

# Governor's Proposal to Complete Juvenile Justice Realignment

LEGISLATIVE ANALYST'S OFFICE

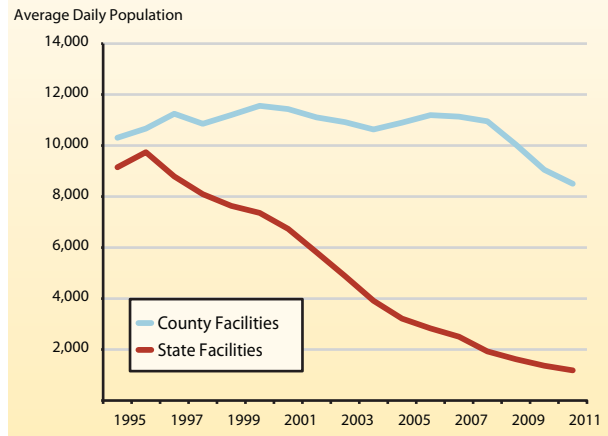
Presented to:  
Senate Budget Subcommittee No. 5  
On Corrections, Public Safety and the Judiciary  
Hon. Loni Hancock, Chair





## Background: State Only Supervises More Serious Offenders

### Number of Offenders in Youth Correctional Facilities Has Declined



- ☑ The Division of Juvenile Justice (DJJ) is responsible for housing juvenile offenders committed to state facilities. However, over the years, the Legislature has enacted various measures which realigned to counties a significant share of responsibility for managing juvenile offenders. For example, in 2007, the Legislature enacted Chapter 175, Statutes of 2007 (SB 81, Committee on Budget and Fiscal Review), which limited admission to DJJ only to violent, serious, or sex offenders.
- ☑ As a result of these realignments, as well as an overall reduction in juvenile crime, the DJJ population has decreased substantially since 1996, reaching 1,035 as of March 14, 2012.
- ☑ Of the wards admitted to DJJ in 2010-11, about two-thirds had an assault or robbery charge as their primary offense. Currently, about 97 percent of DJJ wards are male, and 87 percent are African-American or Latino. The average DJJ ward is 19 years old.



## Background: State Spends \$179,400 Per DJJ Ward

<b>Average General Fund Cost Per Division of Juvenile Justice Ward</b>	
<i>2011-12</i>	
<b>Type of Expenditure</b>	<b>Per-Ward Costs</b>
Treatment programs	\$46,600
Health care	42,100
Administration	30,900
Education	25,400
Security	19,400
Support (food, clothing, other)	15,000
<b>Total</b>	<b>\$179,400</b>

- Housing a ward in a DJJ facility costs the state about \$179,400 per year. 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.
  
- The 2011-12 budget includes \$240 million to support the operations of DJJ, mostly from the General Fund (including \$24 million in Proposition 98 funds).



## Governor's Proposal

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- Fully Realign Juvenile Justice to Counties.*** The DJJ would stop receiving new wards on January 1, 2013, though DJJ would continue to house wards admitted to its facilities prior to this date until they are released. After all wards are released from DJJ, counties would be responsible for managing all offenders adjudicated in juvenile courts.
- Provide Funding to Counties.*** The Governor proposes to provide counties with an unspecified amount of ongoing funding beginning in 2013-14 to help them manage the increase in juvenile caseload resulting from the realignment. 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 Fees.*** 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 provision would have benefited the General Fund by \$60 million in 2011-12 and \$125 million in 2012-13.



## Governor's Proposal Has Merit

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- County Supervision Could Potentially Be More Efficient and Effective.** County supervision of all juvenile offenders has the potential to be more efficient and effective, mainly because (1) it will increase accountability for results, (2) counties will have more flexibility to adopt community-specific strategies, and (3) counties are better positioned to reduce the likelihood of recidivism by providing a continuity of supervision and services between time spent in a facility and in the community.
  
- State Savings.** The 2011-12 budget includes roughly \$240 million for DJJ, mostly from the General Fund. Realignment could result in significant state General Fund savings, depending on the level of funding provided to counties to manage the realigned population.



## Various Issues Still Need to Be Addressed

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- Lack of Fiscal Detail.*** The Governor's plan does not specify how much funding would be provided or how it would be allocated among counties.
- County Capacity Will Vary.*** Some counties may not have appropriate facility space to house more serious offenders or enough staffing or program capacity to address specialized needs these offenders may have (such as mental health or sex offender treatment). In 2011, there were an average of 4,500 empty beds in county juvenile facilities on any given day statewide.
- Unclear Who Will Manage Minors Sentenced to Prison.*** Minors sentenced to state prison in adult court are currently housed in a DJJ facility. It is unclear from the Governor's proposal whether, in the absence of DJJ, the state would continue to be responsible for housing them, or whether counties would be required to house these offenders at least until they reach age 18.
- Possible Increase in Juvenile Cases Tried in Adult Court.*** Under current state law, juvenile offenders can be housed in DJJ facilities until age 25 and in county facilities until age 21. As a result, some prosecutors and judges utilize DJJ as a commitment option to ensure longer commitment periods for serious offenders. Without DJJ, more juvenile cases could be referred to adult court in order to ensure longer commitments, increasing the number of juvenile offenders sentenced to state prison.



## Recommend Developing a Funding Approach That Incentivizes Innovation And Efficiency

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- Total Appropriation to Counties.*** Recommend 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. Specifically, the Legislature should adopt budget bill language requiring the newly established Board of State and Community Corrections (BSCC) to make an assessment of this amount and report its recommendations to the Legislature by January 1, 2013.
  
- Funding Allocation Formula.*** In order to incentivize local efficiency and encourage innovation, we recommend that the Legislature adopt trailer bill language that appropriates funding among counties based on each county's at-risk juvenile population (ages 10 through 17) and its share of the state's juvenile felony dispositions.



## Recommend Developing a Plan That Ensures a Smooth Transition

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- Delay Date DJJ Stops Admitting New Wards.** In order to provide additional time for counties to prepare for the transition, we recommend delaying by six months—to July 1, 2013—the proposed date at which DJJ would stop admitting new wards.
- Set a Concrete Closure Date for DJJ.** Recommend Legislature adopt trailer bill language requiring the closure of DJJ by March 1, 2015, in order to avoid the unnecessary expense of keeping DJJ open with a very small population. Further recommend requiring the California Department of Corrections and Rehabilitation, by January 1, 2013, to submit a plan for closing DJJ that reduces expenditures in line with the projected reduction in the ward population.
- Incentivize Early Recall of 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.
- Allow Counties to Contract With DJJ.** Recommend 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 housing option in the event they are unable to absorb new cases by the time DJJ stops intake.
- Reject Proposed \$10 Million Augmentation.** Recommend Legislature reject the 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.





## Other LAO Recommendations

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- Provide State Oversight and Continuous Technical Assistance.*** We believe that BSCC, given its mission to provide oversight and technical assistance for local corrections, should play an active role in helping counties develop the necessary capacities to manage realigned juvenile offenders. This includes (1) facilitating collaboration between counties, (2) helping train local staff to adjust to their new responsibilities, (3) serving as a clearinghouse for new research and best practices, and (4) continuing to allocate local construction funding.
- Require Counties to House Juveniles Sentenced to State Prison Until Age 18.*** Recommend 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 21<sup>st</sup> birthday.
- Minimize Potential Increase in Juveniles Tried in Adult Court.*** Recommend Legislature adopt legislation to extend local juvenile court jurisdiction from age 21 to 25 (the current age limit for DJJ). This would allow juvenile court judges to provide longer commitment times for more serious offenses, potentially mitigating an increased need for adult court. The Legislature could also 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 provide a share of the state's savings to successful counties.

For more information, see our report, *The 2012-13 Budget: Completing Juvenile Justice Realignment*.