

COMMONWEAL

The Juvenile Justice Program

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LEGISLATURE STUMBLES TO DELAYED STATE BUDGET **Results include modest cuts in youth crime & violence prevention funds; Proposition 6 in November may permanently alter juvenile justice funding**

By David Steinhart

In a performance that won no awards, the California Legislature bickered its way to a budget compromise that was more than 80 days late. The Constitutional requirement of a two-thirds budget vote proved paralyzing as lawmakers argued about whether to raise taxes or reduce spending to cure a \$17 billion deficit. The final result—a patchwork of spending cuts, advance tax collections and accounting tweaks—does nothing to stop the deficit train from rolling into the Capitol again next year.

It is a given that the economy is tanking—with banks failing, jobs disappearing and state revenues dwindling. For those following crime and corrections policy in California, the scene is chaotic. Plans to ameliorate prison crowding seem to get nowhere—evidenced by the defeat of the budget trailer bill that would have implemented parole alternatives adopted last year, while funding court-ordered prison healthcare reforms. The trailer bill died under pressure from Republicans who claimed it failed to meet their priority of building more prisons. CDCR chief Matt Cate called the trailer bill defeat “a major setback in our strategy to reduce overcrowding”.

The failure to fund prison healthcare may come back to haunt legislators. On October 8, U.S. District Court Judge Thelton Henderson issued an order requiring the state to make a \$250 million payment to the healthcare receiver. This, and fast-declining state revenues, could pull lawmakers back into a special budget session this November

Ballot measures cloud future of crime policy

Meanwhile, state crime policy is unsettled pending the results of three crime initiatives on the November general election ballot. Proposition 6, the “Safe Neighborhoods Act”, would spend \$1 billion per year

on local law enforcement and anti-gang programs, including \$365 million for newly minted programs. Proposition 9, the Victims Rights initiative, would reduce parole hearings for lifers while expanding victims’ presence in criminal proceedings. Proposition 5, the “NORA” initiative, would completely reshape the state’s sentencing and parole process for non-violent drug offenders.

Juvenile Crime Prevention Act, Probation-camp funds cut 10% - SB 81 is fully funded

After all the budget turmoil, two of the major funding streams that support local probation services for youth were re-funded with the 10% cuts recommended by the Governor last January. The Juvenile Justice Crime Prevention Act (JJCPA) will get \$107 million for FY 08/09, down from \$119 million last year. The probation/camp subsidy drops to \$181 million from \$200 million last year.

Juvenile justice realignment funds under SB 81 (Youthful Offender Block Grants) were slated to rise to \$66 million statewide in FY 08/09, on their way to \$92 million next year, and on track with the deal brokered between state and local representatives who negotiated the SB 81 realignment bill last year. So far, the state’s juvenile justice funding promises have been kept with the expected appropriations.

Next year, lawmakers may consider consolidation of two or more juvenile justice revenue streams. Both the Legislative Analyst and the Little Hoover Commission have recommended combining various juvenile justice state-local payments. However, if Proposition 6 passes, there may be no ability to make adjustments in how these revenues are distributed.

INSIDE-- Proposition 6—how will it affect youth in California?

Governor vetoes bill that removed spending guarantee for the After School initiative—funding stays at \$550 million cap

The After School Education and Safety Act (ASESA), adopted by voters as Prop 49 in 2002, now provides local education agencies in California with more than a half-billion dollars each year for before- and after-school programs oriented around the goal of reducing youth crime and violence.

The prime mover of the ASESA was Arnold Schwarzenegger, who promoted the measure in advance of his successful campaign for Governor. This was no timid proposal. It was drafted so that after a few years of ramp-up spending, it would annually carve \$550 million out of the state General Fund for after school programs, as long as low state revenue targets continue to be met.

Two years ago, the state’s Legislative Analyst recommended that the \$550 million spending guarantee be altered to give lawmakers flexibility in deciding how much to appropriate for after school programs each year. Her recommendation languished until this year, when lawmakers sent AB 1526 to the Governor. Simply stated, AB 1526 would have placed an initiative on this November’s ballot to delete the guaranteed spending provisions of Proposition 49.

To no-one’s surprise, Schwarzenegger vetoed AB 1526, noting in his veto message that as the “primary architect” of Proposition 49 he stood behind the voters’ approval of continuous appropriations. Thus, for FY 08/09, funds for the ASESA are again allocated at the full-funding level of \$550 million.

It remains to be seen whether future Legislatures, struggling to stretch general fund dollars in every direction, will try again to dismantle the funding floor for the ASESA.

Mentally Ill Offender funds knocked out again

It’s hard to find a state-funded program that has been kicked in and out of bed as often as the Mentally Ill Offender Crime Reduction (MIOCR) grant program. Created by year 1998 legislation, MIOCR grants originally funded county-based mental health programs for adult offenders. Subsequently the grants were terminated in a budget cutting move. In 2006, the Governor and the Legislature restored the program with \$45 million divided evenly between adult and

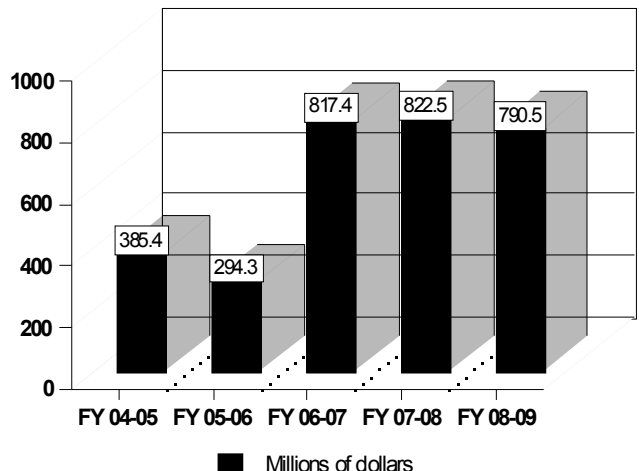
juvenile justice mental health grants. On the juvenile justice side, 22 counties were awarded funds in 2006 for evidenced-based youth mental health programs. In 2007, these MIOCR programs survived on a patchwork of new and rolled over funding. But in this year’s budget mess, MIOCR crashed again. The Governor and lawmakers supported full funding for MIOCR—but the trailer bill authorizing funds for FY 08/09 was knocked out of the final budget deal for reasons unrelated to MIOCR.

MIOCR grants fill a void in local services for justice system youth who experience high rates of mental health disorders. The grants have helped counties implement cost-effective alternatives to more costly, deep-end mental health care—for example, by replicating the Functional Family Therapy (FFT) model that has demonstrated success using short-term, family-based interventions. With the loss of MIOCR funds, these programs—and the children they serve—are left hanging. Prospects for restoring state funds in the troubled budget year ahead are mixed at best. If state funds dry up, the programs will close unless counties can stretch Mental Health Service Act (Prop 63) funds or shift other revenues from strapped local budgets.

Total spending for youth crime and violence prevention programs is near last year’s level

Total general fund spending for youth crime and violence prevention programs tracked by Commonweal amounted to \$ 791 million for FY 08/09, down 4 percent from the previous year. The five year trend is shown below.

California Youth Crime & Violence Prevention Programs State General Fund Spending FY 04/05 - FY 08/09



enforcement, targets youth with new penalties & adult trials

Proposition 6 on the November ballot—the “Safe Neighborhoods Act”— is touted by its sponsors as a global solution to the problem of gang violence in California. But it is first and foremost an effort to steer state funds to local law enforcement agencies. Proposition 6 would require the state to spend more than \$1 billion every year for a favored list of law enforcement programs. More than a third of these funds— \$365 million per year— would go to new programs created by Proposition 6. These spending mandates are locked down by a provision that they can only be changed by a ¾ vote of the Legislature.

The \$1 billion yearly set-aside means these revenues would no longer be available for spending in other areas like education, health or environment. This capture of state tax dollars is perhaps the main reason why public employee unions, like SEIU and California Teachers Association, have so strongly opposed Proposition 6. Other opponents include the California Democratic Party, the California State Association of Counties, the L.A. City Council, the League of Women Voters and numerous civil rights and youth service organizations.

Prop 6 does have the near universal support of the police, sheriff and probation agencies that will benefit directly from its spending provisions. They argue that the state has cut local law enforcement funds over the years, threatening public safety. Opponents dispute this, citing state Legislative Analyst (LAO) reports confirming rising state subsidies for law enforcement. State-funded probation youth services have grown substantially over the last ten years— now running at about \$400 million per year. Despite upticks in gang violence in some urban areas, violent crime has declined overall since 2003 and was down 3% statewide between 2006 and 2007, according to the state Department of Justice.

In 32 pages of fine text, Proposition 6 adds more than 50 new crimes and penalties to current law, increasing prison terms for offenses that run the gamut from vandalism to drug trafficking. These provisions would, according to the LAO, increase overcrowding in the state prison system and would cost taxpayers another \$500 million for new prisons.

How would Proposition 6 affect youth?

Supporters say the measure is designed to prevent youth crime. But only 10 percent of new Prop 6 funds would go to youth programs, and those dollars are pegged to police activity leagues. The rest of the new money goes to general law enforcement operations and to gang suppression. The new programs lack any performance measures or accountability provisions.

They would be refunded very year, with raises, whether they prove to be effective or not.

As a master plan to combat gang violence, Proposition 6 strays from the findings of national researchers. It spends heavily for gang suppression, but there are no new funds for gang outreach, youth employment or neighborhood improvement. Suppression-only tactics have been blamed for the failure of gang crime policy in Los Angeles. According to a D.C.-based Justice Policy Institute study of effective gang programs: “*Despite massive, militarized police actions, strict civil injunctions, draconian sentencing enhancements, and a gang database that appears to criminalize upwards of half of its young African American male residents, gang violence (in Los Angeles) is worsening,*” (JPI, 2007).

Proposition 6 is also at odds with Governor Arnold Schwarzenegger’s comprehensive gang crime initiative—the 2007 CalGRIP initiative—which supports a more balanced blend of prosecution and prevention efforts in California cities and counties.

Prop 6 opens new doors to adult criminal court for children as young as 14. The measure allows prosecutors to seek transfer to adult court of minors 14 or older who are charged with a felony gang offense—e.g., serious vandalism or auto theft. It creates a code presumption that such a minor is “unfit” for prosecution in juvenile court. If convicted as an adult, the minor can be sentenced to state prison.

Finally, Proposition 6 targets community based youth service providers by removing them from local Juvenile Justice Coordinating Councils that make Juvenile Justice Crime Prevention Act spending recommendations. It also deletes county drug and alcohol and mental health agencies from the list of local agencies eligible to receive juvenile justice “realignment” block grant funds under SB 81.

PROPOSITION 6—CONTRARY VIEWS

*Proposition 6 is “a criminally bad anti-crime measure” which is “little more than a massive funding and power grab by law enforcement agencies”, using the “basest form of fear-mongering to expand government, increase spending and toughen up sentencing to unjust levels”—*Editorial, Orange County Register 9/29/08

Proposition 6 is a comprehensive anti-gang and crime reduction measure that will bring more cops and increased safety to our streets and greater efficiency and accountability to public safety programs-- From the “Yes on Prop 6” website

**California Youth Crime and Violence Prevention Programs
State General Funds: FY 04/05 - FY 08/09 (in millions of dollars)**

DEPARTMENT	PROGRAM	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09
Division of Juvenile Justice	Gang Violence Reduction	1.3	1.2	1.2	1.0	1.0
Division of Juvenile Justice	Re-entry Challenge Grants	0	0	10.0	0	0
Corrections Standards Authority	Proud Parenting (replaced Young Men as Fathers in 2005)	.9	.8	.8	.8	.8
Corrections Standards Authority	Juvenile Justice Crime Prevention Act (Schiff- Cardenas)	100.0	63.1	119.0	119.0	107.1
Corrections Standards Authority	Mentally Ill Offender Crime Reduction (MIOCR)—Juvenile	0	0	22.3	14.8	0
Corrections Standards Authority	Probation pilot projects	0	0	0	10.0	0
Office of Emergency Services	CalGRIP gang violence reduction grants	0	0	0	9.5	9.5
Office of Emergency Services	Gang Violence Suppression	2.0	1.8	1.8	1.8	1.6
Education	After School Education & Safety Act (Proposition 49)	121.5	121.5	550.0 ^a	547.0 ^a	550.0 ^a
Education	School Safety & Violence Prevention	132.1	89.5 ^b	94.9 ^b	100.5 ^b	102.2 ^b
Education	School Safety Consolidated Competitive Grants	15.6 ^c	16.4 ^c	17.4 ^c	18.1 ^c	18.3 ^c
Other	Prior year programs with suspended or terminated funding ^d	12.0	0	0	0	0
	TOTALS in millions of dollars	385.4	294.3	817.4	822.5	790.5

Sources: California State Budget Acts FY 04/05 through FY 08/09; budget trailer and appropriations bills; CA Department of Finance; Senate and Assembly Budget Committees; individual state departments and agencies.

Notes

- a. Full funding for the After School Education and Safety Act (Prop 49) was triggered in FY 06/07 at \$ 550 million based on the terms of the year 2002 voter initiative. The level has since stayed at or near the funding cap of \$550 million.
- b. Amounts shown for school safety grants include deferrals from prior years starting in FY 04-05. Deferral is a budget strategy designed to meet Prop 98 (minimum education funding) spending levels from one year to the next. For FY 08/09, the total of \$102.2 million shown includes a deferral amount of \$ 38.7 million from FY 07/08.
- c. Starting in FY 05-06, several categorically funded school-based programs were consolidated into a new School Safety Consolidated Competitive Grant (SSCCG) program administered by the State Dept. of Education with input from the Dept. of Justice. Programs rolled into this consolidated grant package include: School-Community Policing, Gang Risk Intervention, School Community Violence Prevention, Safety Plans for New Schools and Conflict Resolution Programs. Prior year appropriations for these programs, shown separately in earlier Commonwealth reports, have been combined in this table for consistency with the appropriations shown for the SSCCG grants beginning in FY 05/06.
- d. Catch-all category accounting for older programs that are no longer receiving state general funds.

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