

Policy Brief

Juvenile Justice Realignment in 2012

By

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Abstract

The purpose of this publication is to recommend a full juvenile justice realignment plan in the 2012-13 budget cycle. The Division of Juvenile Facilities (DJF) budget triggers implemented on January 1, 2012, highlight the unsustainable costs of maintaining a dual juvenile justice system in California. DJF's current recidivism rate of 80% and continued scrutiny under the Farrell lawsuit both demonstrate the limited success the state has at rehabilitating youthful offenders (CDCR, 2010, p.10). This system should no longer be considered an appropriate or affordable use of California taxpayer dollars. A well-designed, phased juvenile justice realignment beginning in 2012 will strengthen the ability of counties to serve their most high-needs youth, enhance long-term public safety, and provide a fiscally responsible approach to juvenile justice in a time of great financial crisis. CJCJ's juvenile justice realignment recommendation is outlined by five key components on page 6 of this report.

Background

As of January 1, 2012, California counties are responsible for an annual cost of \$125,000 per youth confined to the state's youth correctional system,

Over the next year, California must make crucial decisions on the future direction of the juvenile justice system. The choices are clear: does the state continue to operate a broken, fragmented, isolated, and expensive state youth correctional system that stands as a 19th century relic or does it move forthrightly into the 21st century by shifting resources to counties to allow the development of a full array of locally-based juvenile justice services. Governor Brown is correct when he asserts that the best correctional interventions are those delivered at the point where the offender is most likely to return.

The current budget crisis requires action, since California can no longer afford to operate dual state and county juvenile justice systems. Therefore, it is time to complete the process of closing the old state reform schools and shift resources to the counties to begin building a more diversified and effective juvenile justice system for the future.

~ Daniel Macallair
CJCJ Executive Director

DJF.¹ This expense is designated for youth currently confined to these facilities, as well as future commitments. The requirement was a component of the package of “budget triggers” in Governor Edmund G. Brown’s 2011-12 enacted budget and was incorporated into the language of Senate Bill 92 (Ch. 36, Stats. of 2011). Modifications made to Welfare and Institutions Code 731.1 under SB 92 allows Chief Probation Officers to initiate a court process to return current youth commitments to county supervision.

The DJF budget trigger was inserted into the enacted budget after several special interest groups strongly opposed several proposals from the Governor’s office for a full, multi-year juvenile realignment plan where counties would have been allocated \$242 million per year to serve these high-risk wards (approximately the \$200,000 per DJF incarcerated youth it cost at the time) (Dept. of Finance, 2011). Several individual counties also opposed the realignment proposal due to concerns that the state would not provide a sustainable source of funding necessary to enhance their capacity to serve these high-risk youth. The purpose of this funding was to increase county capacity in order to house youthful offenders returning from DJF such as facility redesign, staff retraining, and implementation of model practices for rehabilitation. Another proposal was presented allowing for counties to utilize the fiscal allocation to “buy-back” bed space at DJF for those youthful offenders deemed inappropriate for local supervision during the transition to complete realignment by 2014 (Steinhart, 2011). This proposal was also strongly opposed by the special interest groups, despite warnings of the budget triggers.

The Need for Realignment in 2012

The DJF budget trigger creates another opportunity for California counties, juvenile justice stakeholders, and state legislators to reevaluate their current investments in state solutions to local problems. The State of California can no longer afford to operate a dual juvenile justice system. The state-run youth correctional facilities are not delivering results in long-term public safety and effective use of taxpayer dollars. California’s DJF has a re-arrest rate of 80% within 3 years of release (CDCR, 2010). It currently annually costs California taxpayers \$193,111 per youth to confine the 1,174 remaining youth in state youth facilities, with a total annual budget of \$226 million (Dept. of Finance, personal communication, December 27, 2011). Currently, the Superior Court of California stated that mental health care for state-incarcerated youth is “toxic” and overall health care is “abysmal” (Superior Court, 2008, pp.11-15). The current state juvenile justice system is a continuing drain on California’s resources and delivers few positive long-term benefits for confined youth or for our communities. At a time of such fiscal crisis, California can no longer afford to be shortsighted in its juvenile justice policies and practices.

Historically, juvenile justice budgetary realignment in California has been successfully met by innovation at the county level. Several California counties, such as San Bernardino, Napa, Santa Clara, Alameda, San Francisco and Santa Cruz, have implemented innovative local practices for rehabilitation of serious youth offenders based on data-driven principles. Some of these counties are already seeing reductions in recidivism (re-arrest) rates, thereby increasing the long-term public safety of their communities and saving taxpayer dollars (*See* NCCD, 2010, p.13; San Bernardino County Probation Dept., 2011 for examples). In fact, juvenile felony arrest rates are falling in

¹ The 2005 reorganization of the Youth and Adult Correctional Agencies into the CDCR created the Division of Juvenile Facilities (DJF). The DJF is commonly referred to as the Division of Juvenile Justice (DJJ). This report uses the Division of Juvenile Facilities.

tandem with a wave of juvenile de-incarceration across California (CJCJ, 2011c). If given the opportunity provided by a full realignment, all counties will be compelled to improve their juvenile justice practices to recognized model standards.

By embracing a realignment plan, the State of California will eliminate the needless expense and the state's obligations under the Farrell lawsuit. One reason for the exorbitant cost of DJF is due to the Farrell lawsuit that requires the state provide constitutionally adequate care to its wards. The state has already spent over \$6 million to address compliance issues with the seven-year-long remedial efforts (OIG, 2010). This funding could be reinvested back into county juvenile justice services, K-12 education, increased medical care access, and family support programs instead of maintaining under-compliant state youth correctional facilities.

In addition counties already have a better institutional capacity than the state to serve their high-risk youth offenders, as county probation departments have utilized federal grants over the past 15 years to expand and rebuild facilities. This has resulted in more modern high security facilities and institutional bed space at the local level than those offered by DJF (CJCJ, 2009). Local programming also currently exists in several self-reliant counties that already have minimal reliance on the state's system (CJCJ, 2011a). A well designed juvenile justice realignment plan, with a multi-year realignment process and sufficient and sustainable funding for counties, is an effective approach to promoting long-term public safety.

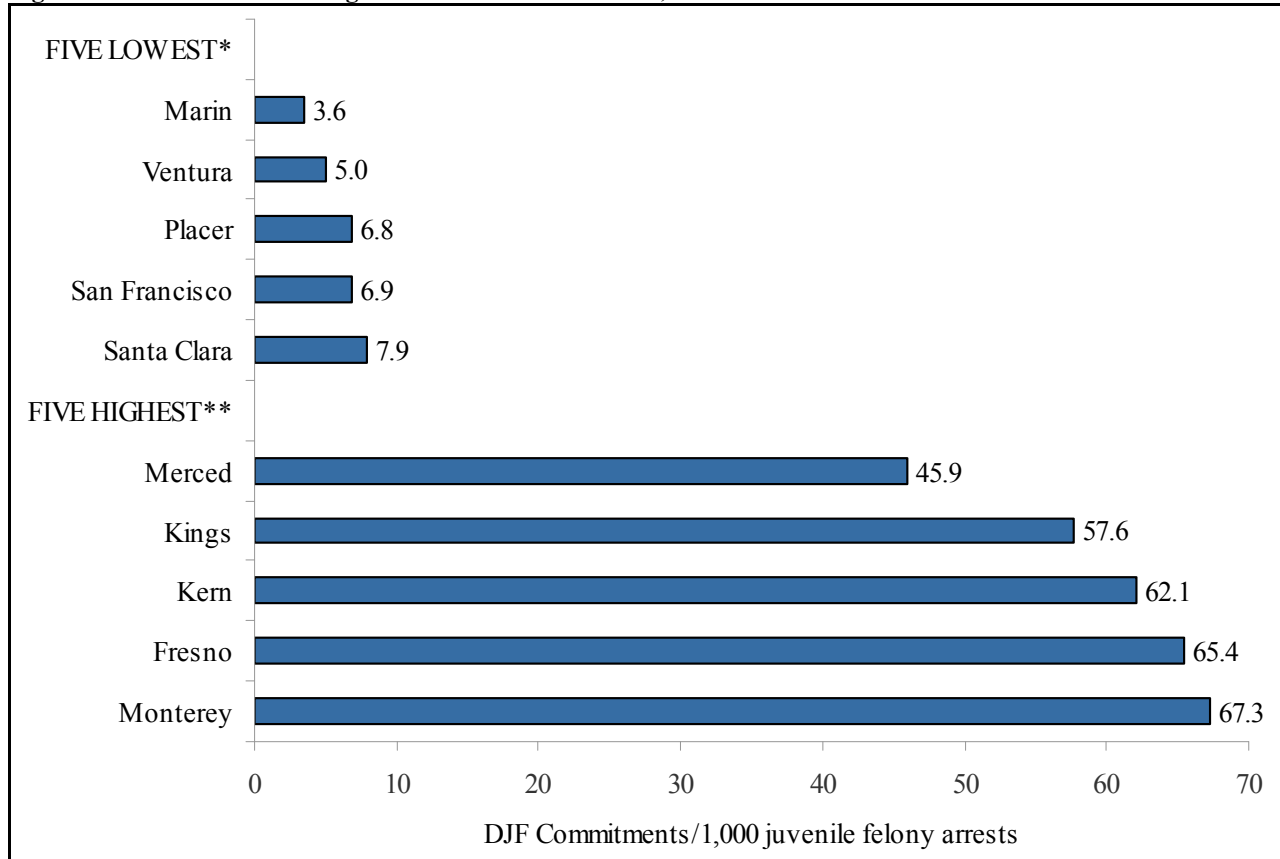
County Costs and Comparisons

Although many counties have independently reduced their reliance on state institutional care, a small group of California counties continue to be highly state-dependent. Previous studies have shown that high rates of commitment to DJF are not related to juvenile crime rates or trends (CJCJ, 2011a). Of California's 58 counties, 14 counties have no youth in DJF and 22 each have less than ten youth in DJF (JRB, 2011, Table 2). These 36 counties demonstrate a lack of need for the state facilities, and, in some cases, a self-reliant approach to rehabilitating serious youth offenders.

Fifteen counties have more than 20 youth in DJF, and these counties comprise 86% of the DJF population (*See Appendix*). Of these 15 counties, five (Monterey, Fresno, Kern, Kings, and Merced County) account for 21.6% of DJF's juvenile population despite having only 8.5% of the juvenile felony arrests in the state (JRB, 2011; CJSC, 2010). Instead of pursuing effective local solutions practiced elsewhere in the state, a small group of counties with moderate-sized populations are heavily relying on the state's youth correctional facilities.

Figure 1 shows, the five most state-dependent counties send youth to DJF at 10 times the rate of the five most self-reliant counties, and 2.5 times more than the state average (24.2). These five counties cost California taxpayers six times (600%) more per juvenile felony arrest as compared to the five most self-reliant counties, a difference of \$45.8 million per year (*See Appendix*). Yet this cost is shared by all counties, thus residents of self-reliant counties are paying an outsized tax burden for those counties who continue their state-dependent practices.

Figure 1. Counties with the highest and lowest use of DJF, 2011



Source: JRB, 2011; CJSC, 2010.

California taxpayers are responsible for supporting a state system that is utilized by a small group of counties who continue to send youthful offenders to DJF at much higher rates than other counties. These same counties have been among the slowest to adopt model practices for rehabilitating youth offenders.

Even with the Governor's 2011-12 budget triggers in effect, the five most state-dependent counties would contribute an extra \$16.1 million per year to the taxpayers tab compared to the five most self-reliant counties (*See Appendix*). Keeping the youth correctional facilities open at such an unfair burden to the state taxpayer and innovative counties is no longer responsible fiscal policy.

As the following examples demonstrate, county-based alternatives for housing and rehabilitating serious youth offenders are far more cost-effective and produce far better results in long-term public safety than the state's DJF facilities.

Funding County-Based Alternatives to DJF: Two California Examples

The following two examples are from counties that historically relied on the state's youth correctional system as an intervention for a majority of their juvenile-justice involved youth. Both counties in the past decade, for different reasons, accepted the challenge of serving more youth at the local level. These counties represent the ability for county systems to redesign themselves in the interest of long-term public safety.

Santa Clara County's Enhanced Ranch Program

The fifth most populous county in the state, Santa Clara County has historically been one of the highest committing counties of youth to DJF. However, under the strong leadership of Chief Probation Officer Sheila Mitchell, in August 2006 the William F. James Boys Ranch and Muriel Wright Residential Center began shifting their practices from a custodial model towards a therapeutic model of care. Prior to this time, the county facilities had a 40% failure rate, which was reduced after the implementation of a therapeutic model. The initial cost to the county for the facility conversion and staff retraining was \$3.2 million; the equivalent of the cost to house 16 youth currently in DJF. As of June 2011, the county had 19 youth confined to DJF and is now the fifth lowest DJF committing county (Figure 1); serving many of its serious youth offenders through its Enhanced Ranch program.

| | |
|--|--------------|
| <p>Cost per youth/year: \$131,870 (68% cost of DJF youth) Recidivism Results: 37% after 12 months (less than half of DJF's 80% rate)</p> | (NCCD, 2010) |
|--|--------------|

San Bernardino County's Gateway Facility

Prior to 2007, San Bernardino County had a history of state dependency for managing their youthful offender population. However, during the realignment of low-level offenders to the local level, San Bernardino County chose to pursue a more modern and effective approach to juvenile rehabilitation. Utilizing juvenile realignment funding under Senate Bill 81, the county created the Gateway Program with tiered levels of security and supervision to serve both low-level offenders and serious or high-risk youth offenders. Currently, serious youth offenders who might otherwise be housed in DJF make up 36% of the Gateway population. (San Bernardino County Probation Department, 2011).

| | |
|---|--|
| <p>Cost per youth/year: \$152,000 (79% cost of DJF youth) Recidivism Results: 36.5% after 6 months (less than half of DJF's 80% rate)</p> | (San Bernardino County Probation Department, 2011) |
|---|--|

It is clear from these two examples that California counties have the ability to achieve long-term public safety goals, like reduced recidivism and positive outcomes for youth offenders, at **more than double** the levels of effectiveness of the state system. These counties are achieving these outcomes while saving taxpayers an **average of 25%** per year, per youth offender. Other counties continue to rely on the archaic state system rather than implementing local practices that produce far superior results than others.

Conclusion

In recognition of the state's current fiscal crisis, a dual system is no longer a sustainable approach for juvenile justice in California. While a minority of counties have been slow to update their systems to 21st century standards and model practices, all counties have both the current and potential capacity for innovative rehabilitative services for serious youthful offenders. In order to ensure long-term public safety, CJCJ recommends a full juvenile justice realignment plan in the 2012-13 budget cycle. Counties will need a sustainable source of funding to serve this high-risk population responsibly.

Policy Recommendations Moving Forward

CJCJ recommends five policy recommendations for a full juvenile justice realignment to begin in 2012. This recommendation promotes a three-year realignment designed to allow counties time to cultivate the local infrastructure to serve the remaining youthful offender population currently confined to DJF, and would result in substantial cost savings to the State of California. Similar recommendations by the Legislative Analyst's Office, Little Hoover Commission, and the Governor's Office date back to 2008. A full juvenile justice realignment plan includes the below components.

- 1. Multi-year juvenile justice realignment process** with complete closure of DJF by December 2015. No additional DJF commitments would be accepted after October 1, 2012.
- 2. Sustained, dedicated realignment of juvenile justice funding to counties.** DJF funding should be reallocated to counties on a staggered basis over the three-year period; reaching a minimum of 70% of current DJF funding by December 2015. The individual county allocation formula should be based on county juvenile felony arrest rates and utilized for capacity building and system redesign. Reallocated funding should be designated through existing juvenile justice funding streams. In line with concerns raised by other nonpartisan bodies, CJCJ recommends the addition of non-supplantation language to SB 81.
- 3. Reserve fund for counties until December 2015.** Similar to the Senate Bill 81 funding formula, an additional 10% of current DJF funding should be kept aside each year up to December 2015. This funding allocation will be available to counties through a grant process based on per county commitments as of January 1, 2012, specifically for capacity building to serve high-risk serious offenders.
- 4. Prioritizing system capacity building through model practices.** Fiscal incentives and technical assistance should be in place to prioritize placing serious youth offenders in smaller, highly staffed facilities; implementing and evaluating model services and programs for the most high-risk youth; and retraining staff for utilization of model practices. Counties that do not require their own county-specific facilities for serious youth offenders should establish regional facilities, leased and managed through county partnerships. A statewide agency for assisting and promoting the development of best practices should be created.
- 5. Centralized monitoring and evaluation of county juvenile justice practices.** The state's new Board of State and Community Corrections (BSCC) should guide, facilitate and oversee the development of county rehabilitative facilities (or the conversion of existing facilities), programs and services, and sentencing practices for highest-risk, highest-need youth offenders. A BSCC subdivision should be created to monitor county use of allotted funding and devise fiscal incentives for pursuit of model practices.

This proposed juvenile justice realignment plan would require the Governor's Office to commit long-term sustainable funding for the counties to serve this additional population. Previous examples of this fiscal allocation include the Youthful Offender Block Grant under Senate Bill 81 and the Juvenile Justice Crime Prevention Act, both of which have been protected from funding cuts by the bipartisan efforts of two administrations and legislative leadership.

California counties DJF use and costs, ranked by rate of DJF use per 1,000 juvenile felony arrests, 2011-12

| Rank | Counties | DJF Youth | Actual cost per year (FY 10-11) | County cost (as of Jan. 1, 2012) | State cost (as of Jan. 1, 2012) | Juvenile felony arrests | Rate of DJF use |
|--|-----------------|--------------|---------------------------------|----------------------------------|---------------------------------|-------------------------|-----------------|
| Counties with 20 youth or more in DJF (as of June 2011) | | | | | | | |
| 1 | Monterey | 42 | \$8,110,662 | \$5,250,000 | \$2,860,662 | 624 | 67.3 |
| 2 | Fresno | 89 | \$17,186,879 | \$11,125,000 | \$6,061,879 | 1,361 | 65.4 |
| 3 | Kern | 92 | \$17,766,212 | \$11,500,000 | \$6,266,212 | 1,481 | 62.1 |
| 4 | Merced | 32 | \$6,179,552 | \$4,000,000 | \$2,179,552 | 697 | 45.9 |
| 5 | Contra Costa | 54 | \$10,427,994 | \$6,750,000 | \$3,677,994 | 1,184 | 45.6 |
| 6 | Tulare | 40 | \$7,724,440 | \$5,000,000 | \$2,724,440 | 941 | 42.5 |
| 7 | Sacramento | 71 | \$13,710,881 | \$8,875,000 | \$4,835,881 | 1,950 | 36.4 |
| 8 | Alameda | 65 | \$12,552,215 | \$8,125,000 | \$4,427,215 | 2,103 | 30.9 |
| 9 | Stanislaus | 22 | \$4,248,442 | \$2,750,000 | \$1,498,442 | 891 | 24.7 |
| 10 | Los Angeles | 342 | \$66,043,962 | \$42,750,000 | \$23,293,962 | 13,987 | 24.5 |
| 11 | San Joaquin | 27 | \$5,213,997 | \$3,375,000 | \$1,838,997 | 1,413 | 19.1 |
| 12 | San Diego | 76 | \$14,676,436 | \$9,500,000 | \$5,176,436 | 4,207 | 18.1 |
| 13 | Riverside | 46 | \$8,883,106 | \$5,750,000 | \$3,133,106 | 2,788 | 16.5 |
| 14 | San Bernardino | 42 | \$8,110,662 | \$5,250,000 | \$2,860,662 | 3,418 | 12.3 |
| 15 | Orange | 44 | \$8,496,884 | \$5,500,000 | \$2,996,884 | 3,674 | 12.0 |
| Counties with less than 20 youth in DJF (as of June 2011) | | | | | | | |
| 1 | Mono | 1 | \$193,111 | \$125,000 | \$68,111 | 5 | 200.0 |
| 2 | Modoc | 1 | \$193,111 | \$125,000 | \$68,111 | 12 | 83.3 |
| 3 | Del Norte | 1 | \$193,111 | \$125,000 | \$68,111 | 15 | 66.7 |
| 4 | Kings | 17 | \$3,282,887 | \$2,125,000 | \$1,157,887 | 295 | 57.6 |
| 5 | Glenn | 2 | \$386,222 | \$250,000 | \$136,222 | 38 | 52.6 |
| 6 | Sutter | 7 | \$1,351,777 | \$875,000 | \$476,777 | 159 | 44.0 |
| 7 | Butte | 11 | \$2,124,221 | \$1,375,000 | \$749,221 | 297 | 37.0 |
| 8 | Siskiyou | 2 | \$386,222 | \$250,000 | \$136,222 | 62 | 32.3 |
| 9 | Sonoma | 17 | \$3,282,887 | \$2,125,000 | \$1,157,887 | 549 | 31.0 |
| 10 | Santa Barbara | 16 | \$3,089,776 | \$2,000,000 | \$1,089,776 | 518 | 30.9 |
| 11 | Madera | 6 | \$1,158,666 | \$750,000 | \$408,666 | 199 | 30.2 |
| 12 | Humboldt | 3 | \$579,333 | \$375,000 | \$204,333 | 100 | 30.0 |
| 13 | Yuba | 2 | \$386,222 | \$250,000 | \$136,222 | 73 | 27.4 |
| 14 | San Mateo | 17 | \$3,282,887 | \$2,125,000 | \$1,157,887 | 639 | 26.6 |
| 15 | Lake | 2 | \$386,222 | \$250,000 | \$136,222 | 79 | 25.3 |
| 16 | San Luis Obispo | 4 | \$772,444 | \$500,000 | \$272,444 | 183 | 21.9 |
| 17 | Shasta | 6 | \$1,158,666 | \$750,000 | \$408,666 | 289 | 20.8 |
| 18 | Mendocino | 3 | \$579,333 | \$375,000 | \$204,333 | 158 | 19.0 |
| 19 | Solano | 13 | \$2,510,443 | \$1,625,000 | \$885,443 | 793 | 16.4 |
| 20 | Yolo | 5 | \$965,555 | \$625,000 | \$340,555 | 324 | 15.4 |
| 21 | San Benito | 2 | \$386,222 | \$250,000 | \$136,222 | 142 | 14.1 |
| 22 | Tehama | 1 | \$193,111 | \$125,000 | \$68,111 | 80 | 12.5 |
| 23 | El Dorado | 2 | \$386,222 | \$250,000 | \$136,222 | 187 | 10.7 |
| 24 | Santa Cruz | 3 | \$579,333 | \$375,000 | \$204,333 | 351 | 8.5 |
| 25 | Santa Clara | 19 | \$3,669,109 | \$2,375,000 | \$1,294,109 | 2,407 | 7.9 |
| 26 | San Francisco | 7 | \$1,351,777 | \$875,000 | \$476,777 | 1,020 | 6.9 |
| 27 | Placer | 3 | \$579,333 | \$375,000 | \$204,333 | 443 | 6.8 |
| 28 | Ventura | 5 | \$965,555 | \$625,000 | \$340,555 | 993 | 5.0 |
| 29 | Marin | 1 | \$193,111 | \$125,000 | \$68,111 | 281 | 3.6 |
| TOTAL* | | 1,263 | \$243,899,193 | \$157,875,000 | \$86,024,193 | 52,232 | 24.2 |

Source: DJF, 2011; Dept. of Finance, personal communication, December 27, 2011; SB 92; CJSC, 2010.

*Alpine, Amador, Calaveras, Colusa, Imperial, Inyo, Lassen, Mariposa, Napa, Nevada, Plumas, Sierra, Trinity, and Tuolumne housed no youth in DJF as of June 2011, despite accounting for a combined 822 of the juvenile felony arrests in California.

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