

COMMONWEAL

The Juvenile Justice Program

P.O. Box 316, Bolinas, CA 94924 □ (415) 388-6666 □ www.commonweal.org □ September 2007

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BIG JUVENILE JUSTICE REFORM PACKAGE AND ANTI-GANG INITIATIVES HIGHLIGHT YOUTH VIOLENCE PREVENTION RESULTS IN LONG-DELAYED CALIFORNIA STATE BUDGET

By David Steinhart

Senate Republicans and Democrats bickered over the FY 07-08 California Budget, tying it up in the Legislature for two months beyond the June 15th constitutional deadline. Late in August, the state spending bill squeaked out of the Senate by one vote. The breakthrough was prompted by the Governor's pledge to erase \$700 million in program funds to appease Republican holdouts. Even as finally trimmed by the Governor, the FY 07-08 Budget provides strong support for youth crime and violence prevention programs. Moreover, the budget package supports a massive reform of the state youth corrections system, while also launching a new set of state-level gang violence prevention strategies. The relevant budget outcomes are highlighted below.

Juvenile Justice Crime Prevention Act refunded at \$119 million

For a seventh consecutive year, the Schiff-Cardenas Crime Prevention Act sailed through the budget process, receiving full funding at \$119 million statewide for FY 07-08. The state grant program, administered through the Corrections Standards Authority (CSA), provides counties with funds for youth crime and violence prevention programs, including education, mental health, probation supervision and other programs for children under justice system control or at risk of justice system involvement.

Annual evaluations of the grant program by CSA have confirmed positive results, reported as lower arrest and incarceration rates and higher probation and community service completion rates among youth served by JJCPA-funded programs.

The JJCPA now commands the universal support of law enforcement groups, youth service providers and crime prevention advocates. Counting this year's appropriation, the JJCPA has provided more than \$750 million over seven years for local youth crime and violence prevention programs.

Probation pilot projects funded at \$10 million

Citing the success of the JJCPA, the Governor in January proposed to replicate the juvenile grant program for young adults. He asked lawmakers to appropriate \$50 million to serve young adult offenders (age 18-25) with a JJCPA-type intervention package. The request did not get any real play in the Legislature, as lawmakers struggled with competing proposals on a range of adult parole reforms. Eventually, however, the Governor's proposal was blended with a pair of Assembly bills to produce a \$10 million appropriation in the corrections budget trailer bill (SB 81) for a two county probation pilot project. One (yet to be named) large urban county will receive \$5 million for services for adult probationers aged 18-25. Another \$5 million is earmarked for Alameda county to serve probationers of all ages in order to "de-escalate community conflict and encourage mediation among probationers and other at-risk populations". The grants will be administered by the Corrections Standards Authority.

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Lawmakers, Governor embrace new gang violence reduction initiatives... Paul Seave named by Governor to head new state gang violence prevention office

Worry about urban gang violence stirred strong responses from state policymakers this year. Lawmakers introduced a flurry of bills targeting gangs—some pushing gang injunction and prosecution enhancements, others emphasizing investments in prevention programs to discourage gang activity.

In May, Governor Schwarzenegger unveiled his own gang violence initiative—the California Gang Reduction, Intervention and Prevention Program (calGRIP). As implemented to date, the Governor’s package includes a menu of prosecution and prevention strategies to reduce gang violence, including:

- \$31 million in combined state and federal funds for local anti-gang programs, including job training, education and intervention programs plus law enforcement and prosecution activities.
- A new Office of Gang Violence Prevention in the Office of Emergency Services, to be headed up by a state gang coordinator.
- New prisoner release strategies through the Dept. of Corrections and Rehabilitation, requiring “High Risk Gang Offenders” to wear GPS tracking devices and to register with local police.
- The signing of new laws making it easier for prosecutors to obtain injunctions and seek damage awards against gang members.
- Convening a stakeholder advisory committee of business, law enforcement, education and community leaders to shape policy and budget plans to combat gang violence.

New gang prevention grants to cities and community based organizations

The FY 07-08 Budget Act allocates \$9.5 million in new state general funds for local anti-gang programs through the Office of Emergency Services (OES). As passed by the Legislature, the grants were to be awarded only to cities and community-based organizations for gang prevention and intervention activities—not for law enforcement suppression activities. But the Governor, testing the limits of his budget veto power, lined out the legislative restriction on using these funds for suppression activities. The grants are to be awarded by 1/1/08, may be spent over

a three year period and must be matched dollar-for-dollar by local funds.

In September, Schwarzenegger named Paul Seave as the state’s new “gang czar”, formally known as the State Director of Gang and Youth Violence Policy. Seave—former head of the state Attorney General’s Crime and Violence Prevention Center—has a track record of promoting balanced approaches to violence prevention. He will coordinate state grant programs, foster links with local governments and promote best-practice approaches to violence reduction.

Several gang bills have already been signed into law this year by the Governor—including AB 104 (Solorio, D- Santa Ana) giving city attorneys access to criminal history information in gang injunction cases and SB 271 (Cedillo, D –L.A.) permitting DA’s to seek civil damages against gang members. In the Assembly, Anna Caballero (D- Salinas), chair of the Select Committee on Youth Violence Prevention, has convened a series of statewide hearings on gang violence. The information compiled by her Committee will inform the development of gang violence reduction legislation still pending in the Assembly.

New gang prevention network tackles problem

A statewide private sector initiative in California has assisted state policymakers in the identification and adoption of prevention-based approaches to the reduction of gang violence. The California Cities Gang Prevention Network was launched early this year with grants from the California Wellness Foundation and the California Endowment. With staffing from the National Council on Crime and Delinquency and consultant Jack Calhoun (for the National League of Cities), the network has convened strategy talks on gang violence with stakeholders in major California cities. Network spokespersons have also worked with state and federal policymakers to identify and fund best-practice gang intervention programs and policies. The network publishes a newsletter updating city- and county-level gang programs and state and federal policy developments. More information on this private initiative can be obtained from Fabiana Silva (fsilva@sf.nccd-crc.org) or Jack Calhoun (hopematters@cox.net).

Landmark juvenile justice reform moves state youth prisoners to counties— state block grants will support the “realignment” plan

2007 will go down as the year in which state and local juvenile justice system players were finally able to agree on a major realignment package that will block further commitments of non-violent juvenile offenders to the troubled state youth prison system. The reform plan (SB 81) will empty the Division of Juvenile Justice (DJJ) of inmates having non-violent commitment offenses—i.e., offenses that are not on the Welfare and Institutions Code Section 707(b) list of serious crimes that make children eligible for trial in the adult system. By 2010, as a result of realignment, the DJJ institutional population should decline from the current level of 2,500 inmates to about 1,500.

The reform bill, now in effect, provides counties with block grant funds for programs and placements for youth who can no longer be committed to state corrections facilities.

Commonweal Juvenile Justice Program Director David Steinhart, who worked closely with lawmakers, state administrators and counties on the realignment plan, calls this “the most significant juvenile justice reform in recent California history. It solves a huge problem for the state, which has been unable to implement court-ordered changes over the whole DJJ population—and it gives counties the resources to produce local programs and better outcomes for their own problem youth.” Steinhart noted that the reform package in SB 81 closely resembles the “downsizing” plan offered by Commonweal in a series of books on the Youth Authority published between 1982 and 1990.

In recent years, the California Youth Authority has been assailed by critics for institutional violence, substandard conditions, deficient programs and high release failure rates. In 2005, a lawsuit filed by the Prison Law office led to a consent decree mandating big changes in CYA programs and practices. By 2007, operating costs at CYA (by now renamed the Division of Juvenile Justice, or DJJ) had soared to \$218,000 per ward per year, driven upward by court-ordered improvements. In January 2007, the Governor—blanching at the cost and bad press reports on DJJ—proposed to cut the population in half, banning further commitments of non-violent youth while giving counties a healthy share of what it was costing to run DJJ at current levels.

In May, county officials, state administrators and key lawmakers transformed the Governor’s proposal into a plan that all parties found acceptable. For counties, the tilt factor in favor of realignment was the level of funding offered by the state. Under the deal, counties would get \$117,000 per eligible youth per year to support local placements and programs. With the added bonus of no longer having to pay “sliding scale” fees to DJJ, the county value of the deal increased to \$130,000 per offender per year. In addition, \$100 million in construction bond funds for local facility development would be made available.

The realignment law (SB 81, as modified by budget cleanup legislation, AB 191), includes specific procedures and funding provisions for several juvenile offender sub-populations. Details are shown below.

JUVENILE JUSTICE REALIGNMENT (SB 81 & AB 191)

- **Commitment ban.** As of 9/1/07, only those juveniles with a serious/violent “707b” offense can be committed to the state Division of Juvenile Justice.
- **Current non-707 youth in DJJ.** May be recalled by counties on an individual basis. If not recalled, these youth will, upon eventual release, go on county supervision.
- **Parole and re-entry.** Recalled and released non-707s are to be supervised by county probation and cannot be re-incarcerated in DJJ without a new 707(b) offense. Current non-707 parolees, if violated, default to county probation.
- **Block grants** go to counties based on \$117,000 per non-committable or recalled/ released ward per year. Block grants are to be distributed to counties by the Corrections Standards Authority based on youth population and juvenile felony adjudication rates.
- **Construction bonds.** SB 81 authorizes \$100 million in lease revenue bonds for the development of county juvenile offender facilities.
- **Oversight commission.** The state Juvenile Justice Commission is reconstituted and charged with producing a state Juvenile Justice Operational Master Plan by 1/1/09.
- **Local confinement options.** WIC 208.5 is amended to allow older juvenile court youth (to age 21) to be housed in local juvenile facilities under defined circumstances and conditions.

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SB 81: the implementation challenge

In hearings leading to SB 81, Senator Mike Machado (D. – Linden) worried aloud about the capacity of counties to handle the caseload shift. The question was, could counties do any better than the state with mid-level offenders who were often repeat placement failures before finally winding up in DJJ? Another question was: how would small counties without juvenile justice facilities now meet their confinement needs? One response, advocated by Machado and included in SB 81, was to revamp the state Juvenile Justice Commission, calling upon it to produce a state juvenile justice “operational master plan”. That plan, due 1/1/09, is to identify standard assessment tools, data measures and evidence-based programs for counties under realignment. Counties must also file block grant development plans with the Corrections Standards Authority by January 1, 2008.

The size of the realignment block grant fund is estimated by the Dept. of Finance to be \$24 million for FY 07-08, rising to \$92 million statewide by FY 09-10, when the caseload has fully shifted. Funds will go to counties based on their share of the at-risk youth population (age 10-17) and their juvenile felony adjudication rate. This formula was preferred to one that relied on past DJJ commitment rates—an approach that would have penalized counties that had reduced their reliance on DJJ. Small counties will get minimum grants of \$58,500 (first year) rising to \$117,000.

The ban on new commitments is already in place. Counties will have to adapt quickly to the shifting caseload. The good news is that the caseload shift will be gradual—particularly if counties elect not to recall currently institutionalized wards. In calendar 2006, a total of about 600 juveniles with non-707 offenses were either committed or returned to DJJ institutions.

Reform advocates, while welcoming the passage of SB 81, will be watching to see how counties plan to utilize block grant funds. They will also be keeping an eye on county juvenile caseloads, looking for changes in WIC 707(b) prosecution rates that may effectively leapfrog the DJJ commitment ban or result in the transfer of more minors to adult criminal courts.

After school initiative renews at full fund level

The After School Education and Safety Act will continue at full funding based on the spending mandates of Proposition 49, the after school initiative adopted by state voters in 2002. The initiative pays for local before- and after-school programs for children in grades K through 8, serving the goals of improving education outcomes while also reducing crime and violence among children and youth. This year, spending for Proposition 49 is again “triggered” at or near the full-funding level of \$550 million per year.

MIOCR grants for mentally ill juvenile offenders are eliminated by lawmakers

Last year, California restored the Mentally Ill Offender Crime Reduction (MIOCR) grant program, distributing \$46 million to counties for offender-based mental health services. Half of available funds— \$23 million—went to 22 counties for juvenile justice programs approved in a competitive grant process by the Corrections Standards Authority. Funded counties expected that MIOCR funds would be renewed in the FY 07-08 budget, to support existing projects beyond the 18 month funding cycle. These hopes were dashed when the Senate eliminated MIOCR from its budget bill and the Assembly followed suit. The result is that, while current programs will receive all funds approved last year, they programs will be stranded without state grants at 18 months.

MIOCR-Juvenile grants have supported the local implementation of best practice models such as Functional Family Therapy, validated assessment tools and Juvenile Mental Health Courts. If MIOCR funds are not restored next year, advocates for mentally disturbed children in the justice system will need to look elsewhere to continue these services. Proposition 63, the Mental Health Services Act, is often cited as a pick-up revenue resource for these programs; however, counties submitting MIOCR grant applications made it clear that Proposition 63 funds were, in general, rarely reaching this vulnerable population. In practice Prop 63 has proven to be a hard-to-crack funding source for mental health services for children in the juvenile justice system.