

UPDATED January 25, 2007: This update of our bulletin originally published on January 11, 2007 contains additional information about the Governor's proposed realignment block grant to counties.

CALIFORNIA BUDGET BULLETIN

GOVERNOR'S JANUARY BUDGET PROPOSES MAJOR POPULATION SHIFT FOR THE DIVISION OF JUVENILE JUSTICE

by David Steinhart

In a radical departure from the state's long-standing policy of accepting any and all juvenile law violators committed by county courts, the Schwarzenegger Administration has unveiled a new plan to reject commitments of females and non-violent offenders to state youth facilities and to shrink the Division of Juvenile justice (former CYA) into a correctional system serving only the most serious and violent young criminals.

Details on the new plan—rumored to be in the works for several months—were contained in the Governor's Budget Summary released on January 10th. According to the plan, the incarcerated population of DJJ would shrink to about 1,400 wards (about half of its present size) by 2008, through "population shift" changes including the following:

1. Females. DJJ would no longer accept commitments of female offenders. (Presently, there are fewer than 150 female wards, occupying about one fourth of the otherwise empty DJJ Ventura facility). Counties would have to provide their own dispositions or facilities for female offenders.
2. Parole violators with non-violent commitment offenses. DJJ would stop intake of parole violators with non-violent commitment offenses. These parole violators would instead be handled through county-level sanctions and responses.
3. Non-violent juvenile offenders whose DJJ jurisdiction would end at age 21 could no longer be committed to the state juvenile justice system. Wards of the same description, currently housed in DJJ facilities, would be returned to the counties.

According to the Governor's Budget summary, "these changes are projected to result in DJJ's population being reduced by 1,338 juvenile offenders by June 30, 2008."

Where will these "shifted" DJJ cases go? The Governor has proposed a juvenile offender block grant to counties to pay for the local programs needed to absorb the realigned caseload. For FY 07-08, the Governor would offer \$53 million to counties for pay for local

juvenile offender programs; this amount would rise to \$106 million in the following fiscal year. Details on the block grant were provided in a CDCR Budget Change Proposal (BCP), released following the Governor's Budget Summary, as follows:

- A county's juvenile justice block grant would be calculated based on its ten-year average number of commitments of female and non-violent offenders who would no longer committable to DJJ under the proposal, and on the county's number of presently institutionalized offenders who would be shifted to county control.
- County grants would be based on \$94,000 per qualified (shifted) offender per year. This represents 64 percent of the present actual cost of DJJ institutional care (\$148,000 per ward per year); the remaining 36 percent would be realized as state General Fund savings.
- CDCR projects that the population shift will produce a net savings in the CDCR budget of \$ 33 million for FY 07-08 and \$87 million in FY 08-09. CDCR also proposes to eliminate the Juvenile Justice Re-Entry Challenge Grant Program which was scheduled for funding at \$10 million annually over the next two budget cycles. These savings are netted into a present request to reduce the Division of Juvenile Justice appropriation by \$43 million (General Fund) for FY 07-08 and \$ 87 million for FY 08-09.

The Governor's Budget Summary did not clarify the relationship between the proposed juvenile justice block grant and other spending plans to expand county juvenile facilities, announced previously as part of the overall Prison Reform package. In December, the Governor proposed comprehensive state corrections reforms that included a \$4.4 billion bond package to increase county jail and juvenile facility capacity. Those bonds would pay for an additional "5,000 juvenile beds"—but details were lacking (and are still unclear) as to the nature of those juvenile beds or their relation to the DJJ population shift that is now proposed.

The Governor's DJJ restructuring plan raises a host of questions and issues including these:

1. Where did the plan come from? Top DJJ administrators, including DJJ Chief Bernard Warner and preceding CYA Directors, have strongly resisted proposals to re-define or reduce the CYA/DJJ population. The new population reduction plan thus comes as something of a surprise, even though it echoes recommendations made by Commonweal and other youth advocacy groups as long as twenty years ago. The rationale in the Governor's Budget Summary has strong fiscal underpinnings. The Administration essentially confesses that the state cost of housing and care for DJJ wards, rocketed higher by the *Farrell* litigation, has forced it to downsize its caseload into less costly county options.

2. What will it take to implement the plan? The downsizing plan cannot be fully accomplished by unilateral administrative action to stop intake. Several features will have to be endorsed by legislative changes adjusting commitment and acceptance procedures, county and state jurisdictional laws and sliding scale provisions. Moreover, past DJJ "realignment" proposals have been snuffed by opposition from county officials who felt they were not getting enough state money to pay for the supervision or housing of cases realigned to county control. So, first of all, the Legislature will have to make substantive law changes while appropriating adequate realignment dollars to satisfy the concerns of county courts, probation departments and supervisors. In addition, advocacy groups that have long tracked CYA/DJJ population and confinement issues will be filtering and reacting to the plan as it is vetted over the next many months.

3. What will prosecutors, victim groups and guards have to say? Prosecution lobbyists, including the influential California District Attorneys Association (CDAA), and victim-rights groups will be examining the Governor's plan through the lens of their own public protection concerns. If, for example, DJJ becomes a commitment option only for WIC 707(b) offenders (serious adult court crimes) for whom jurisdiction lasts until age 25, this will affect DA charging and filing decisions as cases are prosecuted in county juvenile (or adult) courts. Moreover, prosecutors and victim advocates may worry about the community impact of recycling lower level offenders who, barred from DJJ, might saturate and overwhelm county-level programs. Finally, how will the proposal to slice the DJJ population in half be received by the California Correctional Peace Officers Association (CCPOA)—the powerful guards' union? Union members face job losses, or at least job transfers, as a result. CCPOA has already gone on record as staunchly opposed to any plans to shift state juvenile wards to privately run facilities.

4. Are the details accurate? There are many blanks in the plan. Rumors preceding the budget release suggested the Governor would propose moving sliding scale cases—i.e. lesser offenders in YOPB categories V-VII—to county control. The proposal unveiled yesterday is much broader in scope, proposing deeper DJJ population cuts. As described, the proposal appears to limit new DJJ commitments only to minors adjudicated for WIC 707 (adult court) offenses whose jurisdiction can extend to age 25. There is no way to tell, yet, if this is in fact what the Administration has in mind.

When interviewed, key stakeholders and policymakers, in the legislature and elsewhere, declared ignorance of the details of the population plan and were clearly not at the table when it was designed. Yet the proposal is a plan whose time has come. For decades, the California Youth Authority has been a tarnished receptacle for the state's most troubled and hard-to-manage youth— whether committed for a crime of violence or for some lesser offense. Even with population declines, driven by lower youth crime rates, CYA/DJJ has been unable to shed its reputation as a place of violence and rehabilitative failure. Finally, it seems, the *Farrell* litigation, which compels costly changes in CYA/DJJ programs, has pushed the Administration to an economic decision to reduce the state incarcerated youth population, shifting its moderate and low level offenders into less costly county programs and facilities. While this proposal breathes life into the long-standing recommendations of outside critics, it clearly has a long way to go before it becomes a reality in California.