

COMMONWEAL
The Juvenile Justice Program
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April 8, 2009

Hon. Jose Solorio, Chairman
Assembly Public Safety Committee
1020 N St., Room 111
Sacramento, CA 95814

*RE. AB 999 (Skinner),
Division of Juvenile Justice
wards, time adds and credits*

Dear Mr. Solorio,

We write to list our support of AB 999 (Skinner) which would revise the time-add and time-credit policies and procedures of the state Division of Juvenile Facilities.

Time-adds imposed on incarcerated youth by DJF staff and by the Juvenile Parole Board have been a chronic problem. Youthful offenders in the California Division of Juvenile Facilities are incarcerated for more than three times the national average term of incarceration in secure state youth facilities.¹ The average length of stay in DJF has risen steadily over the years. For new commitments (excluding parole violators), custody time now averages nearly three years per ward (35 months for 2008 releases). About one third of this custody time consists of “time adds” to the original sentence assigned upon commitment (the “parole consideration date” or PCD). Time adds may be imposed by DJF staff for disciplinary infractions (“DDMS” adds) or for “treatment” or “program” reasons (“TTA” adds).

According to the CDCR research division, the net time added to DJF sentences in 2006-07 was 4.6 months per ward per year. This is the net of time *adds* and time *credits* per ward. Time adds far exceed time credits granted to wards. In fact, the average time credit per ward was only one half month per year in this reporting period, compared to time adds of 5.1 months per ward per year.

These time-adds drive up DJF population and cost. They account for almost one-third of all beds occupied at DJJ institutions. They add approximately \$250,000 to the total case cost for each youth committed to DJF. At the present annual DJF admission rate of 460 new juvenile court commitments per year, the estimated annual operating cost attributable to time adds exceeds \$ 100 million per year.

Time adds are justified by DJF and by the Parole Board as legally authorized adjustments of youth indeterminate sentences, and as the additional time necessary to ensure rehabilitation and public safety upon release. However, there is little in the way of research evidence to support the thesis that longer time served in DJF institutions produces better outcomes and lower recidivism rates. Recidivism and revocation rates remain high for this population, despite longer stays in confinement.

¹ See Division of Juvenile Justice, Ward Safety and Welfare Remedial Plan, July 2006, pages 64-65, for a chart displaying state-by-state comparisons on institutional length of stay.

DJF's time add policies also mean that many youth are "maxed out" of available confinement time—in other words, they have time added repeatedly to their sentence until, under jurisdictional laws, they can no longer be confined for the offense or for parole violations. Kids who max out in confinement may do poorly on parole, because both the youth and the parole agent know that the youth can no longer be reincarcerated for violation of the conditions of parole.

AB 999 redirects the DJJ policy so that wards have greater incentives to succeed in institutional programs. In addition, by reducing time adds (at the staff level), AB 999 means that wards will max out less frequently and will have more enforceable parole supervision time upon release. AB 999 addresses the deficiencies of current DJF time credit policies by requiring DJF to provide wards with month-for-month time credits for successful program participation. It also ends the practice of staff adding time to sentence for disciplinary infractions within the institutions.

AB 999 may need to be adjusted to clarify its credit award policies with regard to wards who are in multiple programs at the same time. We acknowledge, as well, that the proposed elimination of all staff time adds for DDMS violations will be controversial. We welcome any adjustments of the bill that may be necessary to ensure its effective implementation while meeting the goals of establishing an adequate time credit system and bringing out-of-control time adds under control. Meanwhile we offer our support of AB 999 and request your aye vote.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David Steinhart".

David Steinhart, Director
Juvenile Justice Program

cc. Assembly Member Skinner