

COMMONWEAL

THE JUVENILE JUSTICE PROGRAM

P.O. BOX 316, BOLINAS, CA 94924 ◦ (415) 388-6666 ◦ commonweal.org ◦ JULY 2006

California Budget Report

FLUSH 2006-07 BUDGET AUGMENTS THE JUVENILE JUSTICE CRIME PREVENTION ACT BY \$19 MILLION.....The new budget also adds \$10 million for Juvenile Justice Re-Entry Challenge Grants plus \$22 million for Mentally Ill Juvenile Offender Grants

With \$7.5 billion in unanticipated tax revenues, California lawmakers made lots of friends with the Budget Act signed by the Governor on June 30th. The new budget adds \$2.8 billion for education, patches old deficits and funds new human service programs. It contains significant augmentations and appropriations for youth crime and violence prevention programs as highlighted below.

Juvenile Justice Crime Prevention Act gets a raise to \$119 million statewide

The Juvenile Justice Crime Prevention Act (JJCPA) of 2000 funds county-level youth crime prevention programs throughout the state. These programs range from tutoring and counseling for children on probation to mental health services for incarcerated youth. The JJCPA has enjoyed strong support from law enforcement, probation and community service groups, and state-level evaluations of the grant program have been positive. Yet in recent deficit budget cycles JJCPA funding has declined, from \$121 million (in 2000) to \$100 million last year.

This year, the Governor proposed in his May Budget Revision to restore JJCPA funding to the original level of \$121 million. Though at first the Senate balked at this increase, the final budget outcome was a \$19 million raise for the program — bringing total JJCPA funds to \$119 million statewide. JJCPA funds are still linked by a legislative formula, dollar-for-dollar, to the COPS program of grants for local law enforcement salaries. Thus the total augmentation for the combined funding FY 06-07 package is \$38 million, for a two-program total of \$238 million.

Senator Mike Machado crafts Juvenile Justice Re-Entry Challenge Grants Program

Various reforms of the state's under-performing youth parole system have been debated over the last several years, but nothing has jelled. A proposal to shift the state parole operation to county Probation Departments was tangled in disputes over state jobs, county costs and public safety. The reform plans promulgated by the Division of Juvenile Justice (DJJ) in response to the *Farrell* litigation added new state parole jobs but largely ignored the need to upgrade local services for DJJ parolees. By wide agreement, young men and women released from DJJ institutions still have trouble locating a place to live, finding a job, continuing their (...more on page 2)

Re-Entry Challenge Grants continued...

Commonweal Program Director David Steinhart Named to State Juvenile Justice Commission

The Senate Rules Committee has appointed David Steinhart to the newly formed state Juvenile Justice Commission. As reconstituted last year, the Commission is charged with "comprehensive oversight, planning and coordination" of efforts to improve California state and local juvenile justice systems. The 11 member body is chaired by the Chief of the Division of Juvenile Justice and includes representatives from courts, probation, law enforcement and community service agencies. Aside from the DJJ chief, seven members are appointed by the Governor, two by the Legislature and one by the Judicial Council. Steinhart is an attorney and juvenile justice specialist who has worked closely with California legislators on the development of youth programs and juvenile justice law since 1976. His appointment lasts until July 1, 2008.

education and staying crime-free. Parole failure rates are high. In 2005, more young people were

incarcerated at DJJ for parole violations than for new crimes.

As Chair of the Senate Budget Subcommittee overseeing funds for the Division of Juvenile Justice, Senator Mike Machado (D-Fairfield/Stockton) expressed concern about the void of local re-entry programs for DJJ wards. In May, Machado proposed a Re-Entry Challenge Grant Program. He engineered \$30 million into the Senate side of the budget for youth Re-Entry grants administered by CDCR.

In conference, the \$30 million was chopped to \$10 for FY 06-07, with an agreement that the funding would renew annually at the \$10 million level for at least the next three years. Some of the key provisions (contained in a trailer bill-- AB 1806) are:

- Grants are to be three year grants awarded by CDCR on a competitive basis.
- Counties and non-profit organizations are eligible.
- Funded programs may include transitional housing; job, mental health, and drug counseling services; intermediate sanctions for parole violations and other listed services.
- A minimum of 75% of each grant must serve DJJ parolees, but up to 25% may serve youth released from other (local) probation placements.
- DJJ is required to work with Probation Chiefs and juvenile justice experts to design evaluation criteria for the grants program.

The Mentally Ill Offender Crime Reduction Program is revived, with \$22 million earmarked for juvenile mental health services

In 1998, SB 1485 (Rosenthal) created the Mentally Ill Offender Crime Reduction Grant Program (MIOCRG), authorizing grants to counties for a mental health services for adult offenders. The goals of MIOCRG were to reduce high recidivism rates and to contain related mental health and corrections costs. Funds for the program were suspended in 2001 due to ongoing budget deficits. In this year's May Budget Revision, Governor Arnold Schwarzenegger proposed to resurrect the program with \$50 million in new funds.

The final outcome for FY 06-07 was an outlay of \$ COMMONWEAL -- 2 MIOCRG funding, with half (on) set aside for juvenile offender programs. The earmark for juvenile justice clients will begin to address well-documented needs

to supplement diagnostic, outpatient and in-custody mental health services for children under justice system control.

The Corrections Standards Authority (successor to the Board of Corrections) is charged with developing funding criteria and regulations for the renewal of the grant program, consistent with the provisions of the original enabling legislation. Trailer bill (AB 1811) control language specifies that formerly participating counties whose funds were suspended in 2001 will have funding priority.

Local probation (former TANF) funds renewed at \$201 million statewide

From 1998 through 2004, county Probation Departments received about \$200 million per year in federal "TANF" (child welfare) funds to supplement local juvenile probation services. A share of these funds supported probation camps and ranches for juvenile offenders in about 30 counties. Last year, the federal TANF probation funds were redirected to child welfare services, and the Legislature replaced them with a General Fund appropriation of \$201 million through the Corrections Standards Authority.

Probation Departments rely on these funds to support services and facilities that keep young offenders in local programs and prevent commitments to the state Division of Juvenile Justice. Presumably the state benefits because, without these funds, commitments to DJJ (and state costs) would increase substantially. The cost to keep a juvenile in a county camp or ranch is generally less than \$50,000 per year, compared to about \$165,000 per ward-per year now needed to pay for a DJJ commitment.

This year's budget renews the state appropriation to local probation departments at the \$201 million level. Of this amount, \$168 million goes to county probation departments according to a population-based schedule in the Welfare and Institutions Code (Sec. 18220). The other \$33 million goes to counties to support juvenile probation camps and ranches.

LAWMAKERS BUDGET STATE-CENTERED SOLUTIONS FOR THE DIV. OF JUVENILE JUSTICE WHILE PROBLEMS PERSIST AT INSTITUTIONS

by David Steinhart

Anyone who thought the planned overhaul of California's crippled youth corrections system would happen quickly needs to take a deep breath. While the Division of Juvenile Justice (DJJ) has taken some steps to improve conditions in its institutions, progress is meager and slow, given the reform pledges made by DJJ, the reports of outside experts and the time elapsed since the Governor promised to fix the whole mess back in 2004.

The April '06 Special Master report on compliance with the *Farrell* litigation is yet another skeptical appraisal of the reform effort to date. Special Master Donna Brorby concludes that "constant and pervasive violence in DJJ remains stunning" and that "gang violence is a dominant fact of life" in DJJ facilities. Brorby says the violence is due to overpopulation in housing units, inadequate staff- to-youth ratios, insufficient programs and resources and insufficient management capacity. Deadlines for specific reforms—such as a ward classification system and system-wide "open programming" — have come and gone. Some upgrades can be found in education, health, mental health and sex offender programs, but these fall short of the outcomes and milestones adopted by the parties in the *Farrell* suit.

Brorby's report followed a March revision of DJJ's "Ward Safety and Welfare Plan" by a team of nationally recognized juvenile justice experts. Their report echoes the deficiencies noted by the Special Master. Moreover, the national experts conclude that DJJ lacks the capacity for successful implementation of *Farrell* reforms. The experts fault the 2005 merger of DJJ with adult corrections, observing that in the new California Department of Corrections and Rehabilitation (CDCR), the juvenile justice operation has been sacrificed, losing staff and resources to overarching efforts to cope with the meltdown of the adult prison system.

Leadership issues continue to haunt CDCR. When CDCR Secretary Rod Hickman resigned in March, DJJ Chief Bernard Warner moved into the CDCR Chief Deputy spot vacated by the succession of Jeannie Woodford to the empty Hickman post. Then Woodford quit too, and in the shuffle

Warner went back to his still-warm job at DJJ. On June 28th, Warner was confirmed by the Senate as the Chief of the Division of Juvenile Justice, amid questions about how long he could stay given the instability of the entire CDCR chain of command.

In the midst of this turmoil, Legislative budget writers struggled to decipher DJJ fund requests. DJJ wanted more than \$100 million to support nearly 1,000 new state positions for reform projects, including more youth correctional officers and counselors, more teachers and more medical and mental health staff. In the end, DJJ got most of what it asked for. In the FY 06-07 Budget Act, DJJ's appropriation grows to nearly \$500 million including \$80 million in for specific *Farrell* costs.

With the additional funding, the cost of a DJJ commitment rises to about \$ 165,000 per ward per year. This extraordinary cost-per-ward would seem to compel a search for local and regional youth programs that could operate less expensively and with perhaps better results than the pricey and problem-riddled state system. Yet with the exception of the \$10 million for Re-Entry Challenge Grants, this year's budget does not provide funds to expand local dispositions for juvenile offenders.

The main legislative push to control commitments and costs at DJJ comes from a slate of bills by Sen. Majority Leader Gloria Romero (D.- L.A.). Her SB 1373 challenges the DJJ practice of adding nearly 4 months of time each year to the average state youth sentence — a practice that now accounts for nearly one-third of the DJJ population. SB 1373 would cap time adds across the population at not more than one month per ward per year. Another Romero bill, SB 1589, promotes the transfer of female wards to non-DJJ facilities, a move that DJJ already has on the drawing board. Romero's SB 795 requires DJJ to contract with at least one county for parole violator options to DJJ recommitment. In 2005, more wards were admitted to DJJ institutions for parole violations than for new crimes. Legislative committees have so far approved all of these Romero bills, but the Governor is presently considered likely to veto them all.

Status report on juvenile justice & youth violence prevention bills

The following update shows status and committee action on selected bills through June 30, 2006. The Legislature, now on summer break, is scheduled to reconvene August 7 and to adjourn on August 31.

AB 2004 (Yee, D- S.F.). Medi-Cal eligibility for incarcerated minors. Requires the state Department of Health Services to suspend Medi-Cal benefits for incarcerated minors rather than terminate eligibility as required under current law. Further requires the Department to ensure minor's access to health care services immediately upon release from custody. *Passed Sen. Health Committee 6/28, to Sen. Appropriations Committee.*

SB 380 (former SB 1570, Alquist, D.- San Jose). State plan and alternative funding for children's residential care services. Requires the Health and Human Services Agency to produce a statewide plan to transform California's group home structure into a system of residentially-based services for children in the welfare, juvenile justice and mental health systems. The plan would incorporate new objectives, program elements and flexible funding schemes for group care, described at length in the bill. Formerly SB 1570, the entire contents has been moved into SB 380 to meet legislative deadlines. *Pending in the Assembly.*

SB 609 (Romero, D.- L.A.). Division of Juvenile Justice (DJJ) reform. As amended, requires DJJ to develop its own training curricula and to use trainers qualified in youth corrections. Requires DJJ to eliminate the practice of "23-and-1" confinement in its facilities except in emergencies. *In the Assembly Appropriations Committee.*

SB 795 (Romero, D.- L.A.). Division of Juvenile Justice parole reform. Amended in June to require the Division of Juvenile Justice to contract with one or more counties for programs and facilities for DJJ technical parole violators in lieu of recommitment to DJJ institutions. *To the Assembly Appropriations Committee.*

SB 1373 (Romero, D- L.A.). Time adds, length of stay in state youth corrections facilities. Requires the Division of Juvenile Justice to limit time-adds to not more than one month per ward-per year on average; requires DJJ to establish a system of good-time credits for the mainstream population; and requires DJJ to review sentencing policy based on sentencing norms for youth offenders in other states. *In Assembly Appropriations.*

SB 1589 (Romero, D.- L.A.). DJJ custody options for high-risk/ high-need and female offenders. Requires the Division of Juvenile Justice to explore program options outside of DJJ for high risk/ high needs offenders and for female wards. As amended per concerns asserted by the guards' union (CCPOA), states a preference for transfer of female wards to public rather than private agencies. Requires CDCR to preserve the Ventura facility for correctional uses. *In Assembly Appropriations Committee.*

SB 1616 (Kuehl, D.- Santa Monica.). Medi-Cal services for incarcerated minors with disabilities. Requires the Dept. of Health services to suspend rather than terminate Medi-Cal eligibility for disabled minors who are incarcerated in a state youth correctional (DJJ) facility, and requires the Department to restore services to these minors upon release under defined circumstances. *In the Assembly Public Safety Committee.*

SB 1742 (Machado, D. - Stockton). Division of Juvenile Justice acceptance criteria. Modifies the DJJ "acceptance" criteria at WIC 736 by requiring DJJ to determine that it has adequate staff and programs (in addition to adequate facilities) to care for each ward. Deletes archaic language on acceptance of "sex deviates" and substitutes a requirement that DJJ coordinate with the Department of Mental Health to determine how minors with mental and behavioral disorders can best be served. *In Assembly Appropriations Committee.*

SB 1777 (Alarcon, D.- Sun Valley). Juvenile court schools. Mandates specific transition services for foster youth leaving juvenile court schools. Provides for allowances to school districts and county education offices to support transition positions and services. *In the Assembly Appropriations Com.*

This bulletin is published by Commonweal, a nonprofit organization with headquarters at Bolinas, California, under a grant from The California Wellness Foundation. Further information on juvenile justice and youth crime and violence prevention programs can be found under the Juvenile Justice program link at www.commonweal.org

