

March 4, 2010

Reducing the Ward and Parolee Populations at the Division of Juvenile Facilities

LEGISLATIVE ANALYST'S OFFICE

Presented to:

Senate Budget Subcommittee No. 4

On State Administration

Hon. Mark DeSaulnier, Chair





Overview of Division of Juvenile Facilities

- Background.** The Division of Juvenile Facilities (DJF), the statutory name for the agency often referred to as the Division of Juvenile Justice, is responsible for the housing, supervision, and rehabilitation of individuals that have been committed to their custody. As a result of Chapter 175, Statutes of 2007 (SB 81, Committee on Budget and Fiscal Review), only juveniles who are violent, serious, or sex offenders are committed to DJF.

- Characteristics of Wards.** As of December 31, 2009, about 1,600 wards (generally ages 13 to 25, average age of 19) reside in DJF institutions. Males comprise about 95 percent of the ward population. Latinos account for roughly 60 percent of the total population, while African-Americans make up about 30 percent of the population. Whites and other races make up the remaining 10 percent.

- Juvenile Facilities.** The DJF is comprised of five youth correctional facilities and two camps. Recently, DJF closed the Herman G. Stark Youth Correctional Facility in Chino.



Governor's Proposed Budget for DJF

- Overview.** The Governor's budget for 2010-11 proposes \$403 million to operate DJF, including \$390 million from the General Fund. This amount is roughly \$50 million, or 11 percent, below the proposed revised level of current-year spending.
- Population Reduction Proposals.** The budget assumes \$48 million in savings from three proposals to reduce the DJF ward and parolee populations. Specifically, the Governor proposes to:

 - **Limit Jurisdiction to Age 21.** Currently, wards can be placed in a DJF facility up to age 25. The Governor proposes statutory changes to limit the age of jurisdiction to 21 for all wards committed to DJF after June 30, 2010.
 - **Transfer Eligible Wards to Prison.** Under current law, certain wards in DJF are eligible for transfer to adult prison when they turn age 18. However, there are some wards who are eligible for transfer that remain at DJF. The Governor proposes to transfer some of these wards.
 - **Eliminate Use of "Time-Adds."** The Juvenile Parole Board assigns each ward an initial parole consideration date. Currently, DJF staff can delay the parole consideration date for disciplinary reasons, such as bad behavior. The Governor proposes to eliminate this practice (commonly referred to as time-adds).
- Legislative Actions in Special Session.** As part of the special session on the budget, the Legislature approved the proposed \$48 million reduction to DJF, which is pending the Governor's signature. However, the Legislature did not approve any statutory changes regarding the implementation of specific policy changes to reduce the state's juvenile ward and parolee populations.



Three General Strategies to Reduce DJF Ward and Parolee Populations

- ☑ ***Reducing Admissions.*** For each juvenile not sent to DJF, the state saves the costs to house that individual and supervise that offender on parole.
- ☑ ***Reducing Length of Stay.*** Reducing the amount of time wards stay in DJF facilities would reduce the ward population and place the affected ward in the community under parole supervision sooner than would otherwise occur.
- ☑ ***Reducing Parole Caseloads and Returns to DJF.*** A reduction in the number of wards on parole and the number of parole violators returned to DJF would significantly reduce state costs.
- ☑ ***Significant Savings Possible.*** Depending on which population reduction options the Legislature adopted and their interactive effects, significant General Fund savings ranging from the tens of millions of dollars to the hundreds of millions of dollars could be achieved annually.



Options for Reducing Admissions to DJF

- Limit Wards Who Are Eligible for DJF.*** Although Chapter 175 made non-serious, non-violent, non-sex juvenile offenders ineligible for commitment to DJF, the Legislature could enact additional restrictions on eligibility. For example, statutory changes could be adopted to specify that only juvenile offenders with certain programmatic needs—such as wards with mental illnesses—could be committed to DJF.

- Shift Full Responsibility for Juvenile Offenders to Counties.*** As we have recommended over the years, the Legislature could shift full programmatic and financial responsibility for juvenile offenders to counties along with a dedicated funding source. Currently, less than 1 percent of juvenile offenders are placed under state supervision each year.



Options for Reducing Amount of Time Wards Serve at DJF Facilities

- Limit Age Jurisdiction.** The Legislature could adopt statutory changes to limit the age at which wards can be placed in a DJF facility. As discussed earlier, the Governor proposes to reduce the age of jurisdiction from 25 to 21.
- Release Certain Wards Early.** Another option is to release selected wards from a DJF facility early. For example, the Legislature could reduce the length of stay for offenders who are found to be of low risk to reoffend based on a validated risk assessment.
- Expand Opportunities for Wards to Earn Early Release Credits.** In order to achieve budgetary savings, the Legislature could expand the availability and amount of credits that wards are eligible to earn towards having an earlier parole consideration date, such as by participating in an education program.
- Transfer Eligible Wards to Prison.** As proposed by the Governor, the Legislature could require that DJF transfer eligible wards to adult prison when they turn age 18.
- Modify Use of Time-Adds.** The Legislature could also limit or eliminate—as proposed by the Governor—the ability of DJF staff to delay the parole consideration date of wards for disciplinary reasons.



Options for Reducing Parole Caseloads and Returns to DJF

- Shift Parole Responsibilities to Counties.*** As we have recommended in the past, the Legislature could shift the responsibility for juvenile parole to counties. Since each DJF parole agent is typically responsible for supervising youthful offenders residing in a territory of more than 2,800 square miles, such a shift would facilitate closer supervision of offenders.

- Eliminate Parole for Certain Wards.*** Currently, all wards released from DJF facilities who have not reached their maximum age of jurisdiction are placed on parole supervision. The Legislature could eliminate parole for certain wards, such as those deemed to be of low risk to reoffend.

- Discharge Certain Parolees Early.*** Currently, wards are placed on parole until they reach their maximum age of jurisdiction or when the Juvenile Parole Board elects to discharge them early. As a result, wards generally remain on parole for an average of roughly two years. The Legislature could adopt statutory changes to limit parole to no more than a year after release from a DJF facility.

- Make Certain Parole Violations Ineligible for Revocation.*** Currently, parolees may be returned to DJF for committing a new offense or for violating the conditions of their parole. One option to reduce state costs would be to prohibit parole returns for certain types of less serious violations.