

COMMONWEAL

The Juvenile Justice Program

September 4, 2007

SPECIAL REPORT:

California Governor Signs Major Juvenile Justice Reform Bill— Nearly half of the state's youth corrections population will now be "realigned" to county programs and facilities

On August 24, the California Governor signed SB 81, the corrections budget "trailer bill" that shifts non-violent juvenile offenders out of secure facilities operated by the state Division of Juvenile Justice (DJJ) and into county facilities and programs.

Highlights include:

- By banning future commitments of non-violent juvenile offenders to the state, the reform bill will cut the population of DJJ (formerly, the California Youth Authority) from 2,500 to about 1,500 incarcerated juvenile offenders within two years.
- Counties will now be responsible for the custody and care of juvenile offenders who can no longer be sent to state institutions.
- The reform bill provides counties with block grant funds to pay for local alternatives to state commitment, at an average of \$130,000 per ward.
- The bill authorizes up to \$100 million statewide in construction bond funds for the design and construction of new or renovated county facilities for youthful offenders.
- The state Juvenile Justice Commission, a 12 member statewide commission of stakeholders, must produce a Juvenile Operations Master Plan including standardized risk/needs assessments, standard data collection elements and recommended evidence-based programs for youthful offenders by January, 2009.

As an "urgency measure", the reform bill is effective immediately. It is widely viewed by the parties that negotiated it—including state administrators, lawmakers and county representatives—as the most significant juvenile justice reform in recent California history.

In brief summary, the juvenile justice reform package includes the following provisions:

SB 81: JUVENILE JUSTICE REALIGNMENT PROVISIONS

- **Youth who are non-committable to DJJ:** As of September 1, 2007, an adjudicated WIC 602 (delinquent) ward can no longer be committed to the state Division of Juvenile Justice (DJJ) unless he or she is found to have committed a serious and violent offense listed in Welfare and Institutions Code Section 707 (b)—the section listing crimes for which minors can be tried as adults. Non-707 (b) offenders must now be retained in county custody and programs. There is an exception for non 707 (b) "registerable" sex offenses which remain a basis for DJJ commitment, per the demands of this Administration; however, as drafted the only non-707 (b) sex offense that would qualify here for DJJ commitment is PC 647.6 child molest.
- **Currently institutionalized DJJ wards:** Juvenile offenders currently in the DJJ population with non 707 (b) commitment offenses may be recalled by counties on an individual basis after 9/1/07 (new WIC 731.1). Approximately 900 wards in the current population would be eligible for this

recall option. Upon recall, the local court must then convene a recall disposition hearing for the youth. Recalled wards become full county responsibility-- no violation returns to DJJ.

- **DJJ parolees:** All non 707 (b) wards currently on the DJJ parole caseload become county probation responsibility if their parole is suspended or revoked by DJJ (new WIC 1767.35). Any ward recalled by a county under WIC 731.1 becomes full county probation responsibility—no return to DJJ. All non recalled, non 707(b) wards released by DJJ after 9/1/07 become full county probation responsibility (new WIC 1766(b)).
- **Payments to counties:** The Corrections Standards Authority (CSA) will administer a Youthful Offender Block Grant fund to be distributed to counties to cover the costs of custody and treatment for all non committable and non returnable non 707(b) wards, including parole supervision costs. The statewide amount for distribution is to be set by the state Department of Finance (DOF) based on \$117,000 times the number of non 707(b) wards committed or returned to DJJ in a baseline year. With forgiveness of sliding scale fees, this averages \$130,000 per ward. The block grant will also provide \$117,000 per year for each recalled ward. Another \$15,000 per ward is provided to counties for parole supervision of realigned cases. The DOF presently estimates that the total statewide block grant for the first year (FY 07-08) will be \$ 24 million, rising to \$92 million within two years when the caseload is fully shifted from state to county government.

The distribution formula is: counties will receive a share of the total state fund based on their share of all annual state felony juvenile adjudications (50% factor) and their share of the statewide at-risk youth population (age 10-17, 50% factor). (An earlier proposed formula based on past DJJ commitment rates was abandoned as penalizing counties already using alternatives to DJJ).

Small county minimum grant is \$58,500 per year. There is a reserve fund of 5% to cover unanticipated county costs (counties must apply individually to CSA for these reserve funds). All counties must submit a Juvenile Justice Development Plan to CSA by 1/1/08 to qualify for block grants (new WIC 1961). The Budget Bill had provided that counties would also receive \$14.9 million in planning grants to identify appropriate programs, facility options and other elements for the shifted caseload, but the Governor, as a concession to Republicans who voted to break the budget deadlock, used his line-item veto to cut the planning grants along with \$700 million in other general fund expenditures.

- **Construction funds:** SB 81 authorizes up to \$100 million statewide in construction bond funds through Corrections Standards Authority (CSA) for the design and construction of new or renovated county facilities for youthful offenders. The legislation is silent on the types of facilities and the specific populations to be served by the facilities, leaving it up to CSA to make the selection criteria and grant awards. There is a 25% county match requirement.
- **Local commitments of older juvenile wards:** WIC 208.5 is amended to clarify the authority of the local court to keep a juvenile court ward in a county camp, ranch or juvenile hall beyond the age of 18. Juvenile court wards age 18 (until 19) can already be placed in a camp or hall without separation from those under 18. Murkiness in the current statute has been removed, and the revision makes it clear that the court can order 19 and 20 year olds into custody in juvenile halls, camps and ranches, without separation, subject to pre-approval of these facilities for mixing older and younger wards by the Corrections Standards Authority. The goal here is to ensure the availability of a local custodial option for probation violators who: (1) are over 18, (2) are under continuing juvenile jurisdiction, and (3) can no longer be violated back into DJJ institutions.

- **Juvenile Justice Commission:** The state Juvenile Justice Commission, dormant since reconstituted under "Corrections Reorganization" in 2005, has been revamped again as an oversight body for realignment. A new 12 member statewide commission of designated stakeholders must produce a Juvenile Operations Master Plan by 1/1/09 including standardized risk/needs assessments, standard data collection elements and recommended evidence-based programs (with cost breakdowns) for youthful offenders. The Commission is to be tri-chaired by the head of DJJ and representatives of CSAC (County Supervisors) and CPOC (Probation Chiefs). It will self-repeal in 2009. This was a Sen. Machado requirement to hold counties accountable for expenditures of juvenile justice block grant funds provided by the state.
- **Cleanup.** County and state officials have identified several areas of this complex and lengthy reform bill that will need to be adjusted quickly to assure proper implementation. For example, the bill is silent on some procedures necessary to coordinate state Parole Board release decisions with county-level re-entry hearings. The most pressing implementation concerns will most likely be addressed in budget clean-up legislation prior to the Legislature's adjournment in two weeks.
- **The full text of SB 81** can be reviewed on line at www.leginfo.ca.gov. □