

COMMONWEAL

THE JUVENILE JUSTICE PROGRAM

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California Budget Report:

GOVERNOR RESTORES \$75 MILLION IN SCHIFF-CARDENAS CRIME PREVENTION FUNDS, LEGISLATURE AGREES

By David Steinhart

In mid-June the Legislature sent its Budget Bill to the California Governor. Democratic lawmakers—peevied by the Governor’s call for a special election in November on budget, election and other reforms—backed off of threats to delay the budget or pack it with new taxes and education expenses. The Governor now has until July 1st to decide on line-item cuts and to sign the Budget Act.

In mid-May, Governor Schwarzenegger rescinded a January Budget proposal to slash \$75 million from the Schiff-Cardenas Crime Prevention Act (CPA). In June, the Legislature included full funding of the CPA at \$100 million in the Budget bill for FY 05-06. The Governor is expected to approve the full appropriation.

The CPA funding cut proposed by the Governor in January would have dismantled a statewide safety net of youth crime and violence prevention programs. Funded programs range from juvenile hall mental health services to school-based remedial programs to programs for girls in the justice system.

CPA funds also constitute a significant share of total revenues supporting local probation services and probation camps throughout the state. A cut of \$75 million would likely have forced layoffs of probation staff, closures of probation camps and elimination of disposition options available to the Juvenile Courts.

Law enforcement, county government and service providers rally in support of CPA

The Governor’s January Budget proposal to slash the Crime Prevention Act was challenged by key county stakeholders. Sheriffs and police chiefs told legislative budget committees that the CPA was an essential public safety program that should be fully

funded. County supervisors (CSAC), probation chiefs and youth service providers also testified in support. The Governor, disinclined to disappoint his law enforcement allies, and aided by an unexpected Springtime boost in state tax revenues, reversed his position in the May Revise.

TANF probation dollars moved to state general fund by legislative committees

Another key revenue stream supporting local juvenile probation services is the federal TANF program. Over the last six years, TANF has provided about \$200 million annually to county probation departments. Last year, lawmakers came close to taking these dollars away from probation and redirecting them to welfare clients. This year, Legislative budget committees agreed on a plan to reallocate the \$201 million TANF probation share to social services, while also approving a replacement general fund appropriation of \$ 201 million to county probation departments, to be administered through the state Board of Corrections. This move, duplicated in both houses, was even not a conference committee item. The Governor can “blue pencil” the amount lower, once he gets the Budget bill from the Legislature, but there is no indication at this time that he plans to cut this item.

After School, School Safety Grant Programs remain at levels proposed in January

Funding for the After School Education and Safety Act remains fixed at \$ 121.5 million for FY 05-06— and amount locked in by the Proposition 49. For school safety grants, the Budget Bill appropriates a total of \$107.4 million.

Corrections Reorganization takes effect on July 1st—with a new youth corrections structure, new labels for YACA, CYA, BOC

This year the Governor abandoned a broader plan to reorganize California government, but he did go forward with a Corrections Reorganization Plan (CRP). The plan was meant to bring efficiency and control to the Department of Corrections with its booming \$7 billion annual budget.

The Legislature accepted most of the Governor's final "Reorg" plan, but not without some changes. The youth corrections pieces of the Reorg Plan were attacked in hearings at the Little Hoover Commission in February, by speakers from the Youth Law Center, Commonweal and the Prison Law Office. Their main complaint was that the Governor's proposal to merge CDC and CYA operations threatened to crush the distinct mission and focus of the youth system under the weight and bureaucracy of adult corrections.

Responding to these critics, lawmakers negotiated changes to Reorg plan. Those changes, contained in SB 737 by Senator Gloria Romero, include:

- Youth facilities, which had been consolidated in the Governor's proposal with adult facilities under a single Chief Deputy, move back to their own side of the organization chart, with separate youth facility, program and parole operations.
- A new Chief Deputy Secretary for Juvenile Justice, to be appointed by the Governor and confirmed by the Senate, oversees the youth program, facility and parole operations.
- A state Commission on Juvenile Justice is created, replacing the old state Juvenile Justice and Delinquency Prevention Commission. The new commission, with legislative and Governor's appointees, will provide comprehensive oversight of state and local juvenile justice activity.

Critics of the youth corrections side of the CRP were generally satisfied with the SB 737 changes, which take effect on July 1st. After that, everyone will also need to adjust to new names and abbreviations, replacing the familiar alphabet soup of the California corrections system. The Youth and Adult Corrections Agency becomes the "Department of Corrections and Rehabilitation," headed by a

Secretary who will have more power and control over the prison system and other correctional agencies. The Board of Corrections becomes the "Corrections Standards Authority", retaining its juvenile facility standards and inspection powers and continuing to administer grant programs like the Crime Prevention Act. The Youth Authority becomes the "Division of Juvenile Facilities" and the Youth Authority Board is abolished in favor of the "Board of Parole Hearings", having both adult and youth parole granting and revocation powers.

LEGISLATIVE UPDATE: Bill status as of 6/13/05

AB 314 (Parra, D.-Hanford). Revises diagnostic, education, treatment and post-release requirements for CYA wards. Passed Assembly, to Sen.Public Safety Com
AB 743 (Strickland, R-Moorpark). Would have added more sex crimes to the WIC 707(b) offense list used to determine minors' eligibility for adult court, state prison and CYA commitment. Failed passage in Assembly.
SB 520 (Ashburn, R-Bakersfield). Would have lowered the age of eligibility for adult court in some cases from 16 to 14, correcting an alleged drafting error in Proposition 21; also, placed limits on eligibility for "deferred entry of judgment". Failed passage in Sen. Public Safety Com.
SB 570 (Migden, D.- S.F.). Establishes new court procedures in delinquency cases for evaluation and disposition of minors with serious mental or developmental disorders, contingent on Proposition 63 funding and local supervisor vote. Passed Senate, to Assembly.
SB 609 (Romero, D.- LA). Romero's big CYA reform bill, mandating closure of the Chaderjain school and other changes in CYA programs and facilities, was gutted to remove costs and move off suspense in Sen. Appropriations. Passed Senate, now a placeholder waiting for Administration action.
SB 737 (Romero- D.- L.A). Includes all code changes needed to implement the Governor's Corrections Reorganization Plan, including negotiated changes for youth facilities and programs. Signed into law, Chapt.10.
SB 795(Romero, D-LA). This measure, transferring CYA parole operations from state to local probation departments, was also gutted to move out of Senate Appropriations. Now requires CYA to notify local probation of a ward's prospective release date. In Assembly Public Safety Com.

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ADMINISTRATION STUMBLES, LEGISLATURE BALKS ON YOUTH AUTHORITY REFORMS

If you read the newspapers or watch TV, you know that the California Youth Authority (CYA) is a bad place to be. The CYA presently consists of eight large institutions holding about 3,400 young offenders committed by county courts-- some for serious crimes, others for moderate offenses. A mountain of evidence, compiled and made public over the last two years, paints the CYA as a dangerous, violent, unhealthy and programmatically bankrupt set of youth prisons running at high cost and low rates of success. In January 2003, the Prison Law Office challenged these conditions in a lawsuit (*Farrell v. Allen*), settled in 2004 and now subject to a court-monitored consent decree.

In the wake of the PLO litigation, top California corrections officials decided to go for a total overhaul of the CYA, exceeding the minimum requirements of the *Farrell* litigation. A Governor's Juvenile Justice Working Group of state and local stakeholders was convened early in 2004 to advise the Youth and Adult Corrections Agency (YACA) on broader CYA reforms. YACA hired a new Assistant Secretary for Juvenile Justice, and its top staff traveled to inspect model youth systems in Missouri, Colorado, Washington and elsewhere. In March 2005, still another group of advisors was convened with an even more ambitious agenda: plan a top-to-bottom makeover of the California juvenile justice system, one that could restore California's reputation as a national juvenile justice model.

In recent months, this lengthy planning process seemed close to bearing fruit. In April 2005, members of the Governor's Juvenile Justice Working Group were told to expect a major executive announcement in May, linked to funds for a remake of CYA facilities and other juvenile justice reforms. That announcement never came, and the May Revision proposed only to continue the administration's exploration of reforms with \$4.1 million for planning staff and consultant contracts.

Meanwhile, back at the Youth Authority, conditions show little or no improvement. A report issued in May 2005 by Inspector General Matt Cate cites major, ongoing deficiencies in programs, education, staffing and security at the N.A. Chaderjian school in Stockton. The report concludes that the Youth Authority is "failing in its core mission" of providing treatment to youth who, as a result "have little chance to end the cycle of criminality".

These persistent failures, and the glacial pace of Administration reforms, have led many to question whether the Administration is truly committed to "a new vision" for juvenile justice in California and whether any significant changes will emerge during the Schwarzenegger Governorship.

Lawmakers watch, wait and worry about reform

There is also growing impatience in the Legislature. Last year, Senator Gloria Romero (D. LA), the Legislature's powerful and tough-minded champion of CYA reform, blasted administrators for their handling of CYA and made them bristle by releasing videotapes of guards beating wards at the Chaderjian school. Since then, Romero and other lawmakers have been more conciliatory, hoping that the Administration would finally endorse a major juvenile justice reform plan. Romero's CYA reform bills (SB 609, 795), originally mandating major CYA reforms, were gutted to move out of suspense in Senate Appropriations Committee, and remain as placeholders in the Assembly, waiting to be injected with reform provisions acceptable to the Governor.

Puzzled by the slow progress and the YACA request for even more planning dollars, Legislative budget committees began to balk. In conference committee, the Administration's request for \$4.1 million in planning funds was chopped to \$1.2 million, with budget control language requiring YACA to find the other \$3 million somewhere in their multi-billion dollar budget, and to make quarterly progress reports to the Legislature.

On June 13th, YACA's main mover on CYA reform, Undersecretary Kevin Carruth, unexpectedly announced his retirement effective June 30th. This leaves a crater in state corrections leadership and compounds spreading disenchantment about the Administration's commitment and direction on youth corrections reform.

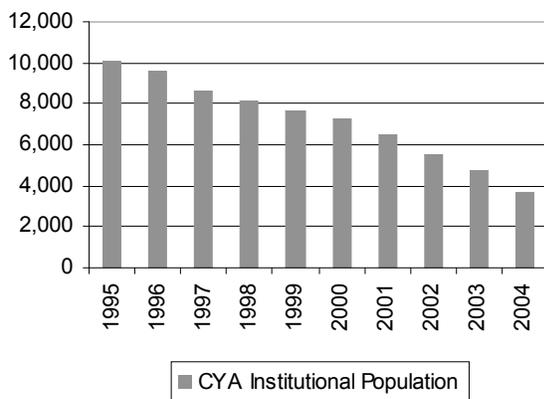
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CALIFORNIA YOUTH AUTHORITY: REFORM OPTIONS

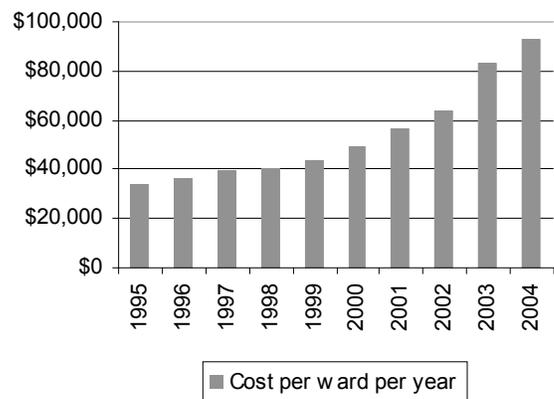
In the California youth corrections debate, there is surprising agreement among stakeholders on the prime components of a revitalized system. Most agree that the main goal of the system should continue to be the rehabilitation. Most agree that reforms are needed in these areas: the size and age of existing institutions, the prison-based culture of inmate control, high levels of institutional violence, inferior education delivery, the paucity of programs for wards with special needs (e.g., mental health) and the lack of aftercare services. Some proposals under review are:

- *CYA population.* Under current law CYA can take offenders at age 11 and can keep them (depending on the commitment offense) until age 25. One proposal is to reduce the upper age of CYA jurisdiction to 22 or less, thus reducing the population. Reformers are also weighing changes in the process governing length of stay. They must also address how the future system will serve counties that lack their own secure facilities, and what will happen to “sliding scale” fees charged to counties who send non-serious offenders into state care.
- *CYA Facilities.* California has huge youth institutions (average capacity about 600) and packs 50 or more wards into each unit. Model juvenile justice states like Missouri have living units that are much smaller, usually 20 or less. Some California facilities are old (the Preston School was built in 1894), and some, like Chad, have the hard architecture of prisons. Perhaps the most daunting challenge is to convert to a modern array of facilities that will serve specific ward populations (e.g., girls) on a smaller scale. This raises questions about what should be closed, what should be built, where it will be and who will pay for it all.
- *Climate and culture.* Now behavior is controlled by uniformed guards using pepper spray, restraints, lockdowns and other prison tools. The Administration has already filed a plan with the Farrell court to replace the prison climate with a “normative culture” of youth corrections focused on effective treatment. Support for softening the culture not universal; members of the guards union (CCPOA) see this as coddling wards and compounding public safety risks.
- *Programs.* Clearly needed are improvements in specific program areas, including education, health, mental health, sex offender treatment, and vocational training. Doing it all right will mean higher costs—but the higher treatment cost could be counter-balanced by a smaller overall population.
- *Parole and Aftercare.* One proposal is to shift responsibility for the 4,000 wards on the CYA parole caseload from the state to local probation departments. Critics assail the present setup as a parole roundup operation that fails to help young adults learn vocational skills, get jobs and stay out of trouble. Reformers would like to see effective aftercare services for wards, linked to graduated sanctions for parole violations.

CALIFORNIA YOUTH AUTHORITY
Dec. 31 institution population 1995-2004



CALIFORNIA YOUTH AUTHORITY
Cost per ward per year 1995-2004



Sources: California Youth Authority, California Dept. of Finance and California State Budgets FY 95/6-04/5. Cost per ward/year is annual budgeted fiscal year costs for CYA institutions and camps and education divided by the year end institutional population.