

# COMMONWEAL

## The Juvenile Justice Program

July 1, 2011

### CALIFORNIA BUDGET UPDATE

- **GOVERNOR SIGNS “MAJORITY VOTE” BUDGET AND TRAILER BILLS.**
  - **FUNDS FOR PUBLIC SAFETY GRANTS INCLUDING JJCPA AND JPCF ARE PRESERVED.**
  - **DIVISION OF JUVENILE JUSTICE REALIGNMENT IS REMOVED FROM THE FINAL BUDGET PACKAGE, BUT TRAILER BILL WILL MAKE COUNTIES PAY FOR DJJ COMMITMENTS TO DJJ IF REVENUES FALL SHORT**
  - **CORRECTIONS STANDARDS AUTHORITY IS ELIMINATED AS OF JULY 2012, TO BE REPLACED BY A NEW BOARD OF STATE AND COMMUNITY CORRECTIONS**
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The Governor has signed the Budget Bill (SB 87) sent to him on the brink of the constitutional deadline by an all Democrat, majority vote of the Legislature. The FY 11-12 Budget Act includes deeper cuts in education, higher education and court funding. It also incorporates the lion's share of the Governor's plan to realign multiple state programs and caseloads to local control—including the shift of more than 30,000 adult prisoners to local jails in order to comply with recent federal court orders.

Here is a summary of the budget agreements reached on juvenile justice and youth violence prevention items, gleaned from the Budget Act and trailer bills signed into law over the last few days.

#### Local public safety grants—JJCPA/ COPS, Juvenile Probation Camp Fund

These public safety grants have been rescued and are now funded for FY 11-12 as part of the larger realignment plan that is built into the budget package. A new realignment fund is created by dedicating 1.06% of sales tax collections to counties for realigned programs; this will generate an expected \$ 5.1 billion for FY 11-12. In addition, \$450 million in Vehicle License Fee (VLF) revenues will go into the county fund to support local public safety programs— including COPS, the Juvenile Justice Crime Prevention Act (JJCPA) and the Juvenile Probation Camp Fund (JPCF). Without these provisions, these public safety grants would have expired with the sunset of the existing VLF supplemental public safety tax on July 1, 2011. The bottom line for JJCPA and JPCF is that they will be re-funded for FY 11-12 at near current levels. This is a continuing appropriation that provides multi-year support for these local juvenile justice and law enforcement programs.

#### Youthful Offender Block Grant (SB 81- YOBG).

The \$93 million that supports the SB 81 shift of non-violent juvenile offenders from DJJ to counties will be funded through the realignment fund described above for FY 11-12.

#### DJJ realignment is taken out of the budget, but counties may have to pay for commitments if revenue shortfall tiers are triggered

There will be no further realignment of Division of Juvenile Justice cases this year. The Administration announced earlier this month that it was withdrawing the DJJ “buyback” proposal from the larger realignment plan. This decision apparently rested on the calculation that the state could not afford to keep running pieces of DJJ while also pushing full DJJ realignment dollars to counties. The AB 109 DJJ realignment provisions are

overwritten now by the corrections trailer bill, SB 92. For FY 11-12, DJJ will continue to operate much as it is running now. The closure of SCRC/Norwalk facility will proceed leaving DJJ with three active institutions at Ventura and (in Stockton) OH Close and Chad. The Administration indicates that it wants to pursue further DJJ realignment next year.

There is, however, a new provision in SB 92 is a provision that puts counties at risk of having to pay for DJJ commitments if revenues supporting the new budget fall short of specified target levels. If revenue shortfalls are triggered during the year, counties will have to pay for their DJJ commitments at the rate of \$125,000 per youth per year. Another “trigger” amendment to Welfare and Institutions Code Section amends WIC Section 731.1 to allow counties to recall wards at all offense levels, if the “charge” provision kicks in.

#### Office of Gang and Youth Violence Policy (OGYVP)

The office is eliminated by SB 92, effective January 1, 2012. Its functions are rolled into the new Board of State and Community Corrections which replaces the Corrections Standards Authority as of July 1, 2012. The budget act does re-appropriate the \$ 9.2 million in city CalGrip (gang outreach) grants for FY 11-12 through CalEMA. Beginning in July 2012, all remaining OGYVP functions default to the new Board of State and Community Corrections.

#### Corrections Standards Authority is repealed and replaced by a new Board of State and Community Corrections

SB 92 abolishes the Corrections Standards Authority (CSA), effective July 2012, replacing it with a new Board of State and Community Corrections (BSCC). Juvenile justice functions and mandates now residing in CSA (grant administration, local facility standards, data collection) will move to the new operation. The new BSCC is split off from CDCR and becomes an independent agency under the Governor’s office. Its Board is trimmed down to 12 slots from CSA’s bulkier 19. The mission of the new Board includes:

*....providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including addressing gang problems. This mission shall reflect the principle of aligning fiscal policy and correctional practices, including, but not limited to prevention, intervention, suppression, supervision, and incapacitation, to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety through cost-effective, promising, and evidence-based strategies for managing criminal justice populations. (PC 6024 (b)).*

The new Board is required to coordinate its activities and decisions with stakeholders in the juvenile and criminal justice and corrections fields. A summary of the code provisions creating the new Board—including its membership, mission and operations—is attached below.

## The Board of State and Community Corrections - SB 92 Provisions

- **Effective 7/1/12, the Board of State and Community Corrections replaces the Corrections Standards Authority (Penal Code Sec. 6024), which is abolished. The new Board assumes all prior CSA functions not otherwise modified by SB 92.**
- **The mission of the Board**  
*...shall include providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including addressing gang problems. This mission shall reflect the principle of aligning fiscal policy and correctional practices, including, but not limited to prevention, intervention, suppression, supervision, and incapacitation, to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety through cost-effective, promising, and evidence-based strategies for managing criminal justice populations. (PC 6024 (b)).*
- **Stakeholder input mandate. Borrowing from the "Executive Steering Committee" approach used by CSA, SB 92 provides that:**  
*...The board shall regularly seek advice from a balanced range of stakeholders and subject matter experts on issues pertaining to adult corrections, juvenile justice, and gang problems relevant to its mission. Toward this end, the board shall seek to ensure that its efforts (1) are systematically informed by experts and stakeholders with the most specific knowledge concerning the subject matter, (2) include the participation of those who must implement a board decision and are impacted by a board decision, and (3) promote collaboration and innovative problem solving consistent with the mission of the board. The board may create special committees, with the authority to establish working subgroups as necessary.... (6024 (c))*
- **Makeup of the Board. Board membership is reduced from current 19 to 12 as follows:**
  - Secretary of CDCR (Chair)
  - Director of CDCR Adult Parole Division
  - Two county sheriffs, one running a jail with capacity over 200, one under 200, appointed by the Governor with Senate confirmation.
  - A county supervisor or CAO, appointed by the Governor, with Senate confirmation
  - Two chief probation officers, one from a county over 200,000 population, one under; appointed by the Governor, with Senate confirmation.
  - A judge appointed by the Judicial Council
  - A police chief appointed by the Governor, with Senate confirmation
  - A community provider of rehab services for adults, appointed by the Assembly Speaker
  - A community provider or advocate with expertise in at-risk youth and juvenile offender programs, appointed by the Senate Rules Committee
  - A public member appointed by the Governor, subject to Senate confirmation
  - The terms are three year terms with staggered (phase in) end dates. (PC 6025 (a))
- **Duties and functions of the Board are specified as follows: (PC 6025 b and c)**
  - Develop recommendations for improvement of crime, delinquency and gang prevention activity throughout the state
  - Identify and provide TA on evidence based and innovative programs and projects
  - Administer federal funds
  - Develop orderly and unified procedures for grant applications and processing
  - Provide TA to state and local agencies and others on crime and delinquency prevention
  - Conduct evaluations of programs and activities having federal assistance
  - Identify and evaluate all gang and youth violence programs including their funding sources, with recommendations to coordinate these programs and to instill best practices.
  - Collect and analyze county Community Corrections Partnership Plans (SB 678)
  - In addition the Board may collect, evaluate, publish and disseminate statistics and other information on the condition and progress of criminal justice in the state.
  - The Board inherits the existing mandates to establish and monitor or enforce minimum standards for local correctional facilities and for juvenile halls, camps and ranches and local law enforcement facilities holding juveniles. □