

JANUARY 27, 2022

# **The 2022-23 Budget: Governor's Proposed County Operated Juvenile Facility Grant Program**

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LEGISLATIVE ANALYST'S OFFICE

# Overview of California's Juvenile Justice System

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- ***Juvenile Courts Determine Where to Place Youths in the Criminal Justice System.*** Youths accused of a crime that occurred before they turn 18 years of age start in juvenile courts. If the court determines the youth committed the crime, it then determines where to place the youth based on statute, input from defense and prosecution, and factors such as the youth's offense and criminal history. Depending on the circumstances of the case, the juvenile court currently can take several possible actions including placing the youth under county supervision or in the state Division of Juvenile Justice (DJJ). In addition, the court may choose to transfer certain youths' cases to adult court if a transfer request is filed with the court in cases where youths have committed very serious crimes.
- ***Some Youths Placed Under County Supervision Are Housed in County Facilities.*** Youths placed under county supervision are typically allowed to remain with their families with some level of supervision from county probation officers. However, some youths—typically those who have committed more serious crimes—are housed in county juvenile facilities, such as juvenile halls or camps. As of September 2021, there were roughly 2,300 youths being housed in county facilities.
- ***Small Number of Youths Placed in DJJ.*** As we discuss next, various pieces of legislation have significantly reduced the number of youths eligible for placement in DJJ. Since July 1, 2021, to be eligible for placement in DJJ, youths must (1) have committed certain significant crimes listed in statute (such as murder, robbery, and certain sex offenses) and (2) have had a transfer request filed in their cases. However, such placements may not occur after June 30, 2023, the date by which current law requires DJJ to close. As of December 2021, there were about 660 youths housed in DJJ.



## Various Legislation Shifted Responsibility for Housing Youths From DJJ to Counties

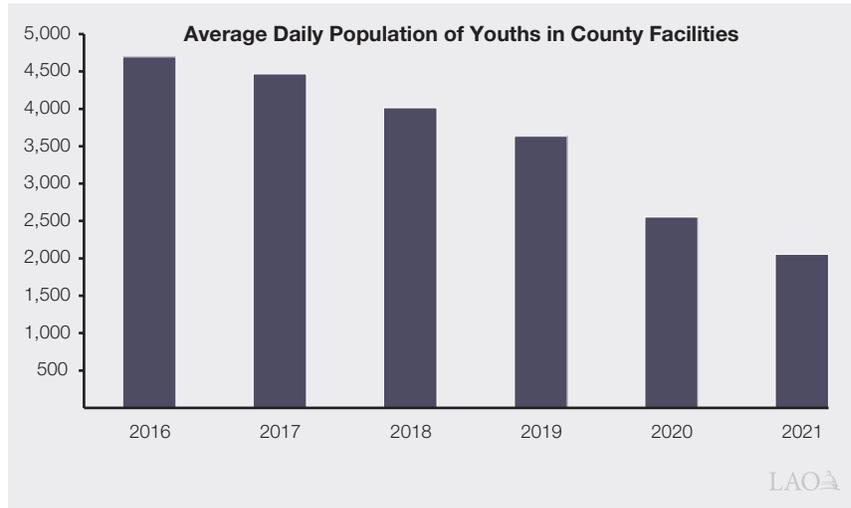
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- **Limits on DJJ Placement—Chapter 175 of 2007 (SB 81, Committee on Budget and Fiscal Review).** Senate Bill 81 restricted the type of youths that juvenile courts can place in DJJ to only those who committed certain significant crimes listed in statute. To help counties manage these new responsibilities, the state currently provides over \$200 million annually to counties for costs associated with supervising youths that might otherwise have been placed in DJJ. Senate Bill 81 also provided counties with \$100 million in lease-revenue funding on a one-time basis to construct or renovate juvenile facilities. This amount was later increased to \$300 million.
- **Realignment of Most DJJ Youths—Chapter 337 of 2020 (SB 823, Committee on Budget and Fiscal Review).** Senate Bill 823 “realigned” or shifted the responsibility of DJJ for most juvenile offenders from the state to the counties. Beginning July 1, 2021, youths can only be placed in DJJ under certain circumstances, as previously discussed. To assist counties with their increased responsibility, the state provides funding to counties—in addition to the funding provided from SB 81—which is estimated to be \$122 million in 2022-23 growing to over \$200 million annually by 2024-25. Senate Bill 823 also provided counties with \$9.6 million in one-time grant funding for planning and juvenile facility infrastructure needs.
- **DJJ Closure and Secure Treatment Facilities—Chapter 18 of 2021 (SB 92, Committee on Budget and Fiscal Review).** Senate Bill 92 requires DJJ facilities to close by June 30, 2023. Youths still housed in DJJ will be transferred to county jurisdiction. In addition, SB 92 allows counties to establish secure treatment facilities as standalone facilities or units within existing facilities.
- **Minimal Population Impact Expected From Realignment.** Realignment is projected to increase the statewide average daily population of youths at the county level by 928 in 2024-25. However, the number of youths realigned to each county is generally very small. For example, we estimate that two-thirds of counties will receive fewer than ten youths by 2024-25.



## Despite Shift to County Responsibility, Number of Youths Housed by Counties Has Declined

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- Despite legislation increasing county responsibility for youths, the size of the populations they are responsible for has declined in recent years, as shown in the above figure.
- This trend tracks with the decline in the overall population of youths involved in the criminal justice system, resulting from a significant decrease in the juvenile arrest rate. (There is no consensus among researchers as to why the juvenile arrest rate has declined.)



## Governor's Proposal

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- ***Provides \$100 Million for County Juvenile Facility Grants.*** The Governor's budget for 2022-23 proposes \$100 million one-time General Fund to provide counties with grants for juvenile facility improvements. The purpose of the grants is to repair county youth facilities and/or enhance counties' ability to provide rehabilitation programs and services for realigned youths, including youths who will be assigned to secure youth treatment facilities.
- ***Specifies Priorities and Allowable Uses for Funding.*** Under the proposal, funding would be prioritized for counties that were not awarded facility-related funding under SB 81 and for projects that would provide rehabilitative programming for youths and/or modernize units and sleeping rooms to comply with existing building standards. Counties would not be able to fund projects that would increase the capacity of their facilities.
- ***Designates Board of State and Community Corrections (BSCC) as Administering Agency.*** The proposed facility grant program would be administered by BSCC. Of the \$100 million proposed, up to \$5 million would be available for BSCC's administrative costs.



## No Clear Justification for Additional Facility Funding

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- ***Proposal Not Based on Thorough Assessment of County Facility Needs.*** While the administration conducted a survey to determine whether counties would be interested in receiving additional facility funding, no assessment has been carried out to detail the extent to which existing county facilities are currently in need of repair or not adequate to provide rehabilitative programs or other services for realigned youths. Moreover, the administration has not provided detailed cost estimates for addressing any identified deficiencies—making it difficult for the Legislature to evaluate the appropriateness of the proposed \$100 million.
- ***Newly Constructed Beds Should Be Accounted for.*** Due to the facility grant funds that the state has provided to counties in recent years, a significant number of newly constructed beds have become or will become available. Specifically, 614 new beds have been constructed since 2013 and 318 new beds are expected to become available over the next several years, for a total of 932 new beds—somewhat more than the number of youths expected to be realigned to counties in 2024-25. In assessing whether existing county facilities are adequate, it is important to consider the availability of the new beds, as they could be more conducive to programming and in better condition than a county’s existing beds.
- ***Counties With Facility Needs Can Contract for Needed Facilities.*** We also note that while it is possible that some counties—particularly smaller counties—may have some facility needs, such counties can contract with other counties to house realigned youths. A survey conducted by BSCC following the passage of SB 823 found that several counties would be willing to take realigned youths from other counties.



## Recommend Rejecting Proposed County Operated Juvenile Facility Grant Program

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- Because the administration did not provide adequate justification for the level of facility funding requested and it is not clear why additional funding is necessary, we recommend that the Legislature reject the Governor’s proposed County Operated Juvenile Facility Grant Program.
- To the extent the administration is able to provide a detailed assessment of county juvenile facility needs that account for newly constructed beds in the future, the Legislature could consider providing facility grants to counties at that time.
- This proposal is excludable under the state appropriations limit (SAL). (The California Constitution imposes a limit on the amount of revenue the state can appropriate each year—the SAL. The state can exclude certain appropriations from the SAL calculation, such as spending on capital outlay.) As such, if the Legislature rejects the Governor’s proposal, it would need to repurpose the associated funding for other SAL-related purposes, such as tax reductions or an alternative excluded expenditure.

