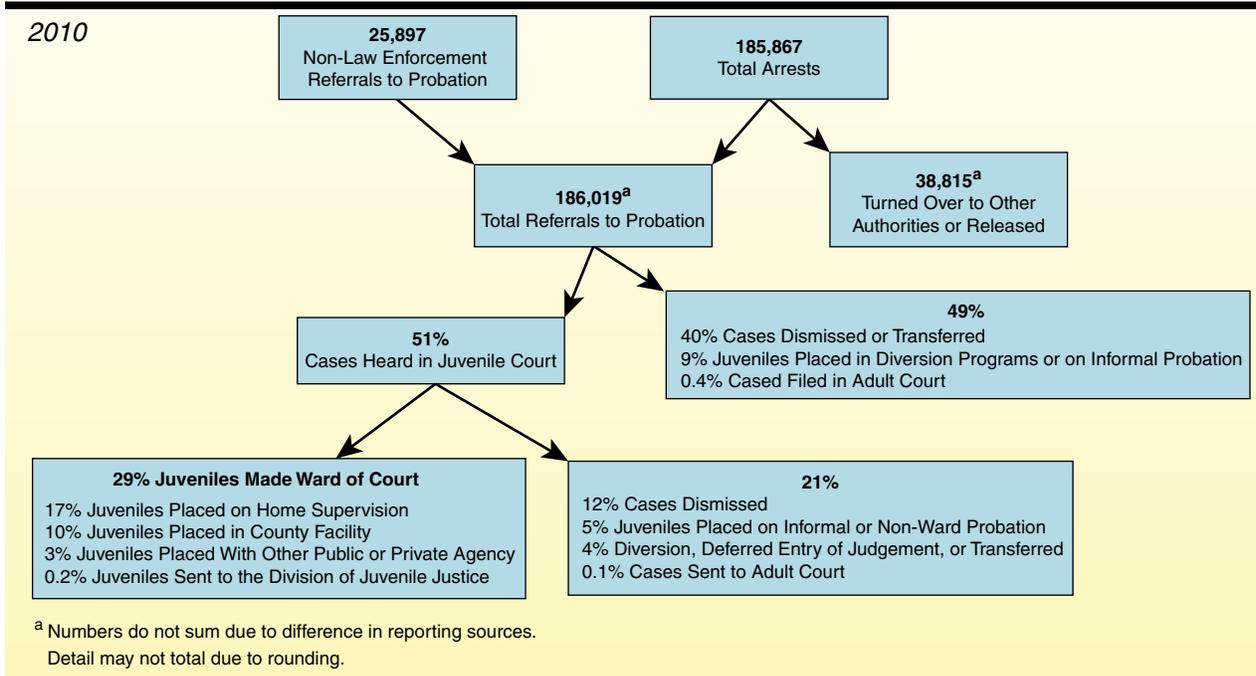
Most Responsibility for Juvenile Offenders Has Shifted to Counties Under Prior Realignment

Over the years, the Legislature has taken steps to shift key responsibilities for managing juvenile offenders to the counties. The three prior juvenile justice realignments are discussed below.

- Sliding Scale.*** In 1996, the Legislature passed Chapter 6, Statutes of 1996 (SB 681, Hurtt), which established a sliding scale fee to counties committing wards to the state. Under this arrangement, counties were required to pay a share of the state's costs to house each ward sent to DJJ (then called the Department of the Youth Authority), with a higher share of costs paid for lower-level offenders than for higher-level offenders. Senate Bill 681 was designed to incentivize counties to manage less serious offenders locally and decrease state costs.
- Lower-Level Offenders.*** Approximately a decade later, the state enacted Chapter 175, Statutes of 2007 (SB 81, Committee on Budget and Fiscal Review), which limited admission to DJJ only to juveniles who are violent, serious, or sex offenders. To help them manage these new responsibilities, SB 81 also established the Youthful Offender Block Grant (YOBG), which provided counties with \$117,000 for each ward estimated to have been realigned under the measure. In 2011-12, \$93.4 million in YOBG funding was provided to counties. Chapter 175 also

Figure 1

Outcomes of Juvenile Justice System in California



provided counties with \$100 million in lease-revenue funding to construct or renovate juvenile facilities, an amount that was later increased to \$300 million.

- Parolees.** More recently, as part of the 2010-11 budget, the Legislature realigned from the state to county probation departments full responsibility for supervising in the community all wards released from DJJ. As part of that measure, the Legislature also established the Juvenile Reentry Grant, which provides counties with ongoing funding for managing these parolees. In 2011-12, \$3.7 million in Juvenile Reentry Grant funds were paid to counties.

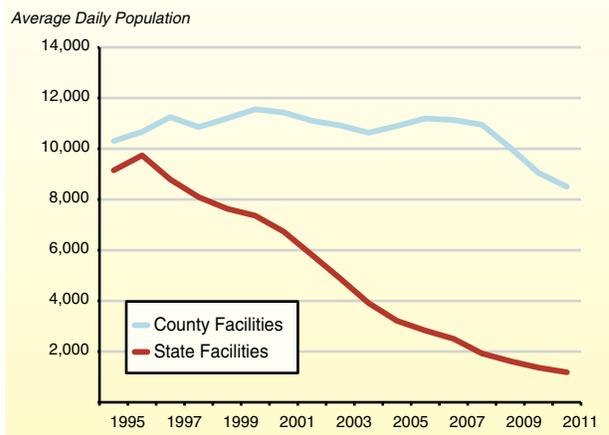
DJJ Only Supervises More Serious Offenders

Declining DJJ Population. As a result of these prior realignments, as well as an overall reduction in juvenile crime, the DJJ population has decreased

substantially since 1996. As shown in Figure 2, the DJJ ward population has decreased from about 9,700 wards in 1996 to 1,100 today. The figure also shows that the number of juveniles housed in county facilities has declined somewhat over the same time period. Counties now house a much higher share of the total number of juveniles in

Figure 2

Number of Offenders in Youth Correctional Facilities Has Declined



state and local facilities, increasing from 53 percent in 1995 to 88 percent in 2011.

Characteristics of Current DJJ Wards. Of the 353 wards admitted to DJJ in 2010-11, about two-thirds had an assault or robbery charge as their primary offense, as shown in Figure 3. Currently, about 97 percent of DJJ wards are male, and about 87 percent are either African-American or Latino. The average age of a DJJ ward is 19. In 2010-11, wards committed to DJJ spent an average of 38 months in a facility. Currently, about 200 wards residing in DJJ facilities were tried in adult court (about 15 percent of the DJJ ward population).

DJJ Ward Costs. The 2011-12 budget includes roughly \$240 million to support the operations of DJJ, mostly from the General Fund (including \$24 million in Proposition 98 funds). This reflects an average cost to the state of keeping a ward in DJJ of \$179,400 per year, as shown in Figure 4. The costs of DJJ had been rising dramatically in recent years, reaching \$245,000 per ward in 2008-09, largely because of staffing and service requirements imposed by the state court in the *Farrell v. Cate* lawsuit related to educational, mental health, medical, and other deficiencies in DJJ facilities. Over the past couple of years, however, the state has managed to somewhat reduce average DJJ costs, partly through the closure of several state juvenile facilities. Currently, DJJ maintains three secure facilities and a conservation camp for lower-risk wards. Currently, these DJJ facilities are filled to about 60 percent of capacity.

GOVERNOR’S PROPOSAL

Fully Realign Juvenile Justice to Counties. The Governor’s budget for 2012-13 includes a plan to complete the realignment of juvenile justice to counties. Under the plan, DJJ would stop receiving new wards on January 1, 2013. However, DJJ would continue to house wards admitted to its facilities

Figure 3
Primary Criminal Offense of Division of Juvenile Justice Admissions

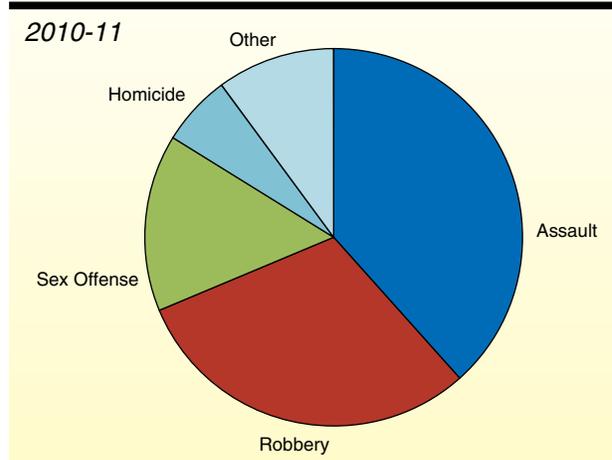


Figure 4
Average General Fund Cost Per Division of Juvenile Justice Ward

2011-12

Type of Expenditure	Per-Ward Costs
Treatment programs	\$46,600
Health care	42,100
Administration	30,900
Education	25,400
Security	19,400
Support (food, clothing, other)	15,000
Total	\$179,400

While data for comparable local juvenile costs are not available, reports from some probation chiefs suggest counties’ costs to house serious juvenile offenders are generally lower, though these amounts vary widely.

prior to this date until they are released. The administration estimates that DJJ’s population would reach zero by June 30, 2015, at which time all DJJ facilities would be closed and the division would be eliminated.

For 2012-13, the Governor's budget assumes that the average DJJ population would be reduced by 111 wards, resulting in General Fund savings of \$11.2 million. Based on DJJ's current budget, state expenditures for DJJ facilities would be reduced by a total of about \$200 million once the proposed realignment is fully implemented. This amount does not include about \$24 million in Proposition 98 funds and \$15 million for juvenile parole costs. (In the nearby box, we discuss the impact of the proposed realignment on funding for schools.)

Provide Funding to Counties. Under the administration's plan, the state would provide counties with ongoing funding to help them manage the increase in juvenile caseload resulting from the proposed realignment. Although the realignment would begin implementation in the budget year under the administration's plan, the Governor's proposed 2012-13 budget does not include any funding for counties to manage the realigned offenders. Based on our conversations with the administration, this is because one option would be to provide funding to counties

in "arrears"—meaning counties would incur the initial costs and receive funding later. The budget also does not indicate the level of funding per ward the administration would ultimately provide counties. As previously mentioned, under SB 81 juvenile realignment, the state provided counties with \$117,000 per realigned ward. The Governor also proposes a one-time \$10 million General Fund augmentation in 2011-12 to help counties plan for their increased caseload.

Delay Collection of Enacted Trigger Fees. As a result of the trigger reductions that were enacted as part of the 2011-12 budget and recently put in place, current law requires counties, as of January 1, 2012, to reimburse the state \$125,000 per year for each juvenile offender committed by the courts to DJJ. The Governor has delayed the collection of these fees, and proposes to continue delaying collection for an unspecified period, perhaps indefinitely. The administration estimates that this trigger provision would have benefited the General Fund (through new revenues and reduced costs) by \$60 million in 2011-12 and by \$125 million in 2012-13.

Existing Education Formulas Would Provide Funds for Realigned Juveniles

Although the state would need to make various decisions to ensure appropriate funding is provided to counties due to the proposed shift in responsibilities for juvenile offenders, funding for educating juveniles in the criminal justice system would largely be shifted automatically through existing state educational formulas. The state provides funding to schools primarily through revenue limits, which are general purpose funds that are allocated based on average daily attendance (ADA) and can be used by school districts and county offices of education (COEs) for any educational purpose. The exact per-pupil funding rate varies across school districts and COEs, based on historical funding levels and the types of students served. Generally, COE revenue limit rates are higher than school district rates (roughly \$9,000 per ADA compared to \$5,000 per ADA) because the students served by COEs are more at-risk and therefore require additional services. As juvenile offenders shift from Division of Juvenile Justice to county institutions, those offenders required to attend school will be served primarily in COE court schools, which currently serve students who are awaiting trial or have been sentenced to a county juvenile institution. The COEs will receive additional per-pupil funding as these juveniles are transferred to county institutions and begin attending the court schools.

LAO ASSESSMENT OF GOVERNOR'S REALIGNMENT PLAN

GOVERNOR'S PROPOSAL HAS MERIT

The Governor's proposal to shift responsibility for all juvenile offenders from the state to the counties is generally consistent with recommendations we have made over the years. Thus, for the reasons we discuss in detail below, we find that the Governor's overall proposal merits legislative consideration.

County Supervision Has Potential to Be More Efficient and Effective. Managing juvenile offenders at the local level has several advantages compared to housing offenders in state facilities. This is because it would:

- **Increase Accountability for Results.** A single level of government—the county—would be responsible for all outcomes in the juvenile justice system, making it easier to identify which juvenile offender programs work and which need change. Moreover, counties would have a significant fiscal interest in promoting positive outcomes for all offenders and in taking steps to prevent low-level juveniles from becoming serious offenders. Under current law, in contrast, the responsibility for preventing juveniles from developing into serious offenders is blurred. Specifically, counties run juvenile crime prevention programs, but the state pays most of the cost to house and rehabilitate youths who become serious offenders. The state's DJJ, in turn, (1) has no responsibility for early intervention or prevention programs and (2) receives its annual budget based on its caseload of offenders, without regard to program success.
- **Promote Flexibility, Efficiency, and Innovation.** Realigning full responsibility

for juvenile justice to the local level also gives counties the ability to adopt policies and strategies that are better aligned with the particular needs of their communities and juvenile offenders. For example, one county might determine that actions to decrease gang involvement are most critical to its long-term success, while another county might focus on providing employment opportunities or vocational training. Additionally, as we have suggested in the past, aligning costs with local decision-making better incentivizes innovation and efficiency. When counties bear the full cost of recidivism, they are better motivated to develop strategies that more effectively prevent crime and rehabilitate offenders, thereby reducing the fiscal and public safety impacts of crime and recidivism.

- **Improve Outcomes Through Coordination of Local Services.** Counties are generally in a better position than a state agency to ensure the continuity of supervision and services between time spent in a facility and in the community. Because county probation departments would be responsible for a juvenile offender at every stage of the process, they would be in a better position to help wards transition back into the community and secure local services designed to reduce the likelihood of recidivism. Additionally, county facilities would usually be closer to a ward's family and local community, factors generally associated with more successful rehabilitation.

Past Juvenile Justice Realignments Have Generally Gone Smoothly. As described earlier in

this report, the state has undergone three separate juvenile justice realignments since 1996, reducing the DJJ ward population by about 90 percent. Evaluating the success of these realignment efforts is difficult given the lack of statewide outcome data for juvenile offenders (such as data on the recidivism of different juvenile offender groups across counties). It is notable, however, that several chief probation officers we spoke with in the preparation of this report identified few significant problems in the implementation of past juvenile justice realignments. We also note that these past measures have taken place during a period when juvenile felony arrest rates in California have declined significantly. Figure 5 summarizes this trend. It is impossible to determine what, if any, effect prior juvenile justice realignments may have had on juvenile felony arrest rates. In the absence of these realignment measures, arrest rates may have been either higher or lower. There are a number of factors that likely contributed to this decrease, including, for example, the nationwide reduction in crime rates over the same period.

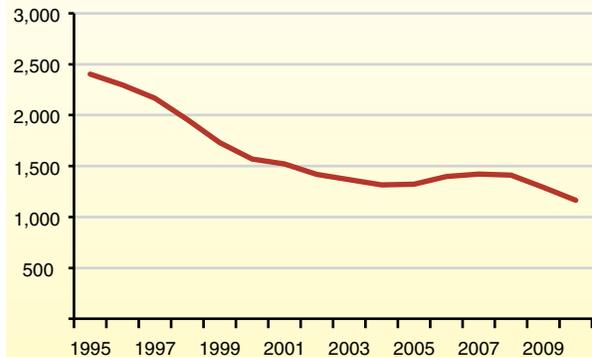
HOWEVER, VARIOUS ISSUES STILL NEED TO BE ADDRESSED

Although the Governor's juvenile realignment proposal merits legislative consideration, there are a number of issues that will need to be addressed in order for it to work efficiently and effectively. Specifically, the Legislature needs to decide how much funding to provide to counties, how to allocate it among counties, and how to efficiently transition responsibility for offenders from DJJ to counties. In addition, the Legislature will need to consider the ability of counties to house and manage the realigned offenders. Finally, the Legislature will need to address where juveniles sentenced to state prison will be housed before turning age 18. We discuss these and other implementation issues in more detail below.

Figure 5

California Juvenile Felony Arrest Rates Have Declined

(Per 100,000 Youth Age 10 Through 17)



Lack of Fiscal Detail Provided by Administration

While the Governor's plan is to provide ongoing funding to counties beginning in 2013-14 to support their new responsibilities under realignment, the administration has not specified how much funding would actually be provided or how it would be allocated among counties. In addition, while the Governor's budget includes \$10 million on a one-time basis to help counties prepare for realignment, it does not specify how the funds would be allocated to counties or how they will use these funds.

Moreover, while the Governor's plan calls for DJJ to stop intake of new wards beginning on January 1, 2013, it does not specify a particular date when all existing DJJ facilities would shut down and when staff at these facilities would be laid off. Though the administration estimates that the ward population would reach zero in 2015, we think it could take several more years for that to occur because of how long DJJ can keep wards sent by the juvenile courts. Given this uncertainty, it is unclear at this time how much the state would save annually in the next few years under the Governor's realignment plan. For example, a slow or poorly

planned transition could result in significant and unnecessary state expenditures, especially in the event that DJJ continues to operate facilities with only a small number of wards at each facility.

County Capacity to Manage Realigned Offenders Will Vary

We have heard concerns from some probation officials that their counties currently do not have sufficient capacity to manage the additional offenders who would be shifted to their jurisdiction under the Governor's realignment proposal. These concerns include not having appropriate facility space to house these more serious juvenile offenders, as well as appropriate staffing and program capacity to address any specialized needs that these offenders may have (such as mental health or sex offender treatment). In addition, some counties have expressed concern that building additional physical or programmatic capacity necessary to manage the realigned offenders may take longer than the administration's current plan allows, particularly in light of the current expansion of county probation efforts to implement the recent realignment of adult offenders.

There is potentially merit to the above concerns expressed by some counties. Given the limited data currently available on the existing capacity of county juvenile facilities, these concerns are difficult to validate. According to data collected by the Corrections Standards Authority (CSA), counties currently maintain a total facility capacity of about 12,900 beds—8,100 beds in juvenile halls and 4,800 beds in juvenile camps. Juvenile halls are generally designed as shorter-term detention facilities, while camps are designed for longer-term commitments. The CSA also reported that counties housed an average of about 8,400 juveniles on any given day in 2011, resulting in an estimated 4,500 unused juvenile facility beds at the county level. Figure 6 (see next page) summarizes the total

capacity versus average daily population by county, as well as the number of offenders in DJJ from each county. (These numbers do not reflect the new county facilities currently planned for construction with the \$300 million that the state previously provided in grant funding for county juvenile facilities. At this time, CSA has awarded \$232 million of this amount to construct about 900 new beds. Counties plan to use some of this added capacity to replace about 500 current beds, resulting in a net increase of almost 400 county juvenile facility beds throughout the state.)

Based on the data provided by CSA, it appears that counties collectively have more than three times enough beds to house the additional juvenile offenders that would be realigned under the Governor's proposal, as shown in Figure 6 (see next page). However, it is unclear how many of the county juvenile facilities are designed to accommodate the more serious offenders who may require a higher level of security, longer commitment times, and different types of treatment. It is also difficult to evaluate the degree to which counties will be able to address the specialized needs of the realigned offenders. For example, approximately 30 percent of the wards currently housed in DJJ require mental health treatment, 15 percent are sex offenders, and 66 percent have a substance abuse problem. However, we note that most counties already manage many juvenile (and adult) offenders with these types of specialized needs. In addition, the Governor's proposal would provide additional funding to counties that could be used to provide specialized treatment similar to what the state currently offers.

Unclear Who Will Manage Minors Sentenced to State Prison

It is unclear from the Governor's proposal whether, in the absence of DJJ, the state would continue to be responsible for housing juveniles sentenced to state prison from adult courts, or

Figure 6

County Juvenile Facility Capacity Compared to DJJ Population^a

County	Total Capacity	Population	Excess/(Shortage)	DJJ Wards
Alameda	463	270	193	65
Butte	60	48	12	11
Colusa	—	45	(45)	—
Contra Costa	390	247	143	54
Del Norte	62	32	30	1
El Dorado	80	52	28	2
Fresno	450	334	116	89
Glenn	22	13	9	2
Humboldt	44	31	13	3
Imperial	72	20	52	—
Inyo	14	8	6	—
Kern	475	377	98	92
Kings	205	87	118	17
Lake	40	12	28	2
Lassen	40	11	29	—
Los Angeles	3,464	2,293	1,171	342
Madera	70	47	23	6
Marin	40	16	24	1
Mariposa	4	—	4	—
Mendocino	43	22	21	3
Merced	120	92	28	32
Mono	4	—	4	1
Monterey	190	138	52	42
Napa	50	31	19	—
Nevada	60	19	41	—
Orange	797	574	223	44
Placer	58	33	25	3
Riverside	582	327	255	46
Sacramento	270	186	84	71
San Benito	20	10	10	2
San Bernardino	460	511	(51)	42
San Diego	1,105	768	337	76
San Francisco	234	109	125	7
San Joaquin	224	158	66	27
San Luis Obispo	45	33	12	4
San Mateo	249	167	82	17
Santa Barbara	272	174	98	16
Santa Clara	538	273	265	19
Santa Cruz	42	18	24	3
Shasta	56	28	28	6
Siskiyou	40	14	26	2
Solano	148	98	50	13
Sonoma	188	109	79	17
Stanislaus	158	134	24	22
Tehama	40	18	22	1
Trinity	28	7	21	—
Tulare	330	180	150	40
Ventura	385	155	230	5
Yolo	90	43	47	5
Yuba	120	49	71	2
Statewide	12,941	8,422	4,519	1,255

^a Capacity—January 2012; population (average daily population)—2011; Division of Juvenile Justice (DJJ) wards—June 2011.

whether counties would be required to house these offenders at least until they reach age 18. Currently, there are approximately 190 offenders housed in DJJ who were sentenced to state prison in adult court, and, as discussed below, the elimination of DJJ could result in an increase in the number of adult court commitments sentenced to the state. We note that up until several years ago, some juvenile offenders were housed at the California Correctional Institution (Tehachapi). According to CDCR officials, this arrangement resulted in significant costs and logistical difficulties, particularly associated with separating the relatively small number of juvenile offenders from the adult inmates at the prison. We would note, however, that counties are currently responsible for housing juveniles who are sentenced in adult court to county jail.

Realignment May Increase Juvenile Cases Referred to Adult Court

Under current state law, juvenile offenders can be housed in DJJ facilities until age 25

and in county facilities until age 21. Given this difference in age jurisdiction, some prosecutors and judges tend to utilize DJJ as a commitment option (rather than the county) as a way to help ensure that serious offenders are committed for longer periods. So, if DJJ is taken away as a commitment option under realignment, prosecutors and juvenile court judges may refer more cases to adult court in order to ensure longer commitments. This change in practice would have the unintended consequence of increasing the number of juvenile offenders sentenced to state prison, resulting in increased state costs of potentially millions of

dollars annually. Based on the number of recent DJJ admissions from juvenile court who would not receive a parole consideration hearing until after they reached age 21, we estimate that between about 40 and 90 wards admitted to DJJ in 2010-11 might otherwise have been prosecuted in adult court and sentenced to state prison in the absence of DJJ. Interestingly, the number of juveniles tried in adult court has declined in recent years despite the realignment of lower-level juvenile offenders to counties in 2007. The realignment of more serious offenders, however, may have a different effect.

LAO RECOMMENDATION: ADOPT A COMPREHENSIVE REALIGNMENT PLAN

Given its potential benefits, we recommend that the Legislature adopt the Governor’s proposal to complete the realignment of juvenile justice to the counties. However, we further recommend the Legislature take certain measures to address the concerns discussed above in order to ensure a smooth transition that prioritizes rehabilitation and public safety and maximizes state savings.

Figure 7 summarizes our recommendations, which are discussed in more detail below.

Develop a Funding Approach That Incentivizes Innovation and Efficiency

The Legislature has two basic decisions to make in developing a funding approach: (1) how much total money to appropriate

and (2) how to allocate it among counties. In addressing the first question, we recommend that the Legislature provide a total annual appropriation to counties beginning in 2013-14 based on an assessment of reasonable local costs to run a quality program for higher-level juvenile offenders. In 2011, the Legislature established the independent BSCC to provide leadership and assistance to counties

Figure 7

LAO Recommendations to Ensure Successful and Efficient Juvenile Realignment

- ✓ Develop a funding approach that incentivizes innovation and efficiency.
- ✓ Develop a plan that ensures a smooth transition.
- ✓ Provide state oversight and continuous technical assistance.
- ✓ Require counties to house juveniles sentenced to state prison until age 18.
- ✓ Take measures to minimize a potential increase in juveniles tried in adult court.

in the area of local corrections. In order to help determine an appropriate amount of funding, we recommend the Legislature adopt budget bill language requiring BSCC to make an assessment of the amount of funding necessary to run an effective and efficient program in juvenile facilities. Specifically, BSCC would be required to report its findings and recommendations to the Legislature by January 1, 2013. The net savings to the state achieved by juvenile justice realignment would depend on the total amount of funding provided to counties as determined by the Legislature. The study done by BSCC could be updated at the Legislature's request to account for future changes in costs and juvenile populations supervised by counties.

In deciding how this funding would be allocated among the state's 58 counties, the Legislature should take measures to incentivize local efficiency and encourage innovation. Specifically, we recommend the Legislature adopt trailer bill language that mirrors the allocation formula adopted in SB 81 as part of the 2007 juvenile justice realignment. Under the YOBS formula, two factors are used to determine each county's share of the total funding provided by the state—at-risk population (ages 10 through 17) and juvenile felony dispositions. The combination of these two factors have the advantage of being responsive to changes in local populations over time, as well as giving some weight to local variations in juvenile criminal activity. Another advantage of this approach—as compared to basing allocations on the number of offenders historically sent to DJJ—is that it provides some fiscal incentive for counties that have historically sent a higher proportion of juveniles to DJJ to be more innovative and bring down their costs. However, as previously discussed, these same cost pressures could result in some counties sentencing more juvenile offenders in adult court. To the extent that the Legislature is concerned about this potential consequence, our proposed funding formula could be phased in over

a couple of years and, in the interim, could include a factor related to the number of offenders historically sent by each county to DJJ. Additionally, to provide counties additional fiscal flexibility while reducing their administrative burden, the Legislature could consolidate five existing juvenile justice grant programs as we have previously recommended. (Please see the nearby box for more information about these programs.)

Consider Possible Future Facility Needs.

Based on BSCC's analysis, the Legislature may want to evaluate whether counties would benefit from additional funds to build or retrofit juvenile facilities to accommodate the housing and program needs of the realigned juvenile population. If the Legislature determines that such a need exists, it could consider prioritizing any funds that have been previously authorized for juvenile facilities. At the time of this report, about \$68 million of these funds have not yet been awarded to particular counties. The Legislature could also consider reprioritizing funding currently authorized for adult prison construction under Chapter 7, Statutes of 2007 (AB 900, Solorio). There will be a reduced need for prison construction in light of the adult realignment adopted by the Legislature in 2011.

Develop a Plan That Ensures a Smooth Transition

We recommend the Legislature take a series of steps to ensure a smooth realignment transition.

- ***Delay Date DJJ Stops Admitting Wards.***
We recommend the Legislature delay by six months—to July 1, 2013—the Governor's proposed date at which DJJ would stop admitting new wards. Such a delay would give BSCC sufficient time to carry out the cost and capacity analyses that we recommend above and give counties additional time to prepare for their new responsibilities, particularly given their

Opportunity to Simplify Existing Juvenile Justice Grant Programs

In order for juvenile justice realignment to be successful, counties must have maximum flexibility in how they can use their realignment funds. In our August 2011 report on realignment, *2011 Realignment: Addressing Issues to Promote Its Long-Term Success*, we recommended that the Legislature consider consolidating five existing juvenile justice grant programs—the Juvenile Probation Grant, Juvenile Justice Crime Prevention Act Grant, Juvenile Camps and Ranches Grant, Youthful Offender Block Grant, and Juvenile Reentry Grant—that are currently funded under two separate 2011 realignment accounts and are restrictive in how counties can use the funds. Consolidating these programs into a single block grant would place fewer restrictions on counties, reduce administrative burdens, and allow local officials to tailor specific strategies to the particular needs of their communities. Consequently, this additional flexibility could allow counties to adapt more easily to their new responsibilities under the Governor’s proposed juvenile justice realignment. The figure below summarizes the five grant programs that we recommended consolidating under a single grant.

Juvenile Justice Programs Realigned in 2011			
Program	Population Served	Examples of Services	2011-12 Funding (In Millions)
Local Law Enforcement Services Account (2011 Realignment)			
Juvenile Probation Grant	Children under the supervision of a juvenile court or a probation department, or children at risk of being wards of the court, and their families.	Mental health assessments, family mentoring, life skills counseling, gang intervention, and drug and alcohol education.	\$151.8
Juvenile Justice Crime Prevention Act	At-risk youth and juvenile offenders and their families.	Mental health services, anger management, gang intervention, and drug and alcohol education.	107.1
Juvenile Camps and Ranches Grant	Same as Juvenile Probation Grant program.	Same as Juvenile Probation Grant program.	29.4
Juvenile Justice Account (2011 Realignment)			
Youthful Offender Block Grant	Youthful offenders in need of services from probation and other county departments.	Probation, mental health, and drug and alcohol services.	93.4
Juvenile Reentry Grant	Individuals paroled from Division of Juvenile Justice facilities.	Evidence-based supervision and detention practices and rehabilitative services.	3.7
Total			\$385.4

current efforts to implement the realignment of adult offenders that began in 2011.

- ***Set a Concrete Closure Date for DJJ.***

We recommend that the Legislature adopt budget bill language requiring CDCR, by January 1, 2013, to submit a plan to the Legislature for closing DJJ that reduces expenditures at a pace commensurate with the projected reduction in the ward population. In order to avoid the unnecessary expense of keeping DJJ open with a very small population, we recommend the Legislature adopt trailer bill language requiring the closure of DJJ by March 1, 2015, and transferring the remaining wards to their counties of commitment. We estimate that setting a closure date of 2015 could accelerate the shutdown of DJJ by several years compared to having no firm closure date. We estimate the number of wards that would be transferred to counties if a closure date of March 2015 was adopted would be between 300 and 400 and that this would be a reasonable number for counties to manage after having more than two years to plan for this transition.

- ***Incentivize Early Recall of DJJ Wards.***

In order to expedite the reduction in DJJ's ward population, we recommend allowing counties to voluntarily petition the courts to recall their wards currently housed at DJJ in exchange for a share of the state's savings. Depending on the size of the incentive and the rate of participation, this could potentially save the state several million dollars annually.

- ***Allow Counties to Contract With DJJ.***

We recommend the Legislature enable counties to contract with DJJ to house new

wards after DJJ stops intake, but only until DJJ's final closure date. This would provide counties a short-term option in the event they are unable to absorb new cases by the time DJJ stops intake. However, to ensure this option is used only when necessary and does not reduce state savings, counties should be required to pay the state's cost of housing a juvenile offender in a DJJ facility.

Reject Proposed \$10 Million Augmentation.

We recommend the Legislature reject the Governor's proposed \$10 million current-year augmentation to help counties plan for the realignment. The administration has not specified how the proposed \$10 million would be used or why that level of funding is justified. Given our recommended delay in implementation and the relatively small scale of the proposal, an augmentation of this size appears unnecessary, especially considering the state's fiscal condition.

Provide State Oversight and Continuous Technical Assistance

As previously mentioned, BSCC was established to provide some statewide oversight of local corrections, as well as provide technical assistance and facilitate the use of best practices in local corrections (including juvenile corrections). Thus, we believe that BSCC should play an active role in helping counties (1) ensure that they have sufficient and appropriate space at their juvenile facilities and (2) develop effective programs for the realigned juvenile offenders. In the short term, BSCC should administer the remaining juvenile facility construction funds originally approved under SB 81 with an eye toward making appropriate modifications to local facilities to accommodate realigned offenders. In addition, BSCC should assist probation officials looking to lease bed space from other counties, and actively facilitate

collaboration among counties (such as the development of regional centers). The BSCC should also provide technical assistance to counties to develop programs and train staff to adjust to their new responsibilities, as well as evaluate and update their programs by serving as a clearinghouse for new research and best practices. The Legislature may want to have BSCC and local probation officials report at future budget hearings regarding how BSCC is fulfilling these responsibilities.

Require Counties to House Juveniles Sentenced to State Prison Until Age 18

We recommend that the Legislature adopt legislation requiring that juveniles sentenced to state prison be housed locally: (1) until age 18 or (2) in lieu of prison altogether if their sentence would end before their 21st birthday. All counties are currently responsible for minors tried as adults who are sentenced to county jail. Moreover, we believe the alternative option—to house juveniles in state prisons—would potentially be very expensive and could make CDCR vulnerable to new lawsuits if it struggles to provide constitutionally mandated services to juveniles who have been completely segregated from adult offenders. Whatever decision the Legislature makes with regard to where juveniles tried in adult courts are housed, the total funding amount provided to counties should

reflect whether the responsibility for housing these offenders lies with the state or counties.

Take Measures to Minimize Potential Increase in Juveniles Tried in Adult Court

We make two recommendations to minimize a potential increase in juveniles tried in adult court, and therefore an increase in state prison costs. First, we recommend the Legislature adopt legislation to extend local juvenile court jurisdiction from age 21 to 25 for those offenses currently eligible for DJJ commitment. This would allow juvenile court judges to provide longer commitment times for more serious offenses, potentially mitigating an increased need for adult court. Second, we recommend that the Legislature establish an incentive program to reward counties who successfully prevent an increase in the number of juveniles sent to state prison. Such a program could work similarly to a program the Legislature established in 2009 for adult offenders. Specifically, Chapter 608, Statutes of 2009 (SB 678, Leno) provides a share of the state's savings to counties that reduce the number of adult probationers sent to state prison. In 2012-13, SB 678 is estimated to have resulted in \$145 million in net state savings. Building on the success of that model, our proposal would award counties a share of the state's savings for each juvenile offender it successfully diverts from state prison.

CONCLUSION

Over the years, the state has shifted key juvenile justice responsibilities to counties in order to facilitate more successful public safety outcomes. We believe that the Governor's plan to realign the remaining juvenile offenders to counties represents the final step in this transition. The proposal would serve the state's fiscal and policy interests, particularly given the high cost of maintaining DJJ, the greater potential for efficient and effective

rehabilitation at the local level, and the advantages of aligning the costs of juvenile justice with the policies that precipitate them. However, to ensure that counties are properly equipped to manage the more serious juvenile offenders, the Legislature should provide sufficient funding, fiscal incentives, oversight, and assistance while taking steps to avoid unintended consequences.

2012-13 BUDGET

2012-13 BUDGET

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This report was prepared by Tor Tarantola and reviewed by Brian Brown. The Legislative Analyst's Office (LAO) is a nonpartisan office which provides fiscal and policy information and advice to the Legislature.

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