

COMMONWEAL

THE JUVENILE JUSTICE PROGRAM

P.O. BOX 316, BOLINAS, CA 94924 (415) 388-6666 commonweal.org November 2005

California Budget Report:

Legislative Analyst cites improved state budget outlook for FY 06-07, but recommends repeal or downsizing of Prop 49 (the After School initiative)

By David Steinhart

According to Elizabeth Hill, the non-partisan Legislative Analyst who makes fiscal projections for state lawmakers, California's prospects for a balanced budget in FY 06-07 have improved. Increased revenues, savings from prior-year budget cuts and hefty reserve funds will make it possible to avoid a General Fund deficit next year, the LAO chief said in a November report. However, she warns, the situation could deteriorate if lawmakers back away from spending cuts, or if there is an economic downturn.

Hill also predicts that Proposition 49, the After School Safety and Education Act adopted by voter initiative in 2002, will "trigger" in FY 06-07. This would require a sizable injection of new state general funds. Proposition 49 pays for before- and after-school programs for children in grades K-8. It has been funded since adoption at a steady level of \$121.5 million per year. If "triggered", Prop 49 spending must rise, up to an annual maximum of \$550 million per year. The LAO says that mandatory spending for the program could rise to \$428 million in FY 06-07. These funds "could be better spent protecting districts' base education programs" says the LAO, adding:

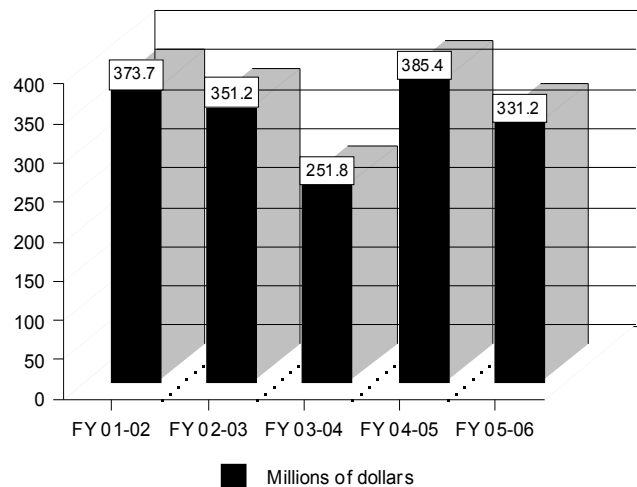
We suggest the Legislature consider repealing the measure, delaying its implementation or staging the added Proposition 49 augmentations over a multi-year period.

The concerns raised by LAO will certainly trigger a debate within the Legislature about the future of Proposition 49. After-school program advocates will need to defend a fattened appropriation against complaints by other human service providers that their programs are bled to the bone from spending cuts. As the debate unfolds, it will be interesting to see what the proud sponsor of Prop 49, Governor Arnold Schwarzenegger, has to say about it.

Youth crime and violence prevention programs funded at \$ 331 million statewide for FY 05-06

Commonweal has tracked state spending for youth crime and violence prevention programs now for nearly ten years. Despite persistent state deficits, state general fund support for these programs remains stable, above the \$300 million mark for four of the last five years. For FY 05-06, total state general fund spending for youth crime and violence prevention programs tracked by Commonweal was \$331.2 million. The five year trend is shown in the chart below.

California Youth Crime & Violence Prevention Programs
State General Fund Spending FY 01/02-FY 05/06



The Schiff-Cardenas Crime Prevention Act survived a 75% cut proposed by the Governor in January, and was refunded at the prior year level of \$100 million. A table listing state-funded programs, with appropriation levels by-program for the last five years, is located on the last page of this report.

Governor Signs Sen. Migden's Bill Creating New Court Procedures in Juvenile Justice Mental Health Cases

On September 22, the Governor signed SB 570 (Migden, D- San Francisco) into law. The bill, effective 1/1/06, creates a new Juvenile Court process for the evaluation and treatment of children with mental and developmental disorders in in Juvenile Court delinquency (WIC 602) cases.

SB 570 does the following:

- Allows the court to order a mental health evaluation by a licensed psychiatrist or clinical psychologist, whenever a minor charged with a law violation appears to the Court to have a severe mental or developmental disorder.
- If the court decides, based on the evaluation, that the minor is mentally disordered (meeting the criteria of WIC Sec. 5600.3) or developmentally disabled (under WIC Sec. 4512), then upon adjudication the case goes to a multi-disciplinary team (MDT) for the development of a treatment and placement plan.
- The MDT must include qualified persons able to evaluate the minor from a range of disciplines and treatment needs, including a mental health or developmental disability specialist as appropriate.
- The dispositional order of the court must be consistent with public protection and with the treatment plan devised by the MDT.

A critical feature of SB 570 is that it is an “opt-in” measure for county government. In other words, its provisions do not apply unless the county accepts, by a vote of its county supervisors, the SB 570 scheme.

The bill also provides an “out” for Regional Centers serving developmentally disabled individuals, allowing centers to have the final say as to whether they will provide services to children under SB 570. In the 2004 session, Assemblyman Darrell Steinberg carried essentially the same bill, but that measure (AB 2019) was doomed by disputes over the cost of mental health exams and MDT evaluations. The picture changed when Proposition 63, the Mental Health Services Act, was approved by California voters in November 2004. That initiative, drafted by Steinberg, funds new community mental health services in California with revenues from a new state tax surcharge on incomes exceeding \$1 million. A share of Prop 63 funds is earmarked for children’s

mental health services. SB 570 provides that Prop 63 funds may be used by counties to implement the mental health assessment, treatment and evaluation components of the bill.

Juvenile Justice Division submits tepid reform status report to Legislature

On September 1, the Division of Juvenile Justice (formerly CYA) submitted a report on youth corrections reform to the California Legislature. The report was mandated by budget control language that required DJJ to file quarterly reports on steps taken using \$1.2 million in FY 05-06 planning funds. For this quarter, DJJ was supposed to describe its overall reform plan including any proposed changes in population, jurisdiction or length of stay or changes in state-local juvenile justice responsibilities. The report was to include “specific objectives, tasks and timelines”.

What DJJ actually submitted to lawmakers fell far short of these requirements. The report reiterated past working group findings that California needs a state-level youth corrections agency to meet public safety needs and to fill juvenile offender facility and service gaps at the county level. However, the DJJ report was short on reform specifics. It presented no objectives, tasks or timelines for reform. It offered no new plans to adjust the institutionalized population. In fact, it said that “at this time” the Dept. of Corrections and Rehabilitation does not propose to change any state laws with respect to “jurisdictional eligibility criteria, including age, gender, offense criteria, medical or mental health needs or length of confinement”.

This off-the-mark response to the budget mandate left lawmakers and juvenile justice stakeholders scratching their heads. Some observers attribute the lackluster report to organizational confusion in the wake of personnel changes and other disruptions at DJJ related to the Corrections Reorganization Plan that took effect July 1. The next big deadline for DJJ is a double-duty one. On November 30th, DJJ must file remedial plans for ward safety and welfare and mental health with the court in the *Farrell v. Hickman* litigation. On December 1, DJJ owes a major status report to the Legislature on its plans to upgrade its programs, overhaul its facilities and restructure or realign youth parole services.

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Indicators Of Youth Violence In California:

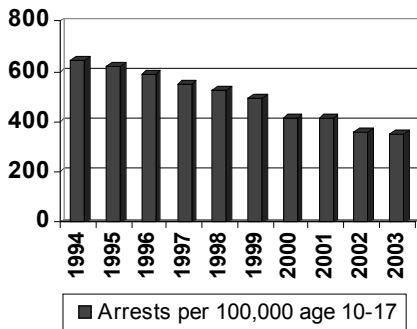
JUVENILE ARRESTS HOLD LONG-TERM DECLINES, BUT SPIKES OF GANG VIOLENCE & YOUTH GUN DEATHS ARE CAUSE FOR CONCERN

We have conflicting evidence in California about trends in youth violence. By one common measure, California is benefiting from a long-term decline in youth crime. That measure is the number of children age 10-17 who are arrested each year for crimes of violence. Juvenile arrest data from the California Department of Justice shows a steady 10 year decline in arrests of juveniles for these crimes (murder, rape, major assault, robbery and kidnap). Between 1994 and 2003 California juvenile violent arrests declined by 30 percent. When adjusted for population growth, the decline is more profound—a 46 percent drop in the rate of juvenile violent arrests per 100,000 youth in the last ten years.

This drop in violent juvenile arrests has decelerated in the last three years. In other words, there is evidence that this decade long youth safety trend may be bottoming out—and as yet there is no upswing.

These promising statewide statistics may do little to reassure TV viewers and newspaper readers in Los Angeles, Fresno or Richmond, where media reports of gang violence abound. The Los Angeles Times reported 291 gang slayings in the City of Los Angeles in 2004, accounting for 57% of the city's 515 homicides in that year, plus another 172 gang-related killings elsewhere in the county. Citing the state's "Cal/Gang" database, the Times named the City of LA as home to 463 gangs with nearly 40,000 members in 2004.

California Juvenile Arrest Rate per 100,000 for Violent Crimes 1994-2003

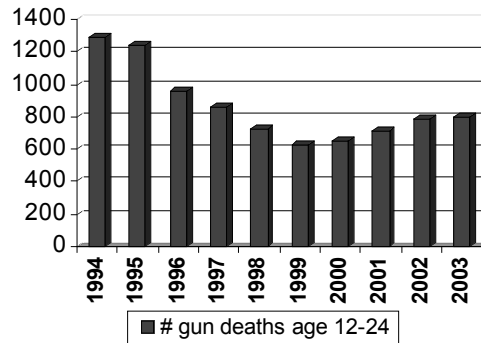


Law enforcement personnel have addressed local upsurges in gang violence with court-issued gang injunctions (creating special law enforcement zones and penalties targeted to gang members), youth curfews and arrest sweeps. These enforcement strategies have been balanced, at least in some areas of the state, with community-policing and prevention programs offering youth recreation, after school and other approaches to discourage gang membership.

Even as gang homicides rise in Los Angeles, county arrest data continues to paint a picture of improved public safety. LA County's juvenile violent arrest rate dropped more steeply between 1994 and 2003 than the statewide average rate. Total arrests (juveniles and adults) in 2004 for violent crimes in Los Angeles County fell 12 percent between 2003-04, based on preliminary data for that year from the Justice Dept.

What sense can we make of the discrepancy between rising gang killings (at least in some places) and lower juvenile arrests? Not much sense at all. First of all, the data describe different events. One data set describes the victims of crime, while the other reports perpetrators. Gang homicide victims include a good many individuals over the age of 18, and the killers' ages are not known or disclosed in victimization reports. We can safely say that gang violence is rising, where victim reports substantiate that fact, but we cannot use the same data set to identify juveniles (those under 18) as the main source of the problem.

California Youth Gun Deaths by assault-homicide, age 12-24, 1994-2003



Another measure of violence among youth is the number who are injured or killed each year by firearms. Gun injury data in California is reported by the Department of Health Services, Epidemiology & Prevention for Injury Control (EPIC) branch. Overall, California gun homicide deaths of youth have declined over the last 10 years. The youth most vulnerable to gun death are those aged 12-24. For these youth, homicide gun deaths dropped from 1292 in 1999 to half that amount (621) in 1999. Then, youth homicide gun deaths in California began to rise, to 794 statewide in 2003. In 2003, nearly a thousand youth aged 12-24 were killed by gunfire from all causes (including accidents and suicides).

**Table 1: California Youth Crime and Violence Prevention Programs
State General Funds: FY 01/02 - FY 05/06 - in millions of dollars**

DEPARTMENT	PROGRAM	FY 01/02	FY 02/03	FY 03/04	FY 04/05	FY 05/06
Commun. Serv. & Dev.	California Mentor Program	1.0	1.0	0	0	0
Div. of Juvenile Justice ^a	Gang Violence Reduction Program	1.6	1.6	1.6	1.3	1.2
Youth Authority ^a	Young Men As Fathers	1.0	.9	.9	.9	--
Corr. Standards Authority ^a	Proud Parenting Program (replaces Young Men as Fathers as of 4/05)	--	--	--	--	.8
Corr. Standards Authority ^a	Schiff-Cardenas Crime Prevention Act	116.3	116.3	100.0	100.0	100.0
Office Emergency Svcs.	Gang Violence Suppression	5.6	3.3	1.5	2.0	1.8
Office Emergency Svcs.	Drug Suppression in Schools	3.3	2.5	1.2	.7	0
Dept. of Justice	Gang Crime & Violence Prevention	3.3	1.4	0	0	0
Education	Academic Volunteers/ Mentors	10.0	5.1	0	0	0
Education	School Safety & Violence Prevention	82.1	82.1	.1 ^b	132.1 ^b	89.5 ^b
Education	School Safety Consolidated Competitive Grants	14.0 ^c	13.8 ^c	14.0 ^c	15.6 ^c	16.4 ^c
Education	After School Education & Safety	117.5	113.2	121.5	121.5	121.5
Education	High Risk Youth Education Act	18.0	10.0	11.0	11.3 ^d	0 ^d
<i>TOTALS in millions of dollars</i>		373.7	351.2	251.8	385.4	331.2

Notes:

- a. As of 7/1/05, under the Corrections Reorganization Plan, the Youth Authority is re-named the Division of Juvenile Justice, and the Board of Corrections is re-named the Corrections Standards Authority, both within the Department of Corrections and Rehabilitation. COMMONWEAL
- b. \$82 million for FY 03-04 deferred to FY 04-05. FY 04-05 amount includes the deferred \$82 million from prior year plus another \$50.1 million in FY 04-05 funding. \$37 million for FY 04-05 deferred to FY 05-06; FY 05-06 amount includes the \$37 million deferral from the prior year plus another \$ 52.5 million in FY 05-06 funding. Another \$37 million deferred from FY 05-06 to FY 06-07. (Deferrals help adjust annual Prop 98 levels).
- c. For FY 05-06, several categorically funded school-based programs were consolidated into a new School Safety Consolidated Competitive Grant (SSCCG) administered by the State Department of Education, with input from the Attorney General. Consolidated programs include: School-Community Policing, Gang Risk Intervention, School Community Violence Prevention, Safety Plans for New Schools, and Conflict Resolution Programs. Prior year appropriations for these programs, shown on separate lines in earlier Commonweal reports, have been combined in this table for consistency with the FY 05-06 consolidation amount.
- d. FY 04-05 amount for High Risk Youth Education is corrected (from prior report) to \$11.3 million and the total for FY 04-05 (bottom row) is corrected to \$385.4 million. For FY 05-06, the High Risk Youth Education is no longer separately funded but instead is made a county funding option, using Pupil Retention Block Grant funds (block grant created by 2004 legislation, AB 825, Stats. of 2004, Chapter 871).

Sources:

California State Budget Acts FY 01/02 through 05/06; California Department of Finance; Legislative Analyst Office; Senate and Assembly Budget and Appropriations Committees; individual state offices, departments and agencies.

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