

To: Honorable Members, California State Legislature
From: Zachary Norris, Esq., Director, Books Not Bars (an Ella Baker Center campaign)
Date: May 28, 2009
Re: Juvenile Justice Realignment

Current DJJ costs: 387,560,000
Cost of Proposed Realignment: \$188,420,000
Proposed Savings to State: \$199,140,000

Smart Budget Choices: Close State Division of Juvenile Justice, Fund Counties to Serve Youth Better

DJJ has failed. With an annual budget of over \$436 million and an astronomic recidivism rate of 72%¹ California's Division of Juvenile Justice ("DJJ") youth prison system continues to drain state resources and offer little to no return.

Costs of DJJ are excessive, and rising. Housing 1,624 youth in six DJJ facilities costs the state an outrageous \$234,000 per youth per year, approximately ten times what counties spend² to care for youth in local facilities. With the DJJ projecting the average length of stay—already the longest in the nation—to increase by another seven months over the next several years, the average total cost to send one youth through the DJJ will soon surpass \$800,000. Furthermore, California's youth prisons are decrepit: five prisons are over forty years old and will soon require major capital renovations, potentially costing hundreds of millions of dollars.³

DJJ has failed to reform. Despite its exorbitant costs, DJJ is a miserable failure. Nearly five years and hundreds of millions of dollars since the state agreed to address deplorable conditions inside the DJJ, California's youth prison system remains a disgrace. Violence has increased across the system, doubling in two years at the Preston Youth Correctional Facility.⁴ Last year, a judge agreed that DJJ has failed to implement lawsuit-mandated reforms: education is "abysmal," with less than 3% of DJJ youth proficient in basic subjects like English and Math;⁵ mental health care remains "toxic" and overall health care is "abysmal."⁶ Youth of color suffer disproportionately from DJJ's failures, making up more than 90% of its population.⁷

¹ Haapanen, Rudy (2007). Recidivism of California DJJ Releases. California Department of Corrections & Rehabilitation, Division of Juvenile Justice.

² Legislative Analyst's Office (2009). 2009-10 Budget Analysis Series: Criminal Justice Realignment. Available at: http://www.lao.ca.gov/2009/crim/Realignment_012709/Realignment_012709.aspx

³ Little Hoover Commission (2008). *Juvenile Justice Reform: Realigning Responsibilities*. <http://www.lhc.ca.gov/lhcdir/192/report192.pdf>

⁴ Superior Court for the State of California, County of Alameda (2008). *Farrell v. Tilton*. Plaintiff's Second Corrected Proposed Findings of Fact and Conclusions of Law, p. 7.

⁵ California Department of Education (2009). School Accountability Report Cards for 2007-08.

⁶ Superior Court for the State of California, County of Alameda (2008). *Farrell v. Tilton*. Plaintiff's Second Corrected Proposed Findings of Fact and Conclusions of Law, pp. 11-15.

⁷ California Department of Corrections and Rehabilitation, Division of Juvenile Justice (2009). *Characteristics of Population*,

Local is cheaper and more effective. States such as New York, Missouri and Pennsylvania have found significant cost savings and improved outcomes by closing or downsizing state youth prisons and investing in counties' treatment of youth.⁸ In sharp contrast to DJJ, California's counties spend \$22,000 annually per youth on average, and \$95,000 at the high end.⁹ Evidence-based programs such as Multisystemic Therapy, Functional Family Therapy, and Family Integrated Transitions can reduce recidivism by as much as 22 percent, at a fraction of the cost of DJJ.¹⁰ Furthermore, the value of reduced recidivism is from \$18,000 to nearly \$34,000 per participant.¹¹ The state should heed the research and savings potential, and direct funding to enable counties to serve youth close to home in proven programs.

The state should close the DJJ and fund counties to serve the 1500 remaining youth. California can no longer afford its exorbitantly failing youth prison system. In the midst of a dire fiscal crisis, California can save money and improve outcomes by shuttering DJJ. The state should set July 1, 2013 as a deadline to close the Division of Juvenile Justice. By January 1, 2011, counties should no longer be eligible to commit youth to DJJ. Each fiscal year, the state should close two youth prisons, in order to free up funds for grants to counties to absorb the diverted population. Books Not Bars recommends closing the most expensive DJJ prisons, Preston and Stark Youth Correctional Facilities, first.

The state should provide grants to counties for their use in serving youth who would otherwise go to DJJ. Our proposed scheme, provided in more detail below, would evade some of the unsatisfactory consequences of SB 81. Counties would receive minimum grants for serving eligible youth. In order to receive additional funds, counties would be required to provide additional services to youth, as needed, such as mental health treatment, family therapy, and career preparation.

The scheme would provide \$86,420,000 in base grants for counties to serve would-be DJJ youth and \$57,000,000 in grants for evidence-based, specialized services for high-needs youth. In addition, a \$5 million grant for county juvenile justice prevention programs and a one-time \$30 million construction grant to build a regionalized rehabilitation center prototype would be available. Finally, \$10 million would be allocated to establish an Office of Juvenile Justice to oversee the transition and counties' use of funds. **Net savings that would result from this proposal would total nearly \$200 million.**

An Office of Juvenile Justice will ensure wise spending and best outcomes. The state should budget \$10 million for a new Office of Juvenile Justice, charged to oversee and monitor counties' handling of diverted youth. In order to ensure positive outcomes, experts in the fields of youth development and best juvenile justice practices should staff the new OJJ. The OJJ's role should be both preventative and responsive. Its duties should be to:

1. Set standards and outcome measures for counties' use of juvenile justice grants
2. Provide technical support to counties
3. Monitor counties' use of funds

March 2009. http://www.cdcr.ca.gov/Reports_Research/docs/research/MAR2009%20CHARACTERISTICS.pdf

⁸ Justice Policy Institute (2009). *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense.*

⁹ Macallair, Daniel, Mike Males and Catherine McCracken (2009). *Closing California's Juvenile Facilities: An Analysis of County Institutional Capacity.* Center on Juvenile and Criminal Justice.

¹⁰ Justice Policy Institute (2009). *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense.*

¹¹ Drake, Elizabeth (2007). *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost.* Olympia: Washington State Institute for Public Policy, Document No. 07-06-1201.

4. Create and enforce accountability mechanisms to ensure that counties implement best practices.

Such an office is crucial in order to ensure that the state saves money both in the short and long term. This, in turn, depends on the Office's capacity to evaluate, promote and ensure implementation of effective, proven programs.

Importantly, a successful realignment also requires that counties be able to contract with each other to serve youth that cannot efficiently be served in their home counties. Additionally, both savings and positive outcomes would be jeopardized if counties responded to full realignment by aggressively increasing adult court filings on youth. In order to prevent further bloating of the state's exploding prison population, the state could enact a sliding scale fee, based on the severity of the committing offense, charging counties for every youth sent to adult prison. The Attorney General's office should issue reports on counties' rates of charging youth as adults, to enable the Office of Juvenile Justice to monitor this practice.

The Proposed Realignment Scheme

1. Current DJJ Budget: \$387,560,000*

*This figure does not include YOBG or Prop 98 funding.

2. Components of Proposal:

\$5 million grant for county juvenile justice prevention programs

\$10 million to establish an Office of Juvenile Justice

\$30 million construction grant to build a regionalized rehabilitation center prototype

\$86,420,000 Basic Grant for counties to serve would-be DJJ youth

\$57,000,000 Program Grant for evidence-based, specialized services for high-needs youth

Total Cost of Proposal = \$188,420,000*

*This does not include Prop 98 funding available to counties, estimated at \$48,000,000

3. Net Savings

$\$387,560,000 - \$188,420,000 = \$199,140,000$

The Details:

Counties will receive a minimum \$58,000 per youth who would have been eligible for commitment to DJJ.¹² This is over double the average estimated cost to counties for housing youth.¹³ Under this scheme, counties will only receive funds in excess of \$58,000 if they demonstrate both a need for and a satisfactory plan to use the funds.

In order to receive additional funding for additional, effective services, counties would apply for

¹² This refers to youth who are eligible for commitment according to Welfare & Institutions Code § 733.

¹³ See Macallair, D. et al, *Closing California's Juvenile Facilities: An Analysis of County Institutional Capacity* at 10.

funding from the Program Grant. The Program Grant, worth \$57,000,000, is calculated by estimating the cost of high needs services at \$115,000 per youth, per year. This is a mid-range value for the cost of delivering high needs services derived by comparing costs of similar services around the state and country.¹⁴ Program Grants would supplement Basic Grants and provide up to \$57,000 in additional funding, for a combined total grant of up to \$115,000. The OJJ could allot Program Grant funds in increments based on the county's planned services rendered, granting more money for more comprehensive services.

We estimate that two-thirds of the DJJ population in 2011 will be "high needs," or 1,000 youth (2/3 of the 1,490 projected total population). If all 1,000 youth were cared for with the full Program Grant (offering up to \$57,000), the total grant money would equal \$57,000,000.

The Office of Juvenile Justice ("OJJ") would administer the allocation and oversee the use of these funds. The OJJ will have the authority to approve all applications from counties for additional funding. Enacting legislation will ensure that neither Base Grant nor Program Grant are used to supplant county probation budgets.

The DJJ shall administer exit assessments to youth who will be recalled to their county of commitment. The assessments will determine the level of services needed by each youth. After DJJ commitments cease, youth adjudicated for WIC 707(b) offenses who would otherwise have been committed to DJJ, shall be assessed for services by a licensed social worker and the probation/parole officer with a final approval by the committing judge. This assessment shall occur within 72 hours of the final disposition order.

Timeline

The scheme would unfold according to the following timeline:

FY 2010-2011

Establish OJJ

Close 2 youth prisons

\$10 million to establish OJJ

\$5 million for prevention programs

\$30 million for a one-time construction grant to build a regionalized rehabilitation center prototype

1/3 of \$86,420,000 for counties to receive DJJ youth = \$28,800,000

1/3 of \$57,000,000 in grants for evidence based specialized services for high needs youth = \$19,000,000

Total: \$92,800,000

¹⁴ For example, Missouri Division of Youth Services' most secure services cost \$62,197 per youth, per year. Missouri Division of Youth Services, *Annual Report Fiscal Year 2008*. Available at <http://www.dss.mo.gov/re/dysar.htm>. Pennsylvania's Juvenile Justice Division of the Department of Public Welfare spends \$172,000 per youth, per year for its most intense services. Personal correspondence from Nicholas E. Barrelet, Performance based Standards State Coordinator, Pennsylvania Bureau of Juvenile Justice Services, March 26, 2009.

FY 2011-2012

Cease county commitments of youth to DJJ

Close 2 youth prisons

\$10 million to OJJ

\$5 million for prevention programs

2/3 of \$86,420,000 for counties to receive DJJ youth = \$57,600,000

2/3 of \$57,000,000 in grants for evidence based specialized services for high needs youth = \$38,000,000

Total: \$110,600,000

FY 2012-2013

Close remaining youth prison(s)

\$10 million to OJJ

\$5 million for prevention programs

\$86,420,000 for counties to receive DJJ youth

\$57,000,000 in grants for evidence based specialized services for high needs youth

Total: \$158,420,000