

**CALIFORNIA  
JUVENILE JUSTICE POLICY,  
PRACTICE & FUNDING UPDATE**

**BEYOND THE BENCH CONFERENCE**  
CA Administrative Office of the Courts  
December 15, 2011 – San Francisco

Presented by: David Steinhart

FOR THE PANEL "California's Juvenile Justice System: Retooling or Rudderless"—  
Sue Burrell, Staff Attorney, Youth Law Center  
Hon. Kurt Kumli, Judge of the Superior Court, Santa Clara County  
Linda Penner, Chief Probation Officer, Fresno County  
David Steinhart, Director, Commonwealth Juvenile Justice Program

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**COVERAGE**

- ☑ **CA juvenile justice & youth crime overview**
  - Youth crime rates– latest data
  - Custody and placement trends in delinquency cases
  - Juveniles tried as adults- emerging concerns
- ☑ **CA Juvenile Justice realignment update**
  - Realignment overview– DJJ status report, Juvenile Justice funds
  - Challenges for realignment success
- ☑ **Statewide JJ leadership and coordination needs**
  - The new Bd. of State and Community Corrections– is this the answer?
  - Quality assurance, data systems: California falls behind other states
- ☑ **Shifting views of juvenile criminal responsibility**
  - National perspective– impact in California
- ☑ **Policy issues on the front burner for 2012**

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**California juvenile arrest,  
prosecution and  
incarceration trends**

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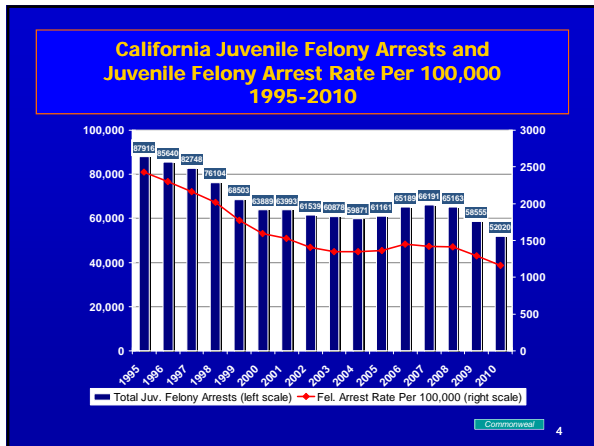
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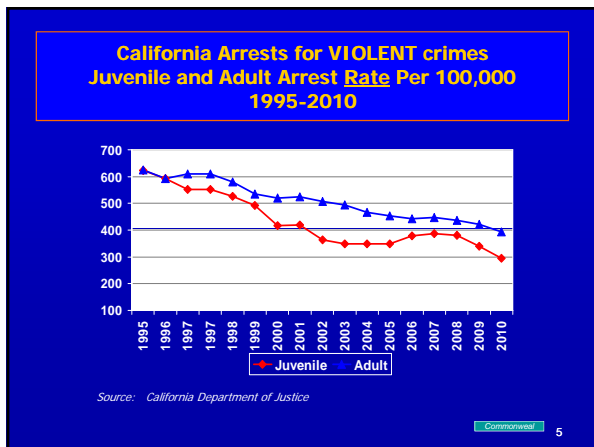
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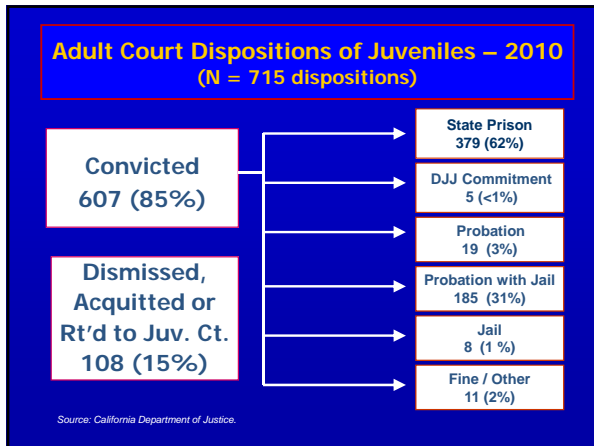
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### Delinquent Juveniles in Public & Private Facilities - U.S. Total and California 2007 (one day count)

	Public	Private	Total
<b>United States</b>	60,624	26,190	86,927
<b>California</b>	12,729 (21%)	1,304 (5%)	14,034 (16%)

Source: Nat'l Center for Juvenile Justice (Census of Juveniles in Residential Placement), OJJDP, latest available national data. Commonweal

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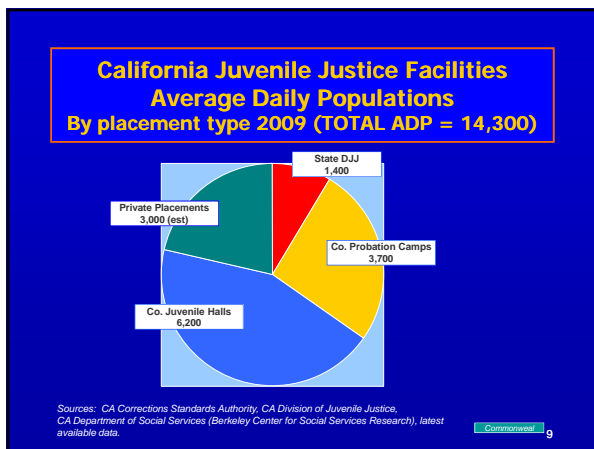
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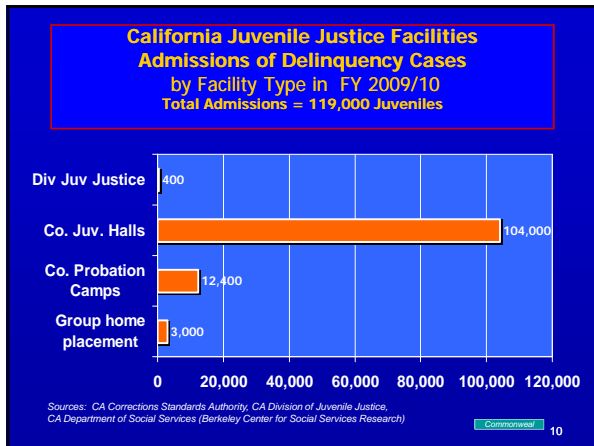
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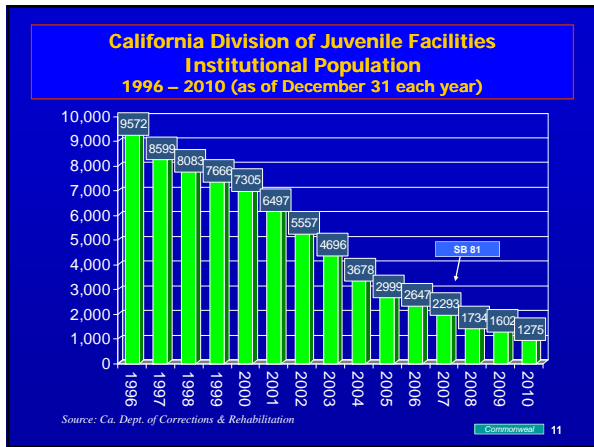
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**Juvenile Justice Realignment & Funding Update**

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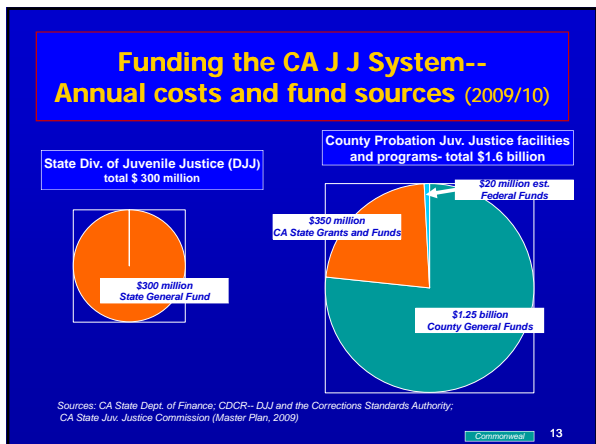
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### FY 2011/12 Budget Realignment Summary (millions of dollars)

Program	2011-12	2012-13	2012-14	2014-15
Court Security	\$ 496	\$ 496	\$ 496	\$496
Local Public Safety (Includes JJCPA, JPCF)	\$ 490	\$ 490	\$490	\$ 490
Shift Adult Offenders & Adult Parole to Counties	\$ 1,586	\$ 857	\$ 1,016	\$ 950
Div. of Juvenile Justice (YOBG, DJJ Parole)	\$ 97	\$ 104	\$ 103	\$ 103
Mental Health Services	\$ 1,084	\$ 1,932	\$ 1,932	\$ 1,932
Foster care & child welfare	\$ 1,567	\$ 1,567	\$ 1,567	\$ 1,567
Other state to local programs	\$ 239	\$ 579	\$ 864	\$ 1,303
<b>TOTAL</b>	<b>\$ 5,559</b>	<b>\$ 6,025</b>	<b>\$ 6,468</b>	<b>\$ 6,841</b>

Sources: CA Dept of Finance, Ctl. State Association of Counties

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### State support for local juvenile justice operations under 2011 realignment

Fund or Program	FY 10/11 Value & Fund Source	FY 11/12 - FY 14/15 Est. Value & Fund source
2007 Div. Juv. Justice Realignment (SB 81)	\$93 million, General Fund	\$ 93 million/ year Realignment accounts
2010 Div. Juv. Justice Parole Realignment	\$ 7 million, General Fund	\$ 7 - 10 million, Realignment accounts
Juv. Justice Crime Prev. Act (JJCPA)	\$ 88 million, VLF special tax	\$ 88 million/year Realignment accounts
Juvenile Probation Camp Funds (JPCF)	\$ 153 million, VLF special tax	\$ 153 million/year Realignment accounts
<b>Total</b>	<b>\$ 341 million</b>	<b>\$ 341- 346 million</b>

Sources: CA Dept of Finance, Ctl. State Association of Counties, Corr. Sids. Authority

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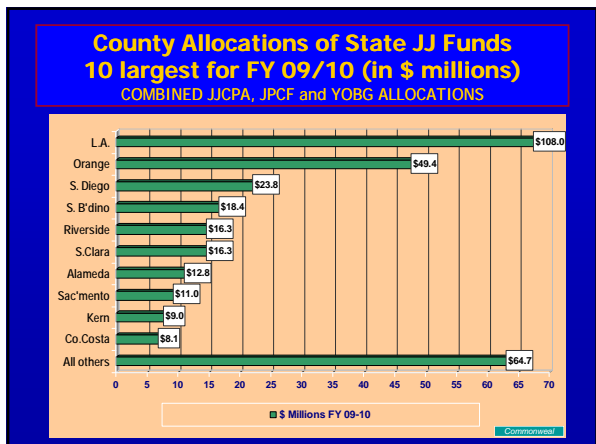
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### CA Juvenile Justice Realignment: Downsizing the Div. of Juvenile Justice Major Milestones 1996 -2011

- ❑ 1996: Sliding scale fees imposed for level V-VII commitments- CYA population drops swiftly
- ❑ 2000: Proposition 21 opens new doors to adult court
- ❑ 2004: Consent Decree in *Farrell* case vs. CYA- generates program costs that are catalysts for SB 81
- ❑ 2007: SB 81 bans future commitments of non-707 youth
- ❑ 2010: DJJ parole is realigned to county probation
- ❑ 2011: Governor proposes to close DJJ, then defers action on further DJJ realignment to 2012

DJJ POP  
10,000  
1,200

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### CYA-DJF Institution Closures Since 2000

CLOSED FACILITIES	Rated Capacity	Year Closed	STILL OPEN	Rated Capacity
Fred Nelles	650	2004	Chaderjian	600
Karl Holton	388	2004	OH Close	379
NCRC	326	2004	Ventura- M	381
DW Nelson	433	2008	Ventura- F	295
Paso Robles	690	2008	<b>Total</b>	<b>1,655</b>
Stark	1200	2010		
Preston	720	2011		
SCRC	350	2012		
<b>Total</b>	<b>4,757</b>	<b>--</b>		

SOURCE: CA DIV. OF JUVENILE FACILITIES

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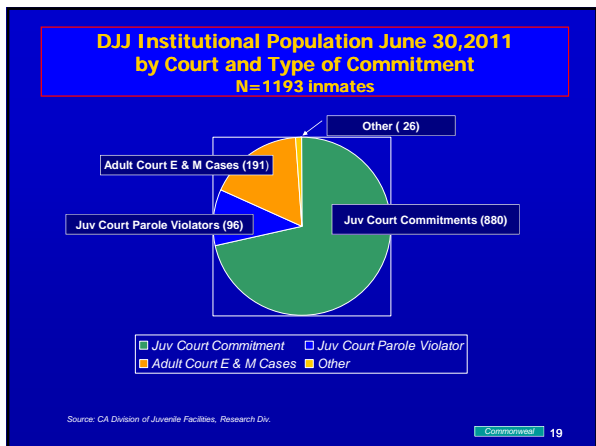
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- ### 2011 Div. of Juvenile Justice Realignment Flip-flop proposals
- **January 2011 (Governor proposal)**
    - Close DJJ & pay counties **\$240 million per year** for full shift
    - Counties rebel against full closure
    - Advocates cites concerns about DJJ youth to adult court, prison
  - **May 2011 (May Revise)– “Buyback option”**
    - AB 109: full DJJ fiscal realignment, allow counties to purchase serious offender space as needed i w/ realignment dollars
    - DJJ plan linked to larger realignment plan, voter approved taxes
  - **June 2011– DJJ realignment pulled from budget, “Trigger cut” fee to be paid by counties using DJJ**
    - County would be charged \$ 125,000 per ward/ year
    - WIC recall law changed, would let counties recall DJJ wards to avoid fee
    - Counties, others poised to attack the fee in next Leg. session
- Commonweal 20

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- ### Some challenges of JJ realignment: building county capacity & youth success
- **Will realignment funds actually be spent on youth service** and youth crime prevention programs? What are the governing local allocations?
  - **How will counties handle more serious juvenile offenders** under realignment (secure space, programming, re-entry)?
  - Will realignment help resolve chronic problems with **JJ-mental health cases**?
  - **Impact on adult court:** what safeguards will prevent prosecutors from filing more cases in adult court, sending more kids to state prison?
  - **Quality assurance under realignment:** Our fractured, outmoded data systems do not allow us to measure system performance, youth outcomes– what can we do about this?
  - **State oversight and leadership Issues:** Who's setting standards, providing incentives and monitoring local program implementation?
- Commonweal 21

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**State Leadership and Management  
Of Juvenile Justice Realignment**

**The Board of State & Community Corrections (SB 92)**

- Replaces Corrections Stds. Authority (CSA) July '12
- BSCC mandates include:
  - Review [adult community corrections plans](#)
  - Assume [CSA juvenile justice mandates](#): grants, facility standards
  - New mandates re [data collection](#)
  - Governor's Office of [Gang/Youth Violence](#) moves to BSCC
- BSCC structure:
  - Independent from CDCR with a [reconstituted Board](#) (12 members)
  - [Mandated stakeholder involvement](#) in decision making
- Will this provide the guidance & leadership needed for a modernized, effective JJ system in California?

Commonweal 22

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**National Policy Trends- a context  
for JJ policy & program reform in CA**

- Two key US Supreme Ct. opinions have expanded youth justice rights under doctrine of [developmental differences](#)
  - Roper v. Simmons (2005)*- no death penalty under age 18
  - Graham v. Florida (2010)*- limits on juvenile life w/o parole terms
- States that have raised age of juvenile jurisdiction
  - Connecticut, Illinois, Mississippi*
- States imposing new limits on trying minors as adults
  - Arizona, Colorado, Illinois, Indiana, Nevada*
- In California: SB 9, Juvenile "LWOP" sentences

Recommended resource: [State Trends- Removing Youth from the Adult System, Campaign for Youth Justice \(2011\)- www.cfyj.org](#)

Commonweal 23

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**Juvenile Justice Policy & Funding  
Issues on Tap for 2012**

- DJJ realignment** likely back in play (legislature)- renewed concern about local program capacity, increased adult court prosecutions
- Programs and spending**: battle for funds moves to local government under realignment- who will promote and monitor local JJ program development?
- BSCC** will come on line: appointments up for Board, E.D.
- Ballot measures** likely for permanent realignment funds
- State gang/violence policy** to be reshaped at BSCC
- Quality assurance & modern data systems** are needed to track youth outcomes, measure program quality & investment value- how will this come about?

Commonweal

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