

California Budget Bulletin

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**California Policy Bulletin:
Governor's Juvenile Justice Working Group Weighs Top to Bottom,
System-wide Reforms — *Juvenile Justice/ Mental Health Issues are on the
Agenda***

The bad news at the California Youth Authority just keeps coming-yesterday with the release of video tapes showing savage beatings of wards by guards at the N.A. Chaderjian school.

Meanwhile, in an attempt to address California's growing youth corrections crisis, the Governor has appointed a Juvenile Justice Working Group. The Working Group, named on March 13th and now meeting weekly, consists of 28 representatives of state agencies, Courts, Probation, Law Enforcement, Prosecution and Defense counsel, county government, youth advocacy groups and other stakeholders. Commonwealth's Juvenile Justice Program Director, David Steinhart, is a member of the Governor's Working Group.

This Working Group parallels another investigative panel, headed by former California Governor George Deukmejian, that is looking into problems, abuses and reforms in the state prison system. The recommendations of the Juvenile Justice Working Group may be incorporated into the Deukmejian panel report.

The Working Group's basic assignment is to go beyond the crisis at the Youth Authority, and to evaluate the entire structure and function of California's juvenile justice system. The goal is to have a series of meetings over a short time frame to identify practical reforms, including fiscal reforms, that might be implemented in this year's legislative session.

State/county fiscal relationship is identified as possible reform area

A big piece of the Working Group agenda is discussion of the state-county juvenile justice relationship-particularly in regard to which juvenile offenders go to the Youth Authority, why they go there, and whether the system should be changed to keep some of them from going there. Since the Governor issued his January Budget Proposal, the Administration has demonstrated interest in reducing the problem-riddled CYA population with its high costs to the state. Right now, the population of CYA is down to 4,200, but the annual cost per ward is up to more than \$ 80,000 per year. One basic question under review-inside the Working Group and elsewhere-is, how can we make better use of the state's huge annual investment in youth corrections? There may be some willingness, on the part of the Administration, to shift resources to counties, thus making it possible for courts and probation departments and other local providers to offer a wider range of services, outside the prison-like structures of the CYA, in more benign programs closer to home.

Hovering around these discussions is the fact that the Governor has proposed to move \$ 200 million in TANF funds, now going to county probation departments, out of probation and into other areas of the social service budget. Probation Chiefs-including Ventura's

Cal Remington and LA's Richard Shumsky who are on the Governor's Working Group say this would force the closure of probation camps and ranches now supported by these funds, thus generating thousands of new annual commitments to the California Youth Authority. Nobody seems to like this prospect (sending more low-level offenders to CYA) -but so far, there is no word that the Governor will reverse himself and restore TANF funds to probation. TANF funds also support a range of services for children in the justice system, including mental health and "wraparound" home-based services in lieu of full time residential care. Probation Chiefs are working, not only to change the Governor's mind, but also to get Legislative Budget Subcommittees to keep TANF funds in probation.

Meeting the needs of juvenile offenders with mental health problems

A key element of the discussion in the Governor's Working Group is the quality and availability of mental health care for CYA wards. In January 2004, an expert report, commissioned by the Attorney General for the Prison Law Office litigation against the CYA, documented a mental health care system at CYA that ranged from merely substandard to shockingly defective. The report noted studies showing that 65 to 90% of CYA wards have mental health problems. It assailed the CYA mental health program on many fronts, including the credentials of the mental health professional staff, the overuse and control of psychotropic medications, inadequate suicide prevention, high rates of violence within CYA facilities and other conditions that compound rather than cure underlying mental health disorders. Remedies for these deficiencies-and for the many others identified in the PLO lawsuit-are already being negotiated between CYA and PLO lead attorney Don Specter. Above and beyond the specific remedies being negotiated in the lawsuit, there is a widely acknowledged need to improve system-wide/ statewide levels of mental health care for juvenile offenders-not just those who go to CYA, but also those who stay in county-level care.

Some of the needs of this population, discussed in the Working Group, include: the need for smaller, treatment-based facilities for serious and violent youth with mental disorders; the need for county-level and regional mental health treatment facilities (or out-patient programs) for less serious juvenile offenders; the low pay scale for mental health professionals serving the offender population; the need to widen access to MediCal, mental health, foster care and other funding streams for juvenile offenders with mental health problems; the need to replicate innovative models like the Youth Mental Health Courts; and the broad need for improved coordination between juvenile justice agencies and service providers in the mental health and social service communities.

Predictably, solutions require resources-i.e. dollars. Dangerous and violent mentally ill offenders, though few in number, need high-cost custody and care. Non-violent juveniles often have multiple problems that may include, beyond an immediate MH diagnosis, other health problems, learning disabilities, family dysfunction, and additional treatment needs-all of which can be costly to deal with. County governments-with severe revenue losses-are in a poor position to accept larger caseload responsibilities-for example, to take cases out of CYA, where the care is now so poor, and to handle them in county systems. Local governments have no present financial ability to re-invent their mental health service delivery system with a wider array of services for their current juvenile justice caseload, or to improve interventions that prevent penetration into the juvenile justice system and into CYA.

The challenge of improving mental health care for juvenile offenders is being addressed in several forums. In the state Legislature, Assemblyman Darrell Steinberg (D.-Sacramento) has introduced legislation that would change the way courts and local agencies handle juvenile offenders with mental health problems-mainly by requiring a multi-disciplinary team evaluation and local treatment prior to any CYA commitment. The bill (AB 2019) would also require the Youth Authority to evaluate the benefits of converting abandoned institutions (scheduled to close due to population decline) into youth mental health treatment facilities. Steinberg and mental health advocates have also qualified an initiative for the November, 2004 ballot that would raise funds for community mental health services (for all citizens including children) by imposing an additional one percent tax on personal incomes over \$ 1 million.

Advocacy centers-like Fight Crime/Invest in Kids and Youth Law Center-have also been working with California foundations (for example, The California Wellness Foundation and the California Endowment) to identify new service delivery and case processing models for this offender population. Community-based advocacy groups, like Books Not Bars, have been more outspoken, using youth organizing strategies and public demonstrations to highlight the failures of CYA and the need for community-based programs and alternatives.

While no immediate solutions are near, advocates from all quarters are working hard to address the needs of the juvenile justice/mental health population under extremely difficult economic conditions. We will continue to report on this activity-in the Legislature, in the Administration and elsewhere-in the months ahead.